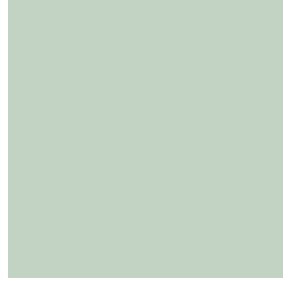




2023 UPDATE

CYPRUS



COUNTRY REPORT

Acknowledgements & Methodology

Since 2017 and up to 2023, 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 2023, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 23 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 4 non-EU countries (Serbia, Switzerland, Türkiye, and the United Kingdom). 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), partially funded by 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
MRC	Material Reception Conditions
RUH	Refugee Housing Unit
RoC	Republic of Cyprus
RRA	Refugee Reviewing Authority Αναθεωρητική Αρχή Προσφύγων
SWS	Social Welfare Services Υπηρεσίες Κοινωνικής Ευημερίας
TPD	Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.
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

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: 2023

	Applicants in 2023 (2)	Pending at end of year	Total decisions in year (3)	Total in merit decisions (4)	Total rejection (6)	In merit rejection (4) (6)	Refugee status	Subsidiary protection
Total	10,662	26,599	18,321	9,435	11,376	7,104	749	2314
Breakdown by nationality								
Syria	6.199	12.801				1	43	2040
Nigeria	1.019	1.231				2,816	43	2
Afghanistan	736	1.505				30	119	1
DR Congo	427	3.495				765	34	4
Cameroon	421	2.233				838	44	50
Somalia	337	1.113				127	111	156
Pakistan	332	133				519	1	0
Bangladesh	325	69				517	3	0
Iraq	304	407				66	39	21
India	280	62				398	0	0

Source: Asylum Service.

Applications and granting of protection status at first instance: rates for 2023

	Overall rejection rate (2) (4)	Refugee rate (1) (4)	Subsidiary protection rate (1) (4)
Syria	0.04%	2.06%	97.8%
Nigeria	98.4%	1.5%	0.06%
Afghanistan	20%	79.3%	0.66%
DRC	95.2%	4.23%	0.49%
Cameroon	89.9%	4.72%	5.36%
Somalia	32.2%	28.17%	39.59%
Pakistan	99.8%	0.19%	0%
Bangladesh	99.4%	0.57%	0%
Iraq	52.38%	30.95%	16.6%
India	100%	0%	0%

Source: Cyprus Asylum Service. Percentages calculated by Cyprus Refugee Council.

Gender/age breakdown of the total number of applicants: 2023

Disaggregated data on the gender and age of asylum applicants in 2023 was not available at the time of publication.

First instance and appeal decision rates: 2023

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	18,321		9,880	
Positive decisions				
• <i>Refugee status</i>	472		14	
• <i>Subsidiary protection</i>	1,859		5	
• <i>Other¹</i>	-		23	
Negative decisions	7,104		2,422	
Explicit Withdrawal	2,896		5,382	
Implicit Withdrawal			2,033	

Source: Asylum Service and IPAC

* 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.²

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. In December 2023, the number of pending appeals in both the regular and accelerated procedure were 4,897 corresponding to 5,073 persons.

¹ Order to Review, see section below sections on Appeals.

² Article 11 IPAC Law.

Refugee Reviewing Authority: Operations ceased in December 2020 and at the time approximately 400 cases were not concluded and were transferred back to the Asylum Service. In 2022 the Asylum Service set up a team to examine these cases. At the end of 2023, 281 decisions had been issued, of which 54 were granted refugee status; 23 subsidiary protection; 127 rejections; 28 explicit withdrawals and 49 implicit withdrawals; and 89 cases remain pending.³

³ Information provided by Asylum Service.

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/1K4yryl (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/49K4nWR (EN)
Administration of Justice Law (Various Provisions) 1964 (33/1964)	Ο περί Απονομής της Δικαιοσύνης (Ποικίλες Διατάξεις) Νόμος του 1964 (33/1964)	Administration of Justice Law	https://tinyurl.com/5d5w2646

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 312/2023, pursuant to art. 9Θ of the Refugee Law	ΚΔΠ 312/2023, Διάταγμα δυνάμει του άρθρου 9Θ 2(α) και (β) του περί Προσφύγων Νόμου, Ε.Ε. Παρ.ΙΙΙ(1), Αρ. 5825, 29/09/2023	Access to Labour	https://tinyurl.com/ycycztjy (GR)
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, 04/10/2021	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)

Overview of the main changes since the previous report update

The report was previously updated in April 2023.

International protection

Asylum procedure

- ❖ **Access to the territory:** In 2023, there were two incidents of push backs, involving three boats and 109 nationals of Syria. Furthermore, pushbacks at land and specifically at the Green Line continued throughout 2023, 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 declined significantly in 2023 to close to half in comparison to 2022. The majority still arrived by irregularly crossing the 'green line', however measures taken in 2022 to prevent migrants crossing were considered ineffective and were abandoned, including the use of wire fence and 300 border guards.

In early 2024 for the first time arrivals by boat were significantly higher than arrivals by crossing the 'green line' and were predominately Syrian nationals. In April 2024, due to the increase in arrivals of Syrian nationals the government announced that the examination of asylum applications of Syrian nationals is suspended.

- ❖ **Key asylum statistics:** The backlog of pending asylum applications remains extremely high, with long processing periods, with the exception of applicants examined under accelerated procedures. In 2023, 10,662 new asylum applications were submitted and 18,321 decisions were issued (472 decisions/749 persons refugee status, 1,859 decisions/2,314 persons subsidiary protection and 7,104 in-merit rejections); 26,599 asylum seekers were pending examination at year end at first instance before the Asylum Service and 5,073 at 2nd instance, before the IPAC. 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. 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.
- ❖ **Returns:** In 2023, Cyprus ranked first among EU states for the highest percentage of returns of new asylum applicants and ranked 4th among the 27-member bloc in absolute numbers of returns and deportations of irregular migrants. By the end of 2023, 9,193 people left Cyprus, compared to approximately 5,800 who had left in 2022.

Reception conditions

- ❖ **Reception standards:** Reception standards remain below adequate levels, exposing asylum seekers to risks of homelessness and destitution. Conditions in the reception centres improved in 2023, however the majority of asylum seekers are hosted in the community rather than in reception centres, and often live in extremely poor conditions. The timely identification, and especially the response to the needs of vulnerable individuals, including children, both within reception facilities and in the community, is below standards.
- ❖ **Racist attacks:** In 2023, there was a significant surge in violence against migrants in Cyprus, with incidents including pogrom-like demonstrations and violent attacks against racialized people,

including migrants and refugees. The main incidents took place in Chloraka and then Limassol where migrant-owned shops were destroyed and several people were attacked by mobs. There has also been a rise in attacks and reports of police profiling.

- ❖ **Access to the labour market:** Following a period of 5 years (2018-2023) during which access to the labour market was permitted one month after lodging an asylum application, since October 2023 asylum seekers are permitted to access the labour market nine months after submitting their asylum application. This is the longest period of prohibiting access to asylum seekers since 2006.
- ❖ **Children:** The number of refugee children arriving in Cyprus, either accompanied by family members or unaccompanied/separated, is high. Gaps remain in the protection of minors, particularly in the First Reception Centre of Pournara and some of the shelters for UASC. Children remain without adequate guardianship, and are therefore 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 but eventually abandoned. In 2023, there were reports of the integration plan being revised but it has yet to be published.
- ❖ **Naturalisation:** In 2023, the Law was amended and the requirements for applying for naturalisation have increased significantly and are expected to make it extremely difficult if not impossible for BIPs to satisfy. This includes BIPs that came to Cyprus at a young age and grew up in Cyprus or were born in Cyprus. Specifically, the required years of residence have been increased from 5 years to 8 years and the years as an applicant for international protection, holder of subsidiary protection, or temporary protection are not counted. This will be an obstacle for the majority of BIPs as they are subsidiary protection holders, including Syrian nationals. Furthermore, the majority of BIPs enter in an irregular manner, which is considered under the amended Law as an indication of not 'good character'. Finally, the majority of BIPs will have received at some point financial assistance either as an applicant of international protection or later as a BIP which is considered as an indication that the applicant does not have sufficient financial resources.
- ❖ **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.

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 March 2025.
- ❖ **Registrations for temporary protection:** As of 31 December 2022, 13,893 individuals were registered for temporary protection and as of 28 February 2023, 15,338 were registered for temporary protection. From the activation of the Temporary Protection Directive until 31 December 2023, 20,923 individuals have been registered in Cyprus making it one of the highest per capita recipients of Ukrainian refugees.

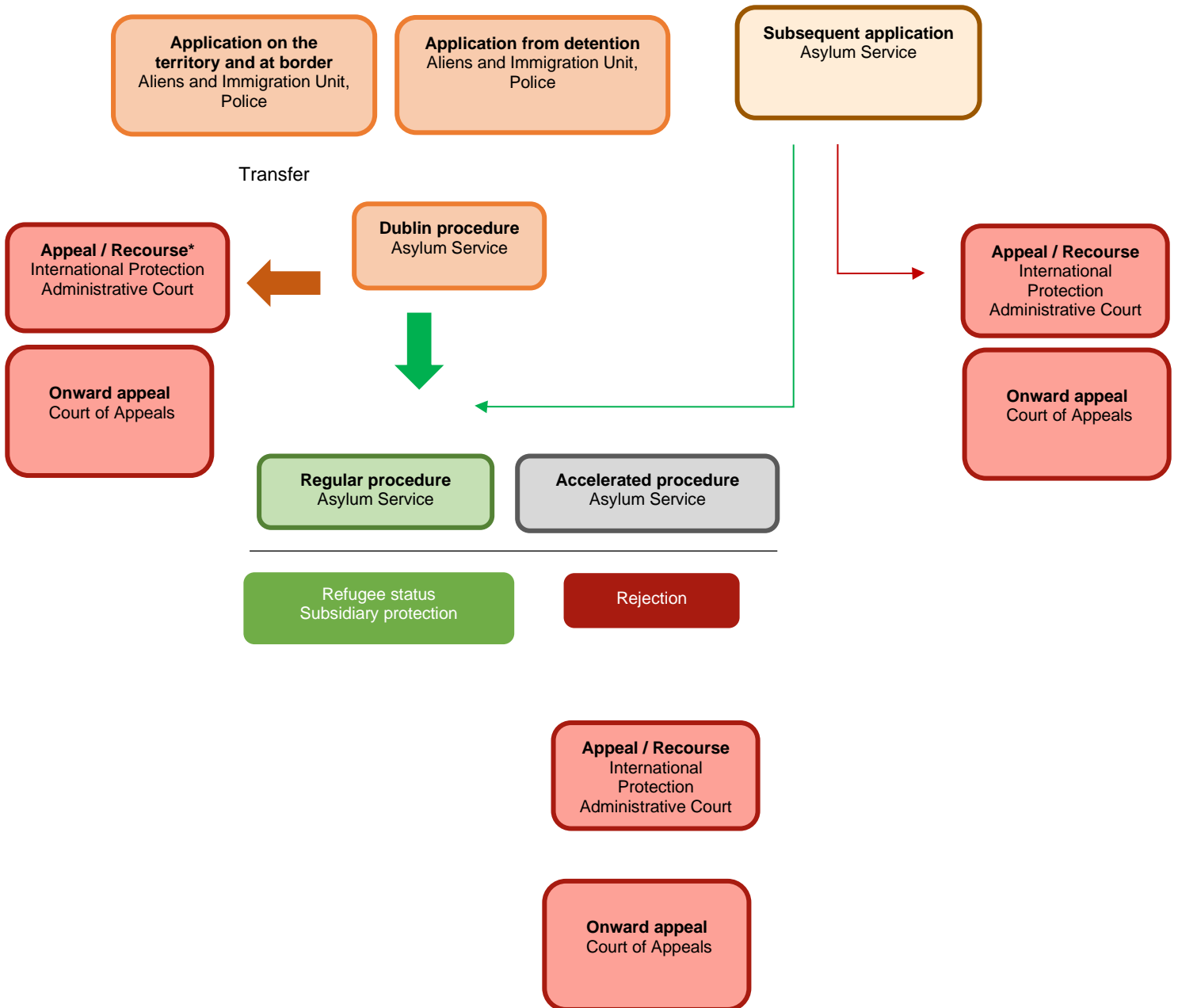
Content of temporary protection

- ❖ **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
Judicial appeal	International Protection Administrative Court	Διοικητικό Δικαστήριο Διεθνούς Προστασίας
Onward appeal	Court of Appeals	Εφετείο
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	160	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 the Aliens and Immigration Unit (AIU) who is 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 2023, in addition to the support staff, the Asylum Service includes the Head of the Asylum Service, 6 Administrative Officers A' and 9 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. In 2023, 52 additional asylum officers were recruited on one-year contracts, with the possibility of a one-year renewal. Of the above, approximately 76 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 operational plan was amended twice, to take into account the changes in the operational context in light of the invasion of Ukraine.⁹ Throughout 2023, the EUAA deployed 222 experts in Cyprus,¹⁰ mostly external experts (168). The majority of them were case experts (55); asylum second instance support experts (19); asylum registration experts (13); asylum second instance support experts (13); vulnerability experts (9); and a series of other support staff (asylum and/or reception operations experts, senior case experts, registration experts, etc.).¹¹

As of 19 December 2023, a total of 149 EUAA experts were deployed in Cyprus, out of which 33 were case experts; 16 asylum second instance support experts; 10 asylum registration experts; 8 asylum and/or reception statistics experts; and 8 junior asylum flow management experts.¹²

⁷ EASO, *Operating Plan 2022-2024 agreed by the European Asylum Support Office and Republic of Cyprus*, December 2021, available at: <https://bit.ly/3U2EDPF>.

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/3PT3UuO>

¹⁰ Out of 222 experts deployed in Cyprus in 2023, 1 person was deployed under two different types of contracts. In addition, EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.

¹¹ Information provided by the EUAA, 26 February 2024. 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 2023.

¹² Information provided by the EUAA, 26 February 2024.

Up until 2019, the Asylum Service made decisions 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 were 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 and 2023. In early 2024 for the first time the arrivals by sea were significantly higher than arrivals from the areas not controlled by the Republic of Cyprus.¹⁶

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 (AIU) which is a department of the Police, in the city in which the applicant is residing.¹⁷ One such Unit 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 must apply at the Immigration Unit and will not be referred to **Pournara**. This makes up a very low percentage of asylum applicants as well as persons already residing in the country on other statuses.

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.

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 Philenews, *Migrant traffickers have changed course. What is the invasion of 458 people due to?*, 21 March 2024, available at: <https://tinyurl.com/yrp9ps3j>.

¹⁷ Article 11, Refugee Law.

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 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 recognition of refugee status, subsidiary protection status, or a rejection. As a result of the amendments to the Refugee Law which entered into force October 2020, the Asylum Service currently issues a single negative and returns decision. The Asylum Service does not examine humanitarian status.

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, however there was no significant increase in the use of accelerated procedures until late 2022. From September 2022 onwards, the use of accelerated procedures has increased, focusing mostly on nationalities such as Pakistan, Bangladesh, India, Nepal and Nigeria.

Dublin/admissibility procedure: According to the Refugee Law,¹⁸ 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. Until recently Dublin returnees were not detained upon return, however, in 2023 and early 2024, cases of Dublin returnees being detained upon arrival have been identified.¹⁹

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.²⁰ After several changes, a specialised court, the International Protection Administrative Court (IPAC), was established and initiated its operations in June 2019.²¹ Following a negative decision on the asylum application by the Asylum Service, an asylum seeker has the right to submit an appeal before the IPAC within 30 calendar days and 15 calendar days for accelerated procedures.²² All decisions issued by the IPAC can be appealed before the Court of Appeals within 14 days.²³ In 2023, the Court of Appeals began operations which replaced the jurisdiction of the Supreme Court as an appellat court.²⁴

Since the amendments of October 2020, the Asylum Service issues a single asylum and returns decision. For cases examined under the regular procedure, the return decision is automatically suspended once

¹⁸ Article 9(1)(B) Refugee Law.

¹⁹ Information provided by the Cyprus Refugee Council.

²⁰ Information on the procedures prior to the establishment of the IPAC can be found in previous updates of the AIDA Country Report on Cyprus. See, e.g., AIDA, Country Report: Cyprus, 2020 update, April 2021, available at: <https://bit.ly/3Jmrxro>.

²¹ Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection.

²² Article 12A, Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection.

²³ Administrative recourse under Article 146(1) of the Constitution of the Republic of Cyprus.”

²⁴ Article 3A Administration of Justice Law. See also: Dikaiosyni, *The new Court of Appeal of Cyprus*, 3 October 2019, available in Greek at: <https://tinyurl.com/98jnf3ut>

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.²⁵

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.²⁶

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.²⁷ The onward appeal before the Court of Appeals examines only points of law and does not have suspensive effect. For any case brought before the Court of Appeals, an application can be submitted requesting the suspension of the execution of the first-instance decision. The application is submitted to the first instance court and the judge who decided on the case will decide on the application. No indications of any such applications in asylum related cases.²⁸

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 Republic of Cyprus (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,²⁹ and requires persons to have entered the RoC in a regular 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

²⁵ Article 8 Refugee Law.

²⁶ Article 11 IPAC Law.

²⁷ Article 31Γ(5)Refugee Law.

²⁸ Information provided by Cyprus Refugee Council.

²⁹ 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.

arrested and returned to Türkiye and, from Türkiye, possibly to their country of origin. As the *acquis* is suspended in the areas in the north, there is no asylum system in force.³⁰

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 applied 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 and 2023. In early 2024, for the first time the arrivals by sea were significantly higher than arrivals from the areas not controlled by the Republic of Cyprus.³¹

In 2021, in view of the increase in numbers of arrivals, 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 concerning 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 the registration and examination of asylum applications continued with no reference to a suspension of asylum applications.³⁷

In mid-2023, the examination of Syrian and Afghani nationals resumed. However, in April 2024, due to the increase in arrivals of Syrian nationals the government announced that the examination of asylum applications of Syrian nationals is suspended.³⁸

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

³⁰ Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded - Protocol No 10 on Cyprus, 16 April 2003, available at: <https://bit.ly/2vTilJ0>. The Protocol on Cyprus, attached to the Treaty of Accession signed on 16 April 2003 by the Republic of Cyprus, provides for the 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.

³¹ Philenews, *Migrant traffickers have changed course. What is the invasion of 458 people due to?*, 21 March 2024, available in Greek at <https://tinyurl.com/yrp9ps3j>.

³² FRA, *Migration: Key Fundamental Rights Concerns, Quarterly Bulletin of 01/10/21 – 31/12/21*, available at: <https://bit.ly/3Nmabf3>.

³³ EUAA *Asylum Report 2022*, p. 86, available at: <https://bit.ly/3FqA8rA>; European Parliament, *Parliamentary question - E-005330/2021*, 30 November 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 in Greek at: <https://bit.ly/3mXvqLK>.

³⁷ ECRE, *Cyprus: MoU Signed with European Commission While Government Casts Blame on Asylum Seekers*, 25 February 2022, available at: <https://bit.ly/36Edga6>.

³⁸ Phileleftheros, *President: The examination of asylum applications in all cases of persons of Syrian origin is suspended*, 13 April 2024, available in Greek at: <https://bit.ly/4aV5a8m>.

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”.³⁹ 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.⁴⁰

Throughout 2022, other measures were announced to prevent migrants crossing the Green Line, including hiring 300 border guards who will monitor the Green Line,⁴¹ continuing the installation of the surveillance system and extending the wire fence.⁴² In early 2023, it was announced that only 221 border guards fulfilled the selection and are expected to take up operations in April 2023.⁴³ 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 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.

With the change of government in 2023 the decision was made to remove the razor wire as the measure was ineffective.⁴⁴ Furthermore, the border guards have mainly been used to guard Pournara and other locations rather than the ‘Green line as initially intended.’⁴⁵

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 boat arrivals 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 boats initially came mainly from **Türkiye**, with an increasing number from **Lebanon** or **Syria**. A significant number of the persons arriving by boats are always 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.

³⁹ Cyprus Mail, *Barbed-wire controversy grows*, 12 March 2021, available at: <https://bit.ly/3mOU2ys>.

⁴⁰ Times of Israel, *Israel to build surveillance system to track activity along Cyprus’s Green Line*, 5 November 2021, available at: <https://bit.ly/3CiIhf2>; Cyprus Mail, *Buffer zone surveillance deal signed with Israel (Updated)*, 5 November 2021, available at: <https://bit.ly/3HJ4eVL>.

⁴¹ Phileleftheros, *Nouris is looking for 300 security guards, he found 187*, 23 November 2022, available at: <https://bit.ly/42icJSS>; Phileleftheros, *221 police guards on the Green Line*, 21 Mars 2023, available at: <https://bit.ly/3NttpkC>.

⁴² Phileleftheros, *They are putting up a fence for immigrants in Athienou as well*, 20 January 2023, available at: <https://bit.ly/42eGDn>.

⁴³ Alphanews, *They didn’t find the 300 for the Green Line*, 8 February 2023, available at <https://bit.ly/3mJVw4z>

⁴⁴ Phileleftheros, *Ioannou will remove Nouri’s barbedwire*, 1 August 2023 available at: <https://tinyurl.com/a8y65txv>.

⁴⁵ Information by Cyprus Refugee Council.

In 2020, the Cypriot authorities, for the first time, carried out pushbacks of boats carrying mainly **Syrians, Lebanese and Palestinians** who had departed from Türkiye or Lebanon.⁴⁶ In total, 9 push backs were carried out with one more attempt in December 2020, but due to damages the boat was eventually rescued.⁴⁷ 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 Türkiye.⁴⁸

In 2023, there were two incidents of push backs in July and August, involving three boats and 109 nationals of Syria. UNHCR stated it was “extremely concerned” over the return of more than 100 Syrian nationals from Cyprus to Lebanon without a screening to determine whether they need legal protection and there is the possibility they may be deported back to their war-racked homeland and that deportations and transfers between states “without legal and procedural safeguards for persons who may be in need of international protection” are against international and European law.⁴⁹

Pushbacks at land and specifically at the Green Line continued throughout 2022 and 2023, 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 apply for international protection. The two persons remained stranded in the buffer zone without support from the authorities; tents were supplied by UNHCR and food was supplied initially by foreign embassies and UNHCR and subsequently by UNFICYP. One of the cases remained in the buffer zone until September 2023 and was eventually given access to asylum procedures. In November 2023, an asylum seeker from Iran presented herself to the police at the Ledra Palace checkpoint, declaring her need for international protection and was denied access to asylum procedures. She remained stranded in the buffer zone for three days and was allowed entry to the areas not controlled by the RoC and returned to Türkiye.⁵⁰

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 into allegations of pushbacks and of ill-treatment of arriving migrants, including persons who may be in need of international protection, be carried out by members of security forces.⁵¹

Overall, the number of arrivals declined significantly in 2023, by half in comparison to 2022, however the government emphasized the need to implement a European Union action plan for the Eastern

⁴⁶ UN, *Report of the United Nations Secretary-General on the UN operation in Cyprus*, 8 January 2021, available at: <https://bit.ly/3MrUfY1>.

⁴⁷ Further details on pushbacks carried out in 2020 and 2021 are available in previous AIDA Country Reports on Cyprus, available at: <https://bit.ly/4aivBFw>.

⁴⁸ Information provided by Cyprus Refugee Council.

⁴⁹ Associated Press, *Cyprus is sending Syrian migrants back to Lebanon. The UN is concerned but Cypriots say it's lawful*, updated on 11 August 2023, available at: <https://bit.ly/3NldVJT>

⁵⁰ Information provided by Cyprus Refugee Council.

⁵¹ CoE Commissioner for Human Rights, *Cypriot authorities should investigate allegations of pushbacks and ill-treatment of migrants, improve reception conditions, and ensure an enabling environment for NGOs*, 10 March 2021, available at: <https://tinyurl.com/3z2htan3>.

Mediterranean in order to reduce the increased number of migrants detected on this route.⁵² The government also called on the European Union to consider declaring parts of Syria to repatriate Syrians.⁵³ Furthermore, in April 2024, due to the increase in arrivals of Syrian nationals, the government announced that the examination of asylum applications of Syrian nationals is suspended.⁵⁴

According to the Ministry of Interior in 2023, Cyprus ranked first among EU states for the highest percentage of returns of new asylum seeker applications and ranked 4th among the 27-member bloc in absolute numbers of returns and deportations of irregular migrants.⁵⁵ By the end of 2023, 9,193 people left.⁵⁶

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published two reports on Frontex-supported return operation from Belgium and Cyprus to the Democratic Republic of the Congo. Regarding Cyprus, the CPT highlighted the need for clear guidelines on the flight preparations and the boarding procedure, including on health-related issues. The Committee also became aware of allegations of ill-treatment after aborted removal attempts requiring the Cypriot authorities to take a proactive approach as regards the detection and prevention of ill-treatment. It also made recommendations aimed at improving safeguards in the context of the preparation for removal (e.g., access to a lawyer).⁵⁷

Legal access to the territory

Cyprus does not provide the possibility for third country nationals to apply for a (humanitarian) visa, specifically with the intention to apply for international protection upon arrival. Only persons who are able to secure other types of visas (tourist, visitor) may have legal access to the territory (see also [Family Reunification](#)).

The voluntary relocation program was agreed in June 2022 with the aim to provide concrete support to frontline countries (MED5) to manage increased flows of asylum seekers. The program is supported by EU funding, at the request of the concerned Member States, with assistance from the EU Asylum Agency and IOM. More specifically, resettlement activities are 100% financed by the Asylum, Migration and Integration Fund (AMIF). The transfers are carried out with the cooperation of the Asylum Service of the Ministry of the Interior of Cyprus, the European Asylum Service (EUAA), the European Commission and the International Organization for Migration (IOM).⁵⁸ In December 2022, the first relocations of 48 Syrian and Afghan refugees took place.⁵⁹

⁵² Schengen Visa News, *490% increased arrivals since 2016*, 28 March 2023, available at <https://bit.ly/41DH8eB>; Reuters, *Cyprus unveils campaign to counter spike in asylum seekers*, 6 June 2023, available at <https://bit.ly/3POWXb8>.

⁵³ Reuters, *Cyprus calls for EU rethink on Syria migration as refugee numbers rise*, 14 December 2023, available at <https://bit.ly/3tC2NHq>

⁵⁴ Phileleftheros, *President: The examination of asylum applications in all cases of persons of Syrian origin is suspended*, 13 April 2024, available in Greek at: <https://bit.ly/4aV5a8m>.

⁵⁵ Cyprus Times, *Ministers: Cyprus ranks first in the EU in returning immigrants*, 30 November 2023, available in Greek at: <https://tinyurl.com/5cpurfjw>; Financial Mirror, *Cyprus ranked first in EU on returns*, 13 October 2023, available at: <https://bit.ly/48cO84B>; ECRE, *Weekly Bulletin of 20 October 2023*, available at: <https://bit.ly/48cEE9p>; PhileNews, *Cyprus returned more than 4,370 asylum seekers in 2023, says Interior Minister*, 6 July 2023, available in Greek at: <https://bit.ly/3TEI8yh>.

⁵⁶ Information provided by Civil Registry and Migration Department.

⁵⁷ CoE CPT, *Report to the Government of Belgium on the visit to Belgium carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 10 November 2022*, 13 July 2023, available at: <https://bit.ly/3RwrAom>. See also, ECRE, *Weekly Legal Update (EWLU) of 8 September 2023*, available at: <https://bit.ly/3PFoVsZ>.

⁵⁸ Asylum Service, *Relocation*, available at: <https://tinyurl.com/4xt27fm>

⁵⁹ Kathimerini, *First group of asylum seekers relocated to Germany from Cyprus*, 22 January 2023, available at: <https://bit.ly/3LsEx1c>; Schengen Visa, *First Group of Asylum Seekers Gets Relocated From Cyprus to Germany*, 21 December 2022, available at: <https://bit.ly/3JFjeHh>.

In 2023, 1773 persons have been relocated mainly to Germany and France, and lesser to Romania, Bulgaria, Belgium, Finland, Norway, Portugal. Persons relocated are mainly nationals from Syria, Afghanistan and smaller numbers from Iraq, Democratic Republic of the Congo, Cameroon, Somalia, Nigeria, Sierra Leone, Djibouti, Palestine. The Program is expected to continue in 2024 with the existing Pledges from the supporting countries for 2023 still in place. In January 2024, 15 persons were transferred and there are more persons scheduled to be transferred in February and March 2024.⁶⁰

In view of the rise of asylum seekers from Syria requesting relocation to other EU Member States, upon arrival, in mid 2023 the government decided to exclude new asylum seekers from the voluntary relocation Program to act as a deterrent to future arrivals. Persons arriving in Cyprus from January 2023 onwards are not eligible to the Program.⁶¹ However, the majority of asylum seekers are not aware of this limitation and continue to request upon arrival when they will be relocated.⁶²

Prior to the current relocation program there were limited such initiatives. In 2020, approximately 150 vulnerable asylum seekers, including unaccompanied children, were relocated to Finland as part of an initiative created by Finnish authorities to support Cyprus. In December 2021, following a visit by Pope Francis to Cyprus, 50 persons were relocated to Italy.⁶³ Since then, the Vatican continues to relocate small numbers of asylum seekers from Cyprus.⁶⁴

⁶⁰ Information provided by the Asylum Service.

⁶¹ InfoMigrants, *Cyprus excludes new asylum seekers from resettlement scheme*, 20 July 2023, available at: <https://bit.ly/3H26qJK>.

⁶² Information provided by Cyprus Refugee Council.

⁶³ European Migration Network, *Flash: 37th edition*, May 2022, available at: <https://bit.ly/3MconJv>, p. 6.

⁶⁴ Information provided by the Asylum Service.

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?⁶⁵ 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 within the 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,⁶⁶ 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 fingerprinting 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 also responsible for facilitating and maintaining migration related IT-systems, such as the Eurodac and DublinNet NAP.⁶⁷

The Law states that the AIU 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.⁶⁸ If the application is made to authorities, who may receive such applications but are not competent to register such applications, that authority shall ensure that the application is registered no later than six working days after the application is made.⁶⁹ 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.⁷⁰

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.⁷¹ Furthermore, according to the Law,⁷² 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

⁶⁵ Registration and lodging are distinct stages in law but not in practice.

⁶⁶ Article 11(1) Refugee Law.

⁶⁷ EASO, *Operating Plan, Cyprus 2022-2024*, available at: <https://bit.ly/3VZPs7P>.

⁶⁸ Article 11(2)(a) Refugee Law.

⁶⁹ Article 11(2)(b) Refugee Law.

⁷⁰ Article 11(2)(c) Refugee Law.

⁷¹ Article 11(4)(a) Refugee Law.

⁷² Article 7 Refugee Law.

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](#)).⁷³

According to the Refugee Law,⁷⁴ 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, however in practice there are no indications that this is utilised for applicants that are not from a 'safe country'.⁷⁵ 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.⁷⁶

In practice, since 2019 and the establishment of **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 who are 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 and 2023, 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 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 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 was significantly longer and in 2022 on average 3 months. In 2023, the average duration of stay was 30-40 days for adults but for UASC it was 80 days. Persons and families with vulnerabilities, as well as large families also face delays in exiting due to the obstacles in securing housing.

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.⁷⁷ In 2023, access to asylum from prison was mostly without issue. However, access to asylum while in police holding cells still varies depending on the police stations.

During 2020 and 2021 access to **Pournara** to register asylum applications was problematic.⁷⁸ 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.⁷⁹ 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

⁷³ Information provided by the Cyprus Refugee Council based on monitoring visits to the detention centre.

⁷⁴ Article 12Δ(4)(i) Refugee Law.

⁷⁵ Information provided by the Cyprus Refugee Council.

⁷⁶ Information provided by the Cyprus Refugee Council.

⁷⁷ Information provided to the Cyprus Refugee Council.

⁷⁸ For detailed information, see the 2021 and 2022 Updates of the AIDA Country Report on Cyprus, available at: <https://bit.ly/4aivBFw>.

⁷⁹ Information provided by Cyprus Refugee Council.

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 makeshift tents and shelters appear at times around the centre, mostly inhabited by persons awaiting registration. Persons with a passport or some form of identification document are systematically given access faster.

In 2023, the number of arrivals decreased which led to a significant improvement in access to the Centre, with most persons having access upon arrival. However, there were still instances where persons who did not present passports were denied entry by the AIU for 2-3 days.⁸⁰

Registrations carried out by the EUAA in Cyprus, reflecting the arrivals, decreased, from 19,078 in 2022, to 10,744 in 2023. 94% related to the top 10 citizenships of applicants, mainly from Syria (6,080), Nigeria (952), Afghanistan (734), Democratic Republic of Congo (466) and Cameroon (465).⁸¹ In 2023, the EUAA carried out 5,816 registrations for temporary protection in Cyprus.⁸²

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.⁸³ If an application is not lodged within this time, the applicant is considered to have implicitly withdrawn or abandoned his or her application.⁸⁴ Finally, within three days from lodging the application, a confirmation that an application has been made must be provided.⁸⁵ In practice an application is made and lodged at the same time and a confirmation that the application 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.⁸⁶ 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 completed 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 public 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’

⁸⁰ Ibid.

⁸¹ Information provided by the EUAA, 26 February 2024.

⁸² Information provided by the EUAA, 26 February 2024.

⁸³ Article 11(4)(a) Refugee Law.

⁸⁴ Article 11(4)(c) Refugee Law.

⁸⁵ Article 8(1)(b) Refugee Law.

⁸⁶ Article 11A Refugee Law.

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.⁸⁷

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 2023: | 26,599 ⁸⁸ |
| 4. Average length of the first instance procedure in 2023: | 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.⁸⁹ Furthermore, the Asylum Service shall ensure that the examination procedure is concluded within 6 months of the lodging of the application.⁹⁰ 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.⁹¹

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.⁹² 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.⁹³

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

⁸⁷ Information provided by Cyprus Refugee Council.

⁸⁸ Number of persons whose asylum applications is pending. The number of pending cases is not available.

⁸⁹ Article 13(5) Refugee Law.

⁹⁰ Article 13(6)(a) Refugee Law.

⁹¹ Article 13(6)(b) Refugee Law.

⁹² Article 13(7) and Article 16 Refugee Law.

⁹³ Article 13(8) Refugee Law.

origin.⁹⁴ 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.⁹⁵

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 or four years before asylum seekers receive a first instance decision. With the increase in the number of examiners, there has been an improvement in the time required to process cases. However, in view of the large backlog, the waiting time remains long for many cases.⁹⁶

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 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.

In 2023, the Asylum Service issued a total of 18,321 decisions concerning 20,159 applicants for international protection, compared to 15,193 decisions concerning 15,972 applicants for international protection in 2022; 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. From 2020 onwards, the Ministry of Interior has 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 from 2021 onwards as there has been a significant increase in the number of decisions issued.

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 addition, with the closure of the Refugee Reviewing Authority, approximately 400 cases were transferred back to the Asylum Service and onto the backlog and end of 2023, 89 cases are still pending.⁹⁷ In 2021, for the first time in recent years, the backlog was slightly reduced, counting 16,994 pending cases at first instance, which concerned 18,805 persons. However, in 2022 it increased sharply to 29,715 applicants due, partly, to the increase in asylum applications but also because of the practice to not examine asylum applications from Syrian nationals from February onwards with very few exceptions.⁹⁸ In 2023, the number of asylum applications decreased significantly to half in comparison to 2022, however at year end the backlog remained high at 26,599 applicants.

Backlog of pending cases: 2018-2023					
2018	2019	2020	2021	2022	2023
8,545	17,171	19,660	16,994	29,715	26,599

⁹⁴ Article 13(9) Refugee Law.

⁹⁵ Article 13(10) Refugee Law.

⁹⁶ Information provided by the Cyprus Refugee Council.

⁹⁷ Information provided by Asylum Service.

⁹⁸ Based on monthly statistics issued by the Cyprus Asylum Service.

Regarding the quality of the decision, the absence of a formal quality assurance unit established at the Asylum Service, as well as the absence of Standard Operating Procedures, guidelines and mechanisms for internal quality control contribute to diverse approaches in the examination of cases. Such differences are noted between examiners of the same agency (Asylum Service and EUAA), but also in the approach followed by the Asylum Service in comparison to the approach followed by the EUAA. Examples of cases where a diverse approach has been noted include cases with torture claims, LGBTIQ claims, and cases of Palestinians and the application of article 1d of the Geneva Convention.⁹⁹ Furthermore, interviews often differ with regards to the structure and the collection of data.¹⁰⁰ Cases are often identified where issues such as gender-based violence, torture, human trafficking, exploitation, and trauma are not detected or not considered and even if considered there is often a divergence on how they are assessed.¹⁰¹

Specifically, in LGBTIQ+ cases, it was noted that, although the examiners applied the Difference, Stigma, Shame, and Harm (DSSH) model,¹⁰² they did so in a problematic way. For example, using closed questions whereas the DSSH model is supposed to operate as a set of conversation ‘triggers’ to enable a detailed narrative.¹⁰³ 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.¹⁰⁴

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:¹⁰⁵

- ❖ the application is likely to be well-founded;
- ❖ the applicant is vulnerable,¹⁰⁶ or in need of special procedural guarantees, in particular unaccompanied minors.

Although efforts are made to ensure prioritisation is given especially to cases concerning vulnerable persons such as to victims of torture, violence or trafficking, this is not always possible due to the high number of cases pending. Furthermore, other important safeguards are not always followed, such as the evaluation of 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 workload of examiners handling vulnerable cases, the 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.¹⁰⁷

There have been concerted efforts with EUAA to ameliorate and shorten the examination of claims by vulnerable persons, through screening of applications, dedicated case workers, additional personnel.

⁹⁹ Information provided from cases represented by Cyprus Refugee Council.

¹⁰⁰ Based on review of cases between 2006-2018 by the Cyprus Refugee Council and previously the Humanitarian Affairs Unit of the Future Worlds Centre.

¹⁰¹ Information provided by Cyprus Refugee Council.

¹⁰² 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.

¹⁰³ 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, pp. 292-322.

¹⁰⁴ Based on cases represented by the Cyprus Refugee Council.

¹⁰⁵ Article 12E Refugee Law.

¹⁰⁶ Within the meaning of Article 9KΔ Refugee Law.

¹⁰⁷ Information provided by Cyprus Refugee Council.

However the duration of examination in many cases remains long and exceeds 12 months (see section on [Special Procedural Guarantees](#)).

Based on the vulnerability assessments carried out in Pournara (see section on [Guarantees for vulnerable groups](#)) in 2022, 2,800 persons were identified as vulnerable during the registration of their asylum application. In 2023, 2,706 persons were identified.¹⁰⁸

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;¹⁰⁹
- ❖ 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 were not examined. Examination of cases resumed to normal levels in July 2023 onwards.

In 2020, attempts were made to speed up the examination of cases of **Syrians**. Such efforts continued in 2021, however due to the rise in asylum applications, the timeframe to examine cases of Syrian nationals and Palestinians ex Syria increased to 18-24 months if not longer.¹¹⁰ In early 2022 and continuing until mid 2023 the Ministry of Interior had put on hold the examination of applications from Syrian nationals and Palestinians ex Syria, even though the Ministry of Interior at the time acknowledged that Syria is not considered a safe country and that returns to Syria cannot be made.¹¹¹ Indicatively 1,939 decisions were issued in 2021 for Syrian nationals, compared to only 267 decisions in 2022 and 54 decisions from January to June 2023.¹¹² In response to a request made by the Cyprus Refugee Council the Ministry had attributed the low number of decisions to the backlog.¹¹³ From July onwards examination resumed and by the end of the year 1,651 decisions were issued concerning 2,083 persons.¹¹⁴

In April 2024, due to the increase in arrivals of Syrian nationals the government announced that the examination of asylum applications of Syrian nationals is suspended.¹¹⁵

¹⁰⁸ Cyprus Asylum Service.

¹⁰⁹ Note that this is also a ground for using the accelerated procedure.

¹¹⁰ Information provided by the Cyprus Refugee Council.

¹¹¹ Announcement of the Ministry of Interior, 31 March 2022, available in Greek at <https://bit.ly/3Jkvr3Q>

¹¹² Based on official statistics issued by the Cyprus Asylum Service.

¹¹³ Information provided by the Cyprus Refugee Council.

¹¹⁴ Based on official statistics issued by the Cyprus Asylum Service.

¹¹⁵ Phileleftheros, *President: The examination of asylum applications in all cases of persons of Syrian origin is suspended*, 13 April 2024, available in Greek at: <https://bit.ly/4aV5a8m>.

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.¹¹⁶ The personal interview on the substance of the application may be omitted in cases where:¹¹⁷

- ❖ 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.

In practice, all asylum seekers are interviewed and all adult family members receive a separate interview. The waiting time for the interview has always been lengthy, with a significant number 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 section on [Fast Track Processing](#)). From 2020 onwards, attempts are 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 takes place soon after the lodging of the asylum application and often close to the vulnerability assessment, with no access to legal advice.¹¹⁸

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.¹¹⁹ 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.

¹¹⁶ Article 13A(1) Refugee Law.

¹¹⁷ Article 13A(2) Refugee Law.

¹¹⁸ Information provided by the Cyprus Refugee Council.

¹¹⁹ Article 13A(1A) Refugee Law.

This provision was triggered in 2017, enabling then EASO experts to conduct in-merit interviews between May 2017 and January 2018.¹²⁰ EASO presence has continued ever since.¹²¹ 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.¹²²

Interviews are carried out at the following locations: the offices of the Asylum Service (two locations), the offices of the EUAA, the Asylum Examination Centre adjacent to 'Pournara' Centre, Kofinou Reception 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.¹²³ Regardless of the location of the interview, all interviews are carried out by Asylum Service officers, temporary agency workers or EASO experts.

In 2023, the EUAA carried out interviews for 2,795 applicants, of which 92% related to the top 10 citizenships of applicants interviewed by the EUAA, mainly applicants from Nigeria (1,101), Cameroon (679), Democratic Republic of Congo (421) and Iran (91).¹²⁴ In 2023, the EUAA drafted 2,581 concluding remarks, of which 92% related to the top 10 citizenships of applicants in concluding remarks drafted by the EUAA, mainly concerning applicants from Nigeria (1,047), Cameroon (513) and Congo (DRC) (480).¹²⁵

1.3.1. Quality of interview

According to the law,¹²⁶ 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

¹²⁰ Ministerial Decree 187/2017 of 9 June 2017 pursuant to Article 13A(1A) of the Refugee Law, available in Greek at: <http://bit.ly/2G5dSDs>.

¹²¹ Ministerial Decree 297/2019 of 13 September 2019 pursuant to Article 13A(1A) of the Refugee Law, available in Greek at <http://bit.ly/3c9bpb7>.

¹²² Information provided by Cyprus Refugee Council.

¹²³ 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.

¹²⁴ Information provided by the EUAA, 26 February 2024.

¹²⁵ Information provided by the EUAA, 26 February 2024.

¹²⁶ Article 13A(9) Refugee Law.

- 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.¹²⁷ 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.¹²⁸

All interviewers (Cyprus Asylum Service and EUAA) are required to undertake the three core EUAA modules: (i) evidence assessment; (ii) interviewing methods; and (iii) inclusion.¹²⁹ For CAS caseworkers, there are additional mandatory trainings, including on trafficking and SGBV, and the majority of caseworkers have also undergone the Sexual Orientation and Gender Identity (SOGI) training. Caseworkers assigned to interview cases of vulnerable persons have also undergone EUAA training on interviewing vulnerable persons, claims related to on sexual orientation and gender identity and on interviewing children.¹³⁰

Although the implementation of the EUAA trainings has improved the quality of interviews in recent years, the absence of Standard Operating Procedures, guidelines and mechanisms for internal quality control contribute to diverse approaches in the examination of cases. Such differences are noted between examiners of the same agency (Asylum Service and EUAA), but also in the approach followed by the Asylum Service in comparison to the approach followed by the EUAA. Examples of cases where a diverse approach has been noted include cases with torture claims, LGBTIQ claims, and cases of Palestinians and the application of article 1d of the Geneva Convention.¹³¹ Furthermore, interviews often differ in terms of structure and the collection of data.¹³² Cases are often identified where issues such as gender-based violence, torture, human trafficking, exploitation, and trauma are not detected or not considered and even if considered there is often a divergence on how they are assessed.¹³³

Specifically, in LGBTIQ+ cases, it was noted that, although the examiners applied the Difference, Stigma, Shame, and Harm (DSSH) model,¹³⁴ they did so in a problematic way. For example, using closed questions whereas the DSSH model is supposed to operate as a set of conversation 'triggers' to enable a detailed narrative.¹³⁵ 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.¹³⁶

¹²⁷ Article 16(2)(a) and Article 18(3)-(5) Refugee Law.

¹²⁸ Article 13A(10) Refugee Law.

¹²⁹ EUAA, *Introduction – European Asylum Curriculum*, available at: <https://tinyurl.com/282jhp49>

¹³⁰ Information provided by the Cyprus Refugee Council.

¹³¹ Information provided from cases represented by Cyprus Refugee Council.

¹³² Based on review of cases between 2006-2018 by the Cyprus Refugee Council and previously the Humanitarian Affairs Unit of the Future Worlds Centre.

¹³³ Information provided by Cyprus Refugee Council.

¹³⁴ 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.

¹³⁵ 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, pp. 292-322.

¹³⁶ Based on cases represented by the Cyprus Refugee Council.

The Law provides that the examiner¹³⁷ and the interpreter¹³⁸ 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 the absence of information and legal advice or representation (see [Regular Procedure: Legal Assistance](#)), most applicants are unaware of their right to make such request.

Children are often present in the interview room with their parents, especially children of young ages who cannot remain in the reception area by themselves. Examiners often encourage parents to arrange childcare, however this is not provided by the Asylum Service and single parents especially often do not have such options. The presence of children is problematic as they may hear disturbing details or witness their parent in distress. Furthermore, their presence can be distracting for the parent and disruptive for the interview process.

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.¹³⁹

Although interpreters are always present in interviews, they are rarely professional interpreters, often inadequately trained, and do not have to abide by a specific code of conduct.¹⁴⁰ Asylum seekers often complain about the quality of the interpretation as well as the impartiality/attitude of the interpreter, but their complaints are seldom addressed by the Asylum Service.¹⁴¹ 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 comprehension and prefer to proceed with the interview. For example, this may be because 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.¹⁴² 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.¹⁴³

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.¹⁴⁴

1.3.3. Recording and transcript

The Refugee Law permits audio/video recordings.¹⁴⁵ However, in practice only a *verbatim* transcript of the interview is drafted.

¹³⁷ Article 13A(9)(b) Refugee Law.

¹³⁸ Article 13A(9)(c) Refugee Law.

¹³⁹ Based on review of cases by the Cyprus Refugee Council.

¹⁴⁰ KISA, *Comments and observations for the forthcoming 52nd session of the UN Committee against Torture*, April 2014, available in Greek at: <http://bit.ly/112c0K3>, pp. 39-40.

¹⁴¹ Information provided by the Cyprus Refugee Council.

¹⁴² Information from legal advisors of the Cyprus Refugee Council present at the interviews.

¹⁴³ Information based by on cases reviewed the Cyprus Refugee Council.

¹⁴⁴ Information based by on cases reviewed the Cyprus Refugee Council.

¹⁴⁵ Article 18(2A)(a)(i) Refugee Law.

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 timeframe before a decision is taken by the Head of the Asylum Service on the asylum application.¹⁴⁶ Furthermore, the legal representative/lawyer can intervene once the interview is concluded,¹⁴⁷ 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 then 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.¹⁴⁸

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 cases 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.¹⁴⁹

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.¹⁵⁰ 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,¹⁵¹ 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 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 exercising it.¹⁵² Access entails reviewing the report, which is usually 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.¹⁵³

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 are in most cases carried out in a private room in **Menogia** Detention Centre by a caseworker of the Asylum Service, stationed in Menogia. 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.¹⁵⁴

¹⁴⁶ Article 18(2A)(a)(iii) Refugee Law.

¹⁴⁷ Article 18(1A) Refugee Law.

¹⁴⁸ Information based on cases reviewed by the Cyprus Refugee Council.

¹⁴⁹ Information based on cases reviewed by the Cyprus Refugee Council.

¹⁵⁰ Article 18(2B)(a) Refugee Law.

¹⁵¹ Article 18(2B)(b) Refugee Law.

¹⁵² Information provided by the Cyprus Refugee Council and Caritas Cyprus.

¹⁵³ Information based on cases reviewed by the Cyprus Refugee Council.

¹⁵⁴ Information based on cases reviewed by the Cyprus Refugee Council.

In 2023, such delays still occurred and often a detainee was first transferred to Menogia and would then have an interview.

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?
 - Yes No
 - ❖ If yes, is it Judicial Administrative
 - ❖ If yes, is it suspensive Yes Some grounds No
2. Average processing time for the appeal body to make a decision: Regular Procedure 6-18 months; Accelerated procedures 2-3 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 established¹⁵⁵ 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 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.¹⁵⁶

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 were: Bangladesh, India, Pakistan, Cameroon, and Nigeria.¹⁵⁷

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.¹⁵⁸

In 2023, 8,159 appeals concerning 8,399 applicants were registered (regular and accelerated procedure) and 9,880 decisions were issued, including rejections, positive decisions, order to review and implicit and explicit withdrawals. The top 5 nationalities registering an appeal were Nigeria, Bangladesh, Pakistan, Democratic Republic of Congo and Nepal.

¹⁵⁵ Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection.

¹⁵⁶ Information provided by Cyprus Refugee Council.

¹⁵⁷ Information provided by IPAC.

¹⁵⁸ Information provided by IPAC.

Information on the number and result of appeals in 2023 were provided by the IPAC, and are reported in the following table:

	Appeals in 2023	Refugee status	Sub. Prot.	Order to Review*	Rejection	Explicit/Implicit Withdrawal	Refugee rate	Sub. Prot. rate	Rejection rate
Total	8,159	14	5	23	2422	5383/2033	-	-	-
Breakdown by countries of origin of the total numbers									
Nigeria	2,433	0	0	2	299	507/291	0%	0%	99%
Bangladesh	1,000	0	0	0	397	1,393/330	0%	0%	100%
Pakistan	813	0	0	0	351	1151/471	0%	0%	100%
DRC	754	3	0	1	140	116/90	0.4%	0%	99%
Nepal	693	0	0	1	168	652/205	0%	0%	99%
India	654	1	1	2	278	691/264	0.1%	0.1%	%
Cameroon	506	1	1	5	206	99/46	0.1%	0.1%	99%
Egypt	164	0	0	1	94	69/63	0%	0%	990%
Sri Lanka	150	0	0	1	106	146/63	0%	0%	99%
Sierra Leone	138	1	0	1	79	58/20	0.1%	0%	100%

Source: IPAC

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 receives support from EUAA. According to the EUAA, in 2022, the proposed line of cooperation regarding second instance determination was 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.¹⁵⁹ According to the EUAA Operational Plan 2022-2024, “by the end of the third quarter of 2022, the number of appeals pending at the IPAC had reached 7,819 (29% increase compared to the same period in 2021). One of the expected outcomes of the operational plan is that the IPAC has a strengthened capacity to manage second instance appeals in line with CEAS by the end of 2024.”¹⁶⁰

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 procedure¹⁶¹ and 15 days for the following decisions:¹⁶²

- ❖ A rejected application which has been examined in accordance with the accelerated procedure under section 12D of the Refugee Law,
- ❖ A decision by which an application for refugee status and/or subsidiary protection status is certified as “unfounded”,

¹⁵⁹ EASO, *Operating Plan, Cyprus 2022-2024*, December 2021, available at: <https://tinyurl.com/y7mayed5>.

¹⁶⁰ EUAA, *Operating Plan, Cyprus 2022-2024 – Amendment 2*, available at: <https://bit.ly/4aW8W1c>.

¹⁶¹ Article 12A(1) Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection. (IPAC Law).

¹⁶² Article 12A(2) Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection. (IPAC Law).

- ❖ A decision to determine an asylum application as “inadmissible” in accordance with section 12B(fourth) [12Bτετράκις],
- ❖ 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.

Following the amendments to the Refugee Law of October 2020, the Asylum Service currently issues a rejection 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.¹⁶³ However, appeals relating to cases examined 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 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 as the appeal, or at least, within the given deadline for the submission of the appeal, which is 15 days.¹⁶⁴ However, very few if any applicants or their lawyers submit such an application and it is still unclear what the consequences of late submission would be and if it would lead to automatic rejection of the application.¹⁶⁵ 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.¹⁶⁶ 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.¹⁶⁷ 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 Court of Appeals within 14 days. The onward appeal before the Court of Appeals 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.¹⁶⁸ If a lawyer submits an appeal without including a request to grant status, the Court will only annul the decision and order review. It has been noted that lawyers do this mostly due to lack of knowledge on refugee law or in lesser cases when there may be procedural issues but the case is weak on merits. It has also been noted that certain judges will proceed with the *ex nunc* examination of the case and grant status. Others prefer to annul and order review, especially when there are procedural matters. In such cases they often mention in the decision that if not returned to the Asylum Service the applicant will lose one instance of examination. Finally, there are also cases where the Asylum Service will revoke their decision especially when it is evident that there were serious procedural issues.¹⁶⁹

¹⁶³ Article 8 (1A) Refugee Law.

¹⁶⁴ Rule 13 of International Protection Administrative Court Procedural Rules of 2019 (3/2019), as amended.

¹⁶⁵ Information provided by Cyprus Refugee Council.

¹⁶⁶ Form no. 4 annexed to the IPAC Procedural Rules of 2019.

¹⁶⁷ Information provided by Cyprus Refugee Council.

¹⁶⁸ Article 11 IPAC Law.

¹⁶⁹ Information provided by Cyprus Refugee Council.

There have been opposing opinions within the IPAC, on whether it is in the Court's jurisdiction to take certain procedural steps that the Asylum Service should have taken, such as referrals for physical or mental health examinations, in cases with claims of torture or violence, so that the Court can carry out an *ex nunc* examination of the case.¹⁷⁰ In a 2023 case, the judge made a referral to a psychologist for assessment of a claim of violence. However, the legal representative of the state submitted an application/certiorari before the Supreme Court, which led to the referral being quashed as the Supreme Court decided that the IPAC had acted beyond its jurisdiction.¹⁷¹ The Supreme Court decision was appealed before the second instance procedure of the Supreme Court which upheld the first instance decision confirming that the IPAC does not have such jurisdiction.¹⁷² Following these decisions where the IPAC finds substantial procedural errors it is obliged to annul the first instance decision and order a review by the Asylum Service.

In 2023, the IPAC issued 14 decisions granting refugee status, 5 decisions granting subsidiary protection, and 23 decisions ordering review.¹⁷³

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.¹⁷⁴

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 approximately 500 EUR if not represented by a lawyer and approximately 1000 EUR if represented by a lawyer, 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, being requested to pay this amount. In 2023, there were no such reports and overall it is not clear to what extent this is actually pursued.¹⁷⁵

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, to facilitate access. This, however, led to concerns on the information provided and on the possible exploitation of applicants by interpreters. For example, reports were received about applicants being requested to pay interpreters, when such costs are in fact supposed to be covered by the Court and even reports of an interpreter advising the applicant on the chances of success of the case.¹⁷⁶

The Refugee Law allows access, before the first instance decision is issued, to the interview transcript, assessment/recommendation, supporting documents, medical reports, and country of origin information

¹⁷⁰ Ibid.

¹⁷¹ Supreme Court, First Instance Jurisdiction, Application No. 31/2023, 7 April 2023, available in Greek at: <https://tinyurl.com/dxfu4cyp>.

¹⁷² Supreme Court, Second Instance Jurisdiction, Application No. 30/2023, 15 May 2023, available in Greek at: <https://tinyurl.com/jaybc6cj>.

¹⁷³ Information provided by the IPAC.

¹⁷⁴ AIDA, *Country Report: Cyprus, 2020 Update 2020*, p. 38, April 2021, available at: <https://bit.ly/3f4cU0e>; AIDA, *Country Report: Cyprus, 2019 Update*, pp. 34-37, April 2020, available at: <https://bit.ly/3QWGYsj>.

¹⁷⁵ Information provided by Cyprus Refugee Council.

¹⁷⁶ Ibid.

(COI) that was used in support of the decision.¹⁷⁷ 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. In the case of asylum seekers this is likely due to the lack of information on this right as it is not communicated to them in any way or at any part of the procedure, as well as due to language obstacles as the content of the file is in most cases in English. In the case of legal advisors/representatives only an extremely small number of asylum seekers have legal representation at first instance and in the few cases that do have a legal representative, they may not have knowledge of the right or may not consider it being a worthwhile use of time and will wait for the issuance of the decision.¹⁷⁸

Access is also provided after the rejection of the asylum application, which is mentioned briefly in the rejection letter. Again, the vast majority of asylum seekers do not seem to be aware of this right or do not exercise it. Access consists of first 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. Even if an asylum seeker is aware of this right, as documents are mostly in English, such as COI reports, it is difficult for individuals to effectively access their file as they will not be able to understand the content or take copies for someone to translate or to assess. Up until 2022, the first instance decision constituted a single page, with very limited information on the reasoning of the decision. However, from late 2022 onwards, a detailed reasoning of the decision is provided in cases of negative decisions. This 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. The reasoning is only provided in English.¹⁷⁹

Legal advisors/representatives also have a right to access the file upon issuance of a negative decision, however this is rarely the case in practice, as once an appeal is submitted a copy of the entire file is provided to both parties.

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.¹⁸⁰ This entails important gaps concerning issues related to asylum claims, such as the examination of expert witnesses or the 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.¹⁸¹ In the EUAA's Operating Plan for 2022-2024, the enhancement of the procedural rules has been included as support provided to the Court.¹⁸²

In 2022 the Regulations were amended in an attempt to address these issues; however, many remain unresolved and unclear such as:¹⁸³

- ❖ 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.

¹⁷⁷ Article 18(2B) and (7A) Refugee Law.

¹⁷⁸ Information provided by the Cyprus Refugee Council.

¹⁷⁹ Information provided by the Cyprus Refugee Council.

¹⁸⁰ International Protection Procedures on The Functioning of The Administrative Court Regulations Of 2019, available in Greek at: <https://bit.ly/3fpogds>.

¹⁸¹ EASO, *Operating Plan 2021*, December 2020, available at: <https://bit.ly/4akn0Ca>.

¹⁸² EASO, *Operating Plan, Cyprus 2022-2024*, available at: <https://bit.ly/3Q9x090>.

¹⁸³ Information provided by Cyprus Refugee Council.

- ❖ Regarding the introduction of the fast-track/accelerated procedure¹⁸⁴ 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. In 2023, cases were reported where the applicant was requested to present proof of payment.
- ❖ 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.

In early 2023, there were reports of applicants being arrested immediately after the rejection of their appeal by the IPAC, which effectively terminates their right to remain. This practice was confirmed throughout 2023 with the Immigration police being present at the IPAC and certain judges informing the Immigration Police of cases where the appeal would be rejected which led to arrest of the applicant. By the end of 2023, this practice was abandoned by the IPAC.¹⁸⁵

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

According to the Law, asylum seekers have a right to legal assistance throughout the asylum procedure, if they can cover the cost.¹⁸⁶ In practice, few asylum seekers are able to cover the cost and free legal assistance is not easily accessible at first or second instance. *Pro bono* work by lawyers was interpreted as being prohibited under the Advocates Law up to 2018.¹⁸⁷ 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 addition, according to the Advocates Law,¹⁸⁸ only lawyers who 'practice the profession' can represent cases before courts. Registration as a lawyer who 'practices the profession' requires a law graduate to complete the Bar Associations exams; complete 1 year pupillage at a law office; and practice a legal profession as their main profession. The Bar Association does not consider persons who are employed by legal entities (companies or NGOs) that are not Law firms as practicing a legal profession as their main profession. As a result legal advisors who are employed by an NGO are not permitted to appear before any court, regardless if they have completed the Bar Association exams and pupillage and their main duties are of

¹⁸⁴ Rule 3 (ε) IPAC Regulations.

¹⁸⁵ Information provided by Cyprus Refugee Council.

¹⁸⁶ Article 11(9) Refugee Law.

¹⁸⁷ Article 17(9) Advocates Law.

¹⁸⁸ Articles 2 and 11 Advocates Law.

a legal nature. Therefore, NGOs can only carry out litigation by contracting services of an external lawyer or law firm. This restriction limits even further access to free legal assistance for asylum seekers.

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 for cases eligible for legal aid. Furthermore, only persons receiving the Guaranteed minimum Income (GMI), a form of State benefit, are eligible for assistance on the scheme and asylum seekers are not eligible for the GMI.¹⁸⁹

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.¹⁹⁰

According to the law,¹⁹¹ 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.

Furthermore, according to the Law, 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.¹⁹²

In practice, the above provision of the Law has never been implemented by the State and the only free legal assistance available at first instance is extremely limited, provided by NGOs 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 2018.¹⁹³ Currently the CyRC is the only provider of free legal assistance. Furthermore, the Project provides for only 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). The Project has the capacity to provide legal advice to approximately 500 persons per year whereas in 2022 and 2023 there were over 25,000 applicants pending at first instance.

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

¹⁸⁹ Cyprus Bar Association, *Announcement*, 25 October 2021, available in Greek at: <https://bit.ly/3tC71Ld>; Alphanews, *Justice for All: A step closer to legal aid for vulnerable groups*, 13 July 2022, available in Greek at: <https://bit.ly/3Ti336W>.

¹⁹⁰ Article 18(7Γ)(a) Refugee Law.

¹⁹¹ Article 18(7Γ)(c) Refugee Law.

¹⁹² Article 18(7Γ)(d) and (e) Refugee Law.

¹⁹³ Cyprus Refugee Council, available at: <https://bit.ly/48pCnHS>.

AMIF.¹⁹⁴ 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.

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 in 2022.¹⁹⁵ 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 complicated and often lengthy asylum procedures, the majority of persons require information or further counselling at later stages.¹⁹⁶

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. 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.¹⁹⁷

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.¹⁹⁸ The application for legal aid is subject to a “means and merits” test.¹⁹⁹ 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, a legal aid application 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.²⁰⁰

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.²⁰¹

¹⁹⁴ Ministry of Interior, *European Funds Unit webpage*, available at: <https://tinyurl.com/5n6hdmn2>.

¹⁹⁵ EUAA, *Asylum Report 2022*, <https://bit.ly/40blkUI>, 63.

¹⁹⁶ Information provided by the Cyprus Refugee Council.

¹⁹⁷ Information provided by the Cyprus Refugee Council, based on visits to the detention centre.

¹⁹⁸ Article 6B(2) Legal Aid Law.

¹⁹⁹ Article 6B(2)(b)(bb) Legal Aid Law.

²⁰⁰ Legal Aid Application No. NA 30/2022.

²⁰¹ 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. The database is available at: <https://bit.ly/442C58C>.

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 on the online platforms CyLaw,²⁰² and Leginet²⁰³ 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.

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).²⁰⁴ In the case of detention orders, access to Legal Aid is only subject to a 'means' test, resulting in most if not all Legal Aid applications granted. Considering that over 8,000 appeals were submitted before the IPAC in 2022 the number still remains low.

In 2023, 189 legal aid applications were submitted challenging decisions on asylum applications; 55 applications were rejected, 34 implicitly withdrawn, 5 explicitly withdrawn and 21 were positive.²⁰⁵ Considering that over 8,000 appeals were submitted before the IPAC in 2023, the number still remains extremely low.

In 2019, the UN Committee against Torture (UNCAT) stated its concern that prospective recipients of legal aid must argue before a court to convince it about the prospects of success of their claim before being granted legal aid.²⁰⁶ 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.²⁰⁷

²⁰² The platform is available at: <https://bit.ly/3mo8osU>.

²⁰³ Leginet is a subscription-based database for legislation, caselaw and secondary legislation, available at: <https://bit.ly/2WfLqsR>.

²⁰⁴ Information provided by IPAC.

²⁰⁵ Information provided by IPAC.

²⁰⁶ UN CAT, *Concluding Observations on the Fifth Periodic Report of Cyprus*, 23 December 2019, available at: <https://tinyurl.com/3jcjevns>.

²⁰⁷ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cyprus, Twenty seventh session*, 5 April 2019, available at <https://tinyurl.com/5n6emnca>.

2. Dublin

2.1. General

Dublin statistics: 1 January – 31 December 2023

Outgoing procedure				Incoming procedure			
	Requests	Accepted	Transfers		Requests	Accepted	Transfers
Total	2,068	1,719	1,267	Total	448	161	18
Germany	980	868	636	Germany	189	42	3
France	411	388	0	France	69	40	0
Bulgaria	146	139	65	Austria	62	34	0
Finland	120	79	62	Belgium	27	12	0
Belgium	95	70	35	Netherlands	21	3	0

Source: Asylum Service.

Outgoing Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Requests sent	Requests accepted
“Take charge”: Articles 8-15:	254	130
Article 8 (minors)	230	119
Article 9 (family members granted protection)	17	9
Article 10 (family members pending determination)	4	2
Article 11 (family procedure)	1	0
Article 12 (visas and residence permits)	12	0
Article 13 (entry and/or remain)	0	0
Article 14 (visa free entry)	0	0
“Take charge”: Article 16	12	6
“Take charge” humanitarian clause: Article 17(2)	1765 (1528 VSM)	1579 (1474 VSM)
“Take back”: Article 18	36	3
Article 18 (1) (b)	34	3
Article 18 (1) (c)	0	0
Article 18 (1) (d)	2	0
Article 20(5)	0	0

Source: Asylum Service.

Incoming Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Requests received	Requests accepted
“Take charge”: Articles 8-15	60	23
Article 8 (minors)	1	0
Article 9 (family members granted protection)	0	0
Article 10 (family members pending determination)	0	0
Article 11 (family procedure)	4	0
Article 12 (visas and residence permits)	46	20
Article 13 (entry and/or remain)	3	0

Article 14 (visa free entry)	0	0
“Take charge”: Article 16	0	0
“Take charge” humanitarian clause: Article 17(2)	0	0
“Take back”: Articles 18 and 20(5)	448	161
Article 18 (1) (b)	432	156
Article 18 (1) (c)	1	0
Article 18 (1) (d)	15	5
Article 20(5)	0	0

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.²⁰⁸

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.²⁰⁹

The criterion most frequently used in practice for incoming requests is previous applications for international protection; for outgoing requests, family unity for unaccompanied children.²¹⁰

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.²¹¹ In 2022, 90 take charge requests were made under the humanitarian clause, 27 of which 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.

In June 2022, the voluntary relocation program was agreed with the aim of providing concrete support to frontline countries (MED5) to manage increased flows of asylum seekers. The program is supported by EU funding, at the request of the concerned Member States, with assistance from the EU Asylum Agency and IOM. More specifically, resettlement activities are 100% financed by the Asylum, Migration and Integration Fund (AMIF). The transfers are carried out with the cooperation of the Asylum Service of the Ministry of the Interior of Cyprus, the European Asylum Service (EUAA), the

²⁰⁸ Information provided by Cyprus Refugee Council.

²⁰⁹ Ibid.

²¹⁰ Cyprus Asylum Service.

²¹¹ Ibid.

European Commission and the International Organization for Migration (IOM).²¹² In December 2022, the first relocations of 48 Syrian and Afghan refugees took place.²¹³

In 2023, 1,773 persons have been relocated, mainly to Germany and France, and some to Romania, Bulgaria, Belgium, Finland, Norway, and Portugal. Persons relocated are mainly nationals from Syria, Afghanistan and smaller numbers from Iraq, the Democratic Republic of the Congo, Cameroon, Somalia, Nigeria, Sierra Leone, Djibouti, and Palestine. The Program is expected to continue in 2024 with the existing Pledges from the supporting countries for 2023 still in place. In January 2024, 15 persons were transferred and there are more persons scheduled to be transferred in February and March 2024.²¹⁴

In view of the rise of asylum seekers from Syria requesting relocation to other EU Member States, upon arrival, in mid-2023 the government decided to exclude new asylum seekers from the voluntary relocation Program to act as a deterrent to future arrivals. Persons arriving in Cyprus from January 2023 onwards are not eligible to the Program.²¹⁵ However, the majority of asylum seekers are not aware of this limitation and continue to request upon arrival when they will be relocated.²¹⁶

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 aged 14 and over as well as their dependants, also aged 14 and over, are systematically fingerprinted and checked in Eurodac.²¹⁷ There is no specific policy in place for cases where applicants refuse to be fingerprinted and, to CyRC's knowledge, there have been no cases to indicate such practice.

The Dublin procedure is systematically applied in all cases;²¹⁸ 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 throughout 2023 as the team handling TCRs was staffed with additional personnel.²¹⁹

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

²¹² Asylum Service, *Relocation*, available at: <https://tinyurl.com/4xt27fm>

²¹³ Kathimerini, *First group of asylum seekers relocated to Germany from Cyprus*, 22 January 2023, available at: <https://bit.ly/3LsEx1c>; Schengen Visa, *First Group of Asylum Seekers Gets Relocated From Cyprus to Germany*, 21 December 2022, available at: <https://bit.ly/3JFjeHh>.

²¹⁴ Information provided by the Asylum Service.

²¹⁵ InfoMigrants, *Cyprus excludes new asylum seekers from resettlement scheme*, 20 July 2023, available at: <https://bit.ly/3H26qJK>

²¹⁶ Information provided by Cyprus Refugee Council.

²¹⁷ Article 11A Refugee Law.

²¹⁸ Article 11B Refugee Law.

²¹⁹ Information provided by cases represented by the Cyprus Refugee Council.

systems.²²⁰ 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 months²²¹ 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 2022.²²²

Transfers carried out: 2019-2023			
2020	2021	2022	2023
47	27	119 (Out of which 47 were under Relocation programs)	1617 (Out of which 1343 were under Relocation programs)

Source: Asylum Service.

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 in the regular procedure, meaning that an interpreter is always available when needed and applicants can choose the gender of the interpreter²²³ and/or interviewer.²²⁴

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.²²⁵

²²⁰ Information provided by the Dublin Unit, July 2017.

²²¹ Based on estimations from practical experience of the Cyprus Refugee Council.

²²² Information provided by the Asylum Service.

²²³ Article 13A(9)(c).

²²⁴ Article 13A(9)(b).

²²⁵ 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 within the territory.²²⁶ 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?

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

2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?

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

There is no access to free legal assistance from the State during first instance Dublin procedures. 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 review of the Dublin decision by the IPAC.²²⁷ 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?

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

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.

²²⁶ Articles 12A(η) IPAC Law.

²²⁷ 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: 2016-2023							
2016	2017	2018	2019	2020	2021	2022	2023
4	5	6	1	2	1	10	18

Asylum seekers transferred back from another Member State who had not been issued with a first instance decision prior to their departure from RoC were, in most cases, not detained upon return and the examination of the asylum application resumed. However, in 2023 and early 2024 there were cases identified where the asylum application was considered to have been implicitly withdrawn and the asylum seekers were detained upon return.²²⁸

In the event that asylum seekers returned are not detained, they 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](#)). If 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. 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 alternatives without assistance.²²⁹

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.²³⁰

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 and for whom a final decision had already been issued prior to their departure from RoC, 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:²³¹

- ❖ 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;

²²⁸ Information provided by the Cyprus Refugee Council.

²²⁹ Information provided by the Cyprus Refugee Council.

²³⁰ Court of The Hague, case NL21.2036, available in Dutch at: <https://bit.ly/3lU5xCG>; Court of the Hague, NL21.17448 en NL.1745, available in Dutch at: <https://bit.ly/3KtS3Op>.

²³¹ Article 12B-quater(2) Refugee Law.

- ❖ 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.

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.²³²

Inadmissibility decisions are issued in cases where another Member State had granted international protection and for subsequent applications where it was deemed that no new elements or findings arose or were presented.²³³ 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,²³⁴ 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,²³⁵ 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](#)).²³⁶

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?
 - Yes No
 - ❖ If yes, is it Judicial Administrative
 - ❖ If yes, is it automatically suspensive Yes Some grounds No

²³² Article 12B-quater(1) Refugee Law.

²³³ Based on information provided by the Cyprus Refugee Council.

²³⁴ Article 12B-quater(3) Refugee Law.

²³⁵ Article 16D(2) Refugee Law.

²³⁶ Article 16D(2) Refugee Law.

The law allows for an appeal against inadmissibility decisions before the IPAC.²³⁷ 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](#).

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?

<input type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input checked="" type="checkbox"/> No
------------------------------	--	--

 - ❖ Does free legal assistance cover:

<input type="checkbox"/> Representation in interview	<input type="checkbox"/> Legal advice
--	---------------------------------------

2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> With difficulty	<input type="checkbox"/> No
------------------------------	---	-----------------------------

 - ❖ Does free legal assistance cover

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

There is no access to free legal assistance from the state before the Asylum Service during any procedure, including the admissibility procedure. However, such cases can benefit from free legal assistance provided 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, as mentioned above, 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;²³⁸
- ❖ Comes from a safe third country;²³⁹
- ❖ Comes from a safe European third country;²⁴⁰
- ❖ Comes from a safe country of origin;²⁴¹
- ❖ Lodges an inadmissible application;²⁴²
- ❖ Comes from a first country of asylum;²⁴³
- ❖ Meets one of the following criteria:²⁴⁴

²³⁷ Articles 12B-quater(1) Refugee Law.

²³⁸ Article 12A Refugee Law.

²³⁹ Article 12B Refugee Law.

²⁴⁰ Article 12B-bis Refugee Law.

²⁴¹ Article 12B-ter Refugee Law.

²⁴² Article 12B-quater Refugee Law.

²⁴³ Article 12B-quinquies Refugee Law.

²⁴⁴ Article 12Δ(4) Refugee Law.

- 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;²⁴⁵
- 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 Head of the Asylum Service.²⁴⁶

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,²⁴⁷ namely **Georgian** nationals.²⁴⁸ In 2022, 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 increased, focusing mostly on applications from the list of 'safe countries' and specifically nationalities such as Pakistan, Bangladesh, India, Nepal and Nigeria.

In 2023, accelerated procedures were again used for applicants from the same countries as in 2022. However, not all nationals from these countries are examined under the accelerated procedure, mainly due to lack of capacity on behalf of the authorities to respond to the stricter timeframes provided for accelerated procedures under the Law. It is not clear what criteria is applied to select which applicants are examined under accelerated procedures.²⁴⁹

Applicants determined as vulnerable through the vulnerability assessment procedure at Pournara are exempted from the accelerated procedure.

²⁴⁵ Article 12B-ter Refugee Law.

²⁴⁶ Article 12Δ(5)(β) Refugee Law.

²⁴⁷ EASO, *EASO Operational and Technical Assistance Plan to Cyprus 2020*, available at: <https://bit.ly/3W32gtU>.

²⁴⁸ Ministerial Decision on Safe Countries, available in Greek at: <https://bit.ly/3tyT40M>.

²⁴⁹ Information provided by Cyprus Refugee Council.

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 were complex and could not 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).²⁵⁰ However, as the procedure has only implemented recently, further monitoring is required to ensure that such safeguards are implemented.

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.²⁵¹ 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.²⁵²

According to the Law, when 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 provided at the same time the decision is received.²⁵³ 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 days²⁵⁴ instead of 30 days as in the regular procedure (see [Regular Procedure: Appeal](#)).²⁵⁵ In 2022, the IPAC initiated accelerated procedures for negative first-instance

²⁵⁰

Ibid.

²⁵¹

Article 12Δ(2) Refugee Law.

²⁵²

Based on cases monitored by the Cyprus Refugee Council.

²⁵³

Article 18 (2B)(γ).

²⁵⁴

Article 12A IPAC Law.

²⁵⁵

Article 11 IPAC Law.

decisions issued on the basis of an inadmissible subsequent application²⁵⁶ and safe country of origin.²⁵⁷ 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.²⁵⁸

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.²⁵⁹

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.²⁶⁰ 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.²⁶¹ 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.²⁶²

As the accelerated procedure was initiated for the first time in late 2019, and not widely applied until late 2022, there is scarce 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 as 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 approximately 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.²⁶³ In 2023, the IPAC reported 5,383 decisions on explicit withdrawals, concerning both regular and accelerated procedures.²⁶⁴

5.4. Legal assistance

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

²⁵⁶ Article 12Btetraakis (2)(δ), Refugee Law.

²⁵⁷ Article 12Bτρις, Refugee Law.

²⁵⁸ Add from IPAC regulations (Regulation 3(e)).

²⁵⁹ Article 8 (1A) Refugee Law.

²⁶⁰ Article 13 of the IPAC's amended Regulations (as amended in October 2022).

²⁶¹ Form no. 4 annexed to the IPAC Procedural Rules of 2019.

²⁶² Information provided by Cyprus Refugee Council.

²⁶³ Ibid.

²⁶⁴ Information provided by IPAC.

D. Guarantees for vulnerable groups

1. Identification

Indicators: Identification

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

The Refugee Law defines the categories of persons considered as vulnerable. These are similar to Article 21 of the recast Reception Conditions Directive:²⁶⁵

“[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.²⁶⁶ These individualised assessments should be performed within a reasonable period of time 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.²⁶⁷

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”.²⁶⁸

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

²⁶⁵ Article 9ΚΓ Refugee Law.

²⁶⁶ Articles 9ΚΔ(a) and 10Α Refugee Law.

²⁶⁷ Article 9ΚΔ Refugee Law.

²⁶⁸ Ibid.

noted also by EUAA in the 2021 operating plan.²⁶⁹ 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.²⁷⁰ 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.²⁷¹

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.

In 2022, the vulnerability assessment team comprised of 10 vulnerability officers: 5 officers from EUAA; 3 officers from CODECA (the organization contracted to manage Pournara); 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 SoPs 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 mentioned, 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. Furthermore, 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.

In 2022, 2,800 persons were identified as vulnerable during the registration of their asylum application.²⁷²

In early 2023, the EUAA in collaboration with the Asylum Service finalised the SoPs for the identification of vulnerable persons in Pournara. According to the new procedure, a flagging (screening) system has been introduced to prioritize individuals with vulnerabilities. Specifically, upon entry and registration, all individuals receive a short interview by EUAA officers. The interview includes questions regarding personal data and information about relatives in the EU for the Dublin procedure. Furthermore, persons are requested to briefly state the reasons they left their country and based on their response they may be

²⁶⁹ EASO, *EASO Operating plan 2021*, available at: <https://bit.ly/4avqnG9>.

²⁷⁰ Information provided by Cyprus Refugee Council

²⁷¹ UN CAT, *Concluding Observations on the Fifth Periodic Report of Cyprus*, December 2019, available at: <https://bit.ly/49EGAYh>.

²⁷² Cyprus Asylum Service.

flagged as vulnerable. Only individuals that fall into the following categories are flagged: women, single parents (both men and women), victims of human trafficking, accompanied minors, unaccompanied minors, applicants who are survivors of rape and sexual violence, applicants who are survivors of psychological or physical violence, applicants who are survivors of shipwreck, applicants who are victims of torture, applicants who are elderly (65+), applicants with incurable serious diseases, applicants with mental illnesses, applicants with physical disabilities, women with new-borns, and pregnant women.

Persons who are preliminarily considered as vulnerable will then undergo a vulnerability assessment by the vulnerability assessment team. For the first half of 2023 the vulnerability assessment team comprised of 6 vulnerability officers: 4 from EUAA; 1 officer from UNHCR; 1 officer from CyRC, and a coordinator appointed by EUAA. In the second half of 2023, the members of the vulnerability assessment team from EUAA were reduced to 3 officers.

In 2023, a total of 3,839 vulnerability assessments were carried out in Pournara during the registration of their asylum application and 2,706 persons were identified as vulnerable.²⁷³

The new procedure also includes a referral procedure when special procedural and/or reception needs are identified. For this purpose, a new Referral Form has been introduced that is attached to the vulnerability assessment Form. This is to be completed when the vulnerability officer identifies such needs and can include procedural guarantees such as prioritization of an asylum interview or specific interpretation needs, specific reception needs (accommodation, disability mobility assistance) and other needs such as medical or psychological support. The time needed for the action is also indicated (for i.e., urgent, medium urgency, etc).

In practice, however significant gaps remain to address the identified needs and often persons are identified as vulnerable but do not necessarily receive 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. The lack of an effective referral system combined with the serious gaps in the reception system and in the provision of material reception conditions leave many vulnerable persons in extremely dire situations (see section [Reception Conditions](#)).²⁷⁴

Regarding, 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 they 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, it had been noted that a very low number of cases were identified and referred. From mid 2021 onwards and following trainings on human trafficking offered by EUAA to the vulnerability assessment team the number of referrals to the National Trafficking Mechanism have increased. 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. In 2023, 133 persons were identified as potential victims of trafficking within the vulnerability assessment procedure in Pournara.²⁷⁵

²⁷³ Cyprus Asylum Service.

²⁷⁴ Information provided by Cyprus Refugee Council.

²⁷⁵ Ibid.

Regarding procedural guarantees even when cases are identified that justify prioritization this is not always possible due to the extremely high backlog. Furthermore, the lack of access to psychological or legal support often affects the ability of vulnerable persons, such as victims of torture or violence, to present their case adequately. However, the increase in referrals of such cases to the team of examiners with the necessary training is a positive development and the increase of examiners in Pournara has led to some cases of vulnerable persons exiting Pournara as BIPs.²⁷⁶

Overall identification of vulnerabilities and needs has improved significantly, however the response to the identified needs remains a serious gap.

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.²⁷⁷ 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 the least invasive examinations, 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.²⁷⁸

In 2023, an amendment was made to the Refugee Law and a provision was added according to which in the event of the applicant's refusal to consent to an examination, the person in question shall be presumed to be an adult. At any subsequent stage, the applicant shall have the right to submit additional evidence as to their age and/or to request a medical examination to determine their age, which the Asylum Service must examine.²⁷⁹ The provision is intended to address possible abuse of the system where adult applicants may falsely be claiming to be minors, however concerns were raised by the Commissioner for the Rights of the Child, UNHCR, and national NGOs on the necessity of the provision and whether it is in line with EU and International Law and standards.²⁸⁰

In practice, not all unaccompanied children are sent for an age assessment. In 2023, of the 957 applications submitted by UASC, 188 were referred for an age assessment²⁸¹ which is an increase from 2022, however it is not clear whether this is a result of the above-mentioned amendment to the Law. 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

²⁷⁶

Ibid.

²⁷⁷

Article 10(1Z)(a) Refugee Law.

²⁷⁸

Article 10(1H) Refugee Law.

²⁷⁹

Ibid.

²⁸⁰

Reporter, *Parliament voted in favor of a law that attempts to deal with the abuse of the protection system for unaccompanied children who request international protection by adults*, 13 July 2023, available in Greek at: <https://tinyurl.com/43559msb>.

²⁸¹

Information provided by Asylum Service.

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.²⁸² 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 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 is not used due to the invasive nature.²⁸³

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.²⁸⁴

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.²⁸⁵

The Commissioner of Children's Rights issued an updated report on age assessment of unaccompanied children at the end of 2018,²⁸⁶ in which she stated that the procedure that had been adopted from 2014 onwards was a positive development.²⁸⁷ 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 and 2023 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 applicant's 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.²⁸⁸

²⁸² Information provided by Cyprus Refugee Council.

²⁸³ 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>, pp. 18 and 32.

²⁸⁴ *Ibid.*, p. 29.

²⁸⁵ Information provided by Cyprus Refugee Council.

²⁸⁶ *Ibid.*

²⁸⁷ 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, available in Greek at: <https://tinyurl.com/3t7rktxf>.

²⁸⁸ IPAC Case no. 601/2016, *Y.D.M.O v. Asylum Service*, Decision issued 31 December 2021.

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.²⁸⁹ 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 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				
	2020	2021	2022	2023
Applied for asylum	308	659	941	957
Referred for age assessment	66	59	109	188
Referred for medical examinations	55	40	71	128
Found to be adults	43	33	30	94

Source: 2020, 2021 Social Welfare Services; 2022, 2023 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.²⁹⁰

In 2023, 188 UASC were referred for age assessment, out of which 128 UASC were further referred for medical examinations as part of the age assessment. Of the 128 UASC, 27 were found to be minors, 94 were found to be adults, 6 refused to sign consent to undergo the medical examinations, and 1 withdrew their application.

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

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

Yes

For certain categories

No

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.²⁹¹ The exact level, type, or kind of support is not specified

²⁸⁹ IPAC, Case No 698/19, *S.A. v Republic of Cyprus*, through the Asylum Service Decision issued 07 July 2022.

²⁹⁰ Cyprus Asylum Service.

²⁹¹ Article 10A Refugee Law.

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 recent years, improvements have been noted in the examination of cases of vulnerable persons including the personal interviews. The Asylum Service has set up a specialised unit for vulnerable persons and children. In 2023, it consisted of 7 caseworkers for vulnerable persons, 2 of which were placed in Pournara, and 6 caseworkers for unaccompanied children.²⁹² The EUAA supports and coordinates vulnerability assessments in Pournara reception centre. In this context, during 2023, 2,534 persons were identified as presenting vulnerability indicators.²⁹³

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 or the vulnerability occurs after registration where the screening for vulnerabilities takes place. In such cases, an interview will most probably be carried out by an officer/caseworker who lacks the necessary training, unless a legal representative of the applicant communicates the issue to the Asylum Service. 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. As there is no internal procedure to refer cases, an examiner without the necessary training and expertise will often continue with the interview and examination of the application. In view of the lack of a complaints mechanism in the Asylum Service, applicants have no recourse to address issues such as caseworkers failing to take into consideration their vulnerabilities or sensitivities; not being impartial; carrying out the interview in an interrogatory manner or having a problematic attitude.²⁹⁴

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, when such a request is made it is granted, but capacity only allows for 2-3 cases per year. The role of the social advisor or psychologist during the interview is to provide support for the applicant. They do not intervene in the interview.

2.2. Exemption from special procedures

The Refugee 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.²⁹⁵

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 2022.²⁹⁶ Cases have been identified that were initially being examined under the accelerated

²⁹² Information provided by the Asylum Service, January 2018.

²⁹³ Information provided by the EUAA, 26 February 2024.

²⁹⁴ Information based on cases represented by the Cyprus Refugee Council.

²⁹⁵ Article 10A(3)(a).

²⁹⁶ Based on cases reviewed by the Cyprus Refugee Council.

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).²⁹⁷ However as the procedures have been implemented recently further monitoring is required.

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.²⁹⁸ 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;²⁹⁹
- ❖ 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;³⁰⁰
- ❖ 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;³⁰¹
- ❖ 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.³⁰²

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.

²⁹⁷ Information provided by Cyprus Refugee Council.

²⁹⁸ Article 18(3) Refugee Law.

²⁹⁹ Article 9KΔ(3)(b) Refugee Law.

³⁰⁰ Article 13A(2)(b) Refugee Law.

³⁰¹ Article 15 Refugee Law.

³⁰² Article 18(7A)(b)(ii) Refugee Law.

Currently there are no NGOs providing medical reports.³⁰³ 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,³⁰⁴ which is a psychological report that may be drafted as part of the rehabilitation services offered to victims of torture.

Victims of torture or violence

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'.³⁰⁵

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.³⁰⁶ 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 situation remained the same throughout 2023.

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'.³⁰⁷

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. 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.³⁰⁸ Between 2018 and 2023, EUAA caseworkers identified and examined various cases in which the applicant alleged they had been subjected to torture; the applicant was not referred to the Medical Board and their application was rejected as, despite finding the torture claim to be credible, they were found to be not credible on the reasons for which the torture took place or that there was no risk of the torture happening again.³⁰⁹

³⁰³ Information provided by Cyprus Refugee Council.

³⁰⁴ For more information, see Cyprus Refugee Council, *Our projects*, available at: <https://bit.ly/2DV3s9c>.

³⁰⁵ Article 15 Refugee Law.

³⁰⁶ UNCAT, *Concluding Observations on the Fourth Periodic Report of Cyprus*, 30 April 2015, available at: <https://tinyurl.com/k8uku5cu>.

³⁰⁷ UNCAT, *Concluding Observations on the Fifth Periodic Report of Cyprus*, December 2019, available at: <https://tinyurl.com/3jcjevns>

³⁰⁸ Based on information from cases represented by the Cyprus Refugee Council.

³⁰⁹ Ibid.

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, 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 Asylum Service issues a first instance decision on the asylum claim. In 2022, and 2023 there were no cases to indicate the current trends.³¹⁰

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 a 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.³¹¹

In 2023, a case was brought before the IPAC where the applicant had claimed being subjected to violence but was not referred for medical examination during the first instance examination of the application by the Asylum Service. The judge proceeded to make a referral to a psychologist for assessment of the claim of violence so that they could carry out an *ex nunc* examination of the case.³¹² However, the legal representative of the state submitted an application/certiorari before the Supreme Court, which led to the referral being quashed as the Supreme Court decided that the IPAC had acted beyond its jurisdiction.³¹³ The Supreme Court decision was appealed before the second instance procedure of the Supreme Court, which upheld the first instance decision confirming that the IPAC does not have such jurisdiction.³¹⁴ Following these decisions, the IPAC does not have the jurisdiction to refer applicants for medical examinations but is obliged to annul the first instance decision and order a review by the Asylum Service.

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.³¹⁵ 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.

³¹⁰ Ibid.

³¹¹ Information provided from the Cyprus Refugee Council.

³¹² Ibid.

³¹³ Supreme Court, First Instance Jurisdiction, Application No. 31/2023, 7 April 2023, available in Greek at: <https://tinyurl.com/dxfu4cyp>.

³¹⁴ Supreme Court, Second Instance Jurisdiction, Application No. 30/2023, 15 May 2023, available in Greek at: <https://tinyurl.com/jaybc6cj>.

³¹⁵ Article 10 Refugee Law.

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 2014.³¹⁶ 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.

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,³¹⁷ 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. In 2023, 957 applications were submitted by UASC bringing the number of UASC in the country at end of year to 1,298.³¹⁸

This has led to the number of Guardians 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. In 2023 the increase in Guardians was maintained with the total number being 33, of which 8 are stationed in the First Reception and Registration Center in Pournara.³¹⁹ However, the number remains insufficient and the lack of knowledge of the asylum framework and procedures continue to be an issue.

When the asylum application of a UASC is rejected, the SWS notifies the Commissioner for Children's Rights who appoints a lawyer for this purpose. Until 2021, a lawyer would be assigned by the Commissioner with instructions to submit an appeal without prior assessment on the merits of the case. In 2021 the Commissioner requested of the SWS to prepare a report/assessment on why an appeal should be submitted on behalf of the child. Although the SWS does draft such a report, due to the lack of legal knowledge it is not clear how effective it is. Furthermore, the Commissioner in all cases appoints a lawyer with instructions to submit an appeal with no prior assessment or counselling on the merits of the case.³²⁰

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

³¹⁶ Procedural Rules 3/2014, available in Greek at: <http://bit.ly/2mKdxvp>.

³¹⁷ Information provided by the Cyprus Refugee Council.

³¹⁸ Information provided by the Social Welfare Services.

³¹⁹ Ibid.

³²⁰ Information provided by Cyprus Refugee Council.

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.

The legal and policy framework for unaccompanied children has been repeatedly criticised by the national Ombudsman since 2014, pointing out gaps in both policy and practice.³²¹ In 2018, the Commissioner for the Rights of the Child issued a series of three reports related to unaccompanied children, raising serious concerns on many issues such as the lack of representation for unaccompanied children with regard to their access to reception conditions and that legal representation before the Court is limited to asylum cases and not reception conditions. Furthermore, it raised concerns that the law provides that unaccompanied children and their representatives are provided with free legal and procedural information but does not specify or foresee who provides such information. The reports also conclude that the legal representation provided by the SWS is problematic and that the dual role of the SWS that acts as a Guardian and representative is also considered problematic.³²² Since the Reports and throughout 2022 and 2023 no improvements have been noted and the issues raised by the Commissioner remain issues of concern.

³²¹ 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>.

³²² Commissioner for the Rights of the Child, *Έκθεση της Επιτρόπου, αναφορικά με την εκπροσώπηση των ασυνόδευτων ανηλίκων αιτητών ασύλου*, December 2018, available in Greek at: <https://bit.ly/2F8OIL8>.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? Yes No
- 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.³²³ 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.³²⁴ 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.³²⁵ 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.³²⁶

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.³²⁷

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 it 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.³²⁸ 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

³²³ Article 16Δ Refugee Law.

³²⁴ Article 16Δ(2) Refugee Law.

³²⁵ Article 16Δ(3)(a) Refugee Law.

³²⁶ Article 16Δ(2) Refugee Law.

³²⁷ Article 16Δ(3)(b)(ii) Refugee Law.

³²⁸ M.F. v. Republic of Cyprus, Case No.: 691/2021, 18 August 2021, available in Greek at: <https://rb.gy/fdunmw>.

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.³²⁹

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.³³⁰ 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*.³³¹ In practice, there is no evidence that such an assessment takes place and applicants are never informed about this.³³² Once, a subsequent application is submitted, including a first subsequent application persons do not have a right to remain and no access to any basic rights. In 2023 there were instances where police were present at the Asylum Service, arresting applicants of subsequent applications and transferring them directly to removal centres, with no evidence that any assessment of *refoulement* was carried out. This practice has since been abandoned.³³³

As regards the 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.³³⁴ 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.³³⁵

In 2022, according to the Asylum Service, in an effort to speed up 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 were still pending. In 2022, 357 applicants of subsequent applications were considered admissible and 3,909 inadmissible.

Due to the high numbers of subsequent applications submitted, in an effort to deter the submission of unfounded subsequent applications, the Asylum Service, in collaboration with the Police carried out arrests of persons approaching the Asylum Service to submit a subsequent application. It is not clear if all persons arrested were permitted to submit a subsequent application in detention. Such arrests took place for a period in early 2023 but the practice has since been abandoned.³³⁶

In 2023 a significant number of applications were examined in a timely manner some even within days. However, this mainly concerned applications that were evidently unfounded and there are still applications pending from previous years, including applications submitted by vulnerable persons and/or with elements that could add to the likelihood of an asylum-seeker qualifying as a beneficiary of refugee status or subsidiary protection.³³⁷

³²⁹ A.K.U. v. Republic of Cyprus, Case No.: ΔΚ24/21, 12 April 21, available in Greek at: <https://rb.gy/xmdrq6>; H.S. v. Republic of Cyprus, Case No.: ΔΚ29/21, 13 August 2021, available in Greek at: <https://rb.gy/khesfg>.

³³⁰ Appeal against the decision of the Administrative Court No. 8/2022, Sohel Madber v. Republic of Cyprus, 17 November 2022, available in Greek at: <https://rb.gy/xrdoyp>.

³³¹ 16Δ (4)(a), Refugee Law.

³³² Information provided by the Cyprus Refugee Council.

³³³ Ibid

³³⁴ Based on cases represented by the Cyprus Refugee Council.

³³⁵ IPAC, Decision 782/2020 J.Y.v. Republic of Cyprus (Asylum Service), 5 March 2021, available in Greek at: <https://bit.ly/3Tsqcmt>.

³³⁶ Information provided by the Cyprus Refugee Council.

³³⁷ Information provided by the Cyprus Refugee Council.

In 2023, 223 applicants of subsequent applications were considered admissible and 4,383 inadmissible.³³⁸

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,³³⁹ 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.³⁴⁰ 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 IPAC 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.³⁴¹ 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.³⁴² 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.³⁴³ 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.³⁴⁴ 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.

³³⁸ Information provided by the Asylum Service.

³³⁹ *Miah v. Republic of Cyprus*, Case No. 593/21, 19/07/2021, 19 July 2021, available in Greek at: <https://rb.gy/ukfcag>.

³⁴⁰ Article 13 of the IPAC's amended Regulations (as amended in October 2022).

³⁴¹ *A.K.U. v. Republic of Cyprus*, Case No.: ΔΚ 24/21, 12 April 2021, available in Greek at: <https://bit.ly/3wMV2Od> and *SINGH v. Ministry of Interior and others*, Case No.: 730/2021, 23/8/2021.

³⁴² *A.K.U. v. Republic of Cyprus*, Case No.: ΔΚ24/21, 12 April 2021, available in Greek at: <https://rb.gy/xmdrq6>

³⁴³ *H.S. v. Republic of Cyprus*, Case No.: ΔΚ29/21, 13 August 2021, available in Greek at: <https://rb.gy/khesfg>

³⁴⁴ Appeal against the decision of the Administrative Court No. 8/2022, *Sohel Madber v. Republic of Cyprus*, 17 November 2022, available in Greek at: <https://rb.gy/xrdoyp>.

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,³⁴⁵ 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.³⁴⁶

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](#)).³⁴⁷ The new list, increasing the number of safe countries of origin from 1 to 21, was published in May 2020,³⁴⁸ In May 2021, the number of countries listed as safe was increased from 21 to 29³⁴⁹ and in May 2022 reduced to 27 as Ukraine and Kosovo were removed.³⁵⁰ Accelerated procedures were not significantly used until September 2022 and from then on have been used systematically, focusing mostly on nationalities such as Pakistan, Bangladesh, India, Nepal and Nigeria.³⁵¹

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.

³⁴⁵ 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.

³⁴⁶ Article 12Δ(1) Refugee Law.

³⁴⁷ Ministerial Decision on Safe Countries, available in Greek at: <http://bit.ly/37YKdbU>.

³⁴⁸ Ministerial Decision on Safe Countries, available in Greek at: <https://bit.ly/3CjDCJQ>.

³⁴⁹ 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.

³⁵⁰ Ministerial Decision on Safe Countries, Ukraine, and Kosovo are removed, available in Greek at: <https://bit.ly/42jOTpX>.

³⁵¹ Based on information provided by Cyprus Refugee Council.

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

Indicators: Information and Access to NGOs and UNHCR

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

In accordance with the law,³⁵² 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 a language that they understand or are reasonably supposed to understand.³⁵³ 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 and 2023. 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.³⁵⁴ 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.

Regarding information provision in **Pournara**, as of 2023, 3 EUAA Info Providers are stationed at the Centre providing group sessions in the presence of interpreters. The group sessions are provided in groups of approximately 20 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 provide information in writing in the future. The information sessions are a positive development however they are not sufficient to cover the overall lack of information on the asylum procedures, especially due to extremely limited sources of information and in view of the lengthy asylum procedures.

³⁵² Article 9A Refugee Law.

³⁵³ Article 9A(2) Refugee Law.

³⁵⁴ Asylum Service, *Guide for applicants for international protection (asylum seekers) and for beneficiaries of international protection*, available at: <https://bit.ly/33M2ZTm>.

A leaflet published by UNHCR is also disseminated in Pournara Centre, providing basic info on asylum process and reception conditions; however in late 2023 this was put in hold as the leaflet is being updated. In the meantime, 2 leaflets, issued by the Asylum Service are provided; one explaining the Dublin procedure, and the other the asylum procedure.³⁵⁵

In 2023, an information kiosk near the admin office. This kiosk allows anyone to seek information, make appointments, and discuss further questions.

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.³⁵⁶ 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, 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; and information about government programmes and NGOs that offer various types of assistance and integration support.³⁵⁷ The platform is available in English, French and Arabic. The UNHCR online information platform includes specific information for unaccompanied children.³⁵⁸

As regards decisions, according to the Refugee 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.³⁵⁹ 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. From late 2022 onwards, a detailed reasoning of the decision is provided in cases of negative decisions, only in English, 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.

The UNHCR online platform also provides information in English, Arabic and French regarding judicial appeal before the IPAC and how to apply for legal aid.³⁶⁰

³⁵⁵ Information provided by Cyprus Refugee Council.

³⁵⁶ Asylum Service, *Information leaflets on the Dublin Regulation and the Eurodac Regulations*, available at: <http://bit.ly/2GLI9GJ>.

³⁵⁷ UNHCR, *UNHCR Help – Cyprus*, available at: <https://bit.ly/3rSAPKs>.

³⁵⁸ UNHCR, *If you are under 18*, available at: <http://bit.ly/2rsW9IY>.

³⁵⁹ Article 18(7E) and (7B) Refugee Law.

³⁶⁰ UNHCR, *UNHCR Help – Cyprus*, available at: <https://bit.ly/3asLcTE>.

Regarding subsequent applications, currently, there is no information provided by the State on this procedure, including the fact that the applicant does not have the right to remain and no access to basic rights (see [Subsequent Applications](#)).

As for 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 how to access the asylum procedures, the 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.³⁶¹ 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.³⁶²

In late 2019, the Cyprus Refugee Council published a leaflet made available in the main detention centre that included information on detention, available remedies, legal aid, and how these can be accessed.³⁶³ It was also disseminated in 2020 and again in 2023.

According to the Rights of Persons who are Arrested and Detained Law,³⁶⁴ 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 2022 and 2023, no issues were registered.

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. Asylum seekers in **Pournara** only have access to NGOs providing services in the Centre, but they do not have access to lawyers or to legal advisors of NGOs. Asylum seekers in **Limnes** do not have access to lawyers or NGOs.

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?³⁶⁵ 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.³⁶⁶

³⁶¹ Article 9ΣΤ(8) Refugee Law.

³⁶² Information provided by the Cyprus Refugee Council.

³⁶³ Information provided by Cyprus Refugee Council.

³⁶⁴ Article 12 Rights of Persons who are Arrested and Detained Law.

³⁶⁵ Whether under the "safe country of origin" concept or otherwise.

³⁶⁶ Information provided by Cyprus Refugee Council.

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.³⁶⁷

Subsidiary protection is granted as a matter of policy to applicants from **Syria**: in 2020, 21 persons received refugee status and 1,396 received subsidiary protection. In 2021, 24 persons received refugee status and 1,913 subsidiary protection. In 2022, 8 persons received refugee status and 159 subsidiary protection and in 2023, 43 persons received refugee status and 2,040 persons received subsidiary protection.³⁶⁸ 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.³⁶⁹

From February 2022 onwards, the Cyprus Refugee Council noted that the asylum applications of Syrian nationals were not being examined.³⁷⁰ 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 2021.³⁷¹ In early 2023, the situation remained the same but in mid-2023 examination resumed and by year end 2,040 persons received subsidiary protection and 43 persons refugee status.

In April 2024, due to the increase in arrivals of Syrian nationals the government announced that the examination of asylum applications of Syrian nationals is suspended.³⁷²

³⁶⁷ Information provided by Cyprus Refugee Council.

³⁶⁸ Information provided by the Cyprus Asylum Service

³⁶⁹ Statelessness Index, *Country Profile Cyprus*, available at: <http://bit.ly/2TMRKH2>.

³⁷⁰ Information based on cases represented by the Cyprus Refugee Council.

³⁷¹ Information provided by Cyprus Asylum Service

³⁷² Phileleftheros, *President: The examination of asylum applications in all cases of persons of Syrian origin is suspended*, 13 April 2024, available in Greek at: <https://bit.ly/4aV5a8m>.

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.³⁷³ Although they may have a coordinating role, each right under reception conditions is provided for by the competent Ministry,³⁷⁴ 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 in recent years there has been criticism on the conditions in **Pournara** and **Limnes** which were evaluated as sub-standard. This led to the authorities taking action and with the support of EUAA, the conditions in Pournara have improved. In the case of Limnes, it has been closed to undergo a complete restructuring and a section of Kofinou Centre is being used temporarily to host persons that would have been accommodated in Limnes. Regarding shelters for UASC, conditions vary depending on the facility; at times, overcrowding has been an issue in some shelters. Furthermore, due to the increase in arrivals of UASC and lack of capacity to house them in the UASC shelters, hotels have been used as a temporary measure, however conditions in the hotels are not considered up to standard. The use of hotels continued in 2023.³⁷⁵

With the total number of asylum seekers reaching over 25,000 by the end of 2023, and capacity of Reception Centres limited to around 1400 persons, most asylum seekers reside in the community in private houses/apartments, which they are required to secure on their own. 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 provide all necessary documentation.

2023 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.³⁷⁶

³⁷³ EASO, *EASO Operating Plan, Cyprus 2022-2024*, available at: <https://bit.ly/3PT3UuO>.

³⁷⁴ 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.

³⁷⁵ Information provided by Cyprus Refugee Council.

³⁷⁶ Information provided by Cyprus Refugee Council.

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 destitute. 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.

In 2023, there was a significant surge in violence against migrants in Cyprus, with incidents including pogrom-like demonstrations and violent attacks against racialized people, including migrants and refugees.³⁷⁷ The main incidents took place in Chloraka a village at the outskirts of Paphos City and then Limassol where migrant-owned shops were destroyed and several people were attacked by mobs. There has also been a rise in attacks and reports of police profiling. Experts have blamed the increased mainstreaming of xenophobia in Cypriot politics and media, fuelled by the spread of disinformation and the mismanagement of the large number of people trying to reach Europe.³⁷⁸

The European Commission on Racism and Intolerance (ECRI) in the latest report published on Cyprus in 2023, recommends that the authorities establish a comprehensive monitoring system for hate speech incidents, involving the police, the prosecution service, the courts, the equality body and relevant civil society organisations, especially those supporting refugees, asylum seekers, and migrants. Furthermore, ECRI recommends that the authorities step up their efforts in encouraging public figures, in particular high-level officials and religious leaders, to firmly and promptly condemn the use of racist and other forms of hate speech, use counter-speech and alternative speech, and promote intergroup understanding.³⁷⁹

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 allow access to material reception conditions to for 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 type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input checked="" 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"/> Yes	<input type="checkbox"/> Reduced material conditions	<input checked="" type="checkbox"/> No
❖ Subsequent application	<input type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input checked="" 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:

³⁷⁷ ECRE Weekly Bulletin of 8 September 2023, *Racist violence against migrants in Cyprus*, available at: <https://bit.ly/48rcNIE>.

Amnesty International, 'Cyprus: Authorities must protect migrants and refugees from racist attacks' available at: <https://bit.ly/47aEiil>.

³⁷⁸ France 24, *Cyprus migrants face wave of attacks as hostility brews*, 12 September 2023, available at: <https://bit.ly/3RyTYWZ>.

³⁷⁹ European Commission on Racism and Intolerance, *Sixth Cycle Report on Cyprus*, 7 March 2023, available at: <https://bit.ly/3tw7SBb>.

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.³⁸⁰ 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.³⁸¹

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.³⁸² However, following a 2022 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.³⁸³ In practice, no applicants have received the right to remain and access to reception conditions during the administrative examination of a subsequent application.³⁸⁴

According to the Refugee Law,³⁸⁵ 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.³⁸⁶ However, the law³⁸⁷ 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.³⁸⁸ 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, which are the majority of applicants, are referred to the **Pournara** First Reception Centre for registration, the lodging of asylum applications, and medical and vulnerability screenings. 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. During 2020 and 2021 access to **Pournara** to register asylum applications was problematic.³⁸⁹ 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

³⁸⁰ Article 11(B)(2) Refugee Law.

³⁸¹ Article 8 (1A) Refugee Law.

³⁸² 16Δ (4)(a), Refugee Law.

³⁸³ Appeal against the decision of the Administrative Court No. 8/2022, *Sohel Madber v. Republic of Cyprus*, 17 November 2022, available in Greek at: <https://rb.gy/xrdoyp>.

³⁸⁴ Information provided by Cyprus Refugee Council.

³⁸⁵ Article 9IA(3) Refugee Law.

³⁸⁶ The confirmation provided is entitled 'Confirmation of Submission of an Application for International Protection'.

³⁸⁷ Article 8(1)(b) Refugee Law.

³⁸⁸ Article 11(4)(a) Refugee Law.

³⁸⁹ For detailed information, see previous updates of the AIDA Country Report on Cyprus, available at: <https://bit.ly/4aivBFw>.

given access.³⁹⁰ 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 makeshift tents and shelters appear at times around the centre, mostly inhabited by persons awaiting registration. Persons with a passport or some form of identification document are systematically given access faster.

In 2023, the number of arrivals decreased which led to a significant improvement in access to the Centre, with most persons accessing upon arrival, however there still are instances where persons who do not present passports are denied entry by the AIU for 2-3 days.

Access to reception conditions is provided at the Centre and in 2023, the average duration of stay was 30-40 days for adults and 80 days for UASC. Persons and families with vulnerabilities, as well as large families also face delays in exiting due to the obstacles in securing housing. 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 material reception conditions (MRC) at the District Social Welfare Offices upon concluding registration.³⁹¹

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).

Until recently, asylum seekers registered in Pournara could only apply for MRC once they had exited the Centre, which led to delays until they received financial assistance. Furthermore, asylum seekers do not have freedom of movement while staying in Pournara, which they can only exit 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 with 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 Centre. 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 persons still exit the centre without applying for MRC. In 2023, even with the decrease in the number of arrivals, persons reported exiting without applying for MRC and stated they did not know that they could apply prior to exiting.³⁹²

Applying for MRC while in Pournara has led to a faster examination of applications for MRC.³⁹³ However, persons do not receive any assistance upon exiting the Centre and will receive, within approximately 2 weeks, the first payment in cash and the first cheque in about 2 months. The SWS will schedule a visit at their place of residence in order to verify their address and if they are not found living there, the MRC will be terminated or suspended until they present a new valid address, which in many cases applicants are not able to do.

For persons who have exited without applying or who were not in Pournara they have to make an appointment to submit an application for MRC, which usually takes 1-2 weeks. However, upon submitting

³⁹⁰ Information provided by Cyprus Refugee Council.

³⁹¹ Information provided by Cyprus Refugee Council.

³⁹² Information provided by Cyprus Refugee Council.

³⁹³ Information provided by Cyprus Refugee Council.

the application they are requested to present a valid address which is proved either by showing a rental agreement or confirmation by the municipality authorities, which again in many cases, they are not able to do. As a result they are excluded from MRC.

Overall, 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 2-3 months, depending on the district.³⁹⁴ This is due to various administrative difficulties, including: staff shortages; demanding paperwork and requirements for documentation to be gathered and submitted by beneficiaries; and difficulties experienced by the applicants in physically reaching and meeting with Welfare Officers. Furthermore, if an application for material assistance is submitted with an address confirmation issued by the municipality authorities and not a rental agreement, applicants will not receive rent allowances and the foreseen amounts for bills and daily expenses will also be deducted.

The revised application for MRC is available in English, Greek, Somali, Kurdish, Farsi and Arabic 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 9 months since the date of the application for asylum has passed - a confirmation of registration with the Labour Office as unemployed is required.

Regarding the criteria to access MRC, 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.³⁹⁵ In 2022, a new Ministerial Decision which determines the criteria and level of MRC was issued,³⁹⁶ as well as a new application form.³⁹⁷ 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 Centres, 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 29/09/2023,³⁹⁸ applicants of international protection have the right to access the labour market after nine months 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;

³⁹⁴ Information provided by Cyprus Refugee Council.

³⁹⁵ For further information, see AIDA, Country Report: Cyprus, 2021 Update, April 2022, available at: <https://bit.ly/3NBxOCp>.

³⁹⁶ Ministerial Decision 93.451, 28 July 2022, available in Greek at: <https://bit.ly/3Yrn5wN>.

³⁹⁷ The application form, together with other relevant application forms, is available in Greek at: <https://bit.ly/4aE93i7>.

³⁹⁸ Ministerial Decision 312/2023, 29 September 2023, pursuant to art. 9Θ of the Refugee Law available in Greek, at: <https://tinyurl.com/ycycztjy>.

(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.
 - 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.

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

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.

(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.³⁹⁹ 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.⁴⁰⁰ 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,⁴⁰¹ 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.

³⁹⁹ Article 2 Refugee Law.

⁴⁰⁰ Article 9IB Refugee Law.

⁴⁰¹ Ministerial Decision 93.451, 28 July 2022, available at: <https://bit.ly/3Yrn5wN>.

In practice, an advance payment of rent is provided scarcely to selected vulnerable cases.⁴⁰²

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 was not implemented during 2023.

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. Complaints are often received concerning the ability of asylum seekers to open an account, and thus their ability to access basic rights.⁴⁰³ The main issues identified concern the documents required by banks (such as 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, often issued by the country of origin.

Regarding the issue of accessing bank accounts, it should be noted that the Law⁴⁰⁴ and relevant Directions⁴⁰⁵ issued by the Central Bank, include the right of accessing basic bank accounts without any discrimination against consumers legally residing 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 Service⁴⁰⁶ 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. To verify the address of an applicant, credit institutions may visit the applicants' residence or use other documents, such as a recent utility bill,⁴⁰⁷ documents issued by the State (Confirmation Letter, Alien book), or an affidavit to confirm this.⁴⁰⁸

Despite the Law and relevant Directions issued by the Central Bank, access to bank accounts continues 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.

⁴⁰² Information provided by the Cyprus Refugee Council and Caritas Cyprus.

⁴⁰³ Based on information provided by Caritas Cyprus and Cyprus Refugee Council.

⁴⁰⁴ Law Regulating the Compatibility of Fees, Payment Account Switching, and Access to Payment of 2017, available in Greek at <http://bit.ly/3rOCarV>.

⁴⁰⁵ Cyprus Central Bank, *Παρεμπόδιση νομιμοποίησης εσόδων από παρανομες δραστηριότητες και χρηματοδότηση της τρομοκρατίας - 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 Έως 2018*, February 2019, available in Greek at: <https://bit.ly/3eVlxXF>.

⁴⁰⁶ Article 143, *ibid*.

⁴⁰⁷ Article 126, *ibid*.

⁴⁰⁸ Article 136, (i) and (ii), *ibid*.

Improvements were noted throughout 2023, however various challenges remain such as the time needed for processing applications for opening an account, taking approximately 2 months in 2023 and early 2024. Other challenges include the request for some clients to submit a criminal record issued by their country of origin and refusals to provide services to persons coming from countries where criminal sanctions apply (for example, Iran).

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”.⁴⁰⁹ 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.⁴¹⁰ Asylum seekers may be subjected to less favourable treatment compared to Cypriot citizens, especially when the amounts granted to the latter aim to secure a living standard which is higher than the one determined in the Refugee Law for asylum seekers.⁴¹¹

The level of material reception conditions provided to asylum seekers in the community does not ensure a dignified standard of living. This concern was repeatedly raised since 2019 by NGOs, UNHCR,⁴¹² the Ombudsman’s Office,⁴¹³ and the Commissioner for Children’s Rights.⁴¹⁴ However, no progress has been noted and the level of MRC is considered as one of the most serious gaps in the asylum system.⁴¹⁵ 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.⁴¹⁶

In 2019, and following a Ministerial Decision, the amounts granted for covering material reception conditions had been revised upwards, but remain low.⁴¹⁷ In 2022, the new Ministerial Decision⁴¹⁸ introduced lower grants for electricity, water and minor expenses for asylum seekers who do not submit a rental agreement. No developments were noted in 2023, with the amounts remaining low and the material conditions themselves still not permitting a dignified standard of living.

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

⁴⁰⁹ Article 9IA(1) Refugee Law.

⁴¹⁰ Article 9IB(2)(a) Refugee Law.

⁴¹¹ Article 9IB(2)(b) Refugee Law.

⁴¹² See e.g., UNHCR, *UNHCR Cyprus’ Integration Conference Results in Public Call to Action*, 20 December 2019, available at: <https://bit.ly/2w3L91c>; Open Discussion Event, organised by UNHCR and University of Cyprus, April 2019, press release available in Greek at: <https://bit.ly/2Vm4Zil>; UNHCR and University of Nicosia, *The living conditions of asylum-seekers in Cyprus*, May 2018, available at: <https://bit.ly/2IWKnsM>; UNHCR, *Homelessness is becoming an increasing issue for asylum-seekers in Cyprus*, 23 April 2018, available at: <https://bit.ly/39TtzvR>; UNHCR, *Asylum-seekers complain to UNHCR about their deteriorating living conditions*, 15 December 2017, available at: <https://bit.ly/33mnfdZ>; ‘UNHCR, *Η ζωή αιτητών ασύλου στην Κύπρο - Μαρί **, μητέρα και μηχανικός αυτοκινήτων, 10 August 2017, available in Greek at: <https://bit.ly/2ILghG1>; UNHCR, *Λάουρα **, επιστήμονας και τραγουδοποιός, 24 May 2017, available in Greek at: <https://bit.ly/2von7hr>; UNHCR, *Η ζωή αιτητών ασύλου στην Κύπρο - Άγια**, Νεαρή μητέρα από τη Σομαλία, 9 May 2017, available in Greek at: <https://bit.ly/38SnPBI>.

⁴¹³ See Ombudsman, *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*, 6 June 2019, available in Greek at: <https://bit.ly/2IY494I>.

⁴¹⁴ See, Commissioner for Children’s rights, *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*, August 2019, available at: <https://bit.ly/2walQtx>.

⁴¹⁵ Information provided by Cyprus Refugee Council

⁴¹⁶ 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>.

⁴¹⁷ See Cyprus Government, *Απόσπασμα από τα Πρακτικά της Συνεδρίας του Υπουργικού*, Decision number 87.433, 6 May 2019, available in Greek at <https://bit.ly/3b9dT8b>.

⁴¹⁸ Ministerial Decision 93.451, 28 July 2022, available in Greek at: <https://bit.ly/3Yrn5wN>.

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
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.⁴¹⁹

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 inadequacy of MRC to cover the standard cost of living and housing in Cyprus can also be observed when looking at the difference between the rent allowance for nationals and for asylum seekers, which further undermines the obligation to ensure dignified living conditions for asylum seekers. Such a

⁴¹⁹ Information provided by Cyprus Refugee Council.

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 2018,⁴²⁰ 14% in 2019,⁴²¹ and after a slight decline in 2020, an increase of 5,1% in 2021,⁴²² 19,6%⁴²³ during 2022, and a further 12,2% in 2023. This raised concerns as to whether the revised amounts for asylum seekers are adequate to secure appropriate housing.⁴²⁴ 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.⁴²⁵

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 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.⁴²⁶ 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.⁴²⁷ 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:⁴²⁸

- (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 with 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;

⁴²⁰ RICS, Cyprus Property Price Index Q2 2018.

⁴²¹ RICS, Cyprus Property Price Index 2019 Q4.

⁴²² RICS, Cyprus Property Index 2021, available at: <https://bit.ly/3qMvVST>.

⁴²³ RICS, Cyprus Property Index 2022 Q4, available at: <https://bit.ly/3kJA8f4>

⁴²⁴ RICS Cyprus Property Index with KPMG in Cyprus, available at: <https://tinyurl.com/bdf2rjhh>

⁴²⁵ 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*, available at: <https://bit.ly/40F4kaD>.

⁴²⁶ Article 9KB(1)(a) Refugee Law.

⁴²⁷ Article 9KB(1) Refugee Law.

⁴²⁸ Article 9KB(1)(a) Refugee Law.

- (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 latest Ministerial Decision,⁴²⁹ 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 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 2022, according to the 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. In 2023 this was implemented in practice for the first time.

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

⁴²⁹ Ministerial Decision 93.451, 28 July 2022, available in Greek at: <https://bit.ly/3Yrn5wN>.

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. 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.

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,⁴³⁰ 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,⁴³¹ 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 the system efficiently. 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.

Persons with physical or mental health issues who are unable to work are required to provide medical confirmation to be exempted from the duty of registering with the Labour Department so they can receive MRC.⁴³²

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 majority of persons transferred to the Reception/Pre-Removal Center, Limnes have been issued with negative asylum decisions at 1st instance and a decision determining their place of residence as Limnes, with a provision that should they decide to leave Limnes they would have no access to welfare assistance. In 2021, UNHCR noted that persons were voluntarily leaving the Centre and waive entitlements to welfare.⁴³³ According to Cyprus Refugee Council, this trend continued throughout 2022 and 2023.

Decision-making and procedure

According to the Law, 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.⁴³⁴ In practice, this provision is not implemented. Therefore, vulnerable persons residing in the community may 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

⁴³⁰ Public Employment Service - Online Platform, available in Greek at: <https://bit.ly/350YzwW>.

⁴³¹ According to information conveyed by more than 300 asylum seekers to CyRC as well as reports of other NGOs.

⁴³² Based on information provided by Cyprus Refugee Council

⁴³³ UNHCR, *Cyprus - Reception Capacity*, 31 December 2021, available at: <https://bit.ly/40jtGus>.

⁴³⁴ Article 9KB(2) Refugee Law.

Welfare Services, apart from the termination of their welfare file or retrieving the amounts by deducting them from future payments.⁴³⁵

The partial restriction of reception conditions only applies to persons not residing in a reception centre and, in particular, to persons receiving MRC 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.⁴³⁶ For such cases, according to the latest Ministerial Decree in 2022, the amounts allocated for bills and daily expenses are also reduced.⁴³⁷

Decisions revoking welfare aid are often, but not always, communicated in writing. Even if provided in writing, they 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,⁴³⁸ 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”.⁴³⁹ 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 latest Ministerial Decision sets a four-month ban before an asylum seeker is eligible to apply again, although in practice this is not strictly implemented.

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.⁴⁴⁰ 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.

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.⁴⁴¹ Therefore asylum seekers cannot cross the “green line” to the northern areas

⁴³⁵ Information provided by the Cyprus Refugee Council

⁴³⁶ Ibid.

⁴³⁷ Ministerial Decision 93.451, 28 July 2022, available in Greek at: <https://bit.ly/3Yrn5wN>

⁴³⁸ Article 6A(6) Legal Aid Law.

⁴³⁹ Article 6B(2)(b)(bb) Legal Aid Law.

⁴⁴⁰ Article 9Δ Refugee Law.

⁴⁴¹ Article 9KB(2) and (4) Refugee Law.

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.⁴⁴² 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 the controlled areas and decide on the area of residence of an asylum seeker for reasons of public interest or order.⁴⁴³

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.⁴⁴⁴ 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. Throughout 2022 the situation remained unresolved.⁴⁴⁵ UNHCR, with the cooperation of Syrian residents and organized groups in the area,⁴⁴⁶ as well as other local initiatives,⁴⁴⁷ advocated for a peaceful and respectful resolution of the tension as well as reversing the negative representation in the media.

In 2023, there was a significant surge in violence against migrants in Cyprus, with incidents including pogrom-like demonstrations and violent attacks against racialized people, including migrants and refugees.⁴⁴⁸ The main incidents took place in Chloraka and then Limassol where migrant-owned shops were destroyed, and several people were attacked by mobs. There has also been a rise in attacks and reports of police profiling. Experts have blamed the increased mainstreaming of xenophobia in Cypriot politics and media, fuelled by the spread of disinformation and the mismanagement of the large number of people trying to reach Europe.⁴⁴⁹

⁴⁴² Article 8(2)(a) Refugee Law.

⁴⁴³ Article 9E(1) Refugee Law.

⁴⁴⁴ Ministerial Decree K.Δ.Π. 583/2020 pursuant to Article 9E(1)(a)(ii) of the Refugee Law, available at: <http://bit.ly/3tGMgMS>.

⁴⁴⁵ Philenews, *Community leader of Chloraka calls for measures and warns of mobilizations*, 5 January 2022, available in Greek at: <https://bit.ly/4aVf2Pu>; Dialogos, *With slogans "Cypriots first" and not "Fake refugees" a group protested in Chloraka*, 5 January 2022, available in Greek at: <https://bit.ly/3ubq932>.

⁴⁴⁶ UNHCR, *Refugee integration programs can enhance social cohesion in Chloraka, Pafos*, 20 July 2020, available at: <https://bit.ly/3qpRYU6>; Politis, *Syrian volunteers are restoring a listed building in the Municipal Market*, 18 February 2022, available in Greek at: <https://bit.ly/3UkNqh6>.

⁴⁴⁷ Dialogos, *AKEL Paphos: Initiative to solve problems after the recent events in Chloraka*, 14 January 2022, available in Greek at: <https://bit.ly/37Ko6v7>; KISA, *KISA denounces racism, violence and hate speech against Syrian refugees in Chloraka*, 11 January 2022, available in Greek at <https://bit.ly/36CtpMG>.

⁴⁴⁸ ECRE Weekly Bulletin of 8 September 2023, *Racist violence against migrants in Cyprus*, available at: <https://bit.ly/48rcNIE>.

Amnesty International, *Cyprus: Authorities must protect migrants and refugees from racist attacks*, 6 September 2023, available at: <https://bit.ly/47aEiil>

⁴⁴⁹ France 24, *Cyprus migrants face wave of attacks as hostility brews*, 12 September 2023, available at: <https://bit.ly/3RyTYWZ>

Asylum seekers in **Pournara** and in the closed section of **Limnes** do not have freedom of movement.⁴⁵⁰ Regarding Pournara, for the duration of stay persons are not allowed to move in and out of the Centre and during 2023, the average duration of stay was 30-40 days for adults and 80 days for UASC. 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 Centre at different times, either for medical or employment reasons.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres:⁴⁵¹ 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 assessments. The duration of stay in 2023 was approximately 30-40 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. Preparations to increase the capacity of the Centre were initiated in 2022 and the new areas are expected to become available during 2024.
- ❖ **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

⁴⁵⁰ For more information regarding extended stay at Pournara during 2020 and 2021, see respective Updates of the AIDA Country Reports on Cyprus, available at: <https://bit.ly/4aivBFw>.

⁴⁵¹ Includes centres used for registration, long term stay and pre-removal.

seekers living in private accommodation may often be living in appalling conditions.⁴⁵² 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 2023 there were approximately 25,000 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 country, two of which are operated by the NGO "Hope For Children" CRC Policy Center and 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 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.

In 2022 due to the increase in arrivals of UASC and lack of capacity to house them in the UASC shelters, hotels have been used as a temporary accommodation measure. The conditions in the hotels are not considered up to standard. The use of hotels continued in 2023.

Reception/Pre-removal Centre at Limnes - The Centre was built in a remote area, at Limnes, in Larnaca district, with the purpose to host applicants whose applications for asylum are examined under the accelerated process and enter the return procedure, with capacity 800 persons. It was also announced that a predeparture centre for rejected 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 rejected 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 provision that should they decide to leave Limnes they would have no access to welfare assistance. In 2021, UNHCR noted that persons were voluntarily leaving the Centre and waive entitlements to welfare.⁴⁵³ According to Cyprus Refugee Council, this trend continued throughout 2022 and 2023. In July 2023, the Centre was closed due to the sub-standard conditions and temporarily moved into a section in Kofinou Reception Centre. Limnes Centre is undergoing a complete re-structuring which is expected to be completed in 2 years.⁴⁵⁴

⁴⁵² Based on reports from asylum seekers to Cyprus Refugee Council social advisors and home visits carried out by the advisors.

⁴⁵³ UNHCR, *Cyprus - Reception Capacity*, 31 December 2021, available at: <https://bit.ly/40jtGus>.

⁴⁵⁴ 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*, 26 January 2023, available in Greek at: <http://bit.ly/3TZaArO>; Cyprus Mail, *EU and Cyprus close to an agreement for support on migration*, 30 August 2023, available at: <http://bit.ly/3JVBE6D>.

The cost of building reception facilities and performing subsequent infrastructure works and refurbishments is covered, for the most part or fully, by EU funds.⁴⁵⁵

In 2023, the EUAA provided Cyprus national reception authorities with 120 containers, including 76 for accommodation use and 44 to be used for other reception and asylum use.⁴⁵⁶

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. Since 2020, asylum seekers who arrive 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 onwards, residents can also submit their application for material reception conditions for when they exit and reside in the community, however due to staffing and organisational issues, not all persons are given access to this procedure and persons still exit the centre without applying for MRC.

The nominal capacity of the Centre is 1,000 persons. From 2020 to mid-2022, it had largely surpassed its capacity, which severely impacted the general living conditions. At the beginning of 2022, the number was just over 3,000 persons, however from mid-2022 year onwards the number dropped to under 2000. Furthermore, there were 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.

During 2020 and 2021 access to **Pournara** was problematic.⁴⁵⁷ 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.⁴⁵⁸ 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 makeshift tents and shelters appear at times around the centre, mostly inhabited by persons awaiting registration. Persons with a passport or some form of identification document are systematically given access faster.

⁴⁵⁵ Economy Today, *Δαπάνες πέραν των €100 εκατ. για Πουρνάρα και Λίμνες*, 16 June 2022, available in Greek at: <https://tinyurl.com/3mx2bjvu>.

⁴⁵⁶ Information provided by the EUAA, 26 February 2024.

⁴⁵⁷ For detailed information see the 2021 and 2022 Updates of the AIDA Country Report on Cyprus, available at: <https://bit.ly/4aivBFw>.

⁴⁵⁸ Information provided by Cyprus Refugee Council.

In 2023, the number of arrivals decreased mostly staying below 1000 residents, which led to a significant improvement in access to the Centre, with most persons having access upon arrival. However, there were still instances where persons who did not present passports were denied entry by the AIU for 2-3 days.⁴⁵⁹

Residents are hosted in confined areas, where they are accommodated in prefabricated housing units, tents, and refugee housing units, provided by UNHCR to replace tents with more appropriate solutions. In 2022 around 500 asylum-seekers were residing in prefabricated shelters with access to electricity and heating, while others were accommodated in either tents or semi-hard plastic structures without access to electricity and adequate hygiene facilities. 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.

In 2023, due to a decrease in numbers, the vast majority of residents are accommodated in prefabricated houses with access to electricity and beds, and there were no reports of the bad conditions reported in 2022. However, asylum seekers were typically 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. In 2023 there were no reports of sexual harassment/abuse, although some violent incidents were reported.

Screening and identification of vulnerable persons is carried in Pournara. In early 2023, the EUAA in collaboration with the Asylum Service finalised the SoPs for the identification of vulnerable persons in Pournara. According to the new procedure, a flagging (screening) system has been introduced to prioritize individuals with vulnerabilities and persons who are flagged as vulnerable will then undergo a vulnerability assessment by the vulnerability assessment team (see section: [Identification](#)).

Pournara includes a safe zone intended to accommodate UASC, vulnerable women, and families. 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 Safe Zone is separated into 4 zones, A, B, C and D. Safe Zones A and B are the newly established areas, with a capacity to accommodate 88 persons, and are restricted to UASC girls (Zone A) and vulnerable women (Zone B). 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 6 beds. There is a total of 9 showers and 9 toilets. The staff allocated to Zones A and B include 1 coordinator responsible for the overall coordination, including admissions; 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.

In the past, there was a social worker placed in Safe Zones A and B, but was eventually moved outside the safe zones due to increased needs there, joining another social worker. When there is a need, vulnerable people from the safe zones are referred to those social workers.

⁴⁵⁹ Ibid.

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 90 persons. Regarding infrastructure there are 17 rooms with an average of 9 UASC per room and there are 2 toilets and 1 shower. Due to the high number of UASC boys, three containers from Safe Zone D were allocated to accommodate them. Safe Zone D accommodates families with small children, but male guardians (fathers) are not permitted to stay there; they are accommodated outside of the safe zone. 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.

In 2023, there were reports of some UASC who preferred to reside outside the safe zone with adults they knew to avoid conflicts emerging in the safe zone with other children accommodated there.

An ongoing issue in Pournara remains the prolonged stay of UASC in the Centre, which is always longer than other residents and the lack of access to education and activities for all children while in Pournara. 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".⁴⁶⁰

The intervention of the Commissioner led to a brief visit by the then 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.⁴⁶¹ 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.⁴⁶²

During 2023, there were on average 150 UASC in Pournara and their stay was on average 80 days. There were no developments with regards to access to education or activities.⁴⁶³

Freedom of movement is restricted while staying in Pournara (see Freedom of Movement), and although the duration of stay has been reduced in 2023, in comparison to previous years to an average of 30-40 days for adults and 80 days for UASC, it is still much longer than the initially planned 72 hours. Moreover, there is no legal basis for the restriction of movement during this time leading to a situation of de facto detention.

Asylum Seekers may exit the Centre once all procedures have been concluded, however the authorities require them to present a valid address in the community. This requirement causes important difficulties, and often prevents exit for the most vulnerable persons including persons with disabilities and large families who have increased difficulties identifying private accommodation. Furthermore, it has led to

⁴⁶⁰ Kathimerini, *Furious Michaelidou on minors in Pournara - They sleep on the floor, a piece of bread for breakfast*, 9 March 2022, available at: <https://bit.ly/3TsmYtE>.

⁴⁶¹ Knews, *Anastasiades visits Pournara after reports of unsuitable conditions*, 14 March 2022, available at: <https://tinyurl.com/yc4jzbsw>.

⁴⁶² Associated Press, *Cyprus president vows "more humane" migrant camp conditions*, 14 March 2022, available at: <https://tinyurl.com/4ur5y8cv>

⁴⁶³ UNHCR, *Cyprus Reception factsheet*, June 2023, available at: <https://tinyurl.com/225humpf>.

exploitation by agents, landlords and other persons in the community, increased risk of homelessness, as persons often discover upon exiting that the accommodation is not available, and appalling living.

The confinement in Pournara often leads to unrest. In 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. 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.⁴⁶⁴

In early 2022, another serious clash broke out among residents, leading to serious injuries and damages. Residents from neighbouring villages repeatedly voiced their discontent over the impact the Centre has on 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 Centre, but also demand the complete closure or relocation of the Centre.⁴⁶⁵

In 2023, during a football match between residents, a fight broke out between persons of different ethnicity, leading to injuries of some participants and arrests by the police that intervened. At the time, the Minister of Interior stated that all those involved to be arrested and deported.⁴⁶⁶ Persons were indeed arrested and detained, and their asylum applications examined speedily, however there were no reports of persons removed from the country without their asylum applications examined.⁴⁶⁷

Regarding access to the Centre, during 2023 an exterior fence was installed increasing the controlled area of the facility. Furthermore, monitoring of access of staff and visitors in the Centre became much stricter. There are visiting hours (daily, 12pm-4pm) and in regards to access of NGOs, there is limited access and only upon approval by the Asylum Service. In most cases access and especially for legal advice access is not granted.

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 279 people at the time of this report. The redevelopment will increase the capacity of the Centre to approximately 600 people and is expected to be completed within 2024.

The Centre hosts families, single women and single men, and all residents have direct access to all sections. The Centre does not provide facilities for vulnerable persons, and vulnerable persons will only be admitted by way of exception.

The Asylum Service is responsible for the overall operation and financial management of the **Kofinou** reception centre. The Director is appointed by the Ministry of Interior and is stationed onsite. The daily administration of the centre has been assigned to an NGO while some services such as catering and

⁴⁶⁴ Phileleftheros, *MPs in Pournara: "12 children stacked in containers"*, available at: <https://bit.ly/3W5coCH>; Phileleftheros, *These are not images that honor us in "Pournara"*, available at: <https://bit.ly/3Qb7eRA>; Cyprus Mail, *Pournara Camp a Ticking Bomb*, 19 December 2021, available at: <https://bit.ly/3LgqOa8>.

⁴⁶⁵ Cyprus Mail, *Kokkinotrimithia leader calls for closure of Pournara*, 24 February 2023, available at: <http://bit.ly/3JO2dKR>.

⁴⁶⁶ Cyprus Mail, *Migrants fighting at Pournara to be arrested and deported, minister says*, 6 November 2023, available at: <https://tinyurl.com/527b9rny>.

⁴⁶⁷ Information based on cases represented by Cyprus Refugee Council.

security are provided by contractors. Two policemen stationed as part of Limnes staff are also present in the area.

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 to request the option to prepare their own food, in suitable spaces.⁴⁶⁸ 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.⁴⁶⁹ 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. Reports of insects and snakes appearing on the premises, due to the location of the Centre, continue.⁴⁷⁰

Regarding access to the Centre for NGOs, there is limited access and only upon approval, however access is granted in most cases. A room is available for hosting residents and volunteers in order to carry out activities.

Residents are allowed to go out when they wish, providing that they do not leave the centre for prolonged periods of time. Residents are not allowed to leave the premises for more than 48 hours but in some instances this can be extended by notifying the Centre administrators.

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. Near-by schools have been able to accommodate the number of children residing in the centre and children's enrolment in education is typically performed timely. At the time of publication reports indicated inability to accommodate newly arrived children through existing school arrangements and efforts to accommodate their enrolment were in progress.

In 2023, staff in the Centre included: an NGO providing administrative services/social support in the Centre with 4 social workers and 2 administrators; 1 social worker from SWS that visits the centre twice a week; support from EUAA with 1 staff member providing information to residents as well as 5 interpreters (Arabic, Somali, French, Farsi, Kurmanji, Badini, Turkish, Lingala); 10 interpreters provided by the Asylum Service are also present. Additional staff includes two UNHCR staff members, one providing integration support services to residents and one monitoring conditions and providing legal advice. Other staff members include 3 cleaners, 4 carers, 3 maintenance technicians, and 24/7 security officers.⁴⁷¹

⁴⁶⁸ Information provided by the Cyprus Refugee Council.

⁴⁶⁹ According to reports to CyRC

⁴⁷⁰ According to reports to CyRC.

⁴⁷¹ Information provided by the Cyprus Refugee Council.

A development, following demands of the residents and as foreseen in the Refugee Law, was the establishment of the “Committee of Resident’s Representatives”.⁴⁷² 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. The committee, though not officially, was inactive due to some of its active members having exited the Centre, but procedures to resume operation have been recently initiated.

In relation to Health Services provided, there is currently one nurse at the Centre each day and one mental health nurse visiting the Centre twice a week, and one pathologist offering services three times a week.

Throughout 2023, a number of organisations have had regular access to the Centre, providing medical supplies, psychosocial support, Greek language classes, English language classes, upskilling workshops, dance classes, occupational therapy sessions to minors and adults, and activities specifically aimed at children including arts and sports classes.

Other facilities include two outdoor playgrounds, one outdoor gym, and a library. Works to build football fields inside the Centre were in progress at the time of reporting. There is Wi-Fi coverage in the centre, however at times, complaints are made regarding broadband speed/coverage. The library and the activities room are generally kept locked and are opened only when there is an activity taking place.

For the prevention of SGBV incidents *residents are* informed upon arrival by their social workers of the procedure to report any SGBV incidents, which is to directly report it to their social workers, who will then raise the matter with the Social Welfare Service. The SWS will then take appropriate actions depending on the severity of the incident.

Regarding the duration of stay in the reception centre, there is no specific time frame for asylum seekers. As long as the claimant of material reception conditions retains the status of an asylum seeker, they are eligible to reside in the centre. Upon the issuance of a final negative decision, the person is usually notified to make necessary arrangements to depart from Cyprus. Residents of Kofinou who have been rejected typically move to the Limnes section of the Centre and are allowed to remain until they depart from Cyprus. In 2023, efforts were made to remove persons that had received a final rejection, in some instances the police removed persons to detention. There were also evictions of persons due to violent behaviour.⁴⁷³ For the latter, arrangements were made by Kofinou Centre in order for temporary shelter in hotels to be provided upon exiting the Centre.

Residents who are able to provide a residence address in the community, are allowed to leave the centre and move if they want and are allowed to claim MRC at the Social Welfare Services. Although a number of residents, mainly those from Syria who had sufficient social networks in the community, were able to move, the vast majority of residents are reluctant to do this due to the unsatisfactory levels of support that are provided, the high rent prices of private accommodation, and the unavailability of social networks.

Once a resident of the Centre receives a positive decision on their asylum application granting them international protection they are given two months’ notice in order to move out of Kofinou and into private accommodation in the community which they must find themselves. There is no procedure in place to accommodate the transition of persons into the community and there are no centres or shelters available for Beneficiaries of International Protection (see section: [Housing](#)). Furthermore, the high rent prices, obstacles in finding employment and delays in receiving State financial assistance means the transition of persons with International Protection from the Centre in the community remains a challenging process.

2.3 Residing in the Community

⁴⁷² Article 9I(2) Refugee Law.

⁴⁷³ Information provided by Cyprus Refugee Council

With the total number of asylum seekers in 2023 reaching over 25,000 and capacity of Reception Centres limited to around 1400 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. Asylum seekers are expected to find accommodation and provide all necessary documentation as part of this process.

The SWS only assists selected vulnerable persons with finding shelter in the community. For the vast majority of asylum seekers, housing continues to be a major issue, and they often find 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 past, but since 2020 and throughout 2023 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.

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'.⁴⁷⁴ In practice, local authorities were requested to investigate such residences and some visits were carried out, however 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. Given its recent establishment, as well as the lack of access to

⁴⁷⁴ Dialogos, *Λήψη μέτρων για την ολιστική αντιμετώπιση των μεταναστευτικών ροών*, 12 March 2020, available in Greek at: <https://bit.ly/44jyYZ>.

the Centre there are no reports on the conditions in the Centre. However, the general conditions were considered substandard and 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.⁴⁷⁵

The Centre ceased operations in July 2023 and was moved to a section in Kofinou Reception Centre while construction takes place, which is estimated to take 2 years.⁴⁷⁶

While operating in the original location in 2022 and early 2023, the majority of 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 was 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 selected to reside at the Centre were accommodated in the open sections of the Centre and were allowed to move enter and exit between 9am and 9pm, however exceptions are made in relation to persons who might need to exit the Centre at different times, either for medical or employment reasons. Furthermore, they were provided with a stipulated cash allowance of €100, which is allocated at the end of each month.

The Centre was also used at times on ad-hoc basis to address overcrowding at Pournara.

Regarding access to the Centre by NGOs, there was no access provided even though repeated requests have been made.⁴⁷⁷

In early 2023, there were approximately 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.

From mid 2023 until present, the Centre is operating in a section of Kofinou Reception Centre. The area allocated for Limnes hosts approximately 200 residents as well as a small number of residents of the Kofinou Center. Persons who are admitted to Limnes include:

- ❖ Persons who receive a first-instance rejection through the accelerated procedure whilst at Pournara. They are given the choice to either remain at Limnes during their appeal procedure or to leave Limnes, thereby waiving their right to welfare benefits;
- ❖ Persons who apply for the Assisted Voluntary Return Program, either from Pournara or from the community, provided that they do not have accommodation of their own; those who do can continue to reside at their accommodation until the return flight. These persons are expected to remain at Limnes until their return flight, at which point they are transferred directly to the airport;
- ❖ Persons who are included in the EU Relocation Scheme. This may also include Kofinou residents as once they are pre-selected for relocation they are transferred from Kofinou to Limnes. Persons in the Relocation Scheme remain at Limnes throughout the clearance procedures and until their relocation flight, at which point they are transferred directly to the airport; and
- ❖ A small number of exceptional cases, such as persons who are released from Pournara but who are unable to secure accommodation.

⁴⁷⁵ 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*, 26 January 2023, available in Greek at: <http://bit.ly/3TZaArO>; Cyprus Mail, *EU and Cyprus close to an agreement for support on migration*, 16 June 2022, available at: <http://bit.ly/3JVBE6D>.

⁴⁷⁶ Information provided by Cyprus Refugee Council.

⁴⁷⁷ Information provided by Cyprus Refugee Council and based on requests submitted.

In early 2024 the majority of residents in Limnes were persons that have applied for the Assisted Voluntary Return Program.

Regarding conditions in Limnes these are considered to be generally up to standard. The section is separated into 3 zones. Men are always housed in a different zone separately from women. Each family, including single parent families, are provided with a separate container with one bathroom per two adjoining rooms. The zone that houses single men, does not have individual bathrooms; instead, there are shared bathrooms.

Regarding freedom of movement the same rules apply as with Limnes at the initial location and residents are allowed to enter and exit between 9am and 9pm. However exceptions are made in relation to persons who might need to exit the Centre at different times, either for medical or employment reasons. Persons who are transferred to Limnes after receiving a negative first instance decision at Pournara are provided with a stipulated cash allowance of €100, which is allocated at the end of each month, whereas other residents are not entitled to this allowance.⁴⁷⁸

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 9 months
2. Does the law allow access to employment only following a labour market test? Yes No
3. Does the law only allow asylum seekers to work in specific sectors? Yes No
❖ If yes, specify which sectors: 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.⁴⁷⁹ Following a period of 5 years (2018 - 2023) during which access to the employment was permitted one month after lodging an asylum application,⁴⁸⁰ since October 2023 and according to the Ministerial Decree/Decision 312/2023 asylum seekers are permitted to access the labour market nine months after submitting their asylum application.⁴⁸¹ This the longest period of prohibiting access to asylum seekers set by a ministerial decision, since 2006.

⁴⁷⁸ Ibid.

⁴⁷⁹ Article 9Θ(2)(a)-(b) Refugee Law.

⁴⁸⁰ Ministerial Decision 308/2018, pursuant to Article 9Θ(1)(b) of the Refugee Law; available at: <https://bit.ly/4aVTZMx>.

⁴⁸¹ Ministerial Decision 312/2023, pursuant to art. 9Θ(1)(b) of the Refugee Law available in Greek, at: <https://tinyurl.com/ycycztjy>

The above mentioned Decree, which was issued in early 2023, was expected to come in effect in August 2023. Following an initial postponement, it entered into effect on 1st October 2023. Apart from the 9-month ban in accessing employment for asylum seekers, the Decree sets a new administrative procedure for hiring asylum seekers.

A previous decree, issued in 2021 by the Minister of Labour, Welfare, and Social Insurance, allowed asylum seekers to legally commence work before a final, formal decision on the employer's application to acquire the necessary permit to employ asylum seekers was issued by the Labour Department.⁴⁸² As of October 2023, the employer must submit an application to the Ministry of Labour in order to employ asylum seekers and the employment is considered lawful after the application is approved.

In regards to the permitted employment sectors, there are no substantial changes in the latest decree. Currently, according to the Decree 312/2023,⁴⁸³ 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 -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 -Assistant 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

⁴⁸² Ministerial Decree 413/2021, pursuant to Article 9Θ(2)(α) και (β) of the Refugee Law, available in Greek at: <https://tinyurl.com/muutd832>.

⁴⁸³ Ministerial Decision 312/2023, pursuant to art. 9Θ(1)(b) of the Refugee Law available in Greek, at: <https://tinyurl.com/ycycztjy>.

	-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 particularly in the tourism industry, but also in the food and beverage and construction sectors continues and has led employer's organizations⁴⁸⁴ to hiring non-EU citizens is facilitated by the authorities to overcome acute staff shortages.⁴⁸⁵

According to the Ministerial Decree, persons on work permits who were already employed in Farming/Agriculture sector before they applied for asylum, are not allowed to leave their job. Should both parties (employer and employee) agree to terminate the employment, that person will only be allowed to work a job within the same sector/profession.

The Decree also foresees that in the case of asylum seekers working for cleaning companies that offer services in the Tourism businesses (in which, according to the Decree provisions, asylum seekers are currently not allowed to be directly employed by cleaning companies, but may, for example, be employed by hotels as cleaners) the terms and conditions of the position should be regulated by the tourism sectoral collective agreement.

Similarly, if an asylum seeker works for a cleaning company that offers services in the Food and Beverages Industry (for example restaurants, bars etc), the terms and conditions of the job should be regulated by the Leisure Centres Legislation.

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, asylum seekers are permitted to take part in vocational trainings linked to employment contracts relevant to the permitted sectors of employment for asylum seekers, unless otherwise authorised by the Minister of Labour, Welfare and Social Insurance. In practice, however, there are no professional training schemes available for those specific sectors.

Procedure with the Labour Department

All applicants and recipients of MRC who are physically and psychologically able to take up employment are required to register as unemployed after the initial nine-month period and actively seek employment. In order to maintain their unemployment status, they need to renew within 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

⁴⁸⁴ Economy Today, *Article by Mr. Michalis Antoniou, Director General of Cyprus Employers and Industrialists Federation*, February 2024, available in Greek at: <https://tinyurl.com/h9fadcfw>.

⁴⁸⁵ Economy Today, *Interview of Mr. Filokypros Roussounides, Director General of Cyprus Hotel Association*, February 2024, available in Greek at: <https://tinyurl.com/mr3aevsz>.

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.⁴⁸⁶

Candidates who contact employers also need to report to the Labour Department. All employers recruiting asylum seekers are required to be authorised by the Labour Department. To do so, an application must be filed at the Labour Department containing details of the prospect employee. The application must be accompanied with a confirmation that the employer has all responsibilities towards the Social Insurance Department settled. By submitting the application to hire an asylum seeker, the employer agrees to provide active liability insurance and to inform the employee in writing about the employment terms which must be at the same level with those of other staff.

Under the previous Decree, issued in 2021⁴⁸⁷ and applicable up to late 2023, the application of the employer to hire an asylum seeker should be accompanied, among other documents, with an employment contract signed by both the employee and the employer. Although the process of reviewing the contract was particularly lengthy, asylum seekers were allowed to start working before a final, formal decision on the employer's application was reached which had facilitated access of asylum seekers to jobs and allowed for higher numbers of asylum seekers to enter the labour market.

Under the latest Decree, the submission of the contract is no longer required. This has allowed for a faster conclusion of the examination of the employer's application, since there is no contract to be reviewed and approved by the competent authorities. At the same time, however, employees' access to important information regarding their rights, employment terms, the hiring process and the outcome of the employer's application, is not safeguarded or facilitated.

During 2023, some disruptions in the employment of asylum seekers who were rejected at first instance and had filed an appeal at IPAC were reported. This was due to delays in updating information in the online system used by Social Insurance Services and employers that indicates the eligibility of asylum seekers to work. Further monitoring is required. In any case, the 9-months ban to enter employment imposed by the latest Decree⁴⁸⁸ and the speed up of processing decisions on asylum claims, has led to a sharp decline in the interest of employers to hire asylum seekers. This was the case despite the shortage of staff and the insufficient procedures to import staff from non-EU countries on a work permit.⁴⁸⁹

Terms and conditions of employment

The increased numbers of asylum seekers entering legal employment during 2021-2023 had allowed for higher numbers of asylum seekers claiming social insurance benefits, such as unemployment benefit, maternity benefit and others. Although further monitoring is required, observations⁴⁹⁰ indicate that certain Social Insurance benefits, such as unemployment benefits, are not routinely granted to asylum seekers.

According to the 2021 MLWSI annual report,⁴⁹¹ 33 (1.55%) out of a total of 2,133 complaints submitted to the Labour Relations Department, were made by asylum seekers and non-EU students. The 2022 MLWSI annual report⁴⁹² indicates a decrease in the complaints filed by Cypriot and EU citizens and an

⁴⁸⁶ Information provided by Caritas Cyprus and Cyprus Refugee Council.

⁴⁸⁷ Ministerial Decree 413/2021, pursuant to Article 9Θ(2)(α) και (β) of the Refugee Law, available in Greek at: <https://tinyurl.com/muutd832>.

⁴⁸⁸ Ministerial Decision 312/2023, pursuant to art. 9Θ(1)(b) of the Refugee Law available in Greek, at: <https://tinyurl.com/ycycztjy>.

⁴⁸⁹ Economy Today, *Article by Mr. Michalis Antoniou, Director General of Cyprus Employers and Industrialists Federation*, February 2024, available in Greek at: <https://tinyurl.com/h9fadcfw>.

⁴⁹⁰ Information provided by Caritas Cyprus and Cyprus Refugee Council.

⁴⁹¹ MLWSI, *Annual Report 2021*, March 2022, available in Greek at: <https://bit.ly/3IL0jKy>.

⁴⁹² MLWSI, *Annual Report 2022*, February 2023, available in Greek at: <https://tinyurl.com/yax6wjeh>

increase of the complaints filed by Asylum seekers and non-EU students (99 complaints, 5.2%). CyRC assists asylum seekers to file such complaints.

A Ministerial Decree⁴⁹³ issued in August 2022 established a National Minimum Wage in Cyprus with effect from January 2023. A new Decree, issued in December 2023⁴⁹⁴ increased the minimum wage to 900 EUR for the first 6 months of employment, and to 1000 EUR after six months of continuous employment. Domestic workers, workers in agriculture and farming, workers in shipping, and workers covered by the relevant Decree for the Hospitality Sector issued in 2020, are excluded from the Minimum Wage provisions. The exact duration of the working day is not regulated and can vary among different businesses/sectors.

Concerns raised by trade unions in regards to remuneration, the revisions of minimum wage and actual implementation, still continue.⁴⁹⁵ Furthermore, although collective agreements do exist for a number of professions in Cyprus through a voluntary tripartite system (employers, unions, state), they are not legislatively regulated and imposed.

Online registration

Since September 2021, registrations and renewals of registrations for unemployed persons in the Public Employment Services (PES) are performed online.⁴⁹⁶ All beneficiaries of PES are required to create an individual online account and visit frequently the website to maintain their registration active. 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. This situation results in particularly limited capacity 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 Decree⁴⁹⁷ in line with the provisions of the strategy for the employment of third-country nationals.⁴⁹⁸ 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 currently 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 limited, significantly narrowing the available job options in sectors with lower wages and worst conditions.
- ❖ **Low wages and lack of adequate supplementary material assistance:** Remuneration from employment is typically highly insufficient to meet the needs of a household. This is particularly

⁴⁹³ Cyprus Official Bulletin, *Διάταγμα για τον Περί Κατωτάτου Ορίου Μισθών Νόμο*, 20 December 2023, available in Greek at: <https://tinyurl.com/337dca8r>.

⁴⁹⁴ Cyprus Official Bulletin, *Διάταγμα για τον Περί Κατωτάτου Ορίου Μισθών Νόμο*, 20 December 2023, available in Greek at: <https://tinyurl.com/337dca8r>.

⁴⁹⁵ Reporter, *Κλειδώσε στα 940 ευρώ ο Εθνικός Κατώτατος Μισθός-Ποιοι εξαιρούνται*, 31 August 2022, available in Greek at: <https://bit.ly/41DOC0O>; Philenews, *Τετραμήφιος ο κατώτατος μισθός και με διάταγμα*, 22 September 2023, available in Greek at: <https://tinyurl.com/3pa9erux>.

⁴⁹⁶ Public Employment Service, online platform, available at: <https://tinyurl.com/4p4hj3e4>

⁴⁹⁷ Ministerial Decree 228/2019 pursuant to Article 9Θ(2)(α) of the Refugee Law, available in Greek at: <https://bit.ly/2IQOEuZ>.

⁴⁹⁸ Στρατηγική για την απασχόληση αλλοδαπού εργατικού δυναμικού 2022, available in Greek at: <https://bit.ly/3J6fNJp>.

problematic for asylum seekers with families and is compounded by the sharp increase of rent in urban areas as well as a lack of effective supplementary measures for asylum seekers with low income. The salary of an asylum seeker is now taken into consideration by the Social Welfare Services in order to determine the level of material reception conditions. However, given the height of the minimum wage and the very low amounts provided as MRC, few families are able to receive both MRC and salary. For example, a family with 4 members where only one of them is working with the minimum wage, will not be entitled to any MRC.

- ❖ **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 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.
- ❖ **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.
- ❖ **Decline in interest from employers to employ asylum seekers:** Businesses and employers are becoming more reluctant to employ asylum seekers due to the 9-month ban in accessing work following the asylum application imposed in October 2023. Additionally, the faster examination of asylum applications both at first instance and at Court, as well as the implementation of procedures that do not provide the right to remain and work has also contributed to employers' reluctance to employ asylum seekers. The lack of any possibility for asylum seekers to transit to employment-related right to stay, and the diachronic firm political unwillingness to facilitate such flexibility between statuses for persons in the country means that the employment of an asylum seekers will in most cases be for a short period of time.
- ❖ **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.⁴⁹⁹ Many women have never worked before which requires 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, and have no knowledge of available complaint mechanisms, or the role of trade unions. 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.

⁴⁹⁹ See also; Ombudsman, *Report on access of female asylum seekers to employment and social welfare*, 1799/2016, 11 November 2016, available in Greek at: <https://tinyurl.com/mu5592vm>.

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 addressed due to the policy change on reception of newly arrived asylum seekers now referred to the **Pournara** Camp, where the registration process and issuance of ARC number is, routinely and timely completed prior to exiting the Centre.

When asylum seekers leave the Pournara Camp, they must declare an address. According to article 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 often live with friends and relatives without a rent agreement due to the very high cost of rent, 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.⁵⁰⁰ The Circular 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,⁵⁰¹ that transposes the relevant article of the EU Directive on Driving Licences,⁵⁰² 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,⁵⁰³ 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.⁵⁰⁴ 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.⁵⁰⁵

⁵⁰⁰ Circular/Guidance Note αρ.32/2020, *Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και τεκμήριο για έξι μήνες παραμονής*, 9 September 2020, available in Greek at: <https://bit.ly/3cPlonf>.

⁵⁰¹ Article 5, Driving License Law, available in Greek at: <https://bit.ly/2PzdcQg>.

⁵⁰² Article 12. EU Directive 2006/126 on Driving Licences (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".

⁵⁰³ Circular/Guidance Note αρ. 9/2021, *Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και αποδεικτικού εξάμηνη διαμονή στη Δημοκρατία*, 12 May 2021, available in Greek at: <https://tinyurl.com/mu4dpnf8>.

⁵⁰⁴ Αρ. Θέματος 65. Το εργασιακό καθεστώς των διανομέων (delivery) στην εστίαση και στις ψηφιακές πλατφόρμες διανομής προϊόντων, available at: <https://bit.ly/36D0AzA>.

⁵⁰⁵ Ο περί Άδειας Οδήγησης (Τροποποιητικός) Νόμος του 2022. (Αρ. Φακ. 23.01.063.031-2022), available at <https://bit.ly/3mf4irb>

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.⁵⁰⁶ 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.⁵⁰⁷ 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.

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 the end of 2023, there were children in the Centre, out of which 178 were UASC.

The right of enrolled students to attend secondary education is not affected even when they reach the age of 18.⁵⁰⁸ 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. There are no programs targeting out-of-school young refugees.

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. It announced a series of additional measures which aim to increase the 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 of the learning process, progress, and learning outcomes. The operation of obligatory classes during the

⁵⁰⁶ Article 9H(1) and (3)(a) Refugee Law.

⁵⁰⁷ Article 9H(1) Refugee Law.

⁵⁰⁸ Article 9H(2) Refugee Law.

summer break for students whose language capacity has not increased according to set targets is also proposed.⁵⁰⁹ Further monitoring of the implementation of those measures is required.

Children from the age of 4 years and 8 months until 6 years old can attend free pre-primary obligatory schooling. For younger children, access to free care is very limited as existing schooling arrangements typically require fees.

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. The only program offering English-taught classes to teenagers/young adults refugees and asylum seekers, leading to a high school diploma operated between 2018 and 2021, though a collaboration of UNHCR and a local private educational institution.⁵¹⁰

Access of asylum seekers to public and private tertiary education, although not prohibited, is very limited, due to language barriers, financial constraints, lack of scholarship opportunities and lack of supportive measures for those receiving Material reception Conditions.

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.

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.⁵¹¹

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 may be 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.

D. Health care

Indicators: Health Care

⁵⁰⁹ Ministry of Education, Youth and Sports, *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*, 21 July 2022, available in Greek at: <https://bit.ly/3JqOA5z>.

⁵¹⁰ UNHCR, *UNHCR and the KASA High School join forces for refugee education*, 14 March 2018, available at <https://bit.ly/2VSw6PD>.

⁵¹¹ Information provided by CyRC.

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

According to the Law, 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.⁵¹² 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.

In practice all asylum seekers have free access to public medical institutions, regardless of whether they receive material reception conditions. From May 2022 onwards, asylum seekers during the first year after the application for asylum is submitted 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.⁵¹³ 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.⁵¹⁴

With the introduction of GESY, all private pharmacies have been included under the new system and beneficiaries of GESY access a wide range of medications at subsidized cost from private pharmacies. Asylum seekers do not have such access and can only access medications for free or at subsidized cost from public pharmacies situated in the public hospitals, however these pharmacies do not provide a wide range of medications, leading to many instances of asylum seekers having to pay for medications or not having access to these, including medications for very serious medical conditions. In many cases NGOs have provided such medications, however with limited capacity to meet the needs.⁵¹⁵ Access to medication has become a serious gap in the provision of health care to asylum seekers.

There are no interpretation services available in State hospitals and communication between asylum seekers and medical staff is extremely challenging. Medical staff will often refuse to provide services to an asylum seeker due to lack of means to communicate. Asylum seekers often have limited information on serious medical conditions, including cases involving children. NGOs are often called upon to cover such needs but have very limited capacity to respond to these.

⁵¹² Article 9ΙΓ(1)(a) Refugee Law.

⁵¹³ Ygeia Watch: Οι αιτητές ασύλου δεν είναι δικαιούχοι ΓΕΣΥ, available at: <https://bit.ly/3Q4p34H>.

⁵¹⁴ Information provided by Cyprus Refugee Council

⁵¹⁵ Information provided by Caritas Cyprus

Access to gender-sensitive health care opportunities (including access to female medical personnel, access to a paediatrician, gynaecologist, or prenatal health care and psychosocial support) is limited, even in cases of victims of trafficking, gender-based violence and victims of torture or other forms of psychological and physical violence/ including. There is no information or procedure to make such a request, and even if requested it would depend on availability of medical staff.

Access to mental health care is also problematic and heavily affected by the lack of interpretation services. In 2023, there was a development in accessing a psychiatrist with an interpreter however this often requires intervention from an NGO to be arranged. 516 Asylum seekers have access to State psychologist but not psychologist on GESY, however there is a long waiting list and additionally interpretation services are not provided which significantly restricts access.

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 many cases of child asylum seekers to receive medical treatment outside the country.⁵¹⁷

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 2023.

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.⁵¹⁸ 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 Reception Centres 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).⁵¹⁹ During 2023, 136 persons received relevant services and the fund is renewed for 2024.⁵²⁰

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:⁵²¹

⁵¹⁶ Information provided by Cyprus Refugee Council and Caritas Cyprus.

⁵¹⁷ Information provided by Cyprus Refugee Council.

⁵¹⁸ Article 9II(1)(b) Refugee Law.

⁵¹⁹ Information provided by Cyprus Refugee Council.

⁵²⁰ Ibid.

⁵²¹ Article 9KI Refugee Law.

“[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.⁵²² 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 section on [Identification](#)).

In practice, 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.⁵²³

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.⁵²⁴ The findings of the Study remained relevant in 2023 as did the vast majority of the recommendations.

Unaccompanied asylum seeking children

From 2020 onwards, unaccompanied children are referred to the **Pournara** First Reception Centre upon arrival. The length of stay often exceeds 3 months and in 2023 specifically it was on average 80 days. The delays in exiting the Centre have mainly been due to lack of capacity and the UASC shelters. During their stay in Pournara, children are housed in the designated safe zone. In previous years incidents of sexual abuse perpetrated by other residents were reported by the children.⁵²⁵ In 2023 due to the improvements in the setup of the safe zone, the conditions and protection of UASC while in Pournara has improved.

Children under the age of 12 are placed in one of the State-run shelters for non-refugee children under the care of the Social Welfare Services.

⁵²² Articles 9ΚΔ(a) and 10Α Refugee Law.

⁵²³ Information provided by Cyprus Refugee Council

⁵²⁴ UNHCR Cyprus and MISGS, *Sexual and Gender-based Violence among Asylum-Seekers in Cyprus*, 2 December 2021, available at: <https://bit.ly/3JN8LdQ>.

⁵²⁵ Phileleftheros, *Pournara: When I was leaving they begged me to stay / «Πουρνάρα: Όταν έφευγα παρακαλούσαν να μείνω»*, 23 June 2020, available in Greek at: <https://tinyurl.com/37ptnhtc>; See also Phileleftheros, *Children harassed in Pournara Centre / «Παρενόχλησαν παιδιά στο κέντρο Πουρνάρα»*, 22 June 2020, available in Greek at: <https://tinyurl.com/4u2rae2j>.

There are four shelters hosting refugee 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 three of them are managed directly by the NGO “Hope for Children” CRC Policy Centre (HfC) following the relevant agreement between the State and the organisation. HfC has been running the Nicosia male Youth Home since 2014 and in 2019 took over the management of two more shelters in Larnaca.

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.⁵²⁶

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, the Social Welfare Services contracted hotels as a temporary measure to house UASC. The conditions in the hotels are not considered up to standard. In 2023 and early 2024, 3 hotels continued to be used in Larnaca, Paphos and Ammochostos district.

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.

IOM launched its programme in April 2020 and offers legal advice, psychological support, social counselling, access to education and vocational training, and rehabilitation services.⁵²⁷ Referrals to the programme are made by the SWS while the UASC are in **Pournara** First Reception Centre. The programme is comprised of studio apartments located in various areas. Girls and boys are hosted separately. Social workers are 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.

The HfC semi-independent programme has been running since 2017. Though initially only implemented in Nicosia, it has since expanded to Larnaca. The programme consists of apartments in the urban areas of Nicosia and Larnaca. Capacity is limited with approximately 30 children. 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.⁵²⁸

⁵²⁶ Information provided by Cyprus Refugee Council.

⁵²⁷ 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>.

⁵²⁸ Information provided by Hope for Children.

HfC also runs a foster care programme that is addressed to all children regardless of nationality and status, 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.⁵²⁹

Various issues were reported 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.⁵³⁰ The majority of issues reported remain unresolved throughout 2023.

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.⁵³¹

In 2023 the following shelters and programmes were used to accommodate UASC:⁵³²

Capacity and Occupancy 31/12/2023		
Program	Occupancy	% Occupancy
5 Residential care (2 governmental and 3 non-governmental)	114	9
34 units of Semi-independent Living (IOM Cyprus and NGOs)	256	20
Semi-independent Living (relatives)	328	25
3 Hotels	270	21
Foster Care	141	11
Other	11	1
SUBTOTAL	1,120	
Pournara Centre	178	14
TOTAL	1,298	

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

⁵²⁹ Information provided by Hope for Children.

⁵³⁰ Commissioner for the Rights of the Child, *Report on the procedures for the transition to adulthood of UASC / Έκθεση της Επιτρόπου, αναφορικά με τις διαδικασίες μετάβασης στην ενηλικίωση των ασυνόδευτων ανηλίκων αιτητών ασύλου*, 19 December 2018, available in Greek at: <https://bit.ly/2UthBEa>.

⁵³¹ Information provided by Hope for Children and Cyprus Refugee Council.

⁵³² Information provided by Social Welfare Services.

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](#).

Three EUAA Info Providers are currently stationed at the **Pournara** First Reception Centre, providing group sessions in the presence of interpreters. The group sessions include information on the registration process in the Reception Centre, the asylum procedure and reception conditions. EUAA staff provide two leaflets developed by the asylum service: one explains the Dublin procedure and one covers the overall asylum procedure. The information provision sessions are offered to adults usually in groups of 20 persons. Responsibility for the UASC is considered to be on the SWS who act as Guardians. An information kiosk was recently set up which provides information to residents by providing appointments to anyone requiring it.

Residents of **Kofinou** Reception Centre are provided information regarding the Centre's operation, their rights/obligations, orally, in groups or individually by the information Provision Expert stationed by EUAA.

Regarding **Limnes**, and according to the EUAA, an information leaflet on the daily operations of the Limnes accommodation centre was made available.⁵³³

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.⁵³⁴

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.⁵³⁵ 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.⁵³⁶

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).⁵³⁷ Asylum seekers residing in reception centres usually rely on their personal mobiles for communication.

⁵³³ EUAA, *Asylum Report 2022*, available at: <https://bit.ly/40F9GDt>.

⁵³⁴ Ministry of Labour and Social Insurance, *Employment of Asylum Seekers*, available at: <https://tinyurl.com/y8nw5dhs>.

⁵³⁵ Article 9IΔ(6) Refugee Law.

⁵³⁶ Information obtained by CyRC.

⁵³⁷ According to information obtained by CyRC.

G. Differential treatment of specific nationalities in reception

No differences in treatment, based on asylum seekers' nationality, are observed.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2023:	Not available
2. Number of asylum seekers in detention as of the end of 2023 (including February 2024):	12
3. Number of detention centres:	1
4. Total capacity of detention centres:	128 in Menogia, and 194 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 centre and the only detention centre currently in the country, with a capacity of 128 persons. Asylum seekers may also be detained in holding cells in Police stations across the country. In 2002, 20 police stations were used for this purpose, whereas in 2023, 22 police stations were used with a total capacity is 194 persons.⁵³⁸ Holding cells should only be used for periods of 48 hours as the conditions do not permit longer stays. However, due to lack of capacity in Menogia, persons are often detained for long periods in holding cells.

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. There is no detention centre for the detention of asylum seekers. Based on monitoring visits carried out by the Cyprus Refugee Council, the average number of asylum seekers detained in the main Detention Centre **Menogia** has gradually decreased from 2021. In 2022, there was an increase in the number of persons, including asylum seekers, detained in police holding cells, a trend which has continued throughout 2023. In 2022 the number of asylum seekers detained in Menogia ranged from 20 to 35 whereas in 2023 the number ranged from 8 to 12 persons at any given point. Specifically, in January 2024, there were a total of 119 persons detained in Menogia, out of which approximately 12 were asylum seekers.⁵³⁹

Asylum seekers' freedom of movement is also restricted while staying in **Pournara**⁵⁴⁰ (see section on [Freedom of Movement](#)), and although the duration of stay has been reduced in 2023, in comparison to previous years, to an average of 30-40 days for adults and 80 days for UASC, it is still much longer than the initially planned 72 hours. Moreover, there is no legal basis for the restriction of movement during this time leading to a situation of *de facto* detention (for details on the conditions in Pournara see [Types of accommodation](#)).

⁵³⁸ Information provided by Cyprus Police.

⁵³⁹ Information provided by the Cyprus Police.

⁵⁴⁰ See AIDA 2020 and 2021 for information on extended stay in Pournara during these periods.

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,⁵⁴¹ and prohibits detention of child asylum applicants.⁵⁴² Detention of asylum seekers under the Refugee Law is based on an administrative order and not a judicial order,⁵⁴³ 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 18ΟΓ up 18ΠΘ of the Aliens and Immigration Law, in order to prepare the return and / or carry out the removal process, and the Minister substantiates on the basis of objective criteria, including the fact that the person has already had the opportunity of access to the asylum procedure, that there are reasonable grounds to believe that the person is submitting the application for international protection merely in order to delay or frustrate the enforcement of the return decision;
- ❖ 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

⁵⁴¹ 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.

⁵⁴² Article 9ΣΤ Refugee Law.

⁵⁴³ Ibid.

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.⁵⁴⁴

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](#)).

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 in which a person may be declared a “prohibited immigrant”.⁵⁴⁵ When declared a “prohibited immigrant”, a person can be detained under separate provisions of the Aliens and Immigration Law that transpose the Returns Directive,⁵⁴⁶ 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.⁵⁴⁷ The change in practice was also noted in the CAT report on Cyprus.⁵⁴⁸ In 2021, 2022, and 2023 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.

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 of what those objective criteria were and how they were applied or justified in the individual case. This raised questions in proceedings before the IPAC and Judges would often comment that the detention orders did not have adequate justification. Detention was not always considered illegal but they instructed the CRMD to review the detention orders.⁵⁴⁹ As a result, since late 2021 till this day, detention orders now list the reasons for detention, for example, illegal entry, due to a delay in applying for asylum, because of a conviction for criminal offence, or due to a 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 and 2023.

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.

⁵⁴⁴ Article 9ΣΤ-bis Refugee Law, inserted by Law No 80(I)/2018 of 12 July 2018.

⁵⁴⁵ Article 6(1) Aliens and Immigration Law.

⁵⁴⁶ Article 18ΠΣΤ Aliens and Immigration Law.

⁵⁴⁷ Article 9ΣΤ (2)(δ) Refugee Law.

⁵⁴⁸ UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, Committee against Torture, 23 December 2019, available at: <https://tinyurl.com/3jcjevns>

⁵⁴⁹ 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, 29 January 2021, available in Greek at: <https://bit.ly/3MEIm2E>.

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.⁵⁵⁰ 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. Dublin returnees may be detained upon return including persons whose final decision has not been issued.⁵⁵¹

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

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.⁵⁵² The Refugee Law includes a non-exhaustive list of recommended alternatives to detention:⁵⁵³

- ❖ 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.⁵⁵⁴

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.⁵⁵⁵ This applies to all detainees, including asylum seekers, whose cases may still be pending.

⁵⁵⁰ Article 9(1)(b) Refugee Law.

⁵⁵¹ Information based on monitoring visits carried out by the Cyprus Refugee Council to the Kofinou Reception Centre.

⁵⁵² Article 18ΠΣΤ Aliens and Immigration Law.

⁵⁵³ Article 9ΣΤ(3) Refugee Law.

⁵⁵⁴ 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. See European Alternatives to Detention Network’s webpage available at: <https://bit.ly/3cJ2v6C>.

⁵⁵⁵ See FWC, *Promoting and Establishing Alternatives to Immigration Detention in Cyprus*, November 2016, available in Greek at: <http://bit.ly/2kAN5aG>, pp. 44-45. See also summary in English at: <http://bit.ly/2jEHGLz>.

The IPAC has raised issues related to the examination and implementation of alternatives to detentions in appeals challenging detention based on the Refugee Law,⁵⁵⁶ such as the lack of an individual assessment and consideration of less restrictive measures.⁵⁵⁷ Furthermore, the IPAC has highlighted the need for an individual assessment of detention in line with the principles of proportionality and necessity.⁵⁵⁸ In cases ΔK 45/20⁵⁵⁹ and ΔK 105/21,⁵⁶⁰ the IPAC conducted an individual assessment of the personal situation and behaviour of the 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 case ΔK 9/2022, the IPAC found that the fact that there is no permanent registered address or that the Applicant was convicted of circulating a forged document was not sufficient justification to maintain his detention and alternative restrictive measures could be imposed on him instead of detention. However, the Court decisions have not affected change in the examination and implementation of alternatives to detention.⁵⁶¹

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’.⁵⁶²

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’.⁵⁶³

From July 2019 until mid-2023, the CyRC implemented 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.⁵⁶⁴ 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. CyRC is in

⁵⁵⁶ Article 9ΣΤ (2)(δ) of the Refugee Law.

⁵⁵⁷ *G.N. v. The Republic*, ΔΔΠ 155/2019 (5/11/2019); *T.E.V. v the Republic*, ΔΔΠ 270/2019 (8/11/2019).

⁵⁵⁸ *A.H. v. Republic of Cyprus* Case No. ΔK 73/2020, 29/1/2021.

⁵⁵⁹ *S.R. v. Republic of Cyprus*, Case No. ΔK 45/20, 17/11/2020.

⁵⁶⁰ *M.R. v. Republic of Cyprus*, ΔK 105/21, 15/11/2021.

⁵⁶¹ Information provided by Cyprus Refugee Council.

⁵⁶² UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, Committee against Torture, 23 December 2019, available at: <https://tinyurl.com/3jcjevns>.

⁵⁶³ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cyprus*, Twenty seventh session, April 2019, available at: <https://bit.ly/442rPNU>.

⁵⁶⁴ Implemented by FWC from March 2017-December 2017.

communication with CRMD providing recommendations on individual cases, on the case management model used by CyRC and collaborating towards the effective implementation of ATD in Cyprus.

In 2023 and currently, there are two officers appointed by the CRMD who examine cases of detention, including the possibility of alternatives to detention. One officer is responsible for persons detained under the Aliens and Immigration Law and the other officer for persons detained under the Refugee Law. The CRMD officers conduct an examination every 2 months for each case; however it is unclear how these examinations are conducted. The examination seems to focus on whether the reasons justifying detention in the initial detention order remain valid and in the vast majority of cases the initial justification is repeated. The CyRC continues to communicate cases with recommendations for ATD however, the use of alternatives to detention remains extremely low.⁵⁶⁵

Overall “alternatives to detention” is rarely if ever examined prior to detention being ordered. As in previous years throughout 2023, 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.⁵⁶⁶

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.⁵⁶⁷

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.⁵⁶⁸ In practice, children are not detained. The only instances where children have been detained is in cases where unaccompanied children were arrested with false/forged documents that show them to be over 18, and usually in an attempt to leave the country with these documents. In such instances, they are detained as adults and will most probably be released if sufficient evidence is provided that they are in fact under 18, especially if an NGO intervenes.⁵⁶⁹ In recent years no such cases have been identified.

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.⁵⁷⁰

⁵⁶⁵ Information provided by Cyprus Refugee Council.

⁵⁶⁶ Information provided by Cyprus Refugee Council.

⁵⁶⁷ Article 9ΣΤ(1) Refugee Law.

⁵⁶⁸ Article 18ΠΓ(1) Aliens and Immigration Law.

⁵⁶⁹ Information provided by Cyprus Refugee Council.

⁵⁷⁰ 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

In a 2023 case the IPAC ordered the release of an asylum seeker from Cameroon who was detained on the basis that her asylum application was submitted solely to obstruct her return although she was arrested immediately upon entering RoC. The IPAC accepted that there was no evidence justifying the detention of the applicant and found among other things, a note in her file indicating that she was a victim of violence in her country of origin which was inconsistent with the legal basis of the detention and thus problematic.⁵⁷¹

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, they opt to leave voluntarily, or receive international protection. A limited number of cases will be released based on a Court Order.

In practice 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.⁵⁷²

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 has remained an issue throughout 2023.

In early 2021, the Supreme Court decided on a *Habeas Corpus* application of a **Syrian** national detained for reasons of “national security”.⁵⁷³ 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 Court⁵⁷⁴ 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

alternatives to detention in Cyprus. See European Alternatives to Detention Network’s webpage, available at: <https://bit.ly/3cJ2v6C>.

⁵⁷¹ A.M.A. v. Republic of Cyprus, Case No. ΔK 33/2023, 5 January 2023, available in Greek at: <https://tinyurl.com/mrnemv5y>

⁵⁷² Information provided by Cyprus Refugee Council.

⁵⁷³ Supreme Court Application 177/2020, 24 February 2021 available in Greek at: <https://bit.ly/316sMoA>.

⁵⁷⁴ 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.

In 2023, the Supreme Court again ordered the release of a Syrian asylum seeker who was detained for 1 year for reasons of 'national security or public order' based on indications that he was a member of a terrorist organisation. The Court found that no actions had been taken by the authorities to investigate or support these claims and neither were any steps taken to examine his asylum application. The Court found the duration of his detention to have been unreasonably prolonged and therefore unlawful and ordered his immediate release.⁵⁷⁵

The above-mentioned court decisions have not had an impact on the policies or practices that are followed with regard to the length of detention, which continues to be indefinite. Furthermore in 2022 and continuing in 2023, there has been an increase in detainees being deported, as well as a significant increase in detainees opting for voluntary return⁵⁷⁶ 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).⁵⁷⁷ 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.

⁵⁷⁵ Supreme Court, Application 101/2023, 15 September 2023, available in Greek at: <https://tinyurl.com/5a73w5fz>.

⁵⁷⁶ Based on information obtained from the monitoring visits to the detention centre conducted by Cyprus Refugee Council.

⁵⁷⁷ CPT, *Report on the visit to Cyprus from 23 September to 1 October 2013*, CPT/Inf (2014) 31, 9 December 2014, available at: <https://bit.ly/3xAXtWq>.

In addition to Menogia, third-country nationals, including asylum seekers, can also be held in police station holding cells (PHC) around the country, supposedly for short stays but in practice often used for lengthy stays. There are 22 such police stations with facilities to detain and the total capacity is 194 persons.⁵⁷⁸ 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.

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 3.⁵⁷⁹

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,⁵⁸⁰ the latest being a report in September 2020, based on a monitoring visit of a Pafos police station.⁵⁸¹ 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.⁵⁸² 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 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.⁵⁸³ The situation remains the same in 2023.

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, 2022 and 2023 as well as reports from other monitoring bodies as cited.

⁵⁷⁸ Information provided by the Cyprus Police.

⁵⁷⁹ ECtHR, *Haghilo v. Cyprus* (Application No.47920/12), 26 March 2019. See summary available at EDAL website at: <https://bit.ly/2Uru0Zh>.

⁵⁸⁰ Reports-Recommendations of the Office of the Commissioner of Administration in its capacity as a National Mechanism for the Prevention of Torture, File Numbers: 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) *Εκθέσεις-Εισηγήσεις του Γραφείου Επιτρόπου Διοικήσεων υπό την ιδιότητα ως Εθνικώς 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).

⁵⁸¹ Ombudsman, *Report on Police Holding Cells in Pafos*, 1 September 2020, available at: <https://bit.ly/3cD8ycF>.

⁵⁸² Information provided by the Cyprus Refugee Council.

⁵⁸³ Ibid.

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 2023, the staff of Menogia Detention Centre was comprised of 20 police officers working 12-hour shifts in the daytime and 15 officers during the nighttime shift, as well as a 13-person cleaning crew. In addition, the following staff is stationed at Menogia: an examiner of asylum applications of the Asylum Service, a Frontex officer, 3 Immigration liaison officers (one per 12-hour shift during the day), a full-time doctor (working there on weekdays between 08:30am-15:30pm). There are also nurses on a 24-hour basis, including a mental health nurse during office hours. Furthermore, there is a resident psychologist working there three days per week during office hours. Detainees who seek psychiatric assistance, or other specialised medical assistance, must make an appointment with the doctor, who then refers them to the psychiatrist at the General Hospital of Larnaca district if needed.⁵⁸⁴

Currently and continuing from 2022 the Red Cross is implementing a program once a week through which psychology University students provide psychosocial support. In addition, material support is provided, such as clothes donations as well as sanitary products and toiletries.

As part of the Ministry of Education's fund for Adult Education Centres, there are also service providers such as a dance teacher, and an art teacher once per week, and a gym instructor that visits the centre twice a week.⁵⁸⁵

In recent years, there have been noticeable improvements to the living conditions in **Menogia**,⁵⁸⁶ following recommendations made by the CPT, the Committee against Torture (CAT),⁵⁸⁷ 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 having being detained in the past.⁵⁸⁸ 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.⁵⁸⁹ 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.⁵⁹⁰ The situation remained the same in 2023.

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.⁵⁹¹ 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. Furthermore, prior to 2018, washing machines for clothes operated two or

⁵⁸⁴ Ibid.

⁵⁸⁵ Ibid.

⁵⁸⁶ CoE Commissioner for Human Rights, *Report by Nils MUIŽNIEKS, Commissioner for Human Rights of the Council of Europe following his visit to Cyprus from 7 to 11 December 2015*, 31 March 2016, para 1.3.2, available at: <https://bit.ly/4aFYBqq>. See also KISA, *Improvements regarding detention conditions – significant problems regarding detention and deportation practices*, 29 January 2017, available at: <http://bit.ly/2jJhL82>.

⁵⁸⁷ CAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014, available at: <http://bit.ly/2jEBJOC>.

⁵⁸⁸ CoE Commissioner for Human Rights, *Report by Nils MUIŽNIEKS, Commissioner for Human Rights of the Council of Europe following his visit to Cyprus from 7 to 11 December 2015*, 31 March 2016, para 1.3.2, available at: <https://bit.ly/4aFYBqq>.

⁵⁸⁹ Ibid.

⁵⁹⁰ See KISA, *Abuse of power is leading detained migrants to desperate acts*, 5 April 2016, available at: <http://bit.ly/2jmsIOB>.

⁵⁹¹ Information based on monitoring visits carried out by the Cyprus Refugee Council.

three times a week; however, following, a scabies outbreak, it was decided to give detainees 24/7 access to washing machines.⁵⁹²

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 2014⁵⁹³ 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.⁵⁹⁴

Detainees in **Menogia** including asylum seekers have access to open-air spaces. The size of the outdoor space is approximately the size of a basketball court. At noon, detainees are allowed to spend a minimum of one hour and half in the courtyard; each wing given a different time slot. On the two days a week when the gym instructor goes, detainees may spend more time in the courtyard, as that is where the class takes place. However, according to information gathered by the CyRC, not many detainees are interested in attending the gym classes as they take place during the morning when they prefer to sleep almost until noon. According to the staff in Menogia, women detainees are more likely to take the gym classes.⁵⁹⁵

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 outdoor spaces, cleanliness and hygiene facilities, access to information, and access to remedies.⁵⁹⁶ A similar report was issued in September 2020, again by the Ombudsman's Office, based on a monitoring visit of a **Pafos** police station.⁵⁹⁷ 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 were taken into consideration. In late 2022, improvements to the conditions in PHC were planned in view of the upcoming CPT monitoring visit to Cyprus, however again it is not yet clear if these have taken place.⁵⁹⁸

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. This is especially problematic for detainees during Ramadan, as observed from recent cases in March 2024,

⁵⁹² Ibid.

⁵⁹³ CPT, *Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 1 October 2013*, CPT/Inf (2014) 31, 9 December 2014, available at: <https://bit.ly/3xAXtWq>.

⁵⁹⁴ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁵⁹⁵ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁵⁹⁶ 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.

⁵⁹⁷ Ombudsman, *Report regarding his to the Paphos Police Detention Centre on 1 September 2020*, 24 September 2020, available in Greek at: <https://bit.ly/3dFJ9yz>.

⁵⁹⁸ Information provided by Cyprus Refugee Council.

as detainees did not have access to sunlight in Lakatamia police holding cells. Furthermore, they do not have any recreational facilities.⁵⁹⁹

Based on feedback from detainees in 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.⁶⁰⁰

In early 2024, the Ombudsman's Office carried out an unannounced visit to the Limassol police holding cell, under the National Mechanism for the Prevention of Torture. According to the Report, the holding cells cannot be considered compatible with international standards for the detention of any prisoner. As pointed out in the 17-page report, the detention center remains in a poor state of infrastructure, there is overcrowding, some prisoners share their cell with another person, and there are cases of prisoners sleeping on a mattress on the floor. In the section for immigration detainees, the lighting is insufficient, a fact that is aggravated by the absence of windows in the cells. Furthermore, it is noted that problems in the Limassol detention center were also identified during the visit of the Council of Europe in 2017, which were recorded in a report, however, as it appears, nothing has been done to date.⁶⁰¹

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.⁶⁰² 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. Throughout 2023 no complaints were received from monitoring visits regarding the quality of food.

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. In 2023, a water fountain was installed in each wing to encourage use of tap water. For purchases outside the Centre, there is a procedure to order items and the costs are covered by the detainees.

Regarding the accommodation of dietary requirements for religious or medical reasons, the situation in **holding cells** is similar to that in the Menogia detention centre, but quality and quantity varies from one holding cell to another. Regarding, the Police Station in Lakatamia, in 2022, 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 it back filled. However,

⁵⁹⁹ ECtHR, *Haghilo v. Cyprus* (47920/12), 26 March 2019, available at: <https://bit.ly/2Uru0Zh>.

⁶⁰⁰ Based on information provided by Cyprus Refugee Council.

⁶⁰¹ Ombudsman's Office, Report dated 9 April 2024, available at: <https://bit.ly/4azrDrM>; Philnews, *The Limassol detention centers are in a bad state - Unannounced visit by Lottides*, 10 April 2024, available in Greek at: <https://bit.ly/3xIZAaY>.

⁶⁰² Ibid.

improvements were made in 2023, 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.⁶⁰³ Detainees have access to internet through their mobile phones.⁶⁰⁴ Access to WiFi is only available in communal spaces and not in the detainees' cells. During access to outdoor spaces, detainees can engage in recreational activities such as basketball, football, card playing, chess, and backgammon. Instructors for drawing, dancing, and a physical trainer carry out activities on a weekly basis, however detainees reported either not knowing of these or showed a lack of motivation or interest to attend.

In **holding cells** there are no entertainment facilities, no reading materials, computers, or televisions and in most cases no internet access. Phone allowance and hours spent outside of their cells vary. For example detainees are only allowed to use their phones when they are taken out of their cells which in certain Police Stations, like in Paphos district, may be 2 times per day, one hour each, whereas in Lakatamia they are allowed to have their phones on them throughout the day until 10 o'clock in the evening when they lock up their 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.⁶⁰⁵ 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.⁶⁰⁶ 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 undergo medical examinations for specific contagious diseases e.g., tuberculosis, HIV and hepatitis tests, but not a full assessment of physical and mental health issues. In 2023, the CPT expressed concerns about the completeness of the medical files held at the Menogia Detention Centre, which could compromise their reliability. Specifically, the report mentions medical related incidents that have not been included in the medical file; the description of injuries omitting relevant details (such as, its location and dimension); a lack of detail about the origin of the injury by the foreign detainee; or the doctor's opinion about the consistency between the injury and the allegation. Also, from the small sample of files assessed by the delegation's medical doctor it transpired that the medical examination at admission, besides not revealing injuries on covered parts of the body was also insufficiently thorough; in one case, a pre-existing psychiatric illness had not been detected. In addition, the delegation observed that the medical notes were cursory, at times consisting of no more than one single word. An extra complication is that it appears that a detained person may have two distinct medical

⁶⁰³ KISA, *improvements regarding detention conditions – significant problems regarding detention and deportation practices*, 29 January 2017, available at: <http://bit.ly/2jJhL82>.

⁶⁰⁴ Ibid.

⁶⁰⁵ Article 23 Rights of Persons who are Arrested and Detained Law.

⁶⁰⁶ Article 30 Rights of Persons who are Arrested and Detained Law.

files and none of the medical information from the first medical file is included into the second file, and no cross reference was made in either file.⁶⁰⁷

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. In addition, two nurses, a general nurse, and a mental health nurse are present at the Centre 24 hours per day daily, in shifts. A clinical psychologist was appointed by the Department of Mental Health Services, working there 3 days a week during office hours. As of the beginning of 2022 and continuing until today, 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. If a detainee is in need of a mental health practitioner, they must be referred to one by the on-site GP. 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.⁶⁰⁸ 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.⁶⁰⁹ 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.⁶¹⁰

Regarding access to medical care for detainees including asylum seekers being held in a **holding cell** at police stations, they are taken to public 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.⁶¹¹ 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.

⁶⁰⁷ CPT, *Reports to the Government of Belgium on the visit to Belgium carried out by the European Committee for the Prevention of Torture and Inhuman or Degrating Treatment or Punishment (CPT) from 7 to 10 November 2022*, 13 July 2023, available at: <https://bit.ly/3RwrAom>. See also, ECRE, *Elena Weekly Legal Update (EWLU)* of 8 September 2023, available at: <https://bit.ly/3PFoVsZ>.

⁶⁰⁸ Articles 18 and 25 Rights of Persons who are Arrested and Detained Law.

⁶⁰⁹ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁶¹⁰ Ibid.

⁶¹¹ Ibid.

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. In Menogia, they are required to have 2 wheelchairs available, however, they do not have cells specifically for people with disabilities. In Lakatamia PHC, on the other hand, there is a cell for detainees with special needs or disabilities. There is no indication of other support provided for vulnerable persons.

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to

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

Under the law, every detainee is allowed to have personal interviews with a lawyer in a private space without the presence of any member of the police.⁶¹² 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 is 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.⁶¹³ 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 on, among other things, access to places of detention and exchange of information. This has indeed led to more effective access and faster information exchange.⁶¹⁴ 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.

⁶¹² Article 12 Rights of Persons who are Arrested and Detained Law.

⁶¹³ Article 16 Rights of Persons who are Arrested and Detained Law.

⁶¹⁴ Information based on the Cyprus Refugee Council's access to Menogia within the scope of a pilot project on alternatives to detention.

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. There have also been reports by detainees that the documents are checked by the detention staff before they are allowed to send them, however in most cases the documents are sent out.⁶¹⁵

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.

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 repeated⁶¹⁶

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, 2022 and 2023 cases were identified in **Police Holding Cells (PHC)** where the detention order was issued or communicated to detainees with delays reaching 2-3 weeks.⁶¹⁷ 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.⁶¹⁸

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

⁶¹⁵ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁶¹⁶ Based on information from cases represented by CYRC as well as other cases communicated by lawyers to CYRC.

⁶¹⁷ Information based on cases represented by the Cyprus Refugee Council.

⁶¹⁸ Information based on cases represented by the Cyprus Refugee Council.

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.⁶¹⁹ 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 and 2023 remained the same.⁶²⁰

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 often evident that they do not have knowledge of the reasons for their detention and/or the legal challenges and legal options available and how to go about these.⁶²¹ In spite of claims by the CRMD that detainees are always provided with 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,⁶²² little improvement has been made and the situation, as reflected in older reports, remains.⁶²³

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 and again in 2023.

Regarding access to Court, detainees in **Menogia** usually have access to courts with no delays.

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.

⁶¹⁹ 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*, 19 January 2021, available at: <https://bit.ly/3MEIm2E>.

⁶²⁰ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁶²¹ Ibid.

⁶²² Ibid.

⁶²³ 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, available at: <https://bit.ly/4aFS92J>.

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. There was no progress on the issue in 2023 and interventions were often required on individual cases for detainees to access remedies.

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](#)).⁶²⁴ The deadline to submit an appeal was reduced from 75 days to 15 days in 2020.⁶²⁵ The IPAC is obliged to issue a decision within four weeks and in order to do so may instruct legal representatives to submit oral arguments instead of written arguments as the procedure usually requires.⁶²⁶ Regarding the length of the examination of cases, these often passed the 4-week time limit and were examined on average within 8 weeks.⁶²⁷ 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 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.⁶²⁸ The deadline to submit an appeal is 75 days upon receiving notification of the decision.⁶²⁹

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,⁶³⁰ 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

⁶²⁴ Article 9ΣΤ(2) & Article 9ΣΤ(6)(α) Refugee Law.

⁶²⁵ Article 12Α(2)(θ) IPAC Law.

⁶²⁶ Article 9ΣΤ(6)(b)(i) Refugee Law.

⁶²⁷ 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/>.

⁶²⁸ Article 18ΟΓ & Article 18ΠΣΤ(3) Aliens and Immigration Law.

⁶²⁹ Article 146, Cyprus Constitution.

⁶³⁰ ECtHR, *M.A. v. Cyprus*, Application No 41872/10, 23 July 2013.

detention and must include a claim that return would violate the principle of non-refoulement.⁶³¹ 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,⁶³² 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.⁶³³ 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 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.⁶³⁴

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 early 2021, in *B.F. v. The Republic*,⁶³⁵ 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 being notified of any deportation orders against him and therefore the justification that he had applied just to frustrate the return procedures was unfounded. 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.

⁶³¹ Article 11A, Administrative Court Law.

⁶³² ECtHR, *M.A. v. Cyprus*, Application No 41872/10, 23 July 2013.

⁶³³ Article 11(A) -(1) Aliens and Immigration Law.

⁶³⁴ The third country national was not transferred to the designated Migrant Detention Centre 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>.

⁶³⁵ *B.F. v. The Republic*, DK25/20 (22/2/2021) not available online.

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.⁶³⁶ 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 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 2023, the IPAC ordered the release of asylum seekers who had been detained on grounds of public order due to their alleged involvement in fights that had broken out in Pournara on different incidents. The IPAC considered that the simple and only reference to the applicant’s participation in the fight that took place, without any other evidence and without any reference to their own action was not sufficient. In addition the Court noted that no criminal proceedings were underway to verify their participation. The Court concluded that since no sufficient evidence is found from which it can be properly demonstrated that the applicant constitutes a real, present and sufficiently serious threat to the fundamental interest of society, their detention is not legal.⁶³⁷

In 2022, according to the IPAC, 49 decisions were issued in recourses against detention orders, of which 17 succeeded, 23 were rejected and 9 explicitly withdrawn. In 2023, according to the IPAC, 31 recourses were submitted against detention orders and 32 decisions were issued, of which 12 succeeded, 15 were rejected and 5 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.⁶³⁸

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.⁶³⁹

In early 2020, the Supreme Court delivered a positive decision on a *Habeas Corpus* application.⁶⁴⁰ 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

⁶³⁶ *Mondeke v. RoC* (mondeke v. κυπριακής δημοκρατίας μέσω, αν.διευθυντη τμηματος αρχειου πληθυσμου και μεταναστευσης, ἔφεση κατά απόφασης διοικητικού δικαστηρίου διεθνούς προστασίας αρ.43/2021), 20 January 2022, available at <https://bit.ly/3ZGUlka>.

⁶³⁷ *H.C.I. v. Ministry of Interior*, DK 7/23, 15 March 2023, available in Greek at <https://tinyurl.com/y9d53672>.
A.A.T.S v. Ministry of Interior DK 27/23, 12 December 2023, available in Greek at: <https://tinyurl.com/5h7kfxw8>.

⁶³⁸ Article 18ΠΣΤ(5) Aliens and Immigration Law; Article 9ΣΤ(7)(a)(i) Refugee Law.

⁶³⁹ Article 9ΣΤ(7)(a)(ii) Refugee Law.

⁶⁴⁰ *Khalid Alaoui Mhammedi v. Chief of Police and Minister of Interior*, 4/2020, 24 February 2020, available in Greek at <https://tinyurl.com/5n8atpfx>

because his detention was considered by the CRMD as necessary for the protection of national security. It was the second time that the applicant appealed before the Supreme Court asking for the ordering of a *Habeas Corpus* writ. It was held by the Supreme Court that in assessing the legality of the length of detention and in order to ensure the protection of the applicant's right to effective judicial protection, the Court must be presented with the necessary evidence so as to perform its judicial duty and be able to issue a justified and informed decision. Since the CRMD had not provided any material evidence with regard to the legality of detention and, furthermore, since it was shown that there were delays (on the Attorney General's part) in the Court procedures regarding the exclusion of the applicant from the asylum procedure, the Court decided to release the detainee.

In 2023, the Supreme Court again ordered the release of a Syrian asylum seeker who was detained for 1 year for reasons of 'national security or public order' based on indications that he was a member of a terrorist organisation. The Court found that no actions had been taken by the authorities to investigate or support these claims and neither were any steps taken to examine his asylum application. The Court found the duration of his detention to be unreasonably prolonged and therefore unlawful and ordered his immediate release.⁶⁴¹

There are no time limits within which the Supreme Court is obliged to examine an *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.⁶⁴² The number of *Habeas Corpus* applications submitted is extremely low, but from those submitted it seems that the Court adheres to the prescribed deadline.⁶⁴³

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.⁶⁴⁴ 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.

⁶⁴¹ Supreme Court, Application 101/2023, 15 September 2023, available in Greek at: <https://tinyurl.com/5a73w5fz>

⁶⁴² Article 9ΣΤ(7)(b)(i) Refugee Law.

⁶⁴³ Supreme Court, Application 1/2019, 24 January 2019.

⁶⁴⁴ ECtHR, *M.A. v. Cyprus*, no. 41872/10, paras 169-170.

From 2020 onwards, the Republic was still under review by the Committee of Ministers of the CoE with regard to the general measures required to satisfy compliance with the judgment.⁶⁴⁵ The Court has already ruled that Cyprus violated the Convention under Article 5(1) in 2015.⁶⁴⁶ In early 2024, the Committee of Ministers decided to close the supervision of this case and adopted the Final Resolution.⁶⁴⁷

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 administrative detainees in police holding cells. From 2021 onwards, 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 had already been 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 '[t]he 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'.⁶⁴⁸ No further reports are currently available.

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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⁶⁴⁵ ECtHR, *M.A. v. Cyprus*, Status of execution, available at: <https://bit.ly/3Zx3hZz>.

⁶⁴⁶ ECtHR, *HS and Others v Cyprus and KF v Cyprus*.

⁶⁴⁷ CoE Committee of Ministers, *Final Resolution in the case of M.A v. Cyprus*, 12-14 March 2024, available at: <https://bit.ly/3vZzoYZ>.

⁶⁴⁸ CAT, *Concluding Observations on the fifth periodic report of Cyprus*, December 2019, available at: <https://bit.ly/49EGAYh>. See also, Global Detention Project, *Cyprus: Reception Challenges in Europe's New Gateway*, 21 August 2019, available at: <https://bit.ly/2UQ75pw>.

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.⁶⁴⁹ 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” test.⁶⁵⁰ 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 submit a recourse to challenge detention.⁶⁵¹ From 2021 onwards and continuing in 2023, 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,⁶⁵² but not in cases in which detention is ordered under the Aliens and Immigration Law.⁶⁵³

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.

In 2022, according to the IPAC, 18 applications for legal aid to challenge detention were successful. In 2023, 13 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. The court fees to submit a judicial review are €96 if the applicant submits it without a lawyer, whereas if the appeal is submitted by a lawyer the court fees are €137. The submission of a *Habeas Corpus* application requires €800, which often an NGO or the detainee are not in a position to provide. NGO lawyers may provide assistance to prepare legal aid applications,⁶⁵⁴ but they are not permitted to appear before the court.

⁶⁴⁹ Article 9ΣΤ(2) Refugee Law.

⁶⁵⁰ Article 6Γ(2) Legal Aid Law.

⁶⁵¹ 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>

⁶⁵² Article 6B(7)(b) Legal Aid Law.

⁶⁵³ Article 6B and 6Γ Legal Aid Law.

⁶⁵⁴ Administrative Court, *Alashkham*, Legal Aid Application 15/2018, 17 July 2018, available in Greek at: <https://bit.ly/2UTZUuT>.

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.⁶⁵⁵ 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 lawyer can be escorted by an interpreter. 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.⁶⁵⁶ 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.⁶⁵⁷

⁶⁵⁵ Article 8(3)(b) Rights of Persons who are Arrested and Detained Law.

⁶⁵⁶ Information based on monitoring visits carried out by the Cyprus Refugee Council.

⁶⁵⁷ 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,⁶⁵⁸ 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. Residence permits are issued by the Civil Registry and Migration Department (CRMD) and in 2023 there were 2,515 permits of recognised refugees valid until 31 December 2023, concerning 1,654 adults and 861 minors.⁶⁵⁹

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.⁶⁶⁰ 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. Residence permits are issued by the Civil Registry and Migration Department (CRMD) and in 2023 there were 10,277 permits of beneficiaries of subsidiary protection status valid until 31 December 2023, concerning 6,448 adults and 3,829 minors.⁶⁶¹

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.⁶⁶²

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.⁶⁶³ 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.⁶⁶⁴ Throughout 2023, the procedure and time to submit an application for the issuance or renewal of residence permits

⁶⁵⁸ Article 18A Refugee Law.

⁶⁵⁹ Information provided by Civil Registry and Migration Department.

⁶⁶⁰ Article 19(4) Refugee Law.

⁶⁶¹ Information provided by Civil Registry and Migration Department.

⁶⁶² Articles 18A and 19(4) Refugee Law.

⁶⁶³ Based on information from beneficiaries/cases represented by the Cyprus Refugee Council.

⁶⁶⁴ Cyprus Mail, *Government admits abuse in migration department*, 19 March 2023, available at: <http://bit.ly/3LRW4Qx>; Politis, *He knew about the agents... at the Migration Department and Nouris turned a blind eye*, 22 March 2023, available at: <http://bit.ly/3TQG8jf>; Phileleftheros, *Brake on online appointments by*

differed among cities; in Nicosia an appointment is not required and persons are served on a first-come first served basis⁶⁶⁵ whereas in other cities an appointment must be made at the Aliens and Immigration Unit of the city by email or telephone. Appointments are usually scheduled within 2-3 months.⁶⁶⁶

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 employment of a beneficiary of protection 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. Until 2023 the CRMD had 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.⁶⁶⁷ The Ombudsman,⁶⁶⁸ in a report on the issue, and the Commissioner for Rights of the Child,⁶⁶⁹ 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. To date no legislative amendments have taken place.

From 2020 and continuing in 2022 and 2023, 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 mainly for minor children of beneficiaries of protection and not for spouses or adult children, leaving them without status, and access to rights.

In 2023, the CRMD in order to address the issue, initiated a practice by which they grant humanitarian status to the spouse and/or parent of BIP. The "special residence permit" is valid for 12 months, granting the right to remain, access to health under the same conditions as an asylum seeker and access to the labour market but subject to the authorisation of the Labour Department.⁶⁷⁰ Furthermore, 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.⁶⁷¹

2. Civil registration

the Migration Department - Abuse by agents, 19 March 2023, available in Greek at: <https://tinyurl.com/3mu9jxd5>

⁶⁶⁵ Civil Registry Department, *Appointments*, available at: <https://tinyurl.com/yfjmahra>.

⁶⁶⁶ Cyprus Police, *Appointments*, available at: <https://tinyurl.com/4m6pr8cm>.

⁶⁶⁷ Information provided by Cyprus Refugee Council.

⁶⁶⁸ Report of the Commissioner for Administration and Protection of Human Rights regarding the Family Unity of beneficiaries of International Protection, *Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων αναφορικά με την Οικογενειακή Ενότητα δικαιούχων Διεθνούς Προστασίας*, available in Greek at: <https://bit.ly/3nsaoF1>

⁶⁶⁹ Based on the response to individual complaints submitted by the Cyprus Refugee Council before the Commissioner for the Rights of the Child.

⁶⁷⁰ Based on information from the representation of beneficiaries of International Protection by the Cyprus Refugee Council.

⁶⁷¹ Ibid.

The procedure for the civil registration of children born in Cyprus is the same for all, regardless of nationality or status.⁶⁷² In order to register the new-born child in the Birth Registry, 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.

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 as of 2019).⁶⁷³

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 2023: 0

The criteria for applying for long-term resident status for all eligible persons, including persons under refugee status and subsidiary protection, are the following:⁶⁷⁴

- ❖ 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;⁶⁷⁵
- ❖ Adequate health insurance covering the risks that are usually covered in insurance contracts involving Cypriot citizens;⁶⁷⁶

⁶⁷² Article 8 Civil Registry Law.

⁶⁷³ Article 16 Civil Registry Law.

⁶⁷⁴ Article 18Θ Aliens and Immigration Law.

⁶⁷⁵ Article 18Θ(2) Aliens and Immigration Law.

⁶⁷⁶ A valid medical card issued by the Health Ministry can be considered as adequate health insurance.

- ❖ 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;
- ❖ 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.⁶⁷⁷

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.

⁶⁷⁷ Information provided by Cyprus Refugee Council.

There has been 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 ever received it. In 2023 it was confirmed that no BIP received the status.⁶⁷⁸

2. Naturalisation

Indicators: Naturalisation	
1. What is the waiting period for obtaining citizenship?	8 years ⁶⁷⁹
2. Number of citizenship grants to beneficiaries in 2022:	27
Number of citizenship grants to beneficiaries in 2023:	n/a

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. In 2023, the Law⁶⁸⁰ was amended and the requirements for applying for naturalisation have increased significantly.

Specifically, the requirements for applying for naturalisation under the Civil Registry Law, prior to the amendment are as follows:⁶⁸¹

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. A clear criminal record.

The requirements under the amended Law, are as follows:

A person who submits an application for naturalization may be naturalized, provided that they cumulatively meets the following requirements:

1. Legal and continuous residence in the Republic for the period of the immediately preceding twelve (12) months from the date of submission of his naturalization application. Periods of absence from the Republic that do not exceed a total of ninety (90) days within the 12 month period do not interrupt the above-mentioned time period; and
2. Total residence with physical presence of seven years of legal residence in the Republic within the last ten years before the mentioned twelve-month period. The years of stay as a student, applicant for international protection, holder of supplementary or temporary protection are not counted towards this seven years. The only exception is for persons who reside in the Republic for the purpose of highly skilled employment in companies as determined by a Decision of the Council of Ministers, who can apply at 4 or 5 years depending on the applicants academic level of the Greek language. And;
3. The applicant is of good character:

According to the Law, elements that tend to indicate good character include:

- (i) The applicant has not shown by deeds or words any lack of respect for the law or contempt for the Republic;
- (ii) The applicant has not behaved in a way that constitutes acceptance of the illegal administration of the areas not controlled by the Republic, does not hold any office related to it, nor does it possess, illegally enter, cause damage to or interfere with immovable property located in said areas which belongs to another legal owner;

⁶⁷⁸ Information provided by Cyprus Refugee Council.

⁶⁷⁹ Citizenship is not obtained but granted at the discretion of the Minister of Interior.

⁶⁸⁰ Civil Registry Law (Amendment) Law of 2023.

⁶⁸¹ Table III (Article 111) Civil Registry Law, 2002, available in Greek at: <http://bit.ly/2IN0nAD>.

- (iii) The applicant has not, during any war waged by the Republic, engaged in any transaction, nor communicated with the enemy, or engaged in the conduct of an operation, or participated in any operation in such a manner as to have assisted the enemy;
 - (iv) The applicant has not been sentenced in the Republic or abroad to imprisonment for a serious criminal offense, which carries a prison sentence of five (5) years or more or for another serious offense or for an offense that is dishonourable or involving moral obscenity;
 - (v) The applicant is not wanted at pan-European level by EUROPOL or internationally by INTERPOL for a serious criminal offence, which constitutes an offense in the Republic and carries a prison sentence of five (5) years or more or for another serious offense or for a dishonourable or moral offense turpitude-
 - (vi) The applicant was not sanctioned and his name is not included in a list of sanctions, in accordance with the provisions of the Implementation of the Provisions of the Resolutions or Decisions of the United Nations Security Council (Sanctions) and the Decisions and Regulations of the Council of Europe Union (Restrictive Measures) Act;
 - (vii) No criminal case is pending against the applicant in the Republic or abroad for an offense punishable by imprisonment of three (3) years or more;
 - (viii) The applicant has not entered through an illegal point of entry or entered or remained in the Republic in violation of any prohibition, condition, restriction or reservation, in accordance with the laws of the Republic in force at the time.
 - (ix) The applicant does not constitute a risk to public order and public security of the Republic:
4. The applicant must have sufficient knowledge of the Greek language at level B1, with the exception of persons who reside in the Republic for the purpose of highly skilled employment.
 5. The applicant must have sufficient knowledge of basic elements of the modern political and social reality of the Republic. The process and method of evaluation of this requirement will be determined by a three-member evaluation committee, which is made up from representatives of the Ministry of the Interior, the Ministry of Education, Sports and Youth and the Ministry of Justice and Public Affairs Order.
 6. The applicant must have suitable accommodation and stable and regular financial resources sufficient for the maintenance of I and dependent members of their family and for this purpose the following will be taken into account:
 - (i) income from gainful full-time employment and/or income from other sources of a stable and legal nature;
 - (ii) if the applicant is or has been for a long-term unemployed during his stay in the Republic; and
 - (iii) if, as a result of hardship or difficult financial situation, the applicant has received any financial aid or benefit during their stay in the Republic.
 7. The applicant has the intention to
 - (i) reside in the Republic; or
 - (ii) enter or continue to serve in the public service of the Republic.

The requirements included in the amended Law are expected to make it extremely difficult if not impossible for BIPs to satisfy, including BIPs that were born in Cyprus or came to Cyprus at a young age and grew up in Cyprus. Specifically, the required years of residence which has been increased from 5 years to 8 years, whereas the years as an applicant for international protection, holder of subsidiary or temporary protection are not counted will be an obstacle for the majority of BIPs as they are subsidiary protection holders, including Syrian nationals. Furthermore, the majority of BIPs enter in an irregular manner, which is considered as an indication of not 'good character'. Finally, the majority of BIPs will have received at some point financial assistance either as an applicant of international protection or later as a BIP which is considered as an indication that the applicant does not have sufficient financial resources.

The procedure to apply requires a submission fee of €500 upon submission of the application.

The time required to examine applications has always been lengthy and, in most cases, taken over 3-4 years. The procedure to examine applications requires an oral interview, which includes questions related to the political and social issues of Cyprus. A recommendation is then drafted by the examining officer which is then referred to the Minister of Interior who has the final decision either to reject or grant citizenship. Under the amended Law there is no time limit for the examination of applications, except for those of highly skilled employees which undergo a fast-track procedure of maximum 8 months.

Even prior to the amendment naturalisation for BIPs has always been problematic, as the procedures are extremely slow and lack transparency, and BIPs have never been 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 2021, 11 BIPs were granted citizenship and in 2022, a slight rise was noted with 27 BIPs granted.⁶⁸² In 2023, there no information was provided on the number of BIPs granted citizenship, however it is expected to be low.⁶⁸³

It was also noted that although the requirements for nationality prior to the amendment 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'.⁶⁸⁴ In 2021, 2022, and 2023 an increase in the rejection rates regarding applications for nationality by BIPs – including 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.⁶⁸⁵

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 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; in recent years close to zero decisions have been issued.⁶⁸⁶ In cases where the third country national, including a BIP cannot pass on their own nationality, the child will be stateless. In 2023, the number of such cases increased significantly, including cases where the children are stateless, whereas no decisions were issued by the Council of Ministers.⁶⁸⁷

3. Cessation and review of protection status

⁶⁸² Civil Registry and Migration Department.

⁶⁸³ Information provided by Cyprus Refugee Council.

⁶⁸⁴ Ibid.

⁶⁸⁵ Information provided by cases represented by the Cyprus Refugee Council.

⁶⁸⁶ Dialogos, *Children of Turkish Cypriot mixed marriages await recognition – The road is long and arduous*, 30 April 2022, available in Greek at <https://bit.ly/3JFZgMc>.

⁶⁸⁷ Information provided by Cyprus Refugee Council.

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,⁶⁸⁸ **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.⁶⁸⁹

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.⁶⁹⁰ 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 reasons to review the status.⁶⁹¹ 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. This is generally done in practice. The person concerned must be given the opportunity to submit, in a personal interview in accordance with the [Regular Procedure](#),⁶⁹² or in a written statement, reasons as to why international protection should not be withdrawn.⁶⁹³ It is not clear how or when it is decided to provide an interview or a written statement.⁶⁹⁴

⁶⁸⁸ Article 6 Refugee Law.

⁶⁸⁹ Article 6(1A-bis) Refugee Law.

⁶⁹⁰ Article 19(3) Refugee Law.

⁶⁹¹ Article 6(1B) Refugee Law.

⁶⁹² Articles 13A and 18(1), (2), (2A), (2B) Refugee Law.

⁶⁹³ Article 6(1Γ)(a)-(b) Refugee Law.

⁶⁹⁴ Information provided by Cyprus Refugee Council.

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 persons concerned.⁶⁹⁵ 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](#),⁶⁹⁶ considers that one of the cessation grounds is substantiated, a decision is issued in writing and the person concerned is notified.⁶⁹⁷ 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 IPAC as well as the nature and form of the remedy and the deadline to submit the appeal.⁶⁹⁸

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.⁶⁹⁹

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.⁷⁰⁰ 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.⁷⁰¹ 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.

⁶⁹⁵ Article 6(1Δ) Refugee Law.

⁶⁹⁶ Article 13 Refugee Law.

⁶⁹⁷ Article 6(2) Refugee Law.

⁶⁹⁸ Article 6(2) Refugee Law.

⁶⁹⁹ Article 6(3) Refugee Law.

⁷⁰⁰ Article 11 IPAC Law.

⁷⁰¹ 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:⁷⁰²

- ❖ 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.⁷⁰³

The same procedure as that for **Cessation** is followed.

In 2022, according to statistics, refugee status was withdrawn in 2 cases, concerning 5 persons and subsidiary protection was withdrawn in 15 cases, concerning 28 persons. In 2023, according to statistics, refugee status was withdrawn in 6 cases, concerning 8 persons and subsidiary protection was withdrawn in 15 cases, concerning 20 persons.⁷⁰⁴

There are no statistics or information available on the success rate of appeals or legal aid applications against withdrawal decisions.

⁷⁰² Article 6A Refugee Law.

⁷⁰³ Article 19(3A) Refugee Law.

⁷⁰⁴ 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**.⁷⁰⁵ 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 in RoC,

- ❖ 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 and, 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.⁷⁰⁶ 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.⁷⁰⁷

⁷⁰⁵ Article 25(5)-(19) Refugee Law.

⁷⁰⁶ IOM, *IOM Helps Syrian Girl Reunite with Family in Cyprus*, 23 February 2016, available at: <http://bit.ly/2IHbEQ8>.

⁷⁰⁷ Position of the Commissioner for the Rights of the Child in reference to the right to family reunification for persons with subsidiary protection, April 2019, available in Greek at: <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.⁷⁰⁸ 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.⁷⁰⁹

Furthermore, in accordance with 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.⁷¹⁰ 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.⁷¹¹

In practice, the procedure and requirements have often changed and at times there have been various obstacles such as long delays, requests to provide original documents without alternative options, requests to provide evidence that applicants have stable and regular resources even when the applicant is exempted from such requirement.⁷¹²

Such practices 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 at the time found the CRMD to be in violation of the law. In 2020, the EU Commission requested information from the CRMD on the procedures and cases.

⁷⁰⁸ Article 25(6) Refugee Law.

⁷⁰⁹ Article 25(7)-(11) Refugee Law.

⁷¹⁰ Article 25(12) Refugee Law.

⁷¹¹ Article 25(13) Refugee Law.

⁷¹² Based on information from cases represented by the Cyprus Refugee Council.

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 remains slow exceeding 9 months.⁷¹³

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.⁷¹⁴ 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.⁷¹⁵

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.⁷¹⁶ 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, and a positive decision was issued allowing the family to join the BIP.

Overall, 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.

In 2022, 20 applications for family reunification were submitted, 2 applications were approved, and the rest remain pending. In 2023, 10 applications for family reunification were submitted, 2 were approved and the rest remain pending.⁷¹⁷

2. Status and rights of family members

Although the law allows family members to be granted lesser rights than the sponsor,⁷¹⁸ 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

⁷¹³ Information provided by the Cyprus Refugee Council

⁷¹⁴ Article 25(14)(a) Refugee Law.

⁷¹⁵ Information provided by the Cyprus Refugee Council

⁷¹⁶ YT v. RoC via CRMD, ΔΔΠ 500/2019, decision date 10/11/2022

⁷¹⁷ Information provided by the Cyprus Refugee Council.

⁷¹⁸ Article 25(14) Refugee Law.

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.⁷¹⁹ 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.⁷²⁰

2. Travel documents

Convention Travel Documents are issued to persons granted **refugee status** with a three-year validity.⁷²¹ 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 a one-page travel document 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.

Throughout 2022 and 2023, 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 travel documents are not issued by the CRMD for beneficiaries of subsidiary protection, including cases of a stateless person, with very limited exceptions mostly for cases of persons with serious medical issues which require transfer for medical procedures out of Cyprus with the support of the Ministry of Health.⁷²²

⁷¹⁹ Article 18A and 19(4) Refugee Law.

⁷²⁰ Article 21(1Γ) Refugee Law.

⁷²¹ Article 22 Refugee Law.

⁷²² Information provided by Cyprus Refugee Council.

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 2023 | Approx. 17 ⁷²³ |

There are no active schemes providing housing to BIPs, including persons who have recently arrived in the country. 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 2023 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 over 2023,⁷²⁴ 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. The risk is higher for BIPs that lack community support in the country and vulnerable persons.

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 property must already have been contracted. In addition, rent deposits are not covered through the GMI scheme. Furthermore, throughout 2023 examination of GMI applications including the rental allowance continued to be very long, often reaching or passing 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.⁷²⁵

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, but persons are informed and urged by the Asylum Service to expedite their transition to the community. People are rarely evicted from the centre and in the case of BIPs efforts are made to support them to exit. However, to date there is still no official procedure for transition into the community. Obstacles faced by BIPs trying to exit Kofinou include finding accommodation in the community, especially in view of the high rent prices; delays with the issuance of residence permits; delays related to Guaranteed Minimum Income (GMI); and delays to opening a bank account.

As a significant number of persons will not be able to secure employment immediately after receiving international protection, they will need to apply for financial aid through the national GMI scheme. Despite efforts to prioritise GMI applications for beneficiaries who are still residing in the Reception Centre, this has not been achieved. Furthermore, the GMI scheme does not provide amounts for housing, unless a specific property has already been identified and contracted.

⁷²³ Information provided by the Asylum Service.

⁷²⁴ RICS, *Cyprus Property Index 2022 Q4*, available at: <http://tinyurl.com/22ccw59r>.

⁷²⁵ Information provided by Cyprus Refugee Council.

As a result 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.⁷²⁶ 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.

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 refuses 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. In 2023, the CRMD initiated a practice by which they grant humanitarian status to the spouse and/or parent of BIP, according to which the "special residence permit" is valid for 12 months, granting the right to remain, access to health under the same conditions as an asylum seeker and access to the labour market subject to the authorisation of the Labour Department, and therefore not under the same conditions as an BIP.⁷²⁷ Furthermore, 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.⁷²⁸

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. Some courses, mainly from EU-funded sources and/or civic society initiatives are available and often offered online. but overall number of vacancies remains particularly low. Unfamiliarity of population members with online training tools, and limited access to necessary equipment, stable internet connection and privacy still pose challenges to participation.

No official data is available regarding the participation of BIPs in State-led or other 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'⁷²⁹ 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 and engage them to collaborations that promote refugee labour integration. Between 2018 and 2023, more

⁷²⁶ Article 21A Refugee Law.

⁷²⁷ Based on information obtained through representation of beneficiaries of International Protection by the Cyprus Refugee Council.

⁷²⁸ Ibid.

⁷²⁹ See <https://www.helprefugeeswork.org/> for more information.

than 1000 International Protection Holders registered in the platform, applied for jobs and received employment-related guidance and support, whereas more than 300 well-known businesses covering a wide spectrum of employment sectors have registered in the platform.⁷³⁰

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.⁷³¹ 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.⁷³² Therefore, due to the lack of information and the fact that the vast majority of those procedures are carried out 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.⁷³³ 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 months of waiting (see section: [Residence Permit](#)). In October 2020, the Department of Transportation issued an updated circular clarifying that, due to a temporary technical problem with the issuance of the residence permits at that time, they would accept a certificate issued by the CRMD instead of the residence permit.⁷³⁴

The requirements are considered to be in violation of the Driving License Law,⁷³⁵ which transposes the relevant article of the EU Directive on Driving Licences.⁷³⁶ 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. Regarding the requirement of holding a valid residence permit, the circular announces the termination of CRMD's practice to issue a certificate for

⁷³⁰ Information provided by Cyprus Refugee Council.

⁷³¹ Article 21(1A) Refugee Law.

⁷³² Article 21(1)(b)(iΓ) Refugee Law.

⁷³³ Circular/GuidanceNote αρ.32/2020, *Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και τεκμήριο για έξι μήνες παραμονής*, 9 September 2020, available in Greek at: <https://bit.ly/3cPlonf>.

⁷³⁴ Circular/GuidanceNote αρ.32/2020 (Clarification), *Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και τεκμήριο για έξι μήνες παραμονής*, 20 Octobre 2020, available in Greek at: <https://bit.ly/3cMo9Xr>.

⁷³⁵ Article 5, Driving License Law, available in Greek at: <https://bit.ly/2PzdcQg>.

⁷³⁶ 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".

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.⁷³⁷ Throughout 2023, 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.⁷³⁸ Children are granted full access to all levels of the education system.

The right of enrolled students to attend secondary education is not affected even when they reach the age of 18.⁷³⁹ 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.

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 but at their own cost.

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

Linguistic and cultural barriers are still significant obstacles for young students, especially those entering secondary education. In order to deal with the language barrier in Gymnasium (middle-school) and Lyceums (high-school), 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) in selected schools.⁷⁴⁰ In 2022-2023 the Minister of Education announced a series of measures in order to increase the interaction of schools with families of children whose mother language is not Greek, monitoring more closely the learning progress, and outcomes.⁷⁴¹

Students in Gymnasium and Lyceum are expected to succeed in the final exams to proceed to the next grade. Students 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 arrangements (EU-funded or volunteer based).

The 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.

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.⁷⁴²

⁷³⁷ Circular/Guidance Note αρ. 9/2021, *Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και αποδεικτικού εξάμηνη διαμονή στη Δημοκρατία*, 12 May 2021, available in Greek at: <https://tinyurl.com/mu4dpnf8>.

⁷³⁸ Article 21(1)(b)(i) and (iB) Refugee Law.

⁷³⁹ Article 9H(2) Refugee Law.

⁷⁴⁰ Ministry of Education, Youth and Sports, *List of schools that provide Greek lessons as a second language*, 20 June 2023, available at: <https://bit.ly/4d0lCpM>.

⁷⁴¹ Ministry of Education, Youth and Sports, *Statement by the Minister of Education, Sports and Youth on the strengthening of the procedures for the reception and smooth integration of students with an immigrant background and the knowledge of Greek*, 21 July 2022, available in Greek at: <https://bit.ly/3JqOA5z>.

⁷⁴² Information provided by Cyprus Refugee Council.

Children entering UASC shelters in the middle of a school year may not be placed in school, and the same will apply to children who are close to 18. Instead, they may be 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.

Beneficiaries completing public secondary education have the right to participate in the nationwide entry exams in order to secure placement in 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 very 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 BIPs 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.

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, 2022 and 2023 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.⁷⁴³

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 low. 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.

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

⁷⁴³ Based on cases represented by the Cyprus Refugee Council.

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.⁷⁴⁴

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".⁷⁴⁵ Articles 16 and 17(4) stress the right of accessing basic bank accounts without any discrimination against consumers legally reside in the European Union, for reasons such as their nationality or place of residence.

It is also indicated that if a credit institution has valid doubts 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.

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,⁷⁴⁶ documents issued by the State or an affidavit.⁷⁴⁷

⁷⁴⁴ Information provided by Cyprus Refugee Council.

⁷⁴⁵ Directive to Credit Institutions in accordance with no. 59(4) of the Laws of 2007 to 2018 on the Prevention and Combating of Money Laundering from Illegal Activities «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», February 2019, available in Greek at: <https://bit.ly/3eVlxXF>.

⁷⁴⁶ Article 126 Directive to Credit Institutions in accordance with no. 59(4) of the Laws of 2007 to 2018 on the Prevention and Combating of Money Laundering from Illegal Activities 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», February 2019, available at: <https://bit.ly/3eVlxXF>: "Πέραν από την εξακρίβωση του ονόματος, εξακριβώνεται και η διεύθυνση μόνιμης κατοικίας του πελάτη με ένα από τους πιο κάτω τρόπους: (i) επίσκεψη στον τόπο κατοικίας (σε μια τέτοια περίπτωση θα πρέπει να ετοιμάζεται και καταχωρείται στο φάκελο του πελάτη σχετικό σημείωμα από το λειτουργό του πιστωτικού ιδρύματος που πραγματοποίησε την επίσκεψη), (ii) η προσκόμιση ενός πρόσφατου (μέχρι 6 μήνες) λογαριασμού Οργανισμού Κοινής Ωφέλειας (π.χ. ηλεκτρικού ρεύματος, νερού), ή έγγραφο ασφάλειας κατοικίας, ή δημοτικών φόρων ή/και κατάστασης τραπεζικού λογαριασμού. Η διαδικασία εξακρίβωσης της ταυτότητας ενός πελάτη ενισχύεται εάν το εν λόγω 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."

⁷⁴⁷ Article 136 Directive to Credit Institutions in accordance with no. 59(4) of the Laws of 2007 to 2018 on the Prevention and Combating of Money Laundering from Illegal Activities Άρθρο 136, (i) «Οδηγία προς τα Πιστωτικά Ιδρύματα σύμφωνα με το αρ.59(4) των Περί της Παρεμπόδισης και καταπολέμησης της

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.

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 reaches 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.⁷⁴⁸

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.⁷⁴⁹

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.

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."

⁷⁴⁸ Politis, *She lost the twins due to paperwork and delay in the... registration*, 21 September 2022, available in Greek at: <https://bit.ly/3ZYxHov>.

⁷⁴⁹ Council of Ministers, Decision 85.016 of 30 May 2018, available in Greek at: <https://tinyurl.com/7crhaacb>

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/2kboxGD (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/2kboxGD (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/2kboxGD (GR)