

DEMOCRACY AND HUMAN RIGHTS

CYPRUS AS A NEW REFUGEE "HOTSPOT" IN EUROPE?

Challenges for a Divided Country

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This report examines the refugee and migration situation in Cyprus. During the height of the 2015 "refugee crisis", the country did not witness a significant rise in the number of asylum applications. However, over the last three years, the country received the largest numbers ever recorded.



As a result, the government's approach has shifted towards a more restrictive migration policy – implemented through repressive measures. Recent changes include tougher "border" restrictions and fewer rights within the reception process. From a human rights perspective this is highly problematic.



Despite the newest developments, there is little evidence that Cyprus is becoming a significant new refugee and migration route to Europe.

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1

HOW HAS IMMIGRATION AND ASYLUM TO CYPRUS DEVELOPED AND WHAT ARE THE CURRENT TRENDS?

Cyprus is an island republic with a complex history of conflict located in the most south-eastern region of the Mediterranean, historically adjoining Europe, Asia, and Africa. The two main communities on the island are Greek Cypriots and Turkish Cypriots. Asylum and migration to Cyprus must be understood within the context of its geographical position and its turbulent political and historical setting of the island, in which the “Cyprus problem” as an issue of ethnic conflict between the two communities has prevailed over all other social and political issues since the 1950s.¹ After the Turkish invasion the division of the island in 1974 created new borders. The northern area is the unilaterally declared “Turkish Republic of Northern Cyprus” (TRNC), only recognised by Turkey and administered by the Turkish Cypriots with the backing of the Turkish army. In the south, the area is under control of the Republic of Cyprus, whose government is administered exclusively by Greek Cypriots since 1964. The two parts are divided by a buffer zone known as the “Green Line” (grey on the map), an area under control of the UN.

After the de facto division of the island, the territory under the control of the Republic of Cyprus in the southern part of the country³ experienced an impressive economic growth based on tourism and services (shipping, financial services etc.). This also changed the role of migration. In the 1990s, due to labour shortages the country was transformed from a country of emigration to a migration destination. By focusing on the asylum system, the biggest change, however, occurred with Cyprus’ accession to the European Union in 2004. In theory the whole territory of the island republic is a member of the EU, however, in the absence of a settlement of the Cyprus problem, the implementation of the *acquis* is suspended for the northern part of the island.⁴

ARRIVAL & ASYLUM STATISTICS

Prior to 2004, the asylum system was underdeveloped, with only 454 persons having received refugee status. After the

Map of Cyprus (Blue marked are territories designated as ‘sovereign British bases’)²



1 After the coup by the Greek junta and local paramilitaries, the Turkish invasion and the de facto division of the island in 1974, the regime in the north unilaterally declared independence as the Turkish Republic of Northern Cyprus (TRNC) in 1983; so far only Turkey has recognised it.

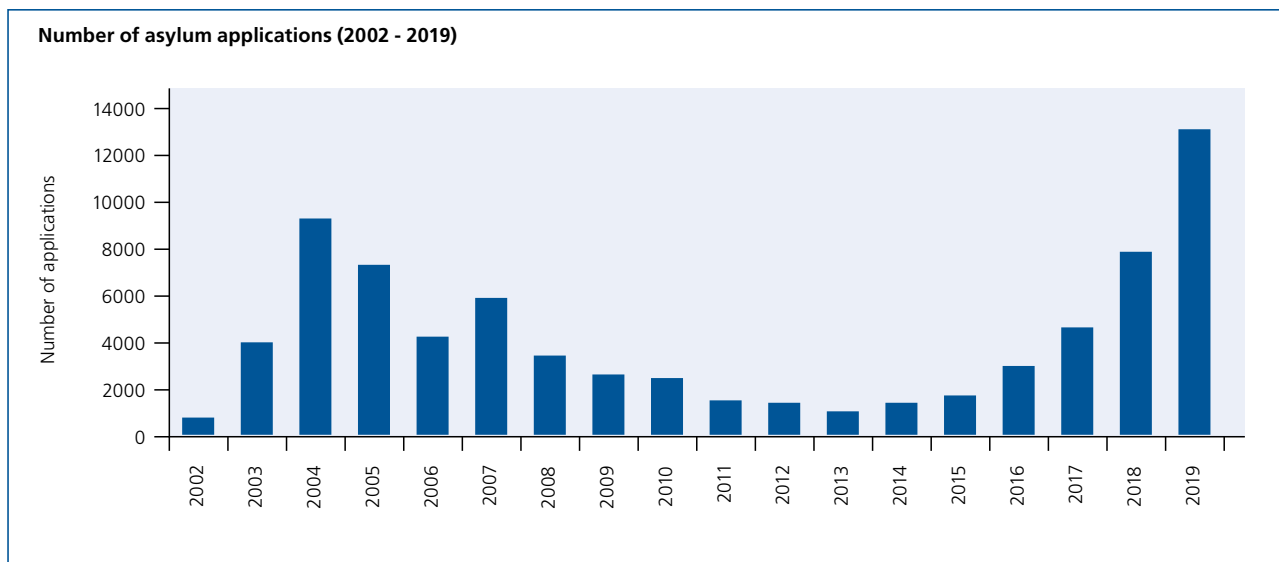
2 <https://www.drivingdirectionsandmaps.com/wp-content/uploads/country-maps/cy-country-map.gif>

3 This report primarily deals with the southern area under the control of the Republic of Cyprus.

4 Regulated by COUNCIL REGULATION (EC) No 866/2004 of 29 April 2004 on a regime under Article 2 of Protocol 10 to the Act of Accession, (OJ L 206 9.6.2004, p. 128). See N. Trimikliniotis, *Report on the Free Movement of Workers in Cyprus in 2012-2013*, National Expert Report for the European Network on Free Movement of Workers within the European Union coordinated by University of Nijmegen’s Centre of Migration, under the European Commission’s supervision, report (2013), available at http://works.bepress.com/nicos_trimikliniotis/41/.

EU accession the country experienced a sharp rise in the number of applications to almost 10,000 persons per year – although applications decreased again afterwards. Since then, even though long delays have been a feature of the Cypriot asylum system, refugees and asylum seekers formed part of the precarious migrant labour force. The figures provided by the Asylum service are as follows:

close to 75,000. However, this does not mean that these are the actual numbers of refugees and asylum seekers in Cyprus today. About 15,000 applications are pending which pertains 17,000 applicants. Additionally, there is a problem at the appeal level of handling old cases leading to a backlog of another several thousand cases.



During the height of the 2015 “refugee crisis”,⁵ Cyprus did not witness a significant rise in the number of applications: 1,373 cases of asylum applications for 2014; 1,730 in 2015 and 2963 in 2016 (Table 1). However, over the last three years, the number of asylum applications started rising significantly, and they even appear to double each year: from 2,936 applications in 2016 to 4,582 in 2017 and eventually 7,761 in 2018. For 2019, the number is 13,200, the highest number ever recorded.

In order to accelerate asylum processes, Cyprus has signed an agreement for a Special Support Plan with the European Asylum Support Office (EASO). Politicians, including the minister in charge, seem to conflate asylum and immigration by describing the agreement as “a very important step towards tackling the migration problem facing Cyprus”, suggesting that the island can no longer handle migration flows alone. The agreement provides €4.5m to Cyprus. Moreover, EASO will increase the number of experts involved in the registration and management of applicants entitled to international protection. The Special Support Plan also provides for a seven-year support of 14 member-states experts, 117 interim officers and 71 interpreters.⁷

With regard to the country of origin, in 2019 the top ten nationalities of asylum applicants in Cyprus came from Syria, Georgia and India:⁶

Syria	2,477
Georgia	1,550
India	1,418
Bangladesh	1,160
Cameroon	1,135
Pakistan	1,104
Vietnam	482
Egypt	472
Nigeria	356
Sri Lanka	340

WAY OF ENTRANCE

Concerning the way of entrance, immigration and asylum officers claim that the vast majority of asylum seekers enter via the “Green Line” after having crossed Turkey.⁸ The division line that cuts across the country is a rather peculiar and blurred regime, particularly with regards to migration, free movement and asylum. It cannot be classified as a proper “border” and has been referred to as a “quasi border”, “soft border” or a “frontier line”.⁹ It is a highly militarised buffer

So far, about 9,500 persons have been granted protection, of whom only just over 1,500 have been granted actual refugee status. The total number of applications since 2004 is now

⁵ See N. Trimikliniotis, *Migration and Refugee Dissensus in Europe: Borders, Insecurity and Austerity* (London: Routledge, 2020).

⁶ Information provided by UNHCR Cyprus.

⁷ EASO (2019), EASO operations to double in size this year, Press release 7th January 2020, <https://easo.europa.eu/news-events/easo-operations-double-size-year>; interview with UNHCR officer.

⁸ Information provided by Asylum Service officer, October 2019.

⁹ N. Trimikliniotis, “Exceptions, Soft Borders and Free Movement for Workers”, in *Rethinking the Free Movement of Workers: The European Challenges Ahead*, eds. P. Minderhoud and N. Trimikliniotis (Nijmegen: Wolf Legal Publishers, 2009); N. Peristianis and J. Mavris, “The ‘Green Line’ of Cyprus: A contested Boundary in flux”, in The

zone regime with variations from check-points to barbed wire – in some areas there are even land-mines. The area, also known as a “dead zone”, covers about 3% of the territory of the country. It was ceded by the Greek Cypriot dominated Republic of Cyprus to the UN for peace-keeping purposes.

The recent rise of asylum applications can be compared to the large increase of applications in the immediate aftermath of the EU accession in 2004. At that time, notwithstanding the “teething problems” of what was a newly-established asylum system of the Republic, the authorities treated the upsurge primarily as an “immigration issue” considering asylum seekers essentially as overstayers, who wanted to prolong their stay. Having such an assumption as a starting point created in turn problems for the asylum procedure as such standard and stereotypical approaches fail to take properly into account the individual circumstances of each application. Today’s increases are, as discussed further down, of a very different nature. Overall, the applications are divided between those who enter from the occupied northern territories or arrive by boat (this group is estimated to make up about 60% of the applications) and those who enter the country with an official permit (student, worker or other visitor visas). Since very few refugees arrived by boat in the south it is fair to say that about 60% of all applicants in 2019 arrived in the Republic via the north.

As a rule, smugglers do not accompany them to the area under the control of the Republic of Cyprus. The direct sea trip to Cyprus, often with unseaworthy boats, is risky, but fortunately very few have lost their lives en route.¹⁰ Nevertheless, persons who decide to flee their homelands face serious risks of extreme human rights abuses at the pre-departure stage and throughout their whole journey, as reports on slave markets, trafficking, rape and torture demonstrate.¹¹ That is why, many applications come from persons who enter the Republic as students, visitors or workers. Hence, the term “mixed migration” is increasingly used to describe the newly

arrived economic migrants and persons eligible for international protection. This blurs the picture of protection that must be afforded to those who ask for it, and often produces negative perceptions amongst the host population.¹²

PUBLIC OPINION

In general, issues relating to the well-being of asylum seekers and their integration do not feature particularly prominently in the Cypriot public sphere, which has been dominated by discussions of the economic crisis since 2013. Recent opinion polls show an improvement in Greek-Cypriot attitudes towards asylum seekers along with the development of a community that is more active, vociferously anti-racist and supportive of migrants.¹³ However, Cyprus is also witnessing the rise of far-right and xenophobic political groups in Europe, including the right-wing extremist party ELAM in Cyprus, which the Council of Europe Committee referred to in its report as a neo-Nazi party.¹⁴ The party is closely linked to the Golden Dawn party in Greece and currently has two seats in parliament.

From a media perspective, there are outlets which systematically depict refugees and migrants negatively and in a xenophobic manner.¹⁵ Foremost, reality is distorted by inflating actual numbers of arrival. Migratory flows to Cyprus are often depicted as a warlike issue or as a matter of national survival. Typical newspaper headlines include the following: “The Migration issue is a serious barrier in the struggle against Ankara”,¹⁶ “Interior Minister: Emerging Crisis on Migration”,¹⁷ “Government Demands EU Intervention: Cyprus SOS on Migration”,¹⁸ “Third Attila”,¹⁹ “Migration is sinking Cyprus”,²⁰

Ashgate Research Companion to Border Studies, ed. D. Wastl-Walter (Abingdon: Ashgate, 2011).

- 10 UNHCR, *Europe Monthly Report*, available at <https://data2.unhcr.org/en/documents/download/72857>; A. Lobet, “Cyprus new route for migrants prepared to ‘die at sea’”, Agence France Presse (2019, July 18), https://news.yahoo.com/cyprus-route-migrants-prepared-die-sea-004051109.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d-3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAI9ughnObmELsYO-qlaGvXNNc8XAUrw3Kgwuy8adc6hFRL83gf7tDAQI5u1qaqUBKdIW-tOkEOf_ptieP5mr_FLVj7Qx9EYgu7_4aiDetbT0FfUuiNkoJJU4O2YBXL1-9zE5bNwErJA_JTXV44PQvX8kwkfa2LmFf_UzSQ3Fu920.
- 11 UN News, “Security Council condemns reported slave trade of migrants in Libya” *UN News*, 7/12/2017, https://news.un.org/en/story/2017/12/638652-security-council-condemns-reported-slave-trade-migrants-libya?fbclid=IwAR1vQFtrFy7U66SCfOfsLoz-FU011ShjvWB_9n969R456GtLxvOT5oNzWo; S. Nebehay, “Executions, torture and slave markets persist in Libya: U.N.”, Reuters (21/3/2018), <https://www.reuters.com/article/us-libya-security-rights/executions-torture-and-slave-markets-persist-in-libya-u-n-idUSKB-N1GX1JY?fbclid=IwAR3ZQIMDMsulRkB3hkU7kKQAuWgl2aypivZ-JYG1m2UpiW1FJiafg9j1wf8E>; M. de Bellis, “Europe’s shameful failure to end the torture and abuse of refugees and migrants in Libya”, Amnesty International (2019, March 7), <https://www.amnesty.org/en/latest/news/2019/03/europes-shameful-failure-to-end-the-torture-and-abuse-of-refugees-and-migrants-in-libya/>.
- 12 For instance, mixed migration is defined as the “cross-border movements of people, including refugees fleeing persecution” and conflict, victims of trafficking, and people seeking better lives and opportunities. <http://www.mixedmigration.org/wp-content/uploads/2019/04/qmmu-me-q1-2019.pdf>
For a critical analysis, Trimikliniotis, *Migration and Refugee Dissensus in Europe*.
- 13 C. Psaltis, I. Kadianaki, A. Nicolaou, and E. Panayiotou, *Perceptions of Cypriots about refugees and migrants: An opinion poll conducted by the University of Cyprus Center for Field Studies (UCFS)*, UNHCR, the UN Refugee Agency in Cyprus, Nicosia (2019), https://www.unhcr.org/cy/wp-content/uploads/sites/41/2019/03/Perceptions_FULL-REPORT-FINAL_8March2019.pdf.
- 14 Council of Europe, *ECRI Report On Cyprus* (fifth monitoring cycle), Adopted on 17 March 2016, Council of Europe (2016, June 7), <https://rm.coe.int/fifth-report-on-cyprus/16808b563b>.
- 15 Council of Europe, *ECRI Report On Cyprus* (fifth monitoring cycle), Adopted on 17 March 2016, Council of Europe (2016, June 7), <https://rm.coe.int/fifth-report-on-cyprus/16808b563b>.
- 16 M. Economidou, «Το μεταναστευτικό τροχοπέδη στη μάχη κατά της Άγκυρας» *Καθημερινή*, 13 Οκτωβρίου 2019, <https://www.kathimerini.com.cy/gr/politiki/to-metanasteytiko-trochope-di-sti-maxi-kata-tis-agkyras>.
- 17 *Phileleftheros*, «ΥΠΕΣ: Εκκολαπτόμενη κρίση το μεταναστευτικό», 20 Νοεμβρίου, 2019, <https://www.philenews.com/koinonia/eidiseis/article/823237/ypes-ekkolaptomeni-krisi-to-metanasteytiko>
- 18 M. Lyssandrou, «Παρέμβαση της ΕΕ ζητά η κυβέρνηση: Το SOS της Κύπρου για το μεταναστευτικό», *Πολίτης* (2019, July 7 July).
- 19 T. Agathocleous, «Τρίτος Αττίλας στη Κύπρο», *Αλήθεια* (2020, January 27).
- 20 T. Nicolaou, «Το μεταναστευτικό βουλιάζει τη Κύπρο», *Η Σημερινή* (2020, February 2).

“Turkish games with refugee flows”.²¹ There is however powerful dissent over the numbers games and the rhetoric of the interior minister, as human rights organisations criticise him for generating a climate of xenophobia and anti-immigrant hysteria.²² There are also critiques articulated about the dehumanising depictions of migrants who are “treated as a problem rather than being treated as humans”.²³

21 M. Papadopoulos, «Τουρκικά παιχνίδια με τις προσφυγικές ροές», *Η Σημερινή* (2020, February 2).

22 D. Palmyris, «Αντιπροσφυγικές εξαγγελίες με πολλά ερωτηματικά», *Χαραυγή* (2019, February 3).

23 V. Zinopoulos, «Όταν αντιμετωπίζεις τον μετανάστη ως πρόβλημα και όχι ως άνθρωπο», *Φιλελεύθερος*, (2020, January 31).

2

HOW EFFECTIVE IS THE GOVERNMENT’S ASYLUM AND MIGRATION POLICY?

In recent years the government’s approach has shifted towards a more restrictive migration policy, implemented particularly through repressive measures. From a strategic perspective the asylum policy can be described as one of “proactive deterrence”, which is tacitly rather than openly debated and directed at making reception conditions for refugees in Cyprus unattractive. The concept is based on the assumption that most asylum seekers are essentially “economic migrants” rather than “genuine refugees”. Hence, by reducing the so-called pull-factors, it is assumed that Cyprus will not attract many asylum applications. Under the current situation, however, the success of these measures is highly questionable. This relates not only to rising arrival numbers but also to the deterrents for asylum seekers and refugees.

ASYLUM DECISIONS

The government policy grants asylum seekers, with few exceptions, subsidiary protection status rather than full refugee status. Subsidiary protection carries less rights and most notably does not permit family reunification. This policy has repeatedly been criticised by UNHCR Cyprus.²⁴ The impossibility to have family members join them in Cyprus has most negatively impacted Syrians, who are in their vast majority the beneficiaries of subsidiary protection. Cyprus was also criticised for lacking the mechanisms to promptly identify applicants with special needs or vulnerabilities, such as victims of torture, trafficking or sexual violence, and for offering no support services to these groups.²⁵

Asylum decisions can be challenged through the appeal system of the court. From 18 June 2019 the International Protection Administrative Court (IPAC) has taken over from the Administrative Court. However, it seems incapable of addressing the massive backlog of 800 reported cases. Expert reports rightly expect further delays, as did happen in 2016 when the backlog of asylum cases was transferred from the Supreme Court to the Administrative Court. The old Refugee Reviewing Authority, which was ruled by the ECHR as an inadequate appeal mechanism, remains in operation as a back-

log authority and can be appealed against at the IPAC court. Nonetheless, it seems extremely slow in reducing the backlog of additional 1,490 cases due to the low number of staff.²⁶ The establishment of a specialised court is in principle a positive development, yet, institutional barriers that hinder access to effective legal remedies remain: First, judges lack specialised expertise nor is there any provision for comprehensive and regular training on the complexities of international protection law; second, the court is not accessible by the vast majority of asylum seekers due to court fees and lawyers’ fees. Thus, legal aid is in practice not available. Taken together with the formalistic, bureaucratic and procedural nature of judicial proceeding bars access to an effective legal remedy.²⁷ Similar concerns are found in cases involving the detention and the return of irregular migrants.²⁸

RECEPTION CONDITIONS

Cyprus has currently one general reception centre (Kofinou) and, since 2019, another EU-funded Temporary Accommodation Centre for vulnerable groups (Pournara).²⁹

- The main centre is under the auspices of the Asylum Service, which can accommodate up to 400 people. It has been operating since 2004. Conditions in the reception facilities are problematic.³⁰ It is located in a remote area

²⁶ See AIDA Report Updated February 2018, <https://www.asylumineurope.org/reports/country/cyprus/overview-main-changes-previous-report-update>

²⁷ Interviews with human rights NGOs and UNHCR officer.

²⁸ Trimikliniotis, N., Demetriou, C. (2020) “Cypriot Courts, the Return Directive and Fundamental Rights: Challenges and Failures”, De Bruycker, P., Cornelisse, G., Moraru, M. (eds.) *Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union*, Hart Publishers.

²⁹ Το Κέντρο Προσωρινής Φιλοξενίας «Πορνάρα», σε ένα εγκαταλειμμένο στρατόπεδο βρίσκεται απομακρυσμένο 20 χιλιόμετρα μακριά από τη Λευκωσία, έξω από το χωριό Κοκκινότριμιθιά. Φιλελεύθερος (2019) «€1 εκατ. για τα κέντρα υποδοχής προσφύγων». 18.10.2019, <http://www.philenews.com/koinonia/eidiseis/article/802075/-1-ekat-ga-ta-kentra-ypodochis-pros-fygn>.

³⁰ ΤΟΠΟΘΕΤΗΣΗ ΕΠΙΤΡΟΠΟΥ ΔΙΟΙΚΗΣΕΩΣ ΚΑΙ ΠΡΟΣΤΑΣΙΑΣ ΑΝΘΡΩΠΙΝΩΝ ΔΙΚΑΙΩΜΑΤΩΝ ΩΣ Εθνικής Ανεξάρτητης Αρχής Ανθρωπίνων Δικαιωμάτων Αναφορικά με τις Συνθήκες Φιλοξενίας και Στήριξης στο Κέντρο Υποδοχής και Φιλοξενίας Αιτητών Διεθνούς Προστασίας στην Κοφίνου, Αρ. Φακ.:

²⁴ UNCHR Cyprus, *UNHCR regrets the lowering of international protection standards in the Republic of Cyprus*, (2014, April 16).

²⁵ UNHCR, Bureau for Europe (2014), *Syrian Refugees in Europe. What Europe can do to ensure protection and solidarity* (2014, July 11).

with poor access to urban centres and integration support services in the outskirts of the village of Kofinou.³¹ It is located within a heavy industrial zone and surrounded by a strong odour of burnt flesh from a nearby animal incinerator, which makes many of the inhabitants sick, particularly new-born children. The centre is poorly served and relies heavily on volunteers and NGOs to provide much needed supplies, language classes and entertainment for children. Following a long period of temporary arrangements, a private company was selected to manage and provide services at the centre.

- The Pournara Temporary Centre has been constructed in the outskirts of the village Kokkinotrimithia.³² It was established to address potential emergency situations connected to a rise in asylum applications.³³ The initial identification and evaluation of vulnerability and health tests are made here.³⁴ Further monitoring is required with regard to the coordination between governmental and civil society actors and the effectiveness of social, psychological and medical services.

There are further problems with reception conditions for asylum seekers and refugees, which must be understood within the broader context of immigration and integration policies in Cyprus. Securing private accommodation has become even more difficult for asylum seekers, the vast majority of whom live in Cypriot cities. The combination of highly restrictive policies relating to the level of allowance, the sharp increase in rental prices, and homeowners' reluctance to rent properties to refugees has resulted in many asylum seekers being homeless or living in appalling conditions. A specific example for this is the introduction of the Guaranteed Minimum Income benefit system which cut benefits to subsistence level and forced asylum seekers and refugees into poverty.³⁵

LABOUR MARKET ACCESS

From 2018 the waiting period for asylum seekers to access the labour market was reduced from 6 months to 1 month. In 2019 the authorities announced an increase in the sectors

in which asylum seekers are allowed to work. However, these sectors are still highly restrictive, e.g. some jobs are only open for asylum seekers if they agree to work at night-time. Moreover, all the jobs are low skilled and poorly paid, which makes it substantially harder for highly skilled asylum seekers to find work. Moreover, no provisions have been made for asylum seekers who are vulnerable or unable to work because of their inability to communicate in Greek. As a result, providing early access to the labour market did not lead to a substantial increase in asylum seekers finding employment. In addition, there are administrative obstacles to access material assistance. Welfare benefits for those unable to work as a result of health-related issues are not sufficient to ensure a dignified living, particularly regarding access to an accommodation suitable for their needs.

GENERAL ASSESSMENT

Overall, the government's response has not addressed its own policy and political shortcomings. Instead it prefers to stir up fear about migrants and refugees and primarily presents the issue as an EU immigration failure. In June 2019, the European Commission against Racism and Intolerance (ECRI), which is the specialised commission of the Council of Europe, published its conclusions on the lack of implementation of its recommendation: ECRI noted with concern that the Commissioner for Administration (Ombudsman) had not carried out any activities aimed at supporting vulnerable groups or communication activities and has not published any reports or recommendations on discrimination issues since 2016. Also, the Commissioner for the Protection of Children's Rights of the Republic of Cyprus criticised the absence of policies to support unaccompanied minors seeking asylum with the transition to independent adulthood and to help them integrate into society.³⁶ The position of refugees, as a special category of migrants, must be understood in the economic model devised after the de facto division of the country. Since the 1990s the labour shortages were met by cheap migrant labour in a service-based economic model, primarily related to tourism. This model reproduces the marginalisation and ghettoization of the vast majority of migrants, rather than their inclusion and participation in society.³⁷ Hence, we must place refugees and asylum seekers as special categories within the anomalous political situation in the country, where the authorities invoke the protracted exceptional or abnormal circumstances due to the "the Cyprus problem". This is referred to as "the Cypriot migration state of exception".³⁸

A/Δ 4 /2019 & A/Γ 1658/2019, [http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/4D199F6AB14F59B-3C2258480002A86E3/\\$file/%CE%91_%CE%94_4_2019_%CE%91_%CE%A0_1658_2019_24092019.pdf?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/4D199F6AB14F59B-3C2258480002A86E3/$file/%CE%91_%CE%94_4_2019_%CE%91_%CE%A0_1658_2019_24092019.pdf?OpenElement)

- 31** This is the village Kofinou which is 40 km away from any city and with poor transportation connections.
- 32** The centre called "Pournara" is located some 20Km away from the capital Nicosia, see "Refugee Crisis", http://www.moi.gov.cy/moi/asylum/asylumservice.nsf/asylumservice22_en/asylumservice22_en?OpenDocument
- 33** The code name is "Nafkratis", http://www.moi.gov.cy/moi/asylum/asylumservice.nsf/asylumservice22_gr/asylumservice22_gr?OpenDocument
- 34** Interviews with officers Asylum Service, UNHCR and human rights expert.
- 35** See Cyprus Refugee Council, *Cyprus Country Report*, AIDA (2018, February), <https://www.asylumineurope.org/reports/country/cyprus/overview-main-changes-previous-report-update>

36 L. Ioannidou, *Koursoumba highlights plight of unaccompanied minors*, *Cyprus Mail* (2019, March 2), <https://cyprus-mail.com/2019/03/02/koursoumba-highlights-plight-of-unaccompanied-minors/>.

37 N. Trimikliniotis and C. Demetriou, *Migrants and their descendants: social inclusion and participation in society*, Cyprus Report, EU Fundamental Rights Agency (2015), available at https://fra.europa.eu/sites/default/files/fra_uploads/social-inclusion-and-migrant-participation-society_cy.pdf.

38 N. Trimikliniotis, N. "Migration and free Movement of Workers: EU Law, Crisis and the Cypriot States of Exception." *Laws*, no. 4: 440-468, 2013 <http://www.mdpi.com/2075-471X/2/4/440>.

The Asylum Service considers that with the full functioning of the Temporary Accommodation Centre there will be some improvement in identifying and supporting vulnerable groups. However, there is still no strategic planning and no adequate structures to reach these goals. As a result of the current conditions, reforming the asylum and migration model is long overdue. Along with improving both the management and the legal appeal system to be more effective, faster and fairer, there is an urgent need to properly integrate asylum seekers, refugees and migrants into society and to ensure decent living standards and the protection of fundamental rights. This means addressing the discriminatory and exploitative migration and labour model which the asylum system has adopted since the 1990s. Stemming from the austerity measures adopted by the Republic since the beginning of the financial crisis in 2012 and 2013, the problems intensified and further produced more discriminatory and exploitative effects on refugees and migrants. The crisis put on hold the first integration package between 2010-2012. The upsurge of the use of negative rhetoric in the political and public discourse, including the negative portrayal of refugees in the media, perpetuates false stereotypes and prejudices against refugees.³⁹ Following the criticism, the government is currently drafting a new integration action plan for 2020.

LATEST DEVELOPMENTS

In November 2019, the government announced that it would enforce stricter controls of the Green Line by amending the Code⁴⁰ for the implementation of the Regulation of the European Council on the Green Line.⁴¹ It was initially proposed to introduce controls for all persons crossing the border; so far Greek-Cypriots citizens of the Republic have been exempted from such controls. The proposed changes extend the ban to third-country nationals (TCNs) with a temporary residence permit and deprives them of the right to cross the checkpoints to the occupied northern territories.⁴² Asylum seekers have not been permitted to cross the border since 2014 which amounts to unlawful discrimination and violates the Community *acquis* on free movement.⁴³ Initial proposals contain provisions that potentially undermine the access to an asylum procedure for those who cross the Green Line. The

main opposition party,⁴⁴ human rights experts⁴⁵ and NGOs⁴⁶ have expressed concern about the new measures, which they consider to be disproportionate, discriminatory and made without any consultation with stakeholders. Apart from the stronger presence of armed police officers in the old city of Nicosia, little has changed in the regime governing the control of the Green Line.⁴⁷

In January 2020 the new Minister of Interior announced a new migration and asylum policy that was discussed with the EU Home Affairs Commissioner, Ylva Johansson, in the margins of the informal meeting of Ministers of Justice and Home Affairs in Zagreb (23 and 24 January 2020). It proposes the establishment of a list of safe countries and the construction of closed EU-funded detention camps, where asylum seekers can be detained until their applications are fully processed. This procedure is supposed to be completed within one month. According to the proposal, the deployment of FRONTEX as a mechanism for the return of migrants to third countries will be utilised for the rejected applications.⁴⁸ The UN and UNHCR are still to be consulted on this matter as well as on the question whether the camps are to be constructed on the territory of the “Green Line”. However, particularly with regard to the current backlog of thousands pending applications at the administrative level, the promise of a speedy handling of the issue seems highly doubtful. Apart from the tough statements that caused strong reactions from human rights organisations, the new proposals do not seem to differ from those of its predecessor.⁴⁹

³⁹ UNHCR (2019) *The Integration of Refugees in Cyprus: Social Inclusion and Discrimination*, Report for workshop on Social Inclusion and Discrimination, UNHCR’s Conference on the Integration of Refugees in Cyprus https://www.unhcr.org/cy/wp-content/uploads/sites/41/2019/12/Call-to-Action_Social-Inclusion_Discrimination.pdf

⁴⁰ Council of Ministers decision 27.11.2019.

⁴¹ COUNCIL REGULATION (EC) No 866/2004 of 29 April 2004 on a regime under Article 2 of Protocol 10 to the Act of Accession. See Trimikliniotis, N. (2009) “Exceptions, Soft Borders and Free Movement for Workers”, P. Minderhoud and N. Trimikliniotis (ed.) *Rethinking the Free Movement of Workers: The European Challenges Ahead*, Nijmegen, Wolf Legal Publishers, pp. 135-154.

⁴² KISA (2019) “Council of Ministers amendments on the green line code in violation of the EC Regulation”,

Dec 1, 2019 <https://kisa.org.cy/ministerial-amendments-on-the-green-line-code-in-violation-of-the-ec-regulation/>

⁴³ Law 58(I)/2014 amended the main Law on Asylum 28(1)/2000.

⁴⁴ G. Loukaides, “Για τις επιχειρούμενες αλλαγές στον κώδικα εφαρμογής του κανονισμού της Πράσινης Γραμμής, Δήλωση Κοινοβουλευτικού Εκπροσώπου ΑΚΕΛ- Αριστερά- Νέες Δυνάμεις Γιώργου Λουκαΐδη”, Akel.org (2019, Nov. 29), <https://www.akel.org.cy/2019/11/29/kanonismo-prasinis-grammis/>.

⁴⁵ Information provided in interview with UNHCR officer.

⁴⁶ KISA (2019) “Council of Ministers amendments on the green line code in violation of the EC Regulation”,

Dec 1, 2019 <https://kisa.org.cy/ministerial-amendments-on-the-green-line-code-in-violation-of-the-ec-regulation/>

⁴⁷ Interview with UNHCR Officer.

⁴⁸ “Cyprus to launch a new migration and asylum policy”, Brief, Cyprus New Agency, 25 January 2020, <https://www.brief.com.cy/english/cyprus-launch-new-migration-and-asylum-policy>

⁴⁹ T. Nicolaou, «Η νέα μεταναστευτική πολιτική της κυβέρνησης», Η Σημερινή, 2 Φεβρουάριου 2020.

3

IS CYPRUS BECOMING A NEW MIGRATION ROUTE TO EUROPE?

In recent EU migration debates it is alleged that after the south-eastern route via Turkey and Greece and the Central Mediterranean route via Italy were partly blocked,⁵⁰ Cyprus has become the new refugee route to the EU.⁵¹ Yet, there is little evidence that Cyprus has become a new route to continental Europe. Cyprus is an island state, it is not a member of Schengen due to its de facto partition. Its “soft border” simply cannot become a “hard EU Schengen border” without cementing the country’s partition. Furthermore, it is located too far east and not thought of as a genuine geographical Eastern Mediterranean route to the EU. Hence, in 2015 during the height of the Syrian crisis Cyprus received one of the smallest numbers of Syrian refugees though Syria is only 100 km away: 1,730 applications for 2015. The combined effect of different factors can explain this: Firstly, Cyprus is geographically too isolated from the EU mainland to be a transit country. Secondly, the economic crisis that hit Cyprus after 2012 combined with government policies to reduce welfare benefits to a bare minimum caused foreign workers, including third country nationals, to leave Cyprus. This made the country an unattractive destination for all, including refugees who already had to pay large sums to flee the war zones. The Cyprus Government provided lesser status than full refugee status to ensure that “there is no pull factor”⁵² through family reunification.⁵³

Furthermore, the increase in the numbers of asylum applications is not as clear cut as often argued by the government and as simplistically depicted in the Cypriot and other European media. There is some validity to the argument that the EU restrictions on the number of asylum seekers reaching EU shores, particularly in the way they were implemented, may

well have some disproportionate impact by burdening EU border countries such as Cyprus. However, this only partly explains why Cyprus is chosen as a route in comparison to other destinations closer to and more accessible from continental Europe and with better prospects for a new secure life and work. Asylum seekers choose Cyprus as a destination, amongst others, due to rising tensions, wars and repressive measures by regimes in the Middle East and Africa. As people are getting more desperate and other destinations seem more difficult to reach, Cyprus is likely to see a further rise in numbers. Therefore, what appears as a peculiarity and paradox of Cyprus facing an increase in numbers while they decline elsewhere must be relativized and scrutinized within the right context over the next months and years. Nevertheless, what can be stated today is that Cyprus is insufficiently prepared for the current development. The country’s asylum and immigrant labour systems are in serious need of reform, together with a necessary broader reform of the Dublin system. These reforms must not only build fast and effective asylum and immigration systems but ensure that these systems properly protect refugees and safeguard migrants’ fundamental rights.

⁵⁰ See EU Council, “Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route”, European Council (2017, February 3), <https://www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration/>.

⁵¹ For the maps of the so-called migration/refugee ‘sea routes’ to the EU, see European Council on Foreign Relations, “Mapping Through the Mediterranean: Mapping the EU Response”, ECFR website, https://www.ecfr.eu/specials/mapping_migration.

⁵² These were the terms used repeatedly by officials and ministers since 2013.

⁵³ T. Karras, “Why migrants are going to great lengths to avoid Cyprus”, *eKathimerini* (2015, September 28), <http://www.ekathimerini.com/201968/article/ekathimerini/news/why-migrants-are-going-to-great-lengths-to-avoid-cyprus>.

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CYPRUS AS A NEW REFUGEE “HOTSPOT” IN EUROPE?

Challenges for a Divided Country

This report examines the refugee and migration issue in Cyprus. The text focuses on the recent increase in the number of refugees, an analysis of the country's reception conditions, and the question of whether Cyprus is becoming – in relative terms – an important route for migration to and asylum in Europe. During the height of the 2015 “refugee crisis”, Cyprus did not witness a significant rise in the number of asylum applications. However, over the last three years, Cyprus has received the largest number recorded. As a result,

the government's approach has shifted towards a more restrictive migration policy, which is implemented through repressive measures. Recent changes include inter alia tougher border restrictions and fewer rights within the reception process aiming to reduce the “pull factor”. From a human rights perspective the situation is highly problematic. Many non-governmental organizations (NGOs) and the UNHCR have criticised current practices in Cyprus for causing undue panic, fear and a climate of xenophobia. A reform of

the asylum and migration model is long overdue. Along with improving both the management and legal appeal levels to make the system more effective, faster and fairer, there is an urgent need to properly integrate and ensure fundamental rights and decent living standards for asylum-seekers, refugees and migrants. Such measures would prepare Cyprus for possible new arrivals.