

CYPRUS: ASYLUM AND MIGRATION IN THE AGE OF THE COVID-19 PANDEMIC

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July 2022

**FRIEDRICH
EBERT** 
STIFTUNG

Since the pandemic, the Republic of Cyprus has instigated a new policy of externalisation in the context of Cyprus via illegal pushbacks of refugees at sea and in land, fencing with barbed wire and surveillance and refusing access to asylum at the crossing checkpoints. These processes impinge on access to asylum in the territory of States in violation of national, EU and international law.

Migration and asylum policy in Cyprus appears to be premised on several policy assumptions, which need to be examined in turn, both in terms of their validity, their effectiveness, as regards the objectives intended, and the actual results. It must be noted from the outset that, despite the fact that migration, in general, and asylum are obviously inter-related, the policy assumptions seem to conflate the two distinct categories as one and the same. In practice, this results in doing away with the prioritised category of persons requiring international protection. This has grave consequences on policy-making and creates a general sense of confusion. The anti-refugee and anti-immigrant discourses and repressive policies adopted have a negative implication on society. It generates a hostile environment, a climate of fear, hate and xenophobia, and it has an adverse effect on the rights of all vulnerable groups.

ASSUMPTION 1: MIGRANTS CAN COME AND WORK IN CYPRUS TEMPORARILY TO FILL IN SOME TEMPORARY LOW-SKILL LABOUR MARKET GAPS AND THEN THEY MUST LEAVE.

FALSE

This assumption dates back to the 1990s when Cyprus first opened its doors to migrant workers. The number of undocumented overstayers suggests that the policy assumption was not only wrong but that the labour market gaps were not temporary at all and were not located only in low skill jobs. The rigid migration permit system providing employers with specific posts to be filled by what policy documents referred to as 'working hands' generated a massively distorted system

of overstayers without a process of regularisation. The fact that there has been no proper pathway for integration has essentially blockaded access to all legal means for long-term residence for the vast majority of third country labour. The national action plan between 2010 and 2012 merely gathered existing disparate policies into one document, rather than genuinely creating a pathway for migrant integration. There has been no action since then, whilst the national action plan awaiting final approval by the Government continues along the same lines: rather than reviewing and correcting existing policies that generate exclusions, discrimination, marginalisation and distortions, it channels funds into various existing governmental institutions, without creating a genuine a pathway for migrant integration.

The consequence of this is the precarious existence of migrant overstayers or persons who left their jobs, of a number of students and others who apply for asylum: This has led to distorted job situations of labour exploitation, sometimes so extreme that it amounts to trafficking. This has also led many economic migrants to resort to the asylum system as a way to escape being exploited and the predicament of having to pay student fees to colleges in order to secure a residence permit.

Who benefits: exploitative employers, colleges that migrants use to be able to work in Cyprus and agents who bring foreign workers to Cyprus. Politically, this benefits the far right, anti-immigration, xenophobic and racist groups.

ASSUMPTION 2: IF WE ERECT NEW BARRIERS TO PREVENT THEM FROM ENTERING THE REPUBLIC OR PROVIDE INHUMANE RECEPTION CONDITIONS, THEY WILL STOP COMING.

FALSE

In recent years, unprecedented numbers of migrants have arrived despite the repressive and preventative measures adopted: pushbacks at land and at sea, barbed wire placed along

the Green Line, Pournara camp converted into a sub-standard prison, bureaucratic obstacles imposed to curtail asylum seekers from accessing benefits, etc. It is more than evident that these measures have not served their declared purpose, which makes one wonder why the government persists with additional measures of this type. After two years of massive overcrowding, now Pournara officially hosts 1800 persons, instead of 1000 that the Government claims it can host. However, releasing people into the community without support, benefits and access to jobs, merely means transferring misery into the community.

The government shifted its migration policy to be more restrictive through more repressive measures, such as tougher border restrictions and fewer rights within the reception process. However, the aim of this policy to reduce the 'pull factor' has not deterred the numbers. Moreover, from a human rights perspective, the situation is highly problematic, as non-governmental organizations (NGOs) and the UNHCR have criticised current practices in Cyprus for causing undue panic, fear and a climate of xenophobia.

The truth is that repressive measures and bad reception conditions do not deter those fleeing persecution or searching for a better life. In the absence of any other reliable information, people fleeing their homes will rely on the information provided by the smugglers, who receive thousands of euros from each person and have every reason to make the product look more attractive than it actually is. Another important dimension of these practices is that most of them are illegal. This creates a climate of impunity around government actions, which receive a moral appeasement from the xenophobic section of public opinion.

Who benefits: smugglers who see a golden opportunity to raise their prices; suppliers of barbed wire and surveillance equipment; populist politicians in power promising to offer jobs to thousands more police officers prior to elections; the far right, anti-immigration, xenophobic and racist groups.

ASSUMPTION 3: THEY ARE FAR TOO MANY ASYLUM SEEKERS FOR A SMALL ISLAND LIKE CYPRUS

UNKNOWN

To be able to say this, we would need to

- Know the real numbers which are now inflated and confusing. The asylum statistics appear to conflate the number of asylum seekers with recognised refugees, some of whom are fully integrated for many years or have moved elsewhere or died, thus artificially raising the numbers. As a result, we have a permanently increasing number of asylum seekers from which no figure is ever deducted.
- Have sincerely tried to integrate them. EU funds, which could have been spent on integration, are being spent instead on projects that have not been independently evaluated and are of doubtful effectiveness, and that

were designed with no real contribution from those affected. Integration processes should also evaluate and be able to impact policies that lead to exclusion, such as policies of access to the labour market, education and training. Only when integration policies and measures are in place and working, can we evaluate the connection between the number of asylum seekers and refugees in comparison with the size of the country.

ASSUMPTION 4: THEY BRING CRIME

FALSE

There is no evidence of higher crime rates attributed to migrants, asylum seekers and refugees. There is however ample evidence of them falling victims to extreme labour exploitation, labour accidents, scams relating to housing rentals.

Who benefits: The far right. The government being enabled to offer more police jobs. Increased policing to suppress political activity of opposition groups.

ASSUMPTION 5: CYPRUS IS BECOMING A SIGNIFICANT NEW REFUGEE AND MIGRATION ROUTE TO EUROPE

FALSE

Whilst there is an increase in the numbers of crossings, asylum applications show that there is little evidence that Cyprus is becoming an important route for migration to and asylum in Europe.

ASSUMPTION 6: TURKEY IS SENDING THEM IN ORDER TO CHANGE OUR DEMOGRAPHIC COMPOSITION.

FALSE

There is no such testimony or other evidence that any person who came to Cyprus was approached by the Turkish government and given incentives in order to seek asylum in Cyprus. There is evidence of Turkish smugglers, but no evidence to connect them with the Turkish government. No one can say for sure whether smuggling is adequately prosecuted by the Turkish government or whether additional surveillance by the Turkish government would lead to fewer arrivals in Cyprus. One needs to always bear in mind, however, that preventing people from accessing a territory in order to seek asylum is in fact a violation of international law. From that perspective it is not legally sound to demand or expect that the Turkish government should actively seek to prevent prospective asylum applicants from reaching the territory of the Republic. Experience has shown that the more obstacles are placed in the way

of prospective asylum applicants trying to reach the asylum territory, the bigger is the role of smugglers and traffickers to provide a service in facilitating access to the territory.

The assumption also falls short of explaining how Turkey benefits from a change in our demographic composition, when societies across the globe are constantly being reformed and reshaped by various forces including immigration.

Who benefits: Anti-Turkish nationalists and partitionists. The far right.

GENERAL RECOMMENDATIONS

The government must launch an inclusive consultative body made up of stakeholders, including migrants, asylum seekers and refugees, NGOs and experts, to propose a comprehensive migration policy premised upon:

- Removing existing obstacles and bottlenecks in the legal migration processes and ensuring a dignified standard of living for third country workers, in line with the EU legal migration directives, including the Long-Term Residence Directive;
- Controlling the activities of the exploiters (including employers and colleges) rather than their victims;
- Ensuring access to territory for the purpose of seeking asylum in line with international law;
- Reviewing policies on access to the labour market to enable a sounder utilisation of skills and talents;
- Ensuring access to education and training as a means to avoid marginalisation and reliance on benefits.
- Examining solutions to address the housing problem and especially the increasing of rents, the bottlenecks in accessing housing benefits and the low quality of the housing on offer.
- Reviewing the policy of long and unnecessary stays inside Pournara. Also, when someone is released, an effective support and benefit system is required as well as access to the labour market.

A COMPREHENSIVE REFORM OF THE ASYLUM AND MIGRATION MODEL IS REQUIRED:

- Improving both the management and legal appeal levels to make the system more effective, faster, and fairer. The extremely small recognition rate after the first interview floods the secondary tier at the appeal level.
- Swift recognition of refugee status for cases clearly fleeing war zones, e.g. there are thousands of Syrians waiting in the backlog. In fact, even Syrians are granted 'subsidiary protection' which is substandard recognition and does not allow them to bring their families.
- Provide accessible legal aid and proper advice to applicants; set up an independent, fast and reliable complaints mechanism to examine complaints for administrative excesses and human rights violations specifically addressing this group of the population.
- Properly integrate and ensure fundamental rights and decent living standards for asylum-seekers, refugees and migrants.

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