Access to procedures and non-refoulement - Cyprus

Overview

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Relevant EU legislation

Cyprus is bound by the Asylum Procedures Directive and has transposed its provisions through amendment No 105(I)/2016 and No 106(I)/2016 to the Refugees Law 2000 (6(I)/2000), Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000) and further amendments.

National legislation

Article 7, Refugees Law 2000 (6(I)/2000) | Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000) and further amendments

Aliens and Immigration Law (Cap.105), Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105), amended by N.143(I)/2020

The fifteenth Amendment of the Constitution Law, 2020 in accordance with the Article N.52 of the Constitution, Ο περί της Δέκατης Πέμπτης Τροποποίησης του Συντάγματος Νόμος του 2020 σύμφωνα με το Άρθρο 52 του Συντάγματος), N. (135(I)/2020.

Council Regulation (EC) No 866/2004 on a regime under Article 2 of Protocol No 10 to the Act of Accession 1 (Green Line Regulation or GLR), Ο κανονισμός (ΕΚ) αριθ. 866/2004 του Συμβουλίου για το καθεστώς βάσει του άρθρου 2 του πρωτοκόλλου αριθ. 10 της πράξης προσχώρησης 1 (Κανονισμός για την Πράσινη Γραμμή, ΚΠΓ), COM(2018) 488].

Competent authority and stakeholders

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Area	Competent national authority	Assistance to competent authority by (if applicable)
Screening at the external border	Aliens and Immigration Unit of the Police (AIUP) | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας (YAM) The irregularly arriving third country nationals are transferred to the First Reception Centre and undergo screening by the Police. It includes procedures set up in place such as First Physical security check (luggage, body, devices, passport, documents), Biometric data/Automated fingerprint, Reception Intake and Identity/nationality verification-statelessness.	The First Reception Centre is under the coordination of the Cyprus Asylum Service, while Europol, EUAA and Frontex are support agents.
Biometric data	Aliens and Immigration Unit of the Police (AIUP) | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας (YAM)The irregularly arriving third country nationals are transferred to the First Reception Centre and undergo screening by the Police which includes Biometric data/Automated fingerprint, and Identity/nationality verification-statelessness.	The First Reception Centre is under the coordination of the Cyprus Asylum Service, while Europol, EUAA and Frontex are support agents.

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Area	Competent national authority	Assistance to competent authority by (if applicable)
Making an application	**At the border:** Aliens and Immigration Unit of the Police (AIUP) | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας (YAM) **On the territory:** Aliens and Immigration Unit of the Police (AIUP) | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας (YAM) Asylum Service | Υπηρεσία Ασύλου **In detention:** Detention authority (simple registration) Focal points of the Aliens and Immigration Unit of the Police (AIUP) | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας (YAM) Asylum Service | Υπηρεσία Ασύλου at the detention facility (full registration)	
Registering an application	Aliens and Immigration Unit of the Police (AIUP) | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας (YAM) Asylum Service | Υπηρεσία Ασύλου	EUAA currently supports the registration procedure.

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Area	Competent national authority	Assistance to competent authority by (if applicable)
Lodging an application	Aliens and Immigration Unit of the Police (AIUP) | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας (ΥΑΜ) Asylum Service | Υπηρεσία Ασύλου	EUAA currently supports the lodging procedure.
Information provision	Asylum Service | Υπηρεσία Ασύλου EUAA | European Union Agency for Asylum Administrative Courts	

Access to the territory

Official external border crossing points

Cyprus has two external air border-crossing points: International airport of Pafos (Διεθνές αεροδρόμιο Πάφου) and International airport of Larnaka (Διεθνές αεροδρόμιο Λάρνακας).

Due to its geography, Cyprus has no external land border-crossing point. The Green Line is not considered a border, and although there are authorised points of crossing, these are not considered official entry points into Cyprus.

Cyprus has seven sea border-crossing points: Marina of Larnaka (Μαρίνα Λάρνακας), Port of Larnaka (Λιμάνι Λάρνακας), Old port of Lemesos (Παλαιό Λιμάνι Λεμεσού), Port of Lemesos (Λιμάνι Λεμεσού), Port of Pafos (Λιμάνι Πάφου), Marina Agios Rafail (Μαρίνα Αγίου Ραφαήλ), and Port of Zygi (Λιμάνι Ζυγίου).

Emergency measures in cases of mass arrivals

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National law does not provide for the application of emergency measures by the authorities in cases of mass arrivals. The main national crisis plan “ZENON” is entered into force when needed following a Council of Ministers’ decision. ZENON consists of 22 different plans, among which there is the special national plan for mass arrivals "Naukratis". Currently, the Naukratis plan is in place.

In case emergency measures would be applied, an individual may access the asylum procedure when transferred to the Pournara First Reception Center.

Protection from refoulement

The principle of protection from *refoulement* is enshrined in Article 12Bτρις. (2c) with a clear reference to the Geneva Convention.

Protection from *refoulement* at air borders

If an individual arrives at the airport without the necessary documents to enter the Republic of Cyprus but wishes to apply for asylum, the Alien Immigration Authority receives the making of the application, and the applicant is transferred to Pournara First Reception Center for the completion of the relevant procedures as well as registering and lodging the asylum application.

No civil society actors are present at air borders.

Protection from *refoulement* at land borders

Not applicable. As per preamble no. 4 of Council Regulation 886/2004, the line between the areas where the Government of the Republic of Cyprus exercises effective control and those where it does not – also referred to as ‘Green Line’ -, does not constitute an external border of the European Union. Although there are authorised points of crossing, these are not considered official entry points into the Republic of Cyprus. Article 3 of the Council Regulation 886/2004 envisages that third country nationals shall only be allowed to cross the line provided they cumulatively possess either a residence permit issued by the Republic of Cyprus or a valid travel document and, if required, a valid visa for the Republic of Cyprus, and do not represent a threat to public policy or public security.

Protection from *refoulement* at sea borders

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Surveillance takes place by the Marine Police. In case of an arrival at the shore, relevant authorities are immediately notified and respond at the point of arrival. All arrivals are referred to Pournara First Reception Center (FRC) to access the asylum procedure. An arrival list is created and sent to the Asylum Service by the Police before the transfer to Pournara FRC. A representative of the Asylum Service is present at the point of arrival to coordinate the procedures.

No civil society actors are present at sea borders.

Protection from *refoulement* in cases of emergency measures related to mass arrivals

A monitoring mechanism is being established in view of the EU Pact on Migration and Asylum to oversee respect to the *non-refoulement* principle in cases of the activation of emergency measures relating to mass arrivals.

Border procedure

Currently, there is no border procedure in Cyprus.

Procedural aspects

There is no clear distinction between the registering and lodging of an application of international protection in Cyprus.

Making an application

Responsible authority and place

The application can be made at legal entry points such as airports (Larnaca and Paphos), seaports or transit zones which are under the control of Cyprus, at the Civil Registry and Migration Department or at the district offices of the Aliens and Immigration Unit of the police, located in Nicosia, Limassol, Larnaca, Paphos and Derynia.

An application for international protection can be also made by a person who is in detention or in prison or at a place for the detention of prohibited migrants,

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either in writing or orally. For people in detention, applications for international protection are made at the detention centre to a police officer, and it is then referred to the Aliens and Immigration Unit of the police.

Possibility to apply from outside the territory

Applications for international protection cannot be made outside the areas controlled by Cyprus or at diplomatic representations/embassies abroad.

For several years it is reported that a high number of third-country nationals have entered Cyprus from the Green Line, a buffer zone which is not controlled by Cyprus. The Green Line is not considered a border, and although there are crossing points, they are not considered official entry points into Cyprus, according to Council Regulation 886/2004 ('Green Line' Regulation).

Formal requirements for making an application

Any person who arrives in areas controlled by Cyprus can express the intention to apply for international protection.

There is no specific time limit for a person to express the will to apply for international protection. The making can be made either the same day or by appointment. If a person expresses the intention to apply for international protection to someone other than the competent authority, the applicant is referred to the Asylum Service ex officio.

Any person who enters areas controlled by Cyprus without valid documents and expresses the wish to apply for international protection is subject to identification. Since 2020, the arrival of third-country nationals or stateless persons are referred to the First Reception Centre Pournara for the initial stages of the asylum procedure, including identification, medical screening, registration, lodging, vulnerability assessment and issuance of relevant documentation.

Any person who expresses the wish to apply for international protection at a legal entry point or within territory controlled by Cyprus is issued a document called Verification of Intention to Apply for International Protection. This document is issued by the Aliens and Immigration Unit of the police and serves as a proof of the legal status of a person as an applicant for international protection before any authority in Cyprus, and it is valid until the day the application for international protection is lodged.

Registering an application

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Responsible authority and place

An application for international protection is registered by the Aliens and Immigration Unit of the Police (AIUP) | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας (YAM) and it is addressed to the Asylum Service | Υπηρεσία Ασύλου.

Practical steps to register the application

The applicant must book an appointment to complete an application form in a language that he/she understands, with the support of an interpreter or a competent officer if the person is illiterate. In the application form, a person must state the reasons for claiming asylum. During this stage, the applicant will be also requested to fill in a Dublin form and provide personal details. At the end of the process, the applicant has the right to ask the competent officer to read back the statements before signing the form. The applicant must also provide an address or inform the competent authority if he/she is homeless.

For applicants who are referred to the First Reception Centre, identification, registration, lodging, medical screening, vulnerability assessment and issuance of relevant documentation is completed during the initial reception. The EUAA continues to support the staff from the Cypriot Asylum Service at the First Reception Centre in the registration process, as per EUAA 2022-2024 Operating Plan.

The time limits for registration are:

3 working days after the application is made (Refugee Law, Article 11(1α)).

If an application is made to someone other than the competent authority, the latter must refer the applicant to the responsible actor who has to ensure that the application is registered at the latest within 6 working days after the application is made.

When a large number of simultaneous applications from third-country nationals or stateless persons makes it difficult in practice to meet the time limits to register applications in line with the provisions of the law, the applications are registered at the latest within 10 days after the date they are made.

Data collection

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Although the Refugees Law specifies that fingerprints must be taken when making an application, in practice they are taken when an application is lodged.

Article 9 of the EURODAC Regulation (604/2013) obliges Member States to promptly take fingerprints of all fingers of every applicant for international protection of at least 14 years of age.

Article 15 of the new EURODAC Regulation (2024/1358) obliges Member States to take the biometric data of every applicant for international protection of at least 6 years of age.

Documentation

When an application is registered, the applicant is issued a Confirmation Letter of the Submission of an Application for International Protection which ensures access to rights and benefits provided by national legislation.

Lodging an application

Responsible authority and place

Aliens and Immigration Unit of the Police (AIUP) | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας (YAM)

Asylum Service | Υπηρεσία Ασύλου

The EUAA supports the lodging of asylum applications in line with the 2022-2024 Operational Plan. Given the continued, steady increase in the number of new applicants for international protection, the EUAA's assistance focus on flow management support, including scheduling appointments and the prioritisation of cases if necessary.

Formal requirements to lodge an application for international protection

An application for international protection is lodged using a set form in a language that the applicant understands. The application is filled by the applicant in person. If the applicant cannot read or write, support is provided by an interpreter and the competent officer. If the applicant is an unaccompanied minor, a representative/guardian is appointed by the Social Welfare Services who may fill in the application on behalf of the minor following an individual assessment.

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An applicant may also submit an application for international protection on behalf of dependent family members who have given their consent. Consent is requested at the time the application is lodged or, at the latest, during the personal interview with the dependent adult.

Each adult and their dependants must be informed beforehand about the right to submit a separate application and the procedural consequences of filling the application in person. Eligible minors can apply either in person or through their parents/adult family members.

During registration/lodging, the applicant is referred to an initial medical screening.

If the application is submitted at a district office of the Aliens and Immigration Unit of the police, the applicant is required to book an appointment in a public hospital. If the registration/lodging takes place at the First Reception Centre, the initial medical examination is conducted there. When the medical screening is completed, the results are shared with the applicant, who must submit them to the Aliens and Immigration Service of the police to be registered in the foreigners' register database and for the issuance of the Alien's Registration Certificate (ARC) which offers access to material reception conditions.

During registration/lodging, the application is stored a centralised database, the Computerised Asylum Service System (CASS), which is managed by the Asylum Service. During this stage, fingerprints, photographs and relevant documentation is compiled. Fingerprints are taken of every applicant aged 14 years old or older. Fingerprints are transmitted to the Eurodac database to identify if the applicant has applied for asylum before in another EU Member State or has previously been fingerprinted at the border of the EU. Regarding data protection, the applicant has rights deriving from national provisions on the Processing of Personal Data (Protection of Individuals) Law and its subsequent amendments.

Documentation

When registration and lodging are completed, the applicant receives the Confirmation Letter for the Submission on an Application for International Protection which ensures access to rights and benefits provided by national legislation.

Information provision

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Article 9A (1) of the Refugee Law provides that the Asylum Service shall inform the applicant of his/her rights and obligations, as well as of the organisations or groups of persons who provide legal support, within a period not exceeding 15 days from the submission of the application. Information leaflets referring to the rights and obligations of asylum seekers, such as access to health, education etc. are provided to applicants in a language that they understand or expected to understand.

Passport and other documents

Obligation to surrender original documents

Requirement to submit original documents

Article 16(2b) of the Refugees Law provides that an applicant must hand over the passport or any other travel documents either to the Asylum Service or to the police. The police are obliged to immediately hand over the documents with the application for international protection to the Asylum Service. The applicant receives a document which certifies that the passport is held at the time of submission of the application by the Asylum Service or the police, and a copy of the passport is given to the applicant.

Consequence of refusal to surrender documents

No incidents of refusal to surrender documents have been reported in Cyprus.

In case of non-existence of passport, Article 16(2)(c) of the Refugees Law provides that: “in the event that he does not have the information and documents in his possession, to explain the reasons for the non-existence of the said documents and information, to state the efforts he made to obtain them and to present any other additional information that the Asylum Service may request or that is useful and to make reasonable efforts to provide the Asylum Service with the necessary information.

Return of original documents to the applicant

Information is currently not available.

Other documents

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In cases of families of asylum applicants, national legislation requires the submission of the family book or birth certificates. Once the documents have been copied for the file, they are returned to the applicant.

For the moment, it is not foreseen to submit documents in an electronic manner.

Requirement to read digital data

A search in the applicant's digital devices can be executed under the provisions of The Police Law of 2004 (73(I)/2004).

Guarantees for applicants

Confidentiality principle

All officers of the relevant authorities are bound to the confidentiality principle in accordance to Article 31B of the Refugees Law.

Information provision

Article 11(8) of the Refugees Law provides that during the making and lodging stage the applicant is provided with information about their rights and obligations in a language that he/she understands or is presumed to be understood. The information includes:

- the right to free interpretation services in a language that the applicant understands or is reasonably presumed to understand if an interpreter is not available for the mother tongue of the applicant;
- the right to apply for a lawyer or a legal adviser to assist the applicant during the entire procedure;
- the right to be in contact with a UNHCR representative or a representative of other organisations involved in different stages of the procedure;
- the right to contact organisations that deal with refugees;
- the consequences of non-compliance with obligations and non-collaboration with the competent authorities;
- the time limits and the means available to the applicant in order comply with the obligation to submit evidence for the claim;

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- the consequences of an implicit withdrawal or abandonment of an application, or of an explicit withdrawal of the application in accordance with the relevant provisions of the national legislation.

Article 9(A) of the Refugees Law specifies that the Asylum Service provides information on the rights and obligations of applicants for international protection within a leaflet in a language that the applicant understands. The leaflet includes also information on reception conditions and useful contacts of organisations where the applicant can request support (legal aid) or additional information about material reception conditions, including access to medical care. Additional information is provided orally or in writing in a language that an applicant understands. The Asylum Service is responsible for providing information to an applicant within a time limit, which does not exceed 15 days from the day of the submission of the application.

Pursuant to the measures of the EUAA 2022-2024 Operating Plan, the EUAA provides support with the timely provision of information at the First Reception Centre in Pournara.

Links to information provided in the national context:

Authority/Agency: Asylum Service

Title: Information Leaflet for Applicants for international Protection

Type : Leaflet

Hyperlink:
https://www.mip.gov.cy/mip/asylum/asylumservice.nsf/All/0F2309A3D5BC6D33C2258329003

Authority/Agency: UNHCR Cyprus

Title: UNHCR Help Cyprus – Applying for asylum

Type: Website

Hyperlink: https://help.unhcr.org/cyprus/applying-for-asylum/how-and-where-can-i-apply-for-

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Authority/Agency: European Union Agency for Asylum

Title: EUAA Info Providers

Type: Physical Info-Kiosk

Hyperlink: https://euaa.europa.eu/sites/default/files/EUAA_Operational_Plan_to_Cyprus_2025

Interpretation

Interpretation is provided for free during all stages of the asylum procedure. Interpreters are requested by the asylum authority when required. As minimum requirements for employment, interpreters must have a clean personal record and submit proof of language knowledge. Interpreters are also required to sign and submit a statement of confidentiality which serves as the legal basis to not disclose any confidential information. Interpretation is usually conducted with the physical presence of the interpreter. It is also possible to conduct remote interpretation during the interview phase using information technology (e.g. videoconference, phone); however, Cyprus has reported that this is not applied in practice. The law does not specify a form or means for the provision of interpretation.

The Asylum Service ensures that the applicant is adequately informed on his/her rights and obligations. UNHCR and civil society organisations may also support with interpretation services and cultural mediation. Leaflets are available on the rights and obligations of applicants for international protection in different languages and on online platforms.

As of 2019, interpretation is also provided at the points of submission of an asylum application: District Immigration Offices of the police and the First Reception Centre by the EUAA. From the same year and as per the EUAA Operating Plan in Cyprus 2022-2024, interpretation is also provided in Kofinou Reception Centre.

Legal assistance and representation

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Legal assistance is regulated in Cyprus by the Legal Aid Law of 2002(N. 165(I)/2002).

Legal assistance and representation to access the asylum procedure is not provided by the Government. An applicant can acquire legal assistance and representation by their own means or be assisted for free by a civil society organisation.

Free legal assistance encompasses second instance procedures – i.e. when an applicant wishes to challenge a negative asylum decision to the International Protection Administrative Court (IPAC) by lodging an appeal.

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