Country factsheet Cyprus

Based on its 2010 Work Programme, the European Union Agency for Fundamental Rights (FRA) carried out a study on access to justice for asylum seekers. This study illustrates the perspective of asylum seekers on two specific issues relating to the asylum procedure, namely information on the procedure itself and access to remedies against a negative decision.

The FRA interviewed almost 900 asylum seekers throughout the European Union. The information received has been analysed taking into account the relevant national legal provisions and the responses to a questionnaire on information received from national asylum authorities. The research has resulted in two comparative reports, the first on the duty to inform and the second on access to effective remedies.

This factsheet complements these two comparative studies by providing some basic background information, including statistics and relevant domestic legal provisions relating to the issues covered in the two reports.

1. Statistics

Statistics on asylum applications (Total and top 10 nationalities)

2009 Top 10 Nationalities		2008 Top 10 Nationalities	
Total	2,665	Total	3,465
India	300	Syrian Arab Republic	945
Sri Lanka	235	Sri Lanka	400
Palestine	230	India	230
Pakistan	210	Pakistan	220
Syrian Arab Republic	190	Egypt	195
Bangladesh	165	Palestine	185
Egypt	160	Bangladesh	175
Iran (Islamic Republic of)	120	Iran (Islamic Republic of)	170
Iraq	105	Georgia	110
Nigeria	95	Nigeria	105

Statistics on first instance asylum decisions (Total positive decisions - top five nationalities)

2009							
	Geneva Convention Status	Subsidiary protection status	Humanitarian[1]	Rejected	Total number of decisions	Total positive decisions	Recognition rate[2] %
Total	50	1,040	40	2,725	3,855	1,130	**29.3**
Palestine	10	885	0	10	900	890	**98.9**
Iraq	0	150	0	15	165	150	**90.9**
Turkey	20	0	0	60	80	20	**25.0**
Iran (Islamic Republic of)	15	0	0	180	190	15	**7.9**
Georgia	0	0	10	110	115	10	**8.7**

Statistics on final decisions (Total positive decisions - top five nationalities)

2009							
	Geneva Convention Status	Subsidiary protection status	Humanitarian[1]	Rejected	Total number of decisions	Total positive decisions	Recognition rate[2] %
Total	25	10	45	2,580	2,660	80	**3.0**
Syrian Arab Republic	10	0	15	480	500	25	**5.0**
Iran (Islamic Republic of)	10	5	0	80	90	15	**16.7**
Turkey	0	0	15	35	45	15	**33.3**
Sri Lanka	0	0	5	545	550	5	**0.9**
Pakistan	0	0	5	195	200	5	**2.5**

Notes: These tables are based on categories used by Eurostat. The way Eurostat presents its data may not necessarily correspond to categories used at national level. This can particularly be the case with statistics provided under 'humanitarian status'. For more detailed understanding of the data, the reader is invited to consult national statistics at:
http://www.moi.gov.cy/moi/asylum/Asylum.nsf/DMLstatistics_en/DMLstatistics_en?OpenDocument.

Data has been rounded to the nearest 5. Due to the rounding, the sum of individuals may not necessarily match the given total. 0 means less than 3; n.a. = not available.

[1] *Covering persons granted authorisation to stay for* ***humanitarian reasons*** *under national law by administrative or judicial bodies. It includes persons who are not eligible for international protection as currently defined in the first stage legal instruments but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments.*

[2] *The* ***recognition rate*** *corresponds to the proportion of positive first instance or final on appeal decisions out of the total number of decisions in 2009. Positive decisions include the provision of refugee status, subsidiary protection and humanitarian protection (where data is available).*

Source: Eurostat, Data extracted on 01 September 2010.

2. Background Information

Asylum act[1]

Refugee Law (2000-2009)[2]

Asylum authorities

First instance authority
Ministry of Interior, Asylum Service

Second instance authority
Refugee Reviewing Authority

3. Duty to inform asylum seekers

Article 11 of the Refugee Law guarantees to asylum seekers the right to be informed, at the time of submission of the asylum application, and in a language understood by him/her, of his/her rights and obligations as provided for in this Law, of the asylum examination procedure which s/he should follow, as well as of his/her rights and obligations related to the asylum procedure. For this purpose, the asylum seeker is informed of his/her right to assistance of an interpreter, free of charge, as well as a legal adviser, to communicate with the UNHCR and other NGOs dealing with refugees at all stages of the asylum procedure, and of the consequences of non-compliance with his/her obligations and non-cooperation with the authorities.

In August 2010, the Asylum Authority at the Ministry of Interior provided the following information to the FRA as regards written information materials.

Written information materials	Information leaflet translated into 11 languages. Separate Dublin leaflets under preparation.
Provided when?	Upon submission of the asylum application (before the interview takes place)
Provided by whom?	By the relevant officer of the Immigration Services of the Police upon submission of the asylum application. A second information leaflet containing details regarding the more general procedure is also provided with the interview letter.
Has an evaluation of information tools been carried out?	No

[1] The legal information in this factsheets has been updated to reflect the situation on 1 September 2010.
[2] The document published at the UNHCR's web site contains a version of the Cypriot Refugee Law of 2000 with the amendment from 2007. However, the factsheet reflects also the latest amendment adopted in 2009, whose text may be found at the webpage www.leginetcy.com.

4. Effective Remedy

Type of procedures

Besides a regular procedure for the examination of the asylum application (Article 13), the Refugee Law envisages an accelerated procedure (Article 12D), as well as procedure implementing the Dublin II Regulation (Article 11B). The accelerated procedure is used as a matter of priority for the asylum applications, which in the view of the competent officer fall in the scope of Articles 12, 12A and 12B (e.g. safe 3rd country or safe country of origin grounds), or for other applications listed in Article 12D(4) (e.g. applications likely to be well-founded, applicants with special needs, subsequent applications, or manifestly unfounded applications). The accelerated procedure should be concluded no later than 30 days from the date of submission of an application. In case the determining authority does not take a decision on the application in the regular procedure within 6 months, it shall notify the applicant in this respect (Article 13(6)).

Duty to state reasons for rejection and procedure to appeal

A negative decision on the asylum application shall contain legal and factual reasons for its rejection, as well as the information on the right to lodge an appeal against such decision with the Reviewing Authority pursuant to Article 28E of the Refugee Law, or with the Supreme Court pursuant to Article 146 of the Constitution, on the nature, and the form of such an appeal and the time limits for lodging it (Article 18(7B)).

Time limits for appeal

Any negative decision of the Head of the Asylum Service shall be subject to an appeal before the Refugee Reviewing Authority (Article 28E(1)). The Reviewing Authority, consisting of the President and two members appointed by the Council of Ministers, shall constitute an independent authority composed of at least two jurists (Article 28, 28A(2)). The appeal shall be submitted within 10 working days from the date the applicant is notified of the decision, in cases where the asylum application was examined under the accelerated procedure. The time limit of 20 working days applies for the submission of an appeal against decisions issued in all other cases (Article 28F).

Type of procedure	Time limits	Right to remain
Regular procedure	20 days	Automatic suspensive effect.
Accelerated procedure	10 days	Automatic suspensive effect.
Dublin procedure	20 days	No automatic suspensive effect, but it can be granted in the individual case by the Reviewing Authority.

Right to remain in the country during appeal

The decisions of the Asylum Service shall not be executed during the deadline for the submission of an appeal, nor during the time that such appeal is reviewed by the Reviewing Authority. During this time, the applicant has the right to remain in the territory until the decision of the Reviewing Authority is rendered (Article 18(10)).

An appeal against a decision issued in the Dublin procedure ordering the transfer of the asylum seeker to the Member State responsible for the examination of the asylum application, shall not have suspensive effect as regards the execution of such transfer, unless the Reviewing Authority decides otherwise (Article 11B(3)).

Legal Aid

The asylum seeker has the right to call a lawyer or a legal adviser to assist him/her during the whole asylum procedure and to communicate with organisations dealing with refugees (Article 11(5)). The asylum seeker has to bear the costs incurred by using the services of a legal adviser (Article 11(6)). The applicant, throughout the appellate procedure, has the right to be represented by a lawyer or a legal advisor. The applicant and his/her lawyer or legal adviser shall have free access to the full file of the applicant relating to his/her application and his/her administrative recourse (Article 28I(6)).

Language assistance

The Refugee Law guarantees the asylum seeker the right to free of charge assistance of an interpreter, in his language or in a language understood by him/her in case there is no interpreter to translate into the asylum seeker's mother tongue (Article 11(5)). In the course of the appellate procedure, the applicant shall be provided with the free of charge services of an interpreter, where this is necessary. The services of an interpreter shall always be deemed necessary in cases where the appellate body calls the applicant to a personal interview or a hearing (Article 28I(2)).

Hearing

The appellate procedure before the Reviewing Authority may be both in the form of written representations as well as hearings. The hearing before the appellate body is conducted behind closed doors. If the applicant submits new evidence, the Reviewing Authority may either arrange a personal interview with the asylum seeker or invite the applicant to a hearing (Article 28G).