Dublin procedure - Cyprus

Overview

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Relevant EU legislation

Cyprus is bound by the Dublin III Regulation (AMMR) and its provisions are contained in the Refugee Law 2000 (6(I)/2000), Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000), amended by Act N.142(I)/2020

National legislation

The provisions of the Dublin III Regulation are directly applicable in Cyprus since 20 July 2013 (see Article 49). Reference to the regulation and nuances of certain provisions for their effective implementation were included in the Refugee Law on 14 October 2016 through Refugee (Amendment) Law of 2016 N. 105(I)/2016.

Competent authority and stakeholders

Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible): Asylum Service, Dublin Office | Υπηρεσία Ασύλου, Γραφείο Δουβλίνου.

Place in the institutional framework: Centralised. The Dublin Unit is within the Asylum Service, which is part of the Deputy Ministry of Migration and International Protection. The unit is part of the main asylum authority.

Competencies of the entity:

Yes	Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handling the form to be completed during registration)

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Yes	Organising Dublin transfers
Yes	Notifying the transfer decision
Yes	Accompanying/escorting applicants during a Dublin transfer
Yes	Sending and replying to take charge and take back requests to/from other Member States
Yes	Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)
Yes	Sending and replying to information requests to/from other Member States

Stakeholders involved in the procedure:

Handing over the common leaflet on the Dublin procedure	Asylum Service | Υπηρεσία Ασύλου Dublin Office, Asylum Service | Γραφείο Δουβλίνου, Υπηρεσία Ασύλου Social Welfare Service | Κοινωνική Πρόνοια και Κρατική Ενίσχυση for unaccompanied minors.
Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)	Dublin Office, Asylum Service | Γραφείο Δουβλίνου, Υπηρεσία Ασύλου
Referral of cases to the Dublin unit	Aliens and Immigration Unit of the Police (AIUP) | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας (YAM) Asylum Service | Υπηρεσία Ασύλου

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Sending and replying to a take charge or take back request	Dublin Office, Asylum Service | Γραφείο Δουβλίνου, Υπηρεσία Ασύλου
Sending and replying to information requests to/from another Member State	Dublin Office, Asylum Service | Γραφείο Δουβλίνου, Υπηρεσία Ασύλου
Notification of the transfer decision	Dublin Office, Asylum Service | Γραφείο Δουβλίνου, Υπηρεσία Ασύλου
Free legal assistance during the appeal of a transfer decision	International Protection Administrative Court | Διοικητικό Δικαστήριο Διεθνούς Προστασίας is responsible for receiving and deciding on applications for free legal aid. Social Welfare Service | Κοινωνική Πρόνοια και Κρατική Ενίσχυση is responsible for conducting the sufficient means and merits test and submits the relevant report to the International Protection Administrative Court | Διοικητικό Δικαστήριο Διεθνούς Προστασίας. Legal assistance is provided by a selected lawyer or assigned from the list of legal aid lawyers kept by the International Protection Administrative Court | Διοικητικό Δικαστήριο Διεθνούς Προστασίας
Representation of the asylum authority in an appeal against a transfer decision	Asylum Service | Υπηρεσία Ασύλου

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Organising the transfer to the responsible Member State	Asylum Service | Υπηρεσία Ασύλου Civil Registry and Migration Department | Τμήμα Ληξιαρχείου και Μετανάστευσης Aliens and Immigration Unit of the Police | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας
Providing information on the transfer modalities to the applicant	Dublin Office, Asylum Service | Γραφείο Δουβλίνου, Υπηρεσία Ασύλου
Accompanying/escorting applicants during a Dublin transfer when necessary	Asylum Service | Υπηρεσία Ασύλου Civil Registry and Migration Department | Τμήμα Ληξιαρχείου και Μετανάστευσης Aliens and Immigration Unit of the Police | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας Social Welfare Service | Κοινωνική Πρόνοια και Κρατική Ενίσχυση for unaccompanied minors. An applicant with health issues will also be accompanied by medical staff.
Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)	Aliens and Immigration Unit of the Police | Υπηρεσία Αλλοδαπών και Μετανάστευσης της Αστυνομίας Social Welfare Service | Κοινωνική Πρόνοια και Κρατική Ενίσχυση for unaccompanied minors.
Court/authority responsible for deciding on an appeal against a transfer decision	International Protection Administrative Court | Διοικητικό Δικαστήριο Διεθνούς Προστασίας

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Provision of information on the Dublin procedure

The Cypriot Asylum Service is responsible for providing information on the Dublin procedure. Information is provided in writing (in the mother tongue of the applicant) through a national information leaflet on the Dublin III Regulation after making an application for international protection and orally (with the help of an interpreter) during the Dublin interview. The information includes an explanation of the Dublin III Regulation, the eligibility criteria and information on the possible postponing of the asylum examination when cases are referred to the Dublin Unit.

The same process is in place to provide information on the Dublin procedure to children. The information is provided in writing and orally by the social welfare officer who, by law, is the representative and guardian of the unaccompanied minor.

Right to legal counselling on the Dublin procedure

During the Dublin procedure, an applicant does not have access to free legal assistance by the state before the Asylum Service. Legal assistance and information on legal assistance is usually provided by civil society organisations through funded projects.

Legal aid is offered by the state only upon application and during the judicial examination of a Dublin decision before IPAC. Legal aid is awarded upon an assessment on means and merits of the applicant.

Personal interview to determine the Member State responsible

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Organisation of the interview: Dublin cases are not treated under a separate procedure; they are examined within the general asylum procedure. The Police Department and the Asylum Service oversee screening and identification of potential Dublin cases.

Once a person applies for international protection, they complete a Dublin Questionnaire according to which the Dublin III Regulation may be activated. If the applicant has relatives or travelled through other Member States, a Dublin interview is arranged. The Dublin interview take place before the interview for the examination of an application for international protection. The Dublin interview is recorded in a written transcript (full transcript), and a written summary report is prepared. The applicant and his/her legal advisor may request to see the report after the decision is made.

The Asylum Service determines the outcome and issues the decision on responsibility after the assessment/report of the Dublin officer.

Persons present during the interview The Dublin interview is conducted by a specialised officer from the Dublin Unit of the Asylum Service. All applicants have the right to representation; legal representatives can enter the Dublin Interview with a power of attorney letter and sign the interview transcript. For unaccompanied minors, a legal guardian is generally present during the interview.

Notification of the transfer decision

The Asylum Service issues the decision on responsibility. A decision transfer is made after another Member State accepts responsibility. Upon acceptance, the Dublin Unit issues an official acceptance letter which informs the applicant of the decision and their right to appeal the transfer decision. Adult applicants are notified by phone and an appointment to visit the headquarters of the Cyprus Asylum Service is booked to sign the acceptance letter. For minor applicants, an email with the acceptance letter is sent by the Dublin Unit to the legal representative of the child. The letter must be signed by the applicant and shared with the Dublin Unit to proceed with the transfer procedure. If Cyprus is the responsible Member State, no formal decision is taken as an outcome of the Dublin procedure. The Asylum Service examines the claim for international protection by calling the applicant for a substantive interview on his/her claims.

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Remedies

Competent authority/court	The International Protection Administrative Court (IPAC). The appeal may concern the decision to take responsibility or the transfer decision to the responsible Member State.
Deadline for review/appeal	15 days
Deadline for decision on the review/appeal	There is no fixed time limit in the law for IPAC to decide. The law foresees that IPAC must issue its decision within a reasonable time (Article 11(9) Law on the Establishment and Operation of the Administrative Court of International Protection (73(I)/2018)).
Suspensive effect of the review/appeal	As per article 11B (3) Refugee Laws, the lodging of an appeal does not have suspensive effect as to the enforcement of a Dublin transfer to the Member State responsible to examine the application, unless the IPAC decides otherwise.

Transfer arrangements

The Cypriot Dublin Unit is aligned with the timeframes and pre-notified schedules of each Member State.

The Asylum Service, the Civil Registry and Migration Department and the Police Department are in charge of arranging Dublin transfers. The following officers are involved in the procedures:

- Specialised case officers who conduct the Dublin interview, make the decision on responsibility and responsible for the transfer request/replies.
- Asylum authority, Civil Registry and Migration Department and police who arrange and enforce the transfers.

Since Cyprus is an island, a potential outgoing transfer must go through transit countries to be facilitated. Hence, specific timeframes within the period allowed

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by Member states need to be accommodated.

Special needs: The Dublin procedure does not include steps/mechanisms for the identification of persons with special needs as screening takes place as part of the international protection procedure upon submission of the application.

Guarantees for minors in the Dublin procedure

Assessment of the best interests of the child: The Dublin III Regulation, Article 6(3) is primarily considered when considering the best interests of the child. No other or additional factors are considered. UNHCR and the Committee on the Rights of the Child guidelines are followed according to standard operating procedures.

Legal guardian: The representative of an unaccompanied minor in the Dublin procedure is the same as the representative appointed in line with the recast RCD and the recast APD. This representative provides information to the child, collects information on family members/relatives and on health, and takes part in the Dublin personal interview. The Social Welfare Services assesses the best interests of the child within the Dublin procedure, in cooperation with other stakeholders depending on the case. These may include, for example, family members, the child, school representatives, health services, relevant NGOs or the Asylum Service.

Detection of potential family reunification cases: There is no particular family tracing mechanism within the Dublin context. When a family member or a sibling is legally present in a Member State, the most important factors considered are:

ongoing communication between the family member and the child;

- will of the family member;
- legal status of the family member in the Member State;
- fitness of the family member to take care of the child;
- adequate accommodation;
- health of the family member;
- will/views of the child;
- safety and security of the child;

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- well-being and social development of the child;
- health of the child; and
- background of the child.

When family members stay in more than one Member State, the most important factors considered are:

- relationship between the child and the relative;
- current contact;
- consent/willingness of the relative;
- legal status of the relative;
- absence of a criminal record/offences against public order and security in the Member State;
- ability of the family member to take care of the child;
- physical and psychological capacity of the relatives;
- financial situation of the relatives;
- family situation of the relatives;
- living conditions of the relatives;
- views of the child;
- safety of the child; and
- current situation of the child.

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