

COUNTRY BRIEFING
AUGUST 2020

Cyprus



INTRODUCTION

The [Statelessness Index](https://index.statelessness.eu/) (<https://index.statelessness.eu/>)¹ is an online comparative tool that assesses European countries' law, policy, and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. The Index was developed and is maintained by the European Network on Statelessness (ENS), a civil society alliance of over 150 organisations and individuals in 41 countries working to end statelessness and ensure that stateless people in Europe access their rights.

ENS worked with its member, the Cyprus Refugee Council (CyRC), to research and compile comparative information on statelessness in [Cyprus](#).² The CyRC is an independent, non-profit organisation, active in Cyprus that focuses on refugees, asylum seekers, detainees, trafficking victims and survivors of torture. The CyRC envisions a fair and inclusive society that offers protection and support for all and for this purpose provides legal, social and psychological direct support; advocates for positive legislation, policies and practices; undertakes research activities and organises relative trainings, workshops and other capacity building activities.

This briefing summarises the Cyprus legal framework and policy, its conformity with international norms, its practices on the protection of stateless people, and its approach to prevention and reduction of statelessness. Five thematic areas are covered by the Index: International and Regional Instruments, Statelessness Determination and Status, Stateless Population Data, Detention, and Prevention and Reduction. This country briefing also proposes several recommendations to the Cyprus Government to better protect stateless persons' human rights and dignity.

INTERNATIONAL AND REGIONAL INSTRUMENTS

Cyprus is not state party to any of the four core statelessness conventions, being one of only three European Union member states yet to accede to the [1954 Convention on the Status of Stateless Persons](#). However, Cyprus is state party to all other relevant regional and international instruments, except for the [Convention on Migrant Workers](#). Therefore, it is bound by a range of specific obligations under international law including to uphold the child's right to a nationality and to protect stateless people from arbitrary detention.

The Cyprus Government should accede to the core Conventions to protect stateless persons as well as prevent and reduce statelessness.

STATELESS POPULATION DATA

There is very little reliable data on the stateless population in Cyprus. There are no measures in place to count stateless people in the national census, nor other national statistical databases, and statelessness has never been mapped in Cyprus. Asylum statistics contain relevant categories to record the number of applications

lodged by stateless refugees, but recording is not consistent. There have been discrepancies in how Palestinians are recorded, officials tend to conflate former country of residence with nationality, and reported figures are so low as to suggest significant underreporting. The lack of key information and data contributes to the problem remaining invisible, hinders understanding of the causes and solutions, and results in an underestimation of the challenges.

The Government of Cyprus should identify stateless persons in order to protect their rights. It should establish effective policy measures to improve stateless population data, including recording and counting stateless individuals in the census, and creating and maintaining accurate and disaggregated data on stateless people in population registries and immigration databases.



STATELESSNESS DETERMINATION AND STATUS

Although statelessness is referenced in Cypriot law and may be identified in certain administrative procedures, there is no definition of a stateless person, no dedicated statelessness determination procedure, and no stateless protection status. Some procedural safeguards exist in the asylum procedure and stateless refugees may be granted international protection if they meet the refugee definition (or threshold for subsidiary protection). Some stateless people refused asylum were previously granted humanitarian protection if they could not return to their countries

of former residence, but this status was abolished from the Refugee Law in 2014. A short-term residence permit may be granted for humanitarian reasons by the Migration Department if a person is refused asylum and referred to them for consideration, but rights in this case are very limited (no access to social security or healthcare and discretionary access to the labour market) and the procedure is not set in law nor consistently applied.

The Cyprus Government should establish a dedicated statelessness determination procedure and protection status, integrating safeguards to enable State authorities to initiate a procedure, guaranteeing protection to applicants during the procedure, and providing for procedural safeguards including free legal aid, compulsory interview, a time limit for decisions and the right to a suspensive appeal.

DETENTION

There are few protections in Cyprus against the arbitrary detention of stateless people. Powers for detention are set in law and should only ever be applied as a last resort. Nevertheless, a proposed country of removal does not need to be identified before ordering detention, statelessness is not considered juridically relevant, and an examination of alternatives is rare, despite less coercive measure being established in law since 2016. There are some procedural safeguards in law, including an obligation to provide written reasons for detention and information about remedies, a time limit in the case of detention for removal, and access to legal aid. However, in practice, reasons given are often general and not based on individual considerations, monitoring visits have revealed that detainees are unaware of their rights, and access to effective remedies is limited. There is no automatic judicial review of detention, and no consistent access to documentation on release, leaving stateless people at risk of re-detention and destitution.

The Cyprus Government should implement procedures considering the specific circumstances facing stateless persons and those at risk of statelessness when determining removal procedures and making decisions to detain. Strong mechanisms should be implemented to identify a proposed country of removal prior to detention, to identify and refer stateless people to alternative procedures in the absence of a statelessness determination procedure (e.g. asylum, humanitarian visas), and to collect data on stateless people held in detention.

PREVENTION AND REDUCTION

There are few safeguards in Cypriot nationality law to prevent statelessness in Cyprus and little evidence of measures to reduce the risk of statelessness. There is no provision in law to prevent children being born stateless in Cyprus, nor to regulate the nationality of foundlings. Adopted children acquire nationality but may face a risk of statelessness during the procedure. Children born to Cypriot parents in Cyprus or abroad automatically acquire nationality, but where a child is born in Cyprus to one Cypriot and one non-Cypriot who entered or remained in Cyprus irregularly, a discriminatory condition is applied mostly in cases of mixed marriages between Turkish Cypriots and Turkish settlers (or other non-Cypriots) however recently also between Greek Cypriots and non-Cypriots. This means the child does not acquire nationality unless the Ministerial Council orders otherwise. Birth registration requires the payment of fees for both in-time and late registration

which, combined with requests for documentation from the parent(s), heightens the risk of statelessness among certain groups. The child's nationality is only determined upon birth registration if the child is considered a Cypriot national, there is no procedure to determine a child's nationality unless the possible nationality is Cypriot. There is no safeguard against statelessness nor any judicial oversight in cases of withdrawal of nationality.

The Cyprus Government should consider implementing measures to prevent children being born stateless in Cyprus including addressing barriers to birth registration and facilitating late birth registration. The Government should collect data and statistics on stateless children, as well as access to birth registration and documentation.

SUMMARY OF RECOMMENDATIONS

The Cyprus Government should:

- Accede to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the European Convention on Nationality (1997) and the European Convention on the Avoidance of Statelessness in Relation to State Succession (2006).
- Establish effective measures to improve stateless population data, including recording and counting stateless persons in the census, population registries and immigration database.
- Establish a dedicated statelessness determination procedure and protection status, guaranteeing protection to applicants during the procedure, and providing for procedural safeguards including free legal aid, compulsory interview, a time limit for decisions and the right to a suspensive appeal.
- Implement procedures considering the specific circumstances facing stateless persons and those at risk of statelessness to identify and respond to vulnerabilities when determining removal procedures and making decisions to detain, collect data on stateless people in detention and ensure clear referral routes from detention and removal procedures to the statelessness determination procedure.
- Implement measures to prevent children being born stateless in Cyprus including addressing barriers to birth registration and facilitating late birth registration.

ENDNOTES

¹ <https://index.statelessness.eu>

² <https://index.statelessness.eu/country/cyprus>

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