

Country Report: Cyprus



CYPRUS
REFUGEE
COUNCIL

2022
Update



Acknowledgements & Methodology

Since 2017 and up to 2022, updates of this report were written by Corina Drousiotou, Coordinator and Senior Legal Advisor and Manos Mathioudakis, Senior Social Advisor, of the Cyprus Refugee Council and edited by ECRE. The first version of this report and the first two updates were written by Corina Drousiotou and Manos Mathioudakis at NGO Future Worlds Center, and 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 2022, 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, Türkiye, and the UK) which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website <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

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

Statistics

Overview of statistical practice

The Asylum Service, a department of the Ministry of Interior, is the authority responsible for asylum-related statistical collection in Cyprus. The below statistics have been provided by the Asylum Service.

Applications and granting of protection status at first instance: 2022

	Applicants in 2022	Pending at end of 2022	Refugee status	Subsidiary protection	Rejection	Refugee rate	Sub. Prot. rate	Rejection rate
Total	22,182	29,715	331	227	8,509	3.7%	2.5%	93.8%

Breakdown by countries of origin of the total numbers

Syria	4,105	9,477	8	159	0	4.8%	95.2%	0%
Nigeria	3,148	3,788	11	0	670	1.6%	0%	98.4%
DRC	3,032	4,369	12	3	480	2.4	0.6%	97%
Pakistan	2,018	448	13	0	2,046	0.6%	0%	99.4%
Afghanistan	1,603	1,664	26	0	0	100%	0%	0%
Bangladesh	1,441	379	2	0	1,368	0.1%	0%	99.9%
Cameroon	1,049	2,948	46	9	458	9%	1.7%	89.3%
Somalia	1,026	1,521	26	24	98	17.6%	16.2%	66.2%
India	727	444	0	0	950	0%	0%	100%
Nepal	462	320	0	0	700	0%	0%	100%

Source: Asylum Service.

Gender/age breakdown of the total number of applicants: 2022

	Number	Percentage
Total number of applicants	22,182	100%
Men	n/a	-
Women	n/a	-
Children	n/a	-
Unaccompanied children	941	4.2%

Source: Asylum Service

Comparison between first instance and appeal decision rates: 2022

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	15,193*	100%	8,772*	100%
Positive decisions				
• <i>Refugee status</i>	202	1.3%	7	0.08%
• <i>Subsidiary protection</i>	177	1.2%	1	0.01%
Negative decisions	8,178	53.8%	4220	48.1%

* The total number of decisions includes all decisions issued by the Asylum service and the IPAC, including positive decisions, rejections, implicit and explicit withdrawals and decisions on inadmissible applications.

Source: Asylum Service and IPAC.

Note: If the IPAC accepts the appeal, the decision of the Asylum Service will be cancelled. The IPAC has the jurisdiction to return the decision to the Asylum Service to be reviewed and a new decision issued or the IPAC may grant refugee status or subsidiary protection.¹

International Protection Administrative Court (IPAC): At the end of 2020, there were 1,100 pending appeals before the IPAC. Throughout 2021, the number of pending appeals registered a sharp increase, reaching a total of 6,537 at the end of the year. In December 2022, the number of pending appeals in both the regular and accelerated procedure had reached 6,609, corresponding to 6,814 persons.

¹ Article 11 IPAC Law.

Refugee Reviewing Authority: Operations ceased in December 2020 and at the time 432 cases involving a total of 665 persons were not concluded and were transferred back to the Asylum Service. In 2022 the Asylum Service set up a team to examine these cases. However at the end of 2022, limited progress had been made.

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	http://bit.ly/1O3Odb4 (GR)
Aliens and Immigration Law (Cap.105)	Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)	Aliens and Immigration Law	http://bit.ly/1IXTPnM (GR)
Rights of Persons who are Arrested and Detained Law 2005 (163(I)/2005)	Ο περί των Δικαιωμάτων Προσώπων που Συλλαμβάνονται Φκαι Τελούν υπό Κράτηση Νόμος του 2005 (163(I)/2005)		http://bit.ly/1IXTWQj (GR)
Legal Aid Law 2002 (165(I)/2002)	Ο Περί Νομικής Αρωγής Νόμος του 2002 (165(I)/2002)	Legal Aid Law	http://bit.ly/1CEeWu6 (GR)
Advocates Law (Cap.2)	Ο περί Δικηγόρων Νόμος (ΚΕΦ.2)		http://bit.ly/1K4ryrl (GR)
General Administrative Law Principles Law 1999 (158(I)/1999)	Ο περί των Γενικών Αρχών του Διοικητικού Δικαίου Νόμος του 1999 (158(I)/1999)		http://bit.ly/1Gjthap (GR)
Law on the establishment and operation of the Administrative Court 2015 (131(I)/2015)	Ο περί της Ίδρυσης και Λειτουργίας Διοικητικού Δικαστηρίου Νόμος του 2015 (131(I)/2015)	Administrative Court Law	http://bit.ly/1VsDv68 (GR)
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	https://bit.ly/2ttWcwb (GR)
Regulations on the Operation of the Administrative Court for International Protection 2019 (3/2019)	Οι περί της Λειτουργίας του Διοικητικού Δικαστηρίου Διεθνούς Προστασίας Διαδικαστικοί Κανονισμοί του 2019 (3/2019)	IPAC Regulations	https://bit.ly/3Fnmlq (GR)
Civil Registry Law 2002 (141(I)/2002)	Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)	Civil Registry Law	http://bit.ly/2lC2uDr (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	http://bit.ly/2ETLIE1 (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	https://bit.ly/2BHUVQ4 (EN)

Main implementing decrees relevant to asylum procedures, reception conditions, detention and content of protection

Title in English	Original Title (GR)	Abbreviation	Web Link
Ministerial Decision No. 93.451, Strategy for Managing Migration Flows and Providing Material Reception Conditions to Applicants for International Protection.	Στρατηγική Διαχείρισης Μεταναστευτικών Ροών και Παροχής Υλικών Συνθηκών Υποδοχής σε Αιτούντες Διεθνούς Προστασίας.	Material reception Conditions	https://bit.ly/3ZQUdQa (GR)
Ministerial Decree 202/2022 pursuant to Article 12Btris of the Refugee Law	ΚΔΠ 202/2022, Το περί Ασφαλών Χωρών Ιθαγένειας Διάταγμα του 2022, Ε.Ε. Παρ.ΙΙΙ(1), Αρ. 5703, Σελ. 1381, 27/5/2022	Safe Countries	https://bit.ly/3JongDw (GR)
Ministerial Decree 413/2021 pursuant to Article 9Θ(2)(α) and (b) of the Refugee Law	ΚΔΠ 413/2021, Διάταγμα δυνάμει του άρθρου 9Θ 2(α) και (β) του περί Προσφύγων Νόμου, Ε.Ε. Παρ.ΙΙΙ(1), Αρ. 5608, Σελ. 3049, 4/10/2021	Labour Sectors Asylum Seekers are permitted to work	http://www.cylaw.org/KDP/2021.html (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	http://bit.ly/3c9bpb7 (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	https://bit.ly/2V7Wu7A (GR)
State Medical Institutions and Services General Regulations 2000-2013	Οι Περί Κυβερνητικών Ιατρικών Ιδρυμάτων και Υπηρεσιών Γενικοί κανονισμοί του 2000-2013		http://bit.ly/1RwrE4U (GR)

Medical Institutions and Services (Regulations and Fees) 1978-2013	Οι Περί Ιατρικών Ιδρυμάτων και Υπηρεσιών (Ρυθμίσεις και Τέλη) Νόμοι του 1978 έως 2013		http://bit.ly/1M8f0Wd (GR)
Ministerial Decrees issued based on the Quarantine Law, Cap 260	Διατάγματα βάσει του περί Λοιμοκάθαρσης Νόμος (ΚΕΦ.260)		http://bit.ly/2NFLHnh (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.² 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. Regardless, the number of pending cases at the end of 2021 was 18,808 compared to 19,660 in 2020. By the end of 2022 the number of pending cases had reached 29,725 (persons).
<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, available at https://bit.ly/3tGMgMS . In May 2021 the list was increased from 21 to 29 countries, available at https://bit.ly/3FqLTP0 In May 2022 the list was amended to 27 countries as Ukraine and Kosovo were removed. Available at: https://bit.ly/3ThxvOy
<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, 2021, and early 2022 accelerated procedures were not used as widely as expected. From September 2022, an increase in the use of accelerated procedures has been noted.
<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, in 2020 and 2021, limited actions/practical measures were taken to implement and/or enforce the return decisions. In 2021, 12,544 new applications were submitted,

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

	<p>14,868 negative decisions issued at first instance and, according to the Police, just over 2,000 persons were returned to their countries of origin. In 2022, 20,593 applications were submitted with 8,178 negative decisions issued at first instance. According to media reports, approximately 7000 persons were returned, mostly voluntarily.</p>
<p><i>Regulation of the phenomenon of fake marriages with amending legislation prepared and forwarded to the House of Representatives.</i></p>	<p>Legislation was amended to facilitate more effective prosecution of fake marriages. In 2021 there was no information indicating the number of cases prosecuted however information indicated that due to administrative controls it had become more difficult for non-nationals to receive required documentation to carry out civil marriages.</p>
<p><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></p>	<p>The number of third-country nationals enrolling in private colleges and universities was significantly reduced since 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 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 heavily reduced in 2020 and after. However due to lack of capacity in reception centres there was a significant 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 Reception Centre where many remained for months. In 2021 and 2022 efforts were made to remove asylum seekers from hotels/hostels by encouraging them to seek accommodation elsewhere.</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>In late 2021, the newly established Limnes Accommodation Centre began operations. The Centre has open and closed sections and throughout 2022 held on average 100-200 persons despite the capacity being as high as 3000 persons. It has since been reported that the Centre will close in June 2023 for renovations.</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.³</i></p>	<p>No data available.</p>

³ 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 2022**.

International protection

Asylum procedure

- ❖ **Access to the territory:** In 2022, six boats were identified, all departing from Lebanon, that were intercepted by the Cypriot authorities, however there may be more cases of refoulement which were not identified or located. Furthermore, pushbacks at land and specifically at the Green Line continued throughout 2022, as third country nationals are denied access to territories under the effective control of the Republic and to the asylum procedure when they try to cross from the official checkpoints.
- ❖ **Arrivals and asylum applications:** The number of submitted asylum applications continued to increase, rendering Cyprus the EU Member State with most applicants per capita. The majority arrived by irregularly crossing the 'green line'. Throughout 2022 measures were taken to prevent migrants crossing the Green Line, including hiring 300 border guards who will monitor the Green Line, continuing the installation of the surveillance system and extending the wire fence. According to the authorities when migrants are identified attempting to cross the Green Line, attempts will be made to stop these persons from crossing or, if this is not possible, they will be transferred to Pournara First Reception Center. Regardless of the measures taken arrivals continued to be high.
- ❖ **Key asylum statistics:** The backlog of pending asylum applications remains extremely high, with long processing periods, a trend which is expected to continue throughout 2023. In 2022, 20,593 new asylum applications were submitted and 15,193 decisions were issued (202 refugee status, 177 subsidiary protection and 8,178 rejections); 29,715 asylum seekers were pending examination at year end at first instance before the Asylum Service and 6,609 at 2nd instance, before the IPAC. In comparison, in 2020, 6,651 new asylum applications were submitted, 7,389 decisions were issued (90 refugee status, 1,020 subsidiary protection and 4,355 negative) and 18,995 cases were pending end of year. Whereas in 2021, 12,544 new asylum applications were submitted and 14,868 decisions were issued (189 refugee status, 1,472 subsidiary protection and 9,555 rejections); 16,994 cases were pending end of year.
- ❖ **Safe Countries of origin:** A new list of safe countries of origin was published in May 2020, increasing the number of countries regarded as safe from 1 to 21. In 2021, 8 additional countries were included in the list, resulting to a total of 29 countries. In 2022, the list was amended to 27 countries as Ukraine and Kosovo were removed. The aim is to examine all applications from safe countries under the accelerated procedures the use of which increased slightly in late 2022.

Reception conditions

- ❖ **Reception standards:** Reception standards remain below adequate levels, exposing asylum seekers to risks of homelessness and destitution. The majority of asylum seekers are hosted in the community instead than in reception centres, and often live in extremely poor conditions. Reception centres are overcrowded and in need of infrastructural renovation; sanitation and hygiene are below standard, and no sufficient safeguards against sexual and gender-based violence for children and single women are in place. The timely identification and response to the needs of vulnerable individuals, including children, both within reception facilities and in the community, requires improvement.
- ❖ **Access to the labour market:** Improvements made in terms of procedures required to hire asylum seekers as well as the opening of the labour market post, facilitated access to employment

and increased the numbers of asylum seekers accessing the labour market. However, low working conditions and respect of labour rights remain a concern.

- ❖ **Children:** The number of refugee children arriving in Cyprus, either accompanied by family members or unaccompanied/separated, is on the rise. Gaps remain in the protection of minors, particularly in the First Reception Centre of Pournara. Children remain without adequate guardianship, and are as such exposed to various risks, such as trafficking, sexual or labour exploitation. Procedures regulating the assessment of the child's best interest are also lacking.

Detention of asylum seekers

- ❖ **Statistics on detention:** The number of detained asylum seekers remains low, however alternatives to detention are still not systematically applied even in cases of vulnerable persons.
- ❖ **Detention conditions:** Asylum seekers continue to be detained in holding cells in police stations across the country in sub-standard conditions. Furthermore, they face obstacles in accessing asylum procedures and legal remedies to challenge detention and/or rejected asylum applications.

Content of international protection

- ❖ **Integration opportunities:** The lack of integration opportunities remains one of the weakest elements of the national asylum system. A new integration plan, which was developed under EU funding with the aim of adopting a multi-year integration strategy, was finalised yet eventually abandoned and there is no information available on what will become of this initiative.
- ❖ **Naturalisation:** Naturalisation has become more difficult to access for the majority of refugees, including for those who have been living in Cyprus for well over 10 years, were born in the country or arrived at a very young age. In many cases, the decision rejecting the application mentions that the refugee does not have sufficient ties to the country or is a burden for the state. Such findings are generally not justified, indicating an overall strict and negative attitude toward granting nationality to refugees. Furthermore, in practice there is no access to long term residence or any other permanent status.
- ❖ **Family reunification:** Access to family reunification remains a lengthy procedure for refugees. Beneficiaries of subsidiary protection (98% of Syrians present in the country) are not eligible for family reunification and often resort to irregular means to obtain reunification with family members.
- ❖ **Residence permits for family members of refugees:** Family unity is not upheld for relationships formed after entry to Cyprus, leaving spouses of refugees without a legal status or access to rights and including families who have been living in the country for many years.

Temporary protection

Temporary protection procedure

- ❖ **Legal framework:** The TPD was transposed into the Refugee Law in 2004 and activated in March 2022. It is available for Ukrainian nationals who were residing in Ukraine before 01 February 2022 and third-country nationals who benefited from international protection or equivalent national protection in Ukraine, including stateless persons. Applications for TP can be made online and a residence permit will be issued soon after. Temporary Protection has been extended automatically until the 4 March 2024.

- ❖ **Registrations for temporary protection:** Until 31 December 2022, 13,893 individuals were registered for temporary protection and until 28 February 2023, 15,338 were registered for temporary protection.

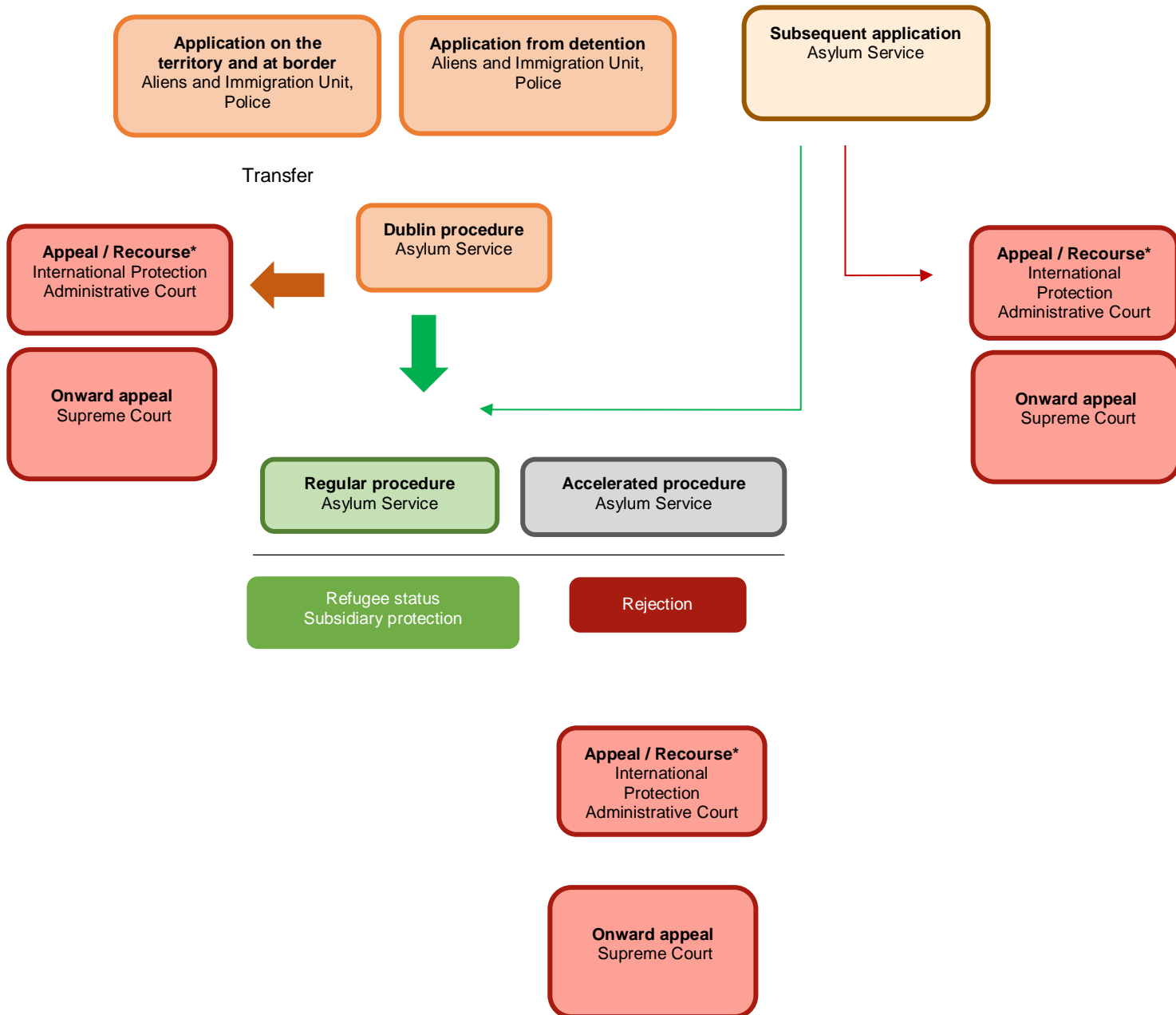
Content of temporary protection

- ❖ **Access to rights:** TP holders have access to all rights included in the Directive, upon registration and in most cases without obstacles. Regarding financial support a small one-off amount is provided and accommodation options are limited. However, access to the labour market is immediate which has facilitated a significant number of TP holders to secure employment. Access to education is immediate but with limited support measures.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

- | | | |
|---|---|--|
| ❖ Regular procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Prioritised examination: ⁴ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ⁵ | <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: ⁶ | <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 entry points	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

⁴ For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast Asylum Procedures Directive.

⁵ Accelerating the processing of specific caseloads as part of the regular procedure.

⁶ 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	71	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 determination of asylum applications, including the examination of the Dublin Regulation criteria. Pursuant to the latest amendments to the Refugee Law, the Asylum Service is entitled to issue a return decision together with a negative decision in a single administrative act. The Asylum Service also offers the applicant the option of voluntary return to their country of origin. If no response is received by the rejected applicant about voluntary return or request for assisted voluntary return, then the return decision is referred to Aliens and Immigration Unit (AIU) who in charge of execution of return decisions and deportation orders. The Asylum Service is also responsible, per the Refugee Law, for the operation of reception and accommodation centres for asylum seekers, as well as for coordinating all other competent authorities on asylum issues.⁷

In 2022, in addition to the support staff, the Asylum Service includes the Head of the Asylum Service, 3 senior coordinators, and 14 administrative officers. 53 asylum officers were recruited in 2022 on one-year contracts, with the possibility of a one-year renewal until the project's completion. Of the above, approximately 33 officers work exclusively on the examination of asylum applications while the others work on other issues such as the implementation of Dublin Regulation, statistics, tenders, and reception etc.

The European Union Agency for Asylum (EUAA)⁸ has been providing support to the Cyprus asylum system since 2014, through a series of measures, including deploying or recruiting caseworkers to address the backlog and backlog management. The 2022-2024 plan was amended to take into account the changes in the operational context in light of the invasion of Ukraine.⁹ Throughout 2022, the EUAA deployed 209 different experts in Cyprus¹⁰, mostly external experts (135). The majority of them were case experts (34), caseworkers (20), junior asylum second instance support experts (17), followed by caseworker officers (12), junior asylum registration experts (12) and a series of other support staff (intermediate vulnerability expert, junior asylum flow management expert, operations officer, research officer, etc).¹¹ As of 20 December 2022, a total of 138 EUAA experts were deployed in Cyprus, out of which 26 were case experts, 11 junior second instance support experts, 10 junior asylum registration experts and 8 intermediate vulnerability experts.¹²

⁷ EASO, Operating Plan, Cyprus 2022-2024, available at: <https://bit.ly/37ezU8Z>.

⁸ It should be noted that Regulation 2021/2023 entered into force on 19 January 2022, transforming EASO into the EU Agency for Asylum (EUAA).

⁹ EUAA, *Operational Plan 2022-2024 agreed by the European Union Agency for Asylum and Cyprus*, available at: <https://bit.ly/3ZRASO8>.

¹⁰ EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.

¹¹ Information provided by the EUAA, 28 February 2023. In the figures above, the same persons may have been included under different profiles, if a change of profile took place in the course of 2022

¹² Information provided by the EUAA, 28 February 2023.

Up until 2019, the Asylum Service decided independently without interference from the Ministry of Interior. However, from time to time the Ministry of Interior would 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 has played a major role in asylum issues, including the determination of the countries to be included in the safe countries list. All the decisions taken by Asylum Service caseworkers and EUAA case workers on asylum claims need to be confirmed by the Head of the Asylum Service¹³ or a case worker authorised by the Minister of Interior.¹⁴ In practice all cases are confirmed and signed off by senior caseworkers with such authorisation who are not actively involved in working on the case.

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.

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” irregularly to the areas under the control of the RoC. Whereas a small percentage may enter at legal entry points and then apply for asylum. In recent years, around 30% of applicants are persons already in the country who have entered and stayed under other statuses and who apply for asylum after their initial residence permit has expired.¹⁵ In 2021 there was an increase in the percentage of new arrivals compared to applicants who were already in the country and the trend continued in 2022.

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 and is made and lodged at the Aliens and Immigration Unit (Department of the Police) of the city in which the applicant is residing.¹⁶ One such office exists in each of the five districts in Cyprus (**Nicosia, Limassol, Larnaca, Paphos, Ammochostos**). With the establishment of **Pournara**, the First Reception Centre in **Kokkinotrimithia**, Nicosia district, 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. The services provided include identification, registration, and lodging of asylum applications, as well as medical screening and vulnerability assessments; when possible, the full assessment of the asylum application is also carried out at the Asylum Examination Centre adjacent Pournara.

Other persons who access the country’s territory in a regular manner, - a very low percentage 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 or detained in Police Holding Cells, who have requested to lodge an asylum application, the AIU will be notified and proceed to the prison or holding cell to receive the asylum application.

Once an application is lodged before the AIU, 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

¹³ ECRE, *Asylum authorities: an overview of internal structures and available resources*, October 2019, available at: <https://bit.ly/3wSWjU3>.

¹⁴ Article 2, Refugee Law.

¹⁵ Information provided by the Cyprus Refugee Council.

¹⁶ Article 11, Refugee Law.

the asylum application is lodged up to the issuance of the final decision and enjoys the rights associated with the asylum seeker status.

Specifically, the following procedures exist:

Regular and accelerated procedure: The Refugee Law provides for a regular procedure and an accelerated procedure. The decision issued by the Asylum Service can lead to refugee status, subsidiary protection status, or a rejection. As a result of the amendments to the Refugee Law entered into force October 2020, the Asylum Service currently issues a single negative and returns decision. 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. 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 was never used for years until it was piloted in late 2019 for persons of Georgian nationality with the intention of a wider adoption in 2020.¹⁷ In May 2020, 21 countries were added to the 'Safe Country' list.¹⁸ In May 2021, the list of safe countries of origin was once again modified, to include a total of 29.¹⁹ Regardless of these changes, there was no significant increase in the use of accelerated procedures until late 2022²⁰ and asylum applications from countries considered safe or countries facing a humanitarian crisis were mostly prioritised through a fast-track procedure. From September 2022 onwards, the use of accelerated procedures has increased, focusing mostly on nationalities such as Pakistan, Bangladesh, India, Nepal and to a lesser extent Nigeria.

Dublin/admissibility procedure: According to the Refugee Law,²¹ 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, it will resume from the stage it was paused. The current practice since 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 of detention upon return but this does not seem to be applied in practice.²²

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 does not have access to reception conditions.

Appeals: In order to ensure that asylum seekers in Cyprus have a right to an effective remedy, in recent years the asylum procedure was modified regarding appeals.²³ After several changes, a specialised court, the International Protection Administrative Court (IPAC) was established and initiated its operations in June 2019.²⁴ 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

¹⁷ EASO Operating Plan 2020, accessible at: <http://bit.ly/382C6el>.

¹⁸ Information provided by the Cyprus Refugee Council.

¹⁹ Ministerial Decision on Safe Countries, available in Greek at: <https://bit.ly/3JHdsG1>

²⁰ Based on cases reviewed by the Cyprus Refugee Council.

²¹ Article 9(1)(B) Refugee Law.

²² Information provided by the Cyprus Refugee Council.

²³ Information on the procedures prior to establishment of the IPAC can be found in previous updates of AIDA Country Report: Cyprus, 2020 update.

²⁴ Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection.

for accelerated procedures.²⁵ All decisions issued by the IPAC can be appealed before the Supreme Court within 14 days.²⁶

Since the amendments of October 2020, the Asylum Service issues a single asylum and returns decision. For cases examined under the regular procedure, the returns decision is automatically suspended once an appeal is submitted. However, for all other decisions, an appeal does not have automatic suspensive effect and a separate application must be submitted to the IPAC requesting the right to remain pending the examination of the appeal.²⁷

The IPAC examines both points of law and fact for asylum applications and detention cases. In cases of family reunification, the Court considered that it only has jurisdiction to examine points of Law and not substance. For cases relating to other areas of the Refugee Law it has yet to be clarified whether the Court examines points of law and fact, as no cases have been brought before the court.

If the IPAC accepts the appeal, the decision of the Asylum Service will be cancelled. According to the Law, the Court may return the decision to the Asylum service for review, or directly grant refugee status or subsidiary protection.²⁸

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.²⁹ 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. It is possible to appear without legal representation, but the chances of succeeding become extremely limited in such cases.

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

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, in an irregular manner 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, these are not considered official entry points into the RoC. Crossing of the “green line” is regulated under the “Green Line” Regulation,³⁰ and requires persons to have entered the RoC in a regular

²⁵ Article 12A, Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection.

²⁶ 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.”

²⁷ Article 8 Refugee Law.

²⁸ Article 11 IPAC Law.

²⁹ Article 31Γ(5)Refugee Law.

³⁰ 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.

manner. 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 as well as by the 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. If a person is apprehended, having entered the areas in the north of Cyprus without permission from the authorities acting in the north, they will most probably be arrested and returned to Turkey and, from Turkey, possibly to their country of origin. As the *acquis* is suspended in the areas in the north, there is no asylum system in force.³¹

Besides arrivals from the north, a very small number of asylum seekers enter the RoC at official points of entry (ports and airports) and then apply for asylum. In previous years approximately, 30% of applicants were persons already in the country who had entered and stayed under other statuses, including domestic workers, work permits, and students, and apply for asylum when their initial residence permit has expired. In 2021, there was an increase in the percentage of new arrivals, compared to applicants who were already in the country. The trend continued in 2022.

In 2021 in view of the increase in numbers, Cypriot authorities requested that the European Commission activate Article 78(3) of the Treaty on the Functioning of the European Union (TFEU) and propose provisional measures to allow Cyprus to deal with a sudden influx of third-country nationals, including the suspension of new asylum applications until the situation becomes manageable.³² Concern was raised within the European Parliament about Cyprus’ expressed intention to suspend the processing of asylum applications and, in response to the European Parliament, the European Commission stated that derogations could be possible while respecting the right to seek asylum and the principle of *non-refoulement*.³³ There have been no developments on the ground with regards to the suspension of new asylum applications and these are registered systematically.³⁴ However, in 2022 asylum applications submitted by Syrian and Afghani nationals were not examined with extremely few exceptions,³⁵ although the Ministry of Interior acknowledges that Syria is not considered a safe country and that returns to Syria cannot be made.³⁶ Furthermore, the support provided by the European Commission, via EUAA to improve asylum procedures including registration and examination of asylum applications continued with no reference to a suspension of asylum applications.³⁷

According to EUAA, 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”.³⁸ In 2021, according to EUAA, the Agency registered 48% of all registrations in Cyprus in the first nine months of 2021 and approximately 66% of the irregular entry registration performed in Cyprus.³⁹ In 2021, EUAA carried out 7,880 registrations, of which 93% related to the top 10 citizenships of applicants, mainly from Syria (1,969), DRC (1,337) and Nigeria (1,211).⁴⁰

In 2022, registrations carried out by the EUAA in Cyprus significantly increased, going from 7,880 in 2021 to 19,078 in 2022. 92% related to the top 10 citizenships of applicants, mainly from Syria (3,988), Nigeria

³¹ 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.

³² FRA, Quarterly Bulletin, 01/10/21 – 31/12/21, available at: <https://bit.ly/3Nmabf3>.

³³ EUAA Asylum Report 2022, p86, available at: <https://bit.ly/3FqA8rA>; Parliamentary question - E-005330/2021, available at <https://bit.ly/3mTzOv6>

³⁴ Information provided by the Cyprus Refugee Council

³⁵ Based on monthly statistics issued by the Cyprus Asylum Service

³⁶ Ministry of Interior, Statements by the Minister of the Interior after the end of the Parliamentary Interior Committee on immigration, 31 March 2022 available at <https://bit.ly/3mXvqLK>

³⁷ ECRE, Cyprus: MoU Signed with European Commission While Government Casts Blame on Asylum Seekers, available at: <https://bit.ly/36Edga6>.

³⁸ EASO Operating Plan 2021, available at: <https://bit.ly/3roXHbg>

³⁹ EASO Operating Plan 2022-2024, available at: <https://bit.ly/37ezU>.

⁴⁰ Information provided by EUAA, 28 February 2022.

(3,072), Democratic Republic of Congo (2,993) and Pakistan (1,965).⁴¹ In the same year EUAA also carried out 3,431 registrations for temporary protection in Cyprus 4,197.⁴²

In 2018, it was noted that the number of persons irregularly crossing the line increased,⁴³ and that the situation needed to be monitored carefully.⁴⁴ In 2019, with the numbers of applicants for international protection doubling once again compared to 2018, the government stated that changes would be made to the Green Line Regulation.⁴⁵ 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 to cover the required operating and administrative costs and equipment for surveillance of the coastline and the Green line. During 2020, the official crossing points were closed as a measure to prevent the spread of the COVID-19, however as the majority of asylum seekers cross at irregular points, this alone 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 areas in 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, in addition to knowing that 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 which 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”.⁴⁶ Arrivals in 2021 were significantly higher than in 2020, and in 2022 the number of arrivals once again doubled than those in 2021, the majority of which arrived by irregularly crossing the ‘green line’, a testament to the fact that the installation of razor wire had little, if any, impact on arrivals.

In November 2021, Cyprus and Israel reached an agreement, under which the Israeli military would build a surveillance system to track activity along Cyprus’s Green Line. According to reports, the system will monitor attempts at smuggling and illegal migration, and Cypriot authorities will be provided assistance on military intelligence.⁴⁷

Throughout 2022 other measures were announced to prevent migrants crossing the Green Line, including hiring 300 border guards who will monitor the Green Line,⁴⁸ continuing the installation of the surveillance system and extending the wire fence.⁴⁹ In early 2023, it was announced that only 221 border guards fulfilled the selection and are expected to take up operations in April 2023.⁵⁰ Furthermore, two cameras have been installed on the Green Line, with the intention to install in total 100 cameras, which will be monitored by members of the national army. According to the authorities when migrants are identified

⁴¹ Information provided by the EUAA, 28 February 2023.

⁴² Information provided by the EUAA, 28 February 2023.

⁴³ 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>.

⁴⁴ 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>.

⁴⁵ 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>.

⁴⁶ Cyprus Mail, “Barbed-wire controversy grows”, 12 March 2021, available at: <https://bit.ly/3m0U2ys>.

⁴⁷ Times of Israel, “Israel to build surveillance system to track activity along Cyprus’s Green Line” available at: <https://bit.ly/3CiIhf2>; Cyprus Mail, “Buffer zone surveillance deal signed with Israel (Updated)” available at: <https://bit.ly/3HJ4eVL>.

⁴⁸ Phileleftheros, “Nouris is looking for 300 security guards, he found 187” available at <https://bit.ly/42icJSS> Phileleftheros, “221 police guards on the Green Line” available at bit.ly/3LD3cA4

⁴⁹ Phileleftheros, “They are putting up a fence for immigrants in Athienou as well” available at <https://bit.ly/42eGDm>

⁵⁰ Alphanews, “They didn’t find the 300 for the Green Line” available at <https://bit.ly/3mJVw4z>

attempting to cross the Green Line they attempt to stop these persons from crossing or, if this is not possible, they will be transferred to Pournara First Reception Center.

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. Furthermore, Syrian nationals specifically will not be arrested unless there are indications of a criminal act such as smuggling.

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 the boats come from **Turkey**, with a smaller number from **Lebanon** or **Syria**. In 2019, there were 11 boat arrivals, with a total of 427 persons. A significant number of the 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 give 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.⁵¹ In total 9 push backs were carried out with one more attempt in December 2020, but due to damages the boat was eventually rescued.⁵² The practice continued in 2021, with another 9 boats reported to be pushed back carrying mainly Syrian and Lebanese nationals as well as reports of 4 persons attempting to enter the areas under the effective control of the RoC and kept in the buffer zone.

In 2022, 40 boats arrived in the areas under the control of the Republic. Six boats were identified, all departing from Lebanon, that were intercepted by the Cypriot authorities, however there may be more cases of refoulement which were not identified or located. Four boats were reported to have been returned to Lebanon, carrying approximately 354 persons. It has also been reported that among them were three Syrians, who were eventually returned to Syria. The other two boats after being intercepted by the RoC continued the journey; one was reported to have reached Greece following the disembarkation of two people in Cyprus and the second was reported to have reached Turkey.⁵³

Pushbacks at land and specifically at the Green Line continued throughout 2022, as third country nationals are denied access to territories under the effective control of the Republic and to the asylum procedure when they try to cross from the official checkpoints. In December 2022 the Greek Cypriot police at the Ledra Palace checkpoint denied entry to two Turkish nationals of Kurdish origin seeking to seek asylum. The two persons remained stranded in the buffer zone since 15 December 2022 without support from the authorities; tents were supplied by UNHCR and food was supplied initially by foreign embassies and UNHCR and subsequently by UNFICYP.

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 were 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.

⁵¹ Report of the United Nations Secretary General on the UN operation in Cyprus, available at: <https://bit.ly/3MrUfY1>.

⁵² Further details on push backs carried out in 2020 and 2021, available in AIDA, Cyprus 2021

⁵³ Information provided by Cyprus Refugee Council

Legal access to the territory

There have been no relocation or resettlement programs implemented in Cyprus systematically. The only occurrence involved a small number of asylum seekers that were relocated to Cyprus under the 2015-2017 EU relocation scheme. Relocation programs from Cyprus toward other Member States have also had a limited scope; in particular, approximately 150 vulnerable asylum seekers, among which unaccompanied children, were relocated to Finland in mid-2020 as part of an initiative created by Finnish authorities to support Cyprus. In December 2021, following a visit by Pope Francis to Cyprus, it was announced that approximately 50 persons would be relocated to Italy;⁵⁴ since then, 50 additional asylum seekers were included in the program and are currently in the process of being transferred.⁵⁵ Overall, Cypriot authorities have often requested that programs to relocate asylum seekers from Cyprus to other EU member states are implemented, with limited response.

In 2022, relocation initiatives were announced by Germany and France by utilizing the new EU temporary solidarity mechanism. Germany has announced that 500 refugees will be relocated from Cyprus and in December 2022, the first relocations of 48 Syrian and Afghan refugees took place.⁵⁶

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

2.1. Making and registering an application

An asylum application can only be lodged on territory and specifically in the areas under the effective control of the RoC. There is no possibility to lodge an asylum application at embassies, consulates or other external representation of the country or in the areas in the north that are not under the effective control of the RoC.

According to the Refugee Law,⁵⁷ an asylum application is addressed to the Asylum Service, a department of the Ministry of Interior. However, the Aliens and Immigration Unit (AIU), an office within the police, is primarily responsible for receiving and registering applications for international protection on behalf of the Asylum Service (including finger printing for EURODAC and Dublin purposes). AIU is also responsible for implementing detention and deportation orders issued by the Director of the CRMD. The Cypriot police is

⁵⁴ European Migration Network, 37th edition, May 2022, available at: <https://bit.ly/3MconJv>, p6.

⁵⁵ Information provided by Cyprus Refugee Council.

⁵⁶ Kathimerini, "First group of asylum seekers relocated to Germany from Cyprus, available at <https://bit.ly/3LsEx1c>; Schengen Visa First Group of Asylum Seekers Gets Relocated From Cyprus to Germany, available at <https://bit.ly/3JFjeHh>

⁵⁷ Article 11(1) Refugee Law.

also responsible for facilitating and maintaining migration related IT-systems, such as the Eurodac and DubliNet NAP.⁵⁸

The Law states that the AIU then has 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.⁵⁹ If the application is made to authorities who may receive such applications but are not competent to register such application, that authority shall ensure that the application is registered no later than six working days after the application is made.⁶⁰ 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, these requests are registered no later than 10 working days after their submission.⁶¹

The Refugee law does not specify the time limit within which asylum seekers should make their application for asylum; it only specifies a time limit between making and lodging an application.⁶² Furthermore, according to the Law,⁶³ 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](#)).⁶⁴

According to the Refugee Law,⁶⁵ 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 there is no evidence of this being implemented.⁶⁶ 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.⁶⁷

In practice, since 2019 and the establishment of the **Pournara**, the First Reception Centre in **Kokkinotrimithia** (see [Types of Accommodation](#)), all persons who arrive in the areas under the effective control of the RoC in an irregular manner are referred to the Centre for registration. Persons who have arrived in a regular manner as well as persons already residing in the country on other statuses or undocumented, make and lodge asylum applications at the AIU, an office within the Police of the city they are residing in and will not be referred to Pournara. There are AIU offices in each of the 5 districts in Cyprus (**Nicosia, Limassol, Larnaca, Paphos, Ammochostos**). Furthermore, in 2022, persons who were already residing in the country were often referred to Pournara to make and lodge an asylum application but were not obliged to remain there.

The services provided at the First Reception Centre in **Pournara** include identification, registration, and lodging of asylum applications, as well as medical screening and vulnerability assessments; when possible, the full assessment of the asylum application is directly carried out at the new Asylum Examination Centre adjacent to the '**Pournara**' First Reception Centre. The duration of stay in the Centre is officially 72 hours, however this has never been the case and the duration has fluctuated over various

⁵⁸ EASO, Operating Plan, Cyprus 2022-2024, available at: <https://bit.ly/37ezU8Z>.

⁵⁹ Article 11(2)(a) Refugee Law.

⁶⁰ Article 11(2)(b) Refugee Law.

⁶¹ Article 11(2)(c) Refugee Law.

⁶² Article 11(4)(a) Refugee Law.

⁶³ Article 7 Refugee Law.

⁶⁴ Information provided by the Cyprus Refugee Council based on monitoring visits to the detention centre.

⁶⁵ Article 12Δ(4)(i) Refugee Law.

⁶⁶ Information provided by the Cyprus Refugee Council

⁶⁷ Information provided by the Cyprus Refugee Council

periods from 2 weeks to several months. During 2022 the average duration of stay was 40-60 days however there are always cases that remain longer. Furthermore, the duration of stay for UASC is significantly longer and on average 3 months.

For persons held in the Menogia detention centre, asylum applications are received directly within the detention facilities. For persons detained in holding cells in police stations and prison, when they request to lodge an asylum application, the AIU is notified and sends a police officer of the AIU to receive the application. Access to asylum from prison has improved in 2022, whereas in cases of people detained in holding cells significant delays are still registered.⁶⁸

During 2020, persons who had recently arrived irregularly and should have been referred to **Pournara** were not sent there due to overcrowding and 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. The situation did not improve throughout 2021, where extremely long delays in accessing the Centre and registering asylum applications were reported, leading to hundreds of persons waiting outside in inhuman conditions. The delays were also caused by the AIU carrying out interviews regarding the routes followed and mode of entry into the country, as well as verification of identification and documents before allowing persons to enter the Centre. Persons with a passport or some form of identification document were given access faster than those who had no documents, and many had to wait for weeks to enter the Centre. In late 2021, based on recommendations from UNHCR, a pre-admission section was created to accommodate people awaiting registration, which led to a significant reduction in persons awaiting registration. However, in early 2022, it was reported that every day on average 40-50 persons were not admitted for registration, and were forced to keep returning every morning until given access.⁶⁹ In late 2022, the situation remained the same and due to the high number of arrivals it was decided to admit a maximum of 60 persons per day to keep the numbers of persons in the Centre under control. As a result, approximately 40 persons were denied admission each day, leading to some persons entering the Centre irregularly in order to find shelter and others sleeping outdoors in front of the registration gate in the hopes of securing a position in the queue the following day. Several DIY tents and shelters appear at times around the center, mostly inhabited by persons awaiting registration. Persons with a passport or some form of identification document are systematically given access faster.

In 2020, EASO continued to provide support in registration in four district offices of the AIU (**Nicosia, Paphos, Larnaca and Limassol**) as well as in the **Pournara centre**. 10 registration assistants were deployed by EASO throughout the year, and 3 were still present as of 14 December 2020. Due to COVID-19 measures, the presence of EASO registration assistants was suspended at times throughout 2020.⁷⁰ EASO carried out a total of 5,317 registrations in 2020, mainly concerning nationals from **Syria, India** and **Cameroon**.⁷¹ In 2021, EASO carried out a total of 7,880 registrations, mainly concerning nationals from Syria (1,969), DRC (1,337) and Nigeria (1,211).⁷² In 2022, registrations carried out by the EUAA in Cyprus significantly increased, going from 7,880 in 2021 to 19,078 in 2022. 92% related to the top 10 citizenships of applicants, mainly from Syria (3,988), Nigeria (3,072), Democratic Republic of Congo (2,993) and Pakistan (1,965).⁷³ In 2022, the EUAA carried out 3,431 registrations for temporary protection in Cyprus 4,197.⁷⁴

⁶⁸ Information provided to the Cyprus Refugee Council.

⁶⁹ Information provided by the Cyprus Refugee Council.

⁷⁰ EASO Operating Plan 2021, available at: <https://bit.ly/3roXHbg>.

⁷¹ Information provided by EASO, 26 February 2021.

⁷² Information provided by EUAA, 28 February 2022.

⁷³ Information provided by the EUAA, 28 February 2023.

⁷⁴ Information provided by the EUAA, 28 February 2023.

From March to May 2020 and following the global escalation of COVID-19, the AIU stopped receiving asylum applications.⁷⁵ There was no official decision or announcement and thus it was unclear whether this was a COVID-19 response measure or due to the high numbers of applicants. Persons not given access to procedures were left stranded, without food and accommodation.⁷⁶ Among those that approached NGOs for assistance on the issue were notably 4 unaccompanied children who were given access after interventions by NGOs.⁷⁷ On some occasions, a national passport was requested and 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 were at an all-time low, access to asylum did not resume normally until August 2020, and after repeated interventions by the Cyprus Refugee Council toward the authorities.⁷⁸ In 2021 or 2022, no such incidents were reported.

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.⁷⁹ If an application is not lodged within this time, the applicant is considered to have implicitly withdrawn or abandoned his or her application.⁸⁰ Finally, within three days from lodging the application, a confirmation that an application has been made must be provided.⁸¹ In practice an application is usually made and lodged at the same time and a confirmation that the applications has been made is issued, therefore there are rarely if any applications that will be considered to have been implicitly withdrawn or abandoned at this stage.

Fingerprints, according to the law, should be taken when an application is made.⁸² However, in practice fingerprints are usually taken by the AIU when an application is lodged. Fingerprints are taken for applicants 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 application is also registered in the common asylum database, managed by the Asylum Service.

For applicants registering at **Pournara** Centre, all procedures are 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. The “Alien’s Registration Certificate” (ARC), is a 1-page document containing a registration number. This is also referred to as the “Alien’s Book”. Full access to reception conditions are subject to the issuance of an ARC number (see [Criteria and Restrictions to Access Reception Conditions](#)).

If the applicant applied at the AIU, they proceed with medical examinations at a state hospital. Upon receiving the results or at a given appointment, they are expected to return to the AIU and submit their medical results. The AIU will register the applicant in the aliens’ register and upon submitting their medical results they will receive an ARC. All results from the medical examinations are included in the applicants’ file maintained by the Asylum Service. The findings of the medical examinations may lead to referrals to state doctors, especially for urgent or transmittable conditions, however it hardly ever leads to alternative accommodation.

⁷⁵ Cyprus Mail, ‘Coronavirus: ‘Refugees and asylum seekers need accurate information’, many in dire straits’ April 2020, available at: <https://bit.ly/3lgwDZz>.

⁷⁶ EASO Asylum Report 2021, available at: <https://bit.ly/3MxkUmL>, 81.

⁷⁷ Information provided by Caritas Cyprus and Cyprus Refugee Council.

⁷⁸ Based on interventions carried out by the Cyprus Refugee Council.

⁷⁹ Article 11(4)(a) Refugee Law.

⁸⁰ Article 11(4)(c) Refugee Law.

⁸¹ Article 8(1)(b) Refugee Law.

⁸² Article 11A Refugee Law.

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. For the rest of 2021 and 2022, there were no reports of delays.

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

Indicators: Regular Procedure: General

- | | |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: | 6 months |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at first instance as of 31 December 2022: | 29,715 ⁸³ |
| 4. Average length of the first instance procedure in 2022: | 18-24 months |

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.⁸⁴ Furthermore, the Asylum Service shall ensure that the examination procedure is concluded within 6 months of the lodging of the application.⁸⁵ In instances where the Asylum Service is not able to issue a decision within six months, it is obliged to inform the applicant of the delay and, upon request of the applicant, provide information on the reasons for the delay and on the time-frame in which a decision on the application is expected.⁸⁶

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 their obligations as provided for under the law.⁸⁷ 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.⁸⁸

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

⁸³ Number of persons whose asylum applications is pending. The number of pending cases is not available.

⁸⁴ Article 13(5) Refugee Law.

⁸⁵ Article 13(6)(a) Refugee Law.

⁸⁶ Article 13(6)(b) Refugee Law.

⁸⁷ Article 13(7) and Article 16 Refugee Law.

⁸⁸ Article 13(8) Refugee Law.

origin.⁸⁹ 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.⁹⁰

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 is approximately two-three years. It is not uncommon for well-founded cases to take up to three to four years before asylum seekers receive a first instance decision.⁹¹

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. In 2021 and 2022, the Cyprus Refugee Council challenged before the IPAC, the delays in issuing decisions on asylum applications in 2 two cases. During the court proceedings, the Asylum Service proceeded to issue decisions granting international protection in both cases, which led to the cases having to be withdrawn and the Court not issuing a decision on the issue of delays.

The Asylum Service issued a total of 15,193 decisions concerning 15,972 applicants for international protection in 2022, compared to 14,868 decisions concerning 15,993 applicants for international protection in 2021, and 4,637 decisions in 2020. Decisions are based on a recommendation issued either by Asylum Service caseworkers or EUAA caseworkers.

In recent years, the EUAA has been providing technical support to the Asylum Service in an effort to address the backlog and speed up the examination of asylum applications and in 2020, the Ministry of Interior also introduced measures specifically targeted at reducing the backlog and examination times of asylum applications, mainly by increasing the examiners. The result of these actions are evident in 2021 and 2022 as there has been a significant increase in the number of decisions issued; whereas, in 2020, due to COVID-19, interviews for the examination of asylum applications were suspended several times. In addition, with the closure of the Refugee Reviewing Authority, 432 cases additional cases (involving 665 persons) were transferred back to the Asylum Service and onto the backlog; to date, a significant number are still pending.⁹²

In 2021 according to EUAA 'Cyprus ramped up decision-making, with two and a half times more decisions taken than in 2020. Of the top four nationalities, the largest increase in absolute terms was for nationals of India and Bangladesh, recording almost 9 and 12 as many decisions, respectively, as in the previous year, followed by Pakistanis and Syrians.'⁹³

In 2020, the Asylum Examination Centre adjacent to 'Pournara' First Reception Centre initiated operations with the aim to examine asylum applications of newly arrived asylum seekers residing in **Pournara** during their stay in the Centre. The Examination Centre provides examination of asylum applications of asylum seekers residing in Pournara, as well as asylum seekers in the community. In 2020 priority was given to applicants from listed safe countries of origin, as well as newly arrived **Syrian** nationals registered in Pournara and Syrians living in the community. At the time, this measure had a positive impact on the backlog of pending asylum applications of Syrian nationals. Such attempts continued in 2021 and 2022, aiming at issuing decisions prior to the applicants' exit from the Center but mainly focusing on nationalities included in the list of safe countries. However, due to the significant increases in asylum applications the impact is limited.

⁸⁹ Article 13(9) Refugee Law.

⁹⁰ Article 13(10) Refugee Law.

⁹¹ Information provided by the Cyprus Refugee Council.

⁹² Information provided by Cyprus Refugee Council.

⁹³ EUAA Annual Report 2022, p132, available at: <https://bit.ly/42jfG5Z>

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. In 2021, for the first time in recent years, the backlog was slightly reduced, counting 16,994 pending cases at first instance, which concern 18,805 persons. However, in 2022 it increased sharply to 29,715 due to the increase in asylum applications but also the practice to not examine asylum applications from Syrian nationals from February onwards with very few exceptions.⁹⁴

Backlog of pending cases: 2018-2022				
2018	2019	2020	2021	2022
8,545	17,171	19,660	16,994	29,715

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:⁹⁵

- ❖ the application is likely to be well-founded;
- ❖ the applicant is vulnerable,⁹⁶ or in need of special procedural guarantees, in particular unaccompanied minors.

Although efforts are made to ensure such prioritisation is given especially to cases concerning vulnerable persons 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 as 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 of victims of trafficking by the Anti-Trafficking Department of the Police.

There have been concerted efforts with EUAA for ameliorate and shorten the examination of claims by vulnerable persons since 2017, through screening of applications, dedicated case workers, additional personnel. However the duration of examination in most cases remains long and exceeds 12 months. Notably, in 2020 EUAA deployed 3 vulnerability experts and 1 vulnerability assistant to Cyprus. The latter was still present as of 14 December 2020, as well as one vulnerability expert.⁹⁷ According to information provided by EUAA, vulnerability experts support and consult EUAA 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.

During 2021, 829 persons were identified as vulnerable during the registration of their asylum application. In addition, 162 applicants were assessed as vulnerable during their asylum interview phase and were referred to the competent authorities for further appropriate actions.⁹⁸ In Cyprus, the EUAA supports and coordinates vulnerability assessments in Pournara reception centre and during 2022, 1,505 persons were identified as presenting vulnerability indicators by EUAA personnel.⁹⁹ In total, in 2022, 2,800 persons were identified as vulnerable during the registration of their asylum application.¹⁰⁰ However due to the heavy backlog very few cases receive a prioritised examination.¹⁰¹

⁹⁴ Based on monthly statistics issued by the Cyprus Asylum Service

⁹⁵ Article 12E Refugee Law.

⁹⁶ Within the meaning of Article 9KΔ Refugee Law.

⁹⁷ Information provided by EASO, 26 February 2021.

⁹⁸ Information provided by EUAA, 28 February 2022.

⁹⁹ Information provided by the EUAA, 28 February 2023.

¹⁰⁰ Cyprus Asylum Service.¹⁰¹ Information provided by Cyprus Refugee Council and Caritas Cyprus

¹⁰¹ Information provided by Cyprus Refugee Council and Caritas Cyprus

In addition to the instances of prioritisation mentioned in the Refugee Law, the Asylum Service prioritises certain caseloads and examines them within the regular procedure and not the accelerated procedure, under two circumstances:

- ❖ When the country of origin is deemed generally safe;¹⁰²
- ❖ If a conflict is taking place in the country of origin, such as for Iraqi nationals in the past and Syrian nationals until the end of 2021. For most of 2022, applications of Syrian nationals have not been examined.

As previously mentioned, in 2020, attempts were made to speed up the examination of cases of **Syrians** by utilising the newly established Asylum Examination Centre. Such efforts continued in 2021, however due to the rise in asylum applications the time frame to examine cases of Syrian nationals and Palestinians remains at 18-24 months if not longer.¹⁰³ In early 2022 and continuing in early 2023 there were indications that the Ministry of Interior has put on hold the examination of applications from Syrian nationals and even though the Ministry of Interior acknowledges that Syria is not considered a safe country and that returns to Syria cannot be made.¹⁰⁴ Indicatively 1,939 decisions were issue in 2021 for Syrian nationals, compared to 267 decisions in 2022.¹⁰⁵ The Ministry has attributed the low number of decisions to the backlog.¹⁰⁶

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.¹⁰⁷ The personal interview on the substance of the application may be omitted in cases where:¹⁰⁸

- ❖ 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
- ❖ 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.

¹⁰² Note that this is also a ground for using the accelerated procedure.

¹⁰³ Information provided by the Cyprus Refugee Council.

¹⁰⁴ Announcement of the Ministry of Interior, available at <https://bit.ly/3Jkvr3Q>

¹⁰⁵ Based on official statistics issued by the Cyprus Asylum Service

¹⁰⁶ Based on official statistics issued by the Cyprus Asylum Service

¹⁰⁷ Article 13A(1) Refugee Law.

¹⁰⁸ Article 13A(2) Refugee Law.

In practice, all asylum seekers are interviewed. The waiting time for the interview has always been lengthy, with the majority of cases reaching 18-24 months after the lodging of the application. In recent years attempts have been made to prioritise cases of nationals from countries included in the safe list (see previous section on [Fast Track Processing](#)). However, due to the high numbers of new arrivals the results have been limited. Specifically, in 2020, attempts were made to interview newly arrived asylum seekers residing in Pournara during their stay in the Centre by using the adjacent Asylum Examination 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.¹⁰⁹ Attempts to issue decisions before applicants leave the Center continued in 2021 and 2022. However, this was not feasible for all due to the significant rise in numbers of applicants in Pournara.

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 allows the Ministerial Council to issue an order, published in the Gazette, providing that experts of another Member State who have been appointed by the EUAA or other related organisations are to be temporarily involved in conducting such interviews.¹¹⁰ In such cases, the concerned personnel shall, in advance, receive the relevant training and shall 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, enabling then EASO experts to conduct in-merit interviews between May 2017 and January 2018.¹¹¹ EASO presence has continued ever since.¹¹² The presence of EASO examiners initially sped up the examination of applications but due to the increasing number of applications it has not impacted the backlog (see [Regular Procedure: General](#)). In 2020, the IPAC identified a time 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 resulted in the Asylum Service cancelling all negative decisions and informing asylum seekers that their applications would be re-examined and their status as asylum seekers had been reinstated. Positive decisions were not cancelled.

Interviews are carried out at the following locations: the offices of the Asylum Service, the newly established offices of the EUAA, the Asylum Examination Centre adjacent to 'Pournara' Centre, at AIU offices and, in cases of detainees, at the Menogia Detention Center. In early 2022, interviews were for the first time carried out in the Central Prison for asylum seekers serving prison sentences, due to the rise in numbers of such cases.¹¹³ Regardless of the location of the interview, all interviews are carried out by Asylum Service officers, temporary agency workers or EASO experts.

In 2020, EASO carried out a total of 917 interviews, mainly of applicants from **Cameroon, Egypt and Georgia**.¹¹⁴ In 2021, EASO carried out 1,674 interviews, of which 85% related to the top 10 citizenships of applicants interviewed by the EUAA, mainly applicants from Cameroon (280), Iran (234) and Nigeria (178).¹¹⁵ In 2022, the EUAA carried out interviews for 2,107 applicants,¹¹⁶ of which 90% related to the top

¹⁰⁹ Information provided by the Cyprus Refugee Council.

¹¹⁰ Article 13A(1A) Refugee Law.

¹¹¹ Ministerial Decree 187/2017 of 9 June 2017 pursuant to Article 13A(1A) of the Refugee Law, available at: <http://bit.ly/2G5dSDs>.

¹¹² Ministerial Decree 297/2019 pursuant to Article 13A(1A) of the Refugee Law available at <http://bit.ly/3c9bpb7>.

¹¹³ The majority of asylum seekers sentenced to prison sentences have committed immigration related offences such as irregular entry/stay or have attempted to travel to other EU member states on forged travel documents or travel documents belonging to other persons.

¹¹⁴ Information provided by EASO, 26 February 2021.

¹¹⁵ Information provided by EUAA, 28 February 2022.

¹¹⁶ Exceptionally for Cyprus, only the actual interviews with the adult members of the family were counted in 2022 (that is, minors whose asylum case would have been affected by such interviews are not included) and therefore figures may be slightly underestimated.

10 citizenships of applicants interviewed by the EUAA, mainly applicants from Cameroon (439), Democratic Republic of Congo (367), Pakistan (254) and Nigeria (253).¹¹⁷ In 2022, the EUAA drafted 1,988 concluding remarks, of which 89% related to the top 10 citizenships of applicants in concluding remarks drafted by the EUAA, mainly concerning Cameroonians (419), Congolese (DRC) (287), Pakistanis (254) and Nigerians (253).¹¹⁸

1.3.1. Quality of interview

According to the law,¹¹⁹ 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.¹²⁰ 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.¹²¹

In practice the quality of the interview, including the structure and the collection of data, differs substantially depending on the individual examiner.¹²² 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.¹²³

¹¹⁷ Information provided by the EUAA, 28 February 2023.

¹¹⁸ Information provided by the EUAA, 28 February 2023.

¹¹⁹ Article 13A(9) Refugee Law.

¹²⁰ Article 16(2)(a) and Article 18(3)-(5) Refugee Law.

¹²¹ Article 13A(10) Refugee Law.

¹²² Based on review of cases between 2006-2018 by the Cyprus Refugee Council and previously the Humanitarian Affairs Unit of the Future Worlds Centre.

¹²³ Information provided by the Cyprus Refugee Council.

Interviews via video conference continued at the beginning of 2021. From then on, also due to the partial lifting of COVID-19 restrictions, the use of video conference was discontinued.

As regards EUAA 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 were issues such as lack of expertise for complex cases,¹²⁴ however improvement was noted in 2019 and 2020. In 2021 and 2022, the Cyprus Refugee Council received reports of interviews lacking in terms of quality, including in cases of vulnerable persons or complex cases, such as applicants with a sexual orientation or gender identity related claim.¹²⁵ Specifically, in LGBTIQ+ cases it was noted that, although the examiners applied the Difference, Stigma, Shame, and Harm (DSSH) model,¹²⁶ they did so in a problematic way, such as using closed questions whereas the DSSH model is supposed to operate as a set of conversation ‘triggers’ ‘to enable a detailed narrative.’¹²⁷ Furthermore, there seems to be a lack of understanding regarding specific issues that might affect LGBTIQ+ persons outside of Europe. As a result, applicants were found to be non-credible including in cases where they were in the process of contracting civil partnership with their partner or had arrived in the country with their partner who was granted refugee status.¹²⁸

The Law provides that the examiner¹²⁹ and the interpreter¹³⁰ can be of the same gender as the applicant, if they make such a request. In practice, if such a request is made (same gender or opposite gender) it is usually granted. However, due to absence of information and legal advice or representation (see [Regular Procedure: Legal Assistance](#)), most applicants do not know of this right in order to make such a request.

1.3.2. Interpretation

Caseworkers of the Asylum Service or the EUAA often conduct interviews in English, even if Greek is their mother tongue, and use interpretation where needed. This is because it is easier to identify interpreters that can speak the applicant’s language and English rather than Greek. However, this 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 recommendation, which often have several grammar, spelling and syntax mistakes. As such, statements may be misunderstood or passages poorly drafted or unclear.¹³¹

Although interpreters are always present in interviews, they are rarely professional interpreters, often inadequately trained, and do not have to abide to a specific code of conduct.¹³² 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.¹³³ 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, they may be reluctant to admit that there is an issue with

¹²⁴ 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>.

¹²⁵ Based on cases represented by the Cyprus Refugee Council.

¹²⁶ The DSSH model 2 was created in 2011 by United Kingdom barrister S. Chelvan. This model is referred to by the UNHCR in its *Guidelines on international protection no 9*. EASO has applied DSSH to its training materials since 2015 for claims based on sexual orientation and gender identity.

¹²⁷ Assessing the Refugee Claims of LGBTI People: Is the DSSH Model Useful for Determining Claims by Women for Asylum Based on Sexual Orientation? Jasmine Dawson* and Paula Gerber*, *International Journal of Refugee Law*, 2017, Vol 29, No 2, 292-322.

¹²⁸ Based on cases represented by the Cyprus Refugee Council.

¹²⁹ Article 13A(9)(b) Refugee Law.

¹³⁰ Article 13A(9)(c) Refugee Law.

¹³¹ Based on review of cases by the Cyprus Refugee Council.

¹³² KISA, *Comments and observations for the forthcoming 52nd session of the UN Committee against Torture*, April 2014, available at: <http://bit.ly/112c0K3>, 39-40.

¹³³ Information provided by the Cyprus Refugee Council.

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.¹³⁴ 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.¹³⁵

In the case of interviews carried out by EUAA caseworkers, the interpreters are often provided under the EUAA Support Plan and may have been brought to Cyprus for this purpose. These interpreters have received training and follow Standard Operating Procedures, and the quality is in most cases evidently better.¹³⁶

1.3.3. Recording and transcript

The Refugee Law permits audio/video recordings.¹³⁷ However, in practice only a verbatim transcript of the interview is drafted.

The law also foresees that the examiner must provide the applicant with 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 frame before a decision is taken by the Head of the Asylum Service on the asylum application.¹³⁸ Furthermore, the legal representative/lawyer can intervene once the interview is concluded,¹³⁹ and this is the only stage at which corrections are permitted. However, in practice, the situation varies between 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 use this as evidence of lack of credibility on behalf of the applicant. In some cases, the officer does not accept any corrections at all.¹⁴⁰

There are often complaints by asylum seekers that the transcript does not reflect their statements, which is attributed either to inadequate interpretation or to other problems with the examining officer, such as not being adequately trained. This is particularly the case for examination of case of vulnerable persons or sensitive issues, especially for cases of vulnerable persons that were not identified or examined by an examining officer trained to deal with such 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.¹⁴¹

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.¹⁴² 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,¹⁴³ with the exception of applications examined under the accelerated procedure.

As audio/video recording is not used in practice, access to the report of the personal interview should be provided, prior to the issuance of the decision. According to the Asylum Service, such access is provided

¹³⁴ Information from legal advisors of the Cyprus Refugee Council present at the interviews.

¹³⁵ Information based by on cases reviewed the Cyprus Refugee Council.

¹³⁶ Information based by on cases reviewed the Cyprus Refugee Council.

¹³⁷ Article 18(2A)(a)(i) Refugee Law.

¹³⁸ Article 18(2A)(a)(iii) Refugee Law.

¹³⁹ Article 18(1A) Refugee Law.

¹⁴⁰ Information based on cases reviewed by the Cyprus Refugee Council

¹⁴¹ Information based on cases reviewed by the Cyprus Refugee Council

¹⁴² Article 18(2B)(a) Refugee Law.

¹⁴³ Article 18(2B)(b) Refugee Law.

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.¹⁴⁴ 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. Furthermore, very few applicants have a legal advisor/lawyer at first instance, and even if they do, few lawyers are familiar with this right to access or will take the time to request access. However, in the rare cases where access is requested, it seems to be granted.¹⁴⁵

Regarding asylum applications examined whilst in detention, the overall quality of the examination of the claim 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 in detention is rarely taken into consideration during the interviewing process, including possible victims of torture, trafficking or violence. Interviews may be carried out at the offices of the Asylum Service, as with all asylum seekers or 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, 2021 and 2022 found to have reached 6 months with no interview.¹⁴⁶

On account of the global escalation of COVID-19, interviews were suspended between March and May 2020 and at various other times throughout the year, depending on the number of COVID-19 cases. In 2021 and 2022, there were no extended periods of time during which examinations were suspended.

1.4. Appeal

Indicators: Regular Procedure: Appeal

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it	<input checked="" type="checkbox"/> Judicial <input type="checkbox"/> Administrative
❖ If yes, is it suspensive	<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: 6-18 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. First, they abolished 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 provided for a judicial review on both facts and law before the general Administrative Court. However, as the Administrative Court has jurisdiction to review all administrative decisions, the asylum decisions contributed to a heavy caseload.

Finally, a specialised court, the International Protection Administrative Court (IPAC) was established¹⁴⁷ and initiated its operations in June 2019. The IPAC is competent to examine appeals relating to provisions of the Refugee Law. The IPAC examines both facts and law for asylum applications. When the IPAC initiated operations in July 2019 the existing backlog from the Administrative Court - which at the time was

¹⁴⁴ Information provided by the Cyprus Refugee Council and Caritas Cyprus.

¹⁴⁵ Information based on cases reviewed by the Cyprus Refugee Council.

¹⁴⁶ Information based on cases reviewed by the Cyprus Refugee Council.

¹⁴⁷ Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection.

estimated to be approximately 800 cases - was transferred onto the new Court, with the exception of cases that were at the final stages and pending the issuance of a decision.¹⁴⁸

There were no statistics issued for 2019 and 2020, however there were indications that the IPAC was examining cases faster than the Administrative Court. Since 2021, as part of the support provided by the EUAA, the Court collects statistics. According to these, 3,680 decisions were issued for 2021. However, in 2021 the number of appeals registered also increased dramatically. A 420% increase in the backlog was recorded from January 2021, when 1,194 cases were pending, to December 2021, with 6,406 cases registered as pending, leading to the procedures becoming significantly slower. The top 5 nationalities registering an appeal in October were: Bangladesh, India, Pakistan, Cameroon, Nigeria.¹⁴⁹

In 2022, regarding the IPAC's regular procedure, 7,630 appeals were registered as part of the regular procedure and 7,975 decisions were issued, including rejections, positive decisions, implicit and explicit withdrawals. The top 5 nationalities registering an appeal were Pakistan, Bangladesh, India, Nigeria and Nepal. An additional, 1,324 appeals were registered as part of the accelerated procedures and 797 decisions were issued, including rejections, positive decisions, implicit and explicit withdrawals; the majority of which were explicit withdrawals. The top 5 nationalities registering an appeal under the accelerated procedures were Bangladesh, Pakistan, India, Sri Lanka and Nepal.¹⁵⁰

Since its establishment, 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 size of the backlog (consisting of rising new cases, the backlog from the Administrative Court and appeals against decisions by the Reviewing Authority).

The Court received support under the EUAA 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.¹⁵¹ According to EUAA, 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, and might further increase because of recent law amendments and the unprocessed workload of the Refugee Reviewing Authority. Furthermore, EUAA support will continue and be increased in 2021 and will assist with expanding 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.¹⁵²

For 2022, according to EUAA the proposed line of cooperation regarding second instance determination will be focused on: a) backlog reduction; b) supporting the creation of efficient management workflows; c) administrative support, by assisting the administrative tasks of the IPAC and enhancing the procedural rules of the Court; d) coordination (with CAS and internal) and quality level, through supporting the development of quality control mechanisms and the overall coordination of deployed EUAA personnel.¹⁵³

Throughout 2022 the above support was implemented however it had limited impact on the backlog that rose significantly, as well as on the time required to examine cases which has increased especially for complicated and well-founded cases. Furthermore, submitting the initial recourse/appeal or further submissions to the Court is extremely time-consuming, as everything must be submitted in person and not digitally, as is the case for other courts in Cyprus. Additionally, the staff of the IPAC Registrar that receives such submissions is not sufficient to address the numbers.

¹⁴⁸ Information provided by Cyprus Refugee Council.

¹⁴⁹ EASO, Operating Plan, Cyprus 2022-2024, available at: <https://bit.ly/37ezU8Z>.

¹⁵⁰ Information provided by IPAC

¹⁵¹ EASO Operating Plan 2020, available at: <http://bit.ly/382C6el>.

¹⁵² EASO Operating Plan 2021, available at: <https://bit.ly/3ekBojo>.

¹⁵³ EASO, Operating Plan, Cyprus 2022-2024, available at: <https://bit.ly/37ezU8Z>.

Information on the number and result of appeals in 2021 were provided by the IPAC, and are reported in the following table:

	Appeals in 2021	Refugee status	Sub. Prot.	Order to Review*	Rejection	Refugee rate	Sub. Prot. rate	Rejection rate
Total	8,983	9	0	2	2,593	-	-	-
Breakdown by countries of origin of the total numbers								
Bangladesh	2,023	1	0	0	504	0.1%	0%	99.9%
India	1,975	1	0	0	653	0.1%	0%	99.9%
Pakistan	1,621	0	0	0	603	0%	0%	100%
Georgia	590	0	0	0	111	0%	0%	100%
Nigeria	432	0	0	0	65	0%	0%	100%
Egypt	400	0	0	0	141	0%	0%	100%
Nepal	391	0	0	1	98	0%	0%	100%
Sri Lanka	349	0	0	0	102	0%	0%	100%
Cameroon	327	0	0	0	28	0%	0%	100%
Vietnam	276	0	0	1	62	0%	0%	100%

Source: IPAC.

Information on the number and result of appeals in 2022 were provided by the IPAC, and are reported in the following table:

	Appeals in 2022 Regular/ Accelerated	Refugee status	Sub. Prot.	Order to Review*	Rejection	Refugee rate	Sub. Prot. rate	Rejection rate
Total	17,630/1,324	7	1	12	4,150/70	-	-	-
Breakdown by countries of origin of the total numbers								
Pakistan	1,968/ 316	0	0	0	667/20	0%	0%	100%
Bangladesh	1,462/ 465	0	0	0	1333/13	0%	0%	100%
India	955/ 205	0	0	0	781/11	0%	0%	100%
Nigeria	540/42	0	0	0	138/2	0%	0%	100%
Nepal	534/93	0	0	0	235/4	0%	0%	100%
Cameroon	352/12	1	1	0	67/0	0.1%	0.1%	99%
DRC	230/6	0	0	1	30/1	0%	0%	100%
Sri Lanka	196/55	0	0	0	5/1	0%	0%	100%
Vietnam	194/32	0	0	0	4/1	0%	0%	100%
Sierra Leone	177/5	0	0	1	18/0	0%	0%	100%

Source: IPAC.

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 IPAC. Since 12 October 2020 appeal times are reduced from 75 days to 30 days for decisions issued in the regular procedure¹⁵⁴ and 15 days for the following decisions:¹⁵⁵

- ❖ A rejected application which has been examined in accordance with the accelerated procedure under section 12D of the Refugee Law,

¹⁵⁴ Article 12A(1) Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection. (IPAC Law).

¹⁵⁵ Article 12A(2) Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection. (IPAC Law).

- ❖ A decision by which an application for refugee status and/or subsidiary protection status is certified as “unfounded”,
- ❖ A decision to determine an asylum application as “inadmissible” in accordance with section 12B(fourth) [12Βτετράκις],
- ❖ 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,
- ❖ A decision which 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,
- ❖ 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 was also communicated in the negative decision issued by the RRA.

Following the amendments to the Refugee Law of October 2020, the Asylum Service currently issues a reject and return decisions in the same document. For cases examined under the regular procedure, a returns decision is automatically suspended once an appeal is submitted.¹⁵⁶ However, for appeals relating to cases examined in the accelerated procedure, subsequent applications, decisions that determine the asylum application unfounded or inadmissible, decisions related to explicit or implicit withdrawal, the appeal does not have automatic suspensive effect. A separate application must be submitted to the IPAC requesting the right to remain pending the examination of the appeal. This procedure was not provided for in the procedural rules and there was no available application form or given process aside from jurisprudence which holds that the right to remain must be requested within the given deadline for the submission of the appeal. In 2022 the new amended procedural rules provide that such an application must be submitted at the same time with the appeal, or at least, within the given deadline for the submission of the appeal which is 15 days.¹⁵⁷ It is not clear what the consequences of late submission would be and if it would lead to automatic rejection of the application. The Court’s procedural rules also now include the application form to be used for the right to remain which is an *ex parte* application.¹⁵⁸ However, there is no information provision at the IPAC regarding the need to submit the right to remain application alongside the appeal and although the requirement to make such an application is included in the first-instance decision issued by the Asylum Service applicants are not adequately informed.¹⁵⁹ Furthermore, the form is not readily available at the counter of the Registry of the IPAC, although according to the Court it can be obtained following request by the applicants.

All negative 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.

When the IPAC accepts an appeal, the decision of the Asylum Service is cancelled. The Court may either return the decision to the Asylum Service to be reviewed or directly grant refugee status or subsidiary protection.¹⁶⁰

Procedure

For information on the procedure before the previous appeal body Refugee Reviewing Authority (RRA) please refer to previous updates of the AIDA country report.¹⁶¹

¹⁵⁶ Article 8 (1A) Refugee Law.

¹⁵⁷ Rule 13 of International Protection Administrative Court Procedural Rules of 2019 (3/2019), as amended

¹⁵⁸ Form no. 4 annexed to the IPAC Procedural Rules of 2019

¹⁵⁹ Information provided by Cyprus Refugee Council

¹⁶⁰ Article 11 IPAC Law.

¹⁶¹ AIDA, Country Report: Cyprus Update 2020, p38, available at: <https://bit.ly/3f4cU0e>; AIDA, Country Report: Cyprus Update 2019, p34-37, <https://bit.ly/3QWGySj>

The procedure before the IPAC is judicial. Asylum seekers can also submit an appeal without legal representation. The court fees to submit an appeal are €96 if the applicant submits it without a lawyer, whereas if the appeal is submitted by a lawyer the court fees are €137. Furthermore, if the appeal does not succeed, the decision will be issued with a cost order in most cases of app. 500 EUR which the applicant is expected to pay. In the past these orders were rarely pursued however in 2022 there were a few reports of asylum seekers wanting to withdraw their appeals and return to their countries of origin and be requested to pay this amount, however there is no information on the extent this is actually pursued.¹⁶²

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. In view of the sharp increase in appeals submitted in 2021 and onwards, the Court Registrar utilised the court interpreters to cope with the flow of applicants, so as to facilitate access. This, however, led to concerns on the information provided and on the possible exploitation of applicants by interpreters; reports were received from applicants being requested a payment from interpreters, when such costs are supposed to be covered by the Court or that an interpreter had advised them on the chances of success of the case.

The Refugee Law allows access, before an appeal decision is issued, to the interview transcript, assessment/recommendation, supporting documents, medical reports, and country of origin information (COI) that was used in support of the decision.¹⁶³ However, the vast majority of asylum seekers as well as legal advisors/representatives do not know of this right and/or do not exercise it. Access 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 about 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. From late 2022 onwards, a detailed reasoning of the decision is provided in cases of negative decisions, which is a positive development as it provides the applicant and legal advisors/lawyers with immediate access to the reasons the asylum application has been rejected. However, the reasoning is only provided in Greek or English.

The procedural rules followed by the IPAC were not considered sufficient, as they are extremely brief and, for the most part, refer to the procedural rules of the Administrative Court, which examines only points of law.¹⁶⁴ This entails important gaps concerning issues related to asylum claims such as examination of expert witnesses, examination of additional evidence or submissions of additional documents provided by the applicant during the procedures. EASO highlighted the need to invest in enhancing the case management system and procedural rules of the IPAC in the 2021 operating plan for Cyprus.¹⁶⁵ Throughout 2021, EASO and other experts continued discussions on the need for the procedures before the Court to be simplified and the procedural rules revised.¹⁶⁶ In the EUAA's Operating Plan for 2022-2024, the enhancement of the procedural rules has been included as support provided to the Court.¹⁶⁷

In 2022 the Regulations were amended in an attempt to address these issues; however, many remain unresolved and unclear such as:¹⁶⁸

¹⁶² Information provided by Cyprus Refugee Council

¹⁶³ Article 18(2B) and (7A) Refugee Law.

¹⁶⁴ International Protection Procedures on The Functioning of The Administrative Court Regulations Of 2019, available in Greek at: <https://bit.ly/3fpogds>.

¹⁶⁵ EASO Operating Plan 2021, available at: <https://bit.ly/3ekBojo>.

¹⁶⁶ Information provided by Cyprus Refugee Council.

¹⁶⁷ EASO, Operating Plan, Cyprus 2022-2024, available at: <https://bit.ly/37ezU8Z>.

¹⁶⁸ Information provided by Cyprus Refugee Council.

- ❖ The procedure that needs to be followed when applicants wish to add evidence in support of their claims remains unclear, and especially in relation to the cross-examination by lawyers representing the state. The current procedure being followed is the procedure followed under civil procedure rules, however, given the administrative nature of the IPAC, in practice this often results in confusing and unclear procedures. For example, regarding the burden and standard of proof applied; the purpose of the cross-examination by the state lawyer - who is not considered a competent national officer to conduct asylum interviews; the conclusions to be drawn from such an examination in relation to the credibility of the applicant and more.
- ❖ Regarding the introduction of the fast-track/accelerated procedure¹⁶⁹ the Attorney General has been completely removed from the procedure and the Asylum Service is obliged to send the facts and relevant case-file to the Court directly. Even though this simplifies the procedure significantly in theory, it is not clear whether the deadlines can be and are met by the Asylum Service that is already overburdened.
- ❖ Rule 4 of the amended procedural rules obliges applicants to submit a proof of payment of any previous pending judicial cases before the IPAC, in the case of submitting a new appeal. Failure to do so may result in the rejection of the new appeal, without any further examination of the substance of the case. It is not clear whether applicants are adequately informed about this by the Court Registry when submitting a new appeal.
- ❖ Rule 12 of the amended procedural rules oblige applicants to be present during the last hearing of their case and upon the announcement of the judge's decision, regardless of whether they are being represented by a lawyer. There have been reports of applicants being arrested immediately after the rejection of their appeal by the IPAC, which effectively terminates their right to remain.

Following the global escalation of COVID-19, procedures before all national courts were suspended during the general lockdown (March-May 2020 and late January-February 2021) with the 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 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?
 - Yes
 - With difficulty
 - No
 - ❖ Does free legal assistance cover:
 - Representation in interview
 - Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
 - Yes
 - With difficulty
 - No
 - ❖ Does free legal assistance cover
 - Representation in courts
 - Legal advice

Asylum seekers have a right to legal assistance throughout the asylum procedure, if they can cover the cost, as free legal assistance is not easily available. *Pro bono* work by lawyers was interpreted as prohibited under the Advocates Law up to 2018.¹⁷⁰ Since its amendment in 2018, the Advocates Law does not explicitly prevent *pro bono* work. However, the IPAC has resisted *pro bono* representation, especially for legal aid applications, considering them against the rules of conduct. In 2021, the Bar Association took steps to set up a scheme to provide *pro bono* legal advice to persons who do not have the financial means to contract the services of a lawyer however the scheme does not include assistance

¹⁶⁹ Rule 3 (ε), IPAC Regulations

¹⁷⁰ Article 17(9) Advocates Law.

for cases eligible for legal aid. Furthermore, only persons receiving the Guaranteed minimum Income (GMI), a state benefit, are eligible for assistance on the scheme and asylum seekers are not eligible to the GMI.¹⁷¹

1.5.1. Legal information and assistance at first instance

For first instance examination, the Refugee Law mandates that the state ensures, 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 rejection of the asylum application, information that explains the reasons for the decision and the possible remedies and deadlines.¹⁷²

According to the law,¹⁷³ such information can be provided by:

- ❖ Non-governmental organisations;
- ❖ Professional public authorities, provided that they secure the consent of the state authorities;
- ❖ Specialised government agencies, provided the consent of the specialised government agencies is secured (by the Head of the Asylum Service) state authorities;
- ❖ Private lawyers or legal advisers;
- ❖ Asylum Service officers who are not involved in processing applications.

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. They 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.¹⁷⁴

In practice, free legal assistance available at first instance is extremely limited and dependent upon funded projects. Due to the lack of state-provided legal assistance, UNHCR has consistently funded the "Strengthening Asylum in Cyprus" project, implemented by the NGO Future Worlds Centre from 2006-2017 and by the Cyprus Refugee Council (CyRC) since 2018.¹⁷⁵ Currently the CyRC is the only provider of free legal assistance. Furthermore, the project provides for three lawyers for all asylum seekers and beneficiaries of international protection (BIPs) in the country and, therefore, concentrates on the 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 over 19,000 asylum applications were pending. In 2021 approximately 500 persons received legal advice from the CyRC, a very limited number considering that over 16,000 asylum applications were pending. With the situation deteriorating further in 2022, as there are close to 30,000 applicants pending at first instance. CyRC provided legal advice to 500 persons.

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.¹⁷⁶ The lack of legal assistance provided by the state, the lack of funding for non-state actors to provide such assistance combined with the overall lack of information provided on asylum procedures (see section on [Information for Asylum Seekers and Access to NGOs and UNHCR](#)) leads to a major gap in the asylum procedures in Cyprus.

¹⁷¹ Cyprus Bar Association, Announcement available at: <https://bit.ly/3tC71Ld>; Alphanews, "Justice for All": A step closer to legal aid for vulnerable groups available at: <https://bit.ly/3Ti336W>

¹⁷² Article 18(7)(a) Refugee Law.

¹⁷³ Article 18(7)(c) Refugee Law.

¹⁷⁴ Article 18(7)(d) and (e) Refugee Law.

¹⁷⁵ Available at: <https://cyrefugeecouncil.org/>.

¹⁷⁶ Ministry of Interior, *European Funds*, available at: <http://bit.ly/2mcB4sq>.

Regardless of the significant rise in the number of asylum applicants in recent years, there has been 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 in the 2021 EASO operational plan for Cyprus and concerns only persons in the First Reception Centre, **Pournara**. From mid-2021 onwards, two (2) EUAA Information Providers were stationed at the '**Pournara**' Centre, providing group sessions in the presence of interpreters. According to the EUAA, 408 information sessions were delivered in Cyprus and 1,021 counselling sessions were provided in Cyprus.¹⁷⁷ These include information on the registration process in the Reception Centre, as well as the asylum procedure and reception conditions. However, as the sessions are provided to persons while in Pournara, soon after they entered the country, and not throughout the lengthy asylum procedures, the majority of persons require information or further counselling at later stages.¹⁷⁸

Asylum seekers reach NGOs (currently only CyRC) providing legal assistance primarily through word of mouth, especially since information 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 do not have legal assistance and 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. Asylum seekers in detention come into contact with NGOs again through other detainees and through NGOs monitoring visits to the detention centre.¹⁷⁹

1.5.2. Legal assistance in appeals

Legal aid is offered by the state only at the judicial stage of the asylum application before the IPAC.¹⁸⁰ The application for legal aid is subject to a “means and merits” test.¹⁸¹ Regarding the “means” part of the test, an asylum seeker applying for legal aid must show that they do not have the means to pay for the services of a lawyer. This claim is 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. However in 2022, legal aid was rejected based on the fact that the applicant was working and receiving a salary of around €750 per month which was considered adequate to contract the services of a lawyer.¹⁸²

The “merits” part of the test is extremely difficult to satisfy. The applicant must show that the “the appeal has a real chance of success”, meaning they 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 an opponent and always submits reasons why the appeal does not have a real chance of success and why legal aid should not be provided, leading to an extremely unequal process. As a result, it is nearly impossible for a person with no legal background to satisfy this requirement. Since the extension of legal aid to the asylum procedure in 2010, very few applications for legal aid have been submitted and even less granted.¹⁸³

Although the IPAC initiated operations in June 2019, statistics were not available for 2019 and 2020. Furthermore, the decisions of the IPAC, including legal aid decisions, were not published systematically

¹⁷⁷ EUAA, Asylum Report 2022, <https://bit.ly/40blkUI>, 63.

¹⁷⁸ Information provided by the Cyprus Refugee Council

¹⁷⁹ Information provided by the Cyprus Refugee Council, based on visits to the detention centre.

¹⁸⁰ Article 6B(2) Legal Aid Law.

¹⁸¹ Article 6B(2)(b)(bb) Legal Aid Law.

¹⁸² Legal Aid Application No. NA 30/2022

¹⁸³ 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.

on the online platforms CyLaw,¹⁸⁴ and Leginet¹⁸⁵ as is done by all other Courts in Cyprus. This has made it difficult to monitor the number of applications for legal aid and the success rate. In 2021, with support from EASO the Court has set up a system to collect statistics. The Court stated that in 2021, 115 applications were submitted and 33 were approved, indicating an improvement compared to previous years.¹⁸⁶ Statistics also indicated that an additional 126 legal aid applications were submitted but these were not connected to a legal remedy to challenge either an asylum application or detention. However, it is not clear if this is due to the applicant not completing the application sufficiently or not attending the hearing for the legal aid application. Given the lack of adequate information provision and legal assistance, this raises questions on whether applicants have sufficient knowledge and information on the procedure and details that must be included in the application.

In 2022, there was an increase in the number of applications for legal aid as 225 applications were submitted and 208 decisions issued, however these include legal aid applications related to recourses/appeals challenging decisions on asylum applications as well as detention orders. Of the 208 decisions, 107 were rejected, 43 implicitly or explicitly withdrawn and 58 were positive (32 asylum cases, 18 detention orders).¹⁸⁷ However, considering that over 8,000 appeals were submitted before the IPAC in 2022 the number still remains low.

In 2019, the UN Committee against Torture (UNCAT) stated its concern 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.¹⁸⁸ 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 first instance and from the assistance of a lawyer.¹⁸⁹

¹⁸⁴ See <https://bit.ly/3mo8osU>.

¹⁸⁵ Leginet is a subscription-based database for legislation, caselaw and secondary legislation, available at: <https://bit.ly/2WfLqsR>.

¹⁸⁶ Information provided by the IPAC following a request by the Cyprus Refugee Council.

¹⁸⁷ Information provided by IPAC

¹⁸⁸ UNCAT, Concluding Observations on the Fifth Report of Cyprus, Committee against Torture, December 2019.

¹⁸⁹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Cyprus, Twenty seventh session, April 2019.

2. Dublin

2.1. General

Dublin statistics: 2022

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
Total	730	109	Total	843	10
Take back	65	0	Take back	597	7
Germany	19	0	Austria	280	3
Sweden	8	0	Germany	140	3
Italy	6	0	France	56	1
Denmark	5	0	Slovenia	37	0
Austria/Greece/Hungary	4	0	Belgium	19	0
Take charge	663	109	Take charge	140	1
Finland	164	22	Austria	63	0
Germany	149	40	Slovenia	26	0
France	71	18	Germany	20	0
Sweden	60	0	Croatia/Netherlands	8	0
Netherlands	56	5	France	5	0

Source: Asylum Service.

Outgoing Dublin requests by criterion: 2022		
Dublin III Regulation criterion	Requests sent	Requests accepted
“Take charge”: Articles 8-15:	282	94
Article 8 (minors)	261	83
Article 9 (family members granted protection)	16	9
Article 10 (family members pending determination)	3	2
Article 11 (family procedure)	1	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	1	0
“Take charge” humanitarian clause: Article 17(2)	381 (90 Regular/291 Relocation)	299 (27 Regular/272 Relocation)
“Take back”: Article 18	65	1
Article 18 (1) (b)	65	1
Article 18 (1) (c)	0	0
Article 18 (1) (d)	0	0
Article 20(5)	0	0

Source: Asylum Service.

Incoming Dublin requests by criterion: 2022		
Dublin III Regulation criterion	Requests received	Requests accepted
“Take charge”: Articles 8-15	139	92
Article 8 (minors)	1	1
Article 9 (family members granted protection)	4	1
Article 10 (family members pending determination)	1	0
Article 11 (family procedure)	5	3
Article 12 (visas and residence permits)	116	81
Article 13 (entry and/or remain)	12	6
Article 14 (visa free entry)	0	0
“Take charge”: Article 16	0	0
“Take charge” humanitarian clause: Article 17(2)	1	0
“Take back”: Articles 18 and 20(5)	594	364
Article 18 (1) (b)	557	319
Article 18 (1) (c)	0	0
Article 18 (1) (d)	37	27
Article 20(5)	3	2

Source: 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 them. For unaccompanied minors, both the interview and family tracing are 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 requested from the asylum seeker that are needed to prove family links are mostly documents that prove familial relationship with the individual in question, 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.¹⁹⁰

The criterion most frequently used in practice for incoming requests is previous applications for international protection; for outgoing requests, family unity for unaccompanied children.

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.¹⁹¹ In 2020, 18 take charge requests were made under the humanitarian clause of which 3 were accepted. In 2021, 31 take charge requests were made under the humanitarian clause of which 11 were accepted. In 2022, 90 take charge requests were made under the humanitarian clause of which 27 were accepted. One such case concerns an adult male from Ivory Coast, with severe mental health issues whose application to be transferred to France to their sister, under the humanitarian clause, was approved.

¹⁹⁰ Information provided by the Dublin Unit, October 2015. This practice remains valid as of 2017. Confirmed by cases represented by the Cyprus Refugee Council.

¹⁹¹ Ibid.

Furthermore in 2022, relocation initiatives were announced by Germany and France by utilizing the new EU temporary solidarity mechanism and in December 2022, the first relocations of 48 Syrian and Afghan refugees took place from Cyprus to Germany, under the Dublin procedure and specifically the humanitarian clause.¹⁹²

2.2. Procedure

Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?
 Yes
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.¹⁹³ 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;¹⁹⁴ when lodging an application for asylum, the applicant also fills in a Dublin questionnaire where they have to state any previous travel or any relatives present in another Member State. Should they have travelled through another Member State or have relatives present in one Member State, the Dublin Unit invites the applicant for an interview.

Despite improvements in 2021 in relation to the submission of Take Charge Requests within the timeline set by the Dublin Regulation, delays were observed in the first half of 2022 in cases of adults and unaccompanied children alike. The situation improved during the second half of 2022 and the team handling TCRs was staffed with additional personnel.¹⁹⁵

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.¹⁹⁶ 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 months¹⁹⁷ before the applicant is transferred to the responsible Member State. Asylum seekers are not detained for the purpose of transfers, whereas the actual transfer takes place under supervision or when necessary, under escort.

During 2020, and despite COVID-19 measures, 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. Similarly, no such cases occurred in 2022.¹⁹⁸

¹⁹² Kathimerini, "First group of asylum seekers relocated to Germany from Cyprus, available at <https://bit.ly/3LvpuUj> ; Schengen Visa First Group of Asylum Seekers Gets Relocated From Cyprus to Germany, available at <https://bit.ly/3YKOOss>.

¹⁹³ Article 11A Refugee Law.

¹⁹⁴ Article 11B Refugee Law.

¹⁹⁵ Information provided by cases represented by the Cyprus Refugee Council.

¹⁹⁶ Information provided by the Dublin Unit, July 2017.

¹⁹⁷ Based on estimations from practical experience of the Cyprus Refugee Council.

¹⁹⁸ Information provided by the Asylum Service.

Transfers carried out: 2019-2022			
2019	2020	2021	2022
8	47	27	119 (Out of which 47 were under Relocation programs)

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 interpreter¹⁹⁹ and/or interviewer.²⁰⁰ In 2020, due to COVID-19, some interviews were conducted at the Asylum Service in a one-to-one meeting, some were conducted using teleconferencing and in some cases, the questions were sent to the Guardian for the child to answer and then sent back to the Dublin Unit. For the cases in which teleconferencing was used, the child would sit together with their guardian at the shelter where the child resides, while the interviewer and interpreter were at the offices of the Asylum Service or the child was at the designated space in the shelter and the guardian, Asylum Service Officer and Interpreter were connected online through teleconferencing. In such cases, 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. In 2022 interviews were conducted in person.

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.²⁰¹

¹⁹⁹ Article 13A(9)(c).

²⁰⁰ Article 13A(9)(b).

²⁰¹ Information provided by testimonies of individuals who have undergone a Dublin interview.

2.4. Appeal

Indicators: Dublin: Appeal

Same as regular procedure

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

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

The law allows for an appeal against Dublin decisions before the IPAC during which the applicant has a right to remain.²⁰² The rules and procedure are the same as in the regular procedure (see [Regular Procedure: Appeal](#)).

The majority of cases are not challenged by asylum seekers, as they are related to family unity reasons and the asylum seekers' 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?

- | | | | |
|-------------------------------------|--|--|--|
| ❖ Does free legal assistance cover: | <input type="checkbox"/> Yes | <input type="checkbox"/> With difficulty | <input checked="" type="checkbox"/> No |
| | <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 Dublin decision in practice?

- | | | | |
|------------------------------------|--|---|-----------------------------|
| ❖ Does free legal assistance cover | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> With difficulty | <input type="checkbox"/> No |
| | <input checked="" type="checkbox"/> Representation in courts | <input checked="" type="checkbox"/> Legal advice | |

There is no access to free legal assistance from the state for first instance during the Dublin procedure. Such cases can be assisted by the free legal assistance provided for by NGOs under project funding, but their capacity is extremely limited (see [Regular Procedure: Legal Assistance](#)). Legal aid is offered by the state only for the judicial examination of the Dublin decision before the IPAC.²⁰³ 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, rarely submit appeals against the Dublin transfer; as such, no free legal assistance request has ever been submitted during the appeal procedure.

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?

- | | | |
|--|------------------------------|--|
| ❖ If yes, to which country or countries? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
|--|------------------------------|--|

The majority of cases that fall under the Dublin procedure in Cyprus are outgoing requests from UASC and adult asylum seekers requesting to join family members in other Member States, or incoming requests from other Member states requesting for Cyprus to take responsibility (“take back” requests). 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.

²⁰² Articles 12A(η) IPAC Law.

²⁰³ Article 68(8) Legal Aid Law.

There are no national court rulings on Dublin transfers.

2.7. The situation of Dublin returnees

Persons returned to Cyprus: 2016-2022						
2016	2017	2018	2019	2020	2021	2022
4	5	6	1	2	1	10

Asylum seekers transferred back from another Member State whose final decision is pending are not detained and the asylum procedure will most probably resume from where it left off. Moreover, they remain asylum seekers and have a right to reception conditions, however they will face the same difficulties all asylum seekers face in accessing reception conditions (see section: [Reception Conditions](#)).

In the event that they have no place to stay on their own, they may be transferred to **Kofinou** Reception Centre, which is an open centre for asylum seekers, however usually there is no availability at the Centre.²⁰⁴ If there is no availability at the Centre and in view of the lack of other accommodation options for asylum seekers, they may become homeless or be hosted by other asylum seekers in below standard accommodation. In cases of vulnerable persons, they may be provided with accommodation by the social welfare services but this is not always ensured and stay is temporary (usually 3 months), after which the asylum seeker is expected to have identified accommodation without assistance.

In February and December 2021, two Dutch Courts allowed asylum applicants whose first asylum country was Cyprus to be included in the Dutch asylum procedure, as they would not benefit from adequate reception conditions in Cyprus, and the alternative of returning to Cyprus entailed the risk of being subjected to degrading or inhumane treatment due to bad reception conditions. Both decisions also referred to Pournara and the low standard of living conditions.²⁰⁵

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

For asylum seekers transferred back from another Member State, where a final decision was issued, deportation procedures are initiated.

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

The Refugee Law provides that an application for international protection is inadmissible only where:²⁰⁶

- ❖ another Member State has granted international protection;
- ❖ a country which is not a Member State is considered as a **First Country of Asylum** for the applicant;
- ❖ a country which is not a Member State is considered as a **Safe Third Country** for the applicant;
- ❖ the application is a **Subsequent Application**, where no new elements or findings relating to the examination of whether the applicant qualifies as a BIP have arisen or have been presented by the applicant; or
- ❖ 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.

²⁰⁴ Information provided by the Cyprus Refugee Council.

²⁰⁵ Court of The Hague, case NL21.2036, available at: <https://bit.ly/3IU5xCG>; Court of the Hague, NL21.17448 en NL.1745, available at: <https://bit.ly/3KtS3Op>.

²⁰⁶ 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.²⁰⁷

Inadmissibility decisions are issued, in cases where another Member State had granted international protection, and of subsequent applications where it was deemed that no new elements or findings arose or were presented.²⁰⁸ It should be noted that BIPs that received international protection in another Member State are considered asylum seekers when they lodge a new application for international protection and have access to reception conditions during the first instance examination of the application; they are excluded only if, as the result of an appeal, the application is found inadmissible.

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,²⁰⁹ before a decision on admissibility is taken, the Asylum Service allows the applicant to state their 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,²¹⁰ the Law was amended in 2020 and the admissibility of the new elements or findings is examined without conducting an interview (see section: [Subsequent applications](#)).²¹¹

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?

❖ If yes, is it Yes No

❖ If yes, is it automatically suspensive Judicial Administrative

Yes Some grounds No

The law allows for an appeal against inadmissibility decisions before the IPAC.²¹² 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](#).

²⁰⁷ Article 12B-quater(1) Refugee Law.

²⁰⁸ Based on information provided by the Cyprus Refugee Council.

²⁰⁹ Article 12B-quater(3) Refugee Law.

²¹⁰ Article 16D(2) Refugee Law.

²¹¹ Article 16D(2) Refugee Law.

²¹² 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 during admissibility procedures 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 application must be processed as priority and within 30 days under an accelerated procedure where the responsible officer considers that the applicant:

- ❖ Comes from a country where there is no serious risk of persecution;²¹³
- ❖ Comes from a safe third country;²¹⁴
- ❖ Comes from a safe European third country;²¹⁵
- ❖ Comes from a safe country of origin;²¹⁶
- ❖ Lodges an inadmissible application;²¹⁷
- ❖ Comes from a first country of asylum;²¹⁸
- ❖ Meets one of the following criteria:²¹⁹
 - 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;
 - the applicant is from a safe country of origin within the meaning of the Law;²²⁰

²¹³ Article 12A Refugee Law.

²¹⁴ Article 12B Refugee Law.

²¹⁵ Article 12B-bis Refugee Law.

²¹⁶ Article 12B-ter Refugee Law.

²¹⁷ Article 12B-quater Refugee Law.

²¹⁸ Article 12B-quinquies Refugee Law.

²¹⁹ Article 12Δ(4) Refugee Law.

²²⁰ Article 12B-ter Refugee Law.

- 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;
- 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;
- 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 they qualify as a BIP by virtue of the Law;
- the applicant has introduced a subsequent application for international protection that is not inadmissible in accordance with Article 16Δ;
- 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;
- 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;
- 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;
- the applicant refuses to comply with an obligation to have his or her fingerprints taken in accordance with the Eurodac Regulation.

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.²²¹

In practice, until 2019 the accelerated procedure had never been used. In late 2019, a pilot for the accelerated procedure was initiated in the Paphos district in order to respond to the influx of cases from one country of origin,²²² that is with **Georgian** nationals.²²³ 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 Law²²⁴ of October 2020, which reduced the deadline for appeal in such cases from 75 days to 15 days. Regardless of these changes, there was no significant increase in the use of accelerated procedures up to late 2022.²²⁵ Asylum applications from countries considered safe or countries facing a humanitarian crisis were at times prioritised through a fast-track procedure. From September 2022 onwards, the use of accelerated procedures has increased, focusing mostly on nationalities such as Pakistan, Bangladesh, India, Nepal and Nigeria.

Cases have been identified that were initially being examined under the accelerated procedures and were transferred to the regular procedure due to the applicant raising arguments that are complex and cannot be examined within the 30-day timeframe as stipulated by the Law (usually either due to submitting a lot of evidence or there being a need for multiple interviews).²²⁶ However, as the procedure has only implemented recently, further monitoring is required to ensure that such safeguards are implemented.

²²¹ Article 12Δ(5)(β) Refugee Law.

²²² EASO and Cyprus 2020 Operational & Technical Assistance Plan, available at: <https://bit.ly/2xAVLFy>.

²²³ Ministerial Decision on Safe Countries, available at: <https://bit.ly/3tyT40M>.

²²⁴ Article 12A IPAC Law.

²²⁵ Based on cases reviewed by the Cyprus Refugee Council.

²²⁶ Information provided by Cyprus Refugee Council

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 carried out by the Asylum Service and with the assistance of an interpreter where needed.²²⁷ In practice, and contrary to the regular procedure, in the beginning of interviews in the accelerated procedure, case workers inform applicants that their country has been designated a safe country of origin, on the basis of the Ministerial Decree of 202/2022. Applicants are then asked to explain if there are any reasons why they believe that in their individual case the safe country of origin presumption does not apply.²²⁸

According to the Law, 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 when the decision is made. In practice, applicants are provided with a copy of the recommendation report of the Asylum Service but they are not provided with a copy of the interview transcript. The transcript can be received upon request for an inspection of the file at the Asylum Service or during the appeal procedure before the IPAC as is the case under the regular procedure.

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 IPAC against a decision issued in the accelerated procedure and the time limit to appeal is 15 days²²⁹ instead of 30 days as in the regular procedure (see [Regular Procedure: Appeal](#)).²³⁰ In 2022 the IPAC initiated accelerated procedures for negative first-instance decisions issued on the basis of an inadmissible subsequent application²³¹ and safe country of origin²³². Upon the submission of an appeal in such cases, the Asylum Service must, within 10 days, file a memorandum at the Registry of the IPAC, alongside the administrative file relating to the claim. The case is then scheduled directly for a hearing, during which the presence of the state Legal Service is not required, unless this is otherwise ordered by the IPAC. No written submissions by either the applicant or the Legal Service are envisaged in the accelerated procedure.²³³

²²⁷ Article 12Δ(2) Refugee Law.

²²⁸ Based on cases monitored by the Cyprus Refugee Council

²²⁹ Article 12A IPAC Law.

²³⁰ Article 11 IPAC Law.

²³¹ Article 12Bτetrakis (2)(δ), Refugee Law

²³² Article 12Bτρικς, Refugee Law

²³³ Add from IPAC regulations (Regulation 3(e))

Following the amendments to the Refugee Law in October 2020, the Asylum Service currently issues a single negative and returns decision. For cases examined under the regular procedure, a returns decision is automatically suspended once an appeal is submitted. However, for appeals relating to cases examined in the accelerated procedure and others, the appeal does not have automatic suspensive effect and a separate application must be submitted to the IPAC requesting the right to remain pending the examination of the appeal.²³⁴

The procedure to submit such an application was not provided for in the procedural rules, until their amendment in 2022. The amended Regulations provide that the application for the right to remain must be submitted at the same time as the appeal, and in any case within the deadline for the submission of the appeal, which is 15 days.²³⁵ It is not clear what the consequences of late submission would be and if it would lead to automatic rejection of the application. The Court's procedural rules also now include the application form to be used for the right to remain which is an *ex parte* application.²³⁶ However, there is no information provision at the IPAC regarding the need to submit the right to remain application alongside the appeal and although the requirement to make such an application is included in the first-instance decision issued by the Asylum Service applicants are not adequately informed. Furthermore, the form is not readily available at the counter of the Registry of the IPAC, although according to the Court it can be obtained following request by the applicants.²³⁷

As the accelerated procedure was initiated for the first time in late 2019, and not widely applied until late 2022, there is not a lot of available information on the submission of appeals and their outcome under this procedure. Based on the appeals submitted so far that fall under the accelerated procedure these are scheduled for a hearing within 1-2 months of the appeal submission, which is the same time in the regular procedure. However, during the first hearing the judges usually explain to the applicant that their case does not have merits and if pursued the decision will be issued with a cost order, in most cases app. 500 EUR which the applicant is expected to pay. In the past these orders were rarely pursued however in 2022 there were a few reports of asylum seekers wanting to withdraw their appeals and return to their country of origin being requested to pay the amount in order to withdraw the appeal. As a result, in many cases applicants withdraw their appeal. In cases where the appeal is not withdrawn a decision is issued soon after the first hearing.

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

²³⁴ Article 8 (1A) Refugee Law.

²³⁵ Article 13 of the IPAC's amended Regulations (as amended in October 2022).

²³⁶ Form no. 4 annexed to the IPAC Procedural Rules of 2019

²³⁷ Information provided by Cyprus Refugee Council

The Refugee Law defines the categories of persons considered as vulnerable. These are similar to Article 21 of the recast Reception Conditions Directive.²³⁸

“[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 provides for an identification mechanism. An individual assessment is to be carried out to determine whether a person has special reception needs and/or requires special procedural guarantees, and the nature of those needs.²³⁹ These individualised assessments should be performed within a reasonable time period during the early stages of the asylum procedure. Furthermore, 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: the competent officer at the place where the claim of asylum is made fills out a special document indicating any special needs and the nature of such needs.

Furthermore, the Refugee Law provides that during the preliminary medical tests, which are performed on all asylum seekers, a report is to be prepared by the examining doctor, a psychologist, or another expert, to 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 are to prepare a relevant 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 this applies only in case an asylum seeker presents him or herself to Social Services and “whenever this is possible”.

The above provisions 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, as noted also by EUAA in the 2021 operating plan.²⁴⁰ 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 has taken place inconsistently, while the assessment tools and approaches to be used were not defined nor standardised.²⁴¹ Specifically, 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 –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 efficient and timely coordination among the involved agencies. The lack of effective measures for identifying vulnerable persons was raised in the 2019 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.²⁴²

²³⁸ Article 9KΓ Refugee Law.

²³⁹ Articles 9KΔ(a) and 10A Refugee Law.

²⁴⁰ EASO Operating plan 2021, available at: <https://bit.ly/3roXHbg>.

²⁴¹ Information provided by Cyprus Refugee Council

²⁴² UNCAT, Concluding Observations on the Fifth Report of Cyprus, December 2019.

In an effort to address the issue in 2019, the Asylum Service started screenings of vulnerabilities at the First Reception Centre '**Pournara**'. However, these were not full assessments and the results indicated that cases were going unidentified. From March 2019 onwards, the Cyprus Refugee Council carried out vulnerability assessments at the Centre using relevant UNHCR tools and, through this process, identified and referred to the responsible authorities a significant number of vulnerable persons, which confirmed the need for an identification and assessment mechanism. From mid-2019 onwards, efforts were initiated by the Asylum Service and the EUAA, in collaboration with UNHCR and the Cyprus Refugee Council, to set up a comprehensive vulnerability assessment procedure at **Pournara** where the registration of the vast majority of asylum seekers takes place. This has included the development of a common tool 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 EUAA modules, however at times there has been insufficient supervision and coordination of the team as well as high turnover of staff. Furthermore, due to the rise in the numbers of new arrivals and then COVID-19, these efforts were put on hold from March to October 2020. The vulnerability assessment procedure resumed in October 2020 and continued throughout 2021 and 2022.

Moreover, according to the EUAA, support on special needs for 2022-2024 will also include the establishment of a permanent vulnerability working group among relevant stakeholders and the development of quality framework and monitoring tools and workflows. Finally, EUAA assistance will support the drafting and implementation of an overall identification and take-charge procedure and workflows for persons with special needs.²⁴³

In 2021, the vulnerability assessment team comprised of eight members from EUAA, Asylum Service, UNHCR, CyRC, and a coordinator allocated from EUAA. The identification and referral system had initially improved, but the increase in applicants and the high turnover among vulnerability officers, particularly during the second half of the year, had a negative impact on the quality of the assessment. Newly recruited/assigned staff were not always adequately trained or offered guidance, and as a result, vulnerability assessments are often carried out in a non-uniform manner. There is no quality control system in place to ensure the efficacy of the findings and referrals. Furthermore, the findings of the vulnerability assessments primarily focus on special reception needs, whereas special procedural needs are not sufficiently explored and recorded, for instance, in the cases of LGBTIQ+ where the person may only have special procedural needs.²⁴⁴

In 2022, the vulnerability assessment team is comprised of 10 vulnerability officers (5 officers from EUAA; 3 officers from CODECA; 1 officer from UNHCR; 1 officer from CyRC) and a coordinator appointed by EUAA. As in previous years, there was still a lack of a comprehensive SoP and referral pathways and results in vulnerability assessments, and referrals were often carried out in a non-uniform manner. Furthermore, there was no system in place for quality control of the vulnerability assessments to ensure the efficacy of the findings and referrals. In addition, there continued to be a high turnover among vulnerability officers, however an improvement has been noted in the training and guidance offered to newly recruited/assigned staff. In an effort to address the above the vulnerability team conducts meetings (approximately once or twice per month) to discuss guidelines on identifying vulnerabilities, guidelines on interviewing (i.e., families; single parents with minor children), as well as to discuss other issues that arise, including challenging cases identified. In the second half of the reporting period, a training seminar on Trafficking in Human Beings was organised by EUAA for all vulnerability officers. EUAA is currently designing SoP for vulnerability assessments with clear instructions on procedures, vulnerability indicators, and instructions for identification.

During 2021, 829 persons were identified as vulnerable during the registration of their asylum application. In addition, 162 applicants were assessed as vulnerable during their asylum interview phase and were

²⁴³ EASO Operating Plan 2022-2024, available at: <https://bit.ly/36xougg>.

²⁴⁴ Information provided by Cyprus Refugee Council

referred to the competent authorities for further appropriate actions.²⁴⁵ In 2022, 2,800 persons were identified as vulnerable during the registration of their asylum application.²⁴⁶ The EUAA supports and coordinates vulnerability assessments in Pournara reception centre. In this context, during 2022, 1,505 persons were identified as presenting vulnerability indicators.²⁴⁷ In total, in 2022, 2,800 persons were identified as vulnerable during the registration of their asylum application.²⁴⁸

In early 2023, the EUAA in collaboration with the Asylum Service finalised the SOPs for the Vulnerability Assessments as well as the new VA form and referral form for the SWS. At time of publication these are yet to be implemented.

Although progress has been noted with regards to the vulnerability assessment procedure, some gaps remain. Specifically, efforts are still required to improve a screening procedure of vulnerabilities, upon arrival to the Centre, to address time-sensitive special needs. Some vulnerabilities may be identified, especially visible signs such as heavily pregnant women or persons with physical disabilities, by Pournara's operations personnel as well as EUAA information providers or registration officers. In such cases, the vulnerability assessment coordinator is informed and assigns these cases to the team on a priority basis.

Another important gap is the lack of a mechanism to address the identified needs and relevant referral pathways that continues to be a serious challenge and results in persons being identified as vulnerable but not necessarily receiving the required support, whether special reception conditions and/or procedural guarantees. The main - and often only - support received is temporary accommodation and emergency financial allowances upon exiting Pournara by the Social Welfare Services. However even this is not always provided, and in many cases, vulnerable individuals are released from Pournara without being assisted by an officer of the Social Welfare Services stationed at the centre. As a result, their access to special reception conditions upon exit is not always guaranteed.

Furthermore, access to mental health services, particularly psychological assistance, is also problematic, as there is no system to refer cases to state psychologists and the capacity of such services is often not sufficient to respond to the needs and lack interpretation services. Furthermore, there are every few NGOs offering such services, and cannot respond to the demand. In cases of severe mental health difficulties or emergency needs, e.g., risks or attempts of suicide, the person is referred to a psychiatrist at the Emergency department of the General Hospital.

Concerning potential victims of trafficking, due to lack of training and expertise among staff, during the first half of 2021, only a handful number of cases were identified and referred. Nevertheless, referrals to the National Trafficking Mechanism have increased following a training on human trafficking offered by EUAA to the vulnerability assessment team in 2021 and again in late 2022. The referred potential victims are interviewed by an officer of the Social Welfare Services, are informed of their rights and offered assistance, usually similar to other groups of vulnerable individuals (accommodation and emergency financial allowance). The referral forms are then forwarded to the Anti-trafficking Unit of the Police for the examination of the trafficking claims.

According to the EUAA, support on special needs for 2022-2024 will also include the establishment of a permanent vulnerability working group among relevant stakeholders and the development of quality framework and monitoring tools and workflows. Finally, EUAA assistance will support the drafting and implementation of an overall identification and take-charge procedure and workflows for persons with special needs.²⁴⁹

²⁴⁵ Information provided by EUAA, 28 February 2022.

²⁴⁶ Cyprus Asylum Service.

²⁴⁷ Information provided by the EUAA, 28 February 2023.

²⁴⁸ Cyprus Asylum Service.

Regarding the examination of asylum applications of persons with vulnerabilities, as part of EUAA support to Cyprus, vulnerability experts have been provided since 2018 and their number was increased in 2021.²⁵⁰ EUAA support has led to more cases being examined in an appropriate manner, yet there are still long delays for many such cases often reaching 3-4 years to receive a first instance decision. Furthermore, there are still issues related with the quality of the examination of asylum applications, including in cases of vulnerable persons or complex cases, such as LGBTIQ+ (see section: [Regular Procedure, Interview](#)).²⁵¹

Overall the lack of an effective identification and referral procedure prevents or delays, access to any available support, which in any case is limited. In cases of victims of torture or violence, the lack of access to support often impairs the efficient examination of asylum applications as they do not receive prior counselling - psychological or legal - that may assist them in presenting their asylum claim adequately. When persons are identified promptly and referred to caseworkers trained on vulnerable cases, the asylum seeker will usually receive an appropriate examination of their asylum claim and, in many cases, receive a form of international protection.²⁵²

1.2. Age assessment of unaccompanied children

Under the Refugee Law, the Asylum Service may use medical examinations to determine the age of an unaccompanied child, in the context of the examination of the asylum application when, following general statements or other relevant evidence, there are doubts about the age of the applicant.²⁵³ 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 child's dignity, carried out by selecting less invasive exams, and by trained professionals in the health sector so as to achieve the most reliable results possible.

The Asylum Service also has the obligation to ensure 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 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 the carrying out of examinations to determine the age of the child. Lastly, the decision rejecting an asylum application of an unaccompanied child who has refused to undergo such medical examinations shall not be based solely on that refusal.²⁵⁴

In practice, not all unaccompanied children are sent for an age assessment. Those for whom there are doubts will first have an interview, 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 must 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 they are 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, a jaw-line X-ray, and a dental

²⁵⁰ EASO Operating Plan 2021, available at: <https://bit.ly/3roXHbg>.

²⁵¹ Based on cases represented by the Cyprus Refugee Council.

²⁵² Information based on cases represented by the Cyprus Refugee Council

²⁵³ Article 10(1Z)(a) Refugee Law.

²⁵⁴ Article 10(1H) Refugee Law

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.²⁵⁵

Doctors carrying out the dental examinations have been trained by the EUAA. 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.²⁵⁶

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 until and 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 in applying for material reception conditions and 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 2018,²⁵⁷ in which she stated that the procedure that had been adopted from 2014 onwards was a positive development.²⁵⁸ However, she noted important gaps that still remain, such as: the lack of an overall multidisciplinary approach to 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. Since the Report and throughout 2022 no improvements have been noted and the issues raised by the Commissioner remain issues of concern.

In 2021, the IPAC issued a decision concerning an appeal submitted by a Somali national in 2016 against the first instance rejection of their asylum application. The judge concluded that the age assessment procedure was erroneous and that the principle of the best interest of the child had been violated due to the fact that the age assessment had been initiated by the Guardian, who by law is supposed to act on the best interest of the child; the age assessment was conducted without giving the applicant the right to a hearing instead medical exams were opted for; the medical report indicating that the applicant was likely an adult contained an element of doubt as to its accuracy. Thus, the age assessment decision was void, illegal and lacking any legal basis. As a result, the procedures that followed, namely processing of the application for international protection of the applicant under the consideration that he is an adult lacked any legal basis and was cancelled.²⁵⁹

In 2022, another decision was issued by the IPAC related to the age assessment procedure, where the Court annulled a decision of the Asylum Service due to deficiencies identified in the age assessment procedure and failures to observe required safeguards and the best interest of the child.²⁶⁰ Specifically, the Court referred to the CJEU judgement *A. and S. v Secretary of State for Security and Justice* (Staatssecretaris van Veiligheid en Justitie) and explained that the date of filing the application for international protection is the one decisive in order to assess the refugee's age with regard to the

²⁵⁵ Commissioner of Children's Rights, *Έκθεση της Επιτρόπου Προστασίας των Δικαιωμάτων του Παιδιού, Λήδας Κουρσουμπά, αναφορικά με την εκτίμηση της ηλικίας των ασυνόδευτων ανηλίκων αιτητών ασύλου*, December 2018, available in Greek at: <https://bit.ly/2U2P7hW>, 18 and 32.

²⁵⁶ Ibid, 29.

²⁵⁷ Ibid.

²⁵⁸ 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.

²⁵⁹ IPAC Case no. 601/2016, *Y.D.M.O v. Asylum Service*, Decision issued 31 December 2021.

²⁶⁰ IPAC, Case No 698/19, *S.A. v Republic of Cyprus*, through the Asylum Service Decision issued 07 July 2022.

application of the family reunification procedure, and the authorities should have referred to the applicant's age at the time of submitting/filing his application and not at the time of the medical examinations. Consequently, according to the minimum assessment limit of the method in question, the applicant may have been a minor at the time of the submission of his asylum application and the doubt has to be in favour of the minor, according to the refugee law. Based on these considerations and the deficiencies identified, the Court annulled the contested decision of the Asylum Service.

Unaccompanied asylum-seekers children in Cyprus: 2019-2022				
	2019	2020	2021	2022
Applied for asylum	535	308	659	941
Referred for age assessment	203	66	59	109
Referred for medical examinations	Unknown	55	40	71
Found to be adults	194	43	33	30

Source: 2019, 2020, 2021 Social Welfare Services; 2022 Asylum Service.

In 2022, 109 UASC were referred for age assessment, out of which 71 UASC were further referred for medical examinations as part of the age assessment. Of the 71 UASC, 16 were found to be minors, 30 were found to be adults, 22 refused to sign consent to undergo the medical examinations, 1 admitted to being over 18 and 2 are pending results.²⁶¹

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 their 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.²⁶² 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.

In practice, cases of persons identified as vulnerable will be allocated to an examiner trained 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 or guidance 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. Furthermore, issues arise when cases are not identified as vulnerable and consequently examined by caseworkers that do not have the necessary training or in the context of complicated cases for which they do not have the required expertise. As there is no complaints mechanism in the Asylum Service, applicants have no recourse to address issues such as caseworkers failing to take into consideration the vulnerabilities or

²⁶¹ Cyprus Asylum Service.

²⁶² Article 10A Refugee Law.

sensitivities of the applicant; not being impartial; carrying out the interview in an interrogatory manner or having a problematic attitude.²⁶³

In recent years, improvements have been noted in personal interviews, in addition to training of officers/caseworkers carrying out interviews and examining asylum claims. There are no specialised units within the Asylum Service, but 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.²⁶⁴ EUAA examiners also assess the needs of vulnerable persons, but it is unclear how many experts work in this capacity.

However, specific interview techniques are not systematically used, and practice still depends on individual officers/caseworkers conducting interviews. Due to the lack of a quality control mechanism similar cases are often examined in a different manner resulting in different outcomes, such as LGBTIQ cases. In addition, if a case is not identified as vulnerable or the vulnerability occurs after registration where the vulnerability assessment takes place an interview will most probably 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.

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 CyRC, such a request was made and permission was granted for two cases in 2019, two cases in 2020 and three cases in 2021. The role of the social advisor or psychologist during the interview is as support for the applicant. They do 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.²⁶⁵

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.

In practice the use of the accelerated was only initiated toward the end of 2019 with limited use until late 2022.²⁶⁶ Cases have been identified that were initially being examined under the accelerated procedures and were transferred to the regular procedure due to the applicant raising arguments that are complex and cannot be examined within the 30-day timeframe as stipulated by the Law (usually either due to submitting a lot of evidence or there being a need for multiple interviews).²⁶⁷ However as the procedures have been implemented recently further monitoring is required.

²⁶³ Information based on cases represented by the Cyprus Refugee Council

²⁶⁴ Information provided by the Asylum Service, January 2018.

²⁶⁵ Article 10A(3)(a)

²⁶⁶ Based on cases reviewed by the Cyprus Refugee Council.

²⁶⁷ Information provided by Cyprus Refugee Council

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 credibility of statements, as well as past persecution or serious harm. First, 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.²⁶⁸ 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 of all applicants, 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;²⁶⁹
- ❖ 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;²⁷⁰
- ❖ Where the examining officer considers it relevant for the evaluation of the application they 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;²⁷¹
- ❖ 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.²⁷²

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 way these are evaluated. Specifically, medical reports provided by private doctors in Cyprus or from the country of origin of the asylum seeker are often viewed as 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 there are still discrepancies as to how such reports are assessed. Currently there are no NGOs providing medical reports. The only available NGO report 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,²⁷³ which is a psychological report that may be drafted as part of the rehabilitation services offered to victims of torture.

²⁶⁸ Article 18(3) Refugee Law.

²⁶⁹ Article 9KΔ(3)(b) Refugee Law.

²⁷⁰ Article 13A(2)(b) Refugee Law.

²⁷¹ Article 15 Refugee Law.

²⁷² Article 18(7A)(b)(ii) Refugee Law.

²⁷³ For more information, see Cyprus Refugee Council, *Our projects*, available at: <https://bit.ly/2DV3s9c>.

Victims of torture

The law provides that: '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'.²⁷⁴

For this purpose, a state Medical Board was established to evaluate torture claims within the asylum procedure. In the past, the operation of this Board has been problematic, to the point where the UN Committee Against Torture highlighted the issue.²⁷⁵ Action was taken by the authorities and in early 2017, the Ministry of Health in collaboration with EUAA 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.

In late 2019 and throughout 2020, the procedure before the Medical Board came to a complete halt in view of the new national health system (GESY); many state doctors resigned to take up private practices, including doctors who were trained and part of the Medical Board. As a result, it did not operate for most of 2020. In 2021 and 2022, according to the Asylum Service, the Board resumed operation and referrals were sent. However, there is no information on the doctors on the Board and whether they have been adequately trained. Furthermore, no decisions have been identified to indicate the duration of examination or the recommendations being made.

The UN Committee against Torture in the latest report on Cyprus in December 2019 expressed 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'.²⁷⁶

Referrals to the Medical Board 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 other hand, EUAA caseworkers examining asylum applications under the support plan seem to be more reluctant to refer applicants to the Medical Board.²⁷⁷ Between 2018 and 2021, EUAA caseworkers identified and examined various cases in which the applicant alleged having been subjected to torture; the applicant was not referred to the Medical Board and their application was rejected as, despite being recognised as a victim of torture, they were found to be not credible on the reasons for which the torture took place.²⁷⁸

When an asylum seeker is referred to the Medical Board, the Board plans the appointment, in most cases several months after the referral has been made by the Asylum Service. Considering that the initial interview leading to the referral is usually conducted on average two years after the submission of the asylum application, this leads to a considerably delayed medical examination of victims of torture etc, which will inevitably affect the Board's findings. Throughout 2018 and 2019 most cases took between 12-18 months before the Medical Board alone. From then on, they require at least another year before the

²⁷⁴ Article 15 Refugee Law.

²⁷⁵ UNCAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014.

²⁷⁶ UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, December 2019.

²⁷⁷ Based on information from cases represented by the Cyprus Refugee Council.

²⁷⁸ Ibid.

Asylum Service issues a first instance decision on the asylum claim. In 2021 and 2022 there were no cases to indicate the current trends.²⁷⁹

There have not been enough cases and reports to assess the quality of the reports issued and their impact on the asylum assessment. 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, indicating that a psychological assessment is now carried out. Furthermore, the report actually concluded that the findings could be the result of torture, also an improvement from the former practice. However, in the subsequent decision on the asylum application issued by the Asylum Service based on a recommendation by an EUAA caseworker, although the applicant was found to be credible on the injuries sustained, noting that the medical report confirmed these; the applicant was found to be not credible regarding the reasons for which the attack took place. As for the PTSD, the decision stated that it was taken into consideration but that it could not excuse the non-satisfactory internal credibility of the applicant's statements and the application was rejected.²⁸⁰

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 AIU must immediately notify the Head of the Asylum Service, who must subsequently notify the Director of Social Welfare Services.²⁸¹ With the establishment of Pournara, 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, including unaccompanied children. At the time of registration anyone claiming to be under 18 years old will be treated as such.

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 for 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 Procedural Rules of 2014.²⁸² 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 and 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 guardianship and representation, and they are effective in all procedures related to the child.

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, per the Law, allows the representative to be present at the first instance interview and ask questions or make comments, within the framework set out 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.

²⁷⁹ Ibid.

²⁸⁰ Information provided from the Cyprus Refugee Council.

²⁸¹ Article 10 Refugee Law.

²⁸² Procedural Rules 3/2014, available at: <http://bit.ly/2mKdxvp>.

In practice, the representation is carried out by the Social Welfare Services, and specifically by the child's appointed Guardian. The Guardian does not usually have adequate knowledge or training on legal or asylum issues. During the interview, the representative is always present, but because of these lacuna they are not in a position to contribute in a substantial way. In all cases monitored by the Cyprus Refugee Council,²⁸³ the representative has never asked any questions or made any comments after the interview.

The number of UASC arriving in the country increased significantly in 2021 and again in 2022, reaching approximately 1200 UASC. This has led to the number of Guardians was once again being insufficient to adequately respond to their needs. In 2022, there was an increase in the number of Social Welfare Officers assigned as Guardians and are currently 31, as seen below, however the number remains insufficient and the lack of knowledge of the asylum framework and procedures continue to be an issue.

District	Number of guardians
Nicosia	
❖ First Reception Centre, Pournara	4
❖ District SWS office	3
Limassol	4
❖ District SWS office	
Larnaca	
❖ District SWS office	2
❖ Hotel	4
Paphos	
❖ District SWS office	2
❖ Hotel	8
Ammochostos	
❖ District SWS office	2
❖ Hotel	2

Where the asylum application is rejected and an unaccompanied child needs to proceed with a judicial review of the asylum decision, the Commissioner for Children's Rights appoints a lawyer. The Commissioner carries out trainings with selected lawyers on the representation of children in asylum cases from time to time and has a list of lawyers who have received relevant training to represent, where needed, unaccompanied children in the judicial proceedings of the asylum procedure. When an UASC 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. It should be noted, however, that legal representation is not afforded to an unaccompanied child who receives a negative decision after they have reached the age of majority.

Until 2021, when an unaccompanied child received a negative decision, a lawyer would be assigned by the Commissioner without any assessment on the merits of the case. However, in 2021 the Commissioner for Children's Rights addressed a letter to the SWS stating that when a case is referred for legal representation, it should be accompanied by a report/assessment on why an appeal should be submitted on behalf of the child. No information is available on whether this recommendation has been implemented.

²⁸³ Information provided by the Cyprus Refugee Council.

The legal and policy framework for unaccompanied children has been repeatedly criticised by the national Ombudsman since 2014. She points out the gaps in both policy and practice.²⁸⁴ Furthermore, in 2018, the Commissioner for the Rights of the Child issued a series of three reports related to unaccompanied children,²⁸⁵ raising serious concerns on many issues such as the lack of representation for unaccompanied children with regard to access to reception conditions; legal representation before the Court 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 SWS is problematic; and the dual role of the SWS that acts as a guardian and representative is also considered problematic. Since the Report and throughout 2022 no improvements have been noted and the issues raised by the Commissioner remain issues of concern.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? Yes No

Is a removal order suspended during the examination of a first subsequent application?

❖ At first instance Yes No

❖ At the appeal stage Yes No

2. 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.²⁸⁶ Under the Refugee Law, the competent authority for the examination of a subsequent application is the Asylum Service.

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 as a new application, but as further steps on the initial application.²⁸⁷ In relation to the admissibility of the application, the Asylum Service conducts a preliminary examination to assess whether the submitted information constitutes new elements or findings which the Asylum Service did not already take into consideration when deciding on the initial claim.²⁸⁸ 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.²⁸⁹

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. 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.²⁹⁰

²⁸⁴ 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>.

²⁸⁵ 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>.

²⁸⁶ Article 16Δ Refugee Law.

²⁸⁷ Article 16Δ(2) Refugee Law.

²⁸⁸ Article 16Δ(3)(a) Refugee Law.

²⁸⁹ Article 16Δ(2) Refugee Law.

²⁹⁰ Article 16Δ(3)(b)(ii) Refugee Law.

There are no specific time limits within which the Asylum Service must issue a decision on the admissibility of the subsequent application or new elements or findings.

Until recently it was considered that according to the Refugee Law, once a subsequent application is submitted, the applicant has a right to remain and access reception conditions during the examination of the admissibility of the subsequent application. Furthermore, and according to the Refugee Law, the Asylum Service may decide to terminate the right to remain and access to reception conditions if the applicant appears to have lodged a first subsequent application with the sole objective of delaying or impeding the execution of a decision which would lead to the immediate removal of the applicant from the RoC. The Asylum Service may also decide to terminate these rights if the applicant has lodged a second or further subsequent applications to the Asylum Service, following the issuance of a final decision declaring the first subsequent application inadmissible or after a final decision rejecting the subsequent application as unfounded, provided that the Asylum service is satisfied that any decision to return or remove the person in question does not involve direct or indirect refoulement. In a 2021 case, the Administrative Court confirmed that once a subsequent application is submitted, the applicant retains the status of an asylum seeker.²⁹¹ However, the IPAC in several cases, held the opposite position, that even upon submission of a subsequent application, during the administrative examination of the application the applicant does not retain the status of an asylum seeker and it falls upon the discretion of the Head of the Asylum Service to decide on the applicant's right to remain.²⁹²

In a 2022 case, the Supreme Court confirmed the position of the IPAC, that once a subsequent application is submitted, the applicant is not considered an asylum seeker, and until the administrative examination of the subsequent application, the discretion to examine the applicant's right to remain in the Republic, belongs to the Head of the Asylum Service.²⁹³ In case the Head decides that such a right to stay is not granted, they should make sure that in case the applicant is returned, this will not entail direct or indirect refoulement.²⁹⁴ In practice, there is no evidence that such an assessment takes place and applicants are never informed about this.²⁹⁵ Once, a subsequent application is submitted, persons are informed that the Asylum Service will assess their application and are asked to leave the premises, only to find out later that they have no access to any rights they had as an asylum seeker.²⁹⁶ It is unclear whether, the authorities proceed to issue detention and deportation against persons who have submitted a subsequent application, under the Aliens and Immigration Law.

As regards procedure, in 2020 the Asylum Service set up a procedure and introduced a form which applicants are required to submit. Thanks to this, the process of examining such applications initially became timelier, however due to the rise in such applications the processing time eventually increased. In early 2021, efforts were being made to reduce the backlog; however, this also had an impact on the quality of decisions, as CyCR identified cases rejected as inadmissible although the new elements justifiably could not have been submitted before, or would clearly increase the chances of the applicant receiving international protection.²⁹⁷ In March 2021, the IPAC issued a decision considering that the Asylum Service had not followed the steps of the admissibility procedure prescribed by the Law, as the element was indeed new and should have been examined, and did increase the chances of receiving protection.²⁹⁸ Following this decision, CyRC observed cases admitted for the substantive examination,

²⁹¹ M.F. v. Republic of Cyprus, Case No.: 691/2021, 18 August 2021 available at <https://rb.gy/fdunmw>

²⁹² A.K.U. v. Republic of Cyprus, Case No.: ΔΚ24/21, 12/04/21, available at <https://rb.gy/xmdrq6>, H.S. v. Republic of Cyprus, Case No.: ΔΚ29/21, 13 August 2021, available at <https://rb.gy/khesfg>.

²⁹³ Appeal against the decision of the Administrative Court No. 8/2022, Sohel Madber v. Republic of Cyprus, 17 November 2022, available at <https://rb.gy/xrdoyp>

²⁹⁴ 16Δ (4)(a), Refugee Law.

²⁹⁵ Information provided by the Cyprus Refugee Council.

²⁹⁶ Ibid

²⁹⁷ Based on cases represented by the Cyprus Refugee Council.

²⁹⁸ IPAC, Decision 782/2020 J.Y.v. Republic of Cyprus (Asylum Service), 5 March 2021, available in Greek at: <https://bit.ly/3Tsqcqt>.

indicating that the Asylum Service is now more careful when examining admissibility, despite the steady rise subsequent applications registered in 2021.²⁹⁹

In 2022, according to the Asylum Service, in an effort to speed the procedure, 16 caseworkers were appointed to examine subsequent applications. Throughout 2022 the examination time for newly submitted subsequent application was 3-4 months however many applications submitted in prior years are still pending. In early 2023 in another attempt to reduce the examination time, 3 an unofficial cap of 20 submissions of subsequent applications per day was implemented.³⁰⁰

In early 2023, for the first time, approximately 20 persons were arrested at the premises of the Asylum service while attempting to submit subsequent application and were placed in detention. According to the Ministry of Interior they have been provided with access to submit subsequent application.³⁰¹

If the Asylum Service considers the subsequent application inadmissible, an appeal can be submitted before the IPAC. Such appeal, however, does not have automatic suspensive effect, and a separate application must be submitted to the IPAC requesting the right to remain pending the examination of the appeal. The procedure to submit such an application was not provided for in the procedural rules, until their amendment in 2022. Following the reasoning of the Administrative Court in a 2021 case,³⁰² the amended Regulations provide that the application for the right to remain must be submitted at the same time as the appeal, and in any case within the deadline for the submission of the appeal, which is 15 days.³⁰³ The prescribed form for the application is provided for in the Regulations, as Form number 4. The Form can be found at the counter of the Registry of the IPAC, however, it is not always readily available and often requires the applicant to request it. In addition, there is no information materials provided by the PAC regarding the need to file the right to remain application alongside the appeal, although the requirement to make such an application is included in the first-instance decision issued by the Asylum Service.

Furthermore, up until 2021 it was not clear whether a request to the IPAC for the right to remain does indeed have automatic suspensive effect as it does in other cases.³⁰⁴ In March 2021, the IPAC decided that when a person submits a subsequent application and that application is found inadmissible, the decision to reject this person's first asylum application, remains final and thus the person does not retain the asylum seeker status.³⁰⁵ In August 2021, the IPAC differentiated between subsequent applications that are found inadmissible and manifestly ill founded, deciding that when a subsequent application is found to be inadmissible and the right to stay is terminated, the applicant does not have the right to remain during the pending of the deadline to submit an appeal against the decision, and neither until the Court decides on the request for the right to stay.³⁰⁶ In 2022, the Supreme Court decision set the precedent, by reaffirming the position of the Administrative Court that the submission of a subsequent asylum application begins with the fact that the applicant is not an asylum seeker. It therefore starts with the status that the applicant had, after the rejection of the first asylum application became final.³⁰⁷ If the applicant submits an interim application of the right to stay, the submission of such an application does not on its own suspend the removal decision.

²⁹⁹ Based on cases represented by the Cyprus Refugee Council.

³⁰⁰ Information provided by the Cyprus Refugee Council.

³⁰¹ Ibid

³⁰² Miah v. Republic of Cyprus, Case No. 593/21, 19/07/2021, available at: <https://rb.gy/ukfcag>.

³⁰³ Article 13 of the IPAC's amended Regulations (as amended in October 2022).

³⁰⁴ A.K.U. v. Republic of Cyprus, Case No.: ΔK 24/21, 12/4/2021, available at: <https://bit.ly/3wMV2Od> and SINGH v. Ministry of Interior and others, Case No.: 730/2021, 23/8/2021.

³⁰⁵ A.K.U. v. Republic of Cyprus, Case No.: ΔK24/21, 12/04/21, available at: <https://rb.gy/xmdrq6>

³⁰⁶ H.S. v. Republic of Cyprus, Case No.: ΔK29/21, 13 August 2021, available at: <https://rb.gy/khesfg>

³⁰⁷ Appeal against the decision of the Administrative Court No. 8/2022, Sohel Madber v. Republic of Cyprus, 17 November 2022, available at <https://rb.gy/xrdoyp>

In the first years following the Syrian conflict, subsequent applications were commonly filed by Syrian nationals who were previously in Cyprus as their application for asylum would be treated as a subsequent application regardless of the years that had 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 2021, these trends shifted as there was a steady increase in subsequent applications, with the majority submitted by nationals from India, Pakistan, and Bangladesh.

In 2019, 535 asylum seekers lodged subsequent applications. No data was available on subsequent applications in 2020, while in 2021, 1,829 persons lodged subsequent applications; 279 applications were considered admissible and 1,796 inadmissible. In 2022, 357 applicants of subsequent applications were considered admissible and 3,909 inadmissible.³⁰⁸

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 checked="" type="checkbox"/> Yes | <input 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,³⁰⁹ 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.³¹⁰

The safe country of origin was used for the first time in mid-2019 with the issuance of a Ministerial Decision designating Georgia. This initiated, also for the first time, the use of accelerated procedures to examine asylum applications submitted by Georgians (see [Accelerated Procedure](#)).³¹¹ The new list, increasing the number of safe countries of origin from 1 to 21, was published in May 2020,³¹² with the intention to utilise accelerated procedures widely. However, in practice it was not used as much as expected.³¹³ In May 2021, the number of countries listed as safe was once again increased from 21 to 29.³¹⁴ From what was

³⁰⁸ Information provided by the Asylum Service.

³⁰⁹ 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.

³¹⁰ Article 12Δ(1) Refugee Law.

³¹¹ Ministerial Decision on Safe Countries, available in Greek at: <http://bit.ly/37YKdbU>.

³¹² Ministerial Decision on Safe Countries, available in Greek at: <https://bit.ly/3CjDCJQ>.

³¹³ Based on information provided by Cyprus Refugee Council.

³¹⁴ Ministerial Decision on Safe Countries, available in Greek at: <https://bit.ly/3tyT40M>. The countries included in the updated list are: 1. Egypt; 2. Albania; 3. Algeria; 4. Armenia; 5. Vietnam; 6. Northern Macedonia; 7. Bosnia and Herzegovina; 8. Georgia; 9. Gambia; 10. Ghana; 11. India; 12. Kenya; 13. Kosovo; 14. Morocco; 15. Montenegro; 16. Mongolia; 17. Moldova; 18. Bangladesh; 19. Benin; 20. Nepal; 21. Nigeria; 22. Ukraine (excluding Crimea, Luhansk and Donetsk regions); 23. Pakistan; 24. Senegal; 25. Serbia; 26. Sri Lanka; 27. Togo; 28. Tunisia; 29. Philippines..

observed, however, there was no significant increase in the use of accelerated procedures.³¹⁵ In May 2022 the countries listed as safe was reduced to 27 as Ukraine and Kosovo were removed.³¹⁶ From September 2022 onwards the use of accelerated procedures has increased significantly, focusing mostly on nationalities such as Pakistan, Bangladesh, India, Nepal and to a lesser extent Nigeria.

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.

3. First country of asylum

The concept of first country of asylum is defined in Article 12B-quinquies of the Refugee Law which mirrors 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.

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? Yes With difficulty No 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,³¹⁷ the Asylum Service shall issue a leaflet (*φυλλάδιο*) 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, the AIU, as well any other necessary information regarding reception conditions, which may be provided orally or in writing in

³¹⁵ Based on cases reviewed by the Cyprus Refugee Council.

³¹⁶ Ministerial Decision on Safe Countries, available in Greek at: <https://bit.ly/3JongDw>. The countries included in the updated list are: 1. Egypt; 2. Albania; 3. Algeria; 4. Armenia; 5. Vietnam; 6. Northern Macedonia; 7. Bosnia and Herzegovina; 8. Georgia; 9. Gambia; 10. Ghana; 11. India; 12. Kenya; 13. Morocco; 14. Montenegro; 15. Mongolia; 16. Moldova; 17. Bangladesh; 18. Benin; 19. Nepal; 20. Nigeria; 21. Pakistan; 22. Senegal; 23. Serbia; 24. Sri Lanka; 25. Togo; 26. Tunisia; 27. Philippines, available at: <https://bit.ly/42jOTpX>

³¹⁷ Article 9A Refugee Law.

a language that they understand or are reasonably supposed to understand.³¹⁸ 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, the provision of information has always been one of the most important gaps in the system and remained so throughout 2022. Overall, there is extremely limited information available, written or otherwise and very few information providers, mainly NGOs with limited capacity.

The Asylum Service at times issued an information leaflet, which was not easily accessible and mostly providing outdated information.³¹⁹ In 2019, efforts were made by the Asylum Service in collaboration with EUAA 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.

Four EUAA Info Providers are currently stationed at **Pournara** providing group sessions in the presence of interpreters. The group sessions are provided to adults and include information on the registration process in the Reception Center, the asylum procedure and reception conditions. While at present the information is provided orally, the aim is to include in writing in the future. A leaflet published by UNHCR is also disseminated in Pournara Centre, providing basic info on asylum process and reception conditions,

According to the EUAA operating plan for 2022-2024, support will continue to be provided in Kofinou and Pournara for information provision activities by Asylum Information Provision Experts.³²⁰ The information sessions are a positive development however they are not sufficient to cover the overall lack of information in the asylum procedures, especially due to extremely limited sources of information and in view of the lengthy asylum procedures.

Regarding the provision of information to UASC it is considered to be the responsibility of the Social Welfare Officers who act as Guardians, however this is often insufficient due to the limited capacity of the guardians and their lacking of required knowledge to provide such information.

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.³²¹ 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 such as information leaflets, booklets, online platforms, and websites,³²² 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.

The UNHCR Representation in Cyprus also has an online information platform for asylum seekers and refugees since 2017, covering asylum procedures; the rights and duties of asylum seekers and refugees;

³¹⁸ Article 9A(2) Refugee Law.

³¹⁹ Asylum Service, *Information leaflet for applicants for international protection*, available at: <https://bit.ly/33M2ZTm>

³²⁰ EASO, Operating Plan, Cyprus 2022-2024, available at: <https://bit.ly/37ezU8Z>.

³²¹ Asylum Service, *Information leaflets on the Dublin and Eurodac Regulations*, available at: <http://bit.ly/2GLI9GJ>.

³²² Services on the Migrant Information Centre platform include the provision of information by topic, assistance to access the labour market, and assistance to cover accommodation, educational and health needs, available at: <https://mihub.eu/en/>.

and information about government programmes and NGOs that offer various types of assistance and integration support.³²³ The platform is available in English, French and Arabic. The UNHCR online information platform includes specific information for unaccompanied children.³²⁴

As regards decisions, according to the Law the Head of the Asylum Service must inform the applicant about the decision on their application and the timeframe to exercise their right to appeal in a language that they understand or may reasonably be considered to understand.³²⁵ 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. Until late 2022 only a half-page summary of the reasoning of the decision was provided and this is only in Greek or rarely in English, whereas 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](#)). From late 2022 onwards, a detailed reasoning of the decision is provided in cases of negative decisions, which is a positive development as it provides the applicant and legal advisors/lawyers with immediate access to the reasons the asylum application has been rejected. However, the reasoning is only provided in Greek or English.

UNHCR has provided information in English, Arabic and French regarding judicial appeal before the IPAC and how to apply for legal aid.³²⁶

Currently, there is no information provided by the state on the subsequent applications procedure. Regarding 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 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 they either understands or reasonably are 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.³²⁷ 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 as to the individual reasons or facts or on procedures to access the available remedies.

In late 2019, the Cyprus Refugee Council published a leaflet made available in the main detention centre that included information on the basis of detention, available remedies, legal aid, and how these can be accessed.³²⁸ It was also disseminated in 2020 but has since has not been updated or disseminated due to unavailable resources to publish.

According to the Rights of Persons who are Arrested and Detained Law,³²⁹ every detainee has the right to have meetings with their 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 visitation of lawyers, however representatives of NGOs or UNHCR are obliged to inform of their intention to visit the detention centre or a detainee, whereas lawyers are not. In 2020, due to COVID-19 measures, access to detention centres was at times not possible. In 2021 or 2022, no issues were registered.

³²³ UNHCR, *UNHCR Help – Cyprus*, available at: <https://bit.ly/3rSAPks>.

³²⁴ UNHCR, *If you are under 18*, available at: <http://bit.ly/2rsW9IY>.

³²⁵ Article 18(7E) and (7B) Refugee Law.

³²⁶ UNHCR, *UNHCR Help – Cyprus*, available at: <https://bit.ly/3asLcTE>.

³²⁷ Article 9ΣΤ(8) Refugee Law.

³²⁸ Information provided by Cyprus Refugee Council.

³²⁹ Article 12 Rights of Persons who are Arrested and Detained Law.

Regarding access of asylum seekers to NGOs and UNHCR, for those residing in the community there are no issues regarding access other than the limited capacity of NGOs to address the needs and requests of asylum seekers in the country. Regarding access to Reception Centres, NGOs access to Kofinou Reception Centre upon request and such request are in most cases granted. Access to NGOs from asylum seekers in Pournara is limited mostly to NGOs providing services in the Centre, whereas there is no access to NGOs for asylum seekers in Limes.

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, Palestinian Territories (Gaza)
2. Are applications from specific nationalities considered manifestly unfounded?³³⁰ Yes No
❖ If yes, specify which: All countries considered 'safe countries'

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 included in the 'safe countries' list soon after they have been submitted. However, due to the backlog this is not always possible.

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 until the authorities decide of a policy that will be followed. 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.³³¹

Subsidiary protection is granted as a matter of policy to applicants from **Syria**; in 2019, 38 persons received refugee status and 1,074 subsidiary protection; in 2020, 21 persons received refugee status and 1,396 subsidiary protection and in 2021, 24 persons received refugee status and 1,913 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.³³²

From February 2022 onwards, the Cyprus Refugee Council noted that the asylum applications of Syrian nationals were not being examined.³³³ No official policy on the matter has been made public, however the annual statistics confirm that only an extremely low number of applications were decided on as 167 Syrian nationals received protection in 2022 (129 in January 2022) compared to 1,937 in 2021.³³⁴ In early 2023, the situation remains the same.

³³⁰ Whether under the "safe country of origin" concept or otherwise.

³³¹ Information provided by Cyprus Refugee Council.

³³² Statelessness Index, Country Profile Cyprus, available at: <http://bit.ly/2TMRKH2>.

³³³ Information based on cases represented by the Cyprus Refugee Council.

³³⁴ Cyprus Asylum Service

Reception Conditions

Short overview of the reception system

Asylum seekers in Cyprus have the right to access reception conditions during the administrative and judicial examination of their asylum applications. Access to reception conditions is not ensured during the judicial examination of decisions issued in the accelerated procedure; subsequent applications; decisions that determine the asylum application is unfounded or inadmissible; and decisions related to explicit or implicit withdrawal.

The Asylum Service, under the Ministry of Interior, is responsible for coordinating all other authorities on asylum issues, including related to reception. The Asylum Service is also responsible for the operation of reception and accommodation centres for asylum seekers.³³⁵ Although they may have a coordinating role, each right under reception conditions is provided for by the competent Ministry,³³⁶ as a result four Ministries are involved, which often leads to fragmented and uncoordinated approach and planning.

Since 2019, all persons wishing to apply for asylum who entered the country in an irregular manner, are referred to the **Pournara** First Reception Centre for registration, lodging of asylum application, and medical and vulnerability screenings. Access to reception conditions is provided at the Centre for a stay of approximately 40 to 60 days. Upon exiting the Centre, asylum seekers have access to reception conditions in the community or in the Reception Centres (Kofinou, UASC shelters), whereas a limited number of persons are moved to the Reception/Pre-Removal Center, Limnes. For persons who arrived in a regular manner they will have access to reception conditions upon concluding registration.

Living conditions in Kofinou are considered decent, whereas conditions in Pournara and Limnes have been evaluated as sub-standard. Regarding shelters for UASC, conditions vary depending on the facility; at times, overcrowding has been an issue in some shelters.

With the total number of asylum seekers reaching over 30,000 by the end of 2022, and capacity of Reception Centres limited to around 1000 persons, most asylum seekers reside in the community in private houses/apartments, which they are required to secure on their own. SWS bear the responsibility of processing applications and addressing asylum seekers' needs, including the allocation of an allowance to cover housing expenses. The asylum seeker is expected to provide all necessary documentation.

2022 continued to be an extremely challenging year for the country's reception system. The ongoing absence of a comprehensive reception system combined with the stringent measures adopted by the authorities to address migration and refugee flows, along with the continued increase in arrivals had a severe impact on the ability of the reception system to address the needs of newly arrived persons, as well as of those already present in the country.

Reception standards remain below adequate levels, exposing asylum seekers to the risk of homelessness and destitution. The majority of asylum seekers live in the community and are often extremely impoverished. Centres are overcrowded and in need of structural renovation to reach acceptable sanitation and hygiene standards, as well as to provide safeguards against sexual and gender-based violence for both children and single women. The timely identification and response to the needs of vulnerable individuals, including children, both within reception facilities and in the community, requires improvement.

³³⁵ EASO, Operating Plan, Cyprus 2022-2024, available at: <https://bit.ly/37ezU8Z>.

³³⁶ Material Reception Conditions by the Social Welfare Services under the Deputy Minister of Social Welfare; Employment under the Ministry of Labour and Social Insurance; Education under the Ministry of Education, Culture, Youth and Sports; Healthcare under the Ministry of Health.

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 type="checkbox"/> No	<input type="checkbox"/> Reduced material conditions	<input checked="" type="checkbox"/> No
❖ Subsequent application	<input checked="" type="checkbox"/> No	<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? Yes

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 from the making of the application up to the issuance of a decision by the IPAC.

Dublin procedure: During the procedure to identify the Member State responsible, a person is considered an asylum seeker.³³⁷ Thus, if a person arrives in Cyprus and there is a possibility that another Member State is responsible, they enjoy all the rights as an asylum seeker 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 upon, they are not entitled to reception conditions and may be detained.

Appeals: Appeals submitted before the IPAC for decisions issued in the regular procedure have suspensive effect and provide access to reception conditions until the issuance of the IPAC's decision. 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.³³⁸

Subsequent application: Until recently once a subsequent application was submitted the applicant had the right to remain and access reception conditions during the examination of the admissibility of the application.³³⁹ However, in 2022 following a decision issued by the Supreme Court once a subsequent application is submitted, the applicant is not considered an asylum seeker, and until the administrative examination of the subsequent application, the discretion to examine the applicant's right to remain in the Republic, belongs to the Head of the Asylum Service.³⁴⁰ In practice no applicants have received the right to remain and access to reception conditions during the administrative examination of a subsequent application.³⁴¹

³³⁷ Article 11(B)(2) Refugee Law.

³³⁸ Article 8 (1A) Refugee Law.

³³⁹ 16Δ (4)(a), Refugee Law.

³⁴⁰ Appeal against the decision of the Administrative Court No. 8/2022, *Sohel Madber v. Republic of Cyprus*, 17 November 2022, available at <https://rb.gy/xrdoyp>

³⁴¹ Information provided by Cyprus Refugee Council

According to the Refugee Law,³⁴² when an application for asylum is made, the AIU refers the applicant to the district SWS. The applicant has a right to apply for the provision of material reception conditions upon presenting a confirmation that the application has been made.³⁴³ However, the law³⁴⁴ also provides that this confirmation 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.³⁴⁵ The transposition of the recast Reception Conditions and Asylum Procedures Directives into the Refugee Law is problematic with regard to the distinction between “making” and “lodging” an application and, as a result, the time upon which access to reception conditions is actually provided. In practice and since 2019, all persons wishing to apply for asylum who entered the country in an irregular manner, are referred to the **Pournara** First Reception Centre for registration, lodging of asylum application, and medical and vulnerability screenings. Access to reception conditions is provided at the Centre for a stay of approximately 40 to 60 days. Upon exiting the Centre, asylum seekers will have access to reception conditions in the community or in the Reception Centres (Kofinou, UASC shelters), whereas a limited number of persons are moved to the Reception/Pre-Removal Center, Limnes. As there is limited capacity at Kofinou Reception Center the majority of asylum seekers live in the community. For persons who arrive in a regular manner and who will register their asylum application at the AIU they can apply for MRC at the District Social Welfare Offices upon concluding registration.

There are no particular provisions about asylum seekers having resources already upon requesting material reception conditions. However, there are several incidences in relation to resources that will lead to termination of the benefit of material reception conditions (see Reduction of withdrawal of receptions conditions).

In order to access MRC an application must be submitted to the Social Welfare Services (SWS). The application can be submitted with the Confirmation letter, however the SWS require the applicant to submit in the application the number on the Aliens Registration Certificate (ARC) to be entitled to all reception conditions (food/clothing allowances, personal expenses, rent). If an asylum seeker applies for welfare benefits without an ARC, they may be granted part of the foreseen amounts through vouchers, until the ARC number is issued.³⁴⁶ In the past years the delays in issuance of the ARC led to serious delays in accessing MRC, however since 2020, delays in the issuance of the ARC have been minimized and asylum seekers registered in Pournara typically exit with the ARC issued.

Until recently asylum seekers registered in Pournara, could only apply for MRC once they had exited Pournara, which led to delays until they received financial assistance. Furthermore, asylum seekers do not have freedom of movement while staying in Pournara and they can only exit Pournara upon presenting a valid address in the community. This means that asylum seekers are not able to easily search for accommodation and are not provided assistance from state or non-state agencies in this respect. This has led to a significant increase in exploitation and scams from persons in the community toward asylum seekers. In August 2022 the SWS with the assistance of UNHCR and CyRC assisted the Social Welfare Services to pilot a new procedure where asylum seekers submit an application for MRC before exiting the Center. This led to the procedure being established in Pournara, however due to staffing and organisational issues not all persons are given access to this procedure and a significant number of persons still exit the centre without applying for MRC.³⁴⁷

³⁴² Article 9IA(3) Refugee Law

³⁴³ The confirmation provided is titled ‘Confirmation of Submission of an Application for International Protection’.

³⁴⁴ Article 8(1)(b) Refugee Law.

³⁴⁵ Article 11(4)(a) Refugee Law.

³⁴⁶ Information provided by Cyprus Refugee Council.

³⁴⁷ Information provided by Cyprus Refugee Council.

Applying for MRC while in Pournara has led to a faster examination of applications for MRC³⁴⁸. This is not the case for applicants of MRC residing already in the community, which, currently, need to wait for app. 2 months in order to be able to submit an application for MRC.

For all applicants of MRC, SWS schedule a visit at their place of residence in order to verify their address. Delays in the allocation of MRC are often observed, since these visits may take place 1-3 months after the submission of the application.

From 2016 until 2022 the criteria and level of MRC were not included in the Law or in a Ministerial decision but only in the application used in practice for MRC.³⁴⁹ In 2022 a new Ministerial Decision which determines the criteria and level of MRC was issued,³⁵⁰ as well as a new application form.³⁵¹ According to the new Ministerial Decision, to become a beneficiary of MRC the person must be an applicant for international protection, for whom MRC cannot be covered in Reception and/or Accommodation Centers, who lives in the areas controlled by the Republic of Cyprus and both the applicant and their family members meet the following conditions:

- No member of the applicant's family is employed.
- In the event that the applicant or any member of their family is employed, the family may continue to receive assistance as long as the monthly income is less than the total amount of assistance to which the family is entitled.
- According to the Decree of the Minister of Labour and Social Insurance, dated 4/10/2021, applicants of international protection have the right to access the labour market after one (1) month from the date of submission of the application for international protection. Once applicants acquire the right to work, they should:

(a) be registered as unemployed in the Register of the Public Employment Service;

(b) accept work in specific sectors that have been determined, based on the Decree of the Minister of Labor and Social Insurance.

(c) participate, if invited, in professional training programs and/or educational courses, and Greek language classes

(d) accept the provision of personalized approach services by qualified employment advisers of the Public Employment Service;

(e) accept meetings and visits to their place of residence for on-site evaluation of their situation by the competent Social Welfare Officers regarding the planning of activities for their vocational and counselling guidance, psychosocial support and social reintegration;

The Ministerial Decision also states that applicants for international protection who have disabilities, are unable to work or are over 63 years of age, do not have the obligation to register with the Public Employment Service (Labour Office).

Regarding family members the Ministerial Decision states that for the purposes of examining an application for MRC, the status of an applicant for international protection is also held by the applicant's family members who reside with them, regardless of whether they are included in the applicant's application for international protection or whether they have submitted a separate application for international protection. Family members means any of the following members of the applicant's family unit who reside in the government controlled areas:

a) The applicant's spouse or partner, with whom the applicant lives and shares a residence for accommodation purposes.

b) the minor and unmarried children either of the applicant, or of the applicant and his/her spouse or according to paragraph (a) of his/her partner.

³⁴⁸ Information provided by Cyprus Refugee Council.

³⁴⁹ For further information see AIDA 2021.

³⁵⁰ Ministerial Decision 93.451, made on 28/7/2022, available at: <https://bit.ly/3Yrn5wN>.

³⁵¹ Available at: <https://bit.ly/3F2mk6C>.

- I. Unmarried children still attending school.
- II. Unmarried children who have reached the age of eighteen (18) and are searching for employment even if they submitted a separate application for international protection.
- III. Unmarried children between eighteen (18) and twenty-three (23) years of age, as long as they receive regular education.

Application

The revised application for MRC is available in English and it collects basic information for the applicant and the household members as well as information on spoken languages and the need for a translator. The Social Welfare Services will not accept the application, unless a copy of the confirmation of submission of application for asylum, a copy of the Alien Registration number (ARC) and - if more than a month since the date of the application for asylum has passed - a confirmation of registration with the Labour Office as unemployed, is submitted.

Delays in the examination of the application and granting of financial assistance are still observed. Currently, the average processing time of applications for material reception conditions at the SWS is approximately 2-6 months, depending on the district.³⁵² This is due to various administrative difficulties, among which: staff shortages; demanding paperwork to be completed and documentation to be gathered and submitted by beneficiaries; the requirement for Welfare Officers to go through a time-consuming administrative procedure for all asylum-seeking beneficiaries in order for the benefits to be approved every month; difficulties experienced by the applicants in physically reaching and meeting with Welfare Officers. Furthermore, although the application for material assistance can be submitted without a rental contract in such cases applicants will not receive rent allowances and the received amounts for bills and daily expenses will also be reduced.

Since the registration of asylum seekers takes place at Pournara, access to reception conditions is directly impacted by the possibility of persons to access Pournara. In early 2020, asylum seekers were not allowed to exit the Centre, as a response by the authorities to the high numbers of arrivals and then as a response to Covid-19 pandemic. As a result the Centre soon exceeded capacity and no alternative access to asylum procedures was provided, leaving persons unregistered and with no access to reception conditions. This led to persons remaining homeless and sleeping rough near and around the AIU 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 were placed in tents outside the Centre in extremely substandard conditions waiting to enter the Center. The situation did not improve throughout 2021, and extremely long delays in accessing the Centre and registering asylum applications were reported, leading to hundreds waiting outside in dire conditions. The delays were also caused by the fact that the AIU carried out interviews on the routes followed and mode of entry into the country - as well as verification of identification and documents - before allowing persons to enter the Centre. Persons with a passport or some form of identification document were given access faster than those who had no documents, and many had to wait for weeks to access the Centre. In late 2021, based on recommendation from UNHCR a pre-admission section was created with chemical toilets, to accommodate people awaiting registration.

In early 2022, it was reported that between 40 and 50 persons daily were not admitted into the Centre for registration after their arrival and did not have access to reception conditions and had to return multiple times before being granted access.³⁵³ Furthermore, in mid-2022 the authorities dismantled all the tents in the pre-submission section, leaving only 3 tents which are currently placed outside the Centre. There were approximately 100-150 persons outside the Centre each morning waiting for admission, with only 50-60 allowed in each day. The remaining persons either reside in the 3 tents or leave the area and return

³⁵² Information provided by Cyprus Refugee Council.

³⁵³ Information provided by the Cyprus Refugee Council.

the following day. Persons without any documentation wait significantly longer before they are admitted into the Centre. Overall, throughout 2022 the number of persons waiting to be registered and therefore not having access to reception conditions fluctuated and on average 40-60 persons were admitted each day. The authorities prioritize persons with passports or valid documentation, whereas persons without passports wait approximately 2 weeks before they are admitted into the Centre.

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 2021 (in original currency and in €):	
❖ Single adult	€214-361
❖ 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.³⁵⁴ 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.³⁵⁵ In practice, after exiting Pournara First Reception Centre, and if there is no vacancy in the Reception Centre, which is the case most of the time, asylum seekers are allowed to submit an application to the SWS for financial allowance.

In 2022 according to the new Ministerial Decision,³⁵⁶ material reception conditions include:

- 1) Financial assistance to cover basic needs (food, clothing and footwear)
- 2) Financial assistance to cover minor expenses, including electricity and water costs. The amount of the financial assistance to cover such expenses is determined according to the applicant's place of residence.
- 3) Financial assistance to cover rent allowance to the owner of a property.
- 4) Advance payment of rent.

In practice an advance payment of rent is not provided.³⁵⁷

Form of distribution of MRC

For residents in the community entitled to reception conditions, since October 2020 the allowances for food, clothing, utility bills, and minor expenses are provided by cheque sent to the registered address of the person instead of vouchers as was done before. The rent allowance is payable directly to landlords. 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 has yet to be implemented.

Granting material conditions by cheque to an asylum seeker requires them to have a bank account opened in their name, which was not required for vouchers. Since 2020, many complaints are received concerning the ability of asylum seekers to open an account, and thus their ability to access basic rights.³⁵⁸ In 2020 and 2021 the main issues identified concerned the documents required by banks (such as utility bills on the name of the applicant, rent contracts signed by two Cypriot citizens, 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 or English. Furthermore, applicants are often requested to submit clear criminal record, in some cases from the Cyprus police and in others from the country of origin.

³⁵⁴ Article 2 Refugee Law.

³⁵⁵ Article 9IB Refugee Law.

³⁵⁶ Ministerial Decision 93.451, made on 28/7/2022, available at: <https://bit.ly/3Yrn5wN>

³⁵⁷ Information provided by the Cyprus Refugee Council and Caritas Cyprus.

³⁵⁸ Based on information provided by Caritas Cyprus and Cyprus Refugee Council.

Regarding the issue of accessing bank accounts it should be noted that the Law³⁵⁹ and relevant Directions³⁶⁰ issued by the Central Bank, include 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. Specifically in the case of asylum seekers, according to the Directions of the Central Bank the ARC and the Confirmation for the submission of an application for International Protection issued by the Asylum Service³⁶¹ are 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,³⁶² documents issued by the State (Confirmation Letter, Alien book) or an affidavit to confirm this.³⁶³

Despite the Law and relevant Directions issued by the Central Bank, access to bank accounts continued to be an issue. Following interventions by UNHCR and NGOs, as well as meetings between Central Bank, Asylum Service and Social Welfare Services, the situation 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 SWS 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. However, it is also important to note that the abovementioned consultations mainly involved 4 private Banks in Cyprus, which were willing to engage in the dialogue, out of the 29 registered credit Institutions in Cyprus

Improvements were noted however various challenges remained throughout 2022 such as the time needed for processing applications for opening an account, which increased reaching 5-7 months in certain districts. Furthermore, there was an increase in the incidents where banks requested a clear criminal record from the country of origin.

Level of material assistance

The Refugee Law does not set the amount of material assistance provided to asylum seekers. It refers to assistance that would ensure "an adequate standard of living capable of ensuring their subsistence and to protect their physical and psychological health".³⁶⁴ 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.³⁶⁵ Asylum seekers may be subjected to less favourable treatment compared to Cypriot citizens,

³⁵⁹ Law Regulating the Compatibility of Fees, Payment Account Switching, and Access to Payment of 2017, available in Greek at <http://bit.ly/3rOCarV>.

³⁶⁰ «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>.

³⁶¹ 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>.

³⁶² 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>.

³⁶³ 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> 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."

³⁶⁴ Article 9IA(1) Refugee Law.

³⁶⁵ Article 9IB(2)(a) Refugee Law.

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.³⁶⁶

The level of material reception conditions provided to asylum seekers in the community does not ensure a dignified standard of living. This concern has been repeatedly raised in 2019 by NGOs, UNHCR,³⁶⁷ the Ombudsman's Office,³⁶⁸ and the Commissioner for Children's Rights.³⁶⁹ As a result, many asylum seekers, including families with young children, live in conditions of destitution and rely heavily on charities to cover basic needs, such as food and other basic items. The same applies for housing, as the sharp increase of rent in urban areas in recent years is not compensated by the financial allowances provided to cover rent and the absence of social housing policy has resulted in increased numbers of homeless people and high numbers of asylum seekers living in squalor conditions.³⁷⁰

In 2019, and following a Ministerial Decision, the amounts granted for covering material reception conditions had been revised upwards but remain low.³⁷¹ In 2022, the new Ministerial Decision³⁷² introduced lower amounts for electricity, water and minor expenses for asylum seekers who do not submit a rental agreement.

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 (with rental agreement)	Allowance for electricity, water and minor expenses (with no rental agreement)
1	€186	€75	€28
2	€279	€100	€37
3	€372	€140	€52
4	€465	€170	€63
5	€558	€200	€74

Number of persons	Allowance for rent					Total amount of all assistance granted with/without rental agreement
	Nicosia	Limassol	Famagusta	Larnaca	Paphos	
1	€100	€100	€100	€100	€100	€214-361

³⁶⁶ Article 9IB(2)(b) Refugee Law.

³⁶⁷ See e.g first Annual Integration Conference, organised by UNHCR, December 2019, concluding statements available at: <https://bit.ly/2w3L91c>; Open Discussion Event, organised by UNHCR and University of Cyprus, April 2019, press release available in Greek at: <https://bit.ly/2Vm4Zil>; UNHCR and University of Nicosia, *The living conditions of asylum-seekers in Cyprus*, May 2018, available at: <https://bit.ly/2lWKnsM>; UNHCR, 'Homelessness is becoming an increasing issue for asylum-seekers in Cyprus', 23 April 2018, available at: <https://bit.ly/39TtzvR>; 'Asylum-seekers complain to UNHCR about their deteriorating living conditions', 15 December 2017, available at: <https://bit.ly/33mnfdZ>; 'Η ζωή αιτητών ασύλου στην Κύπρο - Μαρί *, μητέρα και μηχανικός αυτοκινήτων', 10 August 2017, available in Greek at: <https://bit.ly/2lLghG1>; 'Λάουρα *, επιστήμονας και τραγουδοποιός', 24 May 2017, available in Greek at: <https://bit.ly/2von7hr>; 'Η ζωή αιτητών ασύλου στην Κύπρο - Αγία*', Νεαρή μητέρα από τη Σομαλία', 9 May 2017, available in Greek at: <https://bit.ly/38SnPBI>.

³⁶⁸ 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>.

³⁶⁹ See 'Έκθεση Επιτρόπου, αναφορικά με τις υλικές συνθήκες υποδοχής που παραχωρούνται στους Αιτήτες Ασύλου που δεν υπάρχει δυνατότητα φιλοξενίας σε κέντρα υποδοχής και της μεταχείρισης ευάλωτων προσώπων', available at: <https://bit.ly/2walQtx>.

³⁷⁰ 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>.

³⁷¹ Απόσπασμα από τα Πρακτικά της Συνεδρίας του Υπουργικού. Συμβουλίου Ημερομηνίας 6/5/2019, Decision number 87.433 available at <https://bit.ly/3b9dT8b>.

³⁷² Ministerial Decision 93.451, made on 28/7/2022, available at: <https://bit.ly/3Yrn5wN>.

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

In comparison, for nationals / EU citizens and BIPs the amount to cover basic needs is regulated by the Guaranteed Minimum Income (GMI) law and 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 BIPs 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, and regardless of the actual rent cost, the rent allowance provided is set at €100 for single persons and between €146 - €218 for two persons. It is increased to €211 - €317 for a family of three or four members and can reach up to a maximum of between €265 - €397 in case of families of four-five and above, without further adjustment. Non-related persons sharing a residence are considered as a household for purposes of calculating rent allowances, and they are also entitled to the same total amounts per residence. Although an in advance payment of rent is foreseen in the 2022 Ministerial orders, no such payments have been observed yet.³⁷³

The maximum amount of material assistance for a household of five or more asylum seekers is capped at €1,155 (out of which €265 - €397 is for rent), irrespective of the number of family members. The rent allowance is directly payable to the landlords upon the submission of necessary documentation (e.g., IBAN, confirmation from Inland Revenue Department) as well as documents submitted by applicants i.e. taxation stamps for agreements exceeding €5,000, signatures and ID numbers of two witnesses, a declaration by the property owner confirming the number of residents per room and the availability of rent/water in the premises as well as copy of the property title. 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 from NGOs, UNHCR, and others about it being far from sufficient to cover the standard cost of living and housing in Cyprus.³⁷⁴ Such inadequacy can still be observed 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 allowances for daily expenses, food, and clothing. Property analysts and other stakeholders report an annual increase of 18% in rent prices in 2018,³⁷⁵ 14% in 2019,³⁷⁶ and after a slight decline in 2020, a rise of 5,1% in 2021,³⁷⁷ and 19,6%³⁷⁸ during 2022, 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.³⁷⁹

Asylum seekers are not entitled to a series of social benefits granted to nationals such as: child benefit; student grants, given to nationals who secure a position in university and the single parent benefit. 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 and

³⁷³ Information provided by Cyprus Refugee Council.

³⁷⁴ UNHCR, *Living Conditions of Asylum Seekers in Cyprus*, 2018, available at: <https://bit.ly/39oGg0Q>.

³⁷⁵ RICS, *Cyprus Property Price Index Q2 2018*.

³⁷⁶ RICS, *Cyprus Property Price Index 2019 Q4*.

³⁷⁷ RICS, *Cyprus Property Index 2021*, available at: <https://bit.ly/3qMvVST>.

³⁷⁸ RICS, *Cyprus Property Index 2022 Q4*, available at: <https://bit.ly/3kJA8f4>

³⁷⁹ 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>; see also FRA Migration: Key Fundamental Rights, Concerns, see at: shorturl.at/briCQ.

services aimed to help disabled persons, notably a 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

According to the Law, 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.³⁸⁰ 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.³⁸¹ 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.

Grounds for reduction, withdrawal, termination of reception conditions

Under the Refugee Law, reception conditions may be reduced or – in exceptional and duly justified cases – withdrawn by the Asylum Service, where:³⁸²

- (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 addition, 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 terminate 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.

According to the new Ministerial Decision³⁸³ persons cease to be entitled to the provision of Material Reception Conditions when they do not meet the following requirements:

- ❖ When he/she is granted international protection status by the Asylum Service (Recognised Refugee status, Subsidiary Protection status).
- ❖ When the status of an applicant for international protection ceases. Specifically, the status of the applicant is valid until the date on which the decision of the Head of the Asylum Service becomes enforceable and is notified to the applicant and the deadline for filing an appeal against the

³⁸⁰ Article 9KB(1)(a) Refugee Law.

³⁸¹ Article 9KB(1) Refugee Law.

³⁸² Article 9KB(1)(a) Refugee Law.

³⁸³ Ministerial Decision 93.451, made on 28/7/2022, available at: <https://bit.ly/3Yrn5wN>.

decision of the Head of the Asylum Service has expired. The status of the applicant continues to apply, when he/she appeals to the Administrative Court of International Protection, against the decision taken by the Head of the Asylum Service until the final decision of the Administrative Court is issued. In case of a negative decision within the regular procedure with the normal procedure, the deadline for filing an appeal is 30 days. In case of a negative decision within the accelerated procedure, manifestly unfounded applications, withdrawals and for the other categories mentioned in article 12A of the law, the deadline for filing an appeal is 15 days.

- ❖ When she/he leaves the areas controlled by the Republic of Cyprus for any period.
- ❖ When placed in detention. In cases where the detained person is a family member, the provision of the material reception conditions of the family will continue without taking into account the proportion of the detained person.
- ❖ When he/she refuses a visit by the Director of Social Welfare Services (including an authorized representative) to the place where he/she lives or refuses to provide information in relation to any issue that will affect any decision that will be made during his assessment or re-assessment of the coverage of the material reception conditions.
- ❖ When she/he has concealed financial resources and has therefore unfairly benefited from the material reception conditions.
- ❖ When he/she refuses a job offer twice for reasons which are not considered objectively acceptable / justified. In case of refusal by him/her or another member of his family who can work, he/her will be deleted from the register of the Public Employment Service and will consequently lose any assistance he/her is entitled to by virtue of this capacity.
- ❖ The right to submit a new application after the applicant is considered voluntarily unemployed is granted after 4 months.
- ❖ When the applicant is employed, in the case of a family, the income from work should be less than the total amount of assistance to which the family is entitled, based on the specified amounts of the Material Reception Conditions. Otherwise, the Material Conditions of Reception are terminated.

Up to 2022, when asylum seekers were able to secure employment, the provision of MRC was immediately terminated without taking into account the sufficiency of the remuneration, again forcing asylum seekers into destitution. In 2021, the SWS had stated that there was an internal circular according to which MRC should not be terminated when an asylum seeker secures employment, but instead the allowance should be reduced according to the income received.³⁸⁴ However, there were no indications of such a practice being applied.³⁸⁵ In 2022, according to the new Ministerial Decision, if a member of the household is working and the income is lower than the foreseen MRC amounts, the family may be eligible to receive the rest of those amounts. Very few such cases were observed to benefit from this provision and further monitoring is required.³⁸⁶

MRC are terminated by the SWS when an asylum seeker and/or their spouse is deemed “wilfully unemployed”. A person can be deemed wilfully unemployed in instances where they reject a job offer, regardless of the reason: not being able to immediately take up work because it is located in a remote place with no transportation available; 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; not being able to immediately secure childcare due to lack of funds etc. Two “unjustified” denials of employment are needed to terminate the MRC for persons. There is no procedure in effect to challenge such a decision, therefore in such cases, the alternatives for the persons/families are either to move to the reception centre (if there is a vacancy) or wait to apply again to the SWS. The exact waiting time before a new application can be lodged varies between 2-6 months depending on the Welfare Officers and the district office where the application is submitted. This used to be the most common reason for the SWS to terminate material assistance for asylum seekers.³⁸⁷

³⁸⁴ Based on information provided Cyprus Refugee Council.

³⁸⁵ Based on information provided by Cyprus Refugee Council and Caritas Cyprus.

³⁸⁶ Based on information provided by Cyprus Refugee Council.

³⁸⁷ Based on information provided by Cyprus Refugee Council.

Throughout 2020 and until September 2021, the number of asylum seekers registered as willingly unemployed drastically reduced due to the decision of the Labour Department not to carry out new registrations of asylum seekers as part of COVID-19 measures. During that period, all asylum seekers who either had registered with the Labour Department prior to the pandemic or who wanted to register for the first time, received MRC without being submitting or renewing a labour card. The decision came several months after the initiation of the practice. In the meantime, asylum seekers who were not permitted to register for the first time in Labour Department as unemployed were left destitute. The situation was particularly problematic for those who had their labour office files terminated/under review just before the measures were taken. For those asylum seekers registered prior to the pandemic, the number of referrals to jobs in 2020 and 2021 was extremely low due to health measures.

A change in the registration and servicing procedure of unemployed persons was initiated in the second half of 2021. Along with all jobseekers in the country, asylum seekers are now required to register on a new online system,³⁸⁸ run by the Public Employment Services under the Labour Department in order to get assistance to find work. The system requires the creation of an online account, creation/use of an email address in order to communicate and forward documentation to the Labour Officers and efficient navigation in a complex virtual environment.

Many asylum seekers,³⁸⁹ especially those lacking experience with similar tools, persons with limited English and Greek language skills and people without proper equipment (phones, laptops) were not able to register on time or use efficiently the system, while a deadline for beneficiaries to sort their online labour registrations, due in mid-March 2022, was announced, resulting in cuts or disturbances in receiving MRC. Since then, delays in following PES time frames for renewing labour registration online, often leads to disruption or termination of MRC. The new system hinders the Labour Office staff's capacity to attend beneficiaries and in combination with limited face-to face interaction, beneficiaries are poorly guided to overcome practical obstacles in registering and using the new PES system.

Practice is a little more flexible for vulnerable persons, and specifically for persons with physical or mental health issues who are unable to work. Following an assessment by the SWS they will often be exempted from the duty of registering with the Labour Department and receive MRC. In the case of single mothers of pre-school children who are unable to take up work due to lack of childcare the practice varies depending on district, in some cases they may also be exempted from the duty of registering with the Labour Department, whereas in other cases they are obliged to register. Moreover, there are often reports of the Labour Office not registering mothers with young children as they consider that they are not able to take up work which has led to a disruption in the provision of benefits.³⁹⁰

Regarding reception conditions provided in other settings, there were no incidents of MRC refused or terminated for asylum seekers in Pournara or Kofinou Reception Centers. The Reception/Pre-Removal Center, Limnes operated at the end of 2021 with small groups of asylum applicants being transferred to Limnes from Pournara camp. The majority had been issued with negative asylum decisions at 1st instance and a decision determining their place of residence as Limnes, with a proviso that should they decide to leave Limnes they would have no access to welfare assistance. The trend has been for persons to voluntarily leave the Centre and waive entitlements to welfare.³⁹¹

Decision-making and procedure

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.³⁹² In

³⁸⁸ Public Employment Service - Online Platform, available at: <https://bit.ly/350YzwW>.

³⁸⁹ According to information conveyed by more than 300 asylum seekers to CyRC as well as reports of other NGOs.

³⁹⁰ Based on information provided by Cyprus Refugee Council

³⁹¹ Cyprus | Reception Capacity – UNHCR available at: <https://bit.ly/40jtGus>.

³⁹² Article 9KB(2) Refugee Law.

practice, this provision is not implemented. Therefore, vulnerable persons residing in the community may also find themselves without support.

Furthermore, there is no assessment of the risk of destitution by SWS, 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. 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 legal action taken against them on behalf of the Welfare Services, apart from the termination of their welfare file.

The partial restriction of reception conditions only applies to persons not residing in a reception centre and, in particular, to persons receiving aid from the SWS. 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, a declaration by the property owner confirming the number of residents per room and the availability of rent/water in the premises as well as copy of the property title. For those persons, and according to the latest Ministerial Decree in 2022, the amounts allocated for bills and daily expenses are also reduced.

Decisions revoking welfare aid are often, but not always, communicated in writing, but do not include detailed information on the reasons. The assessment is carried out by Welfare Officers. The decision can be challenged judicially before the IPAC, however no such cases have been brought before the courts, mainly due to lack of access to legal representation and legal aid (see [Regular Procedure: Legal Assistance](#)). Regarding legal aid the Law allows persons to apply for legal aid against such decisions,³⁹³ however as in the asylum procedures 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”.³⁹⁴ 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 the SWS and are not referred to a reception centre, the new Ministerial Decision sets a four--months ban before an asylum seeker is eligible to apply again. 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. 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.³⁹⁵ 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 SWS, delays in allocating MRC, frustration on behalf of frontline officers, and disrupted access to job-seeking services of the Labour Department. It also triggered a shift of the political discourse towards more stringent attitudes and measures by the Minister of Interior, including, among others, creating closed-type hosting centres as well as restrictions in movement for residents of Pournara First Reception Centre at various periods throughout the pandemic period.

³⁹³ Article 6A(6) Legal Aid Law.

³⁹⁴ Article 6B(2)(b)(bb) Legal Aid Law.

³⁹⁵ 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.³⁹⁶ 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.

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.³⁹⁷ 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 MRC based on the area of residence.

The Minister of Interior may restrict freedom of movement within some of the controlled areas and decide on the area of residence of an asylum seeker for reasons of public interest or order.³⁹⁸

Asylum seekers living in the community reside where they choose, with the exception of Chloraka, in the Paphos district where, according to a Ministerial Decree issued in December 2020, new asylum seekers are no longer allowed to reside.³⁹⁹ The rationale behind 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 particularly 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 the potential for “racial alteration” of the community, due to approximately 20% of its residents being Syrians. Public discussion raised by a crime involving a Syrian resident resulted in the stigmatisation of the whole Syrian community in the area. The Decree 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.

Until today, the situation remains unresolved.⁴⁰⁰ UNHCR, with the cooperation of Syrian residents and organized groups in the area,⁴⁰¹ as well as other local initiatives,⁴⁰² have been advocating for a peaceful and respectful resolution of the tension as well as reversing the negative representation in the media.

³⁹⁶ Article 9KB(2) and (4) Refugee Law.

³⁹⁷ Article 8(2)(a) Refugee Law.

³⁹⁸ Article 9E(1) Refugee Law.

³⁹⁹ Ministerial Decree Κ.Δ.Π. 583/2020 pursuant to Article 9E(1)(a)(ii) of the Refugee Law, available at: <http://bit.ly/3tGMgMS>.

⁴⁰⁰ “Μέτρα ζητά ο Κοινοτάρχης Χλώρακας και προειδοποιεί με κινητοποιήσεις” see at: <https://bit.ly/3iod11l>; Με συνθήματα «Πρώτα οι Κύπριοι» και όχι στους «Ψεύτικους πρόσφυγες» διαμαρτυρήθηκε ομάδα στη Χλώρακα», see at: <https://bit.ly/3ubq932>.

⁴⁰¹ Refugee integration programs can enhance social cohesion in Chloraka, Pafos, available at: <https://bit.ly/3qpRYU6>; «Σύροι εθελοντές αποκαθιστούν διατηρητέο κτήριο στη Δημοτική Αγορά» see at: <https://bit.ly/37KnKEN>.

⁴⁰² “ΑΚΕΛ Πάφου: Πρωτοβουλία για επίλυση προβλημάτων μετά τα πρόσφατα συμβάντα στη Χλώρακα” see at: <https://bit.ly/37Ko6v7>; “Η ΚΙΣΑ καταγγέλλει τον ρατσισμό, τη βία και τη ρητορική μίσους εναντίον των Σύρων προσφύγων στη Χλώρακα», see at <https://bit.ly/36CtpMG>.

Asylum seekers in Pournara and in the closed section of Limnes do not have freedom of movement. Regarding Pournara during 2022 the stay is approximately 40-60 days and during this time they are not allowed to leave the Centre. In the case of Limnes for those in the open section there is free movement between 9am-9pm, however exceptions are made in relation to persons who might need to exit the center at different times, either for medical or employment reasons.

In early 2020, due to the Action Plan to address the flows of migrants in the country and then COVID-19 measures, without prior notice, asylum seekers were obliged to remain at the **Pournara** Camp for undefined periods, reaching many months and leading to a situation of *de facto* detention. This policy continued throughout 2020 and early 2021, with persons remaining in the Centre for periods reaching 5-6 months. 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. For instance, 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. The situation raised concerns among UNHCR,⁴⁰³ the EU Commission⁴⁰⁴ and the Human rights Commissioner of the Council of Europe.⁴⁰⁵ From early 2021 onward, residents are allowed to exit the Centre after registration procedures and tests are concluded with an average stay time of approximately 60 days. Throughout 2022 the average duration of stay was approximately 40-60 days.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres:⁴⁰⁶ 3 + 4 UASC shelters
2. Total number of places in the reception centres: 2700 (Pournara, Kofinou and Limnes 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: Limnes for small numbers

The following types of accommodation are available for asylum seekers in Cyprus:

- ❖ **First Reception Centre, Pournara at Kokkinotrimithia** - The reception centre located in Kokkinotrimithia, on the outskirts of Nicosia, was originally established in 2014 as a tented facility with a 350-person capacity with EU funding to help deal with increased arrivals from Syria and was envisaged only to provide 72-hour emergency accommodation to newly arrived asylum-seekers. From 2020 onwards, asylum seekers that have arrived in the country in an irregular manner are referred to Pournara. The services provided in the Centre include identification, registration, and lodging of asylum applications as well as medical screenings and vulnerability

⁴⁰³ Kathimerini 'UNHCR: Need to decongest Pournara' 13 January 2021 (available in Greek) available at: <https://bit.ly/3u28Uzt>.

⁴⁰⁴ Kathimerini 'Brussels concerned about Pournara' 16 February 2021 (available in Greek) available at: <https://bit.ly/39psaiy>.

⁴⁰⁵ Council of Europe, Commissioner of Human Rights, Letter to the Minister of Interior of Cyprus, available at: <https://bit.ly/3mmJiuE>.

⁴⁰⁶ Includes centres used for registration, long term stay and pre-removal.

assessments. The duration of stay is approximately 40-60 days for adults whereas for UASC it is longer and on average 3 months. During their stay in the Centre asylum seekers are not permitted to exit.

- ❖ **Kofinou Reception Centre for Applicants of International Protection** - The main Reception Centre, located in the village of Kofinou some 40km from Nicosia, was expanded in 2014 to have a 400-bed capacity. The Centre has been operating at its maximum capacity since January 2016. Kofinou Reception Centre is the only Centre that provides accommodation for the entire duration of the asylum procedures, which permits freedom of movement. In 2022 the Centre construction was carried out with the aim to expand capacity and the new areas are expected to become available in early 2023.
- ❖ **Community - Private accommodation** - The main form of accommodation used by asylum seekers is private accommodation secured independently, in all areas of Cyprus. 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.⁴⁰⁷ Asylum seekers are expected to find accommodation on their own and there are no services available to refer persons to suitable accommodation or assist persons to identify and secure accommodation, including vulnerable persons and families with children, with the exception of an extremely few cases where the SWS assist. Indicatively at the end of 2022 there were over 35,000 asylum seekers in the country whereas the total capacity of Centres is under 3000.
- ❖ **Accommodation for UASC** - There are a number of accommodation arrangements for UASC, operated by a number of stakeholders. Specifically, UASC between 14 -18 are accommodated in shelters. There are a total of 4 shelters across the RoC, two of which are operated by the NGO "Hope For Children" CRC Policy Center and the remaining two by the SWS. The shelters are located in the urban areas of Nicosia, Larnaca and Limassol district. Conditions and services offered vary among the shelters.
UASC between the ages of 16-18 can be placed in one of the existing semi-independent living arrangements offered by a number of stakeholders. There are a number of semi-independent living arrangements across the island, operated by SWS, "Hope For Children" CRC Policy Center, IOM, CODECA. The semi-independent living arrangements of all stakeholders except SWS refer to building units located in most areas of the RoC, urban and rural, where the children live autonomously with minimal supervision by staff of the organisation. The UASC placed under the semi-independent living arrangement run by SWS are paired with an adult that can be considered the contact point of the SWS for the UASC and can offer care to the UASC.
Children under the age of 14 can be placed in foster care, usually with a family member of the extended family. The child lives with the relative who is considered the foster parent and is expected to provide day to day care to the UASC. The housing conditions vary depending on the living arrangement of the foster parent, though there is an assessment of the living conditions of the foster parent and approval is conditional to criteria set by the SWS.
- ❖ **Reception/Pre-removal Centre at Limnes** - The Centre is in a remote area, at Limnes, in the Larnaca district, with the purpose to host applicants whose application for asylum is examined under the accelerated process and enter the return procedure, with intended capacity 800 persons. It was also announced that a predeparture centre for refused asylum applicants would be established next to the reception centre to facilitate their returns. The Centre began operation at the end of 2021 with small groups of refused asylum applicants being transferred to Limnes from Pournara camp. All persons, mainly from Pakistan and Bangladesh, had been issued with negative asylum decisions and a decision determining their place of residence as Limnes, with a

⁴⁰⁷ Based on reports from asylum seekers to Cyprus Refugee Council social advisors and home visits carried out by the advisors.

provision that should they decide to leave Limnes they would have no access to welfare assistance. The trend has been for persons to voluntarily leave the centre and waive entitlements to welfare.⁴⁰⁸

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

2.1 First Reception Centre, Pournara

The Emergency Reception Centre (**Pournara**) was converted into a First Reception Centre. In 2019, the Centre underwent construction to upgrade the existing infrastructure by replacing 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.⁴⁰⁹ According to EASO, progress in 2019 was slower than expected due to delays in the much-needed renovation works and overall coordination challenges.⁴¹⁰

From 2020 onwards, asylum seekers who have arrived in the country in an irregular manner are 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. From late 2022 residents can also submit their application for MRC in the community.

The nominal capacity of the Centre is 1,000 persons. Since 2020, however, it has largely surpassed its capacity, which has severely impacted the general living conditions. At the beginning of 2022 the number was just over 3,000 persons, however from mid-year onwards the number dropped to under 2000. Furthermore, there are reports of an unknown number of persons residing in Pournara irregularly, who returned to the Centre after they had exited as they were unable to secure accommodation in the community. In late 2021, based on recommendations from UNHCR, a pre-admission section equipped with chemical toilets was created to accommodate people waiting to be let into the Centre for registration, which led to a significant reduction in persons waiting outside the Centre. In 2022, it was reported that about 40-50 persons arrive daily at the Centre who are not admitted for registration and return the next days until access is given.⁴¹¹

Residents are hosted in confined areas, where they are accommodated in prefabricated housing units, tents, and refugee house units, provided by UNHCR to replace tents with more appropriate solutions. Around 500 asylum-seekers reside in prefabricated shelters with access to electricity and heating, while others are accommodated in either tents or semi-hard plastic structures without access to electricity and adequate hygiene facilities. Asylum seekers are permitted to exit their respective residential section only upon being called for an interview by the various governmental and other agencies working in the camp.⁴¹²

⁴⁰⁸ UNHCR, Cyprus- Reception Capacity, available at <https://bit.ly/2nfRnab>.

⁴⁰⁹ Information provided by Asylum Service.

⁴¹⁰ EASO Operating Plan 2020, available at: <http://bit.ly/382C6el>.

⁴¹¹ Information provided by the Cyprus Refugee Council.

⁴¹² UNHCR, Cyprus- Reception Capacity, available at: <https://bit.ly/2nfRnab>.

Throughout 2022 there were no more available spaces in the housing units or tents, and residents were instructed to sleep wherever they could; persons reported that they sleep two to a bed, on the floor or even in the playground. Furthermore, in 2022 incidents of alleged sexual harassment and incidents of rape were reported by individuals accommodated in Pournara.⁴¹³

Pournara includes a safe zone intended to accommodate UASC, single women, and families. According to the EUAA operating plan for 2021, a “Safe Zone”, ie a specific area where persons with specific needs and vulnerable persons should be assigned, in Pournara was expected to become operational in 2021. The “Safe Zone” did initiate operations and vulnerable persons were housed in this area; however, reports received throughout 2021 indicated that many unaccompanied children were accommodated outside of the ‘Safe Zone’ in tents or prefabricated housing units, often with non-related adults. Furthermore, the ‘Safe Zone’ was not properly supervised or monitored throughout the day and night. During 2021, a number of incidents of alleged sexual harassment were reported by individuals accommodated in Pournara, and in some cases in the Safe Zone.

Throughout 2021, reception places in the safe zone were allocated as follows; capacity for 132 boys (22 rooms x 6 per room; 3 bunk beds); capacity for 60 girls (10 rooms x 6 per room; 3 bunk beds per room) and capacity for 108 women (18 rooms x 6 per room; 3 bunk beds per room). Due to overcrowding, numerous children stated having had to share a bed with another child, or even having been placed to sleep on blankets on the floor.

In early 2022, 30 unaccompanied children staged a protest due to the conditions in Pournara. The Commissioner for the Right’s for the Child issued a report, reiterating the responsibility of the state under human rights law to ensure food, protection as well as acceptable health and hygiene conditions for children at the Pournara reception centre. According to the Commissioner, the children are left with one bottle of water each, that “normally has to last the entire day”. Further, she described the hygienic conditions as “appalling,” and noted that “around 15 people sleep in each room, usually sharing beds, resulting in children often ending up sleeping on the floor. On top of that, the roughly 300 children housed at the centre are forced to share two toilets and a single shower room”.⁴¹⁴

The intervention of the Commissioner led to a brief visit by the President of the Republic on 14 March 2022, during which he promised to ensure that “more humane” conditions would be granted in the future, but also pointed out that the reception system’s “deficiencies” are to be attributed to the high amount of new arrivals, and that the problem will be “dealt with accordingly”. According to President Anastasiades, asylum seekers represent nearly 5% of the population. Cyprus has the highest number of asylum applications per capita of the 27 EU member states. Further, on the same day the Interior minister Nicos Nouris announced that 92 of the 356 children at Pournara had been relocated to hotels and that alternative accommodation for an additional 150 children was being identified. According to Nouris, the overcrowding at Pournara will be alleviated once transfers to a recently constructed reception centre south of Nicosia begins, Indicating Limnes Centre.

An extension of the ‘Safe Zone’ was initially expected to be completed in 2021, however it became operational in mid-2022. According to EUAA, ‘in June 2022, the construction of the new safe zone for vulnerable persons and unaccompanied minors at the First Reception Centre ‘Pournara’ was completed, increasing the Centre’s capacity. The pre-fabricated houses for the safe zone were donated by EUAA’.⁴¹⁵ Furthermore, the EUAA operating plan for 2022-2024 states that the EUAA will support the operationalisation of the Safe Zone in Pournara and in drafting and implementing standardised

⁴¹³ Phileleftheros, ‘A young rape victim who lives in Pournara’ available at: <http://bit.ly/3FXHAdW>; Phileleftheros, ‘ She reported gang-raping her in Pournara’ available at: <http://bit.ly/3IMUjcN>

⁴¹⁴ Kathimerini, ‘Furious Michaelidou on minors in Pournara - They sleep on the floor, a piece of bread for breakfast’ available at: <https://bit.ly/3TsmytE>

⁴¹⁵ European Migration Network, Quarterly report April-June 2022: <https://bit.ly/3M90bb7>

procedures and workflows on vulnerability/special needs identification, assessment and referral, in line with quality standards and legal framework. This will also include support on unaccompanied minor identification, age-assessment and take-charge procedures.⁴¹⁶

With the completion of the extension to the Safe Zone, it is now separated into 4 zones, A, B, C and D. Safe Zones A & B are the newly established areas, with a capacity to accommodate 64 persons, and are restricted to UASC girls (Zone B) and vulnerable women (Zone A). Regarding infrastructure there are a total of 20 containers in the New Safe Zone; 4 are reserved for offices and 16 for accommodation of residents. Each container includes 4 beds. There are a total of 9 showers and 9 toilets. The staff allocated to Zones A & B include 1 coordinator responsible for the overall coordination including admissions; 1 social worker from SWS who is responsible for adults and is present on Mon, Wed, Fri; 1 staff from Codeca – responsible for technical issues and material needs; 1 guardian from SWS, who is not present constantly and accompanies UASC to interviews; 3 EUAA staff, 2 vulnerability experts and 1 for information provision and 1 security guard who monitors the entry into the area.⁴¹⁷

Safe Zones C & D are in the area of the former Safe Zone prior to the extension. Safe Zone C accommodates UASC boys and has a total capacity to accommodate 162 persons. Regarding infrastructure there are 17 rooms with an average of 9 UASC per room and there are 2 toilets and 1 shower. Approximately 50 boys sleep on mattresses on the floor. Safe Zone D also accommodates UASC girls and women and has a total capacity of 194 persons. This Zone usually hosts single women whereas Zone A hosts mostly highly vulnerable women. Regarding infrastructure, there are 26 rooms with 8 persons per room and 1 out of 4 women / girls sleep on a mattress on the floor.⁴¹⁸

Regarding the admission procedure of vulnerable persons into the Safe Zone; the Coordinator of the Safe Zone receives information on vulnerable cases from the EUAA Coordinator for vulnerability assessments on a daily basis and screens and selects the persons that will be accommodated in the Safe Zone. However, there are instances where a person may be admitted into the Safe Zone when vulnerabilities are identified prior to the vulnerability assessment. Overall men are not permitted to stay in the Safe Zone, including vulnerable men and members of LGBTIQ+ groups.

Families can be accommodated in the Safe Zone, however in most case they will be accommodated in the main section of the Centre, as men, including fathers with children are not allowed to stay in the Safe Zone and the families choose not to be separated. However, single mothers with children who have significant vulnerabilities may be accommodated in Zone A of the Safe Zone.

The main issue with regards to UASC accommodated in the Safe Zone is their prolonged stay in Pournara which in most cases is longer than 3 months.

In early 2023 the numbers in Pournara were reduced in comparison to 2022, however this is mostly attributed to a reduction in the numbers of arrivals during this period, which are expected to rise again in Spring. Furthermore, there were limited transfers to the Centre in Limnes which in any case is expected to close due to the renovations. Furthermore there and there are approximately 200 UASC accommodated in Pournara.⁴¹⁹

Asylum seekers' freedom of movement is restricted while staying in Pournara (see Freedom of Movement). The requirement to present a valid address in order to exit Pournara causes important difficulties, as identifying accommodation is extremely difficult unless they are already in contact with persons in the community. Many are confined in the Centre for disproportionately long periods of time, as they face more difficulties in obtaining such a document. This policy was originally justified by the authorities as part of the measures to address the increase in migrant flows as well as to limit the spread

⁴¹⁶ EASO Operating Plan 2022-2024, available at: <https://bit.ly/36xougg>.

⁴¹⁷ Based on information provided by Cyprus Refugee Council.

⁴¹⁸ Ibid.

⁴¹⁹ Based on information provided by Cyprus Refugee Council

of COVID-19. Regardless, it has led to severe overcrowding, since no adequate infrastructure was in place to host high numbers of newly arrived asylum seekers. In many cases, the duration of stay reached 5 months and considering that persons had complete restriction of movement outside of the Centre, this has become a *de facto* detention.

Throughout 2021, the situation led to frequent 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 to return in the Centre after negotiations were made with the authorities and due to concerns it will affect their asylum applications.⁴²⁰ In late 2021, MPs from the Human Rights Committee of the Parliament carried out a visit to Pournara and stated having been left appalled by its conditions.⁴²¹ In early 2022, another serious clash broke out among residents, leading to serious injuries and damages.⁴²² Residents from neighboring villages have repeatedly voiced their discontent over the impact the Centre has over the area, specifically with regards to littering, trespassing and security concerns, and staged a protest outside Parliament in July 2022. Community leaders have welcomed government plans of reinforced fencing around the Centre⁴²³ but also demand the complete closure or relocation of the Centre.⁴²⁴

The situation has also raised concerns among UNHCR⁴²⁵ and the EU Commission.⁴²⁶

In February and December 2021, two Dutch Courts allowed asylum applicants whose first asylum country was Cyprus to be included in the Dutch asylum procedure because they would not have adequate reception conditions and the alternative of returning to Cyprus entailed the risk of being subjected to degrading or inhumane treatment due to bad reception conditions. Both decisions also referred to Pournara's substandard conditions, whereas the first decision specifically mentioned that the information submitted by the plaintiff gives an impression that the emergency shelter in Pournara has become a closed camp, where the reception conditions are very bad and large riots have broken out.⁴²⁷

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

⁴²⁰ Alpha News, 'Incidents of stone throwing and fires in Pournara', available in Greek at <http://bit.ly/2OOFZQC>.

⁴²¹ Phileleftheros, 'MPs in Pournara: "12 children stacked in containers"' available at: <https://bit.ly/3iKoFY6>; Phileleftheros, 'These are not images that honor us in "Pournara"', available at: <https://bit.ly/3LiqAiU>; Cyprus Mail, 'Pournara Camp a Ticking Bomb' available at: <https://bit.ly/3LgqOa8>.

⁴²² Phileleftheros, 'Pournara, a boiling cauldron - Clashes and stabbings', available at: <https://bit.ly/3JP1aci>; Cyprus Mail, 'Three injured during fight at Pournara' available at: <https://bit.ly/3uyEYNk>.

⁴²³ Cyprus Mail, 'Reinforced fencing at Pournara centre welcomed by local community' available at: <https://bit.ly/40xHOjU>.

⁴²⁴ Cyprus Mail, 'Kokkinotrimithia leader calls for closure of Pournara' available at: <http://bit.ly/3JO2dKR>.

⁴²⁵ Kathimerini, 'UNHCR: Need to decongest Pournara', 13 January 2021, available in Greek at <https://bit.ly/3f2uorE>.

⁴²⁶ Kathimerini, 'Brussels concerned about Pournara', 16 February 2021, available in Greek at <https://bit.ly/3c8Axk6>.

⁴²⁷ Court of the Hague, case NL21.2036, available at: <https://bit.ly/3IU5xCG>; Court of the Hague, NL21.17448 en NL.1745, available at: <https://bit.ly/3KtS3Op>.

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.⁴²⁸

In respect of COVID-19 measures, residents of **Pournara** and **Kofinou** Centres have been given access to the national COVID-19 Vaccination Plan.

Regarding access to the Centre for NGOs, there is limited access and only upon approval [by the Asylum Service]. In most cases access is only provided to NGOs that are providing services at the Center.

2.2 Reception Centre for Asylum Seekers, Kofinou

The main reception centre is located in the area of **Kofinou** in **Larnaca** District and began operating in 2014 with a nominal capacity of approximately 400 people. The Reception Centre is located in a remote area (roughly 25km from the nearest city, **Larnaca**), surrounded by dry fields and sparse vegetation. It is near a village with a population of approximately 1,300 people. There are bus routes connecting the reception centre with cities either directly in the case of Larnaca or through regional bus stations from where connecting transport can be used to reach other destinations. An extension of the Centre was announced in August 2022 and since October 2022 works have been underway. For this reason, the Centre has recently been operating at a lower capacity and the actual number of residents stands at approximately 210 people at the time of this report. The redevelopment will increase the capacity of the Centre to 700 people and is expected to be completed within the first half of 2023.

In May 2018 the Asylum Service decided to exclusively refer families and single women to Kofinou.⁴²⁹ This decision did not affect single men already residing in the centre who were still able to remain in the facility. During 2020, admissions of single men from Syria did take place and the trend continued in 2021, mainly with persons from Somalia. As of 2022, a growing number of people from Congo has also been noted. Due to renovation works, residents have all been moved to a designated area of the camps that remains accessible, meaning that families and single men share the same area. This triggered some complaints from residents in the beginning but as the measures are temporary there is tolerance of the situation.

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.

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 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.

Residents of the reception receive a monthly stipend of €100 for the head of the family and to €50 for every other family member.

Three meals are provided per day and special dietary arrangements are typically accommodated. Complaints regarding quality, quantity and variety of the food were still observed and residents continue

⁴²⁸ Council of Europe, Commissioner of Human Rights, Letter to the Minister of Interior of Cyprus Available at: <https://bit.ly/3mmJiuE>.

⁴²⁹ Βελτιώθηκε το Κέντρο Κοφίνου, see at: <https://bit.ly/3D1FYgy>.

to request the option to prepare their own food, in suitable spaces.⁴³⁰ Pork is not served in the Centre, although Muslim residents from time to time have expressed to CyRC their mistrust on whether there is any trace of pork in the food they are served.⁴³¹ Currently, six common kitchen areas and equipment are available to the residents.

According to reports of residents to the Cyprus Refugee Council, the cleaning of shared toilets/bathrooms is adequate. Families must clean their own toilets. Complaints of not having enough hot water throughout the day are rare. During the breakout of the pandemic, disruptions were noticed in relation to cleaning/maintenance staff engagement, which subsequently resulted in an increased number of complaints regarding common spaces, cleaning, and repairs of infrastructure. The situation returned to normal during 2021. Reports of insects and snakes appearing on the premises, due to the location of the Centre, continue.⁴³²

Regarding access to the Centre for NGOs, there is limited access and only upon approval by the Asylum Service, however access is granted in most cases. Volunteers were unable to visit the Centre in 2020 due to Covid-19 restrictions but during this time transfer of goods from the community to the Centre for dissemination took place and initiatives began to resume in 2021. A new structure to host residents and volunteers in order to carry out activities, operating as an integration hub, was developed and operated during 2021. This space was affected by the renovations in 2022 and is now temporarily closed. Activities are currently taking place in a container donated by the Red Cross and EUAA has also made a section of their container available to use to this end. Throughout 2022, 9 organisations have had regular access to the Centre, providing medical supplies, psychosocial support, language classes, upskilling workshops and activities specifically aimed at children including psychological therapy, occupational therapy, arts and sports classes, and educational support for easier integration.

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. Movement from and to the Centre resumed in 2021. Residents are not allowed to leave the premises for more than 48 hours but in some instances this can be extended by notifying the social worker.

Children in the Centre attend primary and high school in the community and a designated bus service is provided. No racist or discriminatory incidents were recorded and the integration of minors in schools is reported, overall, as satisfactory by residents. There has been a positive collaboration between the schools and the Centre.

During 2020, schools suspended operations for prolonged periods of time due to COVID-19 measures. 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. In 2021, children were able to physically attend school again. 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 was previously carried out on the spot for residents and personnel every Friday. This has now come to an end but the medical unit in the Centre continues to carry out COVID-19 tests upon demand for those who

⁴³⁰ Information provided by the Cyprus Refugee Council.

⁴³¹ According to reports to CyRC

⁴³² According to reports to CyRC.

need. In regard to COVID-19 vaccinations, most residents have received at least two shots and the administration of the third dose has also been carried out in 2022.

2.3 Residing in the Community

With the total number of asylum seekers reaching 30,000 and capacity of Reception Centres limited to around 2,500 persons, most asylum seekers reside in the community in private houses/flats, which they are required to secure on their own.

As the main Reception Centre, Kofinou is at maximum capacity at almost all times, the SWS 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. Housing arrangements mainly involved newly arrived families with minor dependants, in budget hotels and apartments/houses. Persons were usually placed there 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 2020, following the announcement of stringent measures to tackle migration flows and, soon after, the implementation of measures related to COVID-19, asylum seekers hosted in hotels were told to evacuate. A relevant ministerial order in relation to COVID-19 required 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 Reception 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.⁴³³

In 2021, following the identification of vulnerable persons in **Pournara** and in some cases based on interventions of NGOs suggesting that particular individuals should not reside in Pournara, a small number of placements into private housing were carried out by the SWS. Towards the end of 2021, SWS started sending letters to people benefiting from those placements, setting a 3-month limit after the expiration of which they should leave. In some cases extensions were given and persons were allowed to remain for an additional 3 months but after that people were obliged to secure accommodation.⁴³⁴

Currently the SWS only assist selected vulnerable persons with finding shelter in the community. For the vast majority of other asylum seekers, housing continues to be a major issue, and they often found themselves in destitution, facing increased risk of homelessness, appalling living conditions and exploitation by agents, landlords and other persons in the community.

Practical difficulties in obtaining certain requirements such as a rental agreement, a deposit, and/or advance payments, which although foreseen in the 2022 Ministerial orders, they are still not covered by Social Services, continue to generate issues 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 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, 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

⁴³³ Information provided by Caritas, Cyprus and Cyprus Refugee Council.

⁴³⁴ Information provided by Caritas, Cyprus and Cyprus Refugee Council.

past, but since 2020 it is uniformly applied in all cases, increasing the risk of destitution and homelessness.

The difficulties in securing shelter in the community have led to an increase in the use of run-down or derelict buildings. These are apartment buildings or former hotel apartments in very bad conditions, often without running water, with severe structural, electrical and sewage issues etc. Due to their decaying conditions, the owners are generally unable to rent them to nationals, and instead rent them to asylum seekers. Reports of owners receiving rent allowance for such properties from the SWS were reported in 2021 and 2022. Asylum seekers residing in such buildings include vulnerable persons such as single mothers with young children, pregnant women, violence/torture victims, disabled persons etc. The local authorities in some cases have taken legal action against the owners but due to lack of housing alternatives moving persons from such buildings has proven extremely difficult.⁴³⁵

Contextually to the announcement of measures addressing migrant flows in early 2020, the Ministry of Interior declared: '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.'⁴³⁶ 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

2.4 Limnes Accommodation Centre

The Centre at Limnes began to operate in November 2021 with small groups of refused asylum applicants being transferred there from Pournara. However, in August 2022, it was announced that Cyprus is to receive €72m in funds from the European Commission, for projects to support the reception, asylum and return systems in Cyprus, which includes €67m for the enhancement of the capacity at Limnes.⁴³⁷ The Centre is expected to cease operations by June 2023 and is expected to remain closed for 2 years while construction takes place.⁴³⁸

Throughout 2022, all persons transferred to Limnes, mainly from Pakistan and Bangladesh, had been issued with negative asylum decisions and a decision determining their place of residence as Limnes, with a proviso that should they decide to leave Limnes they would have no access to welfare assistance. The trend has been for persons to voluntarily leave the Centre and reside in the community, without access to material reception conditions, mainly to access employment opportunities in the community.

Those who select to reside at the Centre are accommodated in the open sections of the Centre and are allowed to move enter and exit between 9am and 9pm, however exceptions are made in relation to PoCs who might need to exit the Centre at different times, either for medical or employment reasons. Furthermore, they are provided with a stipulated cash allowance of €100, which is allocated at the end of each month.

The Centre also appears to have been used at times on ad-hoc basis to address overcrowding at Pournara. For example, on 21 December 2021, 585 asylum seekers were transferred from Pournara to Limnes, having been close contacts to COVID-19 cases. Additional asylum seekers who were positive to

⁴³⁵ Phileleftheros, 'Living in sewage and searching for food in garbage' available at: <https://bit.ly/3qGWGgm>.

⁴³⁶ Ministry of Interior, Λήψη μέτρων για την ολιστική αντιμετώπιση των μεταναστευτικών ροών, 12 March 2020, available in Greek at: <https://bit.ly/3as04kZ>.

⁴³⁷ Ministry of Transport, Communications and Works, Announcement: Tender Announcement for the Construction of a "LIMNES" Hospitality Center for International Protection Applicants and a Pre-Departure Center for persons who will be repatriated to the Menogia area of Larnaca District, available at: <http://bit.ly/3TZaArO>; Cyprus Mail, 'EU and Cyprus close to an agreement for support on migration', available at: <http://bit.ly/3JVBE6D>.

⁴³⁸ Information provided by Cyprus Refugee Council.

COVID-19 were also transferred to Limnes the following days/weeks. These persons are not considered to be residents of the Centre and, although they are asylum seekers, they do not have freedom of movement and are accommodated in the closed sections of the Centre. All the asylum seekers who were transferred to Limnes for Covid-related reasons have either been released in the community or transferred back to Pournara to conclude their medical tests. The average duration of stay in the closed sections of the Centre was 40 days.

Regarding the setup, the Centre consists of three distinct sections:

- ❖ the Safe Zone, which consists of three prefabricated houses;
- ❖ Sections C and D of the Centre which consist of a total of 69 RHUs;⁴³⁹ and
- ❖ Sections A and B of the Centre which consist of a total of 60 RHUs.

There is no physical separation between sections C and D, or sections A and B. As such, they are considered to form two distinct sections: (i) sections A&B; and (ii) sections C&D.

Given its recent establishment, as well as the lack of access to the Centre there are no reports on the conditions in the Centre. However, there are indications that the general conditions are extremely poor, especially looking at the quality of the housing units purposed for very temporary stay and the fact that only communal areas (e.g. the food distribution area) dispose of electricity and heating provisions. Moreover, the decision to close and restructure the Centre so soon after it began operating is reportedly due to the substandard conditions.⁴⁴⁰

In early 2023, there were app. 150 persons at Limnes, all in the open section of the Centre of which the majority had received a first instance rejection to their asylum application.

Regarding access to the Centre by NGOs, there is no access provided even though repeated requests have been made.⁴⁴¹

2.1. 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 2022, staff in the Centre included: an NGO providing management services/social support in the Centre with 3 social workers and 6 administrators; 1 social worker from SWS (since October 2020); and support from EUAA with 1 induction community link officer, 4 social workers, (with 1 being specialised in vulnerable persons), 5 interpreters (Arabic, Somali, French, Farsi, Kurmanji, Badini, Turkish, Lingala), and onefloor manager (responsible for the EUAA 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”.⁴⁴² 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 due to some of its active members having exited the Centre.

⁴³⁹ Refugee Housing Unit (RHU), available at: <https://bit.ly/40iJJSZ>.

⁴⁴⁰ Information provided by Cyprus Refugee Council.

⁴⁴¹ Information provided by Cyprus Refugee Council and based on requests submitted.

⁴⁴² Article 9IZ(2) Refugee Law.

In relation to Health Services provided, there are currently two nurses (one of which a mental health nurse) offering services Monday-Friday until 1pm. A pathologist and a psychologist, both appointed by the Ministry of Health, visit the Centre twice a week.

Educational/leisure activities in the Centre 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. Most of the activities, which were postponed during the lockdowns and due to COVID-19 restrictions, resumed during 2021, or are in the process of resuming.

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 however at times, complaints are made regarding broadband speed/coverage. The computer room, the playroom, and the library remain locked, unless there is a specific activity taking place. These facilities were temporarily closed as of December 2022 due to renovation works but they are expected to reopen in 2023 along with the addition of a new playground funded by a European NGO.

2.2. 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 comprehensive procedure to accommodate the transition of persons receiving International Protection to the community is yet to be implemented. The overall slowdown of the economy due to the pandemic, and, currently, the high rent prices and the various difficulties in accessing jobs, the transition of Persons with International Protection from the Centre in the community remains a challenging process.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum seekers? Yes No
 ❖ If yes, when do asylum seekers have access the labour market? After 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

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.⁴⁴³ According to the Ministerial Decree/Decision 308/2018, asylum seekers are permitted to access the labour market one month after submitting their asylum application.⁴⁴⁴

In 2019, additional Decrees were issued by the Minister of Labour, Welfare, and Social Insurance, allowing access to additional employment sectors for asylum seekers.⁴⁴⁵ Furthermore, a new Decree issued in October 2021 allowed asylum seekers to access employment before a final, formal decision on the employer's application to acquire the necessary permit to employ asylum seekers is issued by the Labour Department.⁴⁴⁶

At the time of submitting this report, however, the issuance of a new Ministerial Decision was announced which will increase the period of prohibition to work to 9 months after the date of submission of the asylum application, with effect from August 2023.

Currently, and according to the above-mentioned Decrees, 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	-Agriculture Labourers -Animal Husbandry Labourers -Poultry Farm Labourers -Fishery Labourers

⁴⁴³ Article 9Θ(2)(a)-(b) Refugee Law.

⁴⁴⁴ Article 9Θ(1)(b) Refugee Law; Ministerial Decision 308/2018, 26 October 2018.

⁴⁴⁵ Ministerial Decree 228/2019 pursuant to Article 9Θ(2)(α) of the Refugee Law, see: <https://bit.ly/2lQOEuZ>.

⁴⁴⁶ Ministerial Decree 413/2021, pursuant to Article 9Θ(2)(α) και (β) of the Refugee Law, see: <https://tinyurl.com/46py262x>.

	-Fish Farm Labourers -Animal Caretakers
Processing	-Animal Feed Production Labourers -Bakery and Dairy Production Night-Shift Labourers -Loading / Unloading Labourers -Poultry Slaughterhouse Night-Shift Labourers
Waste Management	-Sewerage, Waste and Wastewater Treatment Labourers -Collection and Processing of Waste and Garbage Labourers -Recycling Labourers -Animal Waste and Slaughterhouse Waste Processing Labourers
Trade-Repairs	-Petrol Station and Carwash Labourers -Loading / Unloading Labourers -Fish Market Labourers -Automobile Panel-Beaters and Spray-Painters
Service Provision	-Employment by Cleaning Companies as Cleaners of Buildings and Outdoor Areas -Advertising Material Delivery Persons -Food Delivery Persons -Groundskeepers -Loading / Unloading Labourers -Pest Control Labourers for Homes and Offices
Restaurants and Recreation Centres/Hotels	-Kitchen Aides, Cleaners -Food Delivery Persons
Other	-Laundromat Labourers

The shortage of staff observed in financial sectors in Cyprus, especially tourism industry, has led employer's organizations⁴⁴⁷ to request facilitation of hiring non-EU citizens in order to overcome acute staff shortages.⁴⁴⁸

According to the Ministerial Decision/Decrees, persons who entered Cyprus legally on work permit as agriculture or animal husbandry labourers and applied for asylum at a later stage can only work in the economic sector and position stated in their work permit.

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

According to the Refugee Law,³⁶⁷ 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

⁴⁴⁷ Πρωτοχρονιάτικο μήνυμα του Προέδρου της Ομοσπονδίας Εργοδοτών & Βιομηχάνων (ΟΕΒ) κ. Αντώνη Αντωνίου, για το νέο έτος 2023 Available at <https://bit.ly/3IjtgX7>.

⁴⁴⁸ Cyprus Chamber of Commerce and Industry 2021, Annual report (published in 2022) Available at <https://bit.ly/41APYcN>.

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.

Procedure with the Labour Department

All applicants and recipients of MRC 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. In order to maintain their unemployment status, they need to renew on specific time-frames their registration in the Labour Department.

The Labour Department provides job referrals to asylum seekers. Applicants are required to contact the employers directly, and the employer is expected to provide a written report on the outcome of the meeting. The form does not provide space for the asylum seekers' statements on the outcome of the meeting, including, for instance, the reasons why it was not possible for the asylum seeker to be offered a job. Asylum seekers cannot challenge the statements of the employer. This may lead to asylum seekers being considered as wilfully unemployed by the Labour Department and the SWS, resulting in loss of MRC and there is no effective procedure to challenge those results.⁴⁴⁹

Candidates who contact employers 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. To do so, an application must be filed at the Labour Department along with a personal contract for the candidate they want 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.

Up until October 2021, employment would be only considered legitimate after the conclusion of the procedure described above. This would typically require at least two-three months, which, as a result, made legal engagement of asylum seekers difficult and unattractive to employers, despite the shortage of personnel in some of the allowed sectors.

The situation improved with issuance of the new Orders in October 2021 by the Ministry of Labour,⁴⁵⁰ which allow asylum seekers to start working before a final, formal decision of the employer's application is adopted by the Labour Department. Although the conclusion of this process remains lengthy, this advancement has facilitated access of asylum seekers to jobs and more asylum seekers have started working. The increased numbers of asylum seekers entering legal employment has allowed for higher numbers of asylum seekers claiming social insurance benefits, such as unemployment benefit, maternity benefit and others.

It also allows more efficient monitoring of employers' compliance with employment terms, since higher numbers of legally employed persons are able to submit a formal complaint at the Labour Relations Department. The importance of this prospect was highlighted in a recent demonstration undertaken for the first time by food delivery drivers, a working sector almost exclusively staffed by non- EU nationals, including asylum seekers. This mobilization received media coverage,⁴⁵¹ and led to trade unions

⁴⁴⁹ Information provided by Caritas Cyprus and Cyprus Refugee Council.

⁴⁵⁰ Ministerial Decree 413/2021, pursuant to Article 9Θ(2)(α) και (β) of the Refugee Law, see: <https://tinyurl.com/46py262x>.

⁴⁵¹ Wolt strikers stage protest march; Department of Labour Relations calls for mediation, see: <https://bit.ly/41KKHiH>; WOLT delivery drivers: Labor violations confirmed, fines to be imposed. See: <https://bit.ly/41Hk7XH>.

involvement⁴⁵² and an investigation by authorities⁴⁵³ concerning complaints related to discriminative working conditions and terms, including subletting of workers to other companies, commissions paid by employees to agents etc.⁴⁵⁴

According to the 2021 MLWSI annual report, published in 2022,⁴⁵⁵ 33 complaints by asylum seekers were filed. CyRC assists asylum seekers to file such complaints but further monitoring is required to assess the quality of services and the outcome of the assessment.

Terms and conditions of employment

The terms and conditions, including remuneration of the occupations, depend 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 are no unions. Therefore, their wages remain at minimum levels.

Furthermore, although collective agreements exist for a number of professions in Cyprus through a voluntary tripartite system (employers, unions, state), they are not legislatively regulated and implemented. Up until the end of 2022, only nine professions were legislatively regulated in regard to wages (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).

As of 1st of January 2023, a National Minimum Wage is in effect based on a Ministerial Decree⁴⁵⁶ issued in August 2022. The decree provides that the minimum wage is 885EUR for the first 6 months and will be increased to €940 after six months of continuous employment. However, the Decree excludes domestic workers, workers in agriculture and farming, workers in shipping and workers who are covered by the relevant Decree for the Hospitality Sector issued in 2020. Concerns have been raised by trade unions in regards to the height and the revisions of minimum wage and the actual implementation.⁴⁵⁷

Online registration

During the pandemic, changes in the provision of services by Labour Department and the Public Employment Services took place. For most of the pandemic and up to June 2021, labour cards were automatically renewed for persons who had an active file in the Labour Department before the pandemic. For asylum seekers wishing to register for the first time as unemployed, SWS provided MRC. Those with a terminated file wishing to register again were deprived from MRC for prolonged periods of time.

In June 2021, the Public Employment Services announced that all future registrations and renewals of registrations for unemployed persons would be performed online through their website.⁴⁵⁸ After a tolerance period for candidates already with an open file with PES, since September 2021, all beneficiaries of PES are required to create an individual online account. While online, the system is not automated. The registration process and the use of the system still require direct email exchange, and/or telephone communications with Labour Officers, who still need to perform various verification procedures.

⁴⁵² Απεργία των εργαζομένων στην ψηφιακή πλατφόρμα Wolt see at <https://bit.ly/3J9JZV2>.

⁴⁵³ Σε συνάντηση καλεί το Τμήμα Εργασιακών Σχέσεων τους απεργούς της Wolt, την εργοδοσία και τις συντεχνίες, see: <https://bit.ly/3KUhUSW>.

⁴⁵⁴ Έναρξη διαλόγου και λήξη της απεργίας των οδηγών της Wolt, see at: <https://bit.ly/3ZgknLX>.

⁴⁵⁵ MLWSI Annual Report 2021, available at <https://bit.ly/3IL0jKy>.

⁴⁵⁶ Διάταγμα για τον Περί Κατωτάτου Ορίου Μισθών Νόμο, available at: <https://bit.ly/3IEc6Ko>.

⁴⁵⁷ Κλείδωσε στα 940 ευρώ ο Εθνικός Κατώτατος Μισθός-Ποιοι εξαιρούνται, available at: <https://bit.ly/41DOC00>.

⁴⁵⁸ See announcement at: <https://redirect.is/rj8c03n>.

This situation results in particularly limited capacity for them to timely attend and resolve issues as well as poor employment-related guidance.

Obstacles faced by asylum seekers in accessing the labour market

The most prominent ones are the following:

- ❖ **Limited allowed sectors:** Asylum seekers are allowed to work in particular sectors of the economy, specified by a Ministerial Decree⁴⁵⁹ in line with the provisions of the strategy for the employment of third-country nationals.⁴⁶⁰ The strategy grants priority to nationals and EU citizens in accessing employment and foresees the possibility to approve the employment of non-EU citizens in sectors where the labour check procedure indicates persistent lack of local/EU staff. Apart from the current allowed sectors for asylum seekers, the employers' organizations have been persistently pointing out high staff shortages in additional economy sectors, requiring permission to hire non-EU workers in order to cover their needs. However, the permitted working sectors for asylum seekers remain unchanged since 2009, significantly narrowing the available job options in sectors with lower wages and worst conditions.
- ❖ **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:** Although the expansion of the permitted sectors for asylum seekers provides employment opportunities in urban areas, many jobs remain in remote rural regions, and working hours may include night shifts, or start as early as 04:00 or 05:00 am. 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 efficient communication with 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.⁴⁶¹ 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.

⁴⁵⁹ Ministerial Decree 228/2019 pursuant to Article 9Θ(2)(α) of the Refugee Law, see: <https://bit.ly/2IQOEuZ>.

⁴⁶⁰ Στρατηγική για την απασχόληση αλλοδαπού εργατικού δυναμικού 2022 see at: <https://bit.ly/3J6fNjP>.

⁴⁶¹ Circular on the Strategy for the employment of third-country nationals (Στρατηγική για την Απασχόληση Αλλοδαπών), May 2008, available at: <https://bit.ly/2vTk0ye>.

- ❖ **Lack of gender and cultural sensitivity in the recruitment procedure:** Female asylum seekers often face difficulties accessing employment for reasons because of the jobs allowed, which are typically manual and require physical strength, as well as cultural barriers.⁴⁶² For example, many women have never worked before. When it comes to the working 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, 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.
- ❖ **Lack of appropriate information with respect to the 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, are not given a copy of the contract they sign and have no knowledge of available complaint mechanisms, or trade unions role. Resorting to the Labour Relations Court is also expensive since there is no legal aid for that purpose, as well as time-consuming.
- ❖ **Problematic access to the services of the Labour Department:** Existing system of the Labour Department requires efficient use of an online registration portal and direct communications 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 led to 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.

Prior to the decision to refer all new asylum seekers to **Pournara** Centre, obstacles that were reported also included delays in the issuance of the 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, prevented persons to register at the Labour Department until they obtained an ARC number. This gap has been significantly reduced due to the policy change on reception of for newly arrived asylum seekers now referred to the **Pournara** Camp, where the registration process and issuance of ARC number is, usually, completed prior to exiting the Centre.

When asylum seekers leave the Pournara Camp, they must declare an address. According to ar.8 of the refugee law, in case they decide to change address, they need to inform the competent authority (asylum service and immigration departments). Although not specified in the Law, the Immigration department requires the submission of a stamped rental agreement by asylum seekers, in order to register their new address. Taking into consideration that asylum seekers due to the very high rents often live with friends and relatives without a rent agreement, it is very difficult to change their address through this procedure. This situation affects the registration at the district labour offices as they require to change first their address at the immigration offices before they proceed with the labour office registration. Inevitably this affects the access to SWS.

Lastly, asylum seekers face issues to access food delivery jobs, for which a driver's licence is needed. 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.⁴⁶³ The Circular

⁴⁶² See also; Ombudsman, *Report on access of female asylum seekers to employment and social welfare*, 1799/2016, 11 November 2016.

⁴⁶³ Circular/GuidanceNote αρ.32/2020, «Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και τεκμήριο για έξι μήνες παραμονής». <https://bit.ly/3cPlonf>.

established additional requirements for non-Cypriot citizens (including asylum seekers), which hindered their possibilities of obtaining 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,⁴⁶⁴ that transposes the relevant article of the EU Directive on Driving Licences,⁴⁶⁵ which requires that an applicant be residing in Cyprus at least 6 months. Moreover, for asylum seekers, the new requirements demand 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 for discussion before the Human Rights Committee of the Parliament in February 2021, 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. In May 2021, a new circular was issued,⁴⁶⁶ but it did not provide any further clarifications on the main problematic point, i.e., the fact that for asylum seekers, their Confirmation of Submission of an Asylum Application acts as a valid residence permit. The issue was brought up by the main opposition party before the Parliamentary Committee for Labour, Welfare and Social Insurance. To date however, no decision on the matter has been reached.⁴⁶⁷ At the same time, a bill, reviewing driving test procedure, the categories and validity of driving licenses, safety in work and other relevant issues is under drafting.⁴⁶⁸

COVID-19 related issues

During the outbreak of COVID-19, asylum seekers who were registered with the Labour Department prior to the pandemic would scarcely receive job referrals through email and telephone. 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 to secure job referrals, which is available on their website. However, the unfamiliarity with this system, combined with linguistic barriers, yielded poor results among the refugee population, as indicated by CyRC observations.

The outbreak of the pandemic had severe implications on the economy, resulting in a sharp decline of offered positions, as well as termination of employment for many persons. The situation started to improve during 2021. However, until October 2021, the lengthy procedures for being hired and the inability of many to receive referrals from Labour Department negatively impacted asylum seekers' access to employment.

Asylum seekers were allowed to participate in the support schemes announced by the government to tackle lockdown implications for businesses.⁴⁶⁹ Most measures allowed a business affected by the lockdown to receive, under certain criteria, a subsidy of the salary paid to its employees, provided that there would be no dismissals. The main issues observed regarding asylum seekers' participation in the support schemes were the following:

⁴⁶⁴ Article 5, Driving License Law, available in Greek at: <https://bit.ly/2PzdcQg>.

⁴⁶⁵ 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".

⁴⁶⁶ Circular/Guidance Note αρ. 9/2021, «Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και αποδεικτικού εξάμηνη διαμονή στη Δημοκρατία» available in Greek at: <https://tinyurl.com/mu4dpmf8>.

⁴⁶⁷ Αρ. Θέματος 65. Το εργασιακό καθεστώς των διανομέων (delivery) στην εστίαση και στις ψηφιακές πλατφόρμες διανομής προϊόντων, available at: <https://bit.ly/36D0AZA>.

⁴⁶⁸ Ο περί Άδειας Οδήγησης (Τροποποιητικός) Νόμος του 2022. (Αρ. Φακ. 23.01.063.031-2022), available at <https://bit.ly/3mf4irb>

⁴⁶⁹ Support program for coping with the effects of covid-19, available in Greek at <https://bit.ly/3cMx7mq>.

- ❖ A lack of information and guidance regarding support measures and procedures to access them. The measures announced involved many different procedures, criteria, that 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 tried 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.
- ❖ Limited access of asylum seekers to bank accounts: employees of companies participating in the support schemes needed 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 hindered their access to support schemes.

2. Access to education

Indicators: Access to Education

1. Does the law provide for access to education for asylum-seeking children? Yes No
2. Are children able to access education in practice? Yes No

The Refugee Law provides that all asylum-seeking children have access to primary and secondary education under the same conditions as Cypriot citizens, immediately after applying for asylum and no later than three months from the date of submission of the claim.⁴⁷⁰ In practice, the vast majority of children access public education. However, as there is no systematic monitoring of children's registration at school, there have been cases of children remaining out of the education system for more than three months, mainly due to difficulties faced by families in accessing certain schools, lack of information/timely arrangements, and limited school capacities to accommodate additional students etc. There is also a lack of official data on dropout rates regarding asylum-seeking children.

The Refugee Law allows for education arrangements to be provided in the reception centre;⁴⁷¹ however, children residing in Kofinou Reception Centre attend regular schools in the community. Children in the Centre attend primary and high school in the community. No racist or discrimination incidents were recorded and the integration of minors in schools is reported, overall, as satisfactory by residents.

As previously mentioned, during 2020, schools suspended operations for prolonged periods of time. From April 2021 onwards, children were able to attend school in person, under the same provisions applying to the rest of the student population.

Children in **Pournara** do not attend school, regardless of the time 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, since 2020, the period of stay is at least two months with no facilitation of any form of education for children. At time of publication, there were 270 children in the Centre, out of which 192 were UASC.

The right of enrolled students to attend secondary education is not affected even when they reach the age of 18.⁴⁷² However, considering that the last three years of secondary education are non-obligatory, almost all new students above 18 years of age wishing 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.

⁴⁷⁰ Article 9H(1) and (3)(a) Refugee Law.

⁴⁷¹ Article 9H(1) Refugee Law.

⁴⁷² Article 9H(2) Refugee Law.

The age of students and their previous academic level is taken into consideration when deciding the grade where they will be registered. Classes at public schools are taught in Greek. Should they wish to attend a private school (usually to attend 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 in Gymnasium and Lyceums, the Ministry of Education has developed transitional classes (i.e., classes of 14 hours of Greek per week as well as selected other subjects), and short classes (i.e., classes where 5 hours of Greek per week are offered). For the school year 2022-2023 the Minister of Education acknowledged that the induction of non-Greek speaking children in the schools needs to be improved and announced a series of additional measures which aim to increase interaction of schools with families of children whose mother language is not Greek, while introducing a more intensive evaluation process of Greek language use and a closer monitoring and reporting on the learning process, progress and learning outcomes. The operation of obligatory classes during the summer break for students whose language capacity has not increased according to set targets is also proposed.⁴⁷³ Further monitoring of the implementation of those measures is required.

In the context of primary education, additional hours of Greek language learning are also arranged at schools where the number of non-Greek speaking children is deemed particularly high.

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

Linguistic and cultural barriers are still significant obstacles for young students, especially those entering secondary education. In 2018, in an effort to provide options for young students, UNHCR in collaboration with KASA, a private educational institution, 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.⁴⁷⁴ Under this agreement, KASA offered a number of free placements for English-taught classes for free, to refugees and asylum seekers, leading to a high school diploma. Interested individuals aged 16 years or above with a good command of English were eligible to apply and, if selected, attend the programme – following a test and interview. The duration of the programme was a minimum of three years of study, leading to a recognised high school diploma. This program was concluded in 2021. It was the only programme offering free classes leading to high school diploma available to adult refugees. Up to now, no similar initiative was announced.

The provisions of the Refugee Law regarding identifying and addressing special reception needs are not sufficiently met in the case of minors who exit Pournara Centre with their families and reside in the community. This is due to a lack of follow-up procedures after the identification of vulnerabilities, which could ensure timely and comprehensive interventions and support, after exiting the Centre. Therefore, 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.

⁴⁷³ Δήλωση του Υπουργού Παιδείας, Αθλητισμού και Νεολαίας για την ενίσχυση των διαδικασιών υποδοχής και ομαλής ένταξης των μαθητών/τριών με μεταναστευτική βιογραφία και της ελληνομάθειας, available at: <https://bit.ly/3JqOA5z>.

⁴⁷⁴ UNHCR, *UNHCR and the KASA High School join forces for refugee education*, available at <https://bit.ly/2VSw6PD>.

Assessing the needs of children in an adequate manner 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.⁴⁷⁵

Children entering UASC shelters in the middle of a school year are not placed in school, and the same will apply to children who are close to 18. Instead, they are referred to 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 were systematically delivered online for 4th to 6th year of primary school (approximately 9-12 years old), Gymnasium (middle school) and Lyceums (high school). For the 1st - 3rd year of primary school (approximately 6-8 years old), there were no daily online classes, but learning materials were sent to parents or online meetings were arranged one to two times per week depending on each schools' arrangements. Asylum seeking children, especially those in the first classes or recent arrivals, faced significant obstacles in effectively accessing education during this time, mainly due to linguistic barriers, unfamiliarity with online learning, an inability to access the necessary digital means (tablets were provided by the Ministry of Interior but households often do not have an internet connection), and the lack of adequate familiarisation with Cypriot education system.

From April 2021 onwards, the situation returned to normal, and children went back to school in person.

D. Health care

Indicators: Health Care			
1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
2. Do asylum seekers have adequate access to health care in practice?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> 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.⁴⁷⁶ Welfare beneficiaries and residents in the reception centre are indicated as eligible for free medical care and, in that respect, 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.

Up until November 2020, 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 the hospital card granting them access to public health institutions.

⁴⁷⁵ Information provided by CyRC.

⁴⁷⁶ Article 9IΓ(1)(a) Refugee Law.

In November 2020, the Ministry of Health granted free access to hospitals for all asylum seekers, regardless of whether they received MRC, and since May 2022, asylum seekers during the first year after the application for asylum are able to access public health institutions just with their Confirmation Letter.

A year after the date of the application of asylum, asylum seekers need to apply for a medical card at the Ministry of Health, by submitting a simplified application. Hospital cards are either issued on the spot at the Ministry of Health or can be sent to beneficiaries by post. They are typically valid for one year.

On 1 June 2019, a National Health System (GESY) came into effect for the first time in Cyprus, introducing major differences in the provision of health care services such as the concept of a personal general practitioner (GP) in the community as a focal point for referrals to all specialised doctors. For most of the population (Cypriots, EU citizens, BIPs), health services are now provided almost exclusively under the new health system.

Asylum seekers, along with other persons that are part 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 GESY, they contribute to GESY as employed persons.

The transition to the new health system impacted access of asylum seekers to health 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.⁴⁷⁷ The transition 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 CyRC 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 somewhat improved; however, up until today, 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. Access to medication remains particularly problematic.

The transition to the new health system is particularly relevant in view of the measures 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 prohibited 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 tried to address this gap and facilitate access to information for asylum seekers 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 are included in the National COVID-19 Vaccination Plan.⁴⁷⁸ Because asylum seekers are not covered by GESY, participation in the program for those residing in the community was granted with submission of an application form, accompanied by a copy of a valid hospital card.⁴⁷⁹ During the course of 2021, walk-in vaccination arrangements were organized by the Ministry of Health, which provided easier access for the population, and large numbers of asylum seekers received their vaccination doses.

⁴⁷⁷ Απόσπασμα από τα Πρακτικά της Συνεδρίας του Υπουργικού Συμβουλίου Ημερομηνίας 18/12/2019, available in Greek at: <https://bit.ly/2TRello>.

⁴⁷⁸ Ministry of Health, National vaccination plan for COVID 19, 2020, available at: <https://bit.ly/3lpBJCY>.

⁴⁷⁹ Document for the registration of citizens who are not GHSY beneficiaries, to the Cyprus portal for Covid-19, available at <https://bit.ly/3cOkSa4>.

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.⁴⁸⁰

In a number of cases, asylum seekers reported to the CyRC 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 2022.

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.⁴⁸¹ 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. 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.⁴⁸² During 2021, 118 persons received relevant services and in 2022, 142 persons. The fund has been renewed for 2023.

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

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

The Refugee Law defines vulnerable persons in the same way as Article 21 of the recast Reception Conditions Directive:⁴⁸³

“[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.⁴⁸⁴ 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. However, there are several issues with this screening (for a comprehensive overview, see [Screening of vulnerability](#)).

⁴⁸⁰ Information provided by CyRC

⁴⁸¹ Article 9ΙΓ(1)(b) Refugee Law.

⁴⁸² For more information see Future Worlds Centre, *UNVFVT*, available at: <http://bit.ly/1HQVYfJ>.

⁴⁸³ Article 9ΚΓ Refugee Law.

⁴⁸⁴ Articles 9ΚΔ(a) and 10Α Refugee Law.

Due to overcrowding at the Pournara centre, the conditions are unsuitable to address the needs of vulnerable individuals. Many single women and families are still scattered over the centre, including the quarantine sections, with persons remaining there on average 40-60 days, but there are cases where the period reaches three to four months. In 2021 in collaboration with the Mediterranean Institute of Gender Studies (MIGS), UNHCR Cyprus mapped the experiences and impact of sexual and gender-based violence among female and male asylum seekers in the Pournara First Reception Centre and highlighted that 49% of all women assessed were identified as victims of sexual or gender-based violence. The organisations added that the high share can be further contextualised with the higher rate of male arrivals and the higher number of men assessed in the mapping. The study observed a general lack of data on sexual or gender-based violence among asylum-seeking and refugee women and put forward specific recommendations to improve data collection, reception conditions, specialised support services, access to information, housing and accommodation, as well as employment and training.⁴⁸⁵

Even when vulnerable cases are identified, no official guidelines for effectively attending the needs of the identified individuals both while in the Centre and when exiting into the community are available. When vulnerable cases are identified, the SWS arranges temporary accommodation and persons are transferred there. This opportunity, however, is only offered to specific vulnerabilities such as single mothers with young children, pregnant women, persons with serious mental and physical disabilities and only if identified by the vulnerability assessment team. Overall, addressing the needs of vulnerable cases in the community remains extremely problematic and varies greatly, since no defined procedure to guaranty effective support is followed.

Concerning Kofinou Centre, families, single women, and traumatised people are placed there under the same conditions applicable to all other residents. From 2018 onwards, per policy no new single men 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 SWS and reception centres, families are treated as an entity.

To prevent gender-based violence in Kofinou, 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.⁴⁸⁶ 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.

Unaccompanied asylum seeking children

There are four shelters hosting children aged between 14 and 18; one in **Nicosia**, two in **Larnaca** and one in **Limassol**. Children below the age of 14 are hosted in the youth homes operated by the SWS 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 SWS and two 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. In 2020, due to structural concerns surrounding the

⁴⁸⁵ United Nations High Commissioner for Refugees (UNHCR). (2021). Sexual and Gender-based Violence among Asylum-Seekers in Cyprus, available at: <https://bit.ly/3JN8LdQ>.

⁴⁸⁶ Article 9IΔ(7) Refugee Law.

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 consequently limited available spaces in shelters. Despite efforts to identify a suitable building, the shelter remained inoperable throughout 2021 and 2022.

ASC are placed in the shelters according to available space following referrals by the SWS. During the reporting period, the lack of space within the few shelters that exist along with the increase in numbers of UASC has caused great delays in the placement of the UASC in one of the shelters. As a result, children spend excessive periods of time (3 or more months in some cases) in Pournara, which is not designed as a child-appropriate space. In the accommodation shelters in the community, children are placed in premises where adult persons (usually elderly people and others) are also hosted in separate wings.

Since 2020, unaccompanied children were referred to the **Pournara** First Reception Centre. The length of stay in many instances was reported to exceed 3 months. During their stay in Pournara, and following the creation of a safe zone, children were housed in the designated safe zone. However, safety and security concerns remain as the zone is accessible to adult and there is little to no control on entry and exit in the area. There were significant delays from the SWS in coming into contact with the children. Incidents of sexual abuse perpetrated by other residents were also reported by the children.⁴⁸⁷

Conditions in shelters vary, with those being directly under the management of SWS 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 do not regularly attend school. Non-typical educational activities include language courses, music classes, art and drama therapy, physical education, sewing and other.

In addition to the shelters, there are five programmes offering semi-independent living for unaccompanied children ages 16 -18, aiming at facilitating the transition into adulthood. One is run by the SWS itself, a second by IOM, a third by NGO “Hope for Children” CRC Policy Centre, the fourth offered by St Joseph’s Social Center and the fifth offered by CODECA. Regardless of the programme to which the child is allocated, guardianship remains with the SWS. Under the programme run by the SWS an adult, usually familiar to the child, is appointed as a focal point for the child and undertakes their day-to-day care. In the programmes run by IOM, HfC and CODECA the day-to-day care is overseen by the organisation’s staff.

Children under the age of 12 are placed in one of the state-run shelter for children under the care of the Social Welfare Services. A small number of children may be placed at the shelter for victims of trafficking operated by an NGO called CYPRUS STOP TRAFFICKING, while some underage girls are living with their husbands in private accommodation.

IOM launched its programme in April 2020 and offers legal advice, psychological support, social counselling, access to education and vocational training, and rehabilitation services.⁴⁸⁸ Referrals to the programme are made by the SWS while the UASC are in Pournara First Reception Centre. The programme comprises of studio apartments located in 3 different rural areas of Limassol District, the overall capacity being 50 UASC. Two of the locations host boys whereas the third hosts girls. There are two social workers assigned by IOM to assess and address the needs of the UASC. Additionally, there are support staff, whose duty station is close to the housing unit and assist with day to day needs of the UASC. Psychological support is offered by HfC staff, whereas IOM offers legal advice and social counselling.

⁴⁸⁷ Phileleftheros, ‘Pournara: When I was leaving they begged me to stay’ «Πουρνάρα: Όταν φεύγα 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>.

⁴⁸⁸ 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>.

The HfC semi-independent programme has been running since 2017. Though initially only implemented in Nicosia, during 2021 it expanded also to Larnaca. The programme consists of apartments in the urban areas of Nicosia and Larnaca. Capacity is limited with 10 children in Larnaca and 14 children in Nicosia. Children referred to this programme are former residents of the UASC shelters run by HfC in Nicosia and Larnaca, assessed by the staff as able to live under a more independent framework or, more often, UASC who are approaching the age of majority and should be eased into the life of a young adult. The UASC receive legal advice, psychological support, social counselling, access to education and vocational training, and rehabilitation services by HfC staff.

HfC also runs a foster care programme that is addressed to all children including unaccompanied children under the age of 16. For foster children, guardianship remains with the SWS, and HfC and the SWS undertake the monitoring and support of the family.⁴⁸⁹

In 2022, due to the increase in numbers of UASC and limited capacity in existing shelters and other accommodation options and the substandard conditions in Pournara, a number of UASC were transferred to hotels in Lanaraca, Paphos and Ammochostos district.

Various issues were registered regarding unaccompanied children transitioning to adulthood. In December 2018, the Commissioner for the Rights of the Child published a report expressing concern over the lack of measures to support unaccompanied migrant children who turn 18 to access suitable accommodation, education, training, employment, information and social, psychological and mental health support.⁴⁹⁰

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 SWS 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.

Below a breakdown of shelters and programmes where UASC reside, at the time of writing the report.

District	Programme	Capacity	UASC number
Nicosia	Shelter "Hope For Children" CRC Policy Center	42	43
	Children Shelter		6
	Shelter for adolescent girls		1
	Foster families		30
	Semi-independent living with relatives		68
	Semi-independent living "Hope For Children" CRC Policy Center	10	10

⁴⁸⁹ Consultation with HfC.

⁴⁹⁰ Ombudsman Report on the procedures for the transition of UASC at age of majority, αναφορικά με τις διαδικασίες μετάβασης στην ενηλικίωση των ασυνόδευτων ανηλίκων και ιτών ασύλου, available at: <https://bit.ly/2UthBEa>.

	Semi-independent living St Joseph Social Centre	6	6
	Semi-independent living CODECA	76	76
	Semi-independent living IOM	43	43
	First reception and registration center (Pournara)		290
	Syrian girls living with husbands (16+ y/o)		
	Shelter CYPRUS STOP TRAFFICKING (UASC with babies)		5
Limassol	Shelter for females run by SWS	14	11
	Foster families		40
	Semi-independent living with relatives		77
	Semi-independent living IOM	44	44
	Syrian girls living with their husband (16+ y/o.)		3
Laranka	Shelter for females run by SWS	22	22
	Shelter for males "Hope For Children" CRC Policy Center	20	18
	Foster families		3
	Semi-independent living		7
	Semi-independent living "Hope For Children" CRC Policy Center	14	12
	Hotel Henipa Crowns Resort	81	78
	Larnaca childrens shelter		2
Paphos	Foster families		24
	Semi-independent living		32
	Syrian girls living with their husbands		1
	Hotel New York Plaza Apts	165	157
Ammochostos	Foster families		4
	Semi-independent living with relatives		14
	Cleonapa Hotel Apartments	35	35
Total			1,162

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

In accordance with the Refugee Law, the Asylum Service must 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.

Four EUAA Info Providers are currently stationed at the 'Pournara' First Reception Center providing group sessions in the presence of interpreters. The group sessions include information on the registration process in the Reception Center, the asylum procedure and reception conditions. While at present the information is provided orally, the aim is to include in writing in the future. Furthermore, the information provision sessions are offered to adults only. Responsibility for the UASC is considered to be on the SWS who act as Guardians. A leaflet published by UNHR is also disseminated to the residents, containing basic information.

According to the EUAA operating plan for 2022-2024, support will continue to be provided in Kofinou and Pournara for information provision activities by Asylum Information Provision Experts.⁴⁹¹

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.

Regarding Limnes, and according to the EUAA, an information leaflet on the daily operations of the Limnes accommodation centre was made available.⁴⁹²

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.⁴⁹³

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.⁴⁹⁴ 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.⁴⁹⁵

⁴⁹¹ EASO, Operating Plan, Cyprus 2022-2024, available at: <https://bit.ly/37ezU8Z>.

⁴⁹² EUAA, Asylum Report 2022, available at: <https://bit.ly/40F9GDr>.

⁴⁹³ Ministry of Labour and Social Insurance, *Employment of Asylum Seekers*, available at: <https://bit.ly/39ZtDuk>.

⁴⁹⁴ Article 9IΔ(6) Refugee Law.

⁴⁹⁵ Information obtained by CyRC

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 are subjected to justifications (e.g., limitations may apply if the visit concerns non-governmental sectors/personal visits).⁴⁹⁶ 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. In 2021, access was overall allowed.

G. 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 and 2021, this trend continued, primarily due to the Syrians' closer relations with friends and relatives in the community, which enabled them to secure accommodation and gather the necessary documents, more easily than the residents originating from African countries.

⁴⁹⁶ According to information obtained by CyRC.

Detention of Asylum Seekers

H. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2022:	Not available
2. Number of asylum seekers in detention as of the end of 2022: January 2023)	26 (including
3. Number of detention centres:	1
4. Total capacity of detention centres:	128 in Menogia, and 180 in holding cells

In Cyprus, 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, even where the persons have recently entered the country (see [Grounds for Detention](#)). In other 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 20 such police stations with facilities for detention and the total capacity is 180 persons.⁴⁹⁷ Holding cells should only be used for periods of 48 hours as the conditions do not permit longer stays (see Detention Conditions) and then transferred to Menogia, however due to lack of capacity in Menogia, persons are often detained for long periods in holding cells.

Based on monitoring visits carried out by the Cyprus Refugee Council, the average number of asylum seekers detained in the main Detention Centre **Menogia** at any given time had risen from 40 persons in 2017, to an average of 70 persons in 2020 and 54 in 2021; however, in 2022 it has decreased. 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, a trend which continued in 2021 and 2022.⁴⁹⁸ Although, throughout 2022, the number asylum seekers detained in Menogia gradually decreased, the number of detainees in police holding cells continued with the same trend as 2021. The number of asylum seekers detained in Menogia started from approximately 35 in the beginning of the year to an average of 20 by the end of year. Specifically, at the end of 2022, there were a total of 119 persons detained in Menogia, out of which approximately 19 were asylum seekers.⁴⁹⁹ 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. As of January 2023, out of approximately 160 total detainees, 56 were held in police holding cells, and out of those, 32 were detained based on the Refugee law.⁵⁰⁰ 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, although in practice this is not always adhered to. Till this day, there is no official detention center for the detention of asylum seekers.

⁴⁹⁷ Information provided by Cyprus Police.

⁴⁹⁸ Information based on monitoring visits carried out to Menogia Detention Centre by the Cyprus Refugee Council.

⁴⁹⁹ Information provided by the Cyprus Police.

⁵⁰⁰ Information provided by the Cyprus Police.

With respect to persons detained for removal purposes, 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 were taken to release asylum seekers and other third-country nationals (TCN) in detention.

De facto detention in Pournara

In early 2020, due to the rise in numbers of asylum seekers, the Council of Ministers of announced stringent measures, which included the creation of 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 Reception Centre, **Pournara**, all new arrivals in the country started being 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 remained for much longer periods in many cases ranging between three to five months. Furthermore, the terms for release from the centre are often unclear, change arbitrarily or are impossible to be met, such as showing a rental agreement. The situation had led to a significant rise in the number of persons in the Centre, initially from 350 to 700.⁵⁰¹ Within the same year and following limited increase in infrastructure, the capacity of the Centre had been declared to be 1000, however it currently holds over more than double at times reaching 3000 persons.⁵⁰² 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, in view of it becoming a closed Centre, went through three phases throughout 2020: from February 2020 to June 2020; from June 2020 to November 2020; and from mid-November until early 2021. In the first phase in February 2020, there were signs of irregular procedures in the Centre, with 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 led to protests both inside the Centre by asylum seekers, as well as outside from organised groups.⁵⁰³ 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).⁵⁰⁴ 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 demonstrating they had already secured accommodation in the community. However, in view of the obstacles in accessing MRC, 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, a Ministerial Order was issued with measures to address the pandemic, including a complete restriction on exits or entries from/into any Reception/Detention Centre.⁵⁰⁵ Entry/exit

⁵⁰¹ Information provided by the Cyprus Refugee Council.

⁵⁰² Information provided by the Cyprus Refugee Council.

⁵⁰³ Phileleftheros ‘Demonstration in favour 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>.

⁵⁰⁴ 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>.

⁵⁰⁵ Ministerial Decree No.52 to combat Covid-19 ‘σπερίΛοιμοκαθάρσεως (ΚαθορισμόςΜέτρωνγιαΠαρεμπόδισητηςΕξάπλωσηςτουΚορωνοϊού COVID-19) Διάταγμα (Αρ. 52) του 2020’ available in Greek at <https://bit.ly/3vNh6Fw>.

was 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),⁵⁰⁶ as well as the Commissioner for the Rights of the Child.⁵⁰⁷

Overall, in 2021 and 2022, the duration of stay in Pournara Centre fluctuated with an average of around 40-60 days, with some cases reaching three to four months, resulting in severe overcrowding as the number of residents surpassed 2,800 individuals, whereas the maximum official capacity is of 1,000, leading to inadequate living conditions, not in line with European standards. In February and December 2021 two Dutch Courts allowed asylum applicants whose first asylum country was Cyprus to be included in the Dutch asylum procedure because they would not have adequate reception conditions in Cyprus and returning to Cyprus entailed the risk of being subjected to degrading or inhumane treatment due to bad reception conditions. Both decisions also referred to Pournara and the low standard of conditions.⁵⁰⁸

Given the restriction of movement while staying in the Centre and depending on the length of stay in the Centre, in some cases the permanence in Pournara can amount to *de facto* detention.

Throughout 2021, the bad conditions and the length of stay led to frequent protests in the Centre by asylum seekers, mostly 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 to return in the Centre after negotiations with the authorities and due to concerns about it affecting their asylum applications.⁵⁰⁹ In late 2021, MPs from the Human Rights Committee of the Parliament carried out a visit to Pournara and stated being appalled by the conditions.⁵¹⁰ In early 2022, another serious clash broke out among residents, arising from the same conditions, leading to serious injuries and damages.⁵¹¹ Such incidents continued throughout 2022.⁵¹²

In early 2021, in a letter addressed to the Minister of Interior of Cyprus, the Council of Europe Commissioner for Human Rights, Dunja Mijatović voiced 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 COVID-19 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 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

⁵⁰⁶ Ombudsman Report on Conditions in Pournara, 9 December 2020, available in Greek at <https://bit.ly/3tG3VEs>.

⁵⁰⁷ 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>.

⁵⁰⁸ Court of the Hague, case NL21.2036, available at: <https://bit.ly/3IU5xCG>; Court of the Hague, NL21.17448 en NL.1745, available at: <https://bit.ly/3KtS3Op>.

⁵⁰⁹ Alpha News, ‘Incidents of stone throwing and fires in Pournara’, available in Greek at: <http://bit.ly/2OOFZQC>.

⁵¹⁰ Phileleftheros, ‘MPs in Pournara: “12 children stacked in containers”’ available at: <https://bit.ly/3hVyn9N>; Phileleftheros, ‘These are not images that honor us in “Pournara”’, available at: <https://bit.ly/3MG2EHA>; Cyprus Mail, ‘Pournara Camp a Ticking Bomb’ available at: <https://bit.ly/3JcYODG>.

⁵¹¹ Phileleftheros, ‘Pournara, a boiling cauldron - Clashes and stabbings’, available at: <https://bit.ly/34ydDSu>; Cyprus Mails, ‘Three injured during fight at Pournara’ available at: <https://bit.ly/3CtGjIG>.

⁵¹² AlphaNews, ‘Episodes in Pournara, police presence increased in and out of the Centre’ available at: <https://bit.ly/3TuBpDN> & The Reporter, First seen episodes in Pournara, women and children were running for cover, available at: <https://bit.ly/3lmj5jN>.

or with their families - is never in their best interest, they should be released immediately.⁵¹³ While replying to such recommendations, the Minister of Interior noted, among other remarks, that normal procedures had been adjusted in order to meet the needs arising from the unprecedented situation caused by the second wave of the COVID-19 pandemic.⁵¹⁴

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: Yes No
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

In the past, asylum seekers were detained under the Aliens and Immigration Law instead of the Refugee Law, which provides for the detention of asylum seekers in accordance with the recast Reception Conditions Directive. In 2020 and 2021, this practice gradually changed and, with the exception of a limited number of cases, whose specificities will be described below, the majority of asylum seekers are detained under the Refugee Law.

1.1. Detention under the Refugee Law

The Refugee Law prohibits detention of asylum applicants for the sole reason that “he” is an applicant,⁵¹⁵ and prohibits detention of child asylum applicants.⁵¹⁶ Detention of asylum seekers under the Refugee Law is based on an administrative order and not a judicial order,⁵¹⁷ as was previously the case, and is permitted for specific instances that reflect those in the recast RCD. According to the law, unless it is possible to effectively apply 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:

- ❖ to establish his identity or nationality;
- ❖ 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;
- ❖ to decide, in the context of a procedure, on the applicant’s right to enter the territory;
- ❖ when held within the scope of the return procedure under Articles 18OF up 18ΠΘ of the Aliens and Immigration Law, in order to prepare the return and / or carry out the removal process, and the Minister substantiates on the basis of objective criteria, including the fact that the person has already had the opportunity of access to the asylum procedure, that there are reasonable grounds

⁵¹³ Council of Europe, Commissioner of Human Rights, Letter to the Minister of Interior of Cyprus, available at: <https://bit.ly/3mmJiuE>.

⁵¹⁴ Cyprus Mail, ‘council of Europe pressures Government over treatment of migrants’ available at: <https://bit.ly/3iKDdaj>.

⁵¹⁵ 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.

⁵¹⁶ Article 9ΣΤ Refugee Law.

⁵¹⁷ Ibid.

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;

- ❖ where necessary to protect national security or public order;
- ❖ 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 there is a significant risk of absconding, 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.⁵¹⁸

In general, 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](#)).

Until lately, all detention orders reviewed included only the wording of the article and, although it was stated that an individual assessment had been carried out, there were no individual facts or reasons for detention or any other reference, justification or findings of an individual assessment. Furthermore, the detention order would refer to “objective criteria” but there was no mention or analysis on what those objective criteria were and how they were applied or justified in the individual case. This raised comments by the IPAC. Judges would often comment that the detention orders did not have adequate justification. Detention was not considered illegal but they instructed the CRMD to review them.⁵¹⁹ As a result, since late 2021 till this day, detention orders now list the reasons for which detention has been ordered, for example, illegal entry, delay in applying for asylum, convicted for criminal offence, lack of travel document or address. However, there is no mention of the facts of the case or an individual assessment on how these reasons justify detention. The situation remained the same in 2022.

1.2. Detention under the Aliens and Immigration Law

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”.⁵²⁰ When declared a “prohibited immigrant”, a person can be detained under separate provisions of the Aliens and Immigration Law that transpose the Returns Directive,⁵²¹ for the purpose of return, although the return order is suspended until the asylum application has been decided on.

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.⁵²² The change in practice was also noted in the recent CAT report on Cyprus.⁵²³ Throughout

⁵¹⁸ Article 9ΣΤ-bis Refugee Law, inserted by Law No 80(I)/2018 of 12 July 2018.

⁵¹⁹ Information provided from the Cyprus Refugee Council and derived from reviewing IPAC decisions, e.g. A.H Κυπριακής Δημοκρατίας, μέσω Διευθυντή Τμήματος Αρχείου Πληθυσμού και Μετανάστευσης, available at: <https://bit.ly/3MEIm2E>.

⁵²⁰ Article 6(1) Aliens and Immigration Law.

⁵²¹ Article 18ΠΣΤ Aliens and Immigration Law.

⁵²² Article 9ΣΤ (2)(δ) Refugee Law.

⁵²³ UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, Committee against Torture, December 2019.

2021 and 2022, the only cases identified where an asylum seeker was detained under the Aliens and Immigration Law were instances where the person was firstly detained, then applied for asylum whilst in detention and there was a delay in issuing the new detention order under the Refugee Law.

Detention Orders

Until November 2022 administrative orders issued for detention are issued by the CRMD, which is under the Ministry of Interior. The Asylum Service does not issue such orders.⁵²⁴ In December 2022, a number of detention orders were issued directly from the Ministry of Interior. These cases concerned persons who were allegedly involved in clashes that took place in Pournara camp⁵²⁵ and thus detention orders was issued against them as 'necessary to protect national security or public order'.⁵²⁶ More than 70 persons were issued detention orders for their alleged involvement in the clashes, regardless of the fact that there was no criminal investigation.⁵²⁷

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 up to now, this would not apply to **Syrian** nationals who will not be arrested even if they have not regularised their stay.

The vast majority of asylum seekers enter Cyprus through the territories that are not under the effective control of the RoC (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.⁵²⁸ 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. Furthermore, Dublin returnees whose final decision has not been issued 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.⁵²⁹

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 Rarely No

⁵²⁴ Based on information from cases represented by the Cyprus Refugee Council.

⁵²⁵ The Reporter, First seen episodes in Pournara, women and children were running for cover, available at: <https://bit.ly/3FCwzP4>.

⁵²⁶ Article 9ΣΤ (2)(ε) Refugee Law.

⁵²⁷ Based on information from cases represented by the Cyprus Refugee Council.

⁵²⁸ Article 9(1)(b) Refugee Law.

⁵²⁹ Information based on monitoring visits carried out by the Cyprus Refugee Council to the Kofinou Reception Centre.

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.⁵³⁰ The Refugee Law includes a non-exhaustive list of recommended alternatives to detention.⁵³¹

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

The CRMD is responsible for assessing whether alternatives to detention may be applied. However, these 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 refer to an individualised assessment and the CRMD states that such assessments are indeed carried out, an extremely small number of detainees are released by implementing alternatives.⁵³²

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.⁵³³ 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 decisions issued in 2019 by the IPAC.⁵³⁴ They related to appeals challenging detention based on article 9ΣΤ (2)(δ) of the Refugee Law.⁵³⁵ 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 obligations 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 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.⁵³⁶ 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.

Additionally, in the ΔΚ 73/2020 judgement,⁵³⁷ the IPAC highlighted the need for an individual assessment of detention in line with the principles of proportionality and necessity. In cases ΔΚ 45/20⁵³⁸ and ΔΚ 105/21,⁵³⁹ the IPAC conducted an individual assessment of the personal situation and behaviour of the

⁵³⁰ Article 18ΠΣΤ Aliens and Immigration Law.

⁵³¹ Article 9ΣΤ(3) Refugee Law.

⁵³² 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>.

⁵³³ 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>.

⁵³⁴ *G.N. v. The Republic*, ΔΔΠ 155/2019 (5/11/2019); *T.E.V. v the Republic*, ΔΔΠ 270/2019 (8/11/2019)

⁵³⁵ Ibid.

⁵³⁶ 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>.

⁵³⁷ *A.H. v. Republic of Cyprus* Case No. ΔΚ 73/2020, 29/1/2021.

⁵³⁸ *S.R. v. Republic of Cyprus*, Case No. ΔΚ 45/20, 17/11/2020.

⁵³⁹ *M.R. v. Republic of Cyprus*, ΔΚ 105/21, 15/11/2021.

applicants to find that even though the goal pursued by detention (ultimately, the non-interference with the removal process because of the submission of an asylum application) was justified and legitimate, detention was not the proportionate measure to achieve that goal for those specific applicants. The Court ordered the release of the applicants and imposed reporting duties as an alternative measure.

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’.⁵⁴⁰

The UN Human Rights Council in their Universal Periodic Review (UPR) in 2019 also recommended to the Cypriot State to ‘facilitate the integration of migrants and persons under international protection residing in Cyprus, put in place alternatives to long-term detention of asylum seekers, including those whose request for asylum has been rejected’.⁵⁴¹

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 CyRC, building on the findings of the project, implemented a pilot project under EPIM 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.⁵⁴² This was carried out by providing case management and conducting evidence-based advocacy following on the findings of the cases.

Since July 2019 and continuing until mid-2023, the CyRC has been 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 of the 2017-2019 Pilot. Its main objectives are to reduce immigration detention, promote engagement based ATD and contribute to the growing evidence and momentum on ATD at a national and regional level. The project team provides individualised case management to persons in detention and/or at risk of detention including asylum seekers, rejected asylum seekers, irregular TCNs, and non-removable.

The implementation of the project, and specifically case management, provides the CyRC 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 CyRC 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.

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. Since the appointment of the ATD officer, CyRC has been in communication with CRMD providing recommendations on individual cases, on the case

⁵⁴⁰ UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, Committee against Torture, December 2019.

⁵⁴¹ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cyprus*, Twenty seventh session, April 2019.

⁵⁴² Implemented by FWC from March 2017-December 2017.

management model used by CyRC and collaborating towards the effective implementation of ATD in Cyprus. However the use of alternatives to detention remains low.

Overall “alternatives to detention” is rarely if ever examined prior to detention being ordered. Throughout 2020, 2021 and 2022, alternatives to detention were ordered in an extremely low number of cases. Most cases of asylum seekers that are released from detention on alternatives to detention, concern detainees who challenge their detention order in Court successfully or detainees that have challenged their detention order before Court and as a result the CRMD cancels the detention order and issues a new decision, ordering alternatives to detention before the Court issues a decision.

During the spring in 2020, all deportations were suspended due travel limitations throughout the world. Following the Commissioner for Human Rights of the Council of Europe’s remarks,⁵⁴³ the CyRC 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. 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 **Pournara** filed an application requesting legal aid in order to challenge the decision that ordered him to stay there as an alternative to detention.⁵⁴⁴ The success of a legal aid application is subject to a ‘means and merits’ test, according to which an asylum seeker applying for legal aid must show that they do 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, itself constituted *de facto* detention and therefore was not less coercive. Indeed, at the time, asylum seekers detained in **Menogia** were afraid to be transferred to **Pournara**, as the living conditions there are much worse than **Menogia**. The legal aid was successful and a few days after the decision of the Court, all detainees that had been ordered to stay in **Pournara** as an alternative to detention were released into the community with reporting conditions.⁵⁴⁵

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.⁵⁴⁶

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.⁵⁴⁷ 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

⁵⁴³ 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>.

⁵⁴⁴ Article 9ΣΤ(3)(γ) Refugee Law.

⁵⁴⁵ The decision has not been published. The applicant is a beneficiary of CyRC and had been assisted throughout the legal aid application.

⁵⁴⁶ Article 9ΣΤ(1) Refugee Law.

⁵⁴⁷ Article 18ΠΓ(1) Aliens and Immigration Law.

usually in an attempt to leave the country with these documents. In such instances, they are detained as adults. Since 2016, such persons are often released when they state that are in fact under 18, especially if an NGO intervenes.⁵⁴⁸ In 2020, an asylum seeker in detention claimed to be under 18 and was detained throughout the age assessment procedures, which eventually concluded that he was over 18.

Detention of vulnerable persons is not prohibited, and victims of torture, trafficked persons, and pregnant women are detained with no special safeguards. Indeed, due to the lack of an effective identification mechanism, 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 asylum seekers who have recently arrived in the country and where there is sufficient evidence that they intend to remain engaged with the procedures.⁵⁴⁹

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?	5+months

The Refugee Law allows the detention of asylum seekers subject to no time limit. Therefore, in most cases persons will remain in detention until they are deported, opt to leave voluntarily or receive international protection. A limited number of cases will be released based on a Court Order.

Since 2017, a new practice emerged 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. As a result, their detention has no time limit.

In January 2019, 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 do not justify the continuation of detention.⁵⁵⁰

In 2019, the number of asylum seekers in detention at any time lowered to approximately 45 from an average of 75.⁵⁵¹ The duration of detention also went down, 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”.⁵⁵² This included nine Syrian nationals, with some detained over 24 months. In late 2019, the **Syrian** detainees as well as one **Egyptian** detainee

⁵⁴⁸ 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.

⁵⁴⁹ 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>.

⁵⁵⁰ 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>.

⁵⁵¹ 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>.

⁵⁵² Article 9ΣΤ(2)(ε) Refugee Law.

initiated hunger strikes in protest at the lengthy detention.⁵⁵³ All of these nine Syrian nationals as well as the Egyptian national, have been since released, with no criminal charges brought against them.⁵⁵⁴

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 which continues until present. Once detained, an asylum seeker will in most cases remain detained for the duration of the asylum procedures. For asylum seekers detained in **Menogia** Detention Centre, the duration of the first instance examination of the asylum application is on average 2 months, whereas if detained in a holding cell it may take longer. Furthermore, if an appeal is submitted before the IPAC against a negative decision on the asylum application the duration of detention may reach or even go over 12 months. Duration of detention remained an issue throughout 2021 and 2022.

In 2020, after a series of *Habeas Corpus* applications before the Supreme Court, 4 detainees who had been detained for “national security” reasons were released due to their period of detention being unreasonably long.⁵⁵⁵ In July, the Court ordered the release of a **Syrian** detainee after 16 months of detention for “national security reasons”.⁵⁵⁶ It decided that the applicant’s detention was in violation of the Refugee Law because they were not held for the shortest period possible and no steps had been taken for their removal although the application for asylum had been rejected.⁵⁵⁷ 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 considered as a threat to national security. In September 2020, the Supreme Court ordered the release of an asylum seeker of **Egyptian** origin, also detained for reasons of national security.⁵⁵⁸ He had already applied for *Habeas Corpus* five months after being detained and the application had failed. He was eventually detained for 19 months because he was suspected of being a member of a terrorist organisation, without any evidence that he was an active threat. 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, the Supreme Court again decided on a *Habeas Corpus* application of a **Syrian** national detained for reasons of “national security”.⁵⁵⁹ 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. He appealed the exclusion decision, appeal that was still pending, and thus was still considered to be an asylum seeker. The Court ordered his release as he could not be returned to **Syria**. The criminal investigation of his case had been concluded on 3 February 2020: no criminal proceedings had been ordered, and no other actions taken in relation to the terrorist charges, therefore his detention could no longer be justified.

In November 2022, the Supreme Court⁵⁶⁰ ordered the release of a Syrian asylum seeker who was detained for reasons of ‘national security or public order’ when the police discovered photos he had posted on his Facebook account showing himself holding a gun and wearing the uniform of terrorist organisations. The Asylum Service found that he met the criteria to be recognised as a refugee since his return to Syria entailed risks of persecution; he was nevertheless deemed ineligible for an international protection status because of his involvement in extremist armed groups; his asylum application was

⁵⁵³ 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>.

⁵⁵⁴ Information based on monitoring visits to Menogia Detention Centre by the Cyprus Refugee Council.
⁵⁵⁵ Supreme Court, Application 4/2020, 24 February 2020, available in Greek at: <https://bit.ly/3qQ3o1h>; 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>.

⁵⁵⁶ Supreme Court, Application 64/2020, 9 July 2020, available in Greek at: <https://bit.ly/30NIBkU>.

⁵⁵⁷ Article 9ΣΤ(4)(α) and (β) Refugee Law.

⁵⁵⁸ Supreme Court, Application 56/2020, 15 September 2020, available in Greek at: <https://bit.ly/3qRRZxw>.

⁵⁵⁹ Supreme Court Application 177/2020, 24 February 2021 available in Greek at: <https://bit.ly/316sMoA>.

⁵⁶⁰ Supreme Court, Appeal, Application 15/22, 17 November 2022, available in Greek at <https://bit.ly/3ln9FEH>.

rejected. The applicant appealed against the rejection and, through a separate application, challenged his detention through an application for habeas corpus. In the application, he requested disclosure of the documents and information which the authorities had in their possession, which according to the authorities, justified his continued detention. The trial court rejected his application for habeas corpus, stating that the applicant already knew the reasons for his detention, namely his social media posts implicating him with terrorist organisations. He appealed the first instance rejection of his habeas corpus application arguing that the failure of the authorities to disclose the information on the basis of which they detained him infringed the principle of equality of arms and his right to a fair trial, in violation of the EU Charter for Fundamental Rights and the ECHR. The Appeal Court set aside the trial court decisions that rejected the *habeas corpus* application and ordered the applicant's release from detention, on the ground that the authorities failed to adequately and accurately justify why the applicant was seen as a risk to national security. As a result of the authorities' failure to justify why the applicant's detention for 14 months was necessary, his detention was rendered unlawful and the habeas corpus order was issued.

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 and 2022. Furthermore in 2022, there has been an increase in detainees being deported, as well as a significant increase in detainees opting for voluntary return⁵⁶¹ which has led to a decrease in the average duration of detention.

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

Asylum seekers may be detained in the Detention Centre of **Menogia** or in Police Holding Cells (PHC). The Detention Centre of Menogia, located in the district of Larnaca, started operating in January 2013 to detain 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).⁵⁶² Since its operation, there have been no issues of overcrowding, however this is due to detainees being held in PHC where conditions are often sub-standard. 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, including asylum seekers can also be held in Cells (PHC) around the country, supposedly for short stays but in practice often used for lengthy stays. There are 20 such police stations with facilities to detain and the total capacity is 180 persons.⁵⁶³ In police stations, asylum seekers may also be held with persons detained for committing an offence and awaiting their trial, although they will be accommodated in separate cells. Furthermore, persons detained for serious criminal offences will usually be transferred to the pre-trial unit at the Central Prison once the Court has ordered their detention. For certain periods in 2020 and early 2021 during the lockdown measures for COVID-19,

⁵⁶¹ Based on information from the monitoring visits to the detention centre by Cyprus Refugee Council

⁵⁶² 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>.

⁵⁶³ Information provided by the Cyprus Police.

detainees who had to attend court hearings or visit a doctor had to submit a request for an exit permit to the Minister of Interior. Although the authorisations to exit were granted, this usually happened following interventions from NGOs and, in some cases, after the court hearing or appointment date.⁵⁶⁴

In recent years and due to recommendations from monitoring institutions, the majority of detained asylum seekers are usually transferred within two-three days to Menogia, however as reported by the Ombudsman's Office in April 2018, there were cases where the stay reached eight days.⁵⁶⁵ At the end of 2022, 70 asylum seekers were arrested in Pournara, as they were considered to have been involved in fights that broke out in Pournara two months prior to their arrest. None of the persons arrested were investigated or prosecuted under criminal procedures. In most cases their asylum applications were examined at first instance and rejected in Pournara before being detained. They were initially detained in PHC and the duration of detention varied as some cases opted to return to their home country. Some cases opted to challenge the rejection of their asylum application as well as the detention order and were transferred to Menogia detention centre after 7-10 days from the day of their arrest. However, there are cases which until present are still held at police holding cells after two months and have reported not being given access to appeal procedures and are continuously being presented with the option to return to their countries by the AIU but have refused.⁵⁶⁶

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. 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 designed to accommodate people for a short time only. The buildings lacked the facilities necessary for 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, 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 3.⁵⁶⁷

Since 2020, there has been 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. The national Ombudsman acting as National Preventive Mechanism of Torture raised the issue in various reports,⁵⁶⁸ the latest being a report in September 2020, based on a monitoring visit of a Pafos police station.⁵⁶⁹ The report states, among other things, that holding cells should not be used for purposes of immigration detention and that persons must be transferred to Menogia within 48 hours. No improvement was noted after the issuance of the report.⁵⁷⁰ In addition, due to lack of clear procedures with regards to access to asylum or court procedures, there seems to be a delay in responding to requests

⁵⁶⁴ FRA, Migration: Key Fundamental Rights Concerns – Quarterly Bulletin, February 2021, available at: <https://bit.ly/3DmhOxz>, 22.

⁵⁶⁵ 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.

⁵⁶⁶ Information based on monitoring of the cases by Cyprus Refugee Council.

⁵⁶⁷ ECtHR, *Haghilo v. Cyprus* (47920/12), 26 March 2019, available at: <https://bit.ly/2Uru0Zh>.

⁵⁶⁸ Εκθέσεις-Εισηγήσεις του Γραφείου Επιτρόπου Διοικήσεων υπό την ιδιότητα ως Εθνικός Μηχανισμός Πρόληψης των Βασανιστηρίων, Αριθμός Φακέλων: Ε.Π.Μ. 1. 02. (4/10/2019), Ε.Π.Μ. 2. 11. (10/10/2019), Ε.Π.Μ. 2.14 (24/07/2019), ΑΥΤ. 2/2020 (04/09/2020) και ΕΜΠ 2.15. (24/09/2020)

⁵⁶⁹ 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>.

⁵⁷⁰ Information provided by the Cyprus Refugee Council.

made by persons expressing their intention to apply for asylum while being detained in a holding cell, or asylum seekers wishing to access the court with the aim of challenging their detention.⁵⁷¹

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

1. Do detainees have access to health care in practice? Yes No
❖ If yes, is it limited to emergency health care? Yes No

The following section summarises findings of regular monitoring visits by the Cyprus Refugee Council in Menogia throughout 2020, 2021, and 2022 as well as reports from other monitoring bodies as cited.

2.1. Overall living conditions

State of the facilities

Menogia Detention Centre, as well as the holding cells, are under the management of the Police, therefore the guards are police officers. In 2022 the staff of Menogia Detention Centre was comprised of 80 full time police officers, with 19 officers working per 8-hour shift as well as a 13-person cleaning crew. Furthermore, a refugee status determination examiner from the Asylum Service, a full-time doctor (working there on weekdays between 08:30am-15:30pm) and 24-hour provision of nurses are appointed to Menogia and work on site. There used to be a resident psychologist at the Centre, whose contract expired in the beginning of 2022 and has not been replaced. Currently the Centre provides psychosocial support to detainees volunteer psychology students on a weekly basis as part of a Red Cross initiative. Detainees who seek psychiatric assistance must make an appointment with the doctor, who then refers them to the psychiatrist at the General Hospital of Larnaca district if they deem necessary.⁵⁷²

In the past there were also service providers such as a dance teacher, an art teacher, an English language teacher and a gym instructor that visited the centre once every two weeks. During 2020, 2021, and early 2022, activities were suspended due COVID-19 measures. From August 2022 and onwards these activities resumed.⁵⁷³

In recent years, there have been noticeable improvements to the living conditions in **Menogia**,⁵⁷⁴ following recommendations made by the CPT, the Committee against Torture (CAT),⁵⁷⁵ and the Ombudsman's Office. There are thus 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.⁵⁷⁶ 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.⁵⁷⁷ 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.⁵⁷⁸

⁵⁷¹ Ibid.

⁵⁷² Ibid.

⁵⁷³ Ibid.

⁵⁷⁴ 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>.

⁵⁷⁵ CAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014, available at: <http://bit.ly/2jEBJOC>.

⁵⁷⁶ CoE Commissioner for Human Rights, *Cyprus report*, 31 March 2016, para 1.3.2.

⁵⁷⁷ Ibid.

⁵⁷⁸ See KISA, 'Abuse of power is leading detained migrants to desperate acts', 5 April 2016, available at: <http://bit.ly/2jmsIOB>.

There are no serious deficiencies as to the sanitary facilities provided, except from occasional reports of 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.⁵⁷⁹ Overall, the cleanliness of the detention centre seems to be of a decent standard. Cleaners are present in the Centre 7 days a week, and the communal areas such as toilets, showers and TV rooms in each block are cleaned twice daily. Nevertheless, detainees occasionally complain about the cleanliness in toilets, as they are shared among them and not kept clean. Furthermore, prior to 2018, washing machines for clothes operated twice or three times a week; however, following, a scabies outbreak, it was decided to give detainees 24/7 access to washing machines.⁵⁸⁰

Since Menogia began operating, there have not been any reports regarding overcrowding. However, the overall capacity was initially 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 18m² room. The capacity was reduced from 256 to 128 places, after a CPT recommendation in 2014⁵⁸¹ 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.. Moreover, upon arrival, detainees are provided with a sanitary package, which includes soap, shampoo, razor blades for men and sanitary products for women. However, detainees are expected to pay for their own products, such as shampoos, sanitary products, water and other snacks throughout their time spent there. Police officers provide detainees with the opportunity to fill out a shopping list and officers either make a shopping run or place orders at the nearby market.⁵⁸²

Detainees in **Menogia** including asylum seekers have access to open-air spaces. From 12:00 at noon detainees are allowed to spend one hour and half in the courtyard; each wing given a different time slot. The size of the outdoor space is approximately the size of a basketball court.⁵⁸³

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 in **Oroklini**, Larnaca, the conditions were found to be below accepted standards and included issues related to lack of access to open-air spaces, cleanliness and hygiene, access to information and access to full set of rights.⁵⁸⁴ A similar report was issued in September 2020, again by the Ombudsman's Office, based on a monitoring visit of a **Pafos** police station.⁵⁸⁵ The recommendations included not using holding cells for purposes of immigration detention and moving persons to **Menogia** within 48 hours; 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 stated 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

⁵⁷⁹ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁵⁸⁰ Ibid.

⁵⁸¹ 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>

⁵⁸² Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁵⁸³ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁵⁸⁴ 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.

⁵⁸⁵ 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>.

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. Furthermore, according to recent information gathered from former detainees, the cells of detainees – not including those who are detained for criminal reasons, they are separated from administrative detainees – are open all day until 10pm except during the time the cleaning service comes. However, the issue regarding the washing machines remains as problematic as in the previous report; in that, there are no washing machines and detainees are forced to wash their clothes in the sink of their cells with the soap they use to wash their bodies.

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.⁵⁸⁶

In late 2022 improvements to the conditions in Holding Cells were planned in view of the upcoming CPT monitoring visit to Cyprus, however it is not yet clear if these have taken place. Based on feedback from detainees in early 2023 there do not seem to have been significant improvements to the conditions in PHC that are commonly used for immigration detention such as no access to open-air spaces, no access to washing machines and no recreational activities.⁵⁸⁷

Food

Menogia detention centre provides detainees with 3 meals a day. Breakfast usually includes toast with butter; lunch typically includes legumes or pasta; and some kind of meat with a side of rice or potatoes is served for dinner.

In **Menogia**, detainees mentioned that pork is not included in the menu and that the meat provided is mainly chicken.⁵⁸⁸ It was also mentioned that, during Ramadan, 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. Food quality is frequently monitored by the officers receiving it, and all detainee complaints in regards to the quality of the food are addressed.

Some detainees drink tap water that is available at the centre (safe to drink in Cyprus). However, the majority purchase water from a mini market close to the Centre. They were in the process of installing water fountains with filters to encourage use of tap water, however, they have not installed anything as of the beginning of 2023. 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 last year, detainees mentioned that they each have a bottle/cup for drinking water. When it ran out, they would have to ask the police officers to refill their bottle/cup. This meant that they either had to shout out to a police officer or ring a buzzer to alert police officers. All detainees mentioned the practice as problematic, while some mentioned that sometimes it took the officers a long time to come and take the bottle/cup or to bring

⁵⁸⁶ ECtHR, *Haghilo v. Cyprus* (47920/12), 26 March 2019, available at: <https://bit.ly/2Uru0Zh>.

⁵⁸⁷ Based on information.

⁵⁸⁸ Ibid.

it back filled. However, improvements have been made this year, in that detainees now have access to a water dispenser all day, as their cells are open almost all day until 10 pm. However, there were times that the water tasted salty, as one detainee mentioned, and thus had to purchase water bottles provided at the police station.

2.2. Activities

Detainees in **Menogia** have access to a television located in the communal area, and there are magazines and books provided by the Red Cross Cyprus. However, these are very limited in number and are mostly available in English. Detainees have access to computers in the communal areas.⁵⁸⁹ Since 2016, detainees have access to internet via free Wi-Fi through their mobile phones.⁵⁹⁰ 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 biweekly 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 and 2021 due to COVID-19. In early 2022, activities had yet to resume due to COVID-19 measures. In August 2022 English classes resumed but, according to recent updates, due to low interest showed by detainees in joining such activities, English classes have again stopped. Currently, there are no other recreational activities taking place in Menogia.

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.

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.⁵⁹¹ The relevant law does not limit this right to emergency situations and, from the testimonies of detainees, they seem to 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 it is proven that the detainee has abused the right to medical examinations, treatment and monitoring, i.e. by requesting it without suffering from a health complication requiring medical examination, treatment or monitoring.⁵⁹² If a detainee is found guilty of this offence, they are 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. It has yet to be removed.

Upon entry in **Menogia**, detainees are given medical examinations for specific contagious diseases e.g., 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 present at the Centre 24 hours per day on a daily basis, in shifts. Up until last year a clinical psychologist was appointed by the Department of Mental Health Services, however this practice has stopped. As of the beginning of 2022, a group of psychology university students visit the centre every Monday from 09:00am-17:00, providing psychosocial support as part of a Red Cross initiative. In cases of emergencies, or where it is deemed necessary, detainees are transferred to **Larnaca** General Hospital or the old Hospital in Larnaca where psychiatrists and dentists are located.

⁵⁸⁹ KISA, 'Improvements regarding detention conditions – significant problems regarding detention and deportation practices', 29 January 2017, available at: <http://bit.ly/2jJhL82>.

⁵⁹⁰ Ibid.

⁵⁹¹ Article 23 Rights of Persons who are Arrested and Detained Law.

⁵⁹² Article 30 Rights of Persons who are Arrested and Detained Law.

If a detainee is in need of a mental health practitioner, they must be referred to one by the on-site GP, and more often than not, they are referred to psychiatrists and not psychologists. During transportation, detainees are handcuffed, apart from 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.⁵⁹³ 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.⁵⁹⁴ 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.

For a detainee to receive medical care and be examined by a doctor during detention, a written request must be lodged on their behalf. 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.⁵⁹⁵

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 never moved forward and seems to have since been abandoned.⁵⁹⁶ 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 |

⁵⁹³ Articles 18 and 25 Rights of Persons who are Arrested and Detained Law.

⁵⁹⁴ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁵⁹⁵ Ibid.

⁵⁹⁶ Ibid.

Under the law, every detainee is allowed to have personal interviews with a lawyer in a private space without the presence of any member of the police.⁵⁹⁷ 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 cells. 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 may be 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 one hour.⁵⁹⁸ 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 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 on access to places of detention and exchange of information. This has indeed led to more effective access and faster information exchange.⁵⁹⁹ 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 are 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 reported 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.

⁵⁹⁷ Article 12 Rights of Persons who are Arrested and Detained Law.

⁵⁹⁸ Article 16 Rights of Persons who are Arrested and Detained Law.

⁵⁹⁹ Information based on the Cyprus Refugee Council's access to Menogia within the scope of a pilot project on alternatives to detention.

There have also been reports by detainees that the documents are checked by the detention staff before they are allowed to send them,⁶⁰⁰ however in most cases the documents are sent out.⁶⁰¹

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.

From the start of the COVID-19 pandemic in March 2020, several restrictions were 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 could visit Menogia or holding cells, including lawyers. The measure also applied for the First Reception Centre, **Pournara** and the Reception Centre Asylum Seekers in **Kofinou**. From May 2020, the restriction with regard to family members and friends continued, however, NGOs, and lawyers had access to the **Menogia**, but access remained restricted for **Pournara**. From November 2020 to early 2021, based on a Ministerial Decree, no person could enter or exit migrant reception and/or detention centres without prior authorisation by the Minister of Interior.⁶⁰² This restriction did not apply to new arrivals and people having to enter/exit for work related reasons or humanitarian reasons. For the rest of 2021, all such restrictions were lifted. However, throughout 2022, due to a COVID-19 outbreak in the Centre in early 2022, visitations to detainees in Menogia were restricted, with the exception of lawyers or NGO representatives. Following the outbreak, the Menogia administration attempted to regulate visitations from friends and family but due to risk of further incidents reverted to limiting access to lawyers or NGO representatives.

In Police holding Cells, detainees are allowed visitors, not just lawyers and/or NGOs. Every visitor who enters the holding cells must have 24-hour negative rapid antigen test.

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?

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. This was again confirmed in 2020.⁶⁰³ The 2016 ruling by the Supreme Court that an order prolonging detention must be issued in writing and provide

⁶⁰⁰ KISA, *Detention conditions and juridical overview on detention and deportation mechanisms in Cyprus*, January 2014.

⁶⁰¹ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁶⁰² Ministerial Decree based on the Quarantine Law, Cap 260, available at: <https://bit.ly/31DiVH9>.

⁶⁰³ Based on information from cases represented by CYRC as well as other cases communicated by lawyers to CYRC.

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 has had an impact on the practice.⁶⁰⁴

Regarding access to detention orders, 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 may be kept in individual files in the offices of the centre, they will be provided with it, however in 2021 and 2022 cases were identified in Police Holding Cells where the detention order was issued or communicated to detainees with delays reaching 2-3 weeks.⁶⁰⁵ There have also been instances, where NGOs request to review the detention orders of their beneficiaries and the police refuse to provide these to the NGOs or even to the detainees themselves.⁶⁰⁶

Until 2021, all detention orders reviewed included only the wording of the article and, although it was stated that an individual assessment had been carried out, there were no individual facts or reasons for detention or any other reference, justification or findings of an individual assessment. Furthermore, the detention order would refer to “objective criteria” but there was no mention or analysis on what those objective criteria were and how they are applied or justified in the individual case. This raised concerns from the IPAC, and Judges would often comment that the detention orders did not have adequate justification even if detention was not considered illegal and instructed the CRMD to review them.⁶⁰⁷ As a result, since late 2021 detention orders list the reasons for which detention has been ordered (e.g. illegal entry, delay in applying for asylum, convicted for criminal offence, lack of travel document or address). However, there is no mention of the facts of the case or an individual assessment on how these reasons justify detention. The situation in 2022 remained the same.⁶⁰⁸

Detention orders also include a brief description of the right to challenge the order by recourse before the Administrative Court or the IPAC, as well as the right to apply for legal aid but do not mention 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, including legal aid. 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 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. However, 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.⁶⁰⁹ 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,⁶¹⁰ little improvement has been made and the situation, as reflected in older reports, remains.⁶¹¹

⁶⁰⁴ Supreme Court, *Nessim v. Republic of Cyprus*, Case No 66/2016, 24 August 2016, EDAL summary available at: <http://bit.ly/2ka8UwE>.

⁶⁰⁵ Information based on cases represented by the Cyprus Refugee Council.

⁶⁰⁶ Information based on cases represented by the Cyprus Refugee Council.

⁶⁰⁷ Information provided from the Cyprus Refugee Council and derived from reviewing IPAC decisions, e.g. A.H Κυπριακής Δημοκρατίας, μέσω Διευθυντή Τμήματος Αρχείου Πληθυσμού και Μετανάστευσης, available at: <https://bit.ly/3MEIm2E>.

⁶⁰⁸ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁶⁰⁹ Ibid.

⁶¹⁰ Ibid.

⁶¹¹ 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.

In late 2019, in an effort to address the issue of lack of information, the Cyprus Refugee Council, within the scope of the ATD project, issued an information leaflet that provided basic information on detention, access to asylum procedures, available remedies to challenge detention and access to legal aid. The leaflet was made available in **Menogia**. It was also disseminated in 2020 but has since has not been updated or disseminated due to unavailable resources to publish.

Regarding access to Court, detainees in **Menogia** usually 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 led to delays in accessing courts, which at times required NGO interventions.⁶¹² Combined with the shorter deadline to challenge detention, the measure had a direct impact on effective access to legal remedies. From March 2021 onwards such authorisation was no longer required.

For detainees in **holding cells**, access to court is problematic without a lawyer, including when trying to access legal aid. Contrary to Menogia, there are no clear procedures on how to request access to judicial procedures and no clear guidelines for the police officers to respond to such requests. The police officers stationed in holding cells are responsible only for guarding detainees whereas access to asylum procedures and access to Court for asylum seekers is the responsibility of the AIU. In the absence of clear procedures, police officers in holding cells often ignore the requests from detainees to access legal remedies or are late in notifying the AIU who will transfer detainees to court. Furthermore, there are also practical difficulties in transferring detainees from the various holding cells spread out across the country to the relevant courts that are only in Nicosia as it is more time consuming and requires more resources in comparison with transferring detainees from Menogia. This leads to practices varying widely between police stations and undue delays in granting access to legal remedies, or to applicants being left with no access to remedies due to deadlines elapsing.

Throughout 2021 and 2022 interventions were made by the Cyprus Refugee Council toward the CRMD, the AIU, the Office of the Ombudsperson and the Asylum Service advocating for clear procedures to be put in place to ensure access to legal remedies. However, no progress was noted and individual cases required repeated interventions to ensure detainees in holding cell were transferred to court. On the contrary, the Cyprus Refugee Council has monitored instances where detainees were taken to Court to apply for legal aid, one day before the deadline of their appeal. The judge would grant the legal aid on the same day and the detainees had to find a lawyer to submit an appeal for them the next day. In another instance, the detainee in a holding cell was not given access to Court and therefore missed his deadline to appeal his detention. He was given access to Court several days after he was transferred to Menogia.

Regarding legal remedies, 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 a **recourse** before the IPAC or Administrative Court depending on the legal basis of detention and a **Habeas Corpus** application before the Supreme Court.

1.1. Recourse

In recent years, the majority of asylum seekers are detained based on the Refugee Law. In such cases, according to the law, the detention order can be challenged before the IPAC (see section on [Grounds for Detention](#)).⁶¹³ The deadline to submit an appeal was reduced from 75 days to 15 days in 2020.⁶¹⁴ 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

⁶¹² Information based on cases represented by the Cyprus Refugee Council.

⁶¹³ Article 9ΣΤ(2) & Article 9ΣΤ(6)(α) Refugee Law.

⁶¹⁴ Article 12A(2)(θ) IPAC Law.

requires.⁶¹⁵ Throughout 2019, the majority of applicants who applied for legal aid were released before reaching the Court, however the four-week deadline seems to be observed.⁶¹⁶ In 2020 however, 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.⁶¹⁷ In 2021 and 2022, the duration of examination improved; however, in cases that required interim procedures to the main judicial procedure, either to adduce evidence or modify a legal point, the 4-week time limit was almost always exceeded. Such requests are usually submitted by the lawyer representing the asylum seeker, however, lawyers representing the Attorney General might also make such a request. In such cases, the IPAC asks for consent from both lawyers to consent for the proceedings to go over the 4-week time limit.

If the detention order is based on the Aliens and Immigration Law, 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.⁶¹⁸ The deadline to submit an appeal is 75 days upon receiving notification of the decision.⁶¹⁹

Until 2021, the Administrative Court was under no time limit to examine a recourse regarding detention ordered under the Aliens and Immigration Law, even if priority was supposed to be given to detention cases. The decision on whether to expedite judicial examination remained at the Court's discretion, with many cases taking more than 3 months to be examined. With the amendment of the Law, in compliance with the ECtHR decision against Cyprus,⁶²⁰ a time limit of 30 days was introduced during which the Administrative Court is obliged to issue a decision, but only for recourses that challenge both return and detention and must include a claim that return would violate the principle of non-refoulement.⁶²¹ The only exception to this is force majeure. In practice there is no clear indication if the time-limit is respected. For other recourses concerning detention the Administrative Court follows a fast-track process, however the duration varies depending on the judge and is on average 6-8 weeks.

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.

Until 2021, the submission of recourse by a person held under the Aliens and Migration Law would not have suspensive effect on the return/deportation decision, meaning that the detainee could be returned to the country of origin within that time period. With the amendment of the Law, in compliance with the ECtHR decision against Cyprus,⁶²² the submission of a recourse against a deportation or return order before the Administrative Court can have suspensive effect if the claimant alleges that the return/deportation decision is in violation of Articles 2 and/or 3 of the European Convention of Human rights or/and is in violation of the principle of non-refoulement.⁶²³ Nevertheless, the suspensive effect is activated if, and only when the applicant challenges the deportation order. Therefore, applicants remain unprotected for the period of time between the issuing of the decision and the submission of the recourse against the decision. Having in mind the lack of information provided to detainees, the delays in accessing the legal aid procedure, the time it takes for a legal aid procedure to be concluded, there are concerns that the absence of suspensive effect during this time frame, leaves persons with deportation orders

⁶¹⁵ Article 9ΣΤ(6)(b)(i) Refugee Law.

⁶¹⁶ Information provided by the Cyprus Refugee Council.

⁶¹⁷ Based in review of cases on CyLaw database (date the case was registered and the date the decision was issued), available at: <http://www.cylaw.org/>.

⁶¹⁸ Article 18ΟΓ& Article 18ΠΣΤ(3) Aliens and Immigration Law.

⁶¹⁹ Article 146, Cyprus Constitution

⁶²⁰ ECtHR, *M.A. v. Cyprus*, Application No 41872/10, 23 July 2013

⁶²¹ Article 11A, Administrative Court Law.

⁶²² ECtHR, *M.A. v. Cyprus*, Application No 41872/10, 23 July 2013

⁶²³ Article 11(A) -(1) Aliens and Immigration Law.

against them, unprotected from *refoulement*. Indeed, there has been information and cases of third country nationals being deported before they submit a challenge against their deportation order, including the case of a trans-person who was deported shortly after she was released from the Central Prison, regardless of the fact that she was married to a Cypriot citizen.⁶²⁴

In the case of asylum seekers, 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. However, 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.

In November 2019, the IPAC issued two positive decisions on appeals challenging the detention based on article 9ΣΤ (2)(δ) of the Refugee Law.⁶²⁵ 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* case,⁶²⁶ 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. Furthermore, the Court 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 removal detention. 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.

In early 2022 however, the Supreme Court rejected an appeal against a negative IPAC decision on detention on the basis of article 9F(2)(d) of the Refugee Law.⁶²⁷ In the specific case, the asylum seeker had entered RoC and attempted to travel towards another EU country with fake documents. He was arrested and convicted. After serving his prison sentence, he was subject to deportation as a "prohibited migrant", and he lodged an application for asylum shortly thereafter. The authorities issued a detention order under article 9F(2)(d) and the IPAC deemed the detention order to be legal because, inter alia, the asylum seeker's behaviour justified the conclusion that his asylum application was not 'authentic' and was

⁶²⁴ The third country national was not transferred to the designated Migrant Detention Center to await her deportation, but was instead transferred to Police Holding Cells. The Office of the Ombudsperson has published a report condemning the government for this action. The report can be found in Greek at: <https://bit.ly/3lnQkTP>.

⁶²⁵ *G.N. v. The Republic*, ΔΔΠ 155/2019 (5/11/2019), *T.E.V. v the Republic*, ΔΔΠ 270/2019 (8/11/2019).

⁶²⁶ *B.F. v. The Republic*, DK25/20 (22/2/2021) not available online.

⁶²⁷ *Mondeke v. RoC* (ΜΟΝΔΕΚΕ v. ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΜΕΣΩ, ΑΝ.ΔΙΕΥΘΥΝΤΗ ΤΜΗΜΑΤΟΣ ΑΡΧΕΙΟΥ ΠΛΗΘΥΣΜΟΥ ΚΑΙ ΜΕΤΑΝΑΣΤΕΥΣΗΣ, Έφεση κατά απόφασης Διοικητικού Δικαστηρίου Διεθνούς Προστασίας αρ.43/2021, 20/1/2022) available at <https://bit.ly/3ZGUlka>.

lodged with the sole purpose of obstructing his return to DRC. The Supreme Court agreed with the IPAC and found its judgment to be 'reasonable and desirable'. The Supreme Court did not find that the fact that the applicant's country was not listed as safe created any presumption of an 'authentic asylum application' and considered that the examination of alternative measure to detention conducted by the first-instance court was sufficient and correct.

In 2022, according to the IPAC, 49 decisions were issued in recourses against detention orders, of which 17 succeeded, 23 rejected and 9 explicitly withdrawn.

1.2. Habeas Corpus application

The second remedy, which is only 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.⁶²⁸

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.⁶²⁹

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 because detention is not an end in itself but a means to enforce removal, which in this case includes the processing and rejection of an asylum application made solely to delay or frustrate the enforcement of the return decision. The Court found that delays in the asylum procedure which cannot be imputed to the applicant, i.e., delays due to the workload of the Asylum Service, do not justify the continuation of detention. It also held that the principle of proportionality is also relevant to the assessment of legality and that the possibility to order less coercive alternatives exists not only upon the issuance of the detention order but during the entire period of detention, and should be examined when detention exceeds reasonable time limits.⁶³⁰

In early 2020, the Supreme Court delivered a positive decision on a *Habeas Corpus* application.⁶³¹ 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 was 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

⁶²⁸ Article 18ΠΣΤ(5) Aliens and Immigration Law; Article 9ΣΤ(7)(a)(i) Refugee Law.

⁶²⁹ Article 9ΣΤ(7)(a)(ii) Refugee Law.

⁶³⁰ 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>.

⁶³¹ Khalid Alaoui Mhammedi v. Chief of Police and Minister of Interior, 4/2020 (24/2/2020).

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.

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.⁶³² The number of *Habeas Corpus* applications submitted is extremely low, but from those submitted it seems that the Court adheres to the prescribed deadline.⁶³³

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. 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.

If a *Habeas Corpus* application is successful, the detainee should be immediately released.

1.3. Effectiveness of legal review

The judicial review of detention is not considered effective due to the lack of automatic 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.⁶³⁴ 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. 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. As of 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.⁶³⁵ The Court has already ruled that Cyprus violated the Convention under article 5(1) in 2015.⁶³⁶

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 have reported that they have missed the 15-day deadline which raises questions on access to adequate information and facilitation of access to remedies in time. As previously mentioned, for detainees in Police **holding cells**, access to court is particularly problematic, as they experience difficulties in accessing legal aid, and police officers do not receive clear instructions on how to respond to such requests. There is no evidence that any training takes place, for police officers guarding

⁶³² Article 9ΣΤ(7)(b)(i) Refugee Law.

⁶³³ Supreme Court, Application 1/2019, 24 January 2019.

⁶³⁴ ECtHR, *M.A. v. Cyprus*, no. 41872/10, paras 169-170.

⁶³⁵ ECtHR, *M.A. v. Cyprus* Status of execution, available at: <https://bit.ly/3Zx3hZz>.

⁶³⁶ ECtHR, *HS and Others v Cyprus and KF v Cyprus*.

administrative detainees in police holding cells. Throughout 2021 and continuing in 2022, interventions were made by the Cyprus Refugee Council toward relevant stakeholders such as the CRMD, the Ombudsperson’s office, the Police Immigration Unit and the Asylum Service, advocating for clear procedures to be put in place to ensure access to legal remedies however no progress was noted and individual cases required repeated interventions to ensure detainees in holding cell were transferred to court. As the vast majority of asylum seekers are now detained under the Refugee Law, which carries no limitation in duration, the number of cases in need of an effective remedy has also increased.

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 regarding 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’.⁶³⁷

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.⁶³⁸ Legal aid is not provided when detention is ordered under the Aliens and Immigration Law. However, an application for legal aid can be submitted for judicial review of deportation/removal/return decision subject to a means and merits test⁶³⁹. Since almost always, a person against whom a deportation order is issued, will also have a detention order against them, when appealing a deportation order, the appeal can include the detention order as well.

As mentioned above, for detention orders under the *Refugee Law*, a detainee has a 15-day deadline to challenge detention and legal aid applications must be submitted and examined within this time. If a recourse challenging detention is submitted beyond the 15-day deadline, it will be rejected even if the examination of the legal aid application is pending and the delay is due to the Court’s proceedings. When the deadline to submit a recourse to challenge detention was reduced in 2020 from 75 to 15 days, it was initially noted that many legal aid applications were being examined and decided after the deadline to

⁶³⁷ CAT, *Concluding Observations on the Fifth Report of Cyprus*, December 2019. See further: <https://bit.ly/2UQ75pw>.

⁶³⁸ Article 9ΣΤ(2) Refugee Law.

⁶³⁹ Article 6Γ(2) Legal Aid Law.

submit a recourse to challenge detention.⁶⁴⁰ From 2021 onwards, these issues seem to have been resolved, as long as detainees are transferred from detention to court in time by the AIU. Such delays are instead often noted for detainees who are detained in holding cells.

For *Habeas Corpus* applications before the Supreme Court, an application for legal aid can be submitted only if detention has been ordered under the Refugee Law,⁶⁴¹ but not in cases in which detention is ordered under the Aliens and Immigration Law.⁶⁴²

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 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 they do not have the means to pay for the services of a lawyer and this will be examined by a Welfare Officer who will submit a report to the Court. In most cases of detention, this limb of the test will be met. 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.⁶⁴³ Since 2020, and onwards, detainees are not released upon submitting legal aid applications.

The IPAC did not release statistics in 2019 and 2020. However, all decisions published on the Leginet Portal⁶⁴⁴ and CyLaw Database⁶⁴⁵ concerning legal aid applications for the purpose of challenging detention under the Refugee Law in 2019 and 2020 were successful. In 2021, as part of the support provided by EUAA, the Court collected statistics. With regards to legal aid applications, the Court stated that in 2021, 82 applications to challenge detention orders were submitted.⁶⁴⁶ Although the statistics provided do not indicate the number of successful legal aid applications to challenge detention, it is expected that, as in previous years, the majority - if not all - were successful, as the Court only examines whether the applicant has no means to contract the services of a lawyer. The statistics also indicated 126 legal aid applications that were submitted but were not connected to a legal remedy to either challenge an asylum application or detention; it is not clear if this is due to the applicant not completing the application according to established rules or not attending the hearing for the legal aid application. In view of the lack of adequate information and overall access to legal assistance, this raises questions on whether applicants have sufficient knowledge and information on the procedure and details that must be included in the application.

In 2022, according to the IPAC, 18 applications for legal aid to challenge detention were successful.

Overall 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

⁶⁴⁰ 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>.

⁶⁴¹ Article 6B(7)(b) Legal Aid Law.

⁶⁴² Article 6B and 6Γ Legal Aid Law.

⁶⁴³ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁶⁴⁴ Leginet is a subscription-based database for legislation, caselaw and secondary legislation, available at: <https://bit.ly/3dBpMFV>.

⁶⁴⁵ CyLaw Database, IPAC decisions available at <https://bit.ly/3wu2nzp>.

⁶⁴⁶ Information provided by the IPAC following a request by the Cyprus Refugee Council.

review requires court expenses of approximately €100 and €800 for a *Habeas Corpus* application, which often an NGO or the detainee are not in a position to provide. NGO lawyers may provide assistance to prepare legal aid applications,⁶⁴⁷ but they are not permitted to appear before the court.

Contacting a lawyer is not a significant 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.⁶⁴⁸ However, detainees rarely use the list, as they usually contact lawyers recommended 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.⁶⁴⁹ If an NGO visiting the detention centre cannot offer legal assistance, it often refers asylum seekers to NGOs that do offer such services. If an asylum seeker was represented prior to their 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 judicial review of detention, a legal representative can challenge the detention of an asylum seeker or request their 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, and is provided by NGOs. However, the capacity is limited and services might not be consistent in time and may be terminated at any moment, as such services 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.⁶⁵⁰

⁶⁴⁷ Administrative Court, *Alashkham*, Legal Aid Application 15/2018, 17 July 2018, available in Greek at: <https://bit.ly/2UTZUuT>.

⁶⁴⁸ Article 8(3)(b) Rights of Persons who are Arrested and Detained Law.

⁶⁴⁹ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁶⁵⁰ Information based on monitoring visits carried out by the Cyprus Refugee Council.

Content of International Protection

A. Status and residence

1. Residence permit

Indicators: Residence Permit

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

According to the Refugee Law,⁶⁵¹ 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 of 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 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.⁶⁵² 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.

Moreover, 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.⁶⁵³

In practice, long delays are systematically encountered in the issuance and renewal of residence permits for both refugees and beneficiaries of subsidiary protection and during 2022 delays increased due to the CRMD prioritising Temporary protection holders who receive their residence permits within 5-7 working days on average.⁶⁵⁴ Specifically, a BIP, once granted international protection or in the case of renewal, is required to book an appointment on the online platform of the CRMD in order to submit the application in the city in which they are living (if in Nicosia at the CRMD Office, for other cities at the AIU of the that city). Depending on the city, appointments are extremely scarce and can take up to 6 months to secure one. Furthermore, and based on many complaints, throughout 2022, the scarcity in appointments was mainly due to the online platform being abused by agents who book appointments and would then sell these. In early 2023 the operation of online platform was gradually terminated due to the abuse.⁶⁵⁵

From the submission of the application to issue a residence permit another 4-5 months will 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, such as state assistance via the Guaranteed Minimum Income scheme. However, there are rights that cannot be accessed or are problematic to access such as access to the health system, social schemes for persons with disabilities and opening of bank accounts. Access to a bank account also impacts employment as employers request a bank account to transfer salaries and may refuse to hire or proceed to terminate employment, furthermore, employers are often reluctant to hire or maintain

⁶⁵¹ Article 18A Refugee Law.

⁶⁵² Article 19(4) Refugee Law.

⁶⁵³ Articles 18A and 19(4) Refugee Law.

⁶⁵⁴ Based on information from beneficiaries/cases represented by the Cyprus Refugee Council.

⁶⁵⁵ Cyprus Mail, 'Government admits abuse in migration department', available at: <http://bit.ly/3LRW4Qx>; Politis, 'He knew about the agents... at the Migration Department and Nouris turned a blind eye' available at: <http://bit.ly/3TQG8jf>; Phileleftheros, 'Brake on online appointments by the Migration Department - Abuse by agents' available at: <http://bit.ly/42IGm02>.

employment of an BIP whose residence permit is not valid in fear that they may be employing someone without legal status.

Regarding family members, up to 2019 the CRMD issued residence permits for family members of recognised refugees and beneficiaries of subsidiary protection that did not exist prior to the entry of the refugee into Cyprus; the permits referred to a 'spouse or child of a refugee. In 2019, the CRMD ceased this practice with the justification that it did not have a legal basis and was merely a practice. However, since then the CRMD has not provided an effective alternative status or residence permit leaving persons who have been living for many years in the country without status, residence permit, access to rights, and in many cases leading to loss of employment and the main income of the family. Specifically, in the case of family members of beneficiaries of subsidiary protection, as this status is mostly granted to Syrian nationals, their family members will be granted protection on their own right, however this policy affects mixed marriages of Syrians with third country nationals where again the CRMD refuses to provide a status with rights.

The Ombudsman⁶⁵⁶ in a report on the issue and the Commissioner for Rights of the Child⁶⁵⁷ in response to complaints submitted have both identified it as a gap in the law that violates the principle of family unity, calling on legislative amendments and for the administration to take steps to identify an interim solution in the meantime. To date no legislative amendments have taken place. From 2020 and continuing in 2022, the Asylum Service has set up a procedure by which they assess the protection needs of family members. If it is decided that there are protection needs, a 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, and access to 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 end of 2022, such decisions were issued by the CRMD which granted humanitarian status to the spouse and/or parent of BIP, according to which the "special residence permit" was valid for 12 months, granting the right to work, subject to the authorisation of the Labour Department.⁶⁵⁸ However, the residence permit will be issued only once and before the expiration of the 12 months, the applicant has to apply for a residence permit for employment reasons, which requires a specific employer to support the application.

2. Civil registration

The procedure for the civil registration of children born in Cyprus is the same for all, regardless of nationality or status.⁶⁵⁹ 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. 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, an affidavit is required by both parents confirming the father of the child.

⁶⁵⁶ Report of the Commissioner for Administration and Protection of Human Rights regarding the Family Unity of beneficiaries of International Protection, 'Εκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων αναφορικά με την Οικογενειακή Ενότητα δικαιούχων Διεθνούς Προστασίας' available at: <https://bit.ly/3nsaoF1>.

⁶⁵⁷ Based on the response to individual complaints submitted by the Cyprus Refugee Council before the Commissioner for the Rights of the Child.

⁶⁵⁸ Based on information from the representation of beneficiaries of International Protection by the Cyprus Refugee Council.

⁶⁵⁹ Article 8 Civil Registry Law.

Birth certificates are issued upon registering the birth 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 (down from €150 until 2019).⁶⁶⁰

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 BIPs.

3. Long-term residence

Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2022: 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:⁶⁶¹

- ❖ Five years residence in the government-controlled areas;
- ❖ 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:
 - the remuneration from a wage-earning full-time employment;
 - the remuneration from other stable and lawful sources;
 - the cost of living, including the rent that applies in the current market;
 - a contact of employment of at least 18-month duration or of an indefinite duration;
 - the availability of shelter for the person 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;
 - in case of intention to become self-employed, the financial sustainability of the business or activity, including skills and experience in the related field;
- ❖ 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;⁶⁶²
- ❖ Adequate health insurance covering the risks that are usually covered in insurance contracts involving Cypriot citizens;⁶⁶³
- ❖ The person must not constitute a threat to the public security or public order;
- ❖ 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:

- ❖ 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;

⁶⁶⁰ Article 16 Civil Registry Law.

⁶⁶¹ Article 18Θ Aliens and Immigration Law.

⁶⁶² Article 18Θ(2) Aliens and Immigration Law.

⁶⁶³ A valid medical card issued by the Health Ministry can be considered as adequate health insurance.

- ❖ A valid resident permit with an address in the areas controlled by the Republic;
- ❖ An employment contract;
- ❖ Certificates of academic and professional qualifications, including professional licenses;
- ❖ Tax statements of the previous five years and a certificate of settlement of any pending tax obligation;
- ❖ 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;
- ❖ 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;
- ❖ Statement of bank deposits;
- ❖ Proof of income derived from sources other than employment;
- ❖ Property Titles or a lease with a description of the shelter and utility bills;
- ❖ Health insurance contract;
- ❖ Certificate of a criminal record;
- ❖ 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 CRMD who 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 BIPs, with the exception of third-country nationals that are financially well off. Specifically, the most common obstacles reported are the requirements related to proving stable and regular resources, including an employment contract of at least 18 months duration or of an indefinite duration; the mandatory requirement to show contributions to the Social Insurance Fund for the last five years; tax statements of the previous five years; the language certificate, as in practice no other certificate seems to be accepted and, although the required level A2 is supposed to be basic, two persons who took the examination failed it even though they have passed higher levels of language examination from other acknowledged language institutions.

Due to these obstacles, the status has not attracted many applications and, overall, BIPs 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 BIPs 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 2022 as no BIP received the status.

2. Naturalisation

Indicators: Naturalisation	
1. What is the waiting period for obtaining citizenship?	5 years ⁶⁶⁴
2. Number of citizenship grants to beneficiaries in 2022:	27

⁶⁶⁴ Citizenship is not obtained but granted at the discretion of the Minister of Interior. BIPs can apply for citizenship after 5 years of residence.

Citizenship can only be acquired by decent and not by being born on territory. Citizenship can be applied for and the decision to grant citizenship is issued by the Minister of interior. The requirements for applying for naturalisation under the Civil Registry Law are as follows:⁶⁶⁵

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 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 go through the backlog,⁶⁶⁶ with the intention of speeding up the process. Currently an application takes two to three years to be examined. An oral interview is carried out and a recommendation is drafted by the examining officer which is then referred to the Minister of Interior who has the final decision to reject or grant citizenship.

Naturalisation for BIPS has always been problematic, as the procedures are extremely slow and lack transparency, furthermore BIPs are not facilitated in any way other than being able to apply after completing 5 years instead of 7 years of stay as is the case for other TCN. Furthermore, children are not naturalised when born in the country, under any circumstances, which limits access further. In 2015 and 2016, a significant rise in the number of BIPs receiving citizenship was registered, with an estimated 50 persons receiving in 2015 and 20-30 persons in 2016. However, this trend did not continue with lower numbers of BIPS granted citizenship in following years.⁶⁶⁷ In 2021, 11 BIPs were granted citizenship and in 2022, a slight rise was noted with 27 BIPs granted.

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 and trafficking etc, they will most probably be rejected. In the decision it is cited that they are a 'burden on the state'.⁶⁶⁸ In 2021 and early 2022 a rise in the rejection rates regarding applications for nationality by holders of international protection - all persons living in the country for periods of well over 10 years – was noted. Such cases included young adults that were born or grew up in Cyprus, completed public school, speak fluent Greek and are studying in University; in these cases, the motivation for rejection referred to the fact that their parents had or were receiving state support, even if the applicants involved were not. Furthermore, single persons were rejected, and the justification mentioned the fact that they had no sufficient ties to the country as they had not formed families. In other cases, the applicant was found to be of non-good character, although they had submitted a clean criminal record as required and the finding of non-good character was based on reports supposedly provided by the Central Intelligence Service but with no evidence to support this and no access to such reports. Some of these cases have been appealed before Court and are currently pending.⁶⁶⁹

According to the Law, in cases of children born in Cyprus where one parent is Cypriot and the other is non-Cypriot, but entered or remained in Cyprus irregularly, the child does not acquire nationality unless the Ministerial Council orders otherwise. Until recently, this was only applied to Cypriot nationals who reside in the areas not under the effective control of the RoC and are married and/or have children with Turkish nationals who have settled in Cyprus after the 1974 war, and whose entry and residence in Cyprus is considered to be illegal. However, in recent years this has been applied to children of Cypriot nationals

⁶⁶⁵ Table III (Article 111) Civil Registry Law, available at: <http://bit.ly/2IN0nAD>.

⁶⁶⁶ The backlog was estimated to be between 5,000 and 6,000 applications.

⁶⁶⁷ Based on information from beneficiaries/cases represented by the Cyprus Refugee Council.

⁶⁶⁸ Ibid.

⁶⁶⁹ Information provided by cases represented by the Cyprus Refugee Council.

living in the areas under the effective control of the RoC who are married to third country nationals, including asylum seekers or international protection holders who may have entered irregularly when they first arrived or at some point stayed irregularly. The procedure for the examination of applications by the Council of Ministers to enable the registration of such children as Cypriot nationals is very lengthy and decisions often remain pending for years.⁶⁷⁰ In cases where the third country national cannot pass on their own nationality the child will be stateless until the Ministerial decision granting Cypriot nationality.

3. 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,⁶⁷¹ **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.⁶⁷²

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.⁶⁷³ 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 may commence provided that new elements or findings arise indicating that there are

⁶⁷⁰ Dialogos, 'Children of Turkish Cypriot mixed marriages await recognition – The road is long and arduous' available at <https://bit.ly/3JFZgMc>

⁶⁷¹ Article 6 Refugee Law.

⁶⁷² Article 6(1A-bis) Refugee Law.

⁶⁷³ Article 19(3) Refugee Law.

reasons to review the status.⁶⁷⁴ When the Head of the Asylum Service examines the possibility of ceasing the status they 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](#),⁶⁷⁵ or in a written statement, reasons as to why international protection should not be withdrawn.⁶⁷⁶ It is not clear how or when it is decided to provide an interview or a written statement.

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, EUAA and UNHCR, as to the general situation prevailing in the countries of origin of the person concerned.⁶⁷⁷ 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 BIP whose status is under reconsideration, or jeopardise the physical integrity of the person or their dependants, or the liberty and security of their 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](#),⁶⁷⁸ considers that one of the cessation grounds is substantiated, a decision is issued in writing and the person concerned is notified.⁶⁷⁹ 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.⁶⁸⁰

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.⁶⁸¹

The procedure for appeals 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 IPAC.⁶⁸² 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 IPAC.⁶⁸³ 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 BIPs.

⁶⁷⁴ Article 6(1B) Refugee Law.

⁶⁷⁵ Articles 13A and 18(1), (2), (2A), (2B) Refugee Law.

⁶⁷⁶ Article 6(1Γ)(a)-(b) Refugee Law.

⁶⁷⁷ Article 6(1Δ) Refugee Law.

⁶⁷⁸ Article 13 Refugee Law.

⁶⁷⁹ Article 6(2) Refugee Law.

⁶⁸⁰ Article 6(2) Refugee Law.

⁶⁸¹ Article 6(3) Refugee Law.

⁶⁸² Article 11 IPAC Law.

⁶⁸³ Article 6B(3) Legal Aid Law.

4. Withdrawal of protection status

Indicators: Withdrawal

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

According to the Refugee Law, the Head of the Asylum Service withdraws **refugee status** if it is found that:⁶⁸⁴

- ❖ 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.⁶⁸⁵

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 indications that approximately 11 withdrawals took place in 2021 due to misrepresentation or omission of facts that were decisive for the granting of refugee status or reasonable grounds for regarding the person as a danger to the security of the Republic or, having been convicted by a final judgment of a particularly serious crime.

In 2022 according to statistics,⁶⁸⁶ refugee status was withdrawn in 2 cases, concerning 5 persons and subsidiary protection was withdrawn in 15 cases, concerning 28 persons.

There are no statistics or information available on the success rate of appeals or legal aid applications against withdrawal decisions.

⁶⁸⁴ Article 6A Refugee Law.

⁶⁸⁵ Article 19(3A) Refugee Law.

⁶⁸⁶ Based on statistics issued by the Cyprus Asylum Service.

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**.⁶⁸⁷ According to the Law only the following family members have the right to family reunification and only where the family relationship arose before the refugee's entry,

- ❖ Spouses, provided that both have reached the age of twenty-one. In cases of polygamous marriage, the spouse of a refugee is excluded from the right to family reunification, when another spouse is already cohabiting with the refugee in the Republic;
- ❖ minor and unmarried children of the refugee and their spouse, including a child adopted in accordance with either a decision taken by a competent authority in the Republic or a foreign decision which is automatically enforceable by virtue of the international obligations of the Republic or compulsorily recognized in accordance with the international obligations of the Republic. In cases of polygamous marriage, the child of the refugee and a spouse, besides the spouse already living with the refugee in the Republic, is excluded from the right to family reunification.
- ❖ minor and unmarried child of the refugee, including a child adopted where the refugee has sole custody and responsibility for maintenance. In cases of polygamous marriage, the child of the refugee and a spouse, besides the spouse already living with the refugee in the Republic, is excluded from the right to family reunification.
- ❖ a minor and unmarried child of the refugee's spouse, including a child adopted in case the spouse has sole custody and responsibility for maintenance. In cases of polygamous marriage, the child of a spouse other than the one already cohabiting with the refugee in the Republic is excluded from the right to family reunification.
- ❖ by blood and first-degree relatives, in case the refugee is an unaccompanied minor.

The right to family reunification was removed for beneficiaries of **subsidiary protection** in 2014 only in extremely rare and exceptional cases (approximately two to three cases) has such a request been granted on humanitarian grounds. Since 2019, no such cases have been identified.⁶⁸⁸ In April 2019, the Commissioner for the Rights of the Child 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 and is incompatible with the obligations under the ECHR, in particular Articles 8 and 14, as well as the United Nations Convention on the Rights of the Child. They recommended an amendment to the Law, however, there have been no such developments.⁶⁸⁹

⁶⁸⁷ Article 25(5)-(19) Refugee Law.

⁶⁸⁸ IOM, 'IOM Helps Syrian Girl Reunite with Family in Cyprus', 23 February 2016, available at: <http://bit.ly/2IHbEQ8>.

⁶⁸⁹ See: <https://bit.ly/3apHev6>.

There is no waiting period for refugees to apply for family reunification and, according to the law, an application must be submitted to the CRMD, in a form and with a fee as decided by the Director of the CRMD.⁶⁹⁰ If the request is submitted within three months from the granting of refugee status, there are no requirements besides proving the family relations. To date a fee has not been required.

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, assessed under Cypriot law. A decision refusing a request cannot be based solely on the absence of such documents. In practice the examination is based on documents submitted combined with the information provided by the refugee during the refugee status determination procedure, as well as any other information the CRMD may request. There have been no cases identified where an interview has taken place with the family members.

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. In the aforementioned procedure, the best interests of the child must be taken into consideration.⁶⁹¹

Furthermore, in accordance to the Law, 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:

- ❖ 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;
- ❖ health insurance for the refugee and members of his family which covers all risks normally covered for nationals; and
- ❖ 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.⁶⁹² 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.⁶⁹³

In practice, the procedure and requirements have often changed. Up to 2016, the evidence required to prove family relations was the information provided during the examination of the asylum application and it was sufficient to provide copies of documents (certificates, travel documents). In 2017, the CRMD started requesting original documents instead of copies and that the submitted documents be officially translated in Greek or English by the Public Information Office of Cyprus, and duly certified. This led to serious delays in the process and became an obstacle in the process, leading to many complaints. 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.⁶⁹⁴

⁶⁹⁰ Article 25(6) Refugee Law.

⁶⁹¹ Article 25(7)-(11) Refugee Law.

⁶⁹² Article 25(12) Refugee Law.

⁶⁹³ Article 25(13) Refugee Law.

⁶⁹⁴ Based on information from cases represented by the Cyprus Refugee Council.

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. However, throughout 2020, cases were not being decided on and the examination of cases has once again become very slow with cases pending up to three years.

In 2021 and although the EU Commission's inquiry was still ongoing limited progress was noted. Only 2 family reunification applications received decisions, although both were positive. Furthermore, procedures remained lengthy, with cases taking on average 2 or more years before receiving a decision. In 2022 attempts were made by the CRMD to clear the backlog of pending requests for family reunification as well as speed up the examination of new applications. However, at the end of 2022 and continuing in 2023 the procedure remained slow exceeding 9 months and no other decisions had been issued.

According to the Law, once the Director approves a family reunification request, they immediately authorise entry for members of the refugee's family into the areas under the control of the Republic and notify the relevant consular authorities of the Republic so they may facilitate any necessary visas.⁶⁹⁵ 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 Administrative Court, since 2019. In 2022 another case was identified where the CRMD approved the request for family reunification, but the consular authority did not facilitate the necessary visas for two young children citing issues with the authenticity of the birth certificates, although the family relation with the mother was not disputed.⁶⁹⁶

In 2022 the IPAC issued a positive decision with regards to family reunification in a case of a recognised refugee who had applied for family reunification with their spouse and 4 underage children.⁶⁹⁷ As the applicant had applied 3 months after status was granted their application was subject to material conditions. The application was rejected on the basis of financial criteria, although the applicant was employed it was deemed that the income was insufficient to support the family. The IPAC annulled the decision on the basis of a non-sufficient research of the material facts by the CRMD and provided clear guidance on the examination of family reunification applications of refugees, emphasising the need for the CRMD to take into consideration the special circumstances of refugees and the best interest of the child principle. The case has been returned to the CRMD for examination, but a new decision has yet to be issued.

In 2022, approximately 20 applications for family reunification were submitted, of which 2 were approved and the rest remain pending.⁶⁹⁸ The number of family reunification requests submitted or approved 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 as mentioned above do not have access to this right regardless of the number of years they are in Cyprus.

⁶⁹⁵ Article 25(14)(a) Refugee Law.

⁶⁹⁶ Information provided by the Cyprus Refugee Council

⁶⁹⁷ YT v. RoC via CRMD, ΔΔΠ 500/2019, decision date 10/11/2022

⁶⁹⁸ Information provided by the Cyprus Refugee Council

2. Status and rights of family members

Although the law allows family members to be granted lesser rights than the sponsor,⁶⁹⁹ in practice this was rarely, if ever, applied, which may be due to the extremely low number of family reunification requests. Family members were issued the same residence permit as the sponsor, which establishes their status as refugees, so that they enjoy the same rights. In 2019, the CRMD ceased issuing residence permits for family members, including family members that arrived via family reunification procedures. In 2022 the CRMD resumed issuing residence permits for family members that arrived under the family reunification procedure, the status is not the same as the sponsor but is referred to as 'refugee/SP spouse' or 'refugee/SP child'. Family members under this status enjoy the same rights as the sponsor with the exception of a travel document. Furthermore, according to a practice implemented in 2022, family members may request examination of their protection needs by the Asylum Service and in two cases it was reported that the Asylum Service proceeded to issue a decision acknowledging that they have the same protection needs as the sponsor and therefore granting them status and rights. However, it is not clear if all cases receive information and access to this procedure.

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.⁷⁰⁰ 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.⁷⁰¹

2. Travel documents

Convention Travel Documents are issued to persons granted **refugee status** with a three-year validity.⁷⁰² 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 were very problematic as the vast majority of countries did not accept these, including the Schengen Area. In mid-2020, the CRMD announced the issuance of the travel documents which led to high demand by Syrian nationals' holders of subsidiary protection as they had been waiting for many years in order to visit relatives mainly in the EU. Due to an influx of requests, the Department announced that travel documents would only be issued for subsidiary protection holders who do not have access to a national passport and a preliminary examination would be carried out to examine this prior to issuing travel documents.

⁶⁹⁹ Article 25(14) Refugee Law.

⁷⁰⁰ Article 18A and 19(4) Refugee Law.

⁷⁰¹ Article 21(1Γ) Refugee Law.

⁷⁰² Article 22 Refugee Law.

Throughout 2022 and continuing, the issue remains problematic as in most cases the procedure to apply cannot even be accessed as the application will not be received and as a result the CRMD does not issue a negative decision which would require justification. Evidently, to date no travel documents have been issued by the CRMD for beneficiaries of subsidiary protection, including cases of a stateless person and persons with medical issues.

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 2021 | Approx. 30 |

There are no active schemes providing housing to BIPs. Persons 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 2021, securing private accommodation remained difficult for refugees who have recently been granted protection, as well as refugees living in the community. This is due to the extremely high rent prices that continued to increase throughout the year,⁷⁰³ making it harder to identify appropriate accommodation, as well as the reluctance on the landlords' side to rent properties to refugees, even when they have a regular income. Although instances of homelessness are much more frequent among asylum seekers, BIPs also face this risk and assistance and guidance are required in order to secure shelter.

BIPs have a right to apply for financial aid through the national Guaranteed Minimum Income (GMI) scheme, which may include a rent allowance. However, in order to apply for the rent allowance a specific property must already have been contracted. In addition, rent deposits are not covered through the GMI scheme. Furthermore, throughout 2021 and in 2022 examination of GMI applications including the rental allowance reached or passed 12 months; even in cases of vulnerable persons or homeless persons it is rare the application is examined faster. During the examination period, an emergency allowance is provided which varies from district to district and 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. The delays in examination of GMI applications have a serious negative impact on living standards and integration efforts and in some instances lead to homelessness.

Regarding BIPs residing in the Reception Centre, there is no set time frame in which they must leave the Centre once they have received international protection, however persons are informed and urged by the Asylum Service to expedite their transition to the community. There have been no cases of people evicted out of the Reception Centre without any housing arrangement. 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. Efforts have been made to prioritise GMI applications for beneficiaries who are still residing in the Reception Centre. In practice, however, several months elapse before people are 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 identified and 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.

⁷⁰³ RICS, Cyprus Property Index 2022 Q4, available at: <https://bit.ly/3kJA8f4>.

In 2020, a procedure⁷⁰⁴ 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 SWS 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.

Efforts to resume the procedure were made in 2021, but progress was limited due to obstacles related to identifying accommodation in the community, delays with issuance of residence permit, as well as GMI application and opening bank accounts. Currently, the high rent prices and difficulties in accessing jobs deem transition from the centre challenging and although a number of BIPs managed to transfer in the community, a comprehensive, official transition plan is yet to be implemented. At the end of 2020, out of the total number of residents, approximately 20 had international protection status, whereas in 2021 the number was closer to 30. At the end of 2022, 10 BIPs were residing in the Centre.

However, there is always a number of BIPs residing in Kofinou Reception Centre, indicating that transitioning out of the centre remains challenging.

E. Employment and education

1. Access to the labour market

BIPs are granted full access to the labour market under the same conditions that apply in the profession and Public administration for nationals, immediately upon receiving international protection.⁷⁰⁵ Recognised refugees and subsidiary protection holders have access to the labour market under the same conditions.

BIPs have the right to register at the Public Employment Service (PES) offices for purposes of seeking employment. Due to COVID-19 restrictions and up until September 2021, Public Employment Service did not require job-seekers to attend in person, including BIPs. New registrations of unemployed persons continued through email and registration of those who were already in the PES system prior to the pandemic measures was automatically renewed every month.

In September 2021, the PES initiated a different registration and job-seeking procedure for all service-users, including International Protection Holders. Under this new process, all job-seekers are required to register as unemployed, renew their registration and contact employers, through the Labour Department's online platform. While online, the system is not automated and caused many issues (see [Access to the labour market](#) of asylum seekers).

Since late 2019, the CRMD has continued to refuse to issue residence permits for family members, leaving them without status and full access to rights and has led to persons losing their employment and other rights.

BIPs 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 and due to the COVID-19 restrictions, a significant drop in the number of job-related trainings was observed. Some courses, mainly from EU-

⁷⁰⁴ Information obtained by CyRC.

⁷⁰⁵ Article 21A Refugee Law.

funded sources were available online, but overall participation was low, due to unfamiliarity of the population with online training instruments. In 2021, the situation improved, but the shift to online teaching methods posed challenges in regards to participation of persons with low digital skills, low familiarization with online means and limited access to necessary equipment, stable internet connection and privacy. In 2022 classes resumed with physical presence, but the participation of BIPs remains low for the above mentioned reasons.

No official data is available regarding the participation of BIPs in vocational training or the level of unemployment among BIPs.

Employers are not adequately familiarized with BIPs 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 an online platform 'HelpRefugeesWork' that connects employers and training providers with beneficiaries and acts as an advocacy tool to familiarize employers with BIPs' rights of full access to the labour market.⁷⁰⁶ Between 2018 and 2022, more than 900 International Protection Holders registered in the platform applied for jobs and received employment-related guidance and support, whereas more than 250 well-known businesses covering a wide spectrum of employment sectors have posted their positions.⁷⁰⁷

According to the Refugee Law, the state authorities should facilitate for BIPs, who cannot provide substantiated evidence of their qualifications, full access to appropriate programs for the evaluation, validation, and certification of their previous learning.⁷⁰⁸ In practice, accreditation of academic qualifications is possible through the same procedures available to nationals, with no special facilitation. Due to this, the following obstacles and/or limitations often prevent persons from accreditation:

- ❖ Unavailability of original academic titles/document 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;
- ❖ 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 BIPs' 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.⁷⁰⁹ 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.⁷¹⁰ The circular established additional requirements for non-Cypriot citizens including BIPs, preventing their access to issuing or renewing driving licenses and as a result to accessing professions that require them. Also, the requirement of holding a valid residence permit excluded BIP who had their residence permit under issuance or renewal, a process which typically requires many months of waiting. In October 2020, the

⁷⁰⁶ See: <https://bit.ly/3dJijp9>.

⁷⁰⁷ Information provided by Cyprus Refugee Council.

⁷⁰⁸ Article 21(1A) Refugee Law.

⁷⁰⁹ Article 21(1)(b)(iΓ) Refugee Law.

⁷¹⁰ Circular/GuidanceNote αρ.32/2020, «Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και τεκμήριο για έξι μήνες παραμονής» available in Greek at: <https://bit.ly/3cPlonf>.

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.⁷¹¹ This did not solve the issue as access to the CRMD in late 2020 and in 2021 was limited due to COVID-19 measures as well as the department moving location.

The requirements are considered to be in violation of the Driving License Law,⁷¹² which transposes the relevant article of the EU Directive on Driving Licences.⁷¹³ Following interventions by NGOs, UNHCR, and employers, the issue was brought for discussion before the Human Rights Committee of the Parliament in February 2021, 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. In May 2021, a new circular was issued, but it did not address the barriers for BIPs. In regard to the requirement of holding a valid residence permit, the circular announces the termination of CRMD's practice to issue a certificate for those not holding a residence permit, thus maintaining the barriers for those BIPs affected by CRMD's delays in issuing or renewing their residence permit.⁷¹⁴ Throughout 2022, the issue remained unresolved.

2. Access to education

BIPs access the general education system and further training or re-training under the same conditions applying to nationals.⁷¹⁵ Children are granted full access to all levels of the education system.

Beneficiaries completing public 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. A limited number of BIPs is admitted annually under special criteria applied for non-EU students by University of Cyprus. A limited number of scholarships is also offered from time to time by private universities.

An important limitation is that BIPs are not eligible for the student sponsorship scheme provided by the State to nationals and EU citizens who secure placement in an accredited tertiary education institution in Cyprus and abroad. This is particularly relevant to beneficiaries who, due to language barriers or 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

BIPs, 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, from which BIPs are exempted. All applicants of GMI are required to reside in the government-controlled areas of RoC. Other than that, there are no requirements to reside in a specific place or region.

⁷¹¹ Circular/GuidanceNote αρ.32/2020 (Clarification), «Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και τεκμήριο για έξι μήνες παραμονής» available in Greek at: <https://bit.ly/3cMo9Xr>.

⁷¹² Article 5, Driving License Law, available in Greek at: <https://bit.ly/2PzdcQg>.

⁷¹³ 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".

⁷¹⁴ Circular/Guidance Note αρ. 9/2021, «Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και αποδεικτικού εξαμηνιαίας διαμονής στη Δημοκρατία» available in Greek at: <https://tinyurl.com/mu4dnpf8>.

⁷¹⁵ Article 21(1)(b)(i) and (iB) Refugee Law.

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 BIPs, face long delays in the examination of their application and throughout 2021 and 2022 most cases took 12 months or more to receive a decision. For BIPs, this period is extremely difficult, as all the benefits received as an asylum seeker are immediately terminated upon issuance of a decision on the asylum application. According to an internal SWS circular, BIPs should continue to receive MRC for two months after the decision granting international protection is issued, but this policy is not widely applied, and it has been observed to take place only in very few vulnerable cases.⁷¹⁶

During this period and after the submission of the GMI application, an applicant to 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 for one month and must be submitted every month, until the GMI decision is issued.

Since 2020, in order to provide rent allowances, GMI requires a copy of the property title by the owner, rental agreements containing taxation stamps if the amount exceeds €5000, 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 BIPs who will be eventually approved will not be included in those catalogues before several months elapse. Therefore, transfer of the account on their name will take place afterwards, which results in additional delays in receiving rent allowances.

During 2022, complaints concerning the ability of BIPs to open/maintain an account, and as a result receiving GMI benefits, persisted, although at a lower rate compared to previous years. 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, discrepancies in bank account opening policy between branches/officers, and the requirement for the applicant to speak good Greek/English.

Additionally, from 2021 onward it was observed that banks limit the number of accounts owned by BIPs to one per person. Although one bank account is sufficient for receiving GMI, it is disruptive for disabled persons because disabled BIPs 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 applicant's details.

Regarding the verification of identity and residence for BIPs, the Central Bank of Cyprus and the association of credit institutions adopted the law 64 (I)2017 which transposed 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".⁷¹⁷ Articles 16 and 17(4) stress

⁷¹⁶ Based on cases represented by the Cyprus Refugee Council.

⁷¹⁷ «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>.

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.

With 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,⁷¹⁸ documents issued by the State or an affidavit.⁷¹⁹

Following interventions by UNHCR and NGOs, as well as meetings between Central Bank, Asylum Service, and SWS, the situation has improved. Despite this, issues remain, mainly concerning the time needed for processing applications for opening an account, the requirement of submitting a criminal record certificate, and the requirement for a valid residence permit. 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. Furthermore, the abovementioned consultations mainly involve four private Banks in Cyprus, which engaged in the dialogue, out of the 29 credit Institutions registered in Cyprus.

G. Health care

In June 2019, a National Health System (GESY) took effect for the first time in Cyprus, introducing major differences in the provision of health care services, mainly introducing the concept of a General Practitioner (GP) 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, including a number of private hospitals.

Beneficiaries of International Protection, unlike asylum seekers have access to the General Health System under the same conditions as nationals do. This entails access to a GP free of charge, whereas access to specialized or supportive medical care (specialised doctors, lab work, physiotherapy, psychologists etc.) requires contributions of €6-10 per visit. Medication may also require small contributions which is usually around €2-4.

⁷¹⁸ 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 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 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.”

⁷¹⁹ 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.”

Although the transition to the new health system was, 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 normalized. A major obstacle remains for BIPs before they receive their residence permit, which is challenging as such a period often exceeds 6 months. During this time, persons cannot access health services through GESY and are supposed to have access as asylum seekers, however they need to provide additional documentation showing that although they are BIPs they do not have access to GESY and in many cases this has led to delays or no access.⁷²⁰

BIPs have access to the schemes of the Department for Social Inclusion of Persons with Disabilities, operating under the Ministry of Labour and Social Insurance, which asylum seekers do not have access to. 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, BIPs are granted access to the allowance scheme provided to HIV positive persons.⁷²¹

BIPs are included in the National COVID-19 Vaccination Plan. Initially, access to vaccinations was offered via appointment on the online GESY portal only, which at times was challenging for beneficiaries due to language barriers and low digital skills. NGOs provided assistance in such cases. From September 2021 onwards, vaccinations are offered at walk-in centres where no appointment is needed.

⁷²⁰ Politis, 'She lost the twins due to paperwork and delay in the... registration' available at <https://bit.ly/3ZYxHov>
⁷²¹ 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
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	15 April 2014	The Refugees (Amendment) Law of 2014 N. 58(I)/2014 The Refugees (Amendment) (No 2) Law of 2014 N. 59(I)/2014	http://bit.ly/1HwnhWB (GR) http://bit.ly/1LhRNPC (GR)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	14 October 2016	The Refugees (Amendment) Law of 2016 N. 105(I)/2016 The Refugees (Amendment) (No 2) Law of 2016 N. 106(I)/2016	http://bit.ly/2kbxgGD (GR) http://bit.ly/2jmEGCt (GR)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	14 October 2016	The Refugees (Amendment) Law of 2016 N. 105(I)/2016	http://bit.ly/2kbxgGD (GR)
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	14 October 2016	The Refugees (Amendment) Law of 2016 N. 105(I)/2016	http://bit.ly/2kbxgGD (GR)