

DEMOCRACY AND HUMAN RIGHTS

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

Corina Demetriou and Nicos Trimikliniotis

July 2022



This report investigates immigration and asylum during the Covid19 pandemic years. Invoking the pandemic imposed restrictive and repressive measures to deter and avert asylum applications on the assumption that they are economic migrants and/or sent by Turkey.



Government policies to curtail 'flows' are premised on problematic assumptions: (i) The more barriers erected; the fewer migrants enter. (ii) The more unattractive Cyprus becomes, the fewer asylum applications. However, after the lockdown 'flows' were not reduced. Instead, we locate repressive, externalisation and securitisation policies and a turn towards repressive measures.



The Government launched a new policy of illegal pushbacks at land and sea. These restrictions have not only failed to curb crossings, but they disregard human rights and humanitarian safeguards for international protection and are producing xenophobia. The report finds failing reception conditions and protection for human rights, lack of integration for migrants, rather than the required robust preparation for possible new arrivals.

Contents

EXECUTIVE SUMMARY	4
1. INTRODUCTION: ASYLUM, IMMIGRATION AND THE PANDEMIC CRISIS IN CYPRUS	6
2. A SHARP CHANGE IN IMMIGRATION AND ASYLUM POLICY	12
3. FAMILY REUNIFICATION	15
4. HATE SPEECH AND OTHER ACTS OF HATE	16
4.1 Hate speech.....	16
4.2 Islamophobic attacks on mosques.....	16
4.3 Housing project in Aglantzia for vulnerable asylum seekers.....	16
4.4 The prohibition of settlement in Chloraka.....	17
4.5 The closure of the Phaneromeni school marks a process of gentrification.....	17
5. DRIVING LICENSES FOR ASYLUM SEEKERS	18
6. HEALTH CARE	19
7. AFFORDABLE HOUSING	21
8. RESTRICTING ACCESS TO THE ASYLUM PROCEDURE	23
8.1 The situation at the outbreak of the pandemic.....	23
8.2 Pushbacks at land.....	24
8.3 Pushbacks at sea.....	24
9. REFUGEE CAMPS ARE CONVERTED INTO CLOSED CENTRES	27
9.1 Pournara.....	27
9.2 Amsterdam Court decision.....	29
9.3 New camp at Limnes.....	29
9.4 Kofinou.....	30

10.	UNACCOMPANIED CHILDREN	31
10.1	The situation at Pournara	31
10.2	Xenophobic discourse by the government spokesperson	32
10.3	Guardianship issues	32
10.4	Court decision on age determination	33
10.5	Shelters for unaccompanied minors	33
11.	IMMIGRATION DETENTION	35
11.1	Detention in police stations	35
11.2	Menoyia vs. Pournara	35
11.3	Central prison	35
11.4	Access to justice for detainees	36
11.5	Legality of detention on the suspicion of terrorism	36
12.	RETURN PROCEDURE	37
12.1	Court decision cancelling deportation orders for failure of the authorities to serve them	37
12.2	Deportation statistics	37
12.3	Voluntary returns	37
12.4	Deportations without due process	37
	CONCLUDING REMARKS	39

EXECUTIVE SUMMARY

This Report covers the pandemic years 2020-2021, and it is a follow-up to the previous report, describing the dense developments during this difficult time. In 2020, the situation of third country nationals, in general, and asylum seekers, in particular, changed suddenly and drastically with the outbreak of the Covid-19 pandemic. The number of applications were halved; the pandemic restrictions made travelling harder for asylum-seekers and the Republic of Cyprus refused to accept applications for three months. In 2021, as restrictions started to ease, the numbers went up almost to the levels of 2019 and reached unprecedented levels in 2022, as more restrictions were placed at entry points. The figures from the first five months of 2022 indicate that the trend is likely to continue increasing in spite of the pushbacks, the barbed wires and the dehumanising reception conditions.

The country's location and history, a de facto divided state, where the northern part of the country is under a regime only recognised by Turkey, which retains occupying forces since 1974, is today an important factor that generates problems in managing migration and asylum. The EU Acquis Communautaire is suspended in the northern part of the country, inhabited by Turkish Cypriots, but the Republic of Cyprus, an EU member, which has no effective control of the north, is managing a territory divided by a long ceasefire line, which is not a recognised border. Migrants and refugees from Africa and the Middle East enter the country mostly through unguarded points of the buffer zone; others enter via the sea.

Upon the outbreak of the pandemic, the Government seized the opportunity to introduce measures which could hardly be seen as acceptable before. These included the suspension of the asylum system, pushbacks at land and at sea, the forced transfer of all asylum seekers into camps, the conversion of the camps into closed centres, the placement of barbed wire at certain spots along the buffer zone for the first time and the general lowering of reception conditions. The numbers of asylum seekers dropped significantly in 2020, in spite of Government rhetoric about the rising numbers.

Alongside the repressive measures, which the Government sought to justify on account of the pandemic, the Government introduced a set of new regulations, adopted by a parliamentary majority, aiming at reducing the numbers of third

country nationals. The measures shortened the period for appealing negative asylum decisions, compiled for the first time extensive lists of 'safe third countries', increased inspections of workplaces to combat atypical work, introduced stricter criteria for marriages between EU and third country nationals and prerequisites for third country students. Additional measures were also put in place, adopted from previous years, aiming at reducing the numbers of third country nationals in the country, including the application of financial criteria for the exercise of the right to family reunification and the policy of denying residence permits to children of recognised refugees, born after their parents left their country of origin. The latter was identified by the Commissioner for Children's Rights as a violation of the EU acquis, but nevertheless it remained in place. The Ministry of Transport restricted the right of new asylum seekers and refugees to obtain a driving license, which essentially limited the chances of newcomers to find jobs as food deliverers, one of the few jobs available during the lockdown measures and a key source of jobs for young asylum seekers even after the pandemic. Amidst the picture of increased repression and reduced rights, a migrant integration plan was compiled, which appeared more like an opportunity to absorb EU funds and reinforce the government budget and less of a genuine intention to integrate third country nationals.

The new measures were accompanied by the Government and media rhetoric of inflated asylum figures, connecting third country nationals with crime and groundless allegations that Muslims were being sent by Turkey in order to alter the country's demographic character. Although some of these were identified by the media watch body as instances of hate speech, the Attorney General refused to prosecute the media outlets concerned. The year was further marked by attacks on Islamic mosques and by a local municipality's refusal to allow within its vicinity the operation of a centre for vulnerable asylum seekers, as further manifestations of a societal shift towards xenophobia.

The pandemic revealed and widened the gaps of the health care system, which essentially excluded several categories of third country nationals. NGOs reported gaps in accessing information about the pandemic, tools to protect themselves and emergency care, as well as on practical matters such as how to comply with the lockdown and movement restric-

tions. Although NGOs attempted to bridge some of these gaps, by providing translations of measures and contacting the health authorities on their behalf, they were also experiencing access problems themselves. During the pandemic, remarkable acts of solidarity emerged towards asylum-seekers and refugees by various informal groups.

Finding affordable housing in the community was identified as a major problem for third country nationals, accentuated by the failure of the Social Welfare Services to make prompt payments of government grants, as required by landlords. The homelessness and overcrowded accommodation units, generated by this policy, exposed third country nationals to increased risk of Covid 19. Towards the end of 2020, the Interior Minister prohibited the settlement of asylum seekers in a village in Paphos, in response to local far right rhetoric about 'too many asylum seekers' and 'increased crime' in the area.

Of all the measures introduced in 2020, the pushbacks at sea attracted most international attention and criticism for being blatant violations of international law, putting lives at risk. The criticisms left no mark on the government's policy of pushbacks, which continued throughout the year. Attention from human rights monitoring bodies also focused on the closure of the camps and particularly the Pournara camp, which was not designed for a stay exceeding 72 hours and was instead converted into an overcrowded substandard detention centre, where children are denied their right to education, and unaccompanied minors are forced to share tents with adults. Complaints brought to Parliament by UNHCR about sexual abuse of unaccompanied minors did not impact government policy, which continued to mix unaccompanied minors with adults. In early 2022, unaccompanied minors repeatedly made an exit from the camp, choosing to sleep on the pavement outside a shelter for unaccompanied children and rely on charitable donations rather than return to Pournara.

The pandemic restrictions led to the disruption of recreational activities for unaccompanied children in shelters, who were left alone with nothing to do. Information on protection measures was only supplied to them by NGOs. Unaccompanied minors who entered Cyprus during the first wave of the pandemic were denied access to asylum or to reception conditions.

The pandemic complicated the processing of deportations of undocumented migrants, leading to the overcrowding of the police detention facilities, which were unprepared for this sudden increase and without health protocols. Accessing justice to challenge their detention was also complicated for the detainees at the Menoyia Detention Centre, designated for immigration detainees. NGOs reported delays in the granting of exit permits to attend the court as well as a rise in detentions on the suspicion of terrorism, most of which the court declared to be unfounded.

1 INTRODUCTION: ASYLUM, IMMIGRATION AND THE PANDEMIC CRISIS IN CYPRUS

The pandemic years, 2020 and 2021, saw dramatic changes in the Government policy pertaining to the management of migration and asylum, even though the foundations and trends may be traced from 2019. There was a dramatic intensification of the restrictive and repressive policies, which were there in 2019, only in discursive rhetoric or in embryonic form.

The year 2020 was dominated by the Covid-19 pandemic crisis, which produced further restrictive measures invoking the emergency situation to contain the spread of the virus. Ever since, the Republic of Cyprus, like others in the Mediterranean, such as Italy, Malta and Greece, is openly using push-backs, violating humanitarian and refugee law (UNHCR 2020a). The pattern of invoking the exceptional situation of the pandemic to implement repressive measures, including the widespread detention of asylum seekers in closed structures has become 'normalised' in the Cypriot context, but remains unlawful.

Since March 2020, when the last FES report was produced,¹ important changes warranted an extensive new report monitoring the changes in policy and on the ground. Many of the patterns are extensions of existing policies, practices and discourses predating the pandemic. The backdrop remains that fact that Cyprus' location and history, adjoining Europe, Asia, and Africa, renders it susceptible to turbulence and troubles in the region.² Over the years, education and politics promote a sense of emergency in order to save 'the nation', laying the foundations for xenophobia. The country's de facto division and the fact that the northern part is administered by a regime which is largely unrecognised by the international community shapes migration routes and flows and ultimately structures the management and conceptualisation of asylum and migration policies. Increasingly, migration and asylum issues are entangled with the division issues of the 'Cyprus problem', particularly as regards the crossing of per-

sons through the 'no man's land' dividing the country, the buffer zone known as the 'Green Line' (grey on the map), which is under UN control.

Whilst in theory the entire territory of the country acceded to the EU in 2004, because of the absence of a settlement to the Cyprus problem, the implementation of the EU *acquis communautaire* is suspended for the northern part of the island.³ A controversial issue in 2021 was the placement of barbed wire by the authorities of the Republic of Cyprus at points on the Green Line, reportedly in an effort to curb 'illegal immigration', sparking protests and contestations by farmers as well as criticism about the symbolism of this new practice, *vis-à-vis* the Cyprus problem.⁴ The Government has since ordered expensive surveillance devices and submitted a new bill to Parliament requesting that the police chief be allowed to recruit 300 armed special police officers for up to 28 months to act as border guards of a 'non-border' of the Green Line, to curb what the Government deems as 'immigration flows'.⁵ Opposition MPs and human rights groups are alarmed at the prospect of armed police on the Green Line.⁶ This is likely to further complicate the already complex 'Green Line Regulation', and it runs the danger of 'hardening' the 'soft border' or 'non border' of divided Cyprus. Concerns about securitisation and militarisation of the Green Line, together with pursuing the Government's application for the divided Cyprus to join the Schengen Area, have raised concerns that this would not only mean a toughening of immigration repression at the expense of accessing asylum but it would cement partition by installing a 'hard EU border'.⁷

¹ Nicos Trimikliniotis, *CYPRUS AS A NEW REFUGEE 'HOTSPOT' IN EUROPE? Challenges for a Divided Country*, Friedrich-Ebert-Stiftung (2020). <https://library.fes.de/pdf-files/bueros/zypern/16001.pdf>.

² For the last failed efforts to resolve the problem, see N. Trimikliniotis and G. Kalpadakis, 'Ahead of the five-party meeting: Convergences and bridgeable differences towards the reunification of Cyprus', Working Paper 66 ELIAMEP (2021). <https://www.eliamep.gr/wp-content/uploads/2021/04/Policy-paper-66-Kalpadakis-and-Trimikliniotis.pdf>

³ As provided in Article 1 of the Treaty of Accession of Cyprus to the EU. 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 (2013). http://works.bepress.com/nicos_trimikliniotis/41/.

⁴ C. M. Constantinou, «Το Νέο Συρματόπλεγμα της Νεκρής Ζώνης», *Politis* (16 March 2021). <https://politis.com.cy/apopseis/to-neo-syrmatopegma-tis-nekris-zonis-toy-kosta-m-konstantinoy/>

⁵ 'Cyprus | 300 Special Police Officers for Green Line surveillance', *Defence Redefined* (13 May 2022).

⁶ Nick Theodoulou, 'New bill seeks to hire 300 officers to police migrant flows on Green Line', *Cyprus Mail* (11 May 2022).

⁷ Loukianos Lyritsas, 'The Green Line in Cyprus in the Schengen area', *DW*, 4 February 2022.

Figure 1
Map of Cyprus (Areas marked in red are territories designated as 'sovereign British bases')



In 2019, the Government applied to join Schengen⁸ yielding a negative response from the European Union's Home Affairs Commissioner.⁹ The Government, which is poised to pursue the application to join Schengen, has nevertheless managed to push through Parliament a legislation that harmonizes the Republic of Cyprus with Schengen and installs a National In-

formation System for the purposes of denying entry and residence to third-country nationals in the Member States. The purpose of the legislation is to 'address migration flows and prevent the entry of malicious elements' and consequently proceed with the accession of Cyprus to the Schengen Area.¹⁰

Figure 2
A view of the barbed wire at the village of Astromeritis in the Nicosia district.



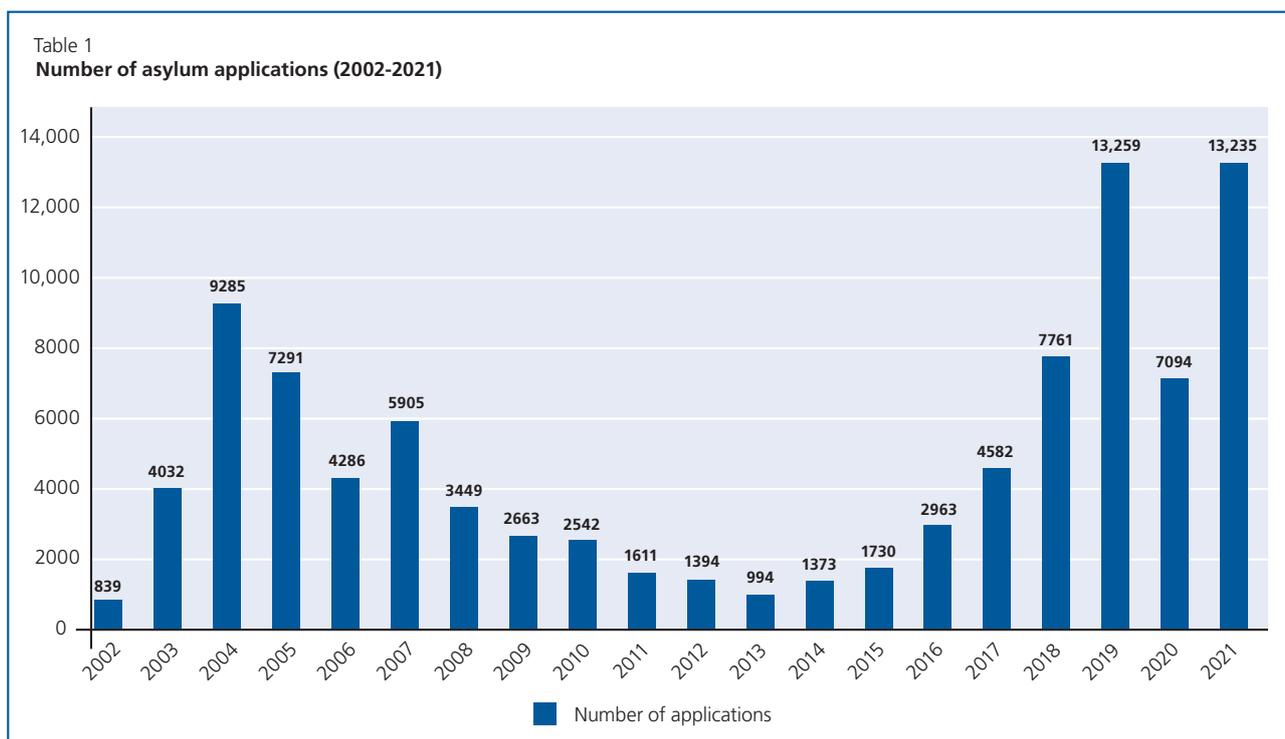
⁸ 'Cyprus MFA: We Applied for Schengen Membership in September', *Schengenvisainfo news*, 5 November 2019.

⁹ 'EU: Cyprus Not Ready to Join Schengen Zone', *Schengenvisainfo news*, 3 June 3, 2021

¹⁰ Loukianos Lyritsas, 'The Green Line in Cyprus in the Schengen area', *DW*, 4 February 2022.

As noted in the 2020 FES Report for 2019,¹¹ during the height of the 2015 ‘refugee crisis’,¹² 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 2,936 in 2016 (Table 1). However, between 2016 and 2019, there was a sharp rise in the number of asylum applications, from 2,936 applications in 2016 to 13,200 in 2019, which was the highest number ever recorded. In 2020 the number was halved to 7,094 applications, yet, the discourse on the ‘necessity to curb illegal immigration’ not only continued unabated but was intensified and expedited ‘emergency’ restrictive measures and curtailed the rights of asylum-seekers, as analysed in the main part of this report.

Arrivals to Cyprus: Like in 2019, in 2020, immigration and asylum officers claim that the vast majority of asylum seekers enter through the Green Line after having crossed Turkey.¹⁴ The division line is a ‘quasi border’, a ‘soft border’ or a ‘frontier line’, which the Greek Cypriot dominated Republic of Cyprus ceded to the UN for peace-keeping purposes.¹⁵ Asylum officers estimated that up to 60% of all applications for asylum come from persons who cross over from the north.¹⁶ Also, many applications come from persons who enter the Republic as students, visitors or workers. The direct sea trip to Cyprus, often via unseaworthy boats, is risky, and many have lost their lives en route. The term ‘mixed migration’ is increasingly used to describe the newly arrived economic migrants



During 2020, the European Asylum Support Office or EASO (now called European Union Agency for Asylum, EUAA) offered significant financial support, worth €4.5m, to Cyprus in order to speed up the asylum process. It provided for 80 experts involved in the registration and management of applicants entitled to international protection. However, the numbers of pending applications have actually increased. The following table from the Asylum Service of the Ministry of Interior illustrates the inefficiency in handling the applications.¹³

Year	Applicants	Negative decisions	Refugee status	Subsidiary protection	Pending persons
2020	7094	1730	147	1496	1895
2019	13648	2053	147	1149	17171

and persons eligible for international protection. This purposely or inadvertently blurs the picture of protection that must be afforded to those who ask for it, and often produces negative perceptions amongst the host population.¹⁷

In 2021, there was an increase in the numbers of asylum applications, in comparison to previous years, but the reasons for this rise are more complicated than the conspiratorial ver-

¹¹ Nicos Trimikliniotis, *CYPRUS AS A NEW REFUGEE ‘HOTSPOT’ IN EUROPE? Challenges for a Divided Country*, Freidrich-Ebert-Stiftung (2020). <https://library.fes.de/pdf-files/bueros/zypern/16001.pdf>.

¹² See N. Trimikliniotis, *Migration and Refugee Dissensus in Europe: Borders, Insecurity and Austerity* (London: Routledge, 2020).

¹³ *Asylum Service*, Ministry of Interior, Cyprus.

¹⁴ Information provided by Asylum Service officer, December 2020.

¹⁵ 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 Ashgate Research Companion to Border Studies*, ed. D. Wastl-Walter (Abingdon: Ashgate, 2011).

¹⁶ Interview with Immigration official, September 2019. In the past, officers spoke of 90% but this has changed.

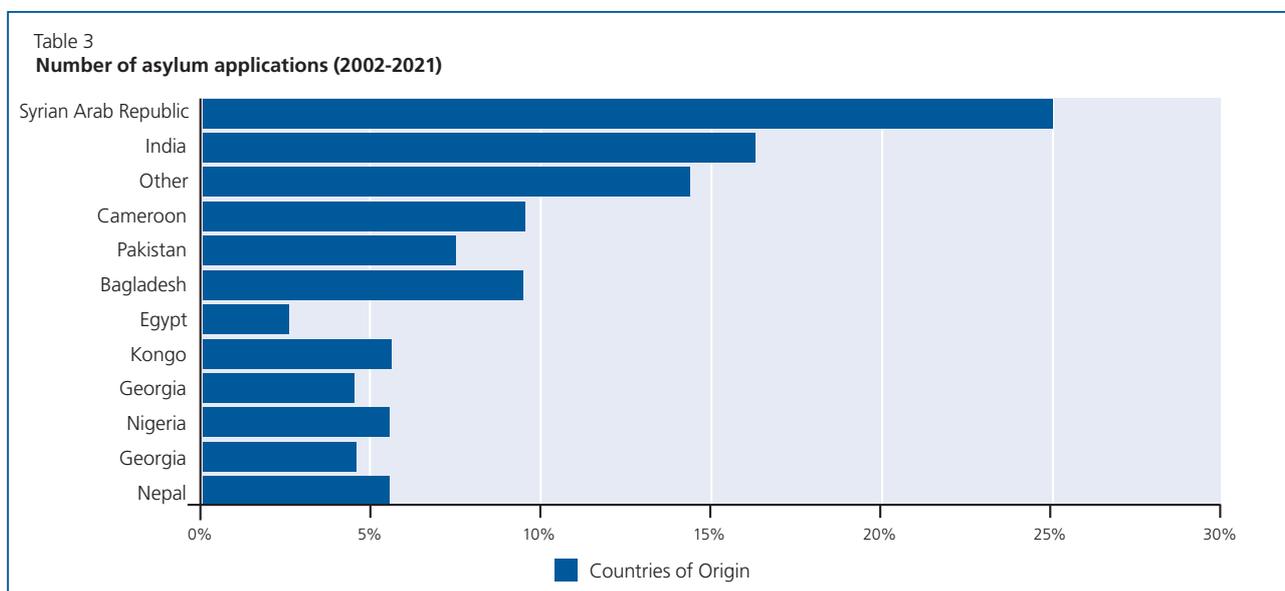
¹⁷ For instance, mixed migration is defined as the ‘cross-border movements of people, including refugees fleeing persecution’ and conflict, victims of trafficking, and people seeking better lives and opportunities. <http://www.mixedmigration.org/wp-content/uploads/2019/04/qmmu-me-q1-2019.pdf> For a critical analysis, see, Trimikliniotis, *Migration and Refugee Dissensus in Europe*.

sions of a ‘hybrid war’ waged by Turkey, cited by politicians and journalists. There is some validity to the argument that the EU restrictions on the number of asylum-seekers reaching EU shores, particularly in the way it was achieved, may well have some disproportionate impact by burdening EU border countries, such as Cyprus. However, this fails to explain why Cyprus is chosen as the route in comparison to other destinations closer and more accessible to continental Europe, where there are better prospects for a new secure life and work. Asylum seekers may choose Cyprus as a destination due to rising tensions, wars and repressive measures by regimes in the Middle East and Africa, or for other reasons. As people are getting more desperate and other destinations seem more difficult or more expensive 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, always checking our sources of data, as the numbers and ratios parading in the media and sometimes stated by officials are not always accurate. 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.¹⁸ This explains why despite the tough anti-immigration rhetoric, policies and barriers in the form of aversion measures on land and at sea (including illegal pushbacks) and the generation of a hostile environment, has not dented increasing numbers of people from seeking refuge in Cyprus. In the absence of policies and mechanisms to address labour trafficking, economic migrants also turn to the asylum system as a means to escape modern slavery. And in the absence of policies of legalisation of overstayers, inevitably some overstayers will also resort to the asylum system as a means to extend their stay.

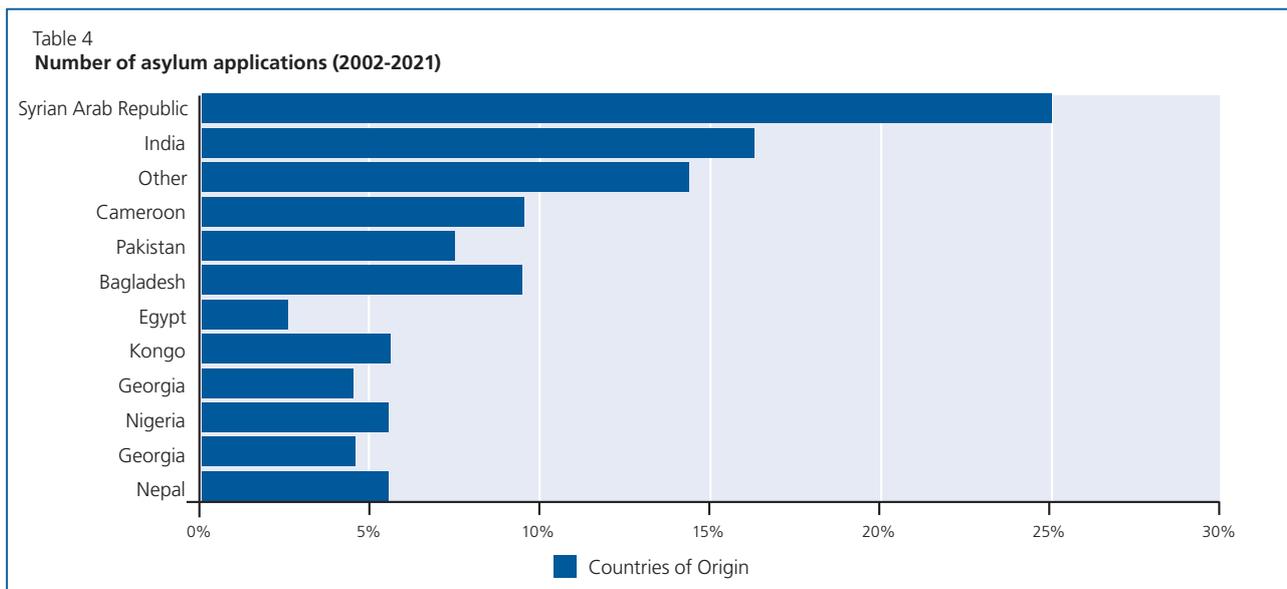
Countries of origin: The patterns of the countries of origin have not changed dramatically since 2019. The top ten nationalities of asylum seekers in 2020 were the following: Syria, India, Bangladesh, Cameroon, Pakistan, Egypt, Vietnam, Iraq, Georgia and Sri Lanka.

The following are figures from the Asylum Service of the Republic of Cyprus:¹⁹

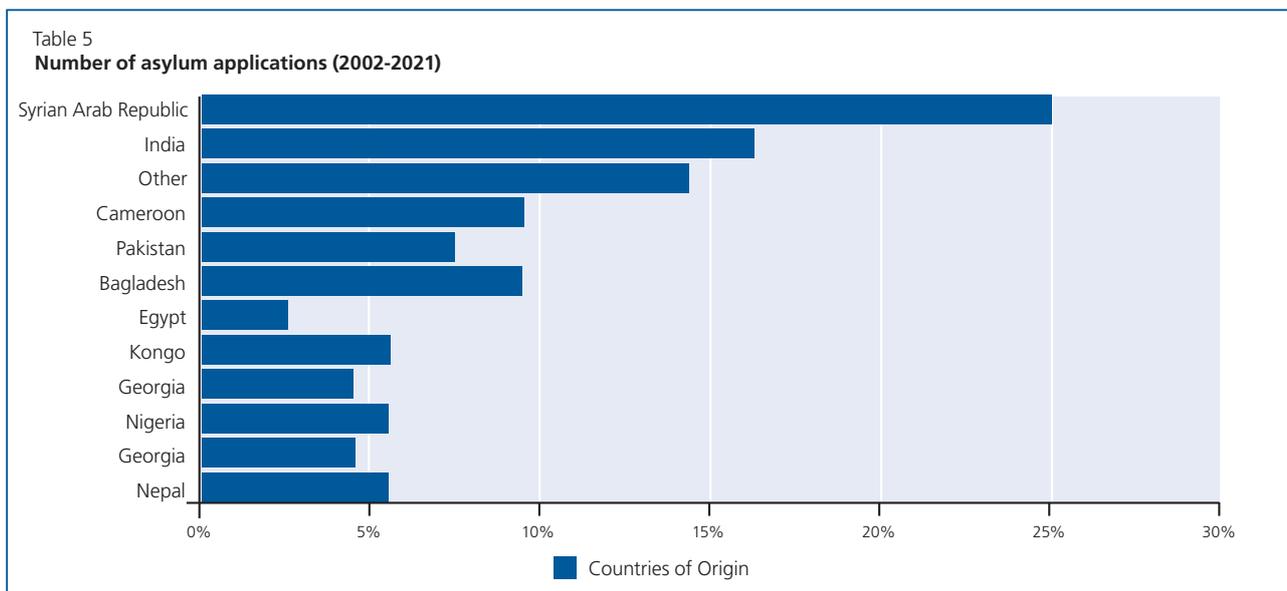


¹⁸ This was the conclusion in 2020, just before the pandemic hit us, see, Trimikliniotis, *Migration and Refugee Dissensus in Europe*.

¹⁹ The country listed as Kongo refers to the Democratic Republic of Congo.



In 2020, the situation of third-country nationals and asylum seekers changed suddenly and drastically with the outbreak of the Covid-19 pandemic: the number of applications were halved, as the pandemic restrictions made travelling harder for asylum-seekers. The Republic of Cyprus refused to accept applications for three months. Also, reception conditions seriously deteriorated. In 2021, the numbers went up to the level of 2019, as shown in the table below:²⁰



²⁰ Based on the official figures provided by the Asylum Service of the Republic of Cyprus. The Asylum Service, the department of the Ministry of Interior responsible for asylum-related statistical collection in Cyprus. The below statistics have been provided by the Asylum Service, see AIDA (2022) *Cyprus Report, Update 2021*, Asylum Information Database (AIDA), ECR, p.7)

Table 6

Applications and granting of protection status at first instance: 2021

	Applicants in 2021	Pending at end 2021	Refugee status	Subsidiary protection	Rejection	Refugee rate	Sub. Prot. rate	Rejection rate
Total	13,773	18,808	291	1,983	9,962	2.38%	16.2%	81.4%

Breakdown by countries of origin of the total numbers

Syrian Arab Republic	3,051	5,525	24	1,913	6	1.24%	98.5%	0.3%
DR Congo	1,723	2,183	6	5	233	2.5%	2%	95.5%
Nigeria	1,555	1,793	9	0	498	1.8%	0%	98.2%
Pakistan	998	525	3	0	1,327	0.2%	0%	99.8%
India	986	709	0	0	2,117	0%	0%	100%
Cameroon	775	2,529	48	0	407	10.5%	0%	89.4%
Bangladesh	686	291	4	1	1,922	0.2%	0.1%	99.7%
Somalia	677	840	18	32	32	21.9%	39%	39%
Nepal	619	682	0	0	471	0%	0%	100%
Sierra Leone	460	574	0	0	51	0%	0%	100%

Source: Asylum Service.

The total number of applicants includes subsequent applications. The number of first-time applications was 13,235. Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years. "Rejection" only covers negative decisions on the merit of the application, not including inadmissibility decisions.

Table 7

Gender/age breakdown of the total number of applicants: 2021

	Number	Percentage
Total number of applicants	13,773	-
Men, incl. children	N/A	N/A
Women, incl. children	N/A	N/A
Children	N/A	N/A
Unaccompanied children	659	N/A

Source: Asylum Service.

Table 8

Comparison between first instance and appeal decision rates: 2021

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	14,868	-	3,680	-
Positive decisions	1653	11.1%	13	0.3%
• <i>Refugee status</i>	181	1.2%	7	0.1%
• <i>Subsidiary protection</i>	1,472	9.9%	0	0%
• <i>Order to Review*</i>	n/a	n/a	6	0.10%
Negative decisions	9,555	64.2%	2,549	69.2%
Subsequent application (inadmissible)	1,796	12.1%	n/a	n/a
Withdrawals (implicit/explicit)	1,806	12.1%	1,118	30.3%

*If the International Protection Appeals Court accepts the appeal, the decision of the Asylum Service will be cancelled. However, the Court has the jurisdiction to return the decision to the Asylum Service to be reviewed or it may grant refugee status or subsidiary protection.¹

1 Article 11 IPAC Law.

Source: Asylum Service and IPAC.

2

A SHARP CHANGE IN IMMIGRATION AND ASYLUM POLICY

The outbreak of Covid-19 was a crucial factor in generating and extracting political and societal consent for a sharp policy change and a marked deterioration of conditions for asylum seekers and migrants on the ground. Along with the closure of the borders, access to the asylum procedure was restricted, as refugee camps were overnight converted into closed structures, became overcrowded and lacked basic services. This period signalled for the first time the reporting of pushbacks both at land and at sea.

NEW PRACTICES

Migrants living in the community also faced a tough predicament. As the NGO Cyprus [Stop Trafficking](#) noted, there were about 17,000 migrants in Cyprus living in overcrowded private apartments, many of whom were irregular, who were not informed about protection measures, restrictions or what to do if they fall sick. The NGO stated that it put the question to the Ministry of the Interior, which responded that the instructions have been posted in English on the government website, which essentially meant that the government washed its hands as regards the consequences, without any plan on what to do if anyone in the crowded apartments fell sick. Cyprus Stop Trafficking runs two shelters for victims of trafficking, one of which accommodates women, alone or with children, who are not registered in the public health system. The group wondered what it would do if anyone staying there caught Covid. The NGO stated that the government should have printed information leaflets in all the languages spoken by migrants in Cyprus and supplied them to migrant support NGOs who are in contact with the migrant population.

Shortly after the outbreak of the pandemic and the imposition of the first lockdown, asylum seekers residing in hotels paid for by the government were transferred to Pournara. Persons of African origin were apprehended by the police in the streets, under circumstances that suggest racial profiling, and were transferred to Pournara without being able to pack their things from their apartments. UNHCR collected the personal stories of these people and sent them to the Asylum Service, showing that not all were staying in hotels, some were staying in apartments. After weeks, UNHCR received letters from the residents saying that they were still without their personal belongings. The unofficial justification was

that they did not conform with protection measures. It is believed that the involuntary transfer of asylum seekers from their place of residence to Pournara was a policy intended to reduce costs.

A NEW IMMIGRATION POLICY

Even before the outbreak of the Covid-19 pandemic, the Council of Ministers had planned to take measures to reduce the numbers of new arrivals, as a result of the increasing number of asylum applications. The measures were subsequently presented as protecting public health, because of the Covid-19 outbreak. The ministry compiled these measures in an [action plan](#) and published them in early March 2020. The list was not intended to be exhaustive of all measures which the government would take but listed the following:

- Shortening the time to examine asylum applications by increasing the number of persons examining applications to 69.
- Accelerating the procedures by reducing the timeline foreseen for appealing a negative Court decision.
- Compiling a list of safe countries to separate the profoundly groundless applications. Applications from 'safe countries' will be examined with accelerated procedures within ten days. At the same time, a deportation order will be issued against applicants from 'safe countries', which the applicant will have the right to appeal.
- Introducing draft legislation to curb the phenomenon of bogus marriages.
- Applying strict criteria, as of September 2020, for the enrolment of third country students at colleges and universities.
- Revising government policy on welfare grants and housing allowances to asylum seekers.
- No longer renting residences or hotel rooms in order to accommodate asylum seekers. Instead, the only accommodation to be offered would be inside closed structures.
- Institutionalising the collaboration with the European Border and Coast Guard Agency (FRONTEX) for the return of rejected asylum seekers. The government additionally applied to FRONTEX to guard its borders and particularly those in the northern part of the country

- between the occupied shoreline and Turkey.
- Intensifying the inspections for combating illegal work and exploitation of migrants.
- Having the Interior Ministry collaborate with local governance to inspect the places where migrants stay and prosecute landlords who provide unsuitable premises.
- Setting up a new structure to accommodate up to 600 asylum seekers until their applications are determined.
- Reopening and using the wings of the Menoyia Detention Centre, which had remained closed all these years, to detain migrants awaiting deportation.
- Setting up a new unit specialising in returning migrants to their countries of origin.

Syrians entering Cyprus through Turkey were classified by the government as ‘secondary applications’ and therefore a ‘no-claim’ category. The Attorney General was reportedly not consulted on the legality of this measure and made no public intervention about it. In the months that followed, the Interior Minister classified Syrians arriving from Lebanon in the same ‘no-claim’ category and refused them access to the asylum procedure. This contrasts sharply with the treatment afforded to Ukrainian refugees in 2022, who were welcomed despite coming from another EU country (e.g., Poland), to which they had to flee.

In June 2020, the Interior Ministry presented his [new immigration policy](#), which consisted of changes, essentially restricting access to asylum. The new policy sought to introduce restrictions in four areas which the Ministry considered to be sources of unfounded asylum claims:

- (a). *Third country students*: In order to combat the phenomenon of students applying for asylum, very strict conditions for the registration of third country students will be introduced. Under the new criteria, students will need to provide a bank reference letter on their ability to cover the fees for the first college year. They will also have to sign a statement that the reason for travelling to Cyprus is not fear of persecution in their country. They will need to provide proof of a good knowledge of English, either through internationally recognized certificates or through an oral examination. Their right to work will be restricted to the industry connected to their subject of study. Finally, each college will have a restriction on the number of foreign students it can register per academic year.
- (b). *Marriages between third country nationals and EU nationals*: In order to combat the phenomena of bogus marriages for the purpose of securing the right to remain in Cyprus, permission to conclude a marriage will have to be obtained from the Interior Ministry. Municipalities who are found guilty of having conducted a bogus marriage will lose the right to conduct any more civil weddings.
- (c). *Applications from ‘safe countries’*: A list of ‘safe countries’ is compiled and all applications from these countries will be considered as manifestly unfounded unless

the applicants show that their lives are at risk if they return there. As of 1 July, the team of examiners of asylum applications will be reinforced with 30 persons aiming at completing the assessment of ‘manifestly unfounded asylum applications’ within ten days. The [list of safe countries](#) comprises the following: Albania, Montenegro, Serbia, North Macedonia, Bosnia Herzegovina, Georgia, Ghana, India, Bangladesh, Pakistan, Sri Lanka, Vietnam, Philippines, Nepal, Morocco, Algeria, Tunisia, Senegal, Gambia, Egypt and Nigeria.

- (d). *Shortening of deadlines*: The timeline of 75 days for filing an application for judicial review of the asylum rejection will be reduced to 15 days. The timeline for appeals will be reduced from 42 days to ten. A deportation order will be issued automatically with the rejecting decision and its execution will be suspended until the appeal is heard.
- (e). *De facto detention until examination of the asylum application*: A new detention centre was to be set up in Menoyia, close to the current detention centre for immigration detainees. Asylum applicants will be obliged to reside there until their asylum application is determined.

The amendments are likely to have a serious impact on the asylum procedure, because of the risk that all or most applications will be classified as ‘manifestly unfounded’. The list of ‘safe countries’ includes most countries found in the safe country lists of other countries but also seven or eight countries that do not appear in any other safe country list. Stakeholders expressed concern that the shortening of the procedures for the examination of applications from ‘safe countries’ could mean that less attention will be paid by the examiners, who will inevitably focus on assessing the application as quickly as possible.

The list compiled by the Ministry does not include any reservations for the fact that, even in the absence of war, persecution for religious beliefs or sexual orientation is still a possibility. Other asylum destination countries which had listed Nepal as a safe country did so with a gender claims reservation, indicating that it may not be safe for women, or with a geographical reservation, indicating that it may not be safe in all areas. Nigeria is also part of the Cypriot list of safe countries, despite the fact that Boko Haram is active in the north, LGBTI persons are criminalized and there is significant human trafficking taking place. The presumption that applications from safe countries are ill founded shifts the burden entirely onto the applicant to prove that persecution is well founded. UNHCR believes that the burden of proof should, in fact, be shared between the applicant and the state, as the state is bestowed with an investigative role to enquire whether there are state obligations stemming out of international conventions it has ratified. According to [media reports](#), the Cypriot government is considering adding Turkey to its list of ‘safe third countries’, so as to restrict asylum applications from Kurds and Turks. The government is reportedly examining the adoption of the Danish model for Syria, which divides

Syria into regions, characterising them as ‘safe’ or ‘war zones’, in order to enable them to return Syrian nationals with an international protection status in Cyprus to ‘safe’ parts of Syria. A ECtHR decision against Russia established that returns to any Syrian territory continue to be unsafe.

A senior human rights lawyer criticised the shortening of the timeline for appeals, highlighting the fact that some applicants will be deported before they manage to file their appeal within the reduced timeline. He added that the Constitution must always be approached with respect and must not be amended for the purpose of merely satisfying the naïve. If the aim is to address long period it takes to examine the manifestly unfounded applications, this could have been remedied through reducing the time needed by the court, which often exceeds 24 months, rather than restrict the rights of applicants.

In early September 2020, the Interior Minister [tabled in Parliament](#) his proposals in order to implement his new immigration policy declared in June 2020. The bills proposed (i) amending the Constitution in order to sanction the adoption of legislation to shorten the deadline of 75 days foreseen in the Constitution for all applications for judicial review; (ii) amending the law to reduce the timeline for appeals before the Court of International Protection against negative asylum decisions from 75 days to 30 and for accelerated procedures down to 15 days; and (iii) amending the laws on refugees and immigration in order to enable the government to issue a deportation order at the same time an asylum claim is rejected as a single administrative act. All bills were adopted by a majority vote.

The NGO [KISA criticized](#) the new policy for failing to address important issues of migration such as integration, infringement of rights, labour rights violations. KISA expressed concerns that the Interior Minister did not appear to understand the difference between immigration and that the number of asylum seekers was presented as 34,000 instead of 19,000. KISA criticized the shortening of the deadlines as a measure that infringes the right of access to effective judicial remedy and closing asylum seekers in a camp pending determination of their asylum applications as violations of the EU asylum acquis.

ABSENCE OF A COMPREHENSIVE INTEGRATION POLICY

There is little space in the government’s immigration policy for integration measures. The policy aim is clearly geared towards exclusion and marginalization as a means of addressing the increased number of arrivals, in the hope that prospective applicants may be discouraged from seeking asylum in Cyprus by the low reception conditions. Towards year’s end, a [national migrant integration plan](#) was compiled utilising EU funds. In November the draft plan was subjected to stakeholder consultation and was presented in public in December, pending its formal adoption by the Archives Population and Immigration Department in 2021. The plan is based on eight priority areas, none of which relate to the integration problems already identified by NGOs working on the ground with migrants, asylum seekers and refugees. The plan’s priority areas include recognising and certifying migrants’ knowledge and skills; training migrants; sensitising the host society, including actors involved in integration, about migrants; facilitating migrants to access the welfare state; protecting the human rights of vulnerable migrants and refugees; and developing integration tools.

3

FAMILY REUNIFICATION

Applications for family reunification remain at very low levels, and they experience significant delays, as the government continues to grant most eligible applicants only subsidiary protection rather than refugee status. Subsidiary protection, as interpreted by Cypriot authorities, does not carry the right to family reunification. Long delays and additional obstacles are experienced by recognized refugees, as in some cases the Asylum Service applies financial criteria, contrary to the EU guidelines and recommendations on family reunification. Even where the Ministry of Interior approves an application for family reunification, the Cypriot Consulate in the country of residence of the family members may refuse to issue the entry visas without justification and without conducting their own investigation.

According to a change of policy introduced in 2019, children born after their parents left their country of origin or born to parents who married in Cyprus, are no longer automatically entitled to receive the status granted to their parents. This change, which affects a great number of families with a long presence in Cyprus, undermines the family unity of international protection beneficiaries and leads dependent members either to remain in legal limbo or to apply for a special status that is not compatible with their factual conditions and rights. In late 2020, the Asylum Service informed the Cyprus Refugee Council that they were seeking the Attorney General's opinion on the transposition of the relevant EU Directive and the interpretation of the term 'family member' in the context of beneficiaries of international protection. The Cyprus Refugee Council filed a case in court, on behalf of a single mother who got pregnant and gave birth in Cyprus, for the failure of the authorities to grant international protection to her child. The Asylum Service had decided to grant the mother's status to the child and the immigration authorities refused to implement this decision. The Cyprus Refugee Council submitted complaints against the asylum and immigration authorities to the Commissioner for Children's Rights on behalf of a number of families affected by the new policy, whose children were left without a status even though the parents had been granted international protection. The Commissioner for Children's Rights concluded that there was a legislative gap regarding the permits of family members of persons with international protection, leading to infringement of the Convention on the Rights of the Child and contrary to articles 8 and 14 of the (European Convention on

Human Rights (ECHR). The Commissioner for Children's Rights attributed the legislative gap to a wrongful transposition of Directive 2003/84/EC on family reunification and called on the Asylum Service to coordinate efforts for amendment of the regulations regarding family unity and reunification of refugees by enlarging the definition of the term 'family member' in the transposing legislation so as to include children born in the country of residence.

Despite promises by the authorities that this problem would be resolved, the policy of denying residence permits to children born after their parents left their country of origin or born to parents who married in Cyprus, persisted. During 2020, residence permits were denied to persons with a stay of over ten years in Cyprus pursuant to this policy. The loss of the residence permit led to job losses, because employers are afraid to employ people without permits, and to increased reliance on state assistance by the persons affected.

4

HATE SPEECH AND OTHER ACTS OF HATE

No instances of violent, racist or xenophobic crime were reported by the media or by any organisation in 2020. This is hardly surprising, given the prevailing conditions and the repeated lockdowns, but also the conditions of poverty and repression generated by the pandemic, which must inevitably leave their mark on underreporting, were already prevalent from previous years. The only organisation recording racial incidents in Cyprus is the police, whose [record](#) appears to suffer from underreporting and is updated with considerable delay; the last available record is for the year 2019. According to the police record for the period 2005-2019, the vast majority of complainants, almost one-third of the total, are Greek Cypriots themselves, which is in itself evidence that the statistics do not accurately record reality on the ground.

4.1 HATE SPEECH

During 2020-1, migrants and refugees were at the centre of several media articles, owing to repeated statements made by the Interior Minister claiming there was a sharp rise in their numbers and emphasising the need to deter new arrivals and restrict applications. The media would reproduce official statements depicting migrants as an imminent threat and as stooges of the Turkish government, directed to come to Cyprus in order to alter the country's demographic character. In a statement to the media, the UNHCR [criticised](#) the Interior Minister and an MP of the ruling party who stated that jihadists and terrorists reside in Cyprus, even though this was subsequently disputed by the Chief of Police. UNHCR further criticised the NGO Observatory of Third Age, which had warned the elderly to be careful of migrants who, through their attitudes and activities, terrorise residents and particularly the elderly. UNHCR referred to the negative role played by the media who demonise refugees, contributing to the construction of an intolerant and hostile public opinion, and cultivating the ground for racism and xenophobia.

In May 2020, the Journalistic Ethics Committee issued four decisions against media outlets for articles with racist overtones and presentation of false data regarding the numbers of migrants in Cyprus. In one decision, the Journalistic Ethics Committee identified hate speech in a newspaper article describing migrants and refugees as 'the Third Attila'. The complainant referred the decision to the Attorney General, asking him to prosecute the newspaper for hate speech; the Attor-

ney General rejected this complaint, stating that the investigation conducted by the police did not reveal that any crime was committed by the newspaper. Generally speaking, the Journalistic Ethics Committee will condemn racist discourse in newspapers as contrary to the Journalists Code but will uphold the publicization of xenophobic statements by government officials and other politicians, as being news in their own right, because of the institutional capacity of the person expressing them.

4.2 ISLAMOPHOBIC ATTACKS ON MOSQUES

In June 2020, the Limassol Grand Mosque was [vandalised](#) by unknown persons who threw a Molotov cocktail into the building and wrote 'immigrants, Islam not welcome' on the fenced wall around the mosque. The political and religious leadership on both sides of the buffer zone condemned the incident. No arrests were made. A week later, unknown persons [hung a Byzantine flag](#) on the Larnaca mosque.

4.3 HOUSING PROJECT IN AGLANTZIA FOR VULNERABLE ASYLUM SEEKERS

In August, the [media](#) reported extensively on a controversy surrounding a project run by a joint venture of non-profit NGOs to set up a residence for vulnerable asylum applicants in the community. The project, which had received [EU funding via the interior ministry](#), was on the agenda of electoral debates for the position of mayor of the area. A local residents' initiative was set up, opposing the establishment of the centre, with the backing of most of the electoral candidates, the far-right party ELAM and segments of the ruling right-wing party DYSY. The initiative held a number of public protests and interventions, arguing that the presence of foreigners will degrade the area, will increase crime, children will no longer be able to play in the streets and the nearby forest will be at risk of arson. The initiative attracted criticism from the [main opposition party](#) AKEL and the [NGOs](#) and a counter residents' initiative was set up, arguing that the centre would be an opportunity for vulnerable asylum applicants to find community support and integrate, adding that racism and xenophobia have no place in a society that experienced displacement some years ago.

Work on the centre was halted when the Municipal Council secured a court order to suspend the project from being executed on the grounds that the building was unsuitable. The electoral candidate of the ruling party, who also opposed the creation of the centre, won the election. The project was aborted.

4.4 THE PROHIBITION OF SETTLEMENT IN CHLORAKA

In December 2020, the Interior Minister [issued an order](#) prohibiting new asylum applicants from settling in the village of Chloraka, in Paphos. The ministerial order sought to justify this restriction on reasons of public order and public interest. The restrictions introduced were in pace with [media reports](#), which had raised issues with the allegedly high concentration of migrants in the area, with [some media outlets](#) connecting the migrants with increased crime. The president of the ruling party visited the area in 2020 and subsequently [made statements](#) comparing migrants in Chloraka as 'the second fall of Constantinople'.

The ministerial is estimated to have impacted negatively those asylum seekers in Pournara who wished to give the address of a relative in the village of Chloraka in order to be released from Pournara. According to reports from actors on the ground, the ministerial order had a considerable negative impact on those already residing in Chloraka who are thereafter forced to live in a hostile environment and under regular police scrutiny. The municipality disconnected the water from a building block where many asylum seekers resided, leaving many of them homeless and others hiding inside the building without basic services, having nowhere else to go. Every migrant in the street is perceived as an outlaw and subjected to racial profiling by the police, who are encouraged by the local community to intensify surveillance. Politicians regularly use xenophobic and derogatory language to describe migrants, including migrant children, complicating the efforts of integrating into the labour market and the school environment. The marginalisation led to further tensions amongst the migrants and locals, with the locals taking to the streets to protest the presence of migrants in their city, supported by local politicians.

The ministerial order must be seen as [amounting to discrimination](#), for permitting race to be used in order to justify the restrictive measures. It also sets a dangerous precedent in the implementation of rights derived from the ECHR and the EU Charter.

A group of shop and café owners and residents of inner Nicosia have called for a similar prohibition to be imposed. Other villages that have a strong presence of the neo-Nazi group Elam and other anti-immigrant groups have also called for a similar ban.

4.5 THE CLOSURE OF THE PHANEROMENI SCHOOL MARKS A PROCESS OF GENTRIFICATION

In 2021 the Ministry of Education, the Nicosia Municipality, the University of Cyprus, under the auspices of the Ministry of Finance, and urged by the landowners and shopkeepers of the inner city decided to close down the Phaneromeni primary and secondary schools, so they could convert the schools into a university building. The schools were almost entirely attended by migrant and refugee children, and they were not given the option to enrol in a school in their area of residence. Whilst the Education Ministry initially promised that the children would be able to select which school they would enrol in, when they tried to register at the nearby Pancyprian Gymnasium, most of them were refused without any reason being given to them. Teachers reported that children with a foreign name were consistently rejected by the Pancyprian Gymnasium without any explanation. The closure of the school meant the relocation of the families of the school children and the start of a gentrification process in the old part of town.

Sistema²¹ stated that no proper investigation was carried out by the Education Ministry to identify the best solution for the children and no planning was made for their enrolment. Most children were forced to choose the only school that would accept to enrol them, with some having to ride a bus across the city to a school at the other end. The new school which enrolled most of the Phaneromeni children did not offer support programmes to integrate them into the school, and the Sistema volunteers had to step in to offer support classes in the afternoon.

The Interior Minister has so far resisted calls to issue a similar ban for the centre of Nicosia as he did for Chloraka but has announced a plan for evictions on the ground that the premises occupied by migrants are substandard. In the absence of alternative housing solutions, this is likely to lead to further marginalisation and homelessness.

²¹ Sistema Cyprus is a social-music orchestra and choir programme established in 2018.

5

DRIVING LICENSES FOR ASYLUM SEEKERS

New [regulations](#) issued by the Ministry of Transport placed restrictions on asylum seekers and refugees from obtaining a driving license, which according to the Cyprus Refugee Council, impacts negatively on their prospects of finding work. The new regulations require applicants for driving licenses to submit proof of at least six months' residence in Cyprus, proof of payment of social insurance and utility bills in their names. This measure will deprive many asylum seekers from the opportunity to find work in this sector and likely to lead to unemployment, reliance on public benefit and poverty.

6

HEALTH CARE

Access to health care for migrant workers, including victims of sex and labour trafficking as well as asylum seekers and refugees remained problematic, as the new national health system had just about been established when the Covid-19 pandemic broke out. This newly established system excludes asylum applicants and victims of trafficking who may still access health care under the old system, but with significant delays and limited access to free medication, as they can get their medication only from public hospitals.

Although by law they ought to be entitled to health care, when the new national health system was introduced in 2019, no specific instructions were issued to enable their registration and access to a personal doctor. For many categories of third country nationals, the national health system made no provision at all, creating a confusion amongst health professionals and beneficiaries. CARITAS reported that asylum seekers, immigrants without documents and human trafficking victims were unable to register and select a personal doctor, and therefore they have no access to the health care system, whilst the Covid-19 helpline rejects their calls because they do not speak Greek. The poverty and homelessness facing asylum seekers and migrants has complicated the efforts to combat Covid-19, as many people did not have access to masks or antiseptics and were, additionally, fined by the police for being outside during curfew or for living in overcrowded flats.

The instructions for persons exhibiting symptoms are to contact their Personal Doctor of the National Health System (NHS), however asylum seekers are not included in the NHS and do not have a Personal Doctor. Furthermore, the helpline that has been set up to report symptoms does not provide interpretation services. Regarding homeless asylum seekers and undocumented persons, which includes persons that have recently arrived and were not given access to asylum procedures, no measures have been taken to provide accommodation even in cases where persons were reporting symptoms.

On 28 March 2020, the NGO [Cyprus Stop Trafficking](#) published an open letter to the Interior Minister asking him to issue a decree legalising all migrants living in Cyprus within the next six months, so as to entitle them to access free health care in case they get sick. The NGO warned that if an irregular migrant dies either from the virus or from hunger,

since no one will hire an irregular migrant under the current conditions, the country will have a serious problem on its hands. It also stressed that safeguarding access to health for migrants is not only a humanitarian issue but a public health concern, because a lack of access for the several thousands of migrants living in the community is a time bomb. Stop Trafficking said that, given that the government has recently expressed fears that migrants could change the demographic character of the country, this means that their number is such that their non-access to health care is a huge public health risk.²²

NGOs reported gaps and problems in informing migrants about protection measures, urging the authorities to protect public health by ensuring that all groups of population are supplied with the necessary information and tools to protect themselves from the virus, adding that the overpopulation, social exclusion, and poverty in the reception camps renders them a public health time bomb. CARITAS reported that the state made no provision for the migrant population; it did not provide any of the crucial information to them and did not ensure access to health care. The languages most widely spoken by asylum seekers in Cyprus, according to CARITAS, are French, Arabic, and Kurdish. But no information about the virus, measures for protection or restrictions were published in any of those languages, and there was no person at the government helpline which spoke any of those languages. CARITAS added that, when the government stopped accepting asylum applications for several months, those who arrived during that period slept in parks and on the streets. CARITAS itself had contacted the government helpline on one occasion to report on three migrants with fever and was informed that health professionals would search for them in the next two or three days in order to examine them and treat them. However, there was no way to locate them, because they slept rough, in undefined areas. This situation was exacerbated by the fact that asylum seekers are not registered in the national health system, and if they fall sick, they have no one to contact and no way to access the necessary care.

²² Cyprus Stop Trafficking, Open letter to the Interior Minister (28 March 2020).

The exclusion of asylum seekers from the general health system (GESY) also deprives vulnerable and traumatised persons, as well as persons with disabilities, from having a personal doctor to oversee their overall state of health and make referrals as and when needed. Often, vulnerable asylum seekers in need of psychological support have no options other than the free psychologists of NGOs working under projects which at some point come to an end, leaving vulnerable patients stranded.

7

AFFORDABLE HOUSING

Figure 3



In 2021 the Cyprus Refugee Council compiled a research-based report on the housing problems facing asylum seekers and refugees, which identified a number of systemic gaps negatively affecting the prospects of asylum seekers in finding accommodation. These include their low incomes and state benefits, the bureaucracy involved in applying for the rental allowance, often making it impossible for asylum seekers to secure this benefit without NGO assistance, the practice of landlords to ask for advance payment of a deposit guarantee for which there is no state benefit. The report identified the delays in the payments made by the Social Welfare Services to the landlords as a major reason landlords are reluctant to rent out accommodation to asylum seekers, pointing out that even in those cases where asylum seekers were able to secure rental contracts, landlords would become frustrated after the first couple of months when the rent benefits did not arrive or when they did not cover the entire amount of the rental.

The policy of the Social Welfare Services to reduce the rental allowance when asylum seekers shared accommodation ex-

acerbated the situation, as the rental allowance of a single person is not sufficient to cover rent, and asylum seekers are left with no option other than to share, leading to a vicious circle of evictions. The Cyprus Refugee Council also noted that landlords and real estate agents who know how to navigate themselves in the flawed system take advantage of the housing situation of asylum seekers, by subletting rooms of substandard quality to large groups of people and giving out individual rent contracts for each room, which are usually shared between two or more tenants. To avoid evictions, asylum seekers are often forced to utilise the benefits they receive for food and other expenses in order to cover the rest of their rent, often leading to the disconnection of electricity and water when the utility bills remain unpaid.

The Cyprus Refugee Council called for the development of strategies to address homelessness at the national level by setting up mechanisms of reporting and monitoring, implementing better informed and more effective interventions and synergies between actors, investing in long-term solutions such as developing public housing schemes and encouraging local governance involvement. The Cyprus Refugee Council referred to an undocumented population of asylum seekers and refugees living in the community at unknown locations, because the various government authorities do not communicate amongst themselves and record changes of addresses in a central system to enable support NGOs and other service providers to locate them. The immigration authorities who are tasked with recording locations may take up to six months to communicate these locations to the Asylum Service.

CARITAS [reported](#) an increase in homelessness amongst asylum seekers, pointing out that they had a case of 85 persons who had to share a single room without a kitchen or sanitary facilities. Caritas said it is almost impossible for asylum seekers to find accommodation outside the camps, even if they have the money, because landlords will not rent their houses to them partly because of racial prejudice and partly because they do not want to receive the rental from the Social Welfare Services, as they do not trust that the payment of the rental will be made regularly. Caritas said that the money which the Social Welfare Services is using for rental payments is already there, so there is no justification why the authorities have not set up an effective payment system to address the problem of homelessness of asylum seekers.

The second wave of the pandemic reduced even further the availability of hourly jobs, which used to employ asylum seekers, leading to job losses and destitution. The trade union PEO reported that when so many businesses shut down as a result of the lockdown measures, a great number of migrant workers were left without work and access to welfare. Also, when Cypriots were restricted to their homes, there was very little demand for household cleaning and maintenance, which are services that migrants almost always provided, until the pandemic.

The increased reliance on state benefits by various groups of people has made the system of payments even slower. An increasing amount of asylum applicants now fall through the cracks of the system. The housing problem was exacerbated when the authorities started releasing persons from the Pournara camp towards end of the year, and left them to survive on their own without money, food or other assistance. The welfare benefits normally take a few months to reach the applicants and, in the meantime, asylum applicants have to rely on friends and charities to survive, whilst many experience homelessness and hunger. The electricity board asks for a deposit guarantee of €350 in order to connect electricity, which most asylum seekers cannot afford. Often families with small children end up staying in houses without electricity. NGOs report that many asylum seekers who left the Pournara camp are facing such impoverished conditions in the community that they often return to the camp to eat the food that is served there.

8

RESTRICTING ACCESS TO THE ASYLUM PROCEDURE

8.1 THE SITUATION AT THE OUTBREAK OF THE PANDEMIC

Upon the outbreak of the pandemic in March 2020, organisations working with asylum seekers suddenly discovered that asylum applications were no longer accepted and that steps were being taken to concentrate asylum seekers and refugees within the Pournara camp in Kokkinotrimithia, which was converted into a closed structure with serious congestion and public health risks. Without any warning or even an official announcement, as of 16 March 2020, new arrivals in the country were denied access to the asylum procedure, without being offered any solution for their survival. The authorities orally justified their refusal to accept asylum applications by referring to Covid-19. No alternative mode for filing asylum applications was offered, such as the online option. Persons who had entered the country before the external borders were closed but had not filed their asylum application before the decision was made to suspend the submission of new claims were not permitted to apply for asylum. Given that no return flights were being carried out at the time, these persons (including children and unaccompanied minors) were stranded homeless in Cyprus without any status and without reception conditions or any other form of support.

Subsequently, when most of the Covid-19 restriction measures were lifted, the Interior Ministry informed stakeholders that from 21 May 2020, his Ministry would start accepting and processing asylum applications. However, there was no consistent approach in receiving or processing applications and in practice, very few applicants were given access to the asylum procedure from that date. Persons who were in an irregular situation were taken to the closed camp of Pournara which became massively overcrowded, exceeding its capacity by more than three times. As a result, access to the asylum procedure was denied on several instances because the Interior Ministry did not have space to place the new applicants.

The Interior Minister told Parliament that the immigration authorities had instructions to register all prospective asylum applicants to enable access to the asylum procedure but, according to UNHCR, this did not happen in practice. The Asylum Service reported that by 21 June 2020, there were 90 people in different locations without any status or support, whom the immigration authorities had refused to register

because of Covid-19 measures. A pregnant woman in the final stages of her pregnancy was deprived of health care because she was not allowed to register. The immigration authorities told prospective applicants that they would be allowed to register only if they would agree to be placed into quarantine, but since there was no such space for them in the Pournara camp, they could not be registered and should therefore return in a month or so; meanwhile, they remained without any status or support, because access to reception conditions presupposes registration.

In July 2020, access to the asylum procedure resumed, but significant delays were observed, and the practice as regards registrations remained arbitrary. Prospective applicants would show up for their appointment, and the authorities would refuse to see them, as a result of which they would remain without registration and without any of the rights attached to registration. A processing centre for asylum applications was set up in the Pournara camp, but at the time of writing there has been no feedback on the practice. Independent legal advice or NGOs have no access inside the camp to support applicants through the procedure and ensure that procedural standards are maintained. The conditions of societal exclusion, de facto detention and material deprivation are not conducive to the applicants to maintain an appropriate frame of mind to adequately respond to questions during their asylum determination interview.

By the summer of 2020, the pandemic was still invoked as a justification to prevent access to the asylum procedure. In August 2020, the [Media reported](#) on the case of an Iranian dissident who tried to cross the Green Line to seek asylum in the Republic of Cyprus but the police prevented him, because of the Covid-19 pandemic. He said he had been turned back four or five times, but he preferred to remain in the buffer zone rather than return to the Turkish Cypriot side because he feared he would be deported to Turkey and, from there, back to Iran, where his life was at risk. UNHCR asked the authorities to explain why they refused to admit this person, but received no official explanation; Covid-19 was not a valid justification, since there were already procedures in place for testing new arrivals and placing them in quarantine. The authorities eventually permitted this person to cross the checkpoint and apply for asylum after pressure from UNHCR and criticism from the media and stakeholders.

The overcrowding of the Pournara camp led the authorities to refuse to register newly arrived persons seeking to apply for asylum, who remained homeless and without access to assistance. As a result, in November and December 2020, newly arrived persons slept for several days on the pavement outside the immigration office waiting for the immigration authorities to grant them access to the procedure and to reception conditions. Volunteers gave them food and blankets.

In November 2021, an international expert from UNHCR Greece visited Cyprus to examine the Pournara registration system and propose ways to improve the situation, particularly with regard to addressing the problem of hundreds of prospective applicants waiting outside Pournara for weeks without access to any facilities, until they are permitted to register and enter the camp. The UNHCR expert submitted a set of proposals, some of which were adopted. As a result, a pre-admission area was created with chemical toilets to accommodate people awaiting registration and alleviate the problem of the crowds gathering outside the camp without facilities, a situation which gave rise to the risk of cholera infections. UNHCR found that an increasing number of persons gather outside Pournara and remain there homeless and without food, whilst a UNHCR officer struggles to record the number of days each of them has been waiting outside in order to prioritise who to admit first.

The accelerated procedure is not being used as widely as expected, which may be attributed to the requirement to conclude the it within one month, for which there is no capacity. The Cyprus Refugee Council reported that the previously documented problem of family unity, where children of recognised refugees were not given a status, persists, despite intervention from the Children’s Commissioner and promises from the Asylum Service that it would be resolved.

The Interior Minister [told the media](#) that in 2021 arrivals had increased by 38% in relation to 2020. The Minister [stated](#) that the government had filed a set of proposals with the EU for measures to protect European borders and the Green Line, admitting that the government adopted measures to ‘close black holes’ along the 180 km long ceasefire line. The Interior Minister [referred](#) to efforts to prevent migrants from crossing through the buffer zone and that 85% of asylum applications are submitted by persons arriving through the buffer zone ‘systematically channelled from Turkey’.

In November 2021, the [Cypriot government filed an application](#) under article 78(3) of the *Treaty on the Functioning of the European Union* to suspend receipt of asylum applications until the situation becomes more manageable. The European Commission [responded](#) by stating that ‘notwithstanding the possible derogations, the right to asylum and the principle of non-refoulement must always be respected’.

8.2 PUSHBACKS AT LAND

Although it is impossible to document the number of persons being redirected on land in the buffer zone, UNHCR received reports of people turned back the checkpoints

along the ceasefire line when they tried to apply for asylum. On 17 March 2020, two persons from Cameroon tried to enter the Republic through the buffer zone separating north from Cyprus in order to seek asylum. They were denied entry and were forced back into the buffer zone by the Cypriot police, where the UN Peacekeeping Force in Cyprus (UNFICYP) found them. Their asylum applications were not accepted, despite calls from UNHCR. The deadlock involving two persons from Cameroon, who had been trapped inside the buffer zone for four months, with the Interior Minister refusing to allow them to access the territory and ask for asylum, was finally [resolved](#) when Pope Francis visited Cyprus. As the Pope finished his visit, he took those two persons and another 48 vulnerable asylum seekers back to the Vatican with him. This was the outcome of an initiative by UNHCR, which had contacted the Vatican Embassy in Cyprus ahead of the Pope’s visit requesting that the Pope take back to the Vatican with him the two men from Cameroon stuck in the buffer zone and another two persons who were separated from their families in a pushback in September 2021. The Vatican embassy responded immediately asking if there were more vulnerable asylum seekers that ought to be taken to the Vatican, and eventually the Pope compiled a list of 50 persons, including the four indicated by UNHCR, ten persons awaiting deportation and disabled children in need of urgent medical care.

8.3 PUSHBACKS AT SEA

The first known pushback at sea was reported by [national](#) and [international](#) media on 20 March 2020, when the Greek Cypriot Sea Patrol prevented a boat with approximately 175 Syrians, including 30 women and 69 children, from reaching the shores of the Republic of Cyprus. Many of the people on board had relatives in the Republic, and they were seeking to reunite with them. The authorities had reportedly identified the boat prior to it reaching the island, whereupon police officers, wielding guns, boarded the boat, seized the mobile devices of the people on board, threw them overboard and directed the boat to leave our territorial waters and return to Syria. The boat reached the northern shores of Cyprus, and the refugees were transferred by Turkish Cypriot police to a stadium for the weekend and then to a hotel. All tested negative for Covid-19. The Republic of Cyprus refused to admit them or consider their asylum applications and sent them back to Turkey and then on to Syria a few days later. In May, a [statement](#) issued by 24 organisations around the world condemned the action, stating it amounted to *refoulement* in violation of the 1951 Geneva Convention, EU law on asylum and the ECHR.

Between March and June 2020, two additional pushbacks were recorded. However, in the months that followed, a number exceeding ten pushbacks occurred. Most were boats from Lebanon or regions around Lebanon, carrying persons from Syria, Lebanon and other countries. [Human Rights Watch reported](#) that in just the first week of September, Cypriot Coast Guard pushed back, abandoned, expelled, or returned more than 200 migrants, refugees and asylum applicants without giving them the opportunity to lodge asylum

claims. Human Rights Watch interviewed people who had been on these vessels. They claimed that Greek Cypriot Coast Guard vessels circled them at high speed, swamping their boats, in at least one case they abandoned them at sea without fuel and food, they ignored their asylum claims and, in some cases, the marine police officers beat them. According to the testimonies, in one case, on 3 September, a metal coast guard vessel rammed into a wooden boat full of people, injuring children and a woman. In another instance, the Cypriot Coast Guard abandoned an inflatable boat in distress to drift without fuel, which was rescued by Lebanese sailors six days later. Human Rights Watch further reported that in some cases, while still at sea, Cypriot Coast Guard transferred people onto civilian passenger vessels guarded by the marine police and took them back to Lebanon without giving them the chance to file for asylum.

Media reports cite Cypriot authorities admitting the pushbacks but denying having used violence. It is impossible to have a comprehensive and overall picture of all pushbacks at sea, but the following stakeholders reported various pushbacks which came to their attention.

- The NGO KISA stated that from January until mid-September 2020, Cypriot authorities encountered 779 people on boats seeking to enter Cyprus, with 431 people on six boats coming during the first six months, and 348 people on 11 boats coming from late August through the first two weeks of September. KISA reported that 375 people were taken directly to the Pournara camp after landing and 185 were summarily pushed back at sea.
- UNHCR received information about a boat which never managed to reach the Cypriot territorial waters and was therefore not intercepted, where a number of and, in some cases, people died. The boat, carrying Lebanese, Syrian and people from other countries, departed from a point close to the Syrian border with intention to reach the Cypriot shores. The boat got lost at sea and ran out of fuel. Because of the strong sun, two infants died from dehydration. Some of the men on the boat jumped into the water to get help but never returned. One man died from dehydration, and another man who swam to get help was rescued by a UN rescue boat and then led them back to the boat with the migrants. By the time the boat was pulled to shore in Lebanon, one woman on board also died of dehydration. Although the incident, which was also reported in [regional news media](#), did not involve a pushback, it highlights the risks for persons on board vessels in the eastern Mediterranean when left alone at sea. The [UNHCR and a human rights lawyer](#) expressed concern over what appears to be a deal between the authorities in Cyprus and in Lebanon for the readmission of persons in vessels pushed back by Cyprus under circumstances that may risk their freedom.

By October 2020, the [UNHCR](#), [NGOs](#) and the [EU](#) expressed concern over the increased number of pushbacks of displaced persons at sea by the Cypriot Coast Guard. The Euro-

pean Council for Refugees and Exiles ([ECRE](#)) noted a sharp increase in 2020 in the number of boats trying to reach Cyprus from Lebanon, with at least [21 boats](#) between July and September, compared to only 17 throughout 2019, adding that, within just three days in early September, more than 100 people arriving on five boats from Lebanon were [pushed back](#).

UNHCR and [human rights lawyers](#) expressed concern over the [justification](#) offered by the authorities for the pushbacks at sea, and the interior ministry argued that pushbacks were legitimate actions to keep out economic migrants, even though determining the individual situation or nationality of each person on a boat in the middle of the sea is practically impossible. UNHCR added that there were Syrian families on some of these vessels. The migrant support NGO [KISA](#) expressed concerns that the pushbacks led to unlawful refoulement of persons to situations where their lives could be at risk, and it announced that it [applied to the ECtHR](#) under Rule 39 of the Rules of Court on behalf of persons on board a vessel that was pushed back. The ECtHR requested clarifications from the Cypriot government before examining the pushback claim. A leading human rights [lawyer](#) and candidate for the presidential elections of 2023 stated that pushbacks are unlawful under international law and the EU *acquis* as they violated the prohibition of collective expulsions and the principle of non-refoulement.

No pushbacks were reported between October and December 2020. It is estimated that the majority of asylum applicants who arrived from August onwards entered through irregular points of entry along the Green Line separating the Republic of Cyprus from the areas administered by the Turkish Cypriots. NGOs providing support to asylum applicants did not have immediate access to prospective asylum applicants, as they were transported to the Pournara camp and remained in isolation for several weeks before they could contact support NGOs. This blurred the picture about the situation at the borders; however, according to testimonies of some asylum applicants, many arrived by plane in the Turkish-administered north, as they had student visas, and then they entered the Republic through uncharted points. According to [media sources](#), the Government has placed an order for an Israeli surveillance system to monitor the Green Line in an endeavour to intercept the movement of persons across the buffer zone and prevent prospective asylum seekers from accessing the territory.

Pushbacks both on land and at sea continued through to 2021. UNHCR identified the continuing policy of pushbacks as the key fundamental rights concerns during the reporting period. On 8 November 2021, the Cypriot marine police spotted a small boat carrying 61 persons of Syrian origin, including 11 women, 22 men and 28 children aged 2-16, sailing near the southwestern coast of Cyprus. Initially the Cypriot police attempted to push the boat back to the sea, but weather conditions worsened and the boat sent an SOS signal. The police led the boat to Paphos harbour where, according to [media reported](#), it was placed under police custody. During their stay at Paphos harbour, the people on the

boat were not given access to the asylum procedure nor any reception conditions. They had to sleep on the concrete ground of the harbour in cold temperatures, as no tent was provided, and there were no toilet facilities for them and they had to use the boat toilet, which was overflowing by that time. Following UNHCR intervention, a canopy, open at all sides, was supplied, which provided only shade but no protection from the cold. Because of the cold, the adults asked the police if the women and children could be permitted to sleep inside the boat, and permission was granted. Following this, the men joined them on the boat, untied the knots and they sailed away.

KISA reported that, according to testimonies of the people the boat, the police had informed them that they were to be forced back to Lebanon, as a result of which they decided to sail to Italy in order to apply for international protection there. After leaving Cyprus, the boat was reported to have sailed for days with no water or food and under adverse weather conditions. The police ordered a disciplinary investigation against the officers who had been mandated to watch the boat in the harbour, and 11 officers were suspended from duty, but the investigation was subsequently dropped. The UNHCR received unconfirmed allegations about a second boat with 14 men of Syrian origin, a boy and a Lebanese skipper, that went missing on 15 November 2021. According to information supplied by an asylum seeker in Cyprus, who had relatives onboard that boat, the boat was at sea for two days until it was intercepted by the Cypriot marine police who pushed it back towards Syria. There, the people onboard were arrested and detained. According to the same source, one person died during interrogation, and 17 days later one person was still being interrogated by the Syrian police and the rest of the group were forcibly recruited into the army, including the boy.

A series of newspaper articles on pushbacks at sea at the beginning of November 2021 led to parliamentary debates questioning the legality of those governmental practices. The Commissioner for Children's Rights intervened with the Ministers of the Interior and Justice and the Under Minister of Social Welfare regarding the practice of pushing back boats and the treatment of persons with disabilities, highlighting the apparent violations of children's rights.

9

REFUGEE CAMPS ARE CONVERTED INTO CLOSED CENTRES

9.1 POURNARA

With the outbreak of Covid-19 in March 2020, the former military camp in Kokkinotrimithia, known as Pournara camp, closed its gates and was essentially converted into a large sub-standard detention centre. The camp had initially been intended to be used as a reception centre for all new arrivals, offering on the spot all the services needed in order for applications to be filed. Several million euros from EU funds had been earmarked towards that project, which included the construction of small units to house the newly arrived applicants. Instead, the authorities decided to instruct all asylum seekers living in hostel accommodation to leave the hostels and move into the Kokkinotrimithia camp, despite the fact that the building units had not been completed. Initially, the instructions came with just three-days' notice and created considerable panic amongst the hostel residents, who were notified by the hostel management to empty their rooms within 72 hours. This measure was subsequently put on hold and hostel residents were transferred to Pournara in phases.

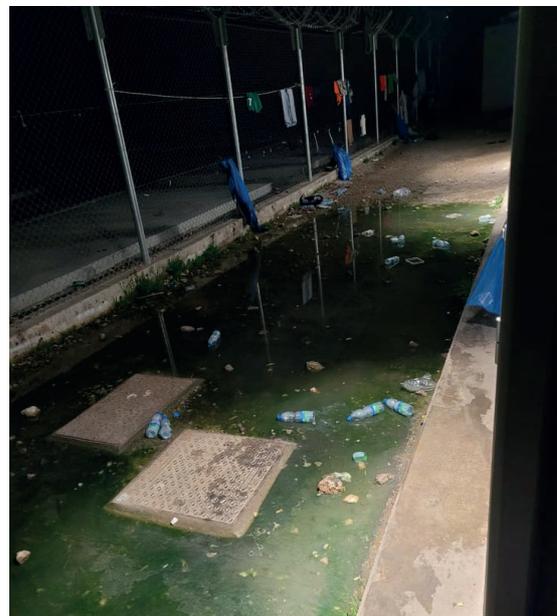
Soon the camp residents doubled and then tripled its capacity, as new people were moved inside the camp. Also, during the first Covid-19 lockdown, between March and May 2020, both Pournara and Kofinou refugee camps were turned into closed centres, without any possibility of entry or exit. Whilst the rest of the population in Cyprus had the right to go out by sending an SMS and receiving an automated response with an exit permit, all asylum seekers living inside the camps were deprived of this right. Even when the restrictive measures were removed in May and June 2020, exiting the Pournara camp remained problematic.

As soon as the lockdown measures were lifted in Spring 2020, UNHCR repeatedly requested permission to access the Pournara camp to inspect conditions. In June they decided to visit despite a lack of response from the authorities. They had to wait for several hours before they were let in. Subsequently, on 22 June 2020, the UNHCR [presented](#) the results of its investigation to Parliament, raising concerns amongst MPs about human rights violations. The issues raised were the following:

- The camp is not used for a 72-hour stay, as originally conceived; residents were held there for months.

- From the second half of 2019, i.e., before the outbreak of the pandemic, the number of residents increased, and the centre was converted into a closed centre.
- Children including unaccompanied minors are detained in the camp.
- Residents can only leave the camp if they have an address in the community, which has led to them being exploited by groups outside the camp who provide a fake rental address in the community.
- The Social Welfare Services were not aware of the existence of unaccompanied children in the camp.
- The children residing in the camp did not enjoy their rights. Some children reported being sexually abused by men, as they were mixing in common spaces with adults without partitions or other protection (more details are provided in the following section).
- The showers did not have proper doors, and minors reported that adults were pulling back the curtains while they were taking showers.
- Some of the unaccompanied children in the camp had relatives in the community and it was not clear why they were not permitted to join them.

Figure 4
Photo from within the Pournara camp



The living conditions at the Pournara camp remained squalid and unsatisfactory from the outbreak of the pandemic till presently. Overcrowding persists, residents continue to sleep in tents, there are few bathrooms with only a shower curtain, the sewers are overflowing and the asylum applicants' de facto detention is of indefinite duration. Soap and masks were provided to the residents upon entry, however the spatial distancing measures decreed by the Ministry of Health to prevent the spread of Covid-19 were not complied with. Six to ten persons slept in the same tent, including, in some cases, unaccompanied minors who shared tents with strangers. Out of all the Pournara camp residents, only a handful persons have electricity and heating; all others sleep in tents and some in containers.

On 12 June 2020, the Interior Minister [announced](#) that by 15 June Pournara would be restored to its pre-Covid 19 operations. However, in practice this never happened. Instead of opening its gates, the camp allowed exit only to those persons who have a passport and who can declare an address in the community. As most asylum applicants did not have a passport, this requirement led to several complaints and was subsequently withdrawn. Instead of a passport, residents were issued with special cards carrying barcodes leading to an Asylum Service database where their data are stored.

Accommodation in the community continued to be a major problem, as the rental allowance the authorities paid is insufficient to pay for even the cheapest affordable housing unit, and often four people have to share a studio apartment. Many Pournara residents fell victims to fraud by fake landlords who took money from them to provide an address. The rule was that camp residents who left the camp without declaring an address in the community would have reception accommodation terminated. In the months that followed, leaving the camp without an address would reportedly lead to the rejection of the asylum application.

Once out of the Pournara camp, asylum applicants are required to present sign in once a week at a designated police station. The authorities inform them that if they fail to present themselves at the police station there will be legal consequences without specifying what these consequences are. In actual practice very few if any of the asylum applicants living in the community present themselves at the police station, and so far, there have not been any legal consequences for them, nor is there a legislative basis for the outcome of their asylum applications to be impacted by their non-presentation at the police station.

Even at this stage, although exit from the Pournara camp is in theory not prohibited, the eligibility criteria for leaving the camp are not transparent and involve the asylum seekers presenting an 'address in the community' where they would be residing. According to UNHCR, the government imposed disproportionate restrictions on the two camps, which did not apply for the general population, without any valid reason. The result was that capacities in the camps were exhausted, people were sleeping on the ground in overcrowd-

ed tents, without adequate sanitation facilities. On 12 December 2020, another [set of new measures](#) were announced in the context of restricting the spread of Covid-19, which included prohibiting anyone from entering or exiting the two refugee camps, except to admit newly arrived asylum applicants and the staff working at the camps.

In November 2021, the number of asylum seekers being accommodated at Pournara was more than 200% its capacity. The camp has a housing capacity for 400 people, sleeping capacity in tents for another 200 people and capacity in quarantine sections for another 400, totalling 1,000 maximum. In November, however, the camp occupancy rose to 2,800, owing mainly to the fact that the outflow that could lead to decongestion is not as regular as it ought to be. This was attributed primarily to the lack of affordable housing in the community, which discourages Pournara residents from leaving the camp. The NGO Generation for Change CY reported that homelessness and destitution in the community often results in former Pournara residents returning to Pournara for a plate of food and a corner to sleep, particularly as winter approaches and temperatures drop. UNHCR reported that only a few doctors are assigned to the camp and they visit irregularly. Many doctors leave the camp, resulting in periods when there is no doctor on site until a new one is appointed. Only one doctor remains in the camp on a long-term basis, but cannot cope with a population of nearly 2,800 persons. As soon as the wave of Covid-19 infections broke out in Pournara, the EASO staff conducting vulnerability assessments left, drastically reducing the number of officers in charge and vulnerability assessments slowed down.

A [visit from the Human Rights Parliamentary Committee](#) to the Pournara Reception Camp in December 2021 confirmed the camp's overcrowded and inhumane conditions. The MPs described the living conditions at Pournara as shocking, warning also that the situation in the surrounding communities is 'a ticking time bomb'. At the time there were around 2,500 residents, including 287 unaccompanied minors aged 15 1/2 and under and 1,000 persons without beds to sleep on. The infrastructure was inadequate and the sewers were overflowing. The [Interior Ministry stated](#) that the deterioration of reception conditions was due to the increase in migration flows, which put pressure on the system and the infrastructure, and that efforts were being concentrated on examining manifestly unfounded applications through speedy procedures. The ministry added that, in 2021, 14,762 decisions were issued compared to 6,468 in 202 and 5,164 in 2019. The Cyprus Refugee Council stated that in spite of the accelerated procedures, decisions on asylum claims take, on average, three years, and despite the introduction of the accelerated system for the manifestly unfounded applications, it was not clear who was given priority and the system of 'safe third country' did not seem to be working.

When the conditions at Pournara were discussed in Parliament in 2020, following complaints of sexual harassment, the Interior Minister told parliamentarians that the capacity

of the Pournara camp had been increased to 1,000 persons, but he did not explain what type of accommodation that entailed. He also reported to Parliament that there were 30 showers and 50 toilets, stating this exceeds the required specifications, without explaining what specifications he was referring to. According to UNHCR, the facilities cited by the Interior Ministry must be shared by approximately 700 persons, which is the average population at Pournara. The showers do not have a door and are only covered by a shower curtain provided by UNHCR.

UNHCR had recommended that the Pournara camp in Kokkinotrimithia should be used to accommodate only those applicants whose claims are deemed to be prima facie unsubstantiated and those who have a very good claim, so that no person remains in the camp for a long time. Currently, applicants are not classified into any categories, and even the procedures for detecting vulnerability, which had just been launched prior to the coronavirus outbreak, are not always working. [Vulnerability detection procedures](#) were initially introduced in 2017, through a special EASO plan, to identify which applicants were vulnerable cases, so that they could be prioritised and allocated to an EASO expert specialised in vulnerable groups. By the end of 2018, the effectiveness of the measure remained unclear, as no data had been collected on the number of cases determined as vulnerable. EASO experts on vulnerability were not consistently in the country. In 2019, efforts were made to increase the number of examiners trained to detect vulnerable cases, but then the number of applications rose sharply, which affected the effectiveness and impact of this measure.

The procedures for identifying vulnerable asylum seekers are not consistently supported by adequate staff. The Asylum Service officers on site would prioritise children, but not consistently and not for all children and sometimes priority was given to those who looked like children. On one occasion, UNHCR intervened with the Asylum Service to identify seven persons with serious health issues as vulnerable, who were then transferred to the Kofinou refugee camp after considerable delay. There were two psychologists offering support to residents at Pournara, one provided by the Asylum Service and another provided by the company to whom the management of the camp was assigned. Stakeholders reported that this is not sufficient for the camp population, many of whom suffered from post-traumatic stress, which was exacerbated by the pandemic and being closed in the camp.

The report of the Secretary-General on the United Nations operations in Cyprus to the members of the Security Council of 8 January 2021 stated that the considerable deterioration of the situation of asylum seekers and refugees in Cyprus during the reporting period was of serious concern to the United Nations. The report added that, while appreciating the exceptional circumstances and pressures arising from Covid-19, as well as the high volume of arrivals in Cyprus in relation to the size of the population, full adherence to international legal norms in the handling of asylum seekers and refugees, wherever they may be found, is of critical importance.

9.2 AMSTERDAM COURT DECISION

On 15 December 2021, a court in the Netherlands (Rb Amsterdam, NL21.17448 en NL.1745) permitted asylum applicants whose first asylum country was Cyprus to be included in the Dutch asylum procedure, because the alternative of returning to Cyprus entailed the risk of them being subjected to degrading or inhumane treatment due to bad reception conditions.

In March 2021, the Dutch Court had ruled that it had been sufficiently substantiated that Pournara did not offer adequate reception. Additional information presented to the Court showed that reception facilities in Cyprus further deteriorated in September and October 2021, and the chances of asylum seekers being assigned to private accommodation with a financial contribution from the government were very limited. The Court noted that the restrictive policy in respect of the government's financial contribution and sharp increases in rent have led asylum seekers to be homeless, whilst the filing of complaints against Cypriot authorities for lack of adequate shelter was not a viable option.

9.3 NEW CAMP AT LIMNES

In November 2021, a camp for accommodating asylum seekers, which had been set up in the remote and deserted area of Limnes, which is about 20 kms west of Larnaca, was put into operation for the first time, following several Covid-19 cases in the Pournara camp. The Covid-19 outbreak in Pournara led the Interior Ministry to order about 600 people to transfer to the Limnes camp, although they had been close contacts of the residents who were infected with Covid-19. The Interior Ministry [mandated the army](#) to transfer these people to Limnes, giving rise to criticisms from the NGO [KISA](#) who argued that the secrecy under which the operation was organised and executed spread panic amongst asylum seekers who had experienced the military persecution in their countries of origin and feared they would be deported through expedited procedures. The Cyprus Refugee Council stated that, after the initial shock, some of the persons transported to Limnes started leaving the camp on foot since the gates were open.

Generation for Change CY received reports from the asylum seekers transferred to Limnes that they received no information about where they were taken. They also learned that the infrastructure at the camp was inadequate. It had no facilities; the prefabricated houses were too cold for them to sleep and no mattresses had been provided. The small houses, with a capacity of six, were used to accommodate nine to ten persons, many sleeping on the ground with just one blanket. Some of these people started developing serious Covid-19 symptoms and were not given access to medical care or medication. A doctor was assigned to the camp, but she did not examine any of the sick residents because the infrastructure was inadequate and unsafe, and she was not given clear instructions what to do.

In one case, the UNHCR officer inside the camp called an ambulance to transport a person who was seriously ill with Covid-19 to the hospital, but the camp doctor said that it vi-

olated the protocol. According to the protocol, a person must have had symptoms for three consecutive days before an ambulance can be called. Also, the residents were asked to take their own temperature and measure their own oxygen levels with thermometers and oxygen metres supplied to them, take selfies of themselves doing so and report to the camp management whether symptoms persist for three days, in order to determine if an ambulance ought to be called. The residents were not given warm clothes, the food served was inappropriate for ill people and there were no facilities for making hot tea to alleviate symptoms. Only one blanket was handed to people when they checked into the camp, which people placed on the floor to sleep on, as there were no mattresses.

The prefabricated buildings all leak when it rains, and three buildings flew away in a strong wind. There is also no place for the residents to sit outside. The camp does not have separate sections for men and women, and the women's bathrooms are in the same building as the men's bathrooms. UNHCR described the Limnes camp as worse than the Pournara camp, which had attracted considerable criticism since the outbreak of the pandemic. [Media reports](#), published in December 2021, stated that the Limnes camp remained unutilised because it failed to receive EU funding, after the EU representation identified serious infrastructure problems, such as inadequate number of toilets and failure to separate men from women. The [Interior Ministry stated](#) that the new camp had been set up using domestic funds, with no EU funding, because there was no time to wait for such a time-consuming procedure. The ministry's statement did not explain why the camp remained unutilised more than six months after it was built, but rejected media allegations that the camp failed to attract EU funding, because it did not meet minimum specifications. The ministry added that a second pre-departure centre built next to the Limnes camp had already secured EASO consent and they were applying for funding. However, the UNHCR reported that Limnes failed to get either EU or UN funding because of its substandard infrastructure.

9.4 KOFINO

The Kofinou camp, in the Larnaca district, mainly hosts families who have already applied for asylum, including recognised refugees. Until the outbreak of the Covid-19 pandemic, the camp was open for NGOs to provide support and residents could go out to work in the community or they could go to find a residence in the community if they wanted to. From the beginning of March 2020 until 21 May 2020, the camp was closed and Asylum Service and the Social Welfare Services were essentially not operating. Food was still delivered to the residents, and a nurse would visit occasionally, but there was no doctor or other services on site to support the residents. Buses stopped transporting people out of the remotely located Kofinou camp, except in emergency cases, for instance if they had to see a doctor. The children were unable to follow distant education classes. The Kofinou camp was not adequately staffed and it was hard for the few officers on site to control the camp population. The camp

manager took a number of initiatives to service the camp during the lockdown, including purchasing face masks, providing adequate food for all camp residents and resisting the efforts of the Interior Ministry to place barbed wire around the camp.

The Cyprus Refugee Council reported a marked increase in requests for psychological support from inside the Kofinou camp during the Covid-19 lockdown, as the pandemic brought back traumatic memories. There were incidents that required urgent psychological support; however, the only possibility was to hold distant sessions by mobile telephone apps. Because the internet connection was unstable at the camp, it was not possible to use apps with cameras during the sessions, which meant that there was no face contact between psychologist and client.

A lockdown was imposed again in Kofinou in October 2020, after one person tested positive for Covid-19. Because of this single Covid-19 incident, all camp residents were classified as contacts of an infected person, were placed under quarantine and were not permitted to leave the camp. By contrast, the protocol followed at schools was that if one person tests positive, only the students sitting within two metres are considered to be contacts. In Kofinou, when the 15-day quarantine period expired, no further Covid-19 tests were conducted on the camp population to assess the situation and enable the emergency quarantine to be lifted.

The children of Kofinou remained away from schools without adequate and consistent access to e-learning for long periods of time, as they lacked the necessary hardware and support in order to connect to their e-classes. In 2021, the Commissioner for Children's Rights issued a [report](#) criticising the fact that Kofinou children of all ages were deprived of their rights to education and recreation outside the camp. The Commissioner noted that the Kofinou children were asked to attend distant education when all schools in Cyprus functioned with physical presence, which was a clear violation of the right to non-discrimination, to education and to the best interests of the child.

No regulation was made so vulnerable people residing in the Kofinou camp, such as seriously ill patients, could leave to access health services. For each case, an individualised intervention had to be made on behalf of the patient with the Interior Minister for them to be permitted to access necessary services.

10

UNACCOMPANIED CHILDREN

10.1 THE SITUATION AT POURNARA

The failure of the Asylum Service to separate unaccompanied children from adults at the Pournara Camp led to [complaints](#) from UNHCR that adult residents were sexually harassing and abusing minors. When UNHCR officers visited the camp, they spoke to Arabic-speaking children who, according to registration, were between 14 and 17 years old. They noticed that one of the children had a swollen arm and asked him if the doctor had looked at it. The child responded that the doctor visited the camp only once a week, that there was always a long queue and that he did not want to stand in queue. After further discussion, the children told the UNHCR officers that some adult men had touched them inappropriately when they were waiting in the queue. They also added that adult men would pull open the shower curtain whilst they were having a shower. The UNHCR officers reported that the children looked very scared, and they could not tell if the children had suffered additional forms of abuse which they were reluctant to report. The children had not been visited by officers from the Social Welfare Services during the lockdown period and were not aware of the existence of a guardian. The UNHCR officers reported the abuse complaint to the only Asylum Service officer on duty who responded that it would be reported to Social Welfare Services and Asylum Service.

During a meeting on 29 May 2020, an officer from Social Welfare Services told UNHCR and the Commissioner for Children's Rights that no children were held in the Pournara camp. They subsequently clarified that there were 12 persons who claimed to be minors, but their age was not determined. The Social Welfare Services visited the Pournara camp on the eve of the parliamentary discussion on Pournara, following which they reported that there were 47 children and that they would be taking all of them under their care.

Unaccompanied children continued to share common spaces and tents with adults unknown to them, even after this incident. On 18 January 2021, the Commissioner for Children's Rights issued a [report](#) criticising the government's policies as regards both refugee camps of Kofinou and Pournara, particularly referring to the unjustified closure and prohibition of residents from entering or exiting the camps. The prohibition to exit, even for those whose asylum applications were ap-

proved, led to overcrowding which negatively impacted the quality of services provided, the efficiency of the procedures and the living conditions. Residents' physical and mental health suffered, and their feelings of anger and desperation lead to tensions, violence, fights and protests. The report stressed that the lockdowns of the camps infringed on the fundamental rights freedoms of multiple vulnerable children, adding that the restrictive measures regulated by the orders from the Minister of Health must not exceed what is necessary for the protection of public health. The reasons for converting these camps into closed structures were unclear and in violation of the obligations of the government as regards the treatment of asylum seekers, including families with children and unaccompanied minors, who are effectively detained in violation of international law. The report further criticised the fact that in Pournara unaccompanied minors reside with adults in the quarantine areas, and in

In December 2021, the Human Rights Parliamentary Committee visited the Pournara Reception Camp, which led to media reports about 287 unaccompanied minors cramped in containers, some without beds, pregnant women and families with small children. Following that, the UNHCR reported that the authorities considered transferring the unaccompanied minors to the Limnes camp to decongest the Pournara camp. UNHCR strongly opposed this proposal because of the camp's inadequate infrastructure. The plan to transfer the minors was abandoned with the outbreak of several Covid-19 infections at the Pournara camp, following which the infected persons were placed in a hotel designated for infected persons, and their close contacts were transferred to the Limnes camp. Initially, families with small children were also transferred from Pournara to Limnes, but following UNHCR intervention, the families were also placed in the hotel designated for Covid-19 infected persons.

UNHCR reported that around 300 unaccompanied minors were staying in Pournara during the reporting period, staying longer than adult residents of the camp. Whilst, on average, an adult will remain in the camp for a month, unaccompanied minors stay for five months without freedom of movement and without access to education or recreation. The Welfare Office assigned only two guardians in the camp for 300 children. The guardian must accompany each unaccompanied minor to all five interviews, namely the interview with

the police on travel routes, the interview on security, the vulnerability assessment interview, the registration interview and the age assessment interview, which causes considerable delay in the completion of this procedure and extends the stay of unaccompanied minors in the camp. The UNHCR also reported that the shortage of welfare officers in the camp is a major obstacle to children exercising their rights, and they referred to the case of a pair of unaccompanied siblings from Congo, one of whom had suffered major skin burns in a fire where her mother died. The siblings had asked to be reunited with their father in France, but the social workers in Pournara did not trace the father for three months. Finally, the UNHCR called the father, triggering the Dublin procedure, which was almost lost due to the three months' delay of the welfare officers.

10.2 XENOPHOBIC DISCOURSE BY THE GOVERNMENT SPOKESPERSON

The Children's Commissioner criticised the government spokesperson for stating that the most important problem emanating from the statistics on migrant children is the fact they amount to 30% of the preschool population and 16% of the elementary school population. The Children's Commissioner stated that the entire structure of the government spokesperson's discourse and his use of statistics without explanation or clarifications, generated a climate of insecurity, xenophobia and intolerance. Instead, the government discourse should promote a scientifically designed pedagogical programme premised on migrant children's access to an education that responds to their needs, so as to facilitate their smooth integration. The Commissioner stressed that the state has a strict duty to avoid targeting a vulnerable group like migrant children by depicting them as a threat to society, as this can only lead to their further stigmatisation and marginalisation.

10.3 GUARDIANSHIP ISSUES

The Social Welfare Office assigns a number of social workers to act as guardians, but these are additionally tasked with other duties beyond the guardianship of the unaccompanied minors. The conflict of interest of the Social Welfare Services guardians, which is inherent in the dual role of the officer being a representative of the unaccompanied minors and of the state, who is their employer, was raised by the Ombudsman in 2015. This dual identity of the guardian gives the general impression that the social worker, to whom guardianship duties were assigned, acts more as a vehicle for transferring documents and demands to the competent authorities, merely monitoring their processing, without any inclination or power to exert pressure so as to pursue the best interests of the child. The Ombudsman highlighted that, when there are doubts about a child's age, the guardian position recedes and a referral is made to the Asylum Service to trigger the procedure for age determination and, effectively, the removal of the child from the shelter and from the guardian's care. The Ombudsman pointed out particular instances where the Social Welfare Services did not treat the children as children until age determination, because of their appear-

ance and behaviour, suggesting that there was no relationship of trust between the children and the guardian who, in the eyes of the children, was identified as a representative of the authorities.²³ This protection gap resulting from the dual role of the Social Welfare Services was additionally identified by the Council of Europe's Human Rights Commissioner in 2016, following his visit to Cyprus, who stated that the conflict of interest effectively leaves unaccompanied minors without proper legal representation in asylum procedures.

In 2018 the Commissioner for Children's Rights flagged the inherent conflict of interest in the institution of the guardian who represents a state authority implementing government policy while simultaneously representing the interests of the unaccompanied minor. The Commissioner criticised the fact that the duties of the guardian are restricted to examining the children's asylum applications and do not extend to the children's access to reception conditions, as required by the Reception Conditions Directive 2013/33/EU. The Commissioner considered the existing guardianship system to be in violation of the Asylum Directives.

The guardians will not advocate on behalf of the children and will not pursue a change of policy to better address the children's needs, even where the policy gaps are identified and flagged by the Commissioner for Children's Rights. One example of this gap is the fact that there is no procedure for challenging an age determination decision; this has been an issue since Cyprus adopted its first national health system in 2019-2020, as a result of which many doctors who were trained to conduct age assessment chose to transfer from public to private practice, leaving age determination to be performed by untrained doctors in the national health system. There were cases where the Social Welfare Services' guardians insisted that particular minors should not be subjected to age determination, as required by the Asylum Service, because the children concerned were evidently under 18. However, if the Asylum Service insists on age determination, there is no mechanism to challenge the age determination decision and no role for the guardian to intervene.

In 2020 the Commissioner for Children's Rights submitted a statement to Parliament criticising the fact that the unaccompanied children held inside the Pournara camp were not given the benefit of the doubt as regards their age and were instead treated as adults pending age determination, thus rendering effective guardianship and protection impossible. The role of a governmental authority as official guardian was on the table again when unaccompanied minors left Pournara on their own and slept on the pavement in the centre of town, protesting against the length and appalling conditions of stay in the camp; the official guardian refrained from providing protection or material support to the children as a means of convincing them to return to the camp.

²³ Cyprus, Anti-discrimination Authority, Report regarding the system of protection and representation of unaccompanied minors (Έκθεση της Αρχής κατά των Διακρίσεων αναφορικά με το σύστημα προστασίας και εκπροσώπησης των ασυνόδευτων ανήλικων), Ref. AKR 41/2015, 24 August 2015.

10.4 COURT DECISION ON AGE DETERMINATION

In Cyprus, the International Protection Administrative Court issued a decision that annulled the rejection by the Asylum Service of an application to recognise the applicant as a minor and all decisions, which relied on the refusal to recognise him as a minor.²⁴ The applicant was a Somalian national who arrived in Cyprus in 2015 and applied for asylum as an unaccompanied minor. His application was rejected in 2016, and he applied to court challenging this rejection. A welfare officer had reported to the Asylum Service that the applicant had confided to another resident of the shelter that he was an adult and that he lied that he was a minor in order to avoid arrest. The Asylum Service referred him to a doctor for age determination. The applicant refused the puberty assessment, and the doctor concluded that the bone age of the applicant appeared to be compatible with that of an adult. A dental examination concluded that the applicant was probably over 18. The Asylum Service interviewed him and concluded that he is an adult; as a result, the family reunification procedure, which had been initiated under the Dublin Regulation was terminated, and the applicant was asked to leave the shelter and be transferred to the Kofinou Refugee Camp. In Court, the applicant challenged the rejection of his application as an infringement of article 17 of Directive 2005/85/EC, because the authorities placed disproportionate faith in oral allegations from third parties and failed to conduct due investigation, including a failure to grant the applicant fair hearing and refusal to accept the birth certificate which he produced. The Court concluded that the age determination procedure followed was unlawful because (i) it was initiated by the guardians of the applicant, who were mandated to act as representatives of the applicant and in his interest, and their primary objective ought to be the child's best interests; (ii) the age determination was conducted without first hearing the applicant; (iii) the age determination on which the authorities relied contained the element of doubt, which ought to have worked in favour of the applicant.

10.5 SHELTERS FOR UNACCOMPANIED MINORS

The Social Welfare Services have passed on to the NGO [Hope for Children](#) the management of some of its shelters for unaccompanied migrant children. The change of management took place just before the outbreak of Covid-19, but the shelters were not fully functional in 2020. At the outbreak of the pandemic, there were an estimated 350 unaccompanied children in Cyprus, but the number is constantly changing, as the children reach adulthood, some are sent away to relatives and new children arrive. The children are allocated into the following accommodation structures:

- Nicosia, the capital, has two shelters accommodating a total of about 45 unaccompanied migrant children;
- Limassol, the second biggest city, has a shelter accom-

modating a total of about 20 unaccompanied migrant girls;

- Larnaca has three shelters for unaccompanied migrant children, accommodating a total population of about 62 boys and 37 girls;
- There were about 70 children in the Pournara camp for most part of 2020. By the end of 2021, the children in Pournara at times exceeded 300.

The shelter in Limassol is a section of an old people's home without any structural separation. One of the Larnaca shelters is also within the same building as an old people's home, where the unaccompanied children are sharing common spaces with the elderly residents of the home. All the shelters are overcrowded and there are not enough beds for all the children and sometimes the residents have to put chairs together to make up beds.

After the outbreak of Covid-19, all activities at the shelters stopped and the children had nothing to do. [Leaflets](#) with information about protecting oneself from Covid and restrictive measures, which were prepared and published by the Cyprus Refugee Council, were disseminated to the shelters. However, the restrictive measures change from day to day, making it impossible to update the information leaflets so frequently. During the Covid-19 lockdowns, the shelters were also closed down, and no one could enter or leave.

The unaccompanied children living in the shelters do not follow the same school curriculum as the rest of the children in Cyprus. Not all of them go to school, but those who do, attend a special reception class to give them Greek language skills to enable them to follow the mainstream class. The limited language skills which the children can acquire during this short introductory class do not really equip them for any formal education other than the technical schools. However, most unaccompanied children arrive in Cyprus when they are already 16 years old, and technical schools only enrol students who are under 21 years old. Those children who acquire sufficient language skills to join the mainstream class, they can initially join as observers until they are in a position to fully integrate; there were a few cases where this happened, but it is the exception rather than the rule.

The distant education measures adopted by the government following the outbreak of Covid-19 meant that children in the shelters had to join the classroom through mobile phones or laptops. Although the shelters have laptops and internet connection, the introductory language class was not available for e-learning.

Generally speaking, very little attention and resources are devoted to the unaccompanied children in the shelters, as a result of which many teenagers tend to lose interest in learning and acquiring skills. Before the outbreak of Covid-19, some activities were offered at the shelters once or twice a week, but they were primarily recreational and not offering any kind of empowerment to the children. For example, there were hair and make-up courses and football activities, but no classes to improve integration skills, such as language

²⁴ *Y.D.M.A. v. Republic of Cyprus*, No. 601/16, 31 December 2021.

classes, vocational training or life skills, such as how to open a bank account. The rationale behind which activities to offer at the shelters would be what sort of teachers were available from the government's afternoon educational courses, rather than design and offer courses better suited to the needs of the children. A private college which had offered a [course](#) in English on a pilot basis specifically for unaccompanied children for the school year 2018-2019 did not offer it for a second year as it had not secured funding for a further year.

11

IMMIGRATION DETENTION

11.1 DETENTION IN POLICE STATIONS

On 10 September 2020, the Cypriot government submitted an [action plan](#) to the Council of Europe's Committee of Ministers detailing the compliance measures it had adopted pursuant to two ECtHR rulings against it concerning the long detention of third country nationals under deportation in police stations. The plan referred to the setting up of the Menoyia Detention Camp, which would be used exclusively for third country nationals under deportation, and to the dissemination of the two rulings against Cyprus to various governmental authorities. It concluded that it had complied with its obligations under article 46(1) of the ECHR and asking the Committee of Ministers to close its examination.

Just when the Cypriot authorities were seeking to convince the Council of Europe of their intentions to leave behind the old practice of long police cell detentions, they reverted to the old practice, because international travel restrictions related to Covid-19 complicated returning migrants in an irregular situation. Meanwhile, the Menoyia Detention Centre reached its full capacity as a result of an order from the Interior Ministry banning any detainees from being released. The Cyprus Refugee Council then reported a marked increase in the use of police stations to detain third country nationals, including asylum applicants who recently arrived in the country, for periods often exceeding two weeks, in violation of the ECtHR rulings against Cyprus.

Apart from being substandard and unsuitable for detentions in excess of 24 hours, as certified by the CPT, police cells have become even more unsuitable in recent years. Because they have not been widely used after the Menoyia camp was set up, the return to the old policy of detaining people at police cells was not supported by a regulatory framework. As a result, there are no effective procedures or protocols in place to facilitate detainees' access to justice or to health care, and the police officers have no instructions on how to handle such requests. On average, third country nationals were detained for two weeks in police detention cells.

[KISA reported](#) that the police station detention centres were overcrowded with third country detainees awaiting deportation, and the conditions are particularly bad and not designed for long-term detention. KISA stated that new detain-

ees are not transferred to the Menoyia Detention Centre but to various police stations, in conditions that have already been [ruled](#) by the ECtHR as inhuman and degrading.

11.2 MENOYIA VS. POURNARA

The Cyprus Refugee Council reported an incident where the authorities conducted a self-initiated review of the detention of a person detained in the Menoyia Detention Centre pending his deportation and decided to transfer him to Pournara as an 'alternative to detention'. The detainee applied for legal aid in order to challenge his transfer on the grounds that Pournara was not an 'alternative to detention', but de facto detention. When the detainee was brought to Court from the Pournara camp for the hearing of his legal aid application, the judge questioned why he was escorted by a police officer. The Court granted him legal aid, noting in its ruling that the applicant had been accompanied by a police officer to ensure his return to the Pournara Camp (Cyprus Court of International Protection, Legal Aid Application by A.W., Ref. No. 137/20, 31 July 2020). Following this development, the authorities decided to release him.

The conditions in Menoyia are described as significantly better than Pournara. The number of detainees did not increase, because the police officers guarding the centre refused to accept any more detainees because of the risk related to Covid-19. According to information supplied to the Cyprus Refugee Council, in the last quarter only two persons were transferred to the Menoyia Detention Centre, and they were brought in from the central prison. There are many cases of detentions at the Menoyia Detention Centre, however, that exceed the six-month detention limit placed by the Return Directive, since Interior Minister has placed a strict ban on releases.

11.3 CENTRAL PRISON

The central prison is also overcrowded, and third country nationals are over-represented: amongst the 850 prisoners held at the central prison in 2020 (which has a capacity of 540), third country nationals were the highest category. Some of the third country prisoners are serving a sentence for trying to leave the country with forged documents, which is essentially an immigration offence, and offenders should not be

imprisoned together with prisoners serving a criminal sentence. Following the outbreak of Covid-19, the authorities decided to release a number of prisoners from the central prison to prevent the spread of the virus, however the third country nationals were not amongst those who were released. Because the authorities fear absconding, no third country nationals will be released from either the central prison, police station detention cells or the Menoyia Detention Centre, where persons awaiting deportation are detained. Information leaflets handed to prisoners in the central prison about Covid protection measures were only in Greek.

11.4 ACCESS TO JUSTICE FOR DETAINEES

For the Menoyia detainees, accessing justice is problematic, because each time they must attend a court hearing for a legal aid application or for recourse against detention, they must first apply for an exit permit with the Interior Minister. Although exit permits are routinely granted, there are usually delays and NGOs must intervene, all whilst deadlines are approaching. Often the exit permit is communicated after the court hearing date, and the detainee then has to wait for another court date to be set, and repeat the same process over again. This is also the case with doctor's appointments, in respect of which individual applications must be filed, often in emergency situations, whilst the Minister's response is frequently communicated after the date of the doctor's appointment.

11.5 LEGALITY OF DETENTION ON THE SUSPICION OF TERRORISM

In July 2020, a number of court decisions were delivered in response to applications from third country nationals challenging their detention for 15 to 16 months without ever having been formally charged. Their detention was based on administrative orders, issued on unsubstantiated suspicions of terrorism. In some of these cases, the court found that the authorities' allegations were not substantial enough to justify such a long detention and ordered their release. This happened in the case of [the application of XXX Almuhana for habeas corpus v. Chief of Police, Interior Minister through the Attorney General](#) where the applicant had admitted having been a member of ISIS when he was still a minor and that he had already abandoned the ranks of ISIS because he feared for his life. On his mobile phone, the police located photos of the applicant wearing a military uniform and holding guns. His data was checked against the databases of Interpol, Europol and TSC with negative results. The Court concluded that the applicant's detention was not justified and ordered his release, ruling that the right of the state to protect its borders must be balanced against the rights protected by article 52(1) of the EU Charter. In [the application of XXX Alsheiko for habeas corpus order](#), the applicant had also been detained since February 2019 on terrorism suspicions without having been charged. His asylum application was rejected in July 2019, but the rejection was not communicated to him until three months later, adding three more months of detention without explanation. Even after the rejection was communicated to him, his detention continued for over 16 months. The Court did not endorse the applicant's argument that the authorities failed to reveal information connecting the applicant to terrorist activities but nevertheless accepted his habeas corpus application and ordered his release.

12

RETURN PROCEDURE

12.1 COURT DECISION CANCELLING DEPORTATION ORDERS FOR FAILURE OF THE AUTHORITIES TO SERVE THEM

The Administrative Court [annulled](#) a deportation order against a third country national, because the order was found to have relied on the wrong legal provision. The applicant had filed for asylum in 2018 and was rejected in 2019. He appealed against this rejection, but lost that in 2020. Following the court's determination of the appeal, the authorities declared the applicant to be an illegal immigrant under immigration law and issued detention and deportation orders against him, which were never served. The applicant filed a fresh asylum application in February 2021, which was rejected in March 2021. He appealed against that rejection, the examination of which was pending at the time that this judgement was issued. In October 2021 the applicant visited a police station to file a complaint upon which he was arrested, and the detention and deportation orders issued against him in 2020 were served to him. Since the authorities made no effort to serve these orders to him until then, the Court found that the orders acquired legal force only upon being served to him in October 2021. At this point, however, the applicant had a court case pending, challenging the rejection of his subsequent asylum application. Council Directive 2013/32/ requires member states to ensure that asylum applicants have the right to an effective remedy and must permit asylum applicants to remain on their territory pending determination of their appeal, including appeals relating to subsequent applications. Because the detention and deportation orders acquired legal force whilst an appeal was pending, the orders were issued under the wrong legal basis, i.e., immigration law rather than asylum law. The Court therefore cancelled both the detention and the deportation orders and ordered the respondents to pay the costs.

12.2 DEPORTATION STATISTICS

The police [stated](#) that the number of deportations doubled in the last two years: in 2018 there were 695 deportations; in 2019 there were 417; in 2020, 1,272; and in 2021, 2,320 deportations were carried out.

12.3 VOLUNTARY RETURNS

A recently launched [programme of voluntary returns](#) is in operation, through which 258 Vietnamese nationals, who lived in Cyprus in an irregular situation, were returned to Vietnam through the assistance of the Vietnamese Embassy and Honorary Consul in Cyprus. The Cyprus Refugee Council reported that the assisted returns scheme appeared to be working better in 2021 than before, as they received confirmations from returnees that the money was paid as promised.

This programme had initially been launched by the Asylum Service in December 2020, in which a flight ticket and financial incentives were provided to persons willing to return voluntarily and was co-funded by the EU Asylum, Migration and Integration Fund (AMIF) and the Republic of Cyprus. By the end of 2020 only one person had made use of this programme and returned voluntarily to Nigeria. Even though the programme had been announced during the first lockdown, there was not much interest in it from potential beneficiaries, partly because many of them felt that even if they are not personally at risk in their countries of origin, it is far too dangerous due to ongoing hostilities. The programme also lost its credibility amongst potential beneficiaries, as procedures and amounts to be paid were not transparent at first and there were rumours that the money paid was not what was promised. It is not clear why the programme was only targeting Africans, since there would presumably be a great deal of interest amongst the Asian population of Cyprus.

12.4 DEPORTATIONS WITHOUT DUE PROCESS

Media reports referred to instances where persons residing in the Pournara camp were deported without due process. In particular the media reports claim that persons residing in Pournara were told that they would be taken for health screenings, but they were led onto a boat that transported them back to Lebanon. The Ministry of the Interior denied this allegation, however the Cyprus Refugee Council staff on site confirmed that its officers were present when a group of newly arrived persons in the Pournara camp were told they would be taken for health tests and were deport-

ed instead. UNHCR stated that the placement of persons in return boats before examination of their asylum claims are potential infringements of the non-refoulement principle.

There appears to be a pattern of detaining third country nationals convicted of a crime, no matter how minor, in order to deport them as soon as they finish serving their prison sentence, as two such instances were identified in 2020:

- A [Brazilian national](#) who had entered into a civil partnership with a Cypriot. He was arrested as soon as he was released from jail and subsequently deported;
- A [Nigerian student](#) was arrested and detained pending deportation after he had served his sentence for being in possession of 0.3 grams of cannabis.



CONCLUDING REMARKS

The pandemic was a watershed moment for human rights but nowhere more apparent and devastating than in the field of asylum and migration. What is more worrying is that the government gathered sufficient momentum and societal consent to use the pandemic as an excuse to implement policies which were already in the pipeline and which failed to meet the threshold of legality and legitimacy on many levels. In some instances, the governmental persistence of confining third country nationals led to a self-made crisis, which could have been avoided, that had serious repercussions on the rights of vulnerable groups, including children and unaccompanied minors. The resulting situation is that the model of exclusion rather than integration leads to the emergence of theories linking immigration with crime, as aptly manifested in community reactions against the settlement of asylum seekers in their neighbourhoods. A xenophobic public opinion is quickly developing in Paphos, where the Ministerial decree prohibiting the settlement of asylum seekers has led to increased police surveillance, which is of questionable legality, and tensions with the local communities, triggered by politicians depicting all foreigners as threats, opening windows of opportunities for the far right to rise, with unpredictably dangerous consequences.

ABOUT THE AUTHORS

Corina Demetriou is a lawyer and legal researcher with expertise on fundamental rights, discrimination migration and asylum. She has authored numerous expert reports for EU level organisations and scholarly articles and serves as national expert in several EU-wide networks of expertise, including the [European Network of Legal Experts in the Non-discrimination Field](#). She is an expert for the Council of Europe and is regularly contracted by the European University Institute in Florence for conducting national level studies. She is consulted by ECRI, the Advisory Committee on the Framework Convention for the Protection of National Minorities and other organisations for the purposes of compiling national reports on Cyprus. She has a long-standing participation in community-based activities.

Nicos Trimikliniotis is Professor of Sociology, Social Sciences and Law at the University of Nicosia. He heads the team of experts of Cyprus' team for the Fundamental Rights Agency of the EU. He is currently principal investigator for the research project *Mobile Citizenship, States of Exception and (non)Border Regimes in post-Covid19 Cyprus*, awarded by Hellenic Observatory with partnership with London School of Economics and Political Science funded by the A.G. Leventis Foundation. He is also a trained Barrister and legal and social expert who has researched on state theory, conflict and reconciliation, fundamental rights, digitalities, work, precarity, citizenship, migration and asylum, racism, free movement of workers, discrimination, nationality, asylum and immigration law and Labour Law. Publications selection: *Migration and the Refugee Dissensus in Europe: Borders, Security and Austerity* (2020, Routledge); *Mobile Commons, Migrant Digitalities and the Right to the City*, Palgrave, 2015) and *Beyond a Divided Cyprus: A State and Society in Transformation*, (Palgrave MacMillan, 2012).

IMPRINT

Friedrich-Ebert-Stiftung
Cyprus Office
20 Stasandrou, Apt. 401 | 1060 Nicosia | Cyprus

Responsible:
Hubert Faustmann | Director
Phone: +357 22 37 73 36
Email: office@fescyprus.org
Website: www.fescyprus.org

The views expressed in this publication are not necessarily those of the Friedrich-Ebert-Stiftung or of the organizations for which the authors work.

© Friedrich-Ebert-Stiftung (FES) 2022

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or utilized in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without permission in writing from the copyright holder(s).



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

This report examines the refugee and migration issue in Cyprus during the Covid19 pandemic years. The text focuses on the fluctuations in the number of refugees, the use of the pandemic restriction to introduce more restrictive and repressive policies with an emphasis on externalisation and security, and the failing reception condition as migration to and asylum is increasingly becoming significant in public debates and increasingly entangled with continuing de facto division of the country.

Following a rise in numbers of asylum applications in 2019, the numbers during the pandemic were halved when the Government abruptly closed the checkpoints and refused to accept and process applications. With the easing and eventual lifting of travel restrictions, the numbers of asylum applications have returned to the levels prior to the pandemic. The figures from the first months of 2022 indicate that the trend is likely to continue increasing in spite of the pushbacks, the barbed wires, restriction of rights and the dehumanising reception conditions.

Upon the outbreak of the pandemic, the Government introduced unprecedented measures such as the suspension of the asylum system, pushbacks at land and at sea, the forced transfer of all asylum seekers into camps, the conversion of the camps into closed centres, the placement of barbed wire at certain spots along the buffer zone for the first time and the general lowering of reception conditions.

The government's approach has shifted towards a more restrictive migration policy implemented through repressive measures. Alongside tougher border restrictions and fewer rights within the reception process aiming to reduce the "pull factor", the government introduced measures restricting rights such as appeal rights, right to family reunification and residence permits to children of recognised refugees and access to integration measures and benefits.

The pandemic revealed and widened the gaps of the health care and welfare system, and increased homelessness, poverty and marginalisation of mi-

grants and asylum-seekers. From a human rights and social welfare perspective the situation has become seriously 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. Moreover, regional solutions and a radical shake-up of EU policy which is rights-based, fast and fair are urgently called for: an EU-wide asylum and international protection system to replace the defunct Dublin would ease the pressure on border countries. Such measures would prepare Cyprus and other EU border countries for possible new arrivals.