First instance determination - Cyprus

Overview of first instance procedures

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Relevant EU legislation

Cyprus is bound by the recast Asylum Procedures Directive (APD/APR), the recast Reception Conditions Directive and the Dublin III Regulation (AMMR) and has transposed their provisions through:

- APR: amendment no. 105(I)/2016 and no. 106(I)/2016 to the Refugee Law available respectively.
- Dublin III Regulation: The provisions of the Dublin III Regulation were directly applicable in Cyprus since 20 July 2013. Reference to the Regulation and further nuance of certain provisions for their effective implementation was included in the Refugee Laws on the 14 October 2016 through Refugees (Amendment) Law of 2016 N. 105(I)/2016.
- Reception Conditions Directive: Refugees (Amendment) Law of 2016 N. 105(I)/2016 on the 14th October 2015.

National legislation

The legal framework for regular and special procedures is defined in the Refugee Law.

The regular procedure is envisaged in Article 13.

The admissibility procedure is regulated in Article 12Β τετράκις.

The accelerated procedure is envisaged in Articles 12D and 12A, 12Β, 12Β, 12Βδις, 12Βτρις, 12Βτετράκις, and 12Βπεντάκις.

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References to prioritised examination and fast track processing is foreseen in Article 12E.

There is no border procedure in Cyprus.

Competent authority and other stakeholders

National authorities: The Asylum Service | Υπηρεσία Ασύλου is responsible for the first instance determination of asylum applications which are examined under the regular and special procedures and under the criteria of the Dublin III Regulation.

The Asylum Service exercises any other competence envisaged to it by the Refugee Law. According to Article 27 of the Refugee Law, the Asylum Service:

1) coordinates the actions of all the authorities of the Republic involved for the better implementation of the Refugee Law;

2) organises seminars and training programmes on international protection, asylum and refugee issues for officers dealing with such issues in all the authorities of the Republic concerned;

3) issues guidelines on matters regulated by the Refugees Law or the Convention or by regulations or decisions of the EU Institutions or by findings of the Executive Committee of the UNHCR or by relevant UN resolutions or other international organizations;

4) monitors the development of the EU acquis in the field of asylum and submit proposals and recommendations to the Deputy Minister on the Deputy Ministry's positions before the institutions of the European Union;

5) manages the procedure of receiving fingerprints, the implementation of Regulation (EC) no. Council Regulation (EC) No 2725/2000 of 11 December 2000 establishing "Eurodac" for the comparison of fingerprints for the effective implementation of the Dublin Convention and Regulation (EC) No. Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules for the implementation of Regulation (EC) No. Regulation (EC) No 2725/2000 on the establishment of "Eurodac" for the comparison of fingerprints for the effective implementation of the Dublin Convention;

6) submits to the Deputy Minister suggestions and proposals regarding policy issues in the areas of its competence.

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According to Article 4 (ε) and Article 9 Refugee Law, the Asylum Service is entrusted with providing as soon as possible to any person who applies for international protection and is granted protection as soon as possible access to information, in a language which he or she understands or is reasonably presumed to understand.

The Asylum Service is organised centrally, with its main headquarters located in Nicosia. The organisational structure of the Asylum Service can be found on its website.

The Asylum Service currently employs 167 people, out of which 65 are officers who conduct the interviews and the assessment of the application. The total number of Asylum Service personnel is expected to be increased to 180 in the following months.

A Computerised Asylum Service System (CASS) is managed by the Asylum Service.

Other actors:

- The Social Welfare Services (SWS) provide legal representation and guardianship for unaccompanied minors. Social Welfare Services have access to information on individual applications for international protection and guardians may be present during the examination of an asylum application.
- The European Union Agency for Asylum (EUAA) supports the Asylum Service to develop efficient management systems to process first instance asylum applications aimed at reducing the backlog and to establish quality assurance mechanisms. Since 2017, European Union Agency for Asylum (formerly EASO) experts support the Asylum Service conducting substantive interviews to determine the international protection needs of applicants. Since 2019, the EUAA has provided technical support to the Asylum Service to reduce the backlog and speed up the examination of asylum applications.
- The United Nations Higher Commissioner for Refugees (UNHCR) has the right to participate as observer during the examination of an asylum application (Article 31 A of the Refugee Laws 2000-2022) as well as to communicate with and consult the applicants at any stage of the procedure. Additionally, provide information and advocacy on rights and obligations of applicants and beneficiaries for international protection.
- Civil Society Organisations may assist with provision of information regarding the different steps of the procedure and consultation regarding

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rights and obligations of applicants.

Types of procedures and case processing

Regular procedure: Article 13 Refugee Law.

Special procedures:

- Admissibility procedure: Article 12Β τετράκις of the Refugee Law.
- Accelerated procedure: Articles 12D and 12A, 12Β, 12Β, 12Βδις, 12Βτρις, 12Βτετράκις, 12Βπεντάκις of the Refugee Law.
- Subsequent applications : Article 12Βτετράκις (d) Refugee Law.

Time limit for a decision and length of the procedure

In the regular procedure, the Head of Asylum Service decides based on the report prepared by the case handler within 6 months.

The time limit may be prolonged by another 9 months when:

- complex issues of fact and/or law are involved;
- a large number of persons simultaneously apply for international protection;
- the delay is clearly attributed to the failure of the applicant to comply with his/her obligations.

This can be further prolonged by 3 months, when it is necessary to ensure an adequate and complete examination of the application.

The deadline for decision can reach a maximum of 21 months, when there is an uncertainty about the situation in the country of origin, which is expected to be temporary. In this case, the Asylum Service needs to evaluate the situation in the country of origin every 6 months.

In any case, the Asylum Service shall complete the determination process within a maximum period of 21 months after the lodging of an application.

In case the Head of the Asylum Service is not able to decide within the standard time limit, the Asylum Service shall inform the applicant about the delay; and provide, upon request, information about the reasons for the delay and the time frame within which a decision on the application is expected.

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In the accelerated procedure, the examination of an application is concluded as soon as possible. Without prejudice to ensuring an adequate and complete examination and in principle, it shall be completed no later than thirty 30 days from the date the application for international protection was made. The law also provides that the thirty-day (30) time limit may be extended with a decision by the Head of the Asylum Service following a recommendation by the competent office for a period not exceeding (2) months, provided that the extension deems necessary for an adequate and complete examination of the application.

The Refugee Law provides information on time limits for the regular procedure and the accelerated procedure.

Measures to enforce the legal time limit for processing an application: If the assessment of an application exceeds the legal time limits (including extensions) then the applicant has the right to submit an appeal to national courts and if that measure is exhausted, to the European Court of Human Rights (ECtHR).

Penalty payment for exceeding processing time: Both national courts and the ECtHR might issue a decision in favour of the applicant granting compensation.

Quality assurance of first instance procedures

Who: Quality assurance of first instance procedures is conducted by an internal quality team in the Asylum Service. In addition, as agreed in the EUAA Operational Plan to Cyprus 2025-2026, support on quality assurance is provided on first instance procedures by EUAA Senior Quality Assurance Experts.

Methods/criteria: The team reviews only specific cases are reviewed and when it is deemed necessary.

According to the EUAA Operational Plan to Cyprus 2025-2026, the European Union Agency for Asylum (EUAA) provides support in enhancing the quality of the procedures, through developing and implementing quality assurance system and assessment tools. One of these tools, which takes place in the framework of EUAA quality mechanism, the Agency conducts quality assurance exercises. These exercises entail the quality reviews of samples of anonymised lodging interviews, first-instance interviews and reports. The sample of cases can also include anonymized cases processed by the national administrations upon

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request.

Frequency: When it is deemed necessary.

Interinstitutional cooperation

There are several mechanisms in place to ensure cooperation between the Asylum Service and other institutions or organizations involved in asylum procedures.

With the appointment of the new Deputy Minister of Migration and Asylum, an interdepartmental working group has been established including representatives of the competent ministry, the Asylum Service, the Legal Service, EU stakeholders and local services, with their main aim to discuss, coordinate, agree and provide strategic oversight of the annual action plans of the Republic of Cyprus on migration management.

A joint action plan for better migration management was signed in 2022 between the European Commission, the Republic of Cyprus, and EU Home Affairs agencies: the EU Agency for Asylum (EUAA), Frontex, and Europol. Building on the experience of the joint pilot initiative in Lesvos, the European Commission and the EU agencies agreed to maintain and, where necessary, to enhance both financial and operational support to help the Republic of Cyprus establish a fair and effective migration management system in line with EU law. The support focused on several key objectives, including strengthening first reception capacities, improving material reception conditions for asylum seekers, ensuring timely and efficient asylum and return procedures, and developing and implementing a comprehensive integration strategy.

Specifically, within the framework of the Operational plan 2025-2026 agreed between the European Union Agency for Asylum and the Republic of Cyprus, *'the EUAA provides operational and technical assistance for registration, processing of applications at first and second instance (including Dublin cases). Support is also provided by the EUAA for the development of frameworks and tools which are essential for the smooth operation of the reception system, such as transfer/allocation and vulnerability procedures, as well as for capacity-building to promote the resilience of the reception system in the long run'.*

Finally the Republic of Cyprus has appointed dedicated focal points under the different working groups of the European Migration Network.

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Regular asylum procedure at first instance

Legal basis

The regular asylum procedure for the examination of an asylum application in Cyprus is regulated in Article 13 Refugee Law.

Competent authority and stakeholders

Asylum Service | Υπηρεσία Ασύλου

Personal interview

According to Article 13(1) Refugee Law, during the regular examination procedure, the competent officer examines the request and proceeds to a personal interview with the applicant. The personal interview is conducted under conditions that ensure appropriate confidentiality (Article 13A (8) Refugee Law).

Besides respecting the principle of confidentiality, as per Article 13A (9) Refugee Law, the Asylum Service shall take appropriate measures to ensure that personal interviews are conducted in conditions that allow the applicant to fully explain the reasons for his or her application. To that end, it shall be ensured that:

- the competent officer must be appropriately qualified to consider the personal and general circumstances surrounding the application, including the applicant's cultural origin, gender, sexual orientation, gender identity or sensitivity.
- whenever possible, the interview with the applicant shall be conducted by a person of the same sex as him/her, if the applicant so requests, unless the Asylum Service reasonably considers that the said request is based on reasons not related to the applicant's difficulty in presenting the grounds of his/her application in a comprehensive manner.
- to select an interpreter capable of ensuring appropriate communication between the applicant and the competent officer conducting the interview;

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the communication shall be conducted in the language preferred by the applicant, unless there is another language which he/she understands and in which he/she is able to communicate clearly whenever possible, an interpreter of the same gender shall be provided upon request by the applicant, unless the Asylum Service reasonably considers that the request in question is based on reasons not related to the applicant's difficulty in presenting the grounds of his/her application in a comprehensive manner.
- the person conducting the interview on the merits of the application shall not wear a military or law enforcement uniform.
- interviews with minors should be conducted in a child-friendly manner.

In addition, ex Article 13A(10) Refugee Law, when conducting a personal interview on the merits of the application, the authority shall provide the applicant with the opportunity to present the information required to complete the documentation of the application, and to provide explanations regarding any information that might be missing and/or regarding any inconsistencies or contradictions within the applicant’s statements.

The personal interview shall normally be conducted without the presence of family members, unless the Asylum Service deems that their presence is necessary to conduct appropriate examination (Article 13A (7) Refugee Law).

After the interview, a report is drawn by the competent officer, which is then examined by the Head of the Asylum Service to issue a decision. If the interview of the competent officer is deemed insufficient, the applicant might be called for an additional interview (Article 13(3) Refugee Law).

The personal interview may be omitted if the application has already been examined under the accelerated procedure (Article 13(1) Refugee Law). Furthermore, according to Article 13A (2) Refugee Law, the personal interview might also be omitted when a positive decision can be taken on the basis of available evidence, and when the Asylum Service considers that the applicant is incapacitated or unable to participate in the interview, for reasons due to permanent conditions beyond his or her control. In such a case, Article 13A(3) Refugee Law specifies that the Asylum Service shall make reasonable efforts to enable the applicant or, as the case may be, the dependent to submit additional information.

Assessment of an application

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The assessment of an application for international protection takes place in a unified procedure, where the competent authority first assesses whether the applicant qualifies for refugee status, and only if this is not met, it assesses whether the conditions to grant subsidiary protection status are met. As per Article 18 (3) Refugee Law, the assessment of the application is carried out on an individual, objective and impartial basis, and includes consideration of:

- relevant statements and documents submitted by the applicant, including information on whether the applicant has already suffered or likely to suffer persecution or serious harm.
- all relevant information relating to the application and relevant to the country of origin at the time of the decision, including the laws and regulations in the country of origin and how they are applied.
- the individual situation and personal circumstances of the applicant, including factors such as personal history, gender and age, to assess whether, based on the applicant's personal circumstances, the conditions to which he has already been or could be exposed amount to persecution or serious harm.
- whether the applicant's activities since leaving his country of origin were undertaken with the exclusive or main purpose of creating the necessary conditions to apply for international protection, to assess whether the person concerned would be exposed, due to these activities, to persecution or serious harm in the event of his return to that country.
- whether it would be reasonable to expect that the applicant would place himself under the protection of another country, the nationality of which he could claim.

Article 18(7A)(a) Refugee Law indicates in relation to decisions that they should be taken after due examination i.e. after having obtained specific and accurate information from various sources, such as the European Union Agency for Asylum (EUAA), the United Nations High Commissioner for Refugees (UNHCR) and relevant human rights organisations regarding the general situation in the countries of nationality of the applicants and where appropriate in the countries through which they have transited.

Article 18(4) Refugee Law envisages that the fact that the applicant has already suffered persecution or serious harm or immediate threats of such persecution or harm constitutes a serious indication that the applicant has a well-founded fear of being persecuted or that he or she runs a real risk of serious harm, unless there

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are reasonable grounds to believe that the persecution or serious harm in question will not be repeated.

As per Article 18 (5), it is the duty of the applicant to substantiate the application for international protection. Where certain aspects of the applicant's statements are not substantiated by documents or other evidence, these aspects do not need to be confirmed, where the following conditions are met:

- the applicant has made a real effort to substantiate his application,
- all relevant information available to the applicant has been submitted and a satisfactory explanation has been given for any lack of other relevant information,
- the applicant's statements are considered consistent and plausible and do not contradict available specific and general information concerning his case,
- the applicant applied for international protection as soon as possible, unless he proves that there was a serious reason that prevented him from doing so,
- the general credibility of the applicant is established.

Furthermore, according to Article 13(4) Refugee Law, when deciding on an application for international protection, the applicant might be given the benefit of the doubt, provided he or she has submitted all available documents relating to him or her, which have been verified by the competent officer, and the applicant’s statements have been deemed generally credible.

Scope and outcomes of a decision

Article 13(2) Refugee Law specifies that following the examination of an application under the regular procedure, the Head of the Asylum Service may decide to:

- recognise an applicant as a refugee
- recognise an applicant as a beneficiary of subsidiary protection
- reject the application as clearly unfounded and issue a return and/or removal decision and/or expulsion order pursuant to the provisions of the Aliens and Immigration Law.

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There are no provisions in the Refugee Law that mandate the Asylum Service to consider ex officio other forms of protection other than international protection – refugee status and subsidiary protection. Currently, the only national form of protection is a special residence permit for humanitarian reasons. This form of protection derives from the transposition into national law of the Returns Directive, and it is regulated in Article 18OH of the Aliens and Immigration Law. The granting of this form of protection is discretionary and a request in the form of an open letter must be made to the Civil Registry and Migration Department (Deputy Ministry for Migration and International Protection).

Withdrawal of an application

Competent authority to withdraw an application

The Asylum Service | Υπηρεσία Ασύλου examines implicit and explicit withdrawals of an application for international protection.

Implicit withdrawal

Grounds for implicit withdrawal: According to the Article 16 B (2) of the Refugee Law, the Head of the Asylum Services closes a file and discontinues the procedure of examination of the application where:

a) did not respond to a request by the Asylum Service for the provision of information essential to his/her application in accordance with Article 16 or did not attend the personal interview provided for in Articles 13A and 18, unless the applicant proves within a reasonable time that this was due to circumstances beyond his/her control; or

(b) absconded or left without permission from the place where he lived or was detained, without contacting the Asylum Service within a reasonable time, or did not fulfil within a reasonable time the reporting obligation or other communication obligations, such as the one provided for in paragraph (a) of subsection (2) of Article 8, unless the applicant proves that this was due to circumstances independent of his will.

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Consequences of implicit withdrawal: Where there is reasonable cause to consider that an applicant has implicitly withdrawn or abandoned his application, the Head of the Asylum Service at his discretion may either decide to close the applicant's file and discontinue its examination, or decide to reject the application if considered unfounded, after having sufficiently examined its merits. The decision taken shall be recorded in the applicant's file.

To request the reopening of a case which has been closed and discontinued, the applicant must submit a request within 9 months from the date of notification of the implicit withdrawal. If the applicant exercises his or her right late or more than once, the Head of the Asylum Service shall issue a rejection decision. The applicant might also request the reopening of his case by submitting a new application to which Article 16D does not apply. The right to request the reopening of a close and discontinued case can be exercised by the applicant or by the lawyer legally representing him or her (Article 16E Refugee Law).

If the applicant exercises his right within the deadline, the Head of the Asylum Service shall reopen the applicant's file automatically and continue the examination of his/her application on the merits and from the stage at which the examination had stopped, even if the applicant submitted a new application.

Appeal against a decision to discontinue the examination due to an implicit withdrawal: A negative decision by the Asylum Service on an asylum application might be appealed to the International Protection Administrative Court (IPAC) within thirty days from the date of notification of the decision or act or in case of omission, from the day it came to the knowledge of the applicant (Article 12A Law 73(I)/2018 on the Establishment and Operation of the Administrative Court of International Protection).

Explicit withdrawal

Grounds for explicit withdrawal: According to the Article 16C of the Refugee Law, an applicant may withdraw his application at any stage of the asylum procedure. Article 16C states that the considerations contained in subsections (7) to (7E) of Article 18 Refugee Law shall apply to the explicit withdrawal decision.

Consequences of explicit withdrawal: In practice, the applicant who verbally expresses the wish to withdraw an application, is interviewed by an Asylum

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Service officer in the presence of a second officer. If the person insists on his/her decision, then he/she signs a declaration form, which is co-signed by the two officers who are present there.

The responsible officer forwards the signed declaration together with a legal analysis of the case to the Head of the competent authority to take a decision.

A formal decision in the form of rejection is taken.

Appeal against a decision to discontinue the examination due to an explicit withdrawal: A negative decision by the Asylum Service on an asylum application might be appealed to the International Protection Administrative Court (IPAC) within thirty days from the date of notification of the decision or act or in case of omission, from the day it came to the knowledge of the applicant (Article 12A Law 73(I)/2018 on the Establishment and Operation of the Administrative Court of International Protection).

Personal interview

Competent authority: Interviewers

The competent authority to carry out interviews at first instance is the Asylum Service | Υπηρεσία Ασύλου.

The Asylum Service currently has 65 staff members tasked with conducting interviews. They are employed as Asylum Officers Grade A8 which requires a higher education degree, in accordance with Law (N. 70(I)/2016). To start their duties as caseworkers, staff members first need to complete the trainings provided by EUAA. Recruitment procedure is envisaged in Law (N. 70(I)/2016).

Article 13A (1A) of the Refugee Law envisages that where simultaneous applications from a large number of third-country nationals or stateless persons make it practically impossible for the Asylum Service to conduct interviews on the merits of each application in a timely manner, the Council of Ministers may, by decree published in the Official Gazette of the Republic, provide that experts from other Member States, who are recruited by the European Asylum Support Office (today, the European Union Agency for Asylum) or another relevant organisation, may temporarily participate in conducting such interviews.

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It is understood that personnel other than those of the Asylum Service are permitted to participate in the conduct of interviews if they received prior relevant training and general knowledge of the problems that could negatively affect the applicant's ability to be interviewed, such as indications that the applicant might have been subjected to torture in the past.

Since 2017, European Union Agency for Asylum (formerly EASO) experts support the Asylum Service conducting substantive interviews to determine the international protection needs of applicants.

Special procedural guarantees during the interview

In principle all applicants are subject to an interview. Article 13A (1) of the Refugee Law indicates that before deciding on an application, the Asylum Service shall provide the applicant with the opportunity of a personal interview on the merits of the application. It specifies that such opportunity shall be given as well to any adult who is a dependant of the applicant if the applicant has lodged an application on behalf of such dependant.

In cases where the Asylum Service considers that the applicant is incapacitated or unable to participate in an interview, for reasons due to permanent conditions beyond his control, the personal interview might be omitted. In case of doubt, the Asylum Service must consult a health professional to ascertain whether the condition due to which the applicant is incapacitated or unable to participate in an interview is temporary or permanent.

Article 9ΚΔ (6) of the Refugee Law envisages that for vulnerable persons who have been found to be in needs of special procedural needs, the competent authorities shall provide support which takes into account the specific procedural needs throughout the international protection procedure. The Asylum Service has an unofficial internal team of case officers who exclusively examine asylum applications from vulnerable persons.

Minors: According to Article 13A (9)(e) interviews with minors should be conducted in a child-friendly manner. Minors are usually interviewed from the age of 14 and older and when the asylum claim involves the minor. If not, interviewing a minor is avoided. The minor's physical presence is required when the asylum claim involves them. Specific procedures for interviewing

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accompanied minors are followed in compliance with EUAA's guides and always upholding the child's best interest.

Unaccompanied minors: According to Article 13A (9)(e) interviews with minors should be conducted in a child-friendly manner. Unaccompanied minors are interviewed regardless of age, but definitely at an age where it can be considered that the minor is capable of understating what the procedure is and always with the assistance and presence of SWS legal guardians. Usually in practice, unaccompanied minors are interviewed from the age of 10 and older. Specific procedures for interviewing unaccompanied minors are followed in compliance with EUAA's guides and always upholding the child's best interest.

Victims of trafficking or other forms of violence: EUAA practical guides and internal operational standards on vulnerability are used for evidence assessment and during the personal interviews. The Asylum Service has an unofficial internal team of case officers who are trained to examine asylum cases with vulnerabilities.

Applicants with disabilities or other health issues: EUAA practical guides and internal operational standards on vulnerability are used for evidence assessment and during the personal interviews. The Asylum Service has an unofficial internal team of case officers who are trained to examine asylum cases with vulnerabilities.

Possibility to omit the personal interview

The personal interview may be omitted under certain circumstances as defined by the Refugee Law. The decision to omit the personal interview is taken by the Asylum Service. The decision to omit the interview is documented in the file and the reasoning for omitting the personal interview is mentioned in the decision. In cases where the interview is omitted because the applicant is unfit or unable to undertake it, Article 13A(2) Refugee Law specifies that the Asylum Service shall make reasonable efforts to enable the applicant or, as the case may be, the dependent to submit additional information.

Currently no publicly available information on how and when are decisions to omit interviews communicated to the applicant.

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Besides the situations contained below, a personal interview might be omitted if the application has already been examined under the accelerated procedure (Article 13(1) Refugee Law).

Positive decision	According to Article 13A (2) Refugee Law, the personal interview might be omitted when a positive decision can be taken on the basis of available evidence. Personal interview could be omitted if it is possible to take a positive decision on the basis of the evidence already available.
Previous meeting - essential information	No
Issues raised are not relevant or of minimal relevance	No
Safe country of origin	No
Safe third countries	No
Inconsistent, contradictory, improbable, insufficient representations	No
Subsequent application	No
Application to merely delay/frustrate enforcement	No
Not reasonably practical to conduct it	No

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Applicant unfit or unable to be interviewed	Yes, Article 13A(2) Refugee Law. When the Asylum Service considers that the applicant is incapacitated or unable to participate in the interview, for reasons due to permanent conditions beyond his or her control.

Organisational aspects

Preparation and timing of the interview: There is no timeframe specified in law between the lodging of an application and the interview. There is currently no publicly available information on how long it takes in practice to interview an applicant since the application was lodged, timeframes in each case depending on several factors such as vulnerabilities present, etc.

Prior to the interview special arrangements take place to ensure confidentiality and comfortable environment for the applicant. To prepare for the interview, in practice, the case officer is informed of the week's scheduled interviews from the previous week (usually on Thursday) and collects the physical files of the cases. The case officers organise their own time and review the case files and access any COI report if needed prior to the interview.

Information provision (before the personal interview): Applicants are notified on the date time and place of the interview in written (English language) via registered postal mail and orally (through telephone) in a language they understand later after the registration of their claim. During the call, the interpreter verifies the content of the mail and the date of the interview.

If the applicant is detained, the Asylum Service informs the competent authority which notifies the detained applicant.

If the applicant stays at the Reception Centre, the Reception facility informs the applicant, whereas the Asylum Service also contact him via telephone.

Before and during the personal interview the applicant is informed about the purpose of the interview, the applicants rights and obligations and the right to interpreter. The applicant is also informed about the principles of confidentiality, the importance of the interview in the asylum process and the authority responsible for the interview.

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Modalities of carrying out the interview: Interviews take place at different locations. (1) At the offices of the Asylum Service in Nicosia. Transport (free tickets) is provided. (2) At the offices of the EUAA in Strovolos avenue, (3) at the Asylum Examination Centre adjacent to 'Pournara' Centre, (4) at Kofinou Reception Centre.

Detained applicants are interviewed at the Menogia Detention Centre.

Asylum interviews in Cyprus don't take place via phone, Skype or other tele/video-conference method.

Choice of gender of the interviewer/interpreter: The applicant is proactively informed of the possibility to choose the gender of the interviewer and/or interpreter or to object to a particular interviewer/interpreter. The applicant may express his preference on the gender of the interviewer. Asylum Service provides same sex interviewer, to the extent possible, unless if the request is not related to the applicant's difficulty in presenting the grounds for his application in a comprehensive manner.

In particular circumstances, the applicant has the possibility to request or choose the gender of the interpreter during the personal interview. There is no further publicly available information on this aspect, it can take place at any time between the lodging of the application up until before the interview.

Objecting to the interviewer/interpreter: The applicant is also offered the possibility to object to a particular interviewer, in case s/he has no relevant experience or practice. However, the decision if there are reasonable grounds for the objection, lies with the Head of Asylum Service.

Language and interpretation: At the lodging of the application, when filling the relevant form, the applicant might declare in which language they wish to conduct the interview. To facilitate the communications with the applicant the interviews are held in presence of an interpreter (professional or non-professional) who has obtained special approval /authorisation by the asylum authority. Interpreters are required to a have good knowledge of the requested language, have a clean personal record or have undergo special security clearance procedures. The interpreters must adhere to Code of Conduct and to sign a statement of confidentiality to be approved by Asylum authorities. Interpreters also undergo training on relevant standards applicable in asylum field. In case of unavailability of professional interpreters in applicant's language, the procedure is suspended/prolonged until suitable interpreter is

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identified.

Provision of interpretation services is foreseen under 2025 - 2026 Operational Plan agreed by EUAA and the Republic of Cyprus for the support to the processing of asylum applications at first instance. Cyprus is also cooperating with other EU+ member states for the provision of interpretation services. If an interpreter is found to be cooperating with diplomatic institutions of applicants' countries of origin, the possibility to end the contract will be examined.

Persons present during the interview: The personal interview is conducted with the presence of the following:

- Case worker: In Cyprus higher education of the case worker is considered legal prerequisite. Specific language skills are also required as well as relevant knowledge or competences, which may also be obtained after the recruitment, through relevant training/s in the context of personal interview.
- Applicant
- Interpreter
- Legal representative/guardian: If the applicant is an unaccompanied minor, a legal representative/guardian of the Social Welfare Authority is present, even if the unaccompanied minor is married.
- Family members: If Asylum Service deems it is necessary;

Other participants:

- a lawyer or the legal counsellor may be present but they are allowed to intervene only at the end of the personal interview;
- a representative of welfare services in cases of minors or victims of torture or rape in silent presence.
- a representative of UNHCR may attend the personal interview in silent presence.

Structure/steps of the interview:

The interview follows a set structure that ensures a comfortable environment and confidentiality. Each interview has an introductory phase and a closing phase. The introductory phase includes: provision of information about the procedure to be followed, rights and obligations of the applicant assurance of confidentiality, introduction of participants and warming up phase. During the introductory phase, the applicant will be also questioned about his/her condition and if s/he understands the interpreter.

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Then, questions on the substance of claim (reasons, danger upon return, actors of persecution and/or protection, internal flight alternative, possibility of exclusion).

The closing phase includes: any other information on next steps of the procedure, information on the possibility to appeal a possible negative decision, possibility to submit further evidence and relevant time frame, and confirmation of understanding of the interpretation.

The duration of personal interview in Cyprus is approximately 2-4 hours, depending on the case.

Breaks could be taken during the interview at the request of the applicant or the interpreter or at the interviewer's discretion, and/or at regular intervals. There is a possibility to conduct a follow-up/second personal interview if the caseworker deems it necessary.

Audio/Video recording and written report: A verbatim written record taken by the competent officer is the only possible way to record the personal interview.

The approval of the report by the applicant is requested once the personal interview is completed and the applicant read the interview (or is read to him/her by the interpreter). If s/he has no additional remarks, he can sign the report. Otherwise, his or her remarks or clarifications are recorded in the interview template.

The applicant can refuse to approve the report of the personal interview. This would be recorded by the competent officer and would be taken into consideration during the drafting of the assessment of the interview (applicant may be presented as "unwilling to co-operate').

If the personal interview is recorded via audio or audiovisual means, a competent official is not required to ask the applicant to confirm that the content of the written report or the text of the transcript reflects correctly the interview.

The applicant and/or the legal representative have access to the report and/or record of the personal interview before a decision is issued. Access to the interview report is not granted to third parties.

Postponing the personal: The applicant may request the postponement of the interview for justified medical reasons. The interview might also be postponed in

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case the guardian of an unaccompanied minor is not available or in the case the applicant's legal counsel is not available. In some cases, the applicant can request the postponement of the interview if s/he needs more time to obtain additional evidence for his/her application. The latter is not applicable for all cases. Each case is handled based on its own merits. It is standard operating practice that women who are pregnant their interview will be postponed if at the last stages of pregnancy.

Failure to appear: In the event that an applicant fails to appear for the personal interview and has no good reasons for the failure to appear, the Head of the Asylum Service may decide a rejection of the claim (due to implicit withdrawal of application or abandonment of application), unless the applicant proves within a reasonable time that this was due to circumstances beyond his control.

The Asylum Service tries to reach him/her via phone, and if possible, reschedule the date of the interview.

Other aspects

Second or follow-up personal interview: A second or follow-up personal interview can take place on the discretion of the case officer who conducted the first interview, in case he/she deems it necessary for obtaining additional clarifications on the asylum claim.

Special asylum procedures at first instance

Admissibility procedure

Legal basis and grounds: The grounds under which an asylum claim may be deem inadmissible are laid down in Article 12Βτετράκις of the Refugee Law (Inadmissible applications).

The Asylum Service shall assess whether another EU Member State is responsible to examine the application under the criteria of the Dublin III Regulation. In this case, the responsible case worker shall close the case as inadmissible by issuing a transfer decision. The transfer decision shall be included in the decision of the case. An application may also be rejected as inadmissible when:

(a) international protection status has been granted by another Member State; or

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(b) a country that is not a Member State is considered as the first country of asylum for the applicant; or

(c) a country that is not a Member State is considered safe third country for the applicant

(d) the application is a subsequent application where no new and substantial elements or findings have been arisen or presented by the applicant

(e) a dependent person of the applicant, lodges a separate application after he/she has already consented to have his/her case as a part of an application lodged on his/her behalf, and there are no facts relating to his/her situation which justify a separate application.

Competent authority and other stakeholders

Asylum Service | Υπηρεσία Ασύλου

Administrative Court for International Protection | Διοικητικό Δικαστήριο Διεθνούς Προστασίας

Procedural aspects

Upon lodging of the application for international protection, the Asylum Service assesses if the application shall be processed by the Republic of Cyprus or another EU Member State is responsible under the criteria of the Dublin III Regulation. The applicant is invited for an interview with the Asylum Service, which may be limited to the admissibility grounds. The applicant is requested to present his/her claim, provide information about the personal situation or the motives of the application. During this stage, all elements, information and documents are considered before a decision is made.

The applicant for international protection can apply for a right to remain in the country until a final decision is issued at second instance, in line with the principle of non-refoulement.

If an application for international protection deems inadmissible under the Dublin Regulation, the personal interview may be limited in this scope and allow the applicant to express his/her views. In cases of subsequent applications, an admissibility interview may not be required. If, after the admissibility interview, the Determining Authority deems it necessary to investigate the substance of the application for international protection, a relevant supplementary interview is

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held.

The admissibility interview may be carried out by case workers of the Asylum Service or EUAA staff, provided they have received basic training in relevant EU asylum law, human rights, and interview techniques.

The applicant shall be informed about the procedural steps by the case worker of the Asylum Service/EUAA, his/her rights and the right to effective remedy in a language that s/he understands. In this regard, the applicant is supported by an interpreter who is present during the interview.

Decision and time limits to decide

The national legislation does not specify a timeframe for issuing a decision.

If the application is considered inadmissible, a decision on inadmissibility is issued. If the application is considered admissible, it is processed under the regular procedure.

Appeal

Article 12A(2)(d) of the Law of 2018 on the Establishment and Operation of the IPAC (hereinafter, Law 73(I)/2018) provides for an appeal against a decision by the Asylum Service in one of the grounds declaring an application as inadmissible. The time limit to lodge an appeal is 15 days from the date the decision is issued. The appeal does not have suspensive effect. A separate application must be submitted to IPAC requesting the right to remain pending the examination of the appeal. According to Article 13 of the 2019 Procedural Rules on the Operation of IPAC, such request must be submitted either alongside the appeal or within the 15-day deadline for lodging the appeal, using a specific form. Once the request is submitted, the IPAC should decide on such a request Article 8(1A)(b) Refugee Law. There is no prescribed timeframe for the IPAC to rule on the request for suspensive effect.

The appeal procedure follows the standard process for asylum cases. However, for certain cases-specifically those falling under Article 12 τετράκις(2)(d) of the Refugee Law- a shorter 10-day deadline is set for the Asylum Service to submit objections, in line with Article 3(e) of the 2019 Procedural Rules on the Operation of IPAC. In such instances, the appeal is subject to accelerated processing and is scheduled directly for a hearing. The presence of the Legal Service at the hearing is not required unless explicitly requested by the court, and no written submissions from either the applicant or the Legal Service are typically foreseen.

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Legal aid is available under Article 6(B)(2)(a) of the Legal Aid Law of 2002. Interpretation services are mandated by Article 31C (1) of the Refugee Law, which requires the court to provide free interpretation if the applicant submits the appeal in person. The law does not specify a deadline for the IPAC to issue a decision, only requiring that it be delivered within a reasonable timeframe (Article 11(9), Law 73(I)/2018).

Regarding outcomes, IPAC may either dismiss the appeal and uphold the decision of the Asylum Service, or accept the appeal, annul the decision, and return the case to the Asylum Service for further examination under the regular procedure. A second appeal may be filed with the Court of Appeal, as stipulated under Article 13 of the 2018 Law on the Establishment and Operation of the IPAC.

Impact on reception conditions

Reception conditions are not impacted, and the applicant retains his/her status through this procedure, until a negative decision is issued by the IPAC on the appeal. Accommodation is not impacted either. If a negative decision is issued on the appeal, then the person is no longer considered an applicant, and the return procedure will start (except for an admissible subsequent application).

Accelerated procedure

Legal basis and grounds

Article 12D of the Refugee Law specifies the criteria under which an application for international protection is examined under the accelerated procedure. Pursuant to the provisions of the national legislation an application may be channelled to the accelerated procedure mandatorily or an application may be referred to accelerated procedure at the discretion of the competent authority under a number of circumstances which are described under Article 12D (4).

- The accelerated procedure is mandatory when from a country where there is 'generally not a serious risk of persecution'.
- from a safe third country
- from a European safe third country
- from country designated as a safe country of origin by the Republic of Cyprus

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The accelerated procedure is also applicable if an applicant has arrived in the Republic of Cyprus from a first country of asylum or if the application is considered inadmissible a priori. In such cases, the competent officer is obliged to process the application under the accelerated procedure without the need for further justification.

An application for international protection may be processed under the accelerated procedure at the discretion of the competent authority if the applicant:

- presents claims that are clearly irrelevant to the determination of international protection status
- comes from a safe country of origin.
- has misled authorities by providing false information or withholding relevant documentation concerning identity or nationality,
- has likely destroyed or discarded identity or travel documents in bad faith.
- provides clearly unfounded statements, contradictory, false, or improbable information as to whether s/he meets conditions required for qualification of international protection, and which, are inconsistent with sufficiently substantiated country of origin documentation.
- has filed aa subsequent application that is not deemed inadmissible under Article 16D(3)(d)
- submits an application only to delay or prevent the execution of deportation/removal order
- entered or remained in the country unlawfully and failed to report to authorities without good reason, where the applicant may pose a threat to national security or public order.
- refuses to comply with obligations to provide fingerprints under the Eurodac Regulation (EU) No. 603/2013

Competent authority and other stakeholders

Asylum Service | Υπηρεσία Ασύλου

International Protection Administrative Court (IPAC) | Διοικητικό Δικαστήριο Διεθνούς Προστασίας (First appeal instance)

Court of Appeal | Εφετείο (Second or higher appeal instance)

Procedural aspects

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The Refugee Law (Article 12D(5a-c) provides that applications which are processed under the accelerated procedure must be examined as quickly as possible, while ensuring a proper and thorough assessment. There is a 30-day time limit to process the application and issue a decision from the date the application is lodged. This time frame may be extended from 30 (thirty) days to up to 2 (two) months, following a recommendation of the responsible case officer. The Head of Asylum Service may approve such request if seems it is necessary to ensure a proper and thorough assessment of the application. If the Head of Asylum Service determines that the accelerated procedure does not allow for an adequate examination, the case may be referred for regular procedure.

As in the regular asylum procedure, the responsible case officer of the Asylum Service or the EUAA, conducts a personal interview with the applicant and the support of an interpreter. According to information from civil society organisations, at the beginning of the interview the applicant is informed about the procedural aspects and the reasons the application is processed under the accelerated procedure (i.e. safe country of origin). The Refugee Law further provides that following the interview, the case officer prepares a report summarising the facts of the case and assessing whether specific legal provisions (Articles 12A, 12B, 12Bbis, 12Bter, 12Bquater, 12Bquinquies and Article 12D(4)) apply. This report is then submitted to the Head of Asylum Service for further consideration and decision-making.

Vulnerable applicants, unaccompanied minors or other applicants that are entitled special procedural are excluded from the accelerated procedure (Article 12E of the Refugee Law). Instead, these applications are channelled and examined under the regular procedure (Article 13 of the Refugee Law).

Decision and time limits to decide

Asylum applications processed under the accelerated procedure must be examined, and a decision issued, within 30 days from the date of submission. This deadline may be extended by up to two months upon recommendation by the responsible case officer to the Head of the Asylum Service. If the Head of Asylum Service concludes that the accelerated procedure does not allow for adequate examination of the application, the case may be transferred to the regular procedure.

Following the examination of an application under the accelerated procedure, the competent authority can:

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- recognise an applicant as a refugee
- refer the application to the regular procedure
- reject the application as clearly unfounded and issue a return and/or removal decision and/or expulsion order pursuant to the provisions of the Aliens and Immigration Law (Articles 13-14a).

Appeal

Under Article 12A(2) of the Law on the Establishment and Operation of the International Protection Administrative Court (IPAC), applicants subject to the accelerated asylum procedure have the right to appeal a negative decision of the Asylum Service or the Refugee Reviewing Authority. Appeals must be lodged at the International Protection Administrative Court within 15-day time limit from the day the decision is issued. According to Article 31C(1) of the Refugee Law, when an applicant submits an appeal in person, the court is required to provide interpretation services free of charge. The appeal has suspensive effect.

During the appeals procedure the applicant will be called to attend a court hearing and express his/her views.

The applicant is entitled to free legal assistance pursuant to the provisions of Article 2 of the Legal Aid Law when the appeal is submitted within the indicated deadline. The appellant is entitled to legal representation and coverage of the court expenses during the IPAC hearing. The legal representative shall not have conflict of interest, and in case of an unaccompanied minor the legal representative shall have special expertise.

There is no deadline for IPAC to issue a decision, but the law requires that should be delivered within a 'reasonable time'; (Article 11(9), Law 73(I)/2018). IPAC may either reject the appeal and uphold the Asylum Service’s decision or accept the appeal, annul the decision, and refer the case back to the Asylum Service for further examination under the regular procedure.

Every decision of the International Protection Administrative Court (IPAC) is subject to appeal before the Court of Appeal, but only on a point of law, and must be lodged within fourteen (14) days from the date the decision is issued.

Impact on reception conditions

Reception conditions are not impacted, and the applicant retains his/her status through this procedure, until a negative decision is issued by the IPAC on the appeal. Accommodation is not impacted either. If a negative decision is issued on

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the appeal, then the person is no longer considered an applicant, and the return procedure will start (except for an admissible subsequent application).

Border procedure

Legal basis and grounds

There is no border procedure in the Republic of Cyprus.

Competent authority and other stakeholders

Not applicable

Procedural aspects

Not applicable

Decision and time limits to decide

Not applicable

Appeal

Not applicable

Impact on reception conditions

Cyprus does not apply border procedure. Impact on reception conditions is not applicable.

Subsequent application procedure

Legal basis and grounds

Article 16D of the Refugee Law, provides for the grounds of processing subsequent applications as well as submission of new evidence or findings during the examination of an asylum claim.

In 2021, the Administrative Court ruled on the case M.F. v. Republic of Cyprus that a person who submits a subsequent application, acquires the status of an asylum seeker from the moment the subsequent application is registered until a final decision is issued by the Asylum Service (decision on the admissibility or

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inadmissibility).

Competent authority and other stakeholders

Asylum Service | Υπηρεσία Ασύλου

Procedural aspects

Pursuant to the national legislation when an applicant submits either a subsequent application or new evidence to the Asylum Service, after a decision on a previous application becomes enforceable, the Asylum Service shall assess this information promptly (Art. 6D(1) Refugee Law).

The law specifies that subsequent applications are not treated as entirely new applications, but rather as additional procedural steps within the original case (Art. 6D (2) Refugee Law). This process avoids duplicative interviews and ensures continuity in the assessment.

The admissibility of such submissions is subject to a preliminary examination (Art. 6D(3)(a) Refugee Law), which determines whether genuinely new evidence has been presented as well as evidence not previously considered and potentially affecting the applicant's eligibility for international protection.

If there are no additional findings, the subsequent application is rejected as inadmissible based on res judicata, without further examination or interview.

However, if significant new information is submitted, particularly if it could not have been raised earlier due to circumstances beyond the applicant's control and increases the likelihood of qualifying for protection, a full substantive examination follows (Article 6D(3)(b)), resulting in a new enforceable decision (Art. 6D(3)(c) Refugee Law). These decisions are subject to the procedural guarantees for applicants for international protection, specified in Article 18(7)–(7e) of the Refugee Law.

If a subsequent application is made solely to delay removal or obstruct enforcement of a prior decision—particularly when a first subsequent application was found inadmissible or unfounded—the Head may terminate the individual's right to remain in areas under the Republic's control (Art. 6D(4)(b) Refugee Law). This is conditional on ensuring that such removal does not result in direct or indirect refoulement, in line with obligations under international and EU law. In such cases, protection from removal under Article 8(1B) does not apply (Art. 6D(4)(c) Refugee Law).

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Article 6D also extends to dependents who initially consented to be included in a joint application but later submit a separate one. The Asylum Service must determine whether there are new individual circumstances justifying differential treatment (Art. 6D (5) Refugee Law). Furthermore, where another EU Member State must transfer an individual to the Republic of Cyprus under the Dublin III Regulation (EU No. 604/2013), any subsequent applications or new evidence submitted in that Member State must be evaluated by the Cypriot Asylum Service in line with Article 6D (Art. 6D (6) Refugee Law).

Decision and time limits to decide

The national legislation does not specify time limits for the examination of a subsequent application or issuance or a decision. A decision is always issued, unless the applicant withdraws the subsequent application. The decision can be either negative or positive. A negative decision is issued when the new evidence that was submitted (and based on which the subsequent application was declared admissible) did not justify granting international protection. On the opposite, a positive decision would be issued when that new evidence justify granting protection.

Appeal

Under Article 16D(3)(d) of the Refugee Law, a subsequent asylum application is not further examined if is deemed inadmissible per Article 12Btetrakis(2)(d).

In H.S. v Republic of Cyprus (ΔΚ29/21), the IPAC ruled that inadmissible subsequent applications do not grant a right to remain during the appeal period or until a court decides on a stay request. This was reaffirmed by the Supreme Court in Sohel Madber v Republic of Cyprus (8/2022) where it stated that a person can only be considered to hold the status of an applicant of international protection when their subsequent application becomes admissible by the Asylum Service.

When a subsequent application is submitted during the Dublin procedure, the appeal must be lodged within 15 days (Article 12A (2) of the Refugee Law). Appeals have automatic suspensive effect (Art. 8(1)(a) of the Refugee Law). The procedure mirrors regular asylum appeals, and legal aid is available only upon application, subject to a means and merits test (Legal Aid Law 165(I)/2025).

Interpretation is provided free of charge under Article 31C (1) Refugee Law. There is no deadline for issuing a decision. The IPAC must rule within a

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reasonable timeframe. An onward appeal against a decision of IPAC can be submitted to the Court of Appeal.

Impact on reception conditions

When a person appeals the decision where their subsequent application is rejected as inadmissible, they are not considered an applicant of international protection and thus no reception conditions are provided, and they are considered to be illegally residing in the Republic. In the case where the subsequent application is further examined as admissible and then rejected, then the person is considered to retain the applicant status and reception conditions continue.

Last-minute application pending removal

Last-minute applications lodged by first time applicants pending a removal

The national legislation provides that if a subsequent application is made solely to delay removal or obstruct enforcement of a prior decision—particularly when a first subsequent application was found inadmissible or unfounded—the Asylum Service may terminate the individual's right to remain in areas under the Republic's control as stipulated under the Article 6D(4)(b)) of the Refugee Law. This is conditional on ensuring that such removal does not result in direct or indirect refoulement, in line with obligations of the Republic of Cyprus under international and EU Legislation. In such cases, protection against removal under Article 8(1B) does not apply for repeated applications.

In practice, last minute applications are reportedly taken place when a person has exhausted all measures to stay in the Republic and is detained as illegally residing pending removal, in order to delay removal. Usually, those types of applications are examined immediately, and the majority are rejected.

Safe country concept

Safe country of origin

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The concept of safe country is defined under the Articles 12Bτρις of the Refugee Law. According to the national legislation the concept is applied in practice for the examination of applications for international protection under the accelerated procedure when an asylum claim is deemed inadmissible.

The Republic of Cyprus has a list of safe countries of origin which was initially adopted by Ministerial Decree on 8 May 2020. The authority proposing the list of safe countries of origin is the Head of Asylum Service. The list is reviewed and Adopted by the Deputy Minister of Migration and Asylum. A Ministerial decree is issued by the competent Minister upon recommendation of the Head of the Asylum Service. The list of safe countries of origin is reviewed once a year and a new Ministerial Decree is enforced when published in the official gazette. When a new list of safe countries of origin is adopted, it is communicated to the European Commission.

The list is reviewed once a year by the Council of Ministers. The list of safe countries of origin was lastly updated on 30 May 2025 by Ministerial Decree No. 145/2025 (Gov. gazette 5948/30.05.2025) based on the Refugee Law, Article 12B3. The list includes the following safe countries of origin: Albania, Algeria, Armenia, Bangladesh, Benin, Bosnia, Herzegovina, Egypt, Gambia, Georgia, Ghana, India, Kenya, Moldova, Mongolia, Montenegro, Morocco, Nepal, Nigeria, North Macedonia, Pakistan, Philippines, Senegal, Serbia, Sri Lanka, Togo, Tunisia, Vietnam.

The criteria for designation of a country as safe, are aligned with the provisions of Article 36 and Article 37 of the recast Asylum Procedures Directive. Pursuant to the provisions of the national legislation (Article 12Bτρις. of the Refugee Law) a country can only be considered a safe country of origin if it is clearly demonstrated that, based on the legal framework, its application within a democratic system, and its general political situation:

- There is generally and consistently no risk of persecution.
- There is no risk of torture, inhuman or degrading treatment or punishment; and
- There is no threat from indiscriminate violence due to international or internal armed conflict.

The following criterial are taken into account during assessment:

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- Relevant primary and secondary legislation of the country and how it is applied in practice.
- Respect for rights and freedoms under the European Convention on Human Rights (ECHR), especially rights that cannot be derogated under Article 15(2), as well as compliance with the International Covenant on Civil and Political Rights and the Convention Against Torture or other Cruel, Inhuman or Degrading Treatment.
- Compliance with the principle of non-refoulement under the Geneva Convention; and
- The availability of effective remedies to challenge violations of these rights.

The assessment must be based on relevant operational guidance and methodologies, including:

- Country-of-origin information and reporting methodologies developed by the European Union Agency for Asylum (EUAA); and
- Relevant guidelines and recommendations issued by the United Nations High Commissioner for Refugees (UNHCR).

An application which is submitted by a person -who holds the nationality of a country designated as safe country (Article 12 B(7) of the Refugee Law) or a stateless person whose country or previous habitual residence has been designated as safe country of origin – may be examined at the discretion of the competent officer under the accelerated procedure unless the applicant provides substantial grounds of proof that the safe country of origin is not safe for his/her particular situation. In this case, the application is channeled for processing under the regular procedure.

Decisions on applications which are processed under the accelerated procedure based on safe lists of countries of origin may be appealed at the International Protection Administrative Court (IPAC) within 15 days from the day of the decision. The appeal has suspensive effect.

There are no reported exceptions from the application of the safe country of origin based on specific geographical areas or profiles. An individualized examination is carried out in every case and if for some reason it is deemed that the safe country concept cannot be applied due to special circumstances of the case, then the application will be examined under the regular procedure. If the application regards a minor, the best interest of the child is always respected.

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Safe third country

The concept of safe third country is stipulated under the national legislation Article 12 B of the Refugee Law. The national legislation transposes the relevant provisions under Article 36 and Article 37 of the EU recast Asylum Procedures Directive. Specifically, according to the provisions of Article 12 B, a country can be designated as safe third country for an applicant for international protection according to the following criteria:

(a) The applicant's life and freedom are not threatened based on race, religion, nationality, membership of a particular social group, or political opinion.

(b) There is no risk of serious harm.

(c) The principle of non-refoulement is respected in accordance with the Convention;

(d) The prohibition of removal in violation of the right to be free from torture and cruel, inhuman, or degrading treatment or punishment under international law is respected.

(e) There is the possibility to request refugee status and, if the applicant is recognised as a refugee, to be granted protection in accordance with the Convention.

No list of safe third countries has been adopted in Cyprus. In practice, an application involving a safe third country may be processed under the criteria of accelerated procedures as specified under the Article 17 D of the Refugee Law, if and where appropriate. Additionally, there must be a meaningful connection between the applicant and the third country. A safety assessment must be conducted individually, with the applicant retaining the right to challenge it in court under Article 146 of the Constitution the application of the safe third country concept. The appeal has suspensive effect and shall be submitted 14 days after the decision at first instance. Under this appeal the applicant can contest that the third country is not safe under his/her particular circumstances or can challenge the existence of a connection between his/her and with the third country.

Article 12B (3) specifies that assessment if a third country is safe is done by the Head of the Asylum Service, under the international law. Assessment is

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conducted on case-by-case basis for each applicant and the third country. According to the national legislation a notice shall be published in the official gazette of the Republic of Cyprus which shall determine countries which are generally considered safe, and the European Commission shall be regularly notified. The Republic of Cyprus has not yet adopted, such a list of safe third countries.

When the Asylum Service issues a decision based solely on the concept of a safe third country, the competent authority shall inform the applicant accordingly and issue a document notifying the authorities of the safe third country, in an official language of country concerned, that the applicants claim has not been examined on its merits.

If the country concerned does not allow the applicant to enter its territory (re-admission), the applicant has the right to resubmit application to the competent authority which will be examined on its merits.

First country of asylum

The concept of the first country of asylum is defined under the Article 12Bquinquies of Refugee Law. According to the national legislation, the concept of first country of asylum, applies when an applicant has already been recognised as a refugee or enjoys sufficient protection, including the principle of non-refoulement, in another country willing to readmit him/her. An asylum claim related to a first country of asylum may be processed under grounds of accelerated procedures as specified in the Article 17 D of the Refugee Law. Applicants have the right to appeal a decision of the Asylum Service, which is based on the first country of asylum, under national constitutional provisions (Article 146 of the Constitution of the Republic of Cyprus). The appeal shall be brough before the Administrative Court for International Protection within 14 days from the day of the decision and has suspensive effect.

European safe third country

The concept of European safe third country is defined in the national legislation under the Article 12Bbis of the Refugee Law. The concept of the European safe third country is applied on a case-by-case basis. Pursuant to the provisions the

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national legislation a European safe third is defined a country which cumulatively meets all the following criteria:

(a) has ratified and implements the provisions of the Convention (1951 Refugee Convention) without geographical limitations.

(b) implements an asylum procedure in its national legislation.

(c) It has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms including provisions for effective remedy.

An application may be examined by the Asylum Service under the grounds for accelerated procedures (Article 17D of the Refugee Law). Asylum Service shall determine based on facts if the applicant seeks to enter or has entered the Republic of Cyprus irregularly from a European safe third country. According to the national legislation the Asylum Service may decide not to apply the concept of a European safe third country to a specific application, for humanitarian reasons or for compliance with the national or international obligations.

If the decision of the Asylum Service is solely based on the concept of a European safe third country, the Service shall notify the applicant and the authorities of the European safe third country respectively, that the applicant’s claim has not been examined on its merits.

When the European safe third country does not accept the applicant back, the applicant has the right to submit a new application to the Asylum Service, which shall be examined in accordance with the procedures and safeguards of the national legislation.

The applicant has the right to challenge the decision of the Asylum Service before the Administrative Court under the Article 146 of the Constitution, on the grounds that the conditions in the specific third country are not safe in his/her case and personal circumstances. The appeal shall be lodged within 14 days from the date of decision and has suspensive effect.

The Asylum Service shall periodically inform the European Commission about the countries that are considered European safe third countries.

Assessment of an application at first instance

Legal provisions relevant for an assessment

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Article 13 Refugee Law foresees the standard procedure for examining applications.

Competent authority for the assessment

The competent authority for assessments is the Asylum Service. Case officers of the Asylum Service prepare a Report. Since 2019, the EUAA has provided technical support to the Asylum Service to reduce the backlog and speed up the examination of asylum applications. The Head of Asylum Service decides based on the report.

Required qualifications: In Cyprus higher education of the case worker is considered legal prerequisite. Specific language skills are also required as well as relevant knowledge or competences, which may also be obtained after the recruitment. Previous work experience and trainings in migration and asylum are considered relevant competences for case officers to possess.

Training: All case officers are public servants and once they are appointed to the Asylum Service, they undergo specialized trainings organized by the Asylum Service, the EUAA, or UNHCR.

Grounds

Grounds for international protection are outlined in the Refugee Law. An applicant may be granted refugee protection or subsidiary protection status.

According to Article 3 (1) Refugee Law and Article 3Γ (3) Refugee Law, to be eligible for refugee status, an applicant must demonstrate that there is a connection between the reasons for persecution and the acts of persecution or the absence of protection.

A refugee is a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or a person who does not have a nationality and who, being outside the country of his former habitual residence as a result of such circumstances, is unable or, owing to such fear, is unwilling to return to it and to whom Article 5 does not apply.

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Acts of persecution are defined in Article 3Γ. They consist of acts which:

- are sufficiently serious by their nature or repetition to constitute a serious violation of fundamental human rights, in particular the rights from which no derogation is possible, under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, or
- constitute an accumulation of various measures, including human rights violations, which is sufficiently serious to affect an individual in a manner comparable to that referred to in paragraph (a).

The following acts are envisaged in the refugee law as part of an indicative list of acts of persecution:

(a) acts of physical or mental violence, including acts of sexual violence.

(b) legal, administrative, police and/or judicial measures, which are inherently discriminatory or are applied in a discriminatory manner.

(c) criminal prosecution or imposition of a penalty which is disproportionate or discriminatory.

(d) denial of legal remedies resulting in the imposition of a disproportionate or discriminatory penalty.

(e) criminal prosecution or imposition of a penalty for refusal to perform military service in a conflict, if the performance of military service would involve a crime, offence or act referred to in paragraph (c) of subsection (1) of article 5.

(f) acts targeting gender or children.

Qualification for subsidiary protection is regulated in Article 19 Refugee Law. It might be granted to an applicant for whom there are substantial grounds for believing that, if returned to his country of nationality, he would face a real risk of suffering serious harm and is unable or, owing to such risk, is unwilling to avail himself of the protection of that country. Serious harm or ‘serious and unjustified harm’ is defined in Article 19(2) Refugee Law as:

- capital punishment or execution, or

- torture or inhuman or degrading treatment or punishment of the applicant in his country of origin, or

- serious and personal threat to the life or physical integrity of a civilian, due to indiscriminate use of violence in situations of international or internal armed

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conflict

Guidelines for case officers

There is no official national country guidance. The Asylum Service follows EUAA country guidance/UNHCR policy notes. There are ad hoc internal notes on specific issues concerning specific countries that the Asylum Service is focusing on, which are not public. There’s also an internal and private SharePoint where various notes are uploaded in order to assist case officers in their tasks.

Text samples to support the drafting of the decision have been reviewed and finalised by the Legal Office of the Republic.

Credibility assessment

In general, for the credibility assessment, the EUAA practical guide on evidence and risk assessment is used. The guide is also part of the mandatory core training modules that every case officer needs to complete before starting interviews.

Assessment of facts and circumstances when aspects of the applicant’s statements are not supported by documentary or other evidence

According to Article 18(5) the applicant must substantiate his or her request for international protection. Where certain aspects of the applicant's statements are not substantiated by documents or other evidence, these aspects do not need to be confirmed, where the following conditions are met: (a) the applicant has made a real effort to substantiate his application, (b) all relevant information available to the applicant has been submitted and a satisfactory explanation has been given for any lack of other relevant information, (c) the applicant's statements are considered consistent and plausible and do not contradict available specific and general information concerning his case, (d) the applicant applied for international protection as soon as possible, unless he proves that there was a serious reason that prevented him from doing so, (e) the general credibility of the applicant is proven.

In practice both internal credibility and external credibility need to be met. Lack of documentary evidence, or lack of external sources confirming the applicant’s statements does not negatively impact the applicant’s statements if the internal

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credibility, on the basis of the credibility indicators, has been met.

Time limit for submitting evidence during credibility

Applicants may submit documents at any stage of the procedure. When applicants state that they wish to submit evidence after the interview has taken place, they will normally be provided a deadline to do so.

COI research

Article 17(1)(a)(ii) of the Refugee Law states that the Head of the Asylum Service before reaching a decision takes into account the joint reports in relation to third countries, which are drawn up in accordance with the procedure for the preparation of reports on joint assessments of the situation in third countries, adopted by decision of the Council of Ministers and in accordance with the guidelines for joint reports in relation to third countries, adopted by the Council of the European Union on 20.6.1994.

Country of origin information (COI) is used by case officers in the context of the examination of applications for international protection, specifically at various stages and aspects of the examination procedure such as the verification of the nationality/country of origin of the applicant, the evidence assessment, the development of the legal reasoning of the decision which takes into account the human rights situation at the country of origin etc. The guiding principles that the Asylum Service follows in terms of using COI are based on EUAA COI methodology and other related publications/guiding documents.

Decision and outcomes

As per Article 13(2) of the Refugee Law, the Head of the Asylum Service, after examining the report of the competent officer may,

- recognise the applicant as a refugee
- grant the applicant subsidiary protection status
- reject the application and issue a return and/or removal decision and/or an expulsion order, which forms an integral part thereof, pursuant to the Aliens and Immigration Law.

The decision is based on a set form that enables consistency.

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The decision rejecting the application for international protection states the reasons in fact and in law for rejection. The negative decision mentions the time limit for lodging an appeal, the body before which such appeal may be lodged, the consequences of letting this time limit expire without taking action as well as the possibility and conditions for receiving free legal aid in the procedures before the IPAC. The negative decision is issued together with a return decision.

In case of a positive decision granting international protection, a full written copy is filled in the applicant's file and a summary on the outcome is provided to him/her along with his/her rights.

A single decision is issued for family units unless there are reasons to issue separate decisions.

Notification: The decisions on the application for international protection are notified to the applicant. There is no specific time limit envisaged for notifying a decision; a notification is performed as soon as possible after the issuance of the decision and after notice (phone call) to the applicant to appear for receiving the decision at a specific date. If the applicant does not answer, the decision may be communicated to him via post mail. There are no complementary methods of notification. Positive decisions are not sent by post as in general the positive decision is not given to the applicant.

Minors and unaccompanied minors: Decisions to unaccompanied children are notified in the presence of a legal guardian. When it is for a family unit, the decision is notified to the parents.

COI units

Background information

COI unit: Since 2020, there is a COI expert at the Asylum Service, which is the competent authority to examine applications for international protection. The COI expert is responsible for providing up-to-date country of origin information and analysis to case officers, responding to ad hoc queries on specific COI issues by both case officers and the Administrative Court of International Protection, and supporting the set-up of the internal COI Unit. The COI expert also provides guidance on the methodology for COI collection.

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Legal basis: National legislation does not include provisions regarding organisation and aspects of a COI Unit.

Structure and capacity

Organisation: The COI expert is located at the Asylum Service.

Mandate and tasks: The COI expert is responsible for providing up-to-date country of origin information and analysis to case officers, responding to ad hoc queries on specific COI issues by both case officers and the Administrative Court of International Protection, and supporting the set-up of the internal COI Unit. The COI expert also provides guidance on the methodology for COI collection.

Staff capacity: One COI Expert.

Requirements: There is no specific background or requirements required for the COI expert. COI experts usually have wide and extensive experience in the examination and decision-making procedure and have practical experience in the use of COI products. Currently, the COI expert of the Asylum Service has a legal background, albeit it is not a strict prerequisite for that position.

Regular training and updates: There are regular national training sessions offered to the COI expert, as well as trainings from the EUAA training curriculum. Individual support is also provided to the expert upon request.

COI products

Type of COI products produced and frequency: COI is primarily used to assist in the credibility analysis of the applicant’s statements or supportive evidence and in the process of decision-making on the protection needs of the applicant. The majority of COI products are generally focused on a specific topic.

Each case officer is responsible for COI research depending on the asylum claim's requirements. The case officer may also request COI from the COI expert to prepare for the interview or in response to specific issues raised during the examination of the asylum application. In some cases, before commencing the examination of applications by specific nationalities, the available country-specific COI is considered by a team of case officers who oversee examining applications submitted by applicants from those particular countries. The frequency of specific COI production is determined in accordance with the needs

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of case officers and is largely based on a case-by-case basis. COI must be sourced from reliable, credible and objective sources and must be up to date. Each case officer is responsible for archiving COI. The COI expert also maintains the responsibility for the compilation of COI and disseminating relevant information to case officers.

Language: English and Greek. At times and if necessary, case officers may rely on sources which are not in the official working languages of the Asylum Service, provided they are officially translated.

Methodology and sources: Cyprus does not produce COI reports.

Sources: Case officers have access to and use a variety of publicly available COI resources found online and in several COI portals, including the EUAA COI Portal, RefWorld, Ecoi.net, etc. Sources include reports produced by national and international institutions, such as UNHCR reports, UK Home Office guidance reports, Human Rights Watch, Amnesty International, etc. COI sources also include reports from other bodies that undertake fact-finding missions. Case officers are encouraged to use validated and original sources during COI collection.

Quality check: Cyprus does not produce COI reports.

Other aspects of COI units

Information is currently not available.

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