

## CYPRUS

Cyprus is a state party to the United Nations Convention Relating to the Status of Refugees and its Protocol, as well as to the International Covenant on Civil and Political Rights and its First Optional Protocol. Although the Cypriot Parliament approved a new Refugee Act in 2000, as of the end of 2001 the government had not yet established a process for making asylum determinations and such determinations continued to be made by UNHCR.<sup>1</sup>

Cyprus does not regard itself as an asylum country, and expects recognized refugees to seek resettlement in other countries if repatriation seems unlikely.<sup>2</sup> However, about 1,600 persons sought asylum in Cyprus in 2001 and 1,300 refugees and asylum seekers remained in need of protection at year's end.<sup>3</sup>

Under the Refugee Act, asylum seekers may be detained only to: (a) ascertain identity; (b) ascertain the facts upon which an application is based; and/or (c) protect public security and order.<sup>4</sup> An immigration officer or the Secretary of the Refugees Authority makes the initial decision to detain for a period of up to eight days.<sup>5</sup> Thereafter, detention may be ordered by a court for subsequent periods of eight days, not to exceed 32 days.<sup>6</sup>

The government claims that no asylum seekers were detained in 2000 and 2001.<sup>7</sup> However, according to USCR, the government of Cyprus maintains a 130-bed detention facility for undocumented asylum seekers and migrants and also reportedly detained illegal foreigners in Cypriot jails in 2001.<sup>8</sup> In addition, the British army, which maintains a military base in eastern Cyprus, detained more than 100 asylum seekers and migrants

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<sup>1</sup> U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2002 at 188 *available at* <http://www.refugees.org/WRS2002>. (Immigration and Refugee Services of America 2002) [hereinafter USCR WORLD REFUGEE SURVEY 2002].

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Letter from Permanent Mission of the Republic of Cyprus in Geneva, Switzerland, Response to LCHR Questionnaire on Detention of Asylum Seekers (Jan. 29, 2002) (on file with Debevoise & Plimpton) [hereinafter Cypriot Response to LCHR Questionnaire].

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> USCR WORLD REFUGEE SURVEY 2002, *supra* note **Error! Bookmark not defined.**, at 188.

during the year.<sup>9</sup> Authorities in Turkish-controlled northern Cyprus arrested and detained at least 220 asylum seekers in 2001.<sup>10</sup>

The government does not maintain reception centers or other accommodations for asylum seekers who are not detained, but in certain cases provides accommodations to refugees in hotels.<sup>11</sup> It grants asylum seekers work authorization and temporary residence permits while their cases are pending with UNHCR, and issues three-year residence and work permits to recognized refugees.<sup>12</sup> The Refugee Act also provides for free medical care and primary and secondary education for refugees.<sup>13</sup>

*Is there independent review of the detention decision? Yes.*

The initial decision to detain can be appealed by a writ of habeas corpus or application for a court order to set aside the detention order.<sup>14</sup> According to the Government, appeals—which ascertain whether the law was applied correctly—may be filed by the asylum applicant before the appropriate court as soon as the asylum seeker is informed of the detention decision.<sup>15</sup>

*Are there limits on the period of detention? Yes; thirty-two days.*<sup>16</sup>

*Is there periodic review of detention? Every eight days; automatic.*<sup>17</sup>

According to the Refugee Law, detention of an asylum seeker beyond the initial eight-day period can be extended for subsequent periods of eight days only by court order.<sup>18</sup> There is no time limit on detention following a final negative asylum application decision; unsuccessful asylum seekers will “be deported within a reasonable time.”<sup>19</sup>

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*; Cypriot Response to LCHR Questionnaire, *supra* note 4.

<sup>14</sup> Cypriot Response to LCHR Questionnaire, *supra* note 4.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

*Is there access to government-funded legal aid?* No.

The Refugee Law of 2000 provides that asylum seekers have the right to legal counsel during detention and during interviews by immigration officers and the Refugees Authority.<sup>20</sup> There is no government funded legal aid; although the government states that the topic is currently under consideration.<sup>21</sup>

*Alternatives to detention:* None.

*Vulnerable groups:* No information available.

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<sup>20</sup> *Id.*

<sup>21</sup> *Id.*