

**NATIONAL REPORT DONE BY THE ODYSSEUS NETWORK FOR THE  
EUROPEAN COMMISSION ON THE IMPLEMENTATION OF THE  
DIRECTIVE ON RECEPTION CONDITIONS FOR ASYLUM SEEKERS IN:  
(INDICATE HERE YOUR MEMBER STATE)**

by

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**I. NORMS OF TRANSPOSITION**

- Q.1. Identify the main norm of transposition (indicate the title, date, number, date of entry into force and references of publication into the official journal) and indicate its legal nature (legislative, regulatory, administrative); indicate in your answer if this norm was only devoted to the directive or if it has been included in a more general text and indicate in that case by quoting precisely the numbers of the provisions adopted to transpose the directive.

The main norm of transposition is the RECEPTION CONDITIONS FOR ASYLUM SEEKERS REGULATIONS OF 2005, (Administrative Act Regulation 598/2005) which was published per Annexure 111 (1) of the official Gazette, Number 4064 dated 30/12/2005. (Hereinafter referred to as the “Regulations”) which are attached hereto as APPENDIX 1.

(Article 52 of the Constitution provides for the promulgation of laws in the official Gazette of the Republic)

The doctrine of separation of powers is enshrined in the Constitution of Cyprus. The state organs which represent this division of power are the judiciary, the executive and legislature. In this context, and in conformity with S2(2) of the European Communities Act 1972 (permitting ministers to give effect to EU provisions which do not have direct effect). The above- mentioned Regulations were passed by the Council of Ministers (Executive) under delegation of authority by the Houses of Representatives (Legislature) which under the Constitution exercises the primary legislative power of the Republic of Cyprus under a simple majority of all members present. (Per Article 52 of the Constitution, legislative powers are delegated to the Council of Ministers by laws passed by the House of Representatives)

More specifically, the Regulations in question were passed by the Council of Ministers through the process of delegated legislation, under and within the prescribed legislative parameters laid down by the applicable enabling Law/ Act, namely THE

REFUGEE LAW of 2000 to 2005, copy of which is attached hereto as APPENDIX 2 and is composed of the following component statutes:

- Law 6 (1) of 2000
- Law 6 (1) of 2002
- Law 53 (1) of 2003
- Law 67 (1) of 2003
- Law 9 (1) of 2004
- Law 241 (1) of 2004

Prior to coming into force, the Regulations were duly subjected to the “parliamentary” scrutiny of the House of Representatives and became operative upon approval thereof. For the purposes of transposing the Directive, the Council of Ministers relied on the provisions of Sections 9, 10 & 32 of the Refugee Law 2000 to 2004, Specifically the transposition was effected within the parameters and through the enabling provisions of the Refugee Law, thereby delegating the requisite authority for the Council of Ministers to issue relevant Regulations thereunder by the way of subordinate or secondary legislation.

The Regulations of 2005 were exclusively attributable to Council Directive of 2003/9/EU of 27/1/2003 in relation to which the transposition process was effected for harmonisation purposes. As such, the national Regulations refer, and are entirely devoted to specific aspects of minimum standards for reception conditions within the parameters and requirements specifically stipulated in the Directive.

Q.2. List by order of importance by using numbers (1, 2, 3) the others norms of transposition if there are more than one (indicate for each norm the title, date, number and references of publication into the official journal; include in your answer the administrative measures taken to ensure implementation of the directive and of the transposition norms like regulations, administrative circulars, special instructions,...)

- Put as an annex to your report a paper copy of each norm in the original language with a reference number to help the reader to find it easily;
- Send us as an electronic version of each norm or a weblink to the text (this will be used for the website we are building);
- Provide the texts of any translation of the above norms into English if they are available.

Other than the Regulations listed in Q1 above, (copy of which is attached hereto per “APPENDIX 1”) no other norms of transposition are applicable.

There is currently no formal translation of the Regulations in English text available.

Q.3. Explain which level of government is competent to adopt the legal norms on reception conditions for asylum seekers (specify in particular in case of a federal or regional State, if it is the federal/central power or the components; in case, specify below when it is impossible for you to answer a question because it is about the competence of the components and it is impossible for you to gather reliable information about all of them)

The Council of Ministers (which as the state with executive powers, is empowered to formulate policy decisions) is the competent body for the purposes of adopting the legal norms on reception conditions but as previously indicated, such adoption is subject to the approval of the House of Representatives (the state legislature) through the exercising of its parliamentary functions under the Constitution of Cyprus.

Implementation of the regulations is primarily in the hands of the Migration Department, the Immigration Authorities and the Asylum service of the Ministry of Interior, the Ministry of Labour and Social Insurance, the Ministry of Education and the Ministry of Health.

Q.4. Explain the legal technical choices done to transpose the directive (comment on the nature and level of the norms used to do the transposition: legislative, regulatory, administrative like instructions, etc). Add any other element about the technique of transposition of the directive which is interesting for the implementation of Community law.

The legal technical choices applied in respect of the transposition process are of a legislative and regulatory nature whereby, as is evident from preceding Questions 1, 2 & 3, the Enabling Law (legislation) provides the facility and “mechanics” for adopting the applicable Regulations through the delegation of authority to the Council of Ministers (albeit subject to the ultimate control of the House of Representatives).

Q.5. Mention if there is a general tendency to just copy the provisions of the directive into national legislation without redrafting or adaptation them to national circumstances? If yes, give some of the worst examples and explain if there is a risk that those provisions remain unapplied or will create difficulties of implementation in the future.

The tendency to simply copy the provisions of the Directive manifests itself only in those aspects of reception conditions where there would appear to be no specific policy in place in relation thereto.

Example: Article 16 of the Directive (“Reduction or Withdrawal of Reception Conditions”), which has been incorporated into the national laws of Cyprus per S25 of the Regulations, has not been comprehensively redrafted or adapted to national circumstances by virtue of the current absence of any specific policy guidelines as to its implementation.

The above would suggest that a more comprehensive evaluation of the nature and extent of the requirements of the Directive in terms of its practical implications, as well as prior consultations, discussions and debate with “key players” in the implementation process, would augur well for a clearer, practical policy guideline framework allowing for a more effective transposition exercise geared to ensuring certainty and clarity of Law through compatibility and adaptation of the directive to national circumstances.

Q.6. Have all the texts necessary to ensure the effective implementation of the new rules of transposition been adopted, prepared or at least foreseen in the future (for example a regulation completing a new law and the necessary instructions telling the administration how to apply the new rules)?

Indications are that not all texts necessary to ensure the effective implementation of the new rules of transposition have been adopted, namely:

- (i) Under Section 4 of the Regulations, the Asylum Unit of the Ministry of Interior is required to issue leaflets in a variety of languages in order to cater for informing asylum seekers of their rights under the Regulations, their benefits, their obligations and the names of organisations, which can render legal and other assistance. Notwithstanding such provision, such “information” leaflets are not as yet available thereby precluding effective implementation thereof.
- (ii) The Asylum Unit of the Ministry of Interior would not, as yet, appear to have effectively informed or instructed the relevant Government Ministries of Health, Labour, Education, Justice, Interior as to the mode of implementation of the applicable Regulations.
- (iii) Section II (1) of the Regulations does not specifically define the relevant period within which asylum seekers are to be granted access to the labour market. Until such time as an appropriate definition is specified by the Ministry of Interior (in consultation with the Ministry of Labour), the current ALIENS & IMMIGRATION LAW, (under the provisions of which this is a matter of Ministerial discretion) will continue to be applicable in this regard.

## **2. BIBLIOGRAPHY**

Q.7. Has an in-depth preparatory study been made public about the changes at the occasion of the transposition? If yes, thanks for trying to provide us a copy (please contact to answer this question adequately the body and person who was responsible for the preparation of the transposition of the directive in the public administration).

As far as one can reasonable assess no in-depth preparatory study as to the changes effected by the transposition, is currently available.

Q.8. Quote any recent scientific book or article published about the directive, the transposition rules or the question of reception conditions for asylum seekers in general (answer even if this literature is only available in your language and provide the complete title in your language (without translation) with all references; indicate author, title, in case name of periodical, year and place of publication).

No recent scientific book or article appears to have been published in this regard.

Q.9. Quote any interesting decision of jurisprudence based on the implementation of the new rules of transposition of the directive (indicate references of publication if any)?

There are no decisions of jurisprudence as yet, on the implementation of the new rules of transposition of the directive.

### **3. GENERAL INFORMATION ABOUT THE SYSTEM OF RECEPTION CONDITIONS**

*The purpose of the following two questions is to help the reader to understand easily and quickly the system of reception conditions in your Member State and also to avoid that you have to repeat general elements in other parts of the questionnaire. **Please do not write more than one or maximum two pages and do not include large historical developments***

Q.10. Describe in general the system of reception conditions in your Member State (in particular which are the main actors in charge of reception conditions?)

The Asylum Service of the Ministry of Interior is the main actor and central point of coordination of the system of reception conditions, since it is the actor that implements the policy of asylum, initiates and determines, as well as coordinates the asylum procedure, and finally takes final decision on the applications of the asylum seekers. Nonetheless, other state services are necessarily involved in the system of reception conditions and those are: the Police of the Ministry of Justice, the Immigration Office under the auspices of the Population and Migration Archive Department of the Ministry of Interior, the Welfare Office and the Labour Office of the Ministry of Labour and Social Insurance, the Ministry of Health.

Asylum seekers can apply for asylum in any Immigration police station at any entry point within the territory of the Cyprus Republic. After they have applied they are supposedly sent to the Welfare Office to obtain the allowance they are entitled to and to access any rights lawfully provided to them. As soon as they apply for asylum they are immediately issued with a confirmation letter with which they can have access to their rights. In some cases when asylum seekers want to access some of their rights they are asked for a residence permit, called the “pink slip”, although the confirmation letter should be adequate. The Ministry of Health is responsible for the medical check of asylum seekers which is provided to them for free as part of the system of reception conditions. In essence, the medical examination is undertaken to ensure that Asylum Seekers do not suffer from any contagious disease that may be transmitted to the local population. Following the medical check the asylum seekers go to the Immigration Office to apply to the residence permit; the “pink slip” is sent to them via mail and it takes almost half a year or longer to receive it. The Asylum Service is responsible for the process of the asylum applications; the Service sends the letters to the address that the asylum seekers have submitted in their application and calls via phone to inform the asylum seekers for their personal interview. The Asylum Service is responsible for the conduct of the personal interviews of the asylum seekers. Following the personal interview the Asylum Service takes a decision on the application of the asylum seeker, taking in consideration all the facts and evidence that the asylum seeker has provided in the application and in the interview, and moreover the decision of acceptance or rejection is announced to the asylum seeker via mail. If the application is rejected the asylum seekers have thirty days to appeal to the Reviewing Authority, which will conduct the second review and thereafter issue a rejection or acceptance letter, as the case maybe. If the Reviewing Authority’s letter conveys a rejection, the asylum seeker has the right of recourse by way of judicial review to the Supreme Court through a private lawyer (since there is no free legal support for asylum seekers) in seventy-five days. In this regard, it would be pertinent to note that such procedure does not have a suspensive effect. If they do not choose recourse to the Supreme Court they are supposed to receive a letter informing them that they have to leave the country in fourteen days, although this letter is not always received by the asylum seekers usually because asylum seekers change their residence (in order not to be tracked down by the Immigration Police) and they do not inform the Asylum Service, therefore it is sent to a previous address of the applicant. Other reasons for not receiving this letter are an acute lack of co-ordination amongst

relevant governmental departments and weaknesses in maintaining and accessing files/ records at the Asylum Service.

Q.11. A. Explain if you have different types and levels of reception conditions following the different stages of the asylum procedure (this implies that you have to give briefly the necessary explanations about the asylum procedure). Make if relevant for reception conditions a distinction between the following procedural stages: determination of the responsible Member State on the basis of the Dublin II regulation, special procedures at the border (including transit zones in airports), accelerated procedures, admissibility procedures, eligibility procedures and the different possibilities of appeals (suspensive or not) against a refusal of the asylum request. Indicate what the main differences of reception conditions are between the different stages (if necessary by detailing between the different elements of reception conditions, in particular housing) and explain what the evolution of reception conditions is following the different stages of the procedure.

A. Availability of types and levels of reception conditions is not specifically dependant upon particular stages of the asylum procedure and are to be implemented in conformity with the Regulations, irrespective thereof and without differentiation. The reception conditions regime also embraces, in a like manner, applicants whose status is being determined by the member state responsible for examining eligibility under the Dublin accord. (53 (1) of the Regulations).

There are no different types and levels of reception conditions following the different stages of the asylum procedure since the reception conditions are applicable as soon as the asylum seeker submits the asylum application and with the issuing of the confirmation letter they are entitled to all the rights stipulated in the Regulations on Reception Conditions.

The asylum procedure is as follows:

Asylum seekers can apply for asylum in any Immigration police station at any selected/ designated entry points within the territory of the Cyprus Republic. As soon as they submit their application they are issued with a confirmation letter, with which they can access their rights on the reception conditions. They are sent to the Welfare Office of the Ministry of Labour and Social Insurance to apply for the public allowance they are entitled to. The Welfare Office carries out an assessment on the economic situation of the asylum seekers in two stages, the fast-track and the final **research**, namely, an initial accelerated assessment process for the purpose of effective emergency interim payments where necessary and a final assessment/ evaluation procedure whereby it is determined whether they are in actual need of public help in order to sustain themselves. After carrying out the initial assessment, an application is accepted, the asylum seeker receives

the emergency welfare allowance temporarily until the final assessment is conducted. They are entitled to public accommodation and welfare allowance, however due to limited capacity at the Reception Centre. Asylum seekers that reside in private accommodation receive a bigger amount of welfare allowance than those who reside at the Reception Centre.

Medical screening is compulsory and asylum seekers have free medical examinations of whose results are documented in an individual medical report which is given to the asylum seekers and the Asylum Service for the completion of the examination of the asylum application. The Ministry of Health is responsible for the medical examination of asylum seekers which is provided to them for free as part of the system of reception conditions. Following the medical check the asylum seekers go to the Immigration Office to apply for the residence permit; the “pink slip” is sent to them via mail and it takes almost half a year or more to receive it. With the residence permit they obtain a status of temporary residence and they also have the right to access the labour market. (although such access is more apparent than real in that asylum seekers are restricted to working in the farming and husbandry domain in the agricultural sector where, in any event, there are a very limited number of vacancies, hardly sufficient to cope with a multiplicity of applicants).

The Asylum Service holds files for each asylum seeker and follows the above procedures and documents them in the respective files of asylum seekers. As soon as the application is processed, (a procedure which may be delayed considerably- in some cases years) the Asylum Service calls the seeker for the individual interview, where the seeker is supposed to give more in-depth evidence about his/her case. The interview is conducted by the eligibility officers of the Asylum Service; in most cases with an interpreter been present Following the personal interview the Asylum Service conducts a full re-examination and reaches to a decision on the application of the asylum seeker, taking in consideration all the facts and evidence that the asylum seeker has provided in the application and in the interview. The decision of acceptance or rejection is announced to the asylum seeker via mail. If the application is rejected, the asylum seekers have thirty days to appeal to the Reviewing Authority, which will re-examine the case and issue a rejection or acceptance letter accordingly. If the Reviewing Authority’s letter notifies the asylum seeker that his application has been rejected, he has the right of recourse (by way of judicial review) to the Supreme Court through a private lawyer (since there is no free legal support for asylum seekers) in seventy-five days. If they do not choose to refer the matter to the Supreme Court they are supposed to receive a letter informing them that they have to leave the country in fourteen days.

B. Indicate precisely for which stage(s) of the asylum procedure the answers on reception conditions you give below are valid.

In the absence of the applicability of reception conditions to distinctive procedural stages, no answer may be given to this particular question.



#### **4. GENERAL RULES ON RECEPTION CONDITIONS**

- Q.12. A. Are material reception conditions provided in kind, in money or in vouchers or in a combination of these elements (see article 13, §5 which is an optional provision)? Distinguish between the different elements (housing, food, clothes, health, transportation, pocket money,...). **If reception conditions are provided in money (in general or in some cases, for instance when no places are anymore available in accommodation centres), indicate the precise amount given to the asylum seekers. Indicate in your answer what is provided in general and if there are exceptional cases.** Specify in your answer if reception conditions are different from the general system of social aid for nationals or aliens and if yes, if and when (which stage of the asylum procedure) can asylum seekers have access to the general system of social aid?

Material reception conditions are provided through the Welfare Allowance by the Welfare Office of the Ministry of Labour and Social Insurance. The Welfare Allowance is generally provided in money, except to asylum seekers that are detained in the Police Detention Centres. The basic amount given to asylum seekers that do not reside in the Reception Centre in Kofinou is around 190 Cyprus pounds (Euros 316). For asylum seekers with families an extra amount of around 90 Cyprus pounds (Euros 150) is given for dependants (including spouses) over 14 years old, and around 60 Cyprus pounds (Euros 100) for dependants under 14 years old. Payments are to be effected for each dependant. This amount of money is given to asylum seekers to cover all their basic and special needs, including housing. Money is not given exclusively for accommodation purposes, and asylum seekers have to cover their accommodation by themselves. In some cases the Welfare Office covers part or all of the deposit needed for renting a house, after the relevant contract document is presented by the asylum seekers to the Welfare Office. However, rent is not covered by the Welfare Office, only in exceptional cases.

Material reception conditions are also provided through accommodation in the Reception Centre in Kofinou; however the capacity in the Centre is significantly limited to around 80 – 100 persons only and very few asylum seekers have access to the Centre, only exceptional cases of single women and families. (although very exceptionally some single men have been permitted to stay, in real terms this option is not available to them) At the Centre they are provided with food, limited free transportation (a return bus ticket provided once a day to travel to any city under the control of the Republic of Cyprus), transportation of children to school, transportation to the hospital in emergency. Asylum seekers that reside at the Reception Centre in Kofinou receive 50 Cyprus pounds (Euros 83) plus 10 Cyprus pounds (Euros 17) for each dependant. Although most of their basic needs are provided in the Centre these monetary allowance is given to them to cover for the breakfast that is not provided by the Centre but also for their own personal expenses.

The asylum seekers receive the Welfare Allowance if when filling in the application they inform the officials that they are not in a position to sustain themselves and they cannot obtain food, clothing and residence without the allowance. Asylum seekers that request the Welfare Allowance are subject to the laws and conditions set under the Public Allowance Laws of 1991-2003 of the Republic. In practice, the number of applicants who received welfare allowances are minimal.

The reception centre at Kofinou does in fact provide children with clothing and accessories (satchels, bags, cases), which are required for school. However, although there is no Governmental budget allocation for providing adults' clothing, there is a sizeable stockpile of garments available by virtue of charitable donations and these are distributed accordingly.

The reception centre also provides hygienic sanitary items to meet the needs of 'asylum' occupants.

**B. Can the reception conditions in kind, money or vouchers be considered as sufficient “to ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence” as requested by article 13, §2 of the directive (which is a mandatory provision but leaves a certain space to Member States)?** In order to help to assess the respect of this rule when reception conditions are provided in money, include if necessary in your answer points of comparison with the minimum amount of social aid guaranteed for nationals in your Member State.

As the Asylum Service claims the Welfare Allowance provided to asylum seekers is provided under the same criteria and for the same amount of money as for Cypriots. However, it is not possible to know whether the amount given to Cypriots is indeed the same given to asylum seekers. Nonetheless, even if the amount is the same it must be noted that this amount is insufficient for asylum seekers to cover all of their costs. Firstly, the fact that asylum seekers have to pay for approximately around 150 Cyprus pounds of rent including electricity and water supply (approximately 79% of the welfare allowance they receive), since they cannot be hosted to the Reception Centre in Kofinou due to its limited capacity of around 80-100 persons, suggests that the allowance is insufficient. Asylum seekers face problems since they have difficulties in paying for rent and in many occasions they have to reside in apartments with very little space as they are not in a financial position to afford otherwise. Yet they face problems in providing for their children since the amount left following payments of rent is insufficient to provide the necessary needs for their family. It must be noted that only around 350 asylum seekers out of the approximate amount of 10,000 asylum applicants receive the welfare benefit, therefore it can be assumed that the rest of asylum applicants have inadequate resources to support themselves, hence most of them, even those who receive the welfare allowance and who reside in the Reception Centre, find illegal employment (in which, in most cases they are exploited, face discrimination and violation of their human and basic rights) in

the sectors of agriculture which is inadequate to receive such a huge number of employees. It must also be noted that many women and children who apply for asylum find it difficult to work in these sectors and hence they face tremendous difficulties in covering their costs. Also it must be mentioned that usually the procedure to obtain the welfare allowance takes around 3-4 months and until then asylum seekers have difficulties in maintaining their economic sustainability.

It ought to be pointed out that whilst asylum applicants are entitled to receive the welfare benefit upon presentation of the confirmation letter, in practice, many are denied this particular benefit for the following reasons:

- Although relatively small in number, those detained would, under the circumstances, be precluded from applying for welfare allowance.
- The fact that the procedure for obtaining the welfare allowance takes long, and the amount provided is considered inadequate discourages some asylum seekers from applying for it.
- The welfare service examines each case as mentioned in question 30A and this means that it can decide that some asylum seekers may not fulfil the criteria for welfare allowance.
- There is a possibility that asylum seekers are unaware of this entitlement, since they might not have been informed that they can be provided with this allowance, or they might not know how to apply for the allowance or what procedure to follow in this regard.
- There have been incidents where the asylum seekers had problems in expressing themselves to the Welfare officers because of language problems, since translators are not always available in the welfare service.

Lack of effective communication and co-ordination between superiors and subordinates engaged in welfare services regarding the manner in which applicants were to be dealt with, have necessarily resulted in instances where this created an unfavourable climate for dealing equitably and effectively with matters in hand.

Perhaps the key underlying problem which may conceivably be regarded as the primary contributory factor in obstructing a more liberal approach with regard to payment of the welfare benefit is the state's bureaucratic 'machinery' or 'red-tape' culture which is not effectively geared towards achieving an efficient speedy and systematic process.

As is apparent from answers to Q10 and Q11, asylum seekers are issued with a confirmation letter upon application for asylum status. However, full enjoyment of reception rights (particularly welfare benefit) may take 3-4 months during which time no help in kind or financial support is forthcoming, (refer to difficulties encountered in dealing with bureaucracy impediments at Welfare service).

## **5. PROCEDURAL ASPECTS**

**Q.13. A. Does the national legislation specifically provide that a request for international protection is presumed to be under the Geneva Convention unless explicitly requested otherwise? (see article 2, b which is a mandatory provision)**

As to the question of whether international protection is presumed to be under the Geneva Convention, there is no express provision in the Asylum Regulations which is the norm of transposition in Cyprus. However, the Asylum Regulations do provide that they will apply to applicants who fall within the provisions of the Refugee Law 2000-2004. This inter alia provides that a “refugee” is one who, due to fear of persecution for racial or religious reasons or for reasons of nationality, membership of a particular social class, or political affiliation/ beliefs is not willing to return to the country of which he is a citizen or of which he was ordinarily resident. The Refugee Law further defines “asylum” as protection and rights which are made available to an “alien” (the latter as defined in the Aliens Immigration Law) who is recognised as a “refugee” (as defined above by the Refugee Law)

B. Explain if the scope of application of reception conditions is extended to other asylum seekers than refugees in the sense of the Geneva Convention, in particular to persons asking for subsidiary protection or to other forms of protection like humanitarian statuses (see article 3, § 4 which is an optional provision)? If not, explain briefly which the differences between these special regimes and the directive are.

Scope of application of reception conditions is not extended to the asylum seekers other than refugees under the Geneva Convention.

C. Are there specific provisions in national law for reception conditions in case of diplomatic or territorial asylum requests submitted through a diplomatic or consular representation (see article 3, §2 which is an optional provision)?

There are no specific provisions for reception conditions in respect of diplomatic or territorial asylum.

Q.14. **Are reception conditions available as from the moment one asylum application is introduced? How is article 13, §1 which is mandatory legally understood?** Do asylum seekers have to satisfy any other condition in order to get reception conditions?

Yes- Reception conditions are available as from the moment one asylum application is introduced. (Subject to provisions in the Regulations which allow for reduction or withdrawal of reception conditions in certain circumstances as envisaged by the Directive).

In theory the reception conditions are available as from the moment the asylum application is introduced. However, in practice the Welfare Office procedure to provide the Welfare Allowance can take really long. There are two stages in this procedure; (a) emergency help, in money, is provided to asylum seekers until all conditions are met, however the Welfare Office conducts a research, which takes long to be processed, on the conditions of the asylum seeker before the emergency help is given; (b) welfare allowance is given after the examination of all conditions is complete, yet this process can take really long time.

Q.15. **Explain when reception conditions end, for instance after refusal of the asylum request** (include in your answer the link with the right of appeal against a decision of refusal of the status, in particular the question of its suspensive effect)

S30 of the Regulations. Suggests that reception conditions end upon the negative outcome of an administrative appeal. (Or if no appeal is filed within thirty days of an administrative decision having been made). A right of recourse to the Supreme Court (by way of Judicial Review) is also available under the regulations and in accordance with Article 146 of the Constitution. However any such judicial review would (in contrast to an administrative appeal) not have a suspensory effect so that effectively all entitlements to reception conditions would thereby cease.

Q.16 **Are there special rules or practices regarding reception conditions in case of successive applications for asylum introduced by the same person?**

No. There is not yet an accelerated procedure for cases of successive applications for asylum

Q.17<sup>1</sup>. Information of asylum seekers about their rights and obligations in terms of reception conditions, in particular about established benefits (see article 5 which is too large extend a mandatory provision; do not confuse this question with the information to be provided to asylum seekers about the asylum procedure):

**A. Are asylum seekers informed, and if yes about what precisely?**

The Regulation on the Reception Conditions of Asylum Seekers, of the Refugee Law of 2005, in article 4 (1) foresees that the Asylum Service of the Ministry of Interior (the competent authority for the asylum procedures and other relative actions) issues a leaflet (in languages that are considered understandable to the applicants) for their information regarding:

(a) their rights

(b) the provisions they are entitled to regarding the reception conditions and the ensuing procedures for their access to these provisions

(c) the organizations or groups of people that provide them with legal support and/or support regarding the reception conditions, including medical and health care, and

(d) their obligations to which they have to conform to in relation to the reception conditions.

The Asylum Service has been committed in producing and distributing this leaflet in all the places that asylum applications are submitted, however the leaflet is not yet issued in any of these application points. Therefore currently there is no information provided to asylum seekers in written form.

The Regulation in article 4 (2) also foresees that during the arrival of the applicant to the competent authority for submitting an application, the responsible officer in the submission place, may, in addition to the informative leaflet, orally provide any other kind of information necessary related to the reception conditions. Since the leaflet is not yet disseminated in the application points the officers should inform the asylum applicants orally about all the necessary information regarding the reception conditions; however this is only done in few cases out of courtesy of the officers.

In conclusion it can be assessed that the information, whether oral or written, from the Asylum Service, and from related competent authorities dealing with reception conditions is inadequate and in some cases non-existent.

Needless to say, the absence of information and the denial of access thereto by asylum seekers has broad negative implications as to the availability of reception conditions.

**B. Is the information provided in writing or, when appropriate, orally?**

As mentioned to the previous question the information is not provided in writing up to this date, although the leaflet is expected to be disseminated soon according to the claims of the Asylum Service. Information is provided orally only exceptionally as mentioned in the previous question.

**B. Is that information in general provided in a language understood by asylum seekers? Specify the list of languages in which it is available**

When information is provided orally, in many cases it is not provided in a language fully comprehended by the asylum seekers. The languages usually used for the provision of information in some police stations are English, French and Turkish. Only in extreme cases interpreters are used for providing oral information to asylum seekers. However, the Asylum Service claims that the leaflet that will be distributed will be translated to the following languages: Russian, Turkish, Farci, Arabic, Sinhala, Bangla, Urdu, Hindi, Chinese, French and English.

**C. Is the deadline of maximum 15 days respected?**

Any kind of information is unavailable therefore the deadline is not respected. However, the Asylum Service claims that the information is provided to applicants upon the submission of the application. Sometimes information is provided in the confirmation letter given to asylum seekers upon submission of the application.

**Q.18<sup>2</sup>.** Information of asylum seekers about the existence of organisations or groups promoting their interest and defending their rights (see article 5 which is to a large extend a mandatory provision):

**A. Is there a list of organisations dressed by the authorities and if yes is it comprehensive? Is this in particular the case about the possibilities to get legal assistance and health care?**

Currently there is no list of organisations available to asylum seekers by the competent authorities. As foreseen in the relevant Regulation of 2005, the informative leaflet provided to the asylum applicants should include a list of the organizations or groups of people that provide them with legal support and/or support regarding the reception conditions, including medical and health care. Such list is also not provided in the buildings of the different services where asylum seekers attend daily. There is also no provision of information for legal assistance and health care provided by the authorities.

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<sup>2</sup> To be answered with the help of UNHCR local office competent for your Member State or to be completed on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Asylum seekers manage to get information about the organisations from other fellow compatriots or asylum seekers that are in Cyprus longer than they are. If they manage to come into contact with these organisations then they have limited access to legal assistance and health care. If not, they tend to pay for a lawyer. Nonetheless, there are many cases of exploitation of asylum seekers from lawyers and the authorities do not act accordingly to stop such exploitation.

**B. Is the information provided to the asylum seekers, and if yes, in writing or, when appropriate, orally?**

As mentioned previously, written information is still unavailable to asylum seekers and oral information is given only in exceptional cases. Newly arrived asylum seekers manage to meet with asylum seekers that are longer in Cyprus, who offer information orally to them. However, there is room for exploitation among asylum seekers, since many ask for money in exchange of information and assistance.

**C. Is that information in general provided in a language understood by asylum seekers? Specify if possible the list of languages in which it is available.**

As mentioned previously there is no written information provided up to today to asylum seekers in any language. However, even when asylum seekers attend public services to receive oral information interpreters are rarely available; in some cases there are no interpreters available, such is the case in the Welfare Service where asylum seekers attend the most.

**D. How many organisations are active in that field in your Member State?**

There are only three organisations active in this field: KISA (Action for Equality, Support and Antiracism), Future Worlds, APANEMI: Women's Information and Support Centre. KISA is the most active non-governmental organization in the field of refugees, asylum seekers, and migrants and withholds more expertise from the rest of the NGOs in this field. It has been actively involved in the protection, support and assistance, as well as in the defence of the rights of refugees, asylum seekers and migrants in Cyprus. Lately it has been acting more like a pressure group in order to achieve its aims to defend the lawful rights of these groups of people. Future Worlds is a newly established non-governmental organization in this field and its main activities for the moment are legal support to asylum seekers, as well as provision of necessary information as it concerns reception conditions and other relative issues. APANEMI is a small capacity NGO that provided social support to asylum seekers and provides them with any other kin of informational assistance they need. There are also other organizations/institutions/actors/individuals that are involved in this area through other means, such as through academic research, surveys, conferences, seminars, training courses, awareness campaigns and publications. Such institutions are the Mediterranean Institute of Gender Studies, the International Peace Research Institute of Oslo in Cyprus, the Intercollege Research Center.



**Q.19. Documentation of asylum seekers (see article 6):**

**A. What kind of document is delivered to the asylum seeker? Explain the legal value of this document (just a certification of the status as asylum seeker or also prove of identity?) (see §1 of article 6 which is a mandatory provision)**

A confirmation letter is issued to the asylum seeker following the application, which is just a certification of status that the person has filled an application for asylum and can use that document according to the Laws and Regulations on Refugees. With the confirmation letter the asylum seeker can access his/her entitled rights as foreseen in the legislation on the reception conditions. With the confirmation letter and after the medical examination the asylum seeker obtains the alien card which has the status of identity document.

The alien card, formally referred to as the “Alien Registration Certificate” is simply an identity document which is issued by the Aliens and Immigration office of the Ministry of Justice and, constitutes proof that a foreigner (not necessarily or exclusively an asylum seeker) has applied for a particular status (e.g. asylum, employment, student, visitor etc.). This is reflected by the following text in the document itself:

“It is hereby certified that the above- named alien has been duly registered as an alien in the Register of Aliens in the category of (asylum, student etc., as the case may be)”

**B. Are there situations or specific cases in which another equivalent document or even no document is issued? (in particular is there an exception for “procedures to decide on the right of the applicant legally to enter the territory” as made possible by §2 of article 6)?**

There is no equivalent document issued and there are no cases that no document was issued.

**C. For how long is this document in principle valid and is it necessary to renew it after a certain period?**

The confirmations letter is valid until the application is examined and determined on second instance by the Asylum Service. (Section 8 of the Refugee Law- Law 6(1) of 2000, as amended, provides that the applicant is entitled to a temporary residence permit until a final decision on his application is reached. The residence permit (“pink slip”) is valid for a year and each year it needs to be renewed.

The so called “Pink Slip” represents a temporary residence permit which is granted to enable the holder (not necessarily or exclusively an asylum seeker) to remain

in Cyprus temporarily by applying for an extension at least one month before its expiry date. (The validity of this permit is granted in accordance with Article 8(1) and 8(2) of the Refugee Law 2000/2002 6(1).

The Alien Card, on the other hand, is valid indefinitely as this is only an identity document, which simply requires notification of any subsequent change in the holder's residential address.

Whilst the main document providing an asylum seeker with access to reception conditions is the Confirmation Letter, this constitutes a component part of the other documentary formalities (pink slip and alien card) which are requirements pertaining to aliens in general.

The confirmation letter serves as proof of the applicant's status as an asylum seeker towards any authority of the Republic until the issuance of the special temporary residence permit (pink slip) and secures the access of the holder to the rights and benefits provided by law (medical treatment, application for work, welfare benefits, public education, etc.).

**D. What is the deadline for the delivery of that document? Is the mandatory deadline of 3 days set by article 6, §1 respected<sup>3</sup>?**

Section 5(1) of the Regulations requires the issuance of the confirmation letter immediately upon submission of the Asylum seeker's application. This would also appear to be the case in practice.

**E. Is it possible for an asylum seeker to get a travel document for serious humanitarian reasons (see §5 of article 6 which is an optional provision)?**

According to the Regulation on the Reception conditions of 2005, article 16 foresees that the Director, following a reference from the Supervisor, issues the necessary travel documents to the applicant, only if this is necessary, every time that severe humanitarian reasons arise which prescribe the presence of the asylum seeker in another country.

**F. Is there a central system of registration of asylum seekers and is it or not separate from the registration of aliens? If yes, describe it briefly (content) and indicate in particular if it is an electronic database.**

There is a different central system of registration of asylum seekers and aliens; however it is still on the stages of being implemented. It is an electronic database that

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<sup>3</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

contains the file numbers, the countries of origin of the asylum seekers, and their names, and if the applicants travelled in and out of Cyprus; there is no order in these data and it is not a detailed database, except the fact that it is still incomplete. Age, gender differentiation, district or address of residence of the asylum seekers, are not included in the database.

**Q.20. Residence of asylum seekers<sup>4</sup>:**

**A. Is in principle an asylum seeker free to move on the entire territory of your Member State or only to a limited part of it and in case, which part? (see article 7, §1 which is a mandatory provision)**

Asylum seekers are free to move within the territory of the Cyprus Republic; not in the occupied areas.

**B. About the place of residence (see §2 of article 7): explain to which extend the person is free to choose her residence and if this depends of the stage of the asylum procedure (for instance before and after admissibility); if there are constraints limiting the choice, explain which ones and their reasons (for instance processing of application, attribution of reception conditions,...).**

There is only one Reception Centre in Cyprus positioned in the area of Kofinou. The Centre can only accommodate 80-100 individuals, although the number of asylum seekers is approximately around 10,000. Accommodation at the centre is available only to single women and families. In very exceptional circumstances some single men have been authorised to stay at the centre. The place of residence does not depend on the asylum procedure since the State does not provide sufficient housing resources to accommodate asylum seekers. Asylum seekers seek accommodation on their own initiative. There are no restrictions as to where they may seek accommodation since the State does not have sufficient provision for accommodation. However, article 8 (1) of the Regulations on the Reception Conditions of 2005 foresees that the Minister of Interior has the power to decide upon the place of residence of the asylum seekers or to restrict the right of freedom of movement in specific areas of the Republic for reasons of public interest, and this decision is to be published in the Official Gazette of the Republic. Most asylum seekers find apartments which they rent and reside. Nonetheless, asylum seekers face acute problems in paying the rent, since as previously mentioned, the amount of public help they receive is insufficient for this purpose.

It is evident that the Kofinou Reception Centre is entirely inadequate to deal with the influx of asylum seekers and its acute imitations in terms of critical lack of capacity generates a multitude of problems which have a substantial negative impact on those who need it most. There is therefore an urgent and imperative need to look at fresh options

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<sup>4</sup> Nota bene: the case of detention is covered by other questions and should be ignored under this question.

that would serve to resolve the all-important need for emergency accommodation and adequate reception facilities.

- C. **About the place of reception (meaning where the asylum seeker has to stay to benefit from reception conditions) (see § 4 of article 7): explain which are the general rules about the determination of this place (to which extend are the decisions determining the place taken individually and do they take into account the personal situation of the asylum seeker?) and to which extend the person is free to choose it and if it depends of the stage of the asylum procedure (for instance before and after admissibility); if there are constraints limiting the choice, explain which ones and their reasons (for instance attribution of reception conditions, processing of the application,...).**

As mentioned previously the State does not provide any other kind of accommodation except the Reception Centre in Kofinou which has limited capacity. The asylum seekers, since they have no other choice, find accommodation by themselves through renting. The Welfare Allowance is insufficient to cover all of their expenses including rent, therefore the fact that the State does not provide them with an extra amount of money for rent shows that the personal economic situation of the asylum seekers is not taken into consideration, as well as other matters of determining their personal situation. The place of residence normally does not affect the provision of benefits from reception conditions, since the asylum seekers have not many choices for accommodation.

- D. **If all asylum seekers are not placed in accommodation centres because of capacity limits, explain how the persons are distributed between accommodation centres and other accommodation facilities (which authority takes the decisions, on the basis of which elements, can that decision be appealed by the asylum seeker,...)<sup>5</sup>**

Asylum seekers distribute themselves to cheap renting accommodation. However, many have problems in renting accommodation because many accommodation owners ask for deposit, which asylum seekers do not have and the Welfare Service in very extreme cases pays for the deposit or part of it. It has been noted by asylum seekers that they rent a small capacity room/apartment in which many of them reside so that they divide the amount of rent.

- E. **How can an asylum seeker ask to leave temporarily the place of residence or of reception or an assigned area? How is the individual AND impartial**

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<sup>5</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>5</sup> Nota bene: the case of detention is covered by other questions and should be ignored under this question.

<sup>5</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

character of the decision ensured? (see §5 of article 7 which is a mandatory provision)

Asylum seekers can leave at any time from the Reception Centre in Kofinou. This occurs very often. However, there is nothing in the legislation referring to temporary leave from the Centre. Obviously the asylum seekers that do not reside to the Centre are free to change place of residence. In case of change of residence they have to inform the Asylum Service for the change of the address but there are cases that it is not informed deliberately.

**Q.21. A. Do rules on reduction or withdrawal of reception conditions exist in internal legislation and if yes in which cases (mention in particular if there are cases not foreseen by article 16, § 1 and 2 which are optional provisions)? Distinguish in your answer between cases of reduction and withdrawal and explain which conditions can be reduced and if access to emergency health care is always ensured as requested by article 16, §4, last sentence.**

Yes- Rules on reduction or withdrawal of reception conditions do exist under 525 (1)(a) of the Regulations. Whereby such reduction or withdrawal may be effected under circumstances: where an asylum seeker:

- (i) Abandons a place of residence as determined by the competent authority without informing it. –OR-
- (ii) Does not appear for personal interviews as arranged by the Asylum Unit of the Ministry of Interior –OR-
- (iii) Does not comply with requests to provide information in the context of the relevant asylum procedure.

And

In respect of the foregoing, the asylum seeker does not offer any reasonable explanation in relation thereto.

In Addition S25 (1) (b) of the Regulations for reduction or withdrawal of reception conditions where the asylum seeker:

-Has already lodged an application for asylum in the Republic of Cyprus  
-S25 (1) (c) allows for somewhere an applicant has concealed financial resources and has thereby been “unjustly enriched” by the provision of material reception conditions.

-S25 (1) (d) provides another ground for reduction withdrawal an asylum seeker has failed to prove that his application was made as soon as reasonably practical after arrival in the Republic.

Note: The Regulations do not distinguish between cases of reduction and withdrawal and no provision is made in respect of ensuring access to emergency health care under all circumstances.

- B. Has article 16, §2 dealing with refusal of reception conditions for unreasonably late applications for asylum been transposed by your Member State (or was this case already applicable before transposition)? Are there cases in practice<sup>6</sup>?**

This has been transposed but there is no indication as to whether there are any cases in practice.

- C. How is it ensured that decisions of reduction or withdrawal are taken individually, objectively AND in particular impartially (for instance through and independent arbitrator) (see article 16, §4 which is a mandatory provision)?**

Mechanisms are in place by virtue of an individual's rights under the constitution to challenge administrative decisions (e.g. through Judicial review).

- D. Is statement 14/03 adopted by the Council at the same moment as the directive respected (see the documentation pack you received at our meeting in Brussels in April)?**
- E. Are there already administrative appeal decisions or judgements on cases of reduction, withdrawal or refusal which have been taken, and if yes, what has been the outcome<sup>7</sup>?**

There are no administrative appeal decisions or judgements in cases of reduction, withdrawal or refusal.

- Q.22. A. Appeal against a negative decision relating to the granting of benefits or based on article 7 (see article 21 which is a mandatory provision): indicate against which decision an appeal can be introduced, describe the system of appeal in general and include in particular in your answer the information given to asylum seekers about possibilities of appealing, deadline for appealing, if the appeal has or not a suspensive effect, if there are different steps (for instance first an administrative appeal and in particular if the guarantee of an appeal before a judicial body in the last instance is respected)?**

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<sup>6</sup> To be answered with the help of UNHCR local office competent for your Member State or to be completed on the basis of the answers of NGOs and accommodation centres to the practical questionnaire

Section 30 of the Regulations allows for an administrative appeal in respect of benefits. In any event however, the right of access to the courts for the purposes of challenging administrative decisions (e.g. by way of appeal, habeas corpus, judicial review) is entrenched per Article 146 of the Constitution. (Please refer to Question 15 regarding implications of appeals procedures).

**B. Explain which are the possibilities for asylum seekers to benefit from legal assistance when they introduce such an appeal (see article 21, §2 which is a mandatory provision but leaves space to Member States)?**

The issue of legal assistance is not covered by the Regulations although the Asylum Unit attached to the Ministry of Interior is in the process of laying down an appropriate infrastructure for dealing with this matter utilising the resources of the European Refugee Fund.

C. Are there already administrative appeal decisions or judgements which have been taken and if yes, which are the main important ones<sup>8</sup>?

Not as yet.

D. Is a mechanism of complain for asylum seekers about quality of receptions conditions in general (even if they are not personally concerned) organised? If yes, before which authority? Is it linked to the system of guidance, control and monitoring of reception conditions (see below question n° 39)?

There would appear to be no mechanisms of complaint as such although asylum seekers can lodge complaints with the Commission of Administration (Ombudsman) which is an entity independent of Government ministries and is not linked in any way to the system of guidance, control and monitoring of reception conditions.

Asylum seekers usually approach the non-governmental organizations that are active in this field and they conduct the procedure in filling a complaint on behalf of the asylum seekers.

## **6. RIGHTS AND OBLIGATIONS OF ASYLUM SEEKERS**

**Q.23. Family unity of asylum seekers: define how a family is defined in relation with article 2, (d) which is a mandatory provision and explain how housing is provided to a family (see articles 8 which is a mandatory provision but leaves space to member States and 14, §2, (a) which is a mandatory provision).**

Whilst “family” is not specifically defined in the regulations, there is a general provision, which stipulates that any issues of interpretation of terms not mentioned therein would be in accordance with the meaning attributed by the national Law.

In this context, this would be the meaning accorded by Article 25(4) of the Refugee Law, 2004 which essentially provides that “family” shall include the applicant’s spouse, minor children, his or her dependant parents and the parents of an applicant who is himself a minor.

A very small number of families reside at the Reception Centre, and these families chose to reside at the Reception Centre because they experienced difficulties in self-sustaining by residing in private accommodation due to the high costs, inadequate sources, and in many occasions the discrimination of landlords. However, a big number of families reside in private accommodation and they are supposedly provided with the Welfare Allowance to cover their basic costs and needs.

**Q.24. A. How is housing of asylum seekers organised: describe the system in general and indicate in particular what is the most frequently system used (see article 14, §1 which is a mandatory provision but leaves space for Member States; distinguish between accommodation centres, private houses and apartments, hotels places or other premises).**

There is no system for the organisation of housing for asylum seekers. There is only one Reception Centre which can accommodate only around 80-100 persons. The Centre accommodates desperate cases of families, women and children, and very exceptional cases of men. The rest of the asylum seekers are distributed in private accommodation which they find and pay themselves. There are many desperate cases of asylum seekers that went voluntarily to police stations and asked to be detained so that they can reside in the detention centres.

**B. What is the total number of available places for asylum seekers?<sup>9</sup> Distinguish in your answer between accommodation centres, private houses and apartments, hotels or other premises.**

There are only 80-100 places in the Reception Centre in Kofinou. An actual number of houses and apartments that asylum seekers reside, is not available.

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<sup>9</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

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- C. Is this number of places for asylum seekers sufficient in general or frequently insufficient?<sup>10</sup>

Having in mind the number of 10,000 asylum seekers in Cyprus and the capacity of the Reception Centre in Kofinou the number of places is permanently insufficient.

- D. Are there special measures foreseen in urgent cases of a high number of news arrivals of asylum seekers (outside the case of application of the directive on temporary protection)?

No.

**Q.25. Accommodation centres (important note: all the following questions are about open and not closed centres where asylum seekers are detained which are covered by another question)**

- A. Are there different categories of accommodation centres, for instance depending of the stage of the procedure (admissibility and eligibility)?

No.

- B. Is there a legal time limit for accommodation in a centre after which the asylum seekers have access to private houses or apartments or is this limit linked to a stage of the asylum procedure?

Usually the maximum time limit for the Reception Centre is two months, since the Centre is supposedly a temporary solution for asylum seekers until they are able to find private accommodation and employment. However, due to lack of economic sources for asylum seekers, the difficulties they face in accessing the labour market, the exploitation they face in illegal employment, they find it difficult to sustain themselves, even more to find accommodation that they can afford to in order to have a normal residence in Cyprus as long as their application is being processed, which usually takes long time. Therefore those that find residence at the Reception Centre can stay there for long; there are cases that reside there for almost a year.

- B. Is there a general regulation about the internal functioning of those centres and the rights and duties of the asylum seekers? If yes, is this general regulation applicable to public and private centres? If not, are the centres supposed to adopt an internal regulation and does a central authority have or not a kind of control about its content?

The Asylum Service is responsible for the operation of the Reception Centre and it has delegated the administration of the Centre to the local authority of Kofinou. There is general regulation about the internal functioning of the Centre as it concerns the reception of asylum seekers in the Centre, the rights, obligations and duties of the asylum

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<sup>10</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

seekers, as they are foreseen in the Regulations for Reception Conditions in article 20. These regulations do not apply for private accommodation.

- C. Do the regulations foresee the possibility of sanctions against asylum seekers in case of breach of the rules? (see article 16, §3) If yes, which sanctions for which rules? Which is the competent authority to decide? How is it ensured that decisions are taken individually, objectively and in particular *impartially* (for instance through an independent arbitrator) as requested by §4 of article 21 which is mandatory provision? Which are the possibilities of appealing against those decisions if the system is different from the general one under question n°22? Are there already administrative appeal decisions or judgements which have been taken and if yes, which are the main important ones?**<sup>11</sup>

The Regulations foresee the possibility of sanctions against asylum seekers in case they breach the rules. Asylum seekers are responsible for any damage they create at the Centre, and for whose replacement there is a relative cut from the public help they would possibly receive after their departure from the Reception Centre. There is no clear provision as to which is the competent authority to decide upon the damages caused at the Centre. There are not any specified possibilities of appealing. No such administrative decisions are taken so far.

- D. Are asylum seekers involved in the management of these centres? If yes, how (advisory board, appointment or election of representatives)? (see article 14, §6 which is an option provision)**

No they are not involved in the management of the Centre. Under the Regulations, in article 20 (3), asylum seekers are allowed to participate in the administration of the material means and the daily parameters of life in the Reception Centre through a consultation committee or through a representative consultant body of the residents, which will collaborate with the competent authorities that manage the Centre.

- E. Do specific rules exist on work of asylum seekers inside the accommodation centres different from the general ones about employment (see below)? If yes, which ones? Can working inside accommodation centres be considered as a (mandatory) contribution of the asylum seekers to the management of the centres, is it or not paid and considered as implying access to the labour market and subject to the same rules?**

There are no specific rules existing on work of asylum seekers inside the Reception Centre, since they are not allowed to work in the Reception Centre or in any other sector except of the agricultural sector.

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<sup>11</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

**Q.26. A. How can asylum seekers communicate with legal advisers, representatives of UNHCR and NGOs? (see article 14, §2, (b) which is a mandatory provision).**

All the information and contact details necessary for asylum seekers to contact with legal advisers, representatives of UNHCR and NGOs are to be given in the brochure that the State is producing. However, the information and contact details are given to asylum seekers by word of mouth either among themselves or from people they come into contact daily. Representatives of UNHCR have full access to the Reception Centre, the Detention Centres so that the asylum seekers can come into contact with them. NGOs have access to the Reception Centre and they are usually informed about asylum seekers that need help by other asylum seekers that know about such cases.

**B. What are the rules about access of legal advisers, UNHCR and NGOs regarding access to accommodation centres and other housing facilities (see article 14, §7 which is a mandatory provision)**

Legal advisers, UNHCR and NGOs have access to the Reception Centre at any time.

**C. Can the access of legal advisers, UNHCR and NGOs be limited for security reasons or any other reason (see article 14, §7, last sentence)?**

Access of legal advisers, UNHCR and NGOs cannot be limited for security reasons or any other reason in the Reception Centre.

**Q.27 A. Is a medical screening organised by the receiving State, is it mandatory or voluntary? Does it include HIV tests? (see article 9 which is an optional provision)**

The medical screening, including HIV tests, is compulsory by the State and the competent authority is the Ministry of Health. Right after the submission of the application the asylum seekers are sent to a hospital to be subject of medical screening. The medical examination has to take place within three days after the submission of the application and the initial screening might be incomplete. After the conduction of the medical examination the applicant returns to the hospital for the final evaluation of his/her health and the relevant report is prepared from the competent doctor.

**B. Do the legal provisions on reception conditions ensure that asylum seekers receive at least emergency care and essential treatment of illness as requested by article 15 §1 which is a mandatory provision? Do they have a further access to health care?**

Upon the Regulations asylum seekers and the members of their family have access to free medical and health care, which included at least emergency care and essential treatment of illness, in all the public medical institutions if they do not acquire adequate sources, by showing the confirmation letter. In practice the asylum seekers that reside at the Reception Centre have access to emergency care and essential treatment of illness. However, many asylum seekers that reside in private accommodation face problems in having access in emergency treatment, and even more problems in receiving essential treatment since many times the hospitals ask for a medical card, although the confirmation letter should be enough.

- C. What is the practice regarding access of asylum seekers to health care and how is it organised? In particular, what is the situation in accommodation centres (are doctors coming to the centres or do asylum seekers go to doctors outside)?<sup>12</sup>

Asylum seekers that reside to the Kofinou Reception Centre have access to medical facility in Larnaca and they are taken there by taxi paid by the Centre. As for the asylum seekers that reside in private accommodation, they receive the so-called “red card» along with the confirmation letter, with which they are entitled to have access to health care. However, they do not have access for emergency treatment and in many cases asylum seekers, even those that obtain the “red card”, do not even receive proper health care and treatment at the public hospitals.

- Q.28. A. What is the length of the period determined by the concerned Member State during which asylum seekers have no access to the labour market? (see article 11 which is a mandatory provision)**

Under the Regulations the Minister of Interior, after consultation with the Minister of Labour and Social Insurance, has the power to determine the period during which the asylum seekers do not have access to the labour market, and which starts from the date of the application submission. In case that one year after the application has been submitted there is no initial decision by the Asylum Service, the asylum seeker has the right to access the labour market under the conditions and rules of the Allien and Migration Law. However, in practice asylum seekers find illegal employment in order to be able to sustain themselves.

- B. After that period, are asylum seekers or not obliged to obtain a work permit? In case is there a limit for the administration to deliver the permits and how quick are they delivered? What is their length?**

Under the Regulation, article 12 foresees that since access to the labour market in allowed, the special residence issued is also a working permit.

- C. After that period, what are the conditions for access of the asylum seekers to the labour market? (in particular, are there rules concerning the maximum allowed of working hours or days per week, month or year, limits in terms of type of work or of professions authorised?)**

The only condition that is not found in the Regulations but it works in practice is that asylum seekers are only allowed to work in the agricultural sector, as the Labour Office of the Ministry of Labour and Social Insurance does not give them access to any other sector or industry.

- D. What are the rules in terms of priorities between asylum seekers on the one hand and nationals, EU or EEE citizens and legally third-country nationals on the other?**

A priority list issued as part of an inter-ministerial decision on labour affords preferential treatment for citizens of the Cyprus Republic, then for EU citizens, legally-resident third-country nationals and then asylum seekers.

- E. Do asylum seekers have access to vocational training, does this or not depend of their right to access to the labour market, and in case at which conditions? (see article 12 which is optional regarding §1 and mandatory regarding § 2)**

The state does not yet have the mechanism to provide vocational training to asylum seekers. Only certain private institutions provide this service but on limited capacity and limited time, and they are funded mostly under EU projects, such as EQUAL, ERF etc. Vocational training does not depend on the right of asylum seekers to access the labour market since they do not have such right. The number of asylum seekers that attend vocational training is very small and the reasons they attend is to make their social inclusion easier, as well as to make it easier for themselves to communicate with officials in Greek.

- F. Are the rules regarding access to the labour market adopted to transpose the directive more or less generous than the ones applicable previously?**

It seems that the rules regarding the access to the labour marker adopted to transpose the directive are less generous than the ones applicable previously, since the current rules are very ambiguous and they do not help the situation of asylum seekers in accessing the labour market and finding employment that can help them to sustain themselves and become gradually independent of the public help. The Regulation has many gaps and ambiguities as it concerns the rules on the access in the labour market and this leads the administration to take advantage of these gaps and to create a situation not favourable to asylum seekers.

Q.29. Are reception conditions subject to the fact that asylum seekers do not have sufficient resources? Are asylum seekers requested to contribute to reception conditions when they have personal resources (for instance if they work) or to refund the authorities if it appears that they have resources? (see article 13 §§ 3 and 4 which are optional provisions)

Reception conditions are not subject to the fact that asylum seekers do not have sufficient resources, however the Services of Social Welfare have the power to reject in whole or partly the application for public help if they document that the asylum seeker is employed and/or acquires adequate sources that provide to him/her and their family the basic and special needs and an appropriate healthy living standard. If the Services of Social Welfare expose that the asylum seeker obtained adequate sources for covering the material reception conditions, while he/she was provided for these conditions, then the Services of Social Welfare can claim back the relative amount from the asylum seeker, as foreseen in the Public Help and Services Law.

## **7. SPECIAL NEEDS OF PARTICULAR CATEGORIES OF ASYLUM SEEKERS**

Q.30. **A. Which of the different categories of persons with special needs considered in the directive are taken into account in the national legislation (see article 17, §1 which is a mandatory provision): disabled people, elderly people, pregnant women, single parents with minor children, persons who have been tortured, raped or victims of serious physical or psychological violence? Include in your answer all other categories envisaged in national law.**

According to the regulations, the Welfare Office, when making the decision to grant a social allowance to asylum seekers, takes into consideration the special conditions of such categories of people, such as minors, unaccompanied minors, pregnant women, elders, single parent families with minor children and people who have been victims of torture, or rape, or other forms of psychological, or physical, or sexual violence. The authorities examine each such case according to its needs. As it concerns single women and unaccompanied minors they are usually housed in different shelters, mostly at the Reception Centre.

**B. How is their specific situation taken into account (see articles 13, §2, second indent, 16 §4 second sentence and 17 which are mandatory provisions)?**

There are not so many such cases therefore no mechanism exists to provide them with all the necessities they seek. Currently there is no psychological support provided to asylum seekers that have been victims of any kind of violence. Minors are taken under the protection of the Director of the Welfare Office, trying to find a family for these children.

As it concerns pregnant women no special treatment is provided, nor for elders and single parent families. They still have to face the daily difficulties of survival although they have special needs.

- C. **How and when are the special needs of the concerned persons supposed to be legally identified (see article 17 § 2 which is a mandatory provision and clarify how it has been interpreted by transposition)?**

The special needs of the concerned persons are supposedly to be legally identified when the Welfare Office examines a case of an asylum seeker and records their needs, but also when the medical examination is finalized and the medical report is written.

- D. **Is the necessary medical and other assistance provided to persons with special needs as requested by article 15, §2 which is a mandatory provision and in particular to victims of torture and violence as requested by article 20 which is a mandatory provision?**

The mechanisms for providing the necessary medical and other assistance to these special groups of persons have not yet been created.

**Q.31. About minors:**

- A. **Till which age are asylum seekers considered to be minor?**

Until the age of 18.

- B. **How is access of minor asylum seekers to the education system ensured? Is it at school or in case inside accommodation centres and can it be considered as similar to the conditions for nationals as requested by article 10, §1?**

Minors and unaccompanied minors have access to public education and they are subject to the same terms and conditions as nationals. However, many minors do not attend school because they do not know Greek, which is the language used in public schools, and hence they cannot participate but also comprehend the classes. There have been evident cases of racist attitudes and racial discrimination against asylum seeker's children either due to their colour, language, religion, or the fact that they are foreigners. The education offered is at schools and not at the Reception Centre.

- C. **Is access to education ensured not later than 3 months as requested by article 10, §2 (or after maximum one year if specific education for asylum seekers is provided) and till an expulsion decision is really enforced?**

The three-month period is ensured and it can reach the period of a year when special education is provided.

- D. Is specific education (like language classes) available for asylum seekers, in particular to facilitate their effective access to the education system of the reception Member State (see article 10, §2 which is an optional provision)?**

There are very limited vocational trainings for asylum seekers that are mostly provided by non state actors through EU funding or other sources of funding. The state has not yet set up a mechanism for vocational training.

- E. Are minors in general accommodated with their parents or with the person responsible of them? (see article 14, § 3)**

Yes they are accommodated with their parents or with a person responsible for them assigned by the Welfare Office.

- F. Do minors with special needs enumerated by article 18, §2 which is a mandatory provision, have access to appropriate mental health care and qualified counselling?**

Supposedly under the regulations they have access.

In terms of appropriate mental health care and qualified counselling, there would appear to be no formal systematic procedure or facilities in place to cater for minors with special needs. In very limited or exceptional circumstances, where it appears that one has been the victim of psychological violence, a medical council will decide on what therapy is to be pursued, although this cannot be regarded as being part of an organised or structured approach where referrals are made to specific mental health care or counselling facilities.

- G. How and when is organised the representation of unaccompanied minors (guardianship, special organisation) and regularly assessed? (see article 19, §1 which is a mandatory provision)**

The Welfare Office is responsible for the representation of the unaccompanied minors and has the guardianship and the special organization, and is regularly assessed.

The Welfare office is the authority responsible for unaccompanied minors and undertakes the guardianship function in this regard.

- H. How is placement of unaccompanied minors organised (with adult relatives, a foster family, in special accommodation centres or other suitable accommodation)? (see article 19, §2 which is mandatory provision)**



The unaccompanied minors stay either with their relatives, or in a foster family, or in special Centres only for minors. The Director of the Welfare Office makes sure that brothers and sisters stay together and that only limited and necessary change is made in their housing.

There are a small number of accommodation centres for minors which are managed by the Welfare office. These facilities are not connected with or part of the Reception Centre in Kofinou.

**I. How is the tracing of the family members of the unaccompanied minors organised? Are measures taken to protect confidentiality of information when necessary? (see article 19, §3 which is a mandatory provision)**

The requirement of the Directive regarding the tracing of family members of unaccompanied minors, have been transposed into national law by virtue of clause 28 (3) of the Regulations. In view of the sensitivity and confidentiality aspect of this issue, no precise information is available or can be ascertained as to how the tracing process is organised. The Asylum Service undertakes responsibility for tracing (this could conceivably be on the basis of feedback received from the welfare office) and in the event that parents may be situated in another EU member state, encrypted information would be exchanged, via the confidential on-line ‘Dublin’ network in an effort to locate, the minor’s immediate family members. Other than this there would appear to be no other pre-determined procedures in place and any other steps to be adopted might well be undertaken on a case-by-case basis. There would appear to be a conscious effort to be discreet and to avoid disclosure where this may be prejudicial to the minors’ best interests.

## **8. EXCEPTIONAL MODALITIES OF RECEPTION CONDITIONS**

**Q.32. Apart from detention covered by the next question, are there exceptional modalities for reception conditions in the following cases and if yes, which ones and for how long are they applicable, knowing that they should be “as short as possible” (see article 14, §8)?**

**A. Persons with specific or special needs, regarding in particular the period of assessment of those needs?**

**B. Non availability of reception conditions in certain areas**

No.

**C. Temporarily exhaustion of normal housing capacities**

No exceptional modalities.

**D. The asylum seeker is confined to a border post**

No.

E. All other cases not mentioned in the directive (for instance urgent situation in case of a sudden high number of applicants outside a case of application of the directive on temporary protection).

**Q.33. Detention of asylum seekers (we do not cover the situation of rejected asylum seekers detained for the purpose of their return) (see articles 6 §2, 7 §3, 13, §2 2<sup>nd</sup> indent and 14 §8 which implies that the directive is in principle applicable in case of detention):**

**A. In which cases or circumstances and for which reasons<sup>13</sup> (identity verification in particular if the persons have no or false documents, protection of public order or national security, refugee status determination, way of entry into the territory, etc) can an asylum seeker be detained during the asylum procedure till his request has been finally rejected. Quote precisely in English in your answer the legal basis for detention of asylum seekers in national law.**

The detention of an asylum seeker, only as such is forbidden. The detention can only be carried out if there is a warrant from the Supreme Court and for the following instances:

1. For identity verification in case the person has no nationality, or in case the person destroyed his/her travel documents, or used false documents to enter the Republic with the purpose to mislead the authorities, they are supposed to be detained only for 5 days,
2. For the examination of new evidence that the asylum seeker claims to have after the rejection of the case in second instance.
3. For driving without a driving licence; after they serve the sentence they are kept in detention until there is a decision on the application and this can take more than one and half year.
4. For working illegally
5. For a traffic accident or any other offence.
6. Arrested for illegal entry and applied for asylum after the arrest; this sentence is as long as 6 and maybe more months.

The detention of a minor is forbidden.

There is no legal basis for detention of asylum seekers in the national law.

The authorities will not hold a person in detention for the sole reason the he/she is an applicant for asylum. In this sense, article 18(1) of the Directive on Asylum procedures of 1/12/2005 would appear to be respected. Asylum seekers will not be detained for illegal entry if it transpires that the purpose of such entry was to apply for asylum. Inevitably however, there may be “grey area” cases whereby a person might apply for asylum after his arrest and that prima facie circumstances indicate that there is an attempt to abuse the asylum system. In such cases, the individual concerned might be considered illegal and detained accordingly following which he would have the right to pursue the constitutional remedies available to him to reverse the detention order.

- B. Has your Member State adopted measures to transpose §3 of article 7 which is an optional provision? If yes, how has this provision been legally understood (is it a case of detention or an obligation to stay in and not leave a certain place?) and for which reasons can an asylum seeker be “confined” in such a place?**

Yes, para 3 of Article 7 has been transposed per section 8 of the national Regulations, in the sense that the Minister of Interior may limit freedom of movement in certain areas or decide upon an asylum seekers place of residence having regard to what is in the public interest.

- C. Are there legally alternatives to detention, like obligation to report to the authorities, obligation to stay in a place, provision of a guarantor or of a financial guarantee?**

No alternatives are available.

- D. Which is the competent authority to order the detention of an asylum seeker? Explain if different authorities are involved to first take and later confirm the decision.**

The Supreme Court is the competent authority to order the detention of an asylum seeker if he/she has committed an offence. The Immigration Police and the Population and Migration Archive Department can request for administrative detention of the asylum seeker.

- E. For how long and till which stage of the asylum procedure can an asylum seeker be detained?**

They are supposedly detained for only 32 days, but in reality they can be detained until their application has been rejected and a deportation order has been decided.

- F. In which places (can we call them “closed centres”?) are asylum seekers detained (places in a special closed centres reserved only to asylum seekers, together with returnees like illegal aliens or even in a normal prison, in case within separated areas or with the other detainees)? Indicate if a difference has to be made following the location of the “closed centres” at the border or on the territory? Which is the authority managing those places and is it the same as the one in charge of reception conditions?**

They are detained in the Police Detention Centres, which are located in the Central Prisons in Nicosia in Block 10, and in local Police Detention Centres in every city. They are not closed centres and asylum seekers are detained together with illegal aliens and other criminals. The Police is managing these Centres, not the Asylum Service, and has no connection with the managing of the reception conditions.

- G. Does UNHCR and NGOs have access to the places of detention and under which conditions?**

UNHCR has very good access to the detention places and they do not need to inform of their arrival in advance. However after the recent rebellion of the asylum seekers in the detention centres that occurred as a protest against the inhumane detention conditions, there were cases that the police officers created problems in the access of the UNHCR officers. However, the good communication of the UNHCR with the Chief of the Police allowed the UNHCR officers to have access at any time. NGOs do not have access to the detention centres.

- H. What appeal(s) can asylum seekers introduce against the fact he is detained? Is article 18 of the directive on asylum procedures of 1 December 2005 following which “Where an applicant for asylum is held in detention, Member States shall ensure that there is a possibility of speedy judicial review” respected (even if it has not yet to be transposed)?**

Upon being detained, an asylum seeker has the right to challenge his confinement by virtue of the right of judicial review and habeus corpus which are available remedies enshrined in the Constitution of the Republic of Cyprus. The right to pursue these remedies is respected by the State in compliance with article 18 of the Directive on Asylum procedures.

- I. Is the directive on reception conditions considered to be in principle applicable to the places where asylum seekers are detained? In particular which information do they receive about their rights, which access do they have to legal advice and health care?**

No. They have restricted information about their rights and they do not have access to free legal advice; they have to call for a private lawyer. In addition in many occasions asylum seekers in detention are not allowed to have access to health care intentionally.

- J.** Apart from freedom of movement, what are the main differences between normal reception conditions and exceptional modalities for reception conditions in case of detention, knowing that they should be “as short as possible” (see article 14, §8)? If it is about closed centres, are the regulations of those places in line with the requirements of the directive (is article 13, §2, second indent of the directive following which “*Member States shall ensure that standards of living is met (...) in relation to the situation of persons who are in detention*” respected?).

They are detained as prisoners and they do not have rights foreseen in the reception conditions. They do not even have access to daylight in the Detention Centres.

- K.** Are measures taken to avoid detention of asylum seekers with special needs (if yes, which ones?) or are special measures taken because of their needs?

There are no such cases.

- L.** Can minor asylum seekers be detained together with relatives? Can unaccompanied minor asylum seekers be detained? If yes, are there special measures which take into account that children are concerned?

Minor asylum seekers cannot be detained. The Director of the Welfare Office takes special measures for the protection of minors.

- M.** In particular is article 10 regarding access to education of minors respected in those places?

No.

- N.** How many asylum seekers are for the moment detained in your Member State? Which proportion does this represent in comparison of the total number of asylum seekers at the same moment?

The number given is a rough estimate, but also includes rejected cases and many cases of Iranians that cannot be deported and are detained. There are around 110 detainees out of 10,000 applicants for asylum.

## **9. ORGANISATION OF THE SYSTEM OF RECEPTION CONDITIONS**

- Q.34. Explain if the system of providing reception conditions is centralised or decentralised (which levels of government do provide practically reception

conditions?) (do not confuse this question with question number 3 about the competence to make rules about reception conditions).

The system of providing reception conditions is centralized to the Asylum Service of the Ministry of Interior. However, many other Services, Departments of Ministries are involved in the reception conditions.

Q.35. In case, are accommodation centres public or/and private (managed by NGOs? If yes, are the NGOs financially supported by the State?)<sup>14</sup>

No.

Q.36. In case, how many accommodation centres are there in your Member State (distinguish in your answer between public and private centres)?<sup>15</sup>

One, which is public.

Q.37. Is there in the legislation a plan or are there rules in order to spread the asylum seekers all over the territory of your Member State to avoid their concentration in some areas like big cities or to share the costs of their reception between central, regional and local authorities?

No.

Q.38. Does a central body representing all the actors (like NGOs) involved in reception conditions exist? Does it play a consultative role for the State authorities, a coordination role for the actors or any other role?<sup>16</sup>

No central body representing all the actors involved in the reception conditions.

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<sup>14</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>15</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>16</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Q.39. **A. Which is the body in charge of guidance, monitoring and controlling the system of reception conditions as requested by article 23 which is mandatory provision? Include in your answer which is the competent ministry (Interior, Social affairs, etc) for reception conditions?**

There is no body in charge of guidance, monitoring and controlling the system of reception conditions, except of the Head of the Asylum Service that is the responsible authority for asylum seekers. The Ministry of Interior is the competent ministry for reception conditions.

The orientation guidance and control given by the ministry of Interior cannot reasonably be considered as sufficient to satisfy the requirements of Article 23 of the Directive. (Currently NGO's are providing this support on an ad hoc basis and as when circumstances permit). In fact, there is no system of this nature currently in place, and this is acknowledged by the Asylum Service itself through its "short and sharp" response to Q19B of the Practical Questionnaire.

However, notwithstanding the above state of affairs, indications are that steps are being taken to implement an effective system and that a process has begun whereby crucial services pivotal to the efficacy and operational efficiency thereof might be "outsourced" to private entities which might be financed both by the state and other sources (e.g. The European Refugee Fund)

Although, as is evident from the above, no system is currently in place, there would appear to be a clear realisation that the provisions of Article 23 of the Directive must be respected and to this end, the transposition of these requirements have been effected by clause 31 of the national Regulations and, as indicated above, matters have been set in motion (albeit not as quickly as circumstances necessitate) to achieve implementation in compliance therewith.

B. Has your Member State (like the Czech Republic did recently) approved quality standards (not necessary legally binding) for housing services (for instance about the number of persons per bedroom on the basis of its size, number of accessible toilets, bathrooms, showers and washing machines per number of persons, existence of common rooms with radio, television, newspapers, books, computers, accessibility of telephone, existence of recreative rooms for children,...) to be respected in particular in accommodation centres?<sup>17</sup>

No

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<sup>17</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

**C. How is this system of guidance, control and monitoring of reception conditions organised?<sup>18</sup>**

Not organized.

**D. Does the body in charge of guidance, control and monitoring produce reports about the level of reception conditions? If yes, how frequently and are they public?<sup>19</sup>**

No.

**Q.40. A. What is the total number of asylum seekers covered by reception conditions for the last year for which figures are available (see article 22 obliging Member States to calculate those statistics about which we also asked the Commission to require them from Member States for mid June)?**

10,000 asylum seekers.

~~The above figure represents the overall total number of asylum applicants in Cyprus. However, in specific response to the question, there would appear to be no figures currently available as to the total number of persons covered by reception conditions for a particular year. Indeed, no particulars on this point were forthcoming from NGOs' "Practical Questionnaire" responses to Q20 nor from the answer thereto given by the Ministry of Interior's Asylum Service, which undertakes responsibility for reception conditions. The absence of any information in this regard is perhaps a reflection of the fact that the system of guidance, control and monitoring is very much in its infancy and that once this is achieved there will hopefully be a coherent infrastructure in place from which vital data and statistics can be made readily available.~~

The above figure represents the overall total number of asylum applicants in Cyprus and an analytical breakdown (as given by the Asylum Service of the Ministry of Interior) of the number of Asylum applicants, per country of origin, up to end May 2006, is attached hereto per APPENDIX 3.

**B. What is the total budget of reception conditions in euro for the last year for which figures are available?<sup>20</sup>**

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<sup>18</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>19</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>20</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.



The total budget for reception conditions is 420,000 Cyprus pounds.  
(Approximately 700000 Euros)

- C. What is the average cost of reception conditions in euro per asylum seeker for the last year for which figures are available?<sup>21</sup>

511 Euro per person per month

- D Are the costs of reception conditions of asylum seekers supported by the central/federal or federated government or are they shared with regional and/or local authorities?

Only supported by the central government.

- E. **Is article 24 § 2 of the directive following which “Member States shall allocate the necessary resources in connection with the nationals provisions enacted to implement this directive” respected?**<sup>22</sup>

As matters stand, it would appear that insufficient resources are currently available (e.g. inadequacy of reception centre, lack of trained staff) for the effective implementation of national provisions, which have been enacted to comply with the Directive. However, there are indications that whilst the wheels of progress are somewhat slow, there is nevertheless a “thought process” in motion to alleviate existing problems through the “outsourcing” of services to private entities and securing external funding to compliment any financial contribution emanating from any governmental budget allocation.

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<sup>21</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>22</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>22</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>22</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

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<sup>22</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>22</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Q.41. A. What is the total number of persons working for reception conditions?<sup>23</sup>

Unable to find out or determine the total number of persons working for reception conditions, as this was not specified in response to enquiry.

**B. How is the training of persons working in accommodation centres organised? Does it take into account specific needs of unaccompanied minors when relevant as well as the gender dimension? (see article 14 §5, 19 § 4 and also 24 §1 which are mandatory provisions)?<sup>24</sup>**

As regards training of persons in the reception center, no specific training is provided.

However there is a process whereby efforts are in motion to outsource training and other Services to private sector entities with funding assistance from the European Refugee Fund etc.

The UNHCR has been periodically engaged in an ongoing training exercise with officers of the Asylum Service who very recently have also attended seminars held by an NGO from Greece on the subject of “Victims of Torture”.

Additionally, and following a tender process, a consultant has very recently been engaged to advise officers of the Asylum Service, with funding being made available through the transition facility of the European Commission.

As an illustration of practical remedial steps that are being undertaken it was recently announced that a Unit for the Rehabilitation and Care of Victims of Torture is in the process of being established with funding provided by the European Refugee Fund and Asylum Services of the Ministry of Interior. Applications are being invited for the positions of doctors (general practitioner and dermatologist) psychiatrist/ psychologist, sociologists/ social worker, legal advisor and administrators. Those selected and appointed shall undergo training at the Medical Rehabilitation Centre in Athens, Greece.

C. Are there rules about the deontology of persons working in accommodation centres, in particular on confidentiality?<sup>25</sup>

Not specified.

## **10. IMPACT OF THE DIRECTIVE**

Legal impact of the transposition of the directive:

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Q.42. Specify if there are or not big problems with the translation of the directive in the official language of your Member State and give in case a list of the worst examples of provisions which have been badly translated? (please note that this question has in particular been added to the questionnaire concerning the new Member States)

There would appear to be no major problems with the translation of the Directive in the official (Greek) language. In this respect, it would perhaps be prudent to point out that in order to deal with any possible ambiguities and as an avoidance of doubt measure in the interpretation process, the transposition itself was duly effected with reference to the English, French & Greek texts of the Directive.

Q.43. Where there precise legal rules on reception conditions for asylum seekers before the adoption of the norms of transposition of the directive (if yes, specify what the nature of those rules was (legislation, regulation, administrative instructions,...)?

Yes, the Refugee Law 2000 to 2005 which is of a “legislative “ nature.

Q.44. Did the legal rules applicable to reception conditions become more clear, precise, coherent or detailed with the adoption of the transposition norms (for instance do you now have after the transposition one basic text dealing with reception conditions instead of numerous different texts in the past?

With the adoption of the transposition norm, there is on the whole greater clarity, informative detail and more precise provisions, which allow for a more systematic approach in implementation. Importantly, there is now one concise document which incorporates regulations on reception conditions and which can only facilitate more effective implementation.

However, whilst reception conditions are primarily dealt with by one specific text in the form of the Asylum Regulations, this is still to be read in conjunction with the Refugee Law for definitional and contextual purposes.

Q.45. Did the transposition of the directive imply important changes in national law or were the changes of minor importance? In case, list the most important changes that have been introduced.

Whilst the existing Refugee Law went some way towards catering for asylum seekers (e.g. right to apply for work permit, right to welfare benefits, right to free medical care and access to education for minors), the prevailing state of affairs, effectively, allowed only for a theoretical perspective of benefits/ entitlements and posed difficulties with regard to actual implementation as these were of somewhat general nature and allowed for a dilution of their impact (because of technicalities, procedures & conditions which impeded their applicability). This has largely been overcome by the fact that asylum seekers' applications would, (in most cases), activate immediate entitlement to the reception conditions envisaged by the Directive.

Political impact of the transposition of the directive:

Q.46. Explain briefly if there has been an important debate about the transposition of the directive (in particular in the Parliament, but possibly also in the government, between political parties, including in medias, etc; underline in case the main points which have been discussed or have created difficulties)

The consultation process regarding transposition began in September.

There were consultation procedures both at Ministerial level (culminating) in the formulation of the Regulations by the council of Ministers and at Parliamentary level as part of the endorsement approval of the Regulations by the House of Representatives. During the course of the above process, the UNHCR as well as NGO'S were afforded the opportunity to express their opinions with regard to the content, applicability impact and implications of the proposed Regulations. Media coverage did, to some extent, provoke public debate with regard to asylum seekers' access to the labour market, an issue which appears to have generated protracted discussions as between the Ministry of Interior and Ministry of Labour for the purpose of determining the nature of the regulation which would ultimately be incorporated into national law within the parameters of the Directive.

Q.47. **Did the transposition of the directive contribute to make the internal rules stricter or more generous? In particular, did your Member State use the occasion of the transposition to abolish more favourable provisions of national law? Does your Member State still have rules more favourable than the provisions of the directive (if yes, try to give the more important examples).**

In one sense, the transposition of the directive has made internal rules more generous, by virtue of allowing for more effecting implementation through specific mandatory provisions which to some extent, do not offer procedural or technical mechanisms which would otherwise facilitate deviations or departure therefrom.

However, in another sense, the internal rules can be said to have been made stricter, particularly in the light of S25 of the Regulations which, in conformity with the non-obligatory Article 16 of the Directive, now allows for the reduction or withdrawal of reception conditions under specified circumstances.

Moreover, under the pre-existing REFUGEE LAW, asylum seekers' were afforded the right to apply for a work permit upon receipt of a letter confirming their status as asylum applicants. This might be viewed as being a more favourable state of affairs than that envisaged by the Directive and adopted by the Regulations at national level. (Whereby member states are at liberty to restrict access to the labour market for up to one year from the relevant application date).

## **11. ANY OTHER INTERESTING ELEMENT**

Q.48. What are in your view the weaknesses and strengths of the system of reception conditions in your Member State?<sup>26</sup>

Whilst there is a much- improved theoretical legal framework for implementing a systematic regime as regards reception conditions, there would appear to be much room for improvement in the effective implementation of procedural and practical streamlining lining measures to cater the needs of miners, social conditions in general, access to the labour market, accommodation and the overall welfare of applicants. Stronger governmental support for NGO's would contribute positively and significantly in this regard.

Q.49. Mention any good practice in your Member State which could be promoted in other Member States<sup>27</sup>

Not available.

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<sup>26</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>27</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>27</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Q.50. Please add here any other interesting element about reception conditions in your Member State which you did not had the occasion to mention in your previous answers.