

# Input by civil society to the EASO Annual Report 2019

Fields marked with \* are mandatory

The production of EASO's *2019 Annual Report on the Situation of Asylum in the European Union* is currently underway. The yearly [annual report](#) series present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organizations, the UNHCR and researchers. To this end, we invite you to submit information on developments in asylum law, policy or practice in 2019 (and early 2020) by topic as presented in the online survey.

Please note that the EASO Annual Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections. It is preferred to provide your submission in bullet points to facilitate drafting.

All submissions are publicly accessible. For transparency, 2019 contributions will be published on the EASO webpage. Contributions to the 2018 annual report by civil society organisations can be accessed [here](#). All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO annual report is subject to terms of reference and volume limitations. Submissions may be edited for length and clarity or may not be included in the final report. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the annual report.

Please complete the online survey and submit your contribution to the 2019 annual report by **Thursday, 12 March 2020**

## Instructions

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Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, please only include the following type of information:

- ✓ New developments and improvements in 2019 and new or remaining challenges;
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2019.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments

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## Contributions by topic

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- 1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

### **Access to territory**

A high percentage of asylum seekers enter Cyprus from the areas not controlled by the Republic of Cyprus (RoC), in the north of the island, and then cross the “green line” / no-man’s land to the areas under the control of the RoC. The “green line” is not considered a border and although there are authorised points of crossing along it, these are not considered official entry points into the RoC. Crossing of the “green line” is regulated under the “Green Line” Regulation.<sup>1</sup> A certain number may enter at legal entry points and then apply for asylum, whereas about half of applicants are persons already in the country who have entered and stayed under other statuses such as domestic workers, students etc. and apply for asylum when their initial residence permit has expired.

If a person has entered the areas in the north without permission from the authorities there, they may be arrested and returned to Turkey and possibly from there returned to their country of origin. As the *acquis* is suspended in the areas in the north,<sup>2</sup> there is no asylum system in force. In order to cross the “green line” through the points of crossing a person needs a valid visa and will be checked by police acting in the north and then by RoC Police. As the majority of persons seeking asylum do not have such a visa, they cross the “green line” in an irregular manner often with the help of smugglers.

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<sup>1</sup> Council Regulation (EC) No 866/2004 on a regime under Article 2 of Protocol No 10 of the Act of Accession as last amended by Council Regulation (EC) No 587/2008.

<sup>2</sup> EU Accession Treaty - Protocols on Cyprus, [available at: http://bit.ly/2m6QXiG](http://bit.ly/2m6QXiG). 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.

In 2018 it was noted that the number of persons irregularly crossing the line increased,<sup>3</sup> and that the situation needs to be monitored carefully.<sup>4</sup> In 2019 with the numbers of applicants for international protection doubling once again from the 2018 numbers the government stated that changes would be made to the Green line Regulation<sup>5</sup>. To date it is not clear what changes will be made and how these will impact the entry of persons due to the majority crossing at unofficial points.

If a person who has entered the north reaches the RoC police officers and expresses the intention to apply for asylum to the RoC police officers, he or she will then be referred to the Aliens and Immigration Unit in order to lodge an application. If the person has been in the RoC before and had been forcefully or voluntarily returned, or in cases of persons remaining irregularly, they may be arrested and detained, but they will be given access to the asylum procedure in most cases, if requested.

Besides arrivals from the north, a smaller number of asylum seekers enter the RoC at official points of entry (ports and airports). Since 2016, there have also been small boat arrivals of about 15-45 persons on each boat reaching either the areas in the north – with persons then passing into the areas under the control of the RoC – or arriving directly in the areas under the control of the RoC. The majority of boats come from Turkey and a smaller number from Lebanon or Syria. In 2017 there were 9 such arrivals whereas in 2018 the number of such boat arrivals was over 30. In 2019 there were 11 boat arrivals with 427 persons. A sufficient number of persons arriving by these boats are relatives of persons already residing in Cyprus, often including spouses and underage children of persons with subsidiary protection. This is partly due to the fact that the vast majority of Syrians are granted subsidiary protection and this status since 2014 does not have access to [Family Reunification](#).

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

People apprehended by the police within areas under the control of the RoC before applying for asylum may be arrested for irregular entry and/or stay, regardless of whether they were intending to apply for asylum, even if they were on their way to apply for asylum and have only been in the country for a few days. Since 2014, this does not apply to Syrian nationals who will not be arrested even if they have not regularised their stay, with the exception of a small number of Syrians who entered the RoC by boat arrivals and were arrested upon arrival due to previously being in Cyprus and still listed as “prohibited immigrants”. In 2017, following advocacy on the issue, a shift has been noted in this practice and, although such persons may initially be arrested, they are not prosecuted or the prosecution does not proceed and they are soon released.

## Access to procedures

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<sup>3</sup> Associated Press, ‘Cyprus sees surge in migrants crossing from breakaway north’, 10 December 2018, available at: <https://bit.ly/2BKDiph>; The Guardian, “Cyprus is saturated” - burgeoning migrant crisis grips island’, 11 December 2018, available at: <https://bit.ly/2Qsx2Mu>.

<sup>4</sup> European Commission, *Fourteenth report on the implementation of Council Regulation (EC) No 866/2004 and the situation resulting from its application covering the period 1 January until 31 December 2017*, COM(2018) 488, 22 June 2018, available at: <https://bit.ly/2BHJvQ4>.

<sup>5</sup> <https://www.philenews.com/eidiseis/politiki/article/821311/metra-ypes-kai-ypex-ga-afximenovs-elenchovs-sta-odofragata>  
<https://www.philenews.com/eidiseis/politiki/article/827943/vpovrgko-ta-metra-ga-tin-paranomi-metanastefsi>

According to the Refugee Law,<sup>6</sup> an asylum application is addressed to the Asylum Service, a department of the Ministry of Interior, and made at the Aliens and Immigration Unit (Department of the Police) of the city in which the applicant is residing. The Unit then has no later than 3 working days after the application is made to register it and must then refer it immediately to the Asylum Service for examination. In cases where the applicant is in prison or detention, the application is made at the place of imprisonment or detention.<sup>7</sup> The law also states that if the application is made to authorities who may receive such applications but are not competent to register such application, then that authority shall ensure that the application is registered no later than 6 working days after the application is made.<sup>8</sup> Furthermore, if a large number of simultaneous requests from third country nationals or stateless makes it very difficult in practice to meet the deadline for the registration of the application as mentioned above then these requests are registered no later than 10 working days after their submission.<sup>9</sup>

The law does not specify the time limits within which asylum seekers should make their application for asylum; it only specifies a time limit between making and lodging an application.<sup>10</sup> According to the Refugee Law,<sup>11</sup> applicants who have entered irregularly are not subjected to punishment solely due to their illegal entry or stay, as long as they present themselves to the authorities without undue delay and provide the reasons of illegal entry or stay. In practice the majority of persons entering or staying in the country irregularly will not be arrested when they present themselves to apply for asylum unless there is an outstanding arrest warrant or if they were in the country before and there is a re-entry ban. In limited cases persons may be arrested when they present themselves to apply due to their irregular entry or stay even if there is no arrest warrant or re-entry ban (see [Access to the Territory](#)).<sup>12</sup>

According to the Refugee Law,<sup>13</sup> if an asylum seeker did not make an application for international protection as soon as possible, and without having a good reason for the delay, the [Accelerated Procedure](#) can be applied, yet in practice this is never implemented. The fact that an asylum application was not made the soonest possible by an asylum seeker who entered legally or irregularly will often be taken into consideration during the substantial examination of the asylum application and as an indication of the applicant's lack of credibility and/or intention to delay removal.

All asylum applications are received by the Aliens and Immigration Unit, which is an office within the Police. One such office exists in each of the 5 districts in Cyprus (**Nicosia, Limassol, Larnaca, Paphos, Ammochostos**). In 2019 onwards asylum seekers who present themselves to the Nicosia Aliens and Immigration Unit and who have recently arrived in the areas under the effective control of the RoC are transferred to the First Registration Reception Center in Kokkinotrimithia (see [Types of Accommodation](#)). In exceptional cases asylum seekers presenting themselves in other cities, usually where they are homeless, are transferred to the Center. In 2020 and upon completion of the construction to upgrade the existing infrastructure the aim is for all asylum seekers that have recently arrived in the country to be transferred to the Center and lodge their application from there. However in efforts to take protective measures against the Corona virus in early March 2020 and before completion of construction all new arrival in the country are being referred to the Center. To date it is not clear how long persons will remain in the Center.

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

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<sup>6</sup> Article 11(1) Refugee Law .

<sup>7</sup> Article 11(2)(a) Refugee Law .

<sup>8</sup> Article 11(2)(b) Refugee Law .

<sup>9</sup> Article 11(2)(c) Refugee Law .

<sup>10</sup> Article 11(4)(a) Refugee Law .

<sup>11</sup> Article 7 Refugee Law .

<sup>12</sup> Information provided by the Cyprus Refugee Council based on monitoring visits to the detention centre.

<sup>13</sup> Article 12Δ(4)(i) Refugee Law .

For persons in detention, their asylum applications are received directly within the detention facilities, whereas for persons in prison who have requested to lodge an asylum application, the Aliens and Immigration Unit will be notified and will send one of their police officers to receive the asylum application. In the past, this led to delays but in the past year there has been sufficient improvement.<sup>14</sup>

There is no distinction between making and lodging an application in practice, with few exceptions. In most cases when persons present themselves to the Aliens and Immigration Unit, stating the intention to apply for asylum, they are either permitted to immediately lodge the application, or requested to return on another day, at times given an appointment. Persons requested to return on another day, to lodge the application, are not necessarily provided with evidence that they have stated an intention to apply for asylum nor are they registered by the Unit in any way. The waiting period for an appointment varies depending on the influx of asylum seekers and the city and can range from a few days to a few weeks.. During this time asylum seekers do not have access to reception conditions or proof of their status in the country, however rarely are there reports of this leading to arrest.

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

With an average of around 1,000 new applications per month throughout 2019, the district offices of the Aliens and Immigration Unit in all locations have been under continuous pressure. However, most affected is the Nicosia district office, which registers applications from new arrivals who come through the First Registration Reception Centre in Kokkinotrimithia (Pournara).<sup>15</sup>

As of summer 2018, EASO deploys registration assistants to support the Aliens and Immigration Units in **Nicosia**, **Limassol** and **Paphos**. A total of 5 assistants have been made available throughout the year.<sup>16</sup> In 2019 EASO supported **registration** in four district offices of the Aliens and Immigration Service of the police with six registration assistants. By the end of September they had completed 6,443 registrations (68 % of the total number of registrations). According to the Support Plan in 2020 EASO will support registration in four district offices of the Aliens and Immigration Service of the police as well as registration in First Registration Reception Centre in Kokkinotrimithia (Pournara) with nine registration assistants and five interpreters (Pournara, Nicosia, Pafos)

## 2. Access to information and legal assistance (including counselling and representation)

Asylum seekers have a right to legal assistance throughout the asylum procedure, if they can cover the cost, as free legal assistance is not easily available and *pro bono* work by lawyers is prohibited by

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<sup>14</sup> Information provided to the Cyprus Refugee Council on persons who applied for asylum while in prison.

<sup>15</sup> EASO Operating Plan 2020 <http://bit.ly/382C6e1>

<sup>16</sup> Information provided by EASO, 13 February 2019.

the Advocates Law <sup>17</sup>, and may lead to disciplinary measures against lawyers.

In practice the only free legal assistance available at the administrative stages is extremely limited and under funded projects. Due to the lack of state-provided legal assistance, UNHCR has funded consistently the project “Strengthening Asylum in Cyprus”, implemented by the NGO Future Worlds Center from 2006-2017 and by the Cyprus Refugee Council for 2018, 2019 and 2020 <sup>18</sup>. The project provides for only 3 lawyers for all asylum seekers and beneficiaries of international protection and therefore concentrates on precedent-setting cases. A project funded under the European Refugee Fund (ERF) which provided free legal assistance specifically to asylum seekers was implemented once for the first 6 months of 2013, then for the first 6 months of 2014 and for another 6 months until June 2015 by the NGO Future Worlds Center <sup>19</sup>. Although legal assistance was included as a priority under the Asylum, Migration and Integration Fund (AMIF) at a national level, a relevant call for proposals has not been issued since the introduction of the AMIF <sup>20</sup>. The lack of legal assistance provided by the state, the lack of funding for non-state actors to provide such assistance combined with the lack of any information provided currently by the state (see section on [Information for Asylum Seekers and Access to NGOs and UNHCR](#)) leads to a major gap in the asylum procedures in Cyprus.

Asylum seekers reach NGOs providing legal assistance primarily through word of mouth, especially since the information available to asylum seekers is often not available or outdated (see section on [Information for Asylum Seekers and Access to NGOs and UNHCR](#)) or via other NGOs that may not have legal assistance and may refer asylum seekers to NGOs that do. Individual officers working in various departments of the government that come in contact with asylum seekers may refer them to NGOs to receive legal assistance, whereas asylum seekers residing in the reception centre may be referred by the staff working there. In the case of asylum seekers in detention they come in contact with NGOs again through other detainees but also by NGOs carrying out monitoring visits to the detention centre <sup>21</sup>.

The procedure before the RRA is administrative, not judicial, and applicants have a right to submit an appeal without legal representation. The procedure before the IPAC is judicial and applicants are encouraged to enlist the services of a registered Lawyer to represent them before the Court. However, it is possible to appear without legal representation. In both appeals the chances of succeeding without legal representation are extremely limited. In view of the problematic access to legal aid, it is questionable how many applicants have access to this remedy.

Legal aid is offered by the state only at the judicial examination of the asylum application before the Administrative Court (between Jan 2019 – June 2019) and as of June 2019 before the International Protection Administrative Court (IPAC) <sup>22</sup>. The application for legal aid is subject to a “means and merits” test. <sup>23</sup> According to this test, an asylum seeker applying for legal aid must show that he or she does not have the means to pay for the services of a lawyer. This claim will be examined by an officer of the Social Welfare Services who submits a report to the IPAC. In the majority of cases, asylum seekers are recognised not to have sufficient resources.

However based on the published decisions on legal aid applications submitted before the IPAC for

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

<sup>18</sup> See <https://cyrefugeecouncil.org/>

<sup>19</sup> For an overview, see FWC, *Provision of Free Legal Advice to Asylum Seekers in Cyprus*, available at: <http://bit.ly/1Mahy6e>.

<sup>20</sup> Ministry of Interior, *European Funds*, available at: <http://bit.ly/2mcB4sq>

<sup>21</sup> Information provided by the Cyprus Refugee Council, which carries out weekly visits to the detention centre

<sup>22</sup> Article 6B(2) Legal Aid Law

<sup>23</sup> Article 6B(2)(b)(bb) Legal Aid Law

the period June-November 2019 only 1 legal aid application has been successful leading to the observation that the “merits” part of the test remains extremely difficult to satisfy .

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

### **3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

Asylum Service caseworkers often conduct interviews in English, using interpretation where needed; this is often due to the fact that it is easier to identify interpreters that can speak the applicant's language and English rather than Greek. This, however, often affects the quality of interviews where the caseworker would arguably be more comfortable using Greek instead of English and the language barrier is often visible in the interview transcript and the recommendation, which often have several grammar, spelling and syntax mistakes, statements may be misunderstood or passages are poorly drafted or unclear.<sup>24</sup>

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

Although interpreters are always present in interviews, they are not professional interpreters nor adequately trained, and there is no code of conduct for interpreters.<sup>25</sup> Asylum seekers often complain about the quality of the interpretation as well as the impartiality / attitude of the interpreter, yet such complaints are seldom addressed by the Asylum Service.<sup>26</sup> During monitoring of interviews at the Asylum Service, it has been noted that although asylum seekers are asked by the interviewing officer whether they can understand the interpreter, most of the time they are reluctant to admit that there is an issue with understanding and prefer to proceed with the interview as they feel they have no other choice or are unwilling to wait for a longer period of time (sometimes months) for another interview to be scheduled.<sup>27</sup> In addition, there have been cases where the applicant has complained about the interpreter regarding the quality of interpretation or attitude, and this has been perceived as lack of cooperation on behalf of the applicant.

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<sup>24</sup> Based on review of cases between 2006-2018 by the Cyprus Refugee Council and previously the Humanitarian Affairs Unit of the Future Worlds Center.

<sup>25</sup> KISA, *Comments and observations for the forthcoming 52<sup>nd</sup> session of the UN Committee against Torture*, April 2014, available at: <http://bit.ly/1I2c0K3>, 39-40.

<sup>26</sup> Information provided by the Cyprus Refugee Council.

<sup>27</sup> Information from legal advisors of the Cyprus Refugee Council present at the interviews.

In the case of interviews carried out by EASO caseworkers, the interpreters are often provided under the EASO Support Plan and may have been brought to Cyprus for this purpose. These interpreters seem to have received training and follow Standard Operating Procedures, however in 2019 complaints were received regarding an EASO interpreter that led to a complaint and the subsequent termination of services by the interpreter<sup>28</sup>.

There are often complaints by asylum seekers that the transcript does not reflect their statements, which is attributed either to the problematic interpretation or to problems with the examining officer, such as not being appropriately trained especially for the examination of vulnerable persons or sensitive issues, not being impartial, having a problematic attitude and not allowing corrections or clarifications on the asylum seeker's statements.

#### **4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

The interview for the Dublin procedure is carried out by the Dublin Unit of the Asylum Service. These interviews are conducted in the same manner as the regular procedure, meaning that an interpreter is always available when needed and applicants can choose the gender of the interpreter and/or interviewer. It is also recorded in the same way as the regular procedure, meaning only a written transcript is produced as audio/video recording is not used (see section on [Regular Procedure: Personal Interview](#)).

The interview for the Dublin procedure focuses on determining the Member State responsible for examining the application for international protection. For possible "take back" cases, questions focus on the applicants' entry into other Member States prior to reaching Cyprus, whether or not they have applied for asylum in said countries and the reasons for applying, duration of stay along with specific dates of entry, reason for leaving the country. For family unity reasons, questions focus on whether the individual has family members in other member states, as well the relationship with the individual in question, their relatives' status in the country and whether they can obtain any documents proving the familial relationship. All applicants are also informed on the Dublin procedure, what it entails, the possibilities and effect on the case.<sup>29</sup>

The procedure for appeals against Dublin decisions is identical to appeals in the regular procedure (see [Regular Procedure: Appeal](#)), except for the suspensive effect of the appeal before the RRA. Whereas an appeal in the regular procedure before the RRA has automatic suspensive effect, in the case of an appeal against a decision in the Dublin procedure it does not suspend the decision, unless the RRA so determines.<sup>30</sup> According to information provided by the Asylum Service, the RRA has so far suspended all transfers until a decision has been issued on appeal. As in the regular procedure, a judicial review is available before the Administrative Court,<sup>31</sup> during which the applicant has a right to remain.

The majority of cases in Cyprus that may be transferred to other Member States are not challenged by asylum seekers, as the great majority of the cases are related to family unity reasons and their preference is to not remain in Cyprus.

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<sup>28</sup> Information from legal advisors of the Cyprus Refugee Council on cases represented.

<sup>29</sup> Information provided by testimonies of individuals who have undergone a Dublin interview.

<sup>30</sup> Article 11B(3) Refugee Law.

<sup>31</sup> Article 31Γ(3) Refugee Law.

**5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

Accelerated procedure: Although an accelerated procedure was foreseen in national legislation for many years, in practice it had never been used. In 2018, in view of the sufficient rise in asylum applications, there were discussions on implementing the accelerated procedure and in 2019 for the first time a Ministerial Decision was issued determining Georgia as a safe country of origin. From then on, the accelerated procedure is being piloted for Georgian nationals and a wider adoption will most probably take place in mid-2020.

**6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)**

During the administrative and judicial instance of the procedure, asylum seekers have the right to access material reception conditions.

Specifically, according to national legislation, asylum seekers are entitled to material reception conditions as follows:

**Regular and accelerated procedure:** Asylum seekers are entitled to material reception conditions during both these procedures, . For both procedures asylum seekers are entitled to reception conditions from the making of the application up to the issuance of a decision of the International Protection Administrative Court.

**Dublin procedure:** During the determination procedure to identify the Member State responsible under the Dublin Regulation, a person is considered an asylum seeker.<sup>32</sup> According to this if a person arrives in Cyprus and there is a possibility that another Member State is the responsible state, then he or she is considered an asylum seeker and enjoys all such rights including material reception conditions. Regarding asylum seekers returned to Cyprus under the Dublin Regulation, if their asylum case is still under examination, they will be entitled to material reception conditions.. If their asylum application has been determined, they are not entitled to reception conditions and may be detained.

**Appeals:** Appeals before the International Protection Administrative Court entail access to reception conditions until the issuance of the court's decision.

**Subsequent application:** When a rejected asylum seeker submits a subsequent application or new elements to his or her initial claim, they are considered an asylum seeker and have access to material reception conditions.

According to the Refugee Law,<sup>33</sup> when an application is made, the Aliens and Immigration Unit refers the applicant to the district Social Welfare Office and by presenting a Confirmation that the application

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<sup>32</sup> Article 11(B)(2) Refugee Law .

<sup>33</sup> Article 9IA(3) Refugee Law .

has been made,<sup>34</sup> the applicant has a right to submit an application for the provision of material reception conditions. However according to another provision of the law,<sup>35</sup> the Confirmation that the application has been made is provided 3 days after the application is actually lodged. Furthermore the law allows 6 days to elapse between making and lodging an application.<sup>36</sup> The transposition of the recast Reception Conditions and Asylum Procedures Directives into the Refugee Law is problematic as regards the distinction between “making” and “lodging” an application and as a result also the point in time when access to reception conditions is actually provided.

Current set-up with EASO officers stationed at the points of submitting an application for asylum, facilitating the process, as well as the referral of asylum seekers in the Pournara first reception Centre, has ensured timely lodging of asylum applications.

In the previous version of the Refugee Law, the conditions for granting and the level of material conditions were not provided by the law, but instead were included in an application form for the provision of material reception conditions,<sup>37</sup> issued as a Notification by the Council of Ministers.<sup>38</sup> This Notification has always been considered problematic as it sets additional requirements not foreseen in the law. In addition, the Regulations did afford to the Council of Ministers the power to determine the conditions and the level of assistance provided.<sup>39</sup> Therefore the conditions as well as the level of assistance foreseen in the Notification also lack any legal basis. With the 2016 amendment to the Refugee Law,<sup>40</sup> the Notification and the relevant application form are no longer in effect, however the application and all elements included are still used in practice.

The law provides that material reception conditions are provided to applicants to ensure an adequate standard of living capable of ensuring the subsistence and physical and mental health. No other provisions are included in the law determining the conditions and level of assistance provided. A relevant Notification by the Council of Ministers was issued on 6/5/2019, revising the level of material reception conditions.<sup>41</sup>

However, and as mentioned above the eligibility requirements, and the reasons for the termination of material assistance are regulated in the Notification,<sup>42</sup> which albeit no longer in effect is still used in practice. This Notification still includes the cancelled amounts provided for the coverage of reception conditions.

The Welfare Services (although not uniformly across the country) require the applicant to submit the alien registration number in order to be entitled to the full level of reception conditions (coupons, personal expenses and rent). The ARC may be issued a few weeks after the issuance of the Confirmation of Submission of an application for International Protection, and additional documents

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<sup>34</sup> The confirmation provided is titled ‘Confirmation of Submission of an Application for International Protection’.

<sup>35</sup> Article 8(1)(b) Refugee Law .

<sup>36</sup> Article 11(4)(a) Refugee Law .

<sup>37</sup> KDP/2013 Published on 9 July 2013 in the Official Gazette of the Republic of Cyprus as a Notification by the Council of Ministers by virtue of Regulation 14(3) Refugee (Asylum Seekers’ Reception Conditions) Regulations 2005-2013.

<sup>38</sup> Ministry of Labour and Social Insurance, *Application for Material Reception Conditions of Applicants for International Protection* (Αίτηση για Κάλυψη Υλικών Συνθηκών Υποδοχής Σε Αιτητές Διεθνούς Προστασίας), available at: <http://bit.ly/1Sp11tQ>.

<sup>39</sup> Refugee (Asylum Seekers’ Reception Conditions) Regulations 2005-2013.

<sup>40</sup> Note 35(1)(δ) Refugee Law .

<sup>41</sup> Decision of Council of Ministers 87.433

<sup>42</sup> Ministry of Labour and Social Insurance, *Application for Material Reception Conditions of Applicants for International Protection* (Αίτηση για Κάλυψη Υλικών Συνθηκών Υποδοχής Σε Αιτητές Διεθνούς Προστασίας), available at: <http://bit.ly/1Sp11tQ>.

are also reported as necessary in the application form, which may not be available at the time of the application for reception conditions.

In practice, the sufficiency and adequacy of resources cannot provide for a dignified standard living, which has been repeatedly raised by NGOs, UNHCR<sup>43</sup>, Ombudsman Office<sup>44</sup> and the Commissioner for Children's Rights<sup>45</sup> also in 2019. This has led to many asylum seekers including families with young children living in conditions of destitution and heavily relying on charities to cover basic needs such as food. The same applies for housing, as the sharp increase of rents in urban areas as well as the lack of networking capacity among newcomers, results in increased numbers of homeless people.<sup>46</sup>

Even in the cases where applicants are able to secure employment, the provision of material reception conditions is immediately terminated without taking into account the sufficiency of the remuneration to cover the basic and/or special needs of applicants and their family members, again forcing asylum seekers into destitution.

A positive shift in practice was observed in 2017 in relation to the conditions under which material conditions are granted to some vulnerable persons. More specifically, and following an assessment by Social Welfare Services, single mothers of children up to 2-years-old who are unable to take up work due to child care may be exempted from the duty of registering with the Labour Department without a disruption in the provision of benefits. This applies until the children reach the age of 2. During 2019, this practice was interrupted and it is currently under revision by the authorities. Further monitoring is required

Within the framework of the Refugee Law, material reception conditions refer to accommodation, food, clothing, and a daily allowance.<sup>47</sup> Material assistance can be provided in kind and/or in vouchers and if this is not possible, through financial aid.<sup>48</sup> In practice, if there is no vacancy in the Reception Centre, asylum seekers are allowed to file an application to the Social Welfare Services.

In relation to residents in the community being entitled to reception conditions, food and clothing are provided through vouchers, rent allowance is payable directly to landlords and the financial allowance to cover the cost of electricity, water and minor expenses is provided by cheque to the applicants. Residents of the reception centre are granted 2 hot meals per day and supplies to prepare breakfast.

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<sup>43</sup> See e.g first Annual Integration Conference, organized by UNHCR, December 2019, concluding statements available at: <https://bit.ly/2w3L91c>; Open Discussion Event, organized by UNHCR and University of Cyprus, April 2019, press release available in greek: <https://bit.ly/2Vm4Zil>; UNHCR and University of Nicosia, *The living conditions of asylum-seekers in Cyprus*, May 2018, available at: <https://bit.ly/2lWknsM>; UNHCR, 'Homelessness is becoming an increasing issue for asylum-seekers in Cyprus', 23 April 2018, available at: <https://bit.ly/2lVRQIU>; 'Asylum-seekers complain to UNHCR about their deteriorating living conditions', 15 December 2017, available at: <http://bit.ly/2oxwNPI>; 'Η ζωή αιτητών ασύλου στην Κύπρο - Μαρί \*, μητέρα και μηχανικός αυτοκινήτων', 10 August 2017, available in Greek at: <http://bit.ly/2GLlyZL>; 'Λάουρα \*, επιστήμονας και τραγουδοποιός', 24 May 2017, available in Greek at: <http://bit.ly/2qmidxG>; 'Η ζωή αιτητών ασύλου στην Κύπρο - Άγια\*, Νεαρή μητέρα από τη Σομαλία', 9 May 2017, available in Greek at: <http://bit.ly/2rimizX>.

<sup>44</sup> [http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/DCA7E9260217FA42C2258415003552AD/\\$file/%CE%91%CE%A01799\\_2016\\_06062019.pdf?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/DCA7E9260217FA42C2258415003552AD/$file/%CE%91%CE%A01799_2016_06062019.pdf?OpenElement)

<sup>45</sup> <http://www.childcom.org.cy/ccr/ccr.nsf/All/E7F9E561E2A36397C22584D5003BDCBF?OpenDocument>

<sup>46</sup> UNHCR et al., 'Joint Statement on the growing problem of homelessness among asylum-seekers in Cyprus', 9 May 2018, available at: <https://bit.ly/2Uk557g>.

<sup>47</sup> Article 2 Refugee Law.

<sup>48</sup> Article 9IB Refugee Law.

The Refugee Law does not set the amount of material assistance provided to asylum seekers. It refers to assistance that would ensure “an adequate standard of living capable of ensuring their subsistence and to protect their physical and psychological health.”<sup>49</sup> It also provides that the amount of the assistance provided should be in accordance to the amounts granted for securing an adequate living standard to nationals.<sup>50</sup> Asylum seekers may be subjected to less favourable treatment compared to Cypriot citizens, especially when the amounts granted to the latter aim to secure a living standard which is higher than the one determined in the Refugee Law for asylum seekers.<sup>51</sup>

Since the 1<sup>st</sup> of June 2019 and following a Ministerial Decision dated 6 May 2019<sup>52</sup>, the amounts granted for covering material reception conditions have been revised upwards.

The detailed breakdown of the amounts granted to asylum seekers are as follows:<sup>53</sup>  
CHECKREF

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

Number of persons	Allowance for rent					Total amount of assistance granted
	Nicosia	Limassol	Famagusta	Larnaca	Paphos	
1	€100	€100	€100	€100	€100	361
2	€200	€218	€146	€174	€146	525-597
3-4	€290	€317	€211	€252	€211	723-829
5+	€364	€397	€265	€315	€265	1023-1155

Although the Refugee Law has incorporated the recast Reception Conditions Directive’s provisions regarding the timely identification assessment and address of special reception needs, there are no specific procedural guidelines/regulations or documentation governing the implementation of those provisions. Thus, currently, the needs assessment does not include any special needs such as disability, therefore these are not taken into account. The officially ceased, but still used in practice, “Application for Material Reception Conditions of Applicants for International Protection” and the general requirements do not seek for any information on specific needs and/or vulnerable circumstances the applicant and their family may have.

<sup>49</sup> Article 9IA(1) Refugee Law .

<sup>50</sup> Article 9IB(2)(a) Refugee Law .

<sup>51</sup> Article 9IB(2)(b) Refugee Law .

<sup>52</sup> Decision of Council of Ministers 87.433

<sup>53</sup> Ministry of Labour and Social Insurance, *Application for Material Reception Conditions of Applicants for International Protection* (Αίτηση για Κάλυψη Υλικών Συνθηκών Υποδοχής Σε Αιτητές Διεθνούς Προστασίας), available at: <http://bit.ly/1Sp11tQ>.

Reception conditions may be reduced or withdrawn by a decision of the Asylum Service following an individualised, objective and impartial decision, which is adequately justified and announced to the applicant.<sup>54</sup> Such a decision is subject to the provisions of the Convention on the Rights of the Child as the latter is ratified and incorporated in national legislation.<sup>55</sup> However, there are no guidelines regulating the implementation of that possibility and, in practice, the enjoyment of reception conditions by children is depended upon their parents' eligibility to access them.

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#### **7. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management - including backlog management)**

In practice, the time required for the majority of decisions on asylum applications exceeds the six-month period, and in cases of well-founded applications, the average time taken for the issuance of a decision takes approximately two-three years. It is not uncommon for well-founded cases to take up to three-four years of waiting time before asylum seekers receive an answer.<sup>56</sup> While there had been improvement in processing times for fast-tracked nationalities (see section on [Regular Procedure: Fast-Track Processing](#)), due to the high numbers of applications in 2018 and 2019 there are still long delays.

#### **8. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)**

Appeals: In order to ensure that asylum seekers in Cyprus have a right to an effective remedy, the relevant authorities had taken steps to modify the asylum procedure as follows; abolish the Refugee Reviewing Authority, which is a second level first-instance decision-making authority that examines recourses (appeals) on both facts and law, but is not a judicial body, and instead provide judicial review on both facts and law before the Administrative Court. In 2018, due to the heavy caseload before the Administrative Court, it was decided that a specialised court will take on the cases related to international protection and a new court was established, named the International Protection Administrative Court (IPAC), In June 2019 the IPAC initiated operations. Furthermore, in July 2019 the RRA ceased receiving new applications and will examine the backlog by the end of 2020 after which it will cease operations.

#### **9. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)**

n/a

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<sup>54</sup> Article 9KB(1)(a) Refugee Law .

<sup>55</sup> Article 9KB(1) Refugee Law .

<sup>56</sup> Information provided by the Cyprus Refugee Council.

## **10. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)**

The Refugee Law defines the categories of persons considered as vulnerable similar to Article 21 of the recast Reception Conditions Directive:<sup>57</sup>

“[M]inors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.”

### Screening Vulnerability

The Refugee Law sets out an identification mechanism. Specifically it provides that an individual assessment shall be carried out to determine whether a specific person has special reception needs and/or requires special procedural guarantees, and the nature of those needs.<sup>58</sup> These individualised assessments should be performed within a reasonable time period during the early stages of applying for asylum, and the requirement to address special reception needs and/or special procedural guarantees applies at any time such needs are identified or ascertained.

The Refugee Law also provides that any special reception / procedural needs of applicants, identified by any competent governmental authority upon exercising its duties, need to be reported to the Asylum Service. It also provides a basic overview of the procedure to be followed: specifically, the competent officer at the place where the claim of asylum is made fills a special document indicating any special reception and/or procedural needs of the claimant as well as the nature of such needs. The type of that document is not specified in the law but according to the Asylum Service it has been provided.

The Refugee Law also provides that during the preliminary medical tests which are performed to all asylum seekers, a report will be prepared by the examining doctor, a psychologist or another expert, indicating any special reception / procedural needs of the applicant and their nature. Furthermore, within a reasonable time period from the admission of a claimant in a reception centre and following personal interviews, the social workers and psychologists working in the facility will prepare a relevant report to Asylum Service indicating any special reception needs as well as their nature. Finally, the Social Welfare Services are required to identify any special reception needs and report them to Asylum Service, but that applies in case an asylum seeker presents him or herself to Social Services and “whenever this is possible”.

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<sup>57</sup> Article 9KΓ Refugee Law .

<sup>58</sup> Articles 9KΔ(a) and 10A Refugee Law .

The above amendments acknowledge the need of timely identifying and addressing the special reception and procedural needs of vulnerable persons and introduce a basic framework of operation. However, further elaboration is required in order for an effective mechanism to be set up. In the absence of specific legislative or procedural guidelines, the identification and assessment of special reception and procedural needs take place fragmentally, while the assessment tools and approaches to be used are neither defined nor standardised. Relevant to that, there is no provision for training of the staff engaged in the identification and assessment procedure, and the role of Social Welfare and Health Services – being the most competent state authorities in relation to evaluating the needs of vulnerable persons – is rather confined. No monitoring mechanism of the overall procedure is foreseen which could contribute to the efficient and timely coordination among the involved agencies.

According to the Asylum Service, they have provided a relevant form and trained the authorities where asylum applications are made as well as other authorities (Labour Office, Social Welfare Services, and others) to identify vulnerable persons or indications that a person may be vulnerable. However, this is limited to visible signs and there is no other assessment tool used. Training is also provided by UNHCR from time to time and EASO as part of the Special Support Plan, and has been planned under the Operating Plan 2019 with a focus on victims of trafficking.<sup>59</sup> Regardless of the trainings, vulnerable persons and their special reception and/or procedural needs are still identified in a non-standardised manner. This might happen during people's contact with the Welfare Services, during the interview for the examination of the asylum application and by local NGOs offering community services and support. There are no available statistics or official information on the effectiveness of this procedure. From information provided by vulnerable asylum seekers, it is not effective.<sup>60</sup>

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

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

Overall the lack of an effective identification procedure prevents or delays (depending on the specific vulnerability and support consequently required) access to any available support, which in itself is limited. In cases of victims of torture or violence, the lack of access to support will often impair the efficient examination of asylum applications, since they do not receive prior counselling psychological or legal that may assist them to present their asylum claim adequately.

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<sup>59</sup> EASO, *Operational & Technical Assistance Plan to Cyprus 2019*, December 2018, Measure CY 1.0.

<sup>60</sup> Ombudsman, *Support of a woman, single mother, victim of torture and gender-based violence*, 5/2016, cited in *Annual Report 2017*, available in Greek at: <https://bit.ly/2SdKmF5>, 28-30; Reporter, 'Απάνθρωπη αντιμετώπιση κακοποιημένης μάνας από την... ευρωπαϊκή Κύπρο', 31 January 2019, available in Greek at: <https://bit.ly/2T1KdEC>.

The lack of effective measures for identifying vulnerable persons was raised in the recent review on Cyprus by the UN Committee against Torture, specifically the lack of procedures to identify, assess and address the specific needs of asylum seekers, including survivors of torture.<sup>61</sup>

#### Age assessment of unaccompanied children

The Refugee Law provides that the Asylum Service may use medical examinations to determine the age of an unaccompanied child, within the examination of the asylum application when, following general statements or other relevant evidence, there are doubts about the age of the applicant.<sup>62</sup> If, after conducting the medical examination, there are still doubts about the age of the applicant, then the applicant is considered to be minor. Furthermore the law provides that any medical examination shall be performed in full respect of the unaccompanied child's dignity, carried out by selecting the less invasive exams and carried out by trained professionals in the health sector so as to achieve the most reliable results possible.

The Asylum Service also has the obligation to ensure unaccompanied children are informed prior to the examination of the application in a language which they understand or are reasonably supposed to understand, about the possibility of age determination by medical examinations. Such information shall include information on the method of examination, the potential impact of the results of the medical examinations on the examination of the application and the impact any refusal of an unaccompanied child to undergo medical examinations. Furthermore, the Asylum Service must ensure that the unaccompanied child and/or representative have consented to carry out an examination to determine the age of the child, and the decision rejecting an application of an unaccompanied child who refused to undergo such medical examination shall not be based solely on that refusal.

In practice, not all unaccompanied children are sent for an age assessment, while those for whom there are doubts regarding age will first have an interview, which is considered by the authorities as a psychosocial assessment, to determine if they should be sent for medical examinations. The psychosocial assessment is carried out by an Asylum Service caseworker, in the presence of a social worker / guardian and it mostly consists of taking down facts to assess whether these are consistent to the claim of being underage. The caseworker carrying out the assessment will have received training for this purpose but is not necessarily a qualified social worker or psychologist. The assessment also includes questions related to the asylum application. In Dublin cases, a child may be sent for medical examination when the country to which he or she wants to transfer requires a medical age assessment as part of the examination of the Dublin request. The medical examination comprises of a wrist X-ray, jaw-line X-ray and a dental examination. A clinical examination by an endocrinologist to determine the stage of development, upon consent of the child is also mentioned in the procedure. However, in practice such examination does not seem to be used due to its invasive nature.<sup>63</sup>

According to the authorities, the doctors that are currently carrying out some of the dental examinations have been trained by EASO. However, the training of all professionals carrying out the age assessment does not seem to be ongoing and it is not clear if any of the doctors have since changed and if there has been further training. .<sup>64</sup>

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<sup>61</sup> UNCAT, Concluding Observations on the Fifth Report of Cyprus, December 2019

<sup>62</sup> Article 10(1Z)(a) Refugee Law .

<sup>63</sup> Commissioner of Children's Rights, Έκθεση της Επιτρόπου Προστασίας των Δικαιωμάτων του Παιδιού, Λήδας Κουρσομπά, αναφορικά με την εκτίμηση της ηλικίας των ασυνόδευτων ανήλικων αιτητών ασύλου, December 2018, available in Greek at: <https://bit.ly/2U2P7hW>, 18 and 32.

<sup>64</sup> *Ibid*, 29.

Furthermore, there is no procedure in place to challenge the findings of the age assessment, and the Asylum Service refuses to give access to the file and documents relevant to the age assessment. As soon as the results are announced to the individuals, they are usually assisted to apply for material reception conditions and then asked to leave the shelter for children the soonest possible.

The Commissioner of Children's Rights issued an updated report on age assessment of unaccompanied children at the end of 2018,<sup>65</sup> in which she states as a positive development the procedure that has been adopted since 2014 when the last report had been issued.<sup>66</sup> However, the Commissioner notes important gaps that still remain such as: the lack of an overall multidisciplinary approach of the procedure and the decision, noting especially 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 as well as the lack of independency of both of these roles as they also act on behalf of the national authority they represent.

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

#### Adequate support during the interview

The Refugee Law lays down procedural guarantees and provides that if the Asylum Service finds that an applicant is in need of special procedural guarantees, they are provided with adequate support, including sufficient time, so that the applicant can benefit from the rights and comply with the obligations provided in the Refugee Law, throughout the asylum procedures and to make it possible to highlight the elements needed to substantiate the asylum application.<sup>67</sup> The exact level, type or kind of support is not specified in the law.

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

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

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

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<sup>65</sup> *Ibid.*

<sup>66</sup> Commissioner of Children's Rights, *Position Paper on the first-stage handling of cases of unaccompanied minors, The results of the investigation of complaints, consultation with NGOs and interviews with unaccompanied minors*, November 2014.

<sup>67</sup> Article 10A Refugee Law.

Regarding the procedure followed during the examination of the asylum application, in recent years there have been improvements noted in the personal interview as well as training of officers / caseworkers carrying out the interview and examining asylum claims. There are no specialised units within the Asylum Service for these groups. However, there are 5 specialised case officers dealing with claims from vulnerable persons, including 3 officers for unaccompanied children and 2 for vulnerable groups such as victims of trafficking and gender-based violence<sup>68</sup> However, specific interview techniques are not systematically used and practice still depends on individual officers / caseworkers conducting interviews. In addition, due to the lack of an adequate identification mechanism, in many cases the interview will be carried out by an officer / caseworker who lack the necessary training and as there is no internal procedure to refer cases, they will often continue with the interview and examination of the application. There are also still complaints about interviews being carried out in an interrogatory manner.

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

In 2018, EASO also deployed 3 vulnerability experts.<sup>69</sup> In 2019 the number remains the same but is expected to increase in 2020. The EASO support since 2017 has led to more cases being examined in a timely and appropriate manner, yet it is still not clear if all such cases are being identified and receiving appropriate examination. Based on cases represented by the Cyprus Refugee Council in 2018, there have been issues relating to the duration of the interview with cases identified of vulnerable persons that last five hours and, in a case of a victim of torture with ongoing physical pain, eight hours.

### Exemption from special procedures

The law also provides that where such adequate support cannot be provided within the framework of the [Accelerated Procedure](#), in particular where it is considered that the applicant is in need of special procedural guarantees as a result of torture, rape or other serious forms of psychological, physical or sexual violence, the Head of the Asylum Service shall not apply, or shall cease to apply the accelerated procedure.

Asylum applications submitted by vulnerable groups of asylum seekers such as victims of torture, severe forms of violence and unaccompanied children follow the regular examination procedure. However, in accordance to Article 12Δ(4)(a) of the Refugee Law, officers are given discretionary power to exercise the accelerated examination procedure when an applicant is deemed to have special needs, although in practice this is never used. As the accelerated procedure was only initiated toward the end of 2019 there are no indications on whether the above is applied.

### Legal representation of unaccompanied children

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<sup>68</sup> Information provided by the Asylum Service, January 2018.

<sup>69</sup> Information provided by EASO, 13 February 2019.

According to the law, when an application for asylum is lodged by an unaccompanied child, the Aliens and Immigration Unit, which is the authority responsible for receiving asylum applications, must immediately notify the Head of the Asylum Service, who must immediately notify the Director of Social Welfare Services.<sup>70</sup> In practice there is no proper identification mechanism, save for the police officers at the Aliens and Immigration Unit having to verify the ages on the asylum applications in order to identify children. However, this is not done systematically, nor is there a procedure to identify children who may have entered the country on false documents that show them to be over 18. Due to the lack of information both at the Unit where asylum applications are made as well as in detention centres, unaccompanied children are not always aware that it is to their benefit to report their real age.

The law provides that the Director of Social Welfare Services acts, in person or via an officer of the Social Welfare Services, as representative of unaccompanied children in the procedures provided in the Refugee Law. For judicial proceedings, the Social Welfare Services ensure the representation of unaccompanied children pursuant to the Commissioner for the Protection of Children's Rights (Commissioner Appointment by the Court as Child Representative) Procedural Rules of 2014.<sup>71</sup> Therefore representation remains with the Social Welfare Services throughout the asylum procedures except for judicial proceedings where the Commissioner for Children's Rights is responsible to appoint legal representation. In view of this the Commissioner for Children's Rights is currently in the process of setting up a procedure where a lawyer will be appointed to represent where needed unaccompanied children in the judicial proceedings of the asylum procedure.

According to the law, guardianship has automatic and immediate effect, without a decision or act, whereas representation must be taken up and carried out as soon as possible. There is no procedural formality for the Social Welfare Services to take up either appointment and these appointments apply for all procedures.

The role of the representative entails assistance and representation during the administrative examination of the asylum application. In addition, the law provides that the Asylum Service shall ensure that the representative is given the opportunity to inform the unaccompanied child about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare themselves for the personal interview. The Asylum Service permits the representative to be present at the first instance interview and ask questions or make comments, within the framework set by the responsible officer / caseworker who conducts the interview. On the other hand, the guardian is responsible for the overall well-being of the child, including accommodation, school arrangements, and access to healthcare.

Regarding the representation carried out by the Social Welfare Services, the appointed officer does not have adequate knowledge or training on legal or asylum issues, rarely meets with the child before the interview and, even in cases where they do, often no information is provided on the interview, the meaning of the interview and possible consequences of it. It has been noted that the children are often taken to their interviews on the scheduled day, without prior notice. During the interview the representative is always present, but as they usually have no prior contact with the child and no knowledge about the specific case, they are not in a position to contribute in a substantial way. In all cases monitored by the Cyprus Refugee Council,<sup>72</sup> the representative has never asked any questions or made any comments after the interview, and further actions are rarely taken on behalf of the child, such as following up on the case in case of delay or keeping the child informed about the procedure. Also regarding the Dublin procedure, there have been cases where the representative of the child did not inform the Asylum Service of the existence of relatives in other European countries, leading to the expiration of three month deadline to lodge a Dublin request.

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<sup>70</sup> Article 10 Refugee Law .

<sup>71</sup> Procedural Rules 3/2014, available at: <http://bit.ly/2mKdxvp>.

<sup>72</sup> Information provided by the Cyprus Refugee Council.

In instances where the asylum application is rejected, the representative does not have the required legal knowledge to prepare the administrative appeal before the RRA, whereas until recently the law did not provide for representation in the judicial proceedings. Since the 2016 amendment to the Refugee Law, where an unaccompanied child needs to proceed with a judicial review of the asylum decision the Commissioner for Children's Rights appoints a lawyer for this purpose. The Commissioner carries out trainings from time to time to selected lawyers on the representation of children in asylum cases.

The legal and policy framework for unaccompanied children has been repeatedly criticised by the national Ombudsman, who has issued two reports on the issue,<sup>73</sup> stating the gaps in both policy and practice. The main issues, raised by the Ombudsman are the lack of early identification of unaccompanied children, their detention (this has since been resolved, as seen in [Detention of Vulnerable Applicants](#)) the care provided by the Social Welfare Services as the legal guardian, as well as the lack of an effective legal representative that is also provided by the Social Welfare Services, the lack of coordination between the relevant authorities, delays in the examination of their asylum applications and the age assessment procedure. The Council of Europe Commissioner for Human Rights, after a visit to Cyprus in December 2015, also raised his concerns on issues related to unaccompanied children and legal representation.<sup>74</sup>

At the end of 2018 the Commissioner for the Rights of the Child issued a series of three reports related to unaccompanied children, including a report on the representation of unaccompanied children.<sup>75</sup> In this report the Commissioner once again raises serious concerns on many issues related to representation and considers the existing framework to be in violation of the Asylum Directives. Such issues include the lack of representation for unaccompanied children with regard to access to reception conditions; legal representation before the Court is limited to asylum cases and not reception conditions; the law provides that unaccompanied children and their representative are provided with free legal and procedural information but the law does not foresee who provides such information; the Law does not provide for legal representation and the existing representation by the Social Welfare Service is problematic and the dual role of the Social Welfare service that acts as Guardian and representative.

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

## **11. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**

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<sup>73</sup> Ombudsman, *Intervention regarding the treatment of unaccompanied children*, 29 May 2014; *Report regarding the system of protection and representation of Unaccompanied Minors*, 24 August 2015, 41/2015, available in Greek at: <http://bit.ly/1iZeaPB>.

<sup>74</sup> Council of Europe Commissioner for Human Rights, *Report following the visit to Cyprus from 7 to 11 December 2015*, CommDH(2016)16, 31 March 2016, available at: <http://bit.ly/2mcxpec>.

<sup>75</sup> Commissioner for the Rights of the Child, *Έκθεση της Επιτροπής, αναφορικά με την εκπροσώπηση των ασυνόδευτων ανηλίκων αιτητών ασύλου*, December 2018, available in Greek at: <https://bit.ly/2F8OIL8>.

## Social Welfare

International protection beneficiaries, both refugees and subsidiary protection beneficiaries have access to the national social welfare system Guaranteed Minimum Income (GMI) at the same level and under the same conditions that apply to nationals. The only exception is the requirement of having 5 years of legal and continued residence in Cyprus, which international protection beneficiaries are exempted from. All applicants of GMI are required to reside in the government-controlled areas of RoC in order to be eligible for GMI. Other than that there are no requirements to reside in a specific place or region.

The Ministry of Labour, Welfare and Social Insurance and specifically the Welfare Benefit Management Service is the authority responsible for the administration of the GMI. In practice applicants for GMI, both nationals and beneficiaries of international protection, face long delays in the examination of their application with most cases reaching up to 5-6 months. For beneficiaries of international protection this period is extremely difficult as any benefits received as an asylum seeker are ceased upon issuance of a decision on the asylum application and there is no transitional assistance provided.

During this period and 1 month after the submission of the GMI application, an applicant of GMI has the right to apply for an emergency benefit at the District Welfare Office to cover basic needs. However the amount provided under the emergency benefit is extremely low at about 100-150 € for one person per month and app 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 1-2 weeks and is subject to the approval of the supervisor of the welfare office. The application is valid only for 1 month and such application must be submitted every month, until the decision for the GMI is issued.

In 2018 and 2019, in view of improvements in the financial situation in Cyprus, which have led to an increase in employment opportunities, the GMI took a stricter stance toward all beneficiaries including refugees. Due to this, many refugees reported receiving notifications that the GMI is terminated with the justification that certain requirements have not been met, such as one of the spouses failure to register at the Labour Office as unemployed or not submitting required documentation.

## **Housing**

### First Registration Reception Centre

The Emergency Reception Centre in **Kokkinotrimithia** (Poumara) is being converted into a First Arrival Registration Center, expected to be concluded in April 2020. Throughout 2019 the Centre underwent construction to upgrade the existing infrastructure with the replacement of tents with prefabricated constructions. During this time the Center continued to be used as the construction is carried out on one section at a time <sup>76</sup>. According to EASO progress in 2019 was slower than

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<sup>76</sup> Information provided by Asylum Service

expected due to delays in the much-needed renovation works and overall coordination challenges<sup>77</sup>. The current capacity is 350-400 places. With the expansion, capacity will reach approximately 800 persons, with some 530 in prefabricated containers and the rest, need be, in tents.

Regarding referrals to the Center, throughout 2019 all asylum seekers that have presented themselves to the Aliens and Immigration Unit in Nicosia are transferred to the Center. In exceptional cases asylum seekers presenting themselves in other cities, usually where they are homeless, are transferred to the Center. In 2020 and upon completion of the Center the aim is for all asylum seekers that have recently arrived in the country to be transferred to the Center. Currently the services provided in the Center include identification, registration and lodging of asylum applications as well as medical screening and vulnerability assessment. The medical test includes tuberculosis screening (Mantoux test), HIV, Hepatitis. Asylum Seekers' movement is restricted within the premises of the Center for 72 hours, until the results of the tests are concluded. In practice if asylum seekers receive negative results on their medical test they will leave in 5-7 days. If positive, the duration of stay may be longer as they will be re-tested and if found positive referred for medical treatment. Due to the high numbers of applicants in 2019 the tuberculosis screening and re-examination of cases that produced a first positive often led to delays in the stay and there were instances where asylum seekers stayed in the Center for 1 month.

Furthermore in efforts to take protective measures against the Corona virus in early March 2020 and before completion of construction of the Center all new arrival in the country are being referred to the Center. To date it is not clear how long persons will remain in the Center.

#### Reception Centre for Asylum Seekers

The main reception centre, is in the area of **Kofinou** in Larnaca District, with a nominal capacity of approximately 400 people (the actual number varies depending on the composition of the residents). The reception centre is located in a remote area (around 25km from the nearest city, Larnaca), with absolutely nothing around it except dry fields and sparse trees. It is near a village with a population of approximately 1,300 people. There are bus routes connecting the reception centre with the cities either directly in the case of Larnaca or through regional bus stations from where another bus can be used to reach other destinations.

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

Due to the Reception Centre being full at almost all times, the Welfare Services bear the responsibility of processing applications and addressing asylum seekers' needs, including the allocation of an allowance to cover housing expenses. The asylum seeker is expected to find accommodation and provide all necessary documentation. Although this documentation is included in the Notification which is no longer in force due to the amendment of the Refugee Law, it is still used in practice.

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

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<sup>77</sup> EASO Operating Plan 2020 <http://bit.ly/382C6e1>

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

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

### Integration into the labour Market

According to the Refugee Law and Ministerial Decision 308/2018 issued at the end of October 2018, asylum seekers are permitted to access the labour market one month after the submission of an asylum application.<sup>78</sup> The Refugee Law affords the Minister of Labour, Welfare and Social Insurance, in consultation with the Minister of Interior, the power to place restrictions and conditions in the right to employment, without hindering asylum seekers' effective access to the labour market.<sup>79</sup>

On 10 of May 2019<sup>80</sup> and on 20 of June 2020<sup>81</sup>, additional decisions were issued by the Minister of Labour, Welfare and Social Insurance, affording asylum seekers with access to additional employment sectors.

At the moment, and according to the above-mentioned decisions, the permitted fields of employments for asylum seekers are the following<sup>81</sup>

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

<sup>78</sup> Article 90(1)(b) Refugee Law ; Ministerial Decision 308/2018, 26 October 2018.

<sup>79</sup> Article 90(2)(a)-(b) Refugee Law .

<sup>80</sup> <https://pcci.org.cy/wp-content/uploads/2019/05/%CE%94%CE%B9%CE%AC%CF%84%CE%B1%CE%B3%CE%BC%CE%B1-%CE%B3%CE%B9%CE%B1-%CE%B1%CE%B9%CF%84%CE%B7%CF%84%CE%AD%CF%82-%CE%B1%CF%83%CF%8D%CE%BB%CE%BF%CF%85.pdf>

<sup>81</sup> [http://cylaw.org/KDP/data/2019\\_1\\_228.pdf](http://cylaw.org/KDP/data/2019_1_228.pdf)

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

Job referrals are usually given on a form along with the details of potential employers. Applicants are required to contact them directly, and the employer is expected to provide a written report on the outcome of the meeting. The form does not provide space for the asylum seekers' statements on the outcome of the meeting, including, for instance, the reasons why it was not possible for the asylum seeker to be offered the job. Candidates need to report to the Labour Office following their contact with employers. If employment is secured, a contract needs to be signed and stamped by the District Labour Office. All employers recruiting asylum seekers are required to be authorised by the Labour Department to employ third-country nationals.

The terms and conditions, including remuneration of the occupations depends on the employment sector. For example, in animal farming and agricultural sectors is regulated based on the Collective Agreement of Agriculture and Animal Farming. At present, the salary is €455 (gross) per month. Accommodation and food may be provided by the employer. The salary may increase up to €769 per month if the employee is considered to be skilled for the position, or if there is a specific agreement with a trade union. However, in practice, asylum seekers are employed as unskilled labourers and in businesses where there is no presence of unions. Therefore, their wages remain at minimum levels.

It is also important to note that although collective agreements do exist for a number of professions in Cyprus, through a voluntary tripartite system (employers, unions, state) those are not legislatively regulated and implemented, nor there is a national level of minimum wage set. Only 9 professions are legislatively regulated (sales persons, clerks, nurse assistants, childcare assistants, baby nurse assistants, school assistants, guards, carers, cleaners) out of which asylum seekers are only allowed to exercise one (cleaners).

Additionally, all applicants and recipients of material reception conditions, who are physically and psychologically able to take up employment are required to be registered as unemployed, after the

initial 1 month period and show that they are actively seeking employment. A labour card is issued to the asylum seekers in order for their unemployment status to be confirmed..

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

- ❖ **Low wages and lack of supplementary material assistance:** This is particularly problematic for asylum seekers with families but also due to the sharp increase of rents in urban areas as well as lack of supplementary measures for asylum seekers with low income. Remuneration from employment is often highly insufficient to meet the basic needs of a family. Labour conditions such as taking up accommodation at the place of work often lead to splitting up the family. These jobs can also be offered to single parents without taking into consideration the care of children or possible supplementary assistance for childcare support.
- ❖ **Distance and lack of convenient transportation:** Given the nature of employment that asylum seekers are permitted to take up, workplaces are often situated in remote rural regions and working hours may start as early as 4 or 5am. Asylum seekers have reported difficulties in commuting to these workplaces using low-cost transportation (e.g. public buses). Remuneration does not cover travel expenses.
- ❖ **Language barriers:** Lack of communication skills in Greek and English often impede the efficient communication between officials of Labour Offices as well as potential employers. Many asylum seekers are unable to understand their prospective employers' opinion during meetings and/ or the employers' opinions on their job referral forms.
- ❖ **Lack of interest from employers** in the agricultural and farming sectors in employing asylum seekers. In fact, many employers in these sectors often prefer to employ third-country nationals who arrive in the country with an employment permit and are authorised to work for a period up to 4 years. In order to receive a license for the employment of third-country nationals, an employer is required to register at the Labour Office in addition to actively seeking for employees locally, nationally or within the EU.<sup>82</sup> As asylum seekers are referred to them by the Labour Office, the employers may try to avoid recruiting them, hoping that if they do not hire an asylum seeker, they will be able to invite/hire other workers on a working visa. Thus, they often place the responsibility of refusing the employment on the asylum seekers.
- ❖ **Lack of gender and cultural sensitivity in the recruitment procedure:** Female asylum seekers often face difficulties accessing employment for reasons related to cultural barriers.<sup>83</sup> For example, many women have never worked before and especially when it comes to the conditions in the sectors of agriculture and animal farming (remoteness, staying overnight, male dominated work spaces) there is a need for gradual and facilitated transition to employment. Women from Muslim backgrounds wearing visible symbols of their religious identity e.g. *hijab / niqab* report to have faced difficulties accessing the labour market, as in some cases, they were considered as unable to maintain employment due to their attire, according to the experience of the Cyprus Refugee Council. There have also been reports on behalf of African candidates regarding the unwillingness of employers to hire them in front-desk positions.

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<sup>82</sup> Circular on the Strategy for the employment of third-country nationals (Στρατηγική για την Απασχόληση Αλλοδαπών), May 2008, available at: <http://bit.ly/1LbedON>.

<sup>83</sup> See also Ombudsman, *Report on access of female asylum seekers to employment and social welfare*, 1799/2016, 11 November 2016, available in Greek at: <http://bit.ly/2kmGMDG>.

- ❖ **Lengthy procedures governing the recruitment of asylum seekers:** In order for an employer to hire an asylum seeker, an application must be filed at the Labour Dept along with a personal contract for the candidate he/she wants to hire. The Labour Dept will inquire whether the employer is reliable by checking that there are no debts/convictions regarding Social insurance contributions, that there is an active liability insurance and (where it applies) that the terms and conditions of hiring an asylum seeker are the same as in the case of nationals performing the same duties in the company. Those procedures take on average 3 months to conclude, deeming the hiring of asylum seekers very difficult and unattractive to employers, despite the shortage of personnel in some of the allowed sectors.
- ❖ **Lack of appropriate information in regards to terms/conditions of employment, labour rights, complaint mechanisms:** It is often reported that asylum seekers are unaware of their legal rights, the exact terms and conditions of their prospective employment and have no knowledge of available complaint mechanisms.
- ❖ **Problematic access to the services of the Labour Dept.** Existing capacity of the Labour Dept prohibits asylum seekers from effectively using its job-seeking services. In the last 6 months, and particularly in Nicosia, the public Employment Service is unable to attend all persons visiting its offices. This has led to the formation of long waiting lines, often with people gathering outside the office from 4-5 am in order to increase the chances of being served during the day. As a measure of coping with the situation, the labour Dept has decided to attend asylum seekers looking for work not every month, as it used to be the case, but every 2 or 3 months.

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

According to Article 9I(1) and (2) of the Refugee Law, asylum seekers are permitted to take part in vocational trainings linked to employment contracts, relevant to the permitted sectors of employment for asylum seeker, unless otherwise authorised by the Minister of Labour, Welfare and Social Insurance. In practice, there are no professional training schemes available for those specific sectors.

#### Education/vocational trainings

The Refugee Law provides that all asylum seeking children have access to primary and secondary education under the same conditions that apply to Cypriot citizens, immediately after applying for asylum and no later than 3 months from the date of submission.<sup>84</sup> In practice, the vast majority of children access public education, However as there is no systematic monitoring of children's registration at school, there have been cases of children remaining out of the education system for more than 3 months, mainly for reasons related to difficulty of families accessing certain schools, lack of information / timely arrangements, limited schools' capacity at a given period to accommodate additional students etc. There is also a lack of official data on dropout rates regarding asylum-seeking children.

Children residing in the reception centre are attending regular schools in the community. Article 9H(1) of the Refugee Law allows for education arrangements to be provided in the reception centre and

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<sup>84</sup> Article 9H(1) and (3)(a) Refugee Law .

such arrangements took place for high school students from the beginning of 2017 until the end of the school year in June 2017. This practice was implemented following an incident of discourse between students in a local school where residents of Kofinou Centre attend. However, this practice has not been repeated since and all children attend schools in the community.

The right of enrolled students to attend secondary education is not affected by reaching the age of 18.<sup>85</sup> However, almost all new students over 18 years old who wish to enrol for the first time in secondary education, are denied access to free public schools by the Ministry of Education. Cyprus Refugee Council interventions for specific cases have resulted in enrolment but further monitoring is required.

The age of students and their previous academic level is taken into consideration when deciding the grade where they will be registered. Classes at public schools are taught in Greek. Should they wish to attend a private school (usually for reasons of attending courses in English) it is possible at their own cost. The provisions for children asylum seekers are the same as for every non-Greek speaking student. In order to deal with the language barrier, the Ministry of Education has developed transitional classes for non-Greek speakers in the first 3 years of secondary education (gymnasium) where 18 hours of Greek per week are provided. In the last 3 years of secondary education (lyceum) 4 extra hours of Greek per week will be provided. Classes take place in appointed public schools in each district. With the exception of the Greek classes which are tailored to the needs of non-Greek speakers, asylum-seeking students attend mainstream classes at all other times.

In the context of primary education, 2 additional books for learning greek as a second language were disseminated by the Ministry of Education in 2019 to all enrolled children with a migration background and additional hours of greek language learning were arranged at schools where the number of non-greek speaking children was deemed particularly high.

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

Linguistic and cultural barriers are still significant obstacles for young students, especially those entering secondary education. In 2018, in an effort to provide options for young students, UNHCR KASA, a private educational organisation, concluded a Memorandum of Understanding to jointly work in the protection of refugee children in the Republic of Cyprus by ensuring them access to quality learning, education, and skill-building opportunities.<sup>86</sup> Under this agreement, KASA, offered places to refugees and asylum seekers who wish to obtain a high school diploma. Interested individuals of 16 years or above with a good command of English are eligible to apply and, if selected – following a test and interview – attend the programme, the duration of which is minimum 3 years of study and leads to a recognised high school diploma. The program continues in 2019.

As currently, the provisions of the Refugee Law regarding the identification and address of special reception needs are not implemented yet, there is no preliminary monitoring or assessment of the vulnerability of the children. Special needs of students are usually evaluated and taken into consideration by the Ministry of Education upon registration into schools, and sometimes through the intervention of NGOs. Depending on the nature and the seriousness of the disability, different arrangements are offered. The available schemes by the Ministry of Education for students with special needs are: placement in a regular class and provision of additional aid; placement in a special

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<sup>85</sup> Article 9H(2) Refugee Law .

<sup>86</sup> UNHCR, 'UNHCR and the KASA High School join forces for refugee education', 14 March 2018, available at: <https://bit.ly/2VSw6PD>;

unit which operates within the regular school; placement in a special school (for more severe cases); placement in alternatives to school settings.

Adequately assessing the needs of children is time-consuming, and in addition there is often the need to receive important treatments (physiotherapy, occupational therapy, speech therapy) outside of the school context (in public hospital or privately). There are often delays and/or financial constraints in accessing these services.

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

#### Health Care

Asylum seekers without adequate resources are entitled to free medical care in public medical institutions covering at minimum, emergency health care and essential treatment of illnesses and serious mental disorders.<sup>87</sup> Welfare beneficiaries and residents in the reception centre are explicitly eligible for free medical care and in that respect they have access to free health care. The level of resources needed to receive free medical care in the case of asylum seekers not receiving welfare assistance is not specified.

Free access to health care is granted upon the presentation of a "Type A" Hospital Card, issued by the Ministry of Health. This document is provided to all residents of the Kofinou Reception Centre, while for persons residing in the community, a welfare dependency report indicating lack of resources is required by the Ministry of Health. This dependency report must be submitted by the individual applying for the hospital card. Evidence suggests that lack of information and coordination between Welfare Services and Ministry of Health has deprived persons from securing free health care as they are not aware of such right.<sup>88</sup> Asylum seekers are no longer able to apply for the Hospital Card at local hospitals and are required to commute to the Ministry of Health in **Nicosia** in order to obtain it.

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

Asylum seekers, along with other segments of migrant population, are not included in the provisions of GESY. Their access to health services continues under the provisions of the previous system, which basically entails treatment by public, in-patient and out-patient depts. of the public hospitals. The transition to the new health system impacted access of asylum seekers to those services, as,

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<sup>87</sup> Article 9I(1)(a) Refugee Law .

<sup>88</sup> Ombudsman, *Report on access of an asylum seeker to the social welfare system and medical services*, 1553/2013, December 2016, available in Greek at: <http://bit.ly/2k3pfzv>.

until the 18<sup>th</sup> of December 2019 when a relevant decision by the Council of Ministers was issued<sup>89</sup>, there were not official decisions on the exact procedures regarding asylum seekers' access to health services.

This, the transition in the new system created vast confusion among medical and hospital staff in regards to asylum seekers' rights to health care. In various instances across Cyprus, and as it was reported to Cyprus Refugee Council and other NGOs, persons were denied access to treatment in the hospital and were asked to register with GESY instead, scheduled appointments with doctors who in the meantime had joined GESY were cancelled, access to particular medicine was restricted. Although the situation at present is better, further monitoring is required.

Further obstacles in accessing health services, include the fact that many asylum seekers do not receive welfare assistance, which creates difficulties in securing a hospital card.. in practice, the vast majority of asylum seekers do receive a hospital card, which grants them access to public health institutions with some charges, which were applying to nationals from 2013 and since the introduction of GESY . More specifically, applicants are required to pay €3-6 in order to visit a doctor and an additional €0.50 for each medicine / test prescribed, with a maximum charge of €10. Emergency care remains free for holders of medical cards, otherwise it costs €10.

Asylum seekers who need to receive essential treatment which is not available in the RoC are not included in the relevant scheme introduced by the Ministry of Health transposing the Directive on patients' rights in cross-border healthcare. In practice, however, the Ministry has covered the costs, upon approval of the Minister of Health, for several cases of children asylum seekers to receive medical treatment outside the country.

In a number of cases, asylum seekers reported to Cyprus Refugee Council that they faced racist behaviour from medical staff, often in relation to their poor Greek language skills and the reluctance of the latter to communicate in English.

### **Specialised health care**

Asylum seekers without adequate resources who have special reception needs are also entitled to free of charge necessary medical or other care, including appropriate psychiatric services.<sup>90</sup> The Refugee Law incorporates the provision of the recast Reception Conditions Directive in relation to the identification and address of special reception needs, including victims of torture. However, in practice, due to the recent amendment as well as lack of specific guidelines or procedures, the provisions are not implemented yet. There are no specialised facilities or services, except for the ones available to the general population within the public health care system. Currently, there is only one NGO, the Cyprus Refugee Council, offering specialised social and psychological support to victims of torture, operating through the funds of United Nations Voluntary Fund for the Victims of Torture (UNVFVT) and the EU.<sup>91</sup>

## **12. Return of former applicants for international protection**

n/a

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[http://www.cm.gov.cy/cm/cm.nsf/All/DCB2419F9D26E5BCC225851C00276B62/\\$file/88.725.pdf?OpenElement](http://www.cm.gov.cy/cm/cm.nsf/All/DCB2419F9D26E5BCC225851C00276B62/$file/88.725.pdf?OpenElement)

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Article 91(1)(b) Refugee Law .

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

**13. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)**

n/a

**14. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)**

n/a

**15. National jurisprudence on international protection in 2019 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))**

n/a

**16. Other important developments in 2019**

- ❖ Accelerated Procedure: Although an accelerated procedure was foreseen in national legislation for many years, in practice it had never been used. In 2018 in view of the sufficient rise in asylum applications there were discussions on implementing the accelerated procedure and in 2019 for the first time a Ministerial Decision was issued determining Georgia as a safe country of origin. From then on the accelerated procedure is being piloted, for Georgian nationals and the wider adoption will most probably take place in mid 2020.

Appeals: In order to ensure that asylum seekers in Cyprus have a right to an effective remedy, the relevant authorities had taken steps to modify the asylum procedure as follows; abolish the Refugee Reviewing Authority, which is a second level first-instance decision-making authority that examines recourses (appeals) on both facts and law, but is not a judicial body, and instead provide judicial review on both facts and law before the Administrative Court. In 2018 due to the heavy caseload before the Administrative Court it was decided that a specialised court will take on the cases related to international protection and a new court

was established, named the International Protection Administrative Court (IPAC), In June 2019 the IPAC initiated operations. Furthermore in July 2019 the RRA ceased receiving new applications and will examine the backlog by the end of 2020 after which it will cease operations.

### *Reception conditions*

- ❖ **First Registration Reception Center:** The Emergency Reception Centre in **Kokkinotrimithia** (Pournara) is being converted into a First Registration Reception Center, expected to be concluded in April 2020. Throughout 2019 the Centre underwent construction to upgrade the existing infrastructure with the replacement of tents with prefabricated constructions. During this time the Center continued to be used as the construction is carried out on one section at a time. The current capacity is 350-400 places. With the expansion, capacity will reach approximately 800 persons, with some 530 in prefabricated containers and the rest, need be, in tents. Regarding referrals to the Center, throughout 2019 all asylum seekers that have presented themselves to the Aliens and Immigration Unit in Nicosia are transferred to the Center.

In 2020 and upon completion of the Center the aim is for all asylum seekers that have recently arrived in the country to be transferred to the Center, however in efforts to take protective measures against the Corona virus in early March 2020 and before completion of construction all new arrival in the country are being referred to the Center. Currently the services provided in the Center include identification, registration and lodging of asylum applications as well as medical screening and vulnerability assessment. Movement is restricted within the premises of the Center supposedly for 72 hours, until the results of the tests are concluded, however in practice asylum seekers are remaining for much longer periods.

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

Asylum seekers, along with other segments of migrant population, are not included in the provisions of GESY. Their access to health services continues under the provisions of the previous system, which basically entails treatment by public, in-patient and out-patient depts. of the public hospitals. The transition to the new health system impacted access of asylum seekers to those services, as, until the 18<sup>th</sup> of December 2019 when a relevant decision by the Council of Ministers was issued, there were not official decisions on the exact procedures regarding asylum seekers' access to health services.

This, the transition in the new system created vast confusion among medical and hospital staff in regards to asylum seekers' rights to health care. In various instances across Cyprus, and as it was reported to Cyprus Refugee Council and other NGOs, persons were denied access to treatment in the

hospital and were asked to register with GESY instead, scheduled appointments with doctors who in the meantime had joined GESY were cancelled, access to particular medicine was restricted.

### *Detention of asylum seekers*

- ❖ **Alternatives to Detention:** In 2019 the International Protection Administrative Court issued decisions recourses challenging the detention based on article 9ΣΤ (2)(δ) of the Refugee Law issued two decisions where the detention decisions were annulled as the Court found that lack of examination of alternative measures to detention and lack of examination of proportionality and necessity prior to ordering detention. Furthermore the Court ordered the release with reporting conditions. This has led to an increase in detainees being released with reporting conditions however with no individual assessment including taken into consideration vulnerabilities.

### *Content of international protection*

- ❖ **Residence Status of Family members of beneficiaries of International Protection -** In 2019 the Civil Registry and Migration Department (CRMD) ceased issuing residence permits for family members regardless if they qualify individually as refugees leaving family members including underaged children without status and full access to rights. The CRMD instructs all beneficiaries of international protection (recognised refugees and subsidiary protection) to proceed to the Asylum Service to receive a decision on the whether they should receive the status of the beneficiary. The Asylum Service has taken steps to address the situation but it is still not clear if the CRMD will proceed with issuance of residence permits.
- ❖ **Family Reunification -** In 2019 the procedure once again became extremely problematic with the CRMD requesting all applicants, including refugees who applied within 3 months of receiving refugee status and refugees who had already received a positive decision on the family reunification request, to provide evidence that they have stable and regular resources which are sufficient to maintain the refugee and family members without recourse to the social assistance system of the Republic. This led to complaints being submitted by the Cyprus Refugee Council before the Commissioner of Administration and Human Rights, The Commissioner for the Rights of the Child and the EU Commission. Both the national Commissioners reacted immediately finding the CRMD to be in violation of the Law whereas the EU Commission is to date still examining the complaints. Furthermore the examination of cases has once again become very slow with cases pending up to 3 years.
- ❖ **Access to health Care**

Beneficiaries of International Protection, are included in the new health system. The transition to the new health system was not smooth though, due to various coordination challenges between the appointed relevant governmental Depts, lack of translated material in the language of Beneficiaries and confusion among medical and hospital staff in regards to refugees' rights to health care. The most prominent obstacle still present is the fact that person which received International Protection and whose residence permit is under issuance are not able to access GESY services. This creates serious obstacles as the waiting time for the issuance/renewal of a residence permit is long. An alternative measure for those without a valid residence permit for more than 9 months was proposed,

specifically to be treated by the state institutions (as in the case of asylum seekers), but this is far from adequate to address International Protection holders' right to efficient health Services.

## References and sources

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**17. Please provide links to references and sources and/or upload the related material in PDF format**

AIDA Cyprus 2019

**18. Feedback or suggestions about the process or format for submissions to the EASO Annual Report**

## Contact details

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