

COUNTRY OPERATIONS PLAN

COUNTRY: CYPRUS

PLANNING YEAR: 2003

Prepared by: LO Cyprus

First submission date: 26 March 2002

Last revision date:

PART 1 : EXECUTIVE COMMITTEE SUMMARY

Context

The events of 1974 resulted in the de-facto partitioning of Cyprus. The southern part of the island is under the control of the Government of the Republic of Cyprus (GOC), which is the internationally recognised Government of the whole of Cyprus. The northern part of the island is ruled by a Turkish Cypriot administration, the self-proclaimed "Turkish Republic of Northern Cyprus" ("TRNC").

The 1951 Convention was signed and extended to Cyprus by the United Kingdom in 1956. After independence, the Republic of Cyprus affirmed its commitment to the 1951 Convention by a declaration to the UN Secretary General in 1963. In 1968, the Republic acceded to and ratified the 1967 Protocol. In January 2000, the national refugee legislation (the Refugee Act) entered into force, which was amended in February 2002. Also in February 2002, the implementing rules (Refugee Regulations of 2002) were adopted and entered into force.

The GOC, being a EU candidate country, made significant progress in the harmonisation of their national legislation and procedures with the EU Acquis, resulting in the provisional closure of Chapter 24 (Justice and Home Affairs) in December 2001.

UNHCR continued to be responsible for Refugee Status Determination (RSD) in 2001, as the Implementing Rules had not been adopted yet and the GOC needed to establish adequate asylum institutions. All decisions of UNHCR were accepted by the GOC and are considered by law as decisions of the Refugee Authority. Preparations for a hand-over of the RSD responsibility from UNHCR to the GOC started in full earnest in late summer 2001, when the GOC decided to assume full responsibility for RSD as of 1 January 2002. As the GOC wished to start with a clean slate, this was decided in the understanding that UNHCR would complete the processing of all applications received prior to 1 January 2002. UNHCR maintains an advisory role, which was instituted under the Refugee Law.

In preparation for the hand-over, UNHCR provided in 2001 training to the staff of the future Asylum Unit (responsible for all administrative matters, interviewing of applicants and preparing draft decisions), which included international refugee and human rights law, standards of RSD, interview techniques and country of origin research. At the request of the GOC, UNHCR will continue to provide advice, guidance and support to the Asylum Unit until such time the staff of the Asylum Unit has built up sufficient experience and expertise. Since the GOC has only recently assumed responsibility for RSD and all refugee related matters, capacity also needs to build on all levels of the procedure, including the members of the Refugee Authority (responsible for refugee policy and first instance decisions), the members of the Reviewing Authority (responsible for decisions in second instance) and the judges of the Supreme Court (administrative review). The GOC provides assistance to the asylum seekers and refugees, who have access to free education and health care, as well as to Social Welfare Assistance and accommodation on a needs basis.

The "TRNC" has no existing national legislation pertaining to refugees and asylum seekers, nor it is party to international law, and does not provide any legal or material assistance to them. RSD is conducted by UNHCR and legal protection is accorded under UNHCR's mandate. The protection of refugees and asylum seekers is contingent upon UNHCR's assumption of full financial responsibility for the well being of the refugees and asylum seekers, including the provision of accommodation and daily substance allowance. UNHCR co-operates with the Humanitarian Relief Mission (HRM) in this respect.

Under the provisions of the Treaty for the Establishment of the Republic of Cyprus, signed in 1960, military base areas are retained under British sovereignty (Sovereign Base Areas - SBA). The UK continues to exercise sovereignty and jurisdiction over the SBA, without the SBA constituting part of the European Union. The GOC's interpretation of the Treaty recognises that the SBA has its own sovereign administration but limited jurisdiction. The SBA has received asylum seekers in the last years, of which a number have been processed and recognised. The refugees, however, are not able to integrate locally nor have they access to all refugee rights. Most of them have been in this situation since 1998, without a durable

solution in sight. A number of asylum seekers arrived in the SBA through the "TRNC". The SBA has refused to process their asylum applications as in their view, the GOC should assume responsibility for this. Some 30 asylum seekers remain in limbo since early 2000 as neither the SBA nor the GOC agrees to assume the responsibility for the processing of their asylum claims. As a result, some 30 asylum seekers have left the SBA illegally, most of them as them as stowaways on vessels.

Beneficiary Population

The number of asylum seekers in the GOC increased rapidly during the course of 2001 and the total number tripled in comparison with 2000 from 383 to 1169 cases/1620 persons. The asylum seekers originate from a variety of countries, with the majority originating from Iran, Yugoslavia, Pakistan, Russia, Iraq, Lebanon, Gaza Strip, Egypt, Turkey and Syria. The Iranian and Yugoslav asylum seekers together, constitute roughly 50% of the overall caseload.

The first two months of 2002 saw a drastic decrease in the number of persons seeking asylum. While it is too early to draw firm conclusions on the reasons for this decline, some preliminary remarks could be made. First of all, in the framework of the accession to the EU, the Cyprus Government established visa requirements for Iranians, making it more difficult for persons from Iran to travel to Cyprus and, subsequently apply for asylum. Second, a significant number of asylum seekers was reluctant to approach the Immigration Police to apply for asylum, as they were fearing arrest and deportation. It may take some time before they have gained trust in the competence and behaviour of the law enforcement authorities. It remains to be seen how this trend will develop in the months to come. For 2003, it is expected that the number of asylum seekers in the GOC will decrease in comparison to 2001 but will still amount to some 800/1000 persons.

The number of asylum seekers in the "TRNC" fluctuates greatly as most of them arrive illegally by boat. Those entering illegally have so far not been allowed to remain pending the outcome of their refugee application and were deported after having served their sentence for illegal entry. UNHCR is aware of 221 such asylum seekers in 2001 who were deported. The limited number of asylum seekers, who arrived legally, are allowed to remain pending the assessment of their refugee claim albeit without official acknowledgement or accordance of relevant documentation or status. The majority of the asylum seekers in the "TRNC" claim to originate from Iraq.

The majority of the asylum seekers in Cyprus are single males, with on occasion family members joining them afterwards. Their level of education varies greatly. UNHCR is aware of a number of single headed households but has no knowledge of separated children amongst the asylum seekers/refugees.

The actual number of refugees remaining in Cyprus is relatively small. At the request of the GOC, UNHCR pursued as a matter of general policy resettlement as the durable solution for recognised refugees. Therefore, a significant number of refugees have departed in the meantime for third countries, with some 65 refugees remaining at the end of 2001, of whom some were pending resettlement. With the emerging asylum institutions and Cyprus being an EU candidate country, the emphasis has shifted from resettlement to local integration. Therefore, it is expected that the number of refugees in Cyprus will increase slowly but surely.

Since recognised refugees have no possibilities to integrate locally in the "TRNC", UNHCR is pursuing resettlement as the durable solution for them. No recognised refugees were remaining in the "TRNC" at the beginning of 2002. While UNHCR will continue to advocate for the respect of the rights of recognised refugees, it is doubtful if this will materialise in the near future. Therefore, UNHCR will continue to pursue resettlement for the refugees in the "TRNC".

Policy Issues and Priorities

In line with UNHCR's overall Strategic Directions for Europe, the main policy issue and priority for Cyprus is **Strengthening Asylum**. This broad theme encompasses the various concerns for the protection of asylum seekers and refugees in Cyprus.

- To clear UNHCR's backlog of cases pending status determination, which was built up due to the sudden and steady increase of refugee applications in 2001, with some 1300 remaining cases pending a decision by UNHCR early 2002.
- To further enhance the capacity of the GOC to deal with asylum related matters in a expedient and efficient manner. This includes the various stages of the asylum procedures and asylum institutions and local integration possibilities.
- Local capacity building through an agreement with a local NGO, who will provide legal advice and social counselling to asylum seekers and refugees.
- Advocate that asylum seekers who arrived illegally in the "TRNC" are allowed to remain pending the assessment of their claim.
- An appropriate durable solution is being identified for the refugees in the SBA, while asylum seekers arriving in the SBA will have access to an asylum procedure.

Capacity and Presence of Implementing Partners

Refugee protection has entered into a new phase in Cyprus, with the GOC assuming responsibility for RSD and refugee matters as of 1 January 2002. As in other countries, it is in the interest of the refugees and asylum seekers as well as the GOC if the former would benefit from independent advice and guidance during the asylum procedure and afterwards. For this purpose, UNHCR will support a system of free legal advice for refugees and asylum seekers, which will be implemented by a to-be-decided Implementing Partner. Besides this legal advice, the NGO will also provide limited social counselling to the beneficiaries in support of the national structures. This initiative shall also create enhanced capacity and awareness amongst local lawyers and social workers of refugee protection and the needs of asylum seekers and refugees. UNHCR will provide intensive financial and training/advisory support to this new Implementing Partner in 2003 in order to allow them to build up the necessary expertise and experience. This will also be done by fostering links with other similar and relevant NGOs in the region and by learning from best practices.

In the "TRNC", UNHCR will continue its co-operation with the Humanitarian Relief Mission (HRM).

Selected Programme Goals and Objectives

THEME 1: Strengthening Asylum

Goal 1 : Persons in need of international protection have access to the territory of European States.	
Principle Objectives	Related Outputs
➤ Measures to combat irregular migration and smuggling include safeguards against direct or indirect refoulement.	<ul style="list-style-type: none"> • Asylum seekers arriving at the airport or ports are allowed to enter Cyprus and access the asylum procedures. • In the establishment of the policy of interception at sea, the authorities will pay due respect to these necessary safeguards and coastal guard will be instructed to adhere to them in practice.
Goal 2: Asylum seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international standards.	
➤ Asylum seekers have access to procedures in which their claims are heard fairly and promptly.	<ul style="list-style-type: none"> • UNHCR processes the RSD backlog in a fair and expedient manner, maintaining the high quality interviews and assessments. • UNHCR responds in a timely manner to asylum requests in the "TRNC" and assesses them in a fair manner. • Immigration Police and Border Police are fully aware of and respect the right to access the asylum procedure. • Good quality decisions by GOC in first and second instance, through use and access to

Country Operations Plan

<p>➤ Legal frameworks for asylum established in line with international standards and practice.</p>	<p>COI, appropriate interviews skills and in-depth, legally well argued assessments.</p> <ul style="list-style-type: none"> • Access to free legal services by asylum seekers during the procedure. • Social counselling and advice on access to Gov. assistance is being made available. • Asylum seekers in the SBA have access to asylum procedures. <ul style="list-style-type: none"> • Authorities take into account input and advice by UNHCR, respect international standards and EU Asylum Acquis, when revising asylum laws, relevant policies and procedures.
<p>➤ Asylum-relevant institutions develop to become effective and eventually independent of external support.</p> <ul style="list-style-type: none"> • Asylum systems are capable of dealing with complementary systems of protection and temporary protection in situations of mass influx. • Asylum seekers are treated in accordance with international standards. 	<ul style="list-style-type: none"> • The Asylum Unit of the Migration Department and the Refugee Authority work efficiently and effectively with high quality preparation of files and first instance decisions. • Main asylum GO/NGO actors exposed to contacts with asylum seekers/refugees are more aware of gender implications, both related to gender based persecution and for the planning and delivery of effective refugee services. • Authorities take into account UNHCR's policy and EU Asylum Acquis when revising legislation. • Practical day-to-day protection of asylum seekers is enhanced through increased professional capacity of Social Welfare staff in working with asylum seekers/refugees. • Gov. respects principle on non-refoulement for asylum seekers.
<p>Goal 3: Refugee Rights are respected and effective durable solutions are found for them.</p>	
<p>➤ Refugee rights are respected.</p> <p>➤ Refugees have real possibilities to integrate</p> <p>➤ States offer flexible resettlement programmes</p>	<ul style="list-style-type: none"> • UNHCR, in co-operation with the GOC, looks at current situation of refugees in a comprehensive manner and advocates for changes in national legislation/practice where called for. • With enhanced input of the refugees themselves, prepare a profile of their educational/ professional background, and results will be used for tailor made integration programmes. • GOC will take into account advice and guidance of UNHCR and NGOs concerning necessary changes of national legislation to promote local integration. • Refugees in the "TRNC" and the most vulnerable in the GOC will be resettled.

Goal 4: Public Opinion be receptive and supportive of the protection and solution needs of refugees.

<ul style="list-style-type: none">➤ Xenophobic trends diminish in favour of increased tolerance, and the public at large understands the relevance of refugee protection, and the difference between economic migrants and refugees.➤ UNHCR's standing as the international authority on refugee protection is understood and acknowledged	<ul style="list-style-type: none">• Targeted audience (such as teachers, academics, police instructors, politicians) will have enhanced understanding of refugee protection and difference between economic migrants and refugees.• Local media will have better understanding of asylum and refugee matters, and will consult with UNHCR before publishing refugee related articles.• Through general PI related activities, the wider public will have better understanding of difference between refugees and IDPs, as well as between refugees and economic migrants.
---	---

Policy Priorities

UNHCR's organisational priorities on gender equality, children and adolescents as well as elderly and refugees with special needs, have been mainstreamed into the programme and activities for 2003. The organisational priority of environmental protection is not relevant for UNHCR Cyprus.