



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Cyprus

Planning Year: 2006

2006 COUNTRY OPERATIONS PLAN FOR CYPRUS

Part I: OVERVIEW

1. Protection and socio-economic operational environment

The GDP in the GOC is \$16,000 per capita (approximately 20% below the EU25 average, similar as Slovenia or Greece). GDP is \$5,600 in the North. The unemployment rate in 2005 is 52%.

After the EU accession, Cyprus tightened its visa policy, as the result of which the work permits of a large number of seasonal workers from non-EU countries have not been renewed. This has resulted in an influx in the number of asylum applications from persons who are not in need of international protection, during the months of November-December since 2002 (such employment contracts end in November-December).

Cyprus, lying off the southern coast of Turkey and the western coast Syria and Lebanon and having Egypt to its south, is at the crossroad of Europe with the Middle East and North Africa. Its 671 km coastal line combined with its geographic situation, situation of legal limbo in the North and recent accession to the EU, triggered irregular migration, in particular through the North of the island to the South (through the Green Line), in particular with the relaxation of the restriction on freedom of movement in 2003.

According to a recent survey amongst high school students, 61.8% of them consider that the presence of foreign workers in Cyprus contributes to the increase of criminality in the country. In general, the press contributes to building such perception. The civil society in Cyprus is still at an embryonic stage. The NGOs dealing with human rights, asylum and anti-racism have only started to operate for 2 or 3 years.

Cyprus remains a divided country in 2005. Cyprus became an EU Member State on 1 May 2004, with the EU Acquis suspended in the North. It has external borders (sea) with the Middle East, Northern Africa and Europe. The Republic of Cyprus is a State Party to the 1951 Convention and 1967 Protocol. The Government of Cyprus (hereafter "GoC") adopted national refugee legislation in January 2000, which was amended several times to reach compliance with international standards and the EU Acquis on asylum. The institution of asylum in Cyprus is therefore new (it started to function in 2002) and the political environment, in particular with the suspension of the Acquis in the North, is a complicating factor, which has an impact both on the irregular migration trend from the North and on the nature of UNHCR's operations in Cyprus.

The GoC assumed full responsibility of asylum matters as from 1 January 2002. The Asylum Service was created in April 2002. It has been fully trained and within a short period of time, has been able to conduct RSD in an efficient manner. Over 2,500 decisions on the merits were made by the Service in 2004, and equal number of decisions to close the files on administrative grounds was also taken. The second-instance body was established in August

2004 and its capacity still needs to be developed. It has so far reviewed approximately 300 files, but has not yet issued one single positive decision.

By law, asylum-seekers in Cyprus have right to access the labor market at the same level as third-country nationals. Asylum-seekers have also a right to apply for welfare assistance in case they have no sufficient means. They have the right of freedom movement and choice of place of residence.

Under the law, recognized refugees have the right to wage-earning employment, welfare assistance and public education at the same level as Cypriots. While all other Convention rights are afforded at the same level with nationals after three years of lawful residence. There are still, however, problems in the implementation of some of these provisions, mainly in the fields of employment and health, this is due to the lack of government officers knowledge, deficiency in co-ordination between respective competent organs as well as absence of housing schemes available for refugees and lack of integration policy.

The number of asylum applicants, ascending since end 2001, reached an unprecedented level in 2004 (and beginning 2005). In total 9,859 persons submitted an asylum application in 2004 (4,411 in 2003). In 2004, Cyprus became the country with the highest number of asylum seekers per capita amongst EU countries. It is acknowledged that most of the applications for refugee status are abusive (strong refugee/migration nexus). This sharp increase combined with the feeling within the government and society that most claims were abusive and that most a/s came from the North. This triggered the adoption of more restrictive practices approaches and policies on asylum, affecting all sectors, such as access to the procedure at local police, quality of the RSD process, detention and access to rights by asylum seekers and refugees.

One of the main areas of concern is the current trend of access to asylum procedures and detention. The Police who is the competent organ of receiving asylum applications, proved that they are unable to process the submission of the increased number of applications, in an efficient and timely manner. In some cases this resulted in asylum-seekers being treated as illegal migrants. The liberal provisions of the Refugee Law on detention are being by-passed by the provisions of the Aliens and Immigration Law. The Director of the Migration Department started to issue deportation orders towards asylum-seekers who applied after prolonged illegal stay in the country or those who entered illegally. Deportation orders are not implemented towards asylum-seekers, pending a final RSD decision, but a/s remain in detention for indefinite periods, with no judicial review. The conditions of detention have been severely criticized by independent officials of the State, as well as by the Committee for the Prevention of Torture of the Council of Europe. It is expected that in 2006 the issue will not be resolved and shall therefore remain high on UNHCR's agenda. The current NGO network is weak and not in a position to address these new challenges in an effective manner.

Access to rights has also been affected by these new trends, in particular within the framework of the discussion on the transposition of the EU Directive. The authorities are currently considering restricting access to employment for asylum seekers. Within this environment, refugees (418 recognized refugees and 113 granted subsidiary protection) also face greater challenges in their efforts for local integration.

In the North, no asylum regime is in place. UNHCR receives and processes under its mandate individual refugee applications submitted by asylum-seekers. Refugees and asylum-seekers remain fully dependent on UNHCR to meet their basic needs, pending determination of their status and resettlement. There is a stalemate in the political situation since the "Annan Plan" was outvoted in April 2004 and it is expected that the situation will remain unchanged in 2006. Turkey's accession negotiations with the EU, expected to start in October 2005, this may present a new window of opportunities for positive developments in political situation on the island.

In accordance with the Treaty of Establishment of the Republic of Cyprus (1960), there are two Sovereign British Base Areas (hereinafter the "SBA") that remain under the sovereignty of the United Kingdom. In February 2003, the GoC and the United Kingdom signed a Memorandum of Understanding (hereinafter "MoU") regarding their respective responsibilities vis-à-vis asylum-seekers arriving in the SBA. The MoU came into effect on 1 May 2004, and its provisions do not extend to those a/s who arrived prior to that date (89 persons are have been seeking asylum on the SBA since 1998). The SBA and GoC are working on modalities whereby the MoU could be implemented towards this caseload as well and it is expected that in 2005 this problem will be resolved, with the assistance of UNHCR.

2. Operational goals and potential for durable solution

Derived from UNHCR's Global Strategic Objectives (including the Agenda for Protection) and from the Strategic Framework of the Bureau for Europe for 2005/2010 (including Bureau for Europe: Priorities for 2006), the following are the overall strategic goals of the 2006 program of UNHCR Cyprus:

- Continue to assist authorities in the building of the institution of asylum in Cyprus, particularly in ensuring that the quality of the asylum system is safeguarded and that the misuse of procedure is avoided. This goal is to be achieved in order to ensure that the sharp increase of asylum seekers in 2004 and beginning of 2005 will not result in the development of strict asylum policies and deterioration of the standards of protection. The consequences could be increased obstacles to access asylum applications and increased resort to detention for undocumented a/s. In pursuing this goal, UNHCR Cyprus shall focus in particular on the policy priorities relating to women and children particularly in addressing detention issues and access to the procedure.
- In the North of Cyprus, the aim is to conduct RSD, whilst taking consideration of the political situation of the North, ensure that asylum-seekers have access to the procedure and that they are not deported also making sure that their basic needs pending finalization of the RSD are met. In view of the current political stalemate, it is not expected that in 2006 the protection situation in the North will change drastically and therefore UNHCR shall continue to operate in the North through an implementing partner, HRM. Conduct RSD in a gender-sensitive manner and ensure

that the limited assistance targets vulnerable groups. Seek for a resettlement solution for persons found in need of international protection.

- Promote the local integration of the recognized refugees in Cyprus with the competent authorities, in particular through advocacy of inclusion of refugees in the existing social schemes of the country and in continuing to play a co-ordination role with relevant government organs, as well as NGOs and refugee association. Focus on sectors which are still weak, such as access to health, access to housing and employment. This goal includes a strong Public Information component, in order to ensure that the Cypriot society is aware about the presence of refugees in Cyprus and develop a positive perception towards them, thus facilitating their efforts to locally integrate. NGOs need to be supported continually in order to facilitate the local integration of refugees, in particular through support to their socio-counseling programs as well as legal assistance projects.
- Continue to cooperate with the Asylum Service and the UK authorities in order to ensure that the Memorandum of Understanding is implemented and that asylum seekers are not deported, do not find themselves in a situation of legal limbo, have access to the RSD conducted by the Cypriot authorities and can easily integrate in Cyprus.
- Foster enhanced partnership with the NGO sector in order to ensure that the NGOs gain expertise and interest in asylum issues and are in a position to advocate for the rights of persons of concern and become fully credible counterparts of the government in the delivery of its protection responsibility.
- Enhance external relation activities aiming in particular at raising awareness on the protection challenges, in order to prevent, through increased support, a deterioration of the protection situation. The target group should be in particular the EC, EU countries, other donors, CoE, human rights institutions in Cyprus (such as Ombudsperson) and the media.
- Strengthen cooperation with UNHCR Rome and other Office in the sub-region, in order to start a smooth implementation of the regionalization process and ensure that UNHCR Rome shall receive the necessary feed-back to play its role in a meaningful manner. In parallel, Contribute to the sub-regional discussion of relevance, in line with BE's priorities for 2006 (in particular: nexus asylum/migration, focus on external borders of the EU and contribution to the formulation of strategies in relation to the Mediterranean basin etc.).
- Continue to build awareness on SGBV, in particular through the development of prevention strategies in an urban environment.
- Continue to give priority to the ethical conduct by humanitarian personnel, in line with UNHCR Code of Conduct and other relevant documents relating to ethical conduct.