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International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Cyprus is not party to the 1954 Convention. Cyprus introduced a legislative bill before Parliament in 2011 for accession to the 1954 Convention, but this is still pending.	<p>UNHCR, States Party to the Statelessness Conventions as of 4th October 2018, 4 October 2018: https://www.refworld.org/docid/54576a754.html</p> <p>UN Treaty Collection: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en</p> <p>European Commission, EMN Inform: Statelessness in the EU, Nov 2016: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-informs/emn-informs-00_inform_statelessness_final.pdf</p>
IOB	1	b		If yes, when was ratification/accession?		N/A	
IOB	1	c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	N/A	
IOB	1	d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	N/A	

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IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Cyprus is not party to the 1961 Convention. Contrary to the EMN report on statelessness in the EU, the 2011 legislative bill introduced by Cyprus was only for accession to the 1954 Convention, and not the 1961 Convention.	UN Treaty Collection: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=en European Commission, EMN Inform: Statelessness in the EU, Nov 2016: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-informs/emn-informs-00_inform_statelessness_final.pdf
IOB	2	b		If yes, when was ratification/accession?		N/A	
IOB	2	c		Are there reservations in place? Please list them.	As above	N/A	
IOB	2	d		Does the Convention have direct effect?	As above	N/A	
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	No.	Council of Europe, Chart of signatures and ratifications of Treaty 166, European Convention on Nationality: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166/signatures?p_auth=Bl3cGrPG
IOB	3	b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. There are no reservations in place.	Council of Europe, Chart of signatures and ratifications of Treaty 005, Convention for the Protection of Human Rights and Fundamental Freedoms: https://www.coe.int/en/web/conven

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							tions/full-list/-/conventions/treaty/005/signatures?p_auth=BI3cGrPG
IOB	3	c	State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No.	Council of Europe, Chart of signatures and ratifications of Treaty 200, Council of Europe Convention on the avoidance of statelessness in relation to State succession: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=BI3cGrPG	
IOB	3	d	Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)	As a member of the European Union, Cyprus is bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). There are no reservations in place.	EU Monitor, Common standards and procedures in Member States for returning illegally staying third-country nationals: https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vitgbgipeio9	
IOB	3	e	State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child 1989	Yes. There are no reservations in place.	UN Treaty Collection: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en	
IOB	3	f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights 1966	Yes. There are no reservations in place.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en	
IOB	3	g	State Party to International Covenant on Economic, Social and Cultural Rights	International Covenant on Economic, Social and Cultural Rights 1966	Yes. There are no reservations in place.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=en	

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				1966? Please list any relevant reservations.			
IOB	3	h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women 1979 Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness.	Yes. An initial reservation was entered to Art. 9(2) but this was later withdrawn.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=I-V-8&chapter=4&lang=en#16
IOB	3	i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Yes. There are no reservations in place.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=I-V-9&chapter=4&lang=en
IOB	3	j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination 1965	Yes. There are no reservations in place.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-2&chapter=4&clang=en
IOB	3	k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990	No.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&lang=en&mtdsg_no=IV-13&src=IND

Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>Gen. Rec. 32, CEDAW: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>Institute on Statelessness and Inclusion (2014): States should strengthen measures to count stateless persons on their territory.</p>	Cyprus does not maintain statistical data on stateless persons and there is no statelessness determination procedure or other formal process to determine the status of stateless persons. Furthermore, there is no available information as regards the presence of stateless persons in the areas in which the Government of the Republic of Cyprus does not exercise effective control, in the northern part of Cyprus. The asylum statistics contain a relevant field to reflect statistics on asylum applications submitted by stateless persons and/or persons without effective nationality. However, the applications submitted by stateless persons are not consistently registered as such and are rather reflected under the country of their habitual residence (e.g. stateless Kurds ex Syria).	Statistical Service of Cyprus (CYSTAT): http://www.mof.gov.cy/mof/cystat/statistics.nsf/index_en/index_en?OpenDocument
POP	1	b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide	As above	Cyprus includes both the categories 'stateless' as well as 'unknown' in its asylum statistics regarding the nationalities of asylum applicants. There are also indirect sources of statistics on stateless persons that can provide some indication as to the numbers in Cyprus (for areas in which the Government of the Republic has effective control). Asylum statistics indicate the presence of people who are likely to be stateless or have nationality problems, such as Syrian	Statistical Service of Cyprus (CYSTAT): http://www.mof.gov.cy/mof/cystat/statistics.nsf/index_en/index_en?OpenDocument Statistics provided to Cyprus Refugee Council by the Cyprus Asylum Service. Figures published online are not as detailed: http://www.moi.gov.cy/moi/asylum/asylumservice.nsf/asylumservice18_g

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				any available figures.		<p>Kurds, Palestinians and nationals of the former Soviet Union. In most cases, people were registered under their country of habitual residence, without any distinction made between nationals and stateless people residing in these countries. For example, Kurds and Palestinians from Syria make up a considerable percentage of those registered by the Asylum Service and the Reviewing Authority as Syrian asylum seekers and nationals of Jordan, Iraq and Lebanon, respectively. Asylum applications submitted by Palestinian refugees were until September 2014 registered under their country of habitual residence, along with nationals of those countries. Countries of residence included Iraq, Jordan and Lebanon. Persons originating from the West Bank and Gaza would be registered without any indication of UNRWA registration, under Occupied Palestinian Territories. Between September 2014 and September 2015, UNRWA registered Palestinians were registered in Cyprus as “stateless”, while those holding Palestinian Authority documents would be registered under ‘Occupied Palestinian Territories’. However, not all registered under “stateless” were UNRWA registered Palestinians, and some were from different stateless backgrounds. As of September 2015, further to a decision on standardisation of the registration of Palestinian refugees, all Palestinians are</p>	<p>r/asylumservice18_gr?OpenDocument (EL/EN)</p>
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Statelessness Population Data – 2019

						registered under 'Occupied Palestinian Territories'.	
POP	1	c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	UNHCR does not have an estimate for the number of stateless persons and those at risk of statelessness in Cyprus. As regards the areas under the effective control of the Republic of Cyprus, the authorities do not maintain statistical data or do not consistently register third-country nationals residing in Cyprus who are stateless, including stateless refugees and asylum seekers. It is considered that a significant number of stateless Syrian Kurds and members of other ethnic groups who are stateless, as well as Palestinians, nationals of the former Soviet Union and others at risk of statelessness are residing in Cyprus. In addition, refugee children born in Cyprus remain at risk of statelessness due to the lack of a legal framework to facilitate their acquisition of a nationality where they would otherwise be stateless. No data is maintained by the Asylum Service on children born in Cyprus to refugees to allow for an estimation of the numbers affected.	UNHCR, Protecting Refugees, Cyprus, December 2017: http://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/05/UNHCR_Brochure_EN.pdf UNHCR, The Republic of Cyprus Factsheet, September 2017: http://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/05/CyprusFactSheetSeptember2017_updated_latest.pdf
POP	1	d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	There have been no surveys or mapping studies in Cyprus to estimate the population of stateless persons in the country.	UNHCR Cyprus

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POP	1	e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	There are no other sources of estimates for the population of stateless persons in Cyprus.	
POP	1	f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	Data on stateless persons in Cyprus is not reliable as there are no policies or procedures regarding statelessness and no collection of data specifically for this purpose. The above-mentioned data from the asylum procedures is also unreliable as it does not include all those who are stateless or of undetermined nationality. Stateless persons are not consistently registered as such by the authorities. Those who arrive in Cyprus legally, with a travel document issued by their country of habitual residence, are registered in the same way as nationals of those countries without any distinction. Those stateless people who enter or stay without documentation and seek asylum are not consistently registered and/or identified as stateless and have mostly been registered under their country of habitual residence alongside the nationals of those countries, without any distinction. For these reasons, as well as the lack of a legal framework and a procedure for the determination of the status and the protection of stateless persons, it is considered that the number of stateless persons is underreported.	Information provided by the Cyprus Refugee Council from review of annual statistics.

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POP	1	g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Govt also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	4 asylum seekers were registered in 2014 as stateless persons, 70 in 2015, and 0 between 2016 and 2019. It should be noted that in 2019 2 persons applied for asylum claiming to be Rohingya but were not registered as stateless, which again indicates issues with underreporting the stateless population.	Information provided by the Cyprus Refugee Council from review of annual statistics.
POP	2	a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	The Government does not record or publish figures on stateless persons held in immigration detention. A number of stateless people have been identified over the years during monitoring visits by the Cyprus Refugee Council and others to detention centres, including Syrian Kurds and individuals from the former Soviet Union.	Global Detention Project, Immigration Detention in Cyprus: https://www.globaldetentionproject.org/countries/europe/cyprus Bi-monthly monitoring visits carried out by Cyprus Refugee Council. UNHCR Cyprus
POP	2	b		Does the Government record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	There are no statistics available on individuals released from immigration detention due to being un-removable. In addition to the individuals indicated above, a number of nationals of Iran have been identified as un-removable and released from detention for this reason.	Bi-monthly monitoring visits carried out by Cyprus Refugee Council. UNHCR Cyprus

Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS	1	a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954 : Articles 1(1) & 1(2).	There is no definition of a stateless person in the national law of Cyprus, although there are references to stateless persons in the Refugee Law, the Foreigners and Immigration Law, and the Civil Registry Law.	<p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)): http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>Foreigners and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)): http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL)</p> <p>Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)): http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)</p>

SDS	1	b	Existence of a dedicated SDP	<p>Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated.</p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure (proceed to Question 2a).</p> <p>2. There is no dedicated SDP but there are other administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures) (proceed to Question 10a).</p>	<p>UNHCR (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p> <p>UNHCR (2016): Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	<p>The situation in Cyprus is best described by #2 - there is no dedicated SDP but there are other administrative procedures through which statelessness can be identified, such as refugee status determination procedures and procedures for renewal of temporary residence permits.</p>	
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Statelessness Determination and Status – 2019

				<p>3. There is a dedicated Stateless Status but no formal procedure for determining this (proceed to Question 16a).</p> <p>4. None of the above. Are there other possibilities for stateless people to regularise their stay without their statelessness being determined (proceed to Question 17a)?</p>			
SDS	10	a	Alternative administrative procedures through which statelessness can be identified	<p>If there is no dedicated SDP, are there other administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures) If yes, provide details and then</p>	<p>ENS (2013): For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one.</p> <p>Hoti v. Croatia ECtHR (2018): [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.</p>	<p>In Cyprus there is no dedicated SDP, but statelessness may be identified through refugee status determination procedures or in the process of renewal of temporary residence permits by those with a valid travel document from a country of former residence.</p>	<p>Office of the Commissioner of Administration (Ombudsperson), Opinion of the Independent National Human Rights Authority with regards to the regulation of the legal status and the rights of stateless persons 4/2014, 9 May 2014: http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/ALL/CD7118ADB0597527C2257E7C00293001/\$file/%CE%94%CF%81%CE%AC%CF%83%CE%B74_2014_09052014.doc?OpenElement (EL)</p>

				<p>proceed to question 11a. If no, proceed to question 15a.</p>			
SDS	11	a	Access to procedures	How is statelessness identified through other procedures?	<p>UNHCR (2016): Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p>	<p>In the refugee status determination process, an asylum application may be submitted by a stateless person who has fled their country of former habitual residence due to fear of persecution. If they meet the Refugee definition, they may be granted refugee status. In cases where stateless applicants also lack documentation and are unable to return to their country of habitual residence, they may be routed into the refugee status determination process and be granted refugee status where the refusal of the country of habitual residence to allow re-entry is related to a Convention ground. Statelessness may also be identified during an application for renewal of a temporary residence permit where a person has arrived with a passport or travel document from their country of former habitual residence or former nationality. In such cases, when the travel document has expired and cannot be renewed, someone may be denied renewal of their temporary residence permit and thus considered an irregular migrant and subject to removal and detention procedures. In this case, the migration authorities may issue a short-term residence permit on humanitarian grounds. However, there is</p>	<p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)), Article 3: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>Cyprus Refugee Council</p>

Statelessness Determination and Status – 2019

						no specific provision or procedure to ensure that stateless people are aware of this possibility or are consistently identified and afforded this status. Stateless people unable to renew their residence permits and rendered at risk of removal and detention may seek to regularise their status through the asylum process.	
SDS	11	b		Are there obligations in law on authorities to consider a claim for statelessness made within another procedure?	UNHCR (2016) : Access to the procedure must be guaranteed.	No. The Refugee Law provides that an application for asylum may be submitted by a stateless person in relation to fear of persecution in their country of former habitual residence.	The Cyprus Refugee Laws (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)), Article 3: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)
SDS	11	c		Are there clear, accessible instructions on how to make a claim for statelessness?	UNHCR (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR (2016) : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	No.	
SDS	11	d		Is the examination of statelessness claims conducted by a centralised body with relevant expertise? Please note the competent authority and evaluate	UNHCR (2014) : States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. UNHCR (2016) : It is important that examiners develop expertise while ensuring that the procedures are accessible.	Refugee status determination is carried out by the Asylum Service. Applications for the renewal of residence permits are examined by the Migration Department of the Ministry of Interior.	Republic of Cyprus Asylum Service: http://www.moi.gov.cy/moi/asylum/asylumservice.nsf/index_en/index_en?OpenDocument Republic of Cyprus Civil Registry and Migration Department: http://www.moi.gov.cy/moi/crmd/crmd.nsf/index_en/index_en?OpenDocument

				appropriateness to national context.			
SDS	11	e		Is there training to inform different government bodies about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee (2006) : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	UNHCR in Cyprus delivered training on the protection needs of stateless people in October 2015 as part of its ongoing advocacy and awareness-raising activities towards the adoption of a legal framework for the protection of stateless people in Cyprus. Additionally, UNHCR regularly organises training seminars and workshops on refugee status determination to eligibility officers of the Asylum Service and Reviewing Authority, which incorporate issues relating to the protection needs of stateless refugees. On the job training and legal and technical advice is also provided to eligibility officers in the framework of UNHCR's supervisory role monitoring the refugee status determination procedure, and at the request of the authorities. Trainings may also be open to other stakeholders and service providers.	UNHCR Cyprus
SDS	11	f		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	UNHCR (2016) : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	There is no cooperation between agencies that may have contact with stateless people. The absence of a specific legal framework for the protection of stateless people in Cyprus impacts negatively on effective coordination between government authorities who may have contact with stateless people, as there is no clarity about how to address their protection needs. The Asylum Service may refer people to the Migration Department to consider granting short-term residence status on humanitarian grounds if	UNHCR Cyprus

						applicants are identified as stateless during the asylum procedure but do not have a valid asylum claim. However, this is not done consistently.	
SDS	12	a	Assessment	Who has the burden of proof when determining statelessness (in law and practice)?	<p>UNHCR (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p> <p>UNHCR (2016): SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p>UNHCR Expert Meeting (2010): Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p>Hoti v. Croatia ECtHR (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	In the framework of the refugee status determination process, the burden of proof is shared.	The Cyprus Refugee Laws (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)) Article 18(5): http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)
SDS	12	b		What is the standard of proof? Is it the same as in refugee status determination procedures?	<p>UNHCR (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p>Inter-Parliamentary Union (2018) The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p>	In the framework of the refugee status determination process, the standard of proof is on the balance of probabilities.	The Cyprus Refugee Laws (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)) Article 18: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)

Statelessness Determination and Status – 2019

					Hoti v. Croatia ECtHR (2018) : If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.		
SDS	12	c		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	ENS (2013) : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	Decision makers are not presented with clear guidance on how to determine statelessness.	UNHCR Cyprus
SDS	13	a	Procedural safeguards	Is free legal aid available during the procedure?	UNHCR (2014) : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	In the absence of a statelessness determination procedure, the Legal Aid Law does not provide for legal aid to be afforded to stateless people per se. In the framework of the refugee status determination process, legal aid is not available at first instance in the administrative procedure conducted by the Asylum Service and the Reviewing Authority, but only at judicial review stage. Legal aid is subject to a means and merit test, which asylum seekers are rarely able to argue before a legal aid judge without assistance (e.g. legal advice and representation, translation and interpreting). The state legal counsel acts as opponent in the process and submits reasons why legal aid should not be provided, which leads to an extremely unequal process.	Legal Aid Law (Ο Περί Νομικής Αρωγής Νόμος του 2002 (165(I)/2002)), Art. 6b(2): http://www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html (EL) AIDA, Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus

Statelessness Determination and Status – 2019

SDS	13	b		Is an interview always offered (unless granting without interview)?	UNHCR (2014) : The right to an individual interview [is] essential.	In the framework of refugee status determination, an interview is always offered, unless it is in the best interests of an applicant to proceed without an interview (e.g. in well-founded cases or where applicants have additional needs). In the framework of renewal of a residence permit, the procedure is based on a file review, but an interview may be conducted if the examining officer deems it necessary.	The Cyprus Refugee Laws (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)), Article 13: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)
SDS	13	c		Is free interpreting offered for interviews?	UNHCR (2014) : The right to assistance with interpretation/translation [is] essential. ENS (2013) : Assistance should be available for translation and interpretation.	In the framework of the refugee status determination an interpreter is always provided, unless the applicant requests an interview without an interpreter. However, interpretation is not always in the native language of the applicant but may be in another language the applicant speaks/understands.	The Cyprus Refugee Laws (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)) Article 11(8)(a): http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)
SDS	13	d		Are decisions (refusals and grants) given in writing with reasons?	UNHCR (2014) : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	In the framework of refugee status determination, decisions are always provided in writing. At first instance, decisions are only given in English or Greek and in summary (full reasons in English or Greek can only be accessed and reviewed at the offices of the Asylum Service). At the Reviewing Authority level, an interview is not normally conducted but may be if deemed necessary, and the full reasoning of the decision is provided to the applicant, but only in Greek.	The Cyprus Refugee Laws (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)) Article 18(7): http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)
SDS	14	a	Stateless status	Does recognition of statelessness result immediately in automatic permission to	UNHCR (2014) : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a	If a person is identified as stateless in the framework of the refugee status determination procedure and granted refugee or subsidiary protection status, they will be granted the same rights as	AIDA, Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus

				<p>stay/legal status? If not, please describe any additional requirements.</p>	<p>person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.</p>	<p>other beneficiaries of international protection in Cyprus. In the case of Palestinians, prior to December 2014, the Asylum Service applied Article 1a(2) of the 1951 Refugee Convention to Palestinians, regardless of whether or not they were registered (or eligible to be registered) with UNRWA. Following the arrival of UNRWA-registered Palestinian refugees from Syria in late 2014, the Asylum Service began, upon UNHCR advocacy, to apply Article 1d of the 1951 Refugee Convention to confer refugee status. Following the change of policy, Article 1d has been applied by the Asylum Service for Palestinian refugees from other UNRWA areas of operation (Lebanon). The Refugee Reviewing Authority (second tier administrative body) had granted on one occasion in 2011 refugee status on the basis of Article 1d, but the policy was not pursued. Palestinians from Gaza who are not UNRWA-registered and not granted refugee status have been granted subsidiary protection status. A small number of Palestinians from the West Bank have not been granted any form of international protection. Such individuals have either returned or had their claims reconsidered on second instance and been granted subsidiary protection status. There is no information on forced returns to the West Bank. There is also no information on forced returns of Palestinians from Iraq who had their status ceased in 2011. All cases were</p>	
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						<p>appealed and remained pending on second instance. The second instance body overturned the cessation decision two years after the cessation process commenced. Due to the uncertainty and delay in second instance decisions, a number of people withdrew their appeals to have their travel documents returned to them (retained by the authorities during the asylum process). Many then secured visas to Indonesia and attempted to reach Australia irregularly and several were reported missing at sea.</p>	
SDS	14	b		How long is initial status granted for and is it renewable?	<p>UNHCR (2014): It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.</p>	<p>There is no specified duration for refugee or subsidiary protection status. Once these forms of status are granted, they will continue until cessation procedures are initiated in accordance with the Refugee Law and based on the reasons specified in law.</p>	<p>Article 6 and Article 19(3) Refugee Law</p> <p>AIDA Country Report: Cyprus, 2018 Update, pages 103-104: https://www.asylumineurope.org/reports/country/cyprus</p>
SDS	14	c		What other rights are granted to recognised stateless people (e.g. travel document, work, healthcare, social security, education, housing, family reunion etc.)?	<p>UN Convention Relating to the Status of Stateless Persons, 1954 UNHCR (2014): The status granted to a stateless person in a State Party must reflect international standards.</p>	<p>If a person is identified as stateless in the framework of the refugee status determination procedure and granted refugee or subsidiary protection status, they will be granted the same rights as other beneficiaries of international protection in Cyprus. In the case of Palestinians, prior to December 2014, the Asylum Service applied Article 1a(2) of the 1951 Refugee Convention to Palestinians, regardless of whether or not they were registered (or eligible to be registered) with UNRWA. Following the arrival of UNRWA-registered Palestinian refugees from Syria in late 2014, the Asylum Service began, upon UNHCR advocacy, to</p>	<p>AIDA, Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus</p>

						<p>apply Article 1d of the 1951 Refugee Convention to confer refugee status. Following the change of policy, Article 1d has been applied by the Asylum Service for Palestinian refugees from other UNRWA areas of operation (Lebanon). The Refugee Reviewing Authority (second tier administrative body) had granted on one occasion in 2011 refugee status on the basis of Article 1d, but the policy was not pursued. Palestinians from Gaza who are not UNRWA-registered and not granted refugee status have been granted subsidiary protection status. A small number of Palestinians from the West Bank have not been granted any form of international protection. Such individuals have either returned or had their claims reconsidered on second instance and been granted subsidiary protection status. There is no information on forced returns to the West Bank. There is also no information on forced returns of Palestinians from Iraq who had their status ceased in 2011. All cases were appealed and remained pending on second instance. The second instance body overturned the cessation decision two years after the cessation process commenced. Due to the uncertainty and delay in second instance decisions, a number of people withdrew their appeals to have their travel documents returned to them (retained by the authorities during the asylum process). Many then secured visas to Indonesia and attempted</p>	
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						to reach Australia irregularly and several were reported missing at sea.	
SDS	15	a	Access to nationality	In what timeframe do stateless people acquire the right to apply for naturalisation and how does this compare to others with a foreign nationality? Please describe the procedure and note whether this is facilitated for stateless people (e.g. exemption from citizenship/language tests, fee waiver).	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 32</p> <p>UNHCR (2016): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>Council of Europe Committee of Ministers (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p>ENS (2013): The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p>	<p>There is no distinction in the timeframe or conditions for stateless persons to access nationality from other persons with a foreign nationality. The requirements for applying for naturalisation under the Civil Registry Law are as follows:</p> <ol style="list-style-type: none"> 1. 5 or 7 consecutive years of residence, and uninterrupted stay in Cyprus during the last 12 months. The required residence period depends on the residence status held and beneficiaries of international protection fall under the category that requires 5 years. 2. 3 guarantors who all have Cypriot nationality. 3. Good character and clear criminal record. <p>The application is submitted to the Civil Registry and Migration Department (CRMD) with a submission fee of 500 EUR. As part of the examination, applicants are invited to an interview where they are asked questions on general information on Cyprus (e.g. history, politics) as well as other questions with the intention to review the level of integration (e.g. knowledge of Greek, employment status, ties with community). Until 2016, applications took on average 6-7 years to be examined. In 2015-2016, measures were taken to examine the backlog with the intention of speeding up the process.</p>	<p>Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), article 111 & Table 3 of the annex: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)</p> <p>AIDA, Country Report: Cyprus, March 2019: https://www.asylumineurope.org/reports/country/cyprus</p>

						Currently an application takes 2-3 years to be examined.	
SDS	17	a	Other routes to regularisation	<p>If none of the above applies, are there any other routes for stateless people to regularise their stay without their statelessness being determined? Please describe the rights granted to applicants and beneficiaries for each route.</p>	As above	<p>Prior to 2014, a number of stateless people were granted humanitarian status under the Refugee Law if their applications were considered outside the scope of the refugee definition, but they could not return to their countries of former habitual residence. Humanitarian Status afforded rights like those of asylum seekers. However, it was abolished from the Refugee Law in 2014. The only other status that may be afforded to stateless people is a short-term residence permit, issued for humanitarian reasons by the Director of the Migration Department. If a stateless person’s asylum claim is rejected, they can be referred to the Migration Department to consider the granting of a short-term residence permit on humanitarian grounds. People with this status have similar rights to visitors and are not permitted to access social assistance, the labour market or state provided healthcare. In specific cases, stateless people have been afforded access to the labour market at the discretion of the Director of the Migration Department. The procedure of referral of people refused asylum who are in need of humanitarian assistance to the Migration Department is not enshrined in law and is not standardised or consistently applied.</p>	<p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)): http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p>

Detention

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	ICCPR Article 9(1) ECHR Article 5 (1)	Yes. In Cyprus, immigration detention powers are provided for under the Foreigners and Immigration Law and the Refugee Law.	Foreigners and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)): http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL) The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)): http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)
DET	1	b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	ECHR Article 5(1)(f)	Domestic law allows immigration detention for purposes other than those allowed under ECHR 5(1)(f). Under the Refugee Law, the detention of asylum seekers is permitted in specific circumstances that reflect those in the EU Reception Conditions Directive: In addition, in 2018, the Refugee Law was amended to include provisions regulating the detention of asylum seekers under the Dublin Regulation procedures, and in particular specifying when it is considered that a significant risk of absconding is present, in which case the detention of an asylum seeker may be ordered.	The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)), Article 9ΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL) Foreigners and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)), Articles 18ΟΓ to 18ΠΘ: http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL)

DET	1	c	Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p>ICCPR Article 7: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment. Aaad v Bulgaria ECtHR (2011): The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant. EU Returns Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	A proposed country of removal does not need to be identified before a person is detained for the purpose of removal. This often leads to detention of people for whom there is no prospect of return or return will be significantly delayed.	<p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(Ι)/2000)), Article 9ΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>Foreigners and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)), Articles 18ΟΓ to 18ΠΘ: http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL)</p>
DET	1	d	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p>Aaad v Bulgaria ECtHR (2011) Mikolenko v. Estonia ECtHR (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Equal Rights Trust (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. International Commission of Jurists (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	Statelessness is not routinely considered juridically relevant in decisions to detain. However, Cyprus is bound by the EU Returns Directive, so that when there is no reasonable prospect of removal, detention ceases to be justified and the person should be released immediately. Statelessness may impede a person’s return and thus should be examined as a relevant factor in the consideration of ability to return and justification for continued detention.	<p>Bi-monthly monitoring visits carried out by the Cyprus Refugee Council.</p> <p>AIDA, Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus</p>
DET	1	e	Are stateless people detained in practice?		There have been instances of stateless people identified in detention, but no official data is available. The only available data is from NGOs monitoring detention centres. Additionally, stateless people	Foreigners and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)), Article 18ΠΣΤ (6):

						may be registered under the country of their former residence so it may not be apparent that they are stateless from the list of detainees.	http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL)
DET	1	f	Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	UNHCR (2014) : Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. EU Returns Directive : Article 15(1)		The law provides that immigration detention should be used only as a last resort and when alternatives cannot be applied in the specific case. However, in practice, detention is usually ordered without a relative assessment of the necessity of detention or available alternatives.	AIDA Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus Cyprus Refugee Council bi-monthly monitoring visits.
DET	1	g	Are individual vulnerability assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.	ENS (2015) : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Returns Directive : Article 16(3) EU Returns Handbook (2017) : Attention should be paid to the specific situation of stateless persons. Council of the European Union (2013) : European entities should assess the situation of LGBTI persons in detention.		Individual vulnerability assessments are not carried out before a decision to detain or shortly after, and generally vulnerability is not defined or identified. Individual vulnerability assessments appear not to be carried out before a decision to detain or shortly after. Several vulnerable individuals have been identified in detention during monitoring visits, including victims of trafficking and violence, including sexual violence and torture. Statelessness is not defined as a vulnerability factor.	Foreigners and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)), Article 18ΠΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL) The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(Ι)/2000)), Article 9ΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL) AIDA Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus Cyprus Refugee Council bi-monthly monitoring visits.

DET	2	a	Alternatives to immigration detention	Are alternatives to detention established in law and considered prior to any decision to detain?	<p>ICCPR Article 9 FKAG v Australia HRC (2013): Any decision relating to detention must consider less invasive means of achieving the same ends. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. UNHCR (2014): Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient. Human Rights Council (2012) : The obligation to always consider alternatives before resorting to detention should be established by law. EU Returns Directive: Article 15(1) Equal Rights Trust (2012): States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive. International Detention Coalition (2015) : Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>As of October 2016, alternatives to detention are established in Law. A non-exhaustive list of recommended alternatives is provided in the Refugee Law:</p> <ul style="list-style-type: none"> a) Regular reporting to the authorities b) Deposit of a financial guarantee c) Obligation to stay at an assigned place, including a reception centre d) Probation <p>These alternatives are not subject to a statutory time limit nor a proportionality test and there are no implementing regulations for their application. Although detention orders refer to an individualised assessment, it is not clear how alternatives are being considered prior to the decision to detain.</p>	<p>Future Worlds Centre, Αναζητώντας Εναλλακτικές Στην Κράτηση Υπηκόων Τρίτων Χωρών Στην Κύπρο (Alternatives to Immigration Detention in Cyprus), Nov 2016, pp. 44-45: http://www.asylumineurope.org/sites/default/files/resources/alternatives_to_detention_gr_final_version.pdf (EL) Summary report in English: https://issuu.com/strengtheningasylum/docs/alternatives_to_detention_summary AIDA Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus</p>
DET	2	b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered?	<p>As above.</p>	<p>Yes. There is no evidence that alternatives are being examined and exhausted prior to ordering detention. It appears that asylum seekers already in detention for other immigration reasons also receive detention orders under the Refugee Law, without an assessment of the availability</p>	<p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)), Article 9ΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p>

						of other less coercive measures in each individual or of individual vulnerability factors.	AIDA Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus
DET	3	a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	<p>UN Human Rights Council (2010) : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.</p> <p>UNHCR (2012) : To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>EU Returns Directive: Article 15(5)</p> <p>Equal Rights Trust (2012) : Detention should always be for the shortest time possible.</p>	<p>Prior to October 2016, the detention of asylum seekers under the Refuge Law had to be authorised by the District Court and was limited to 8 days, renewable on automatic judicial review up to a maximum of 32 days. However, these safeguards were abolished in October 2016 and there is now no time limit on detention under the Refugee Law. Detention under the Foreigners and Immigration Law provides for the detention of third country nationals under return procedures for a period of 8 days, renewable by the Court as deemed necessary and appropriate; but in practice people are never detained under this provision, but rather under Article 18ΠΣΤ(7), which states that detention for return purposes cannot exceed 6 months, extendable for a further 12 months if the person refuses to cooperate or if the issuance of documentation by a third country is delayed. In practice asylum seekers are detained for an average of 3-5 months depending on the capacity of the detention centre. Other third country nationals, including people who cannot be removed, which may include stateless people, are often detained for much longer periods.</p>	Cyprus Refugee Council

DET	3	b	Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p>UN General Assembly (1988) : Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p>EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law.</p> <p>Equal Rights Trust (2012) : Stateless detainees shall receive their order of detention in writing and in a language they understand.</p> <p>International Commission of Jurists (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p>	<p>The law provides that individuals must be informed in writing of the reasons for immigration detention. However, the decisions often refer to the article based on which the detention has been ordered, without details of the reasons it was considered applicable in the individual case. The administrative order is usually issued in English and/or in Greek, and it is never provided in a language the applicant is known to understand. From discussions with detainees, it is evident that they often do not know the reasons for their detention.</p>	<p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(Ι)/2000)), Article 9ΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>Foreigners and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)), Article 13(2) & Article 18ΠΣΤ(7): http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL)</p> <p>AIDA Country Report: Cyprus, December 2017. Available at: http://www.asylumineurope.org/reports/country/cyprus</p> <p>Cyprus Refugee Council bi-monthly monitoring visits.</p>
DET	3	c	Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<p>Equal Rights Trust (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</p>	<p>The detention order contains a reference to the right to challenge the legality of the decision under Article 146 of the Constitution but does not contain information on the right to challenge the order under Habeas Corpus procedures (Article 155.4 of the Constitution). It also includes a brief description of the right to challenge the order before the Administrative Court but not the right to submit a Habeas Corpus application to challenge the duration of detention. The administrative order is usually issued in English and/or in Greek, and it is never provided in a language the applicant is known to understand. A leaflet containing</p>	<p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(Ι)/2000)), Article 9ΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>AIDA Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus</p> <p>Cyprus Refugee Council casework and monitoring visits</p>

						information on the rights of detainees (“Notice to Persons in Custody”), available in English, Arabic, Russian, Chinese and Turkish, is disseminated by the Police and provides information on rights to inform a relative, access a lawyer and doctor. However, this does not include information on the right to legal remedies or legal aid. From discussions with detainees, it is evident that they often do not know the reasons for their detention or the legal remedies available to them.	
DET	3	d		Are there regular periodic reviews of detention before a court or independent body, which can order release?	<p>Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p>Equal Rights Trust (ERT) (2012) : To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities.</p>	<p>Prior to October 2016, the Refugee Law provided that the detention of asylum seekers be authorised by the District Court and automatic judicial review should take place every eight days, but these provisions were abolished and there is no longer any automatic judicial review of detention. The Foreigners and Immigration Law provides for periodic reviews of the lawfulness of detention (every two months by the Minister of Interior) or review upon the detainee’s request, but this does not take place in practice. Instead, the initial motivation is repeated, usually stating a lack of cooperation by the detainee for the issuance of travel documents, regardless of whether the detainee is an asylum seeker and without stating any reasoning or facts to support the claim of lack of cooperation. Even when the applicant or their legal representative requests a review, in most cases the administration does not even respond to the request.</p>	<p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)), Article 9ΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>Foreigners and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)), Article 13(2) & Article 18ΠΣΤ(7): http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL)</p> <p>AIDA Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus</p> <p>Cyprus Refugee Council casework and monitoring visits</p>

						<p>Detainees are not always released when it becomes evident that their removal will not be possible within a reasonable time.</p>	
DET	3	e		<p>What remedies are available to challenge detention? Please any obstacles to accessing effective remedies in practice.</p>	<p>ICCPR Article 9(4) ECHR: Article 5(4) Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure. Alimuradov v. Russia ECtHR (2019): The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.</p>	<p>There are two legal remedies available to challenge detention for immigration purposes: a recourse before the Administrative Court to challenge the lawfulness of the detention order; and a Habeas Corpus before the Supreme Court to challenge the lawfulness of detention (on grounds relating to the length of detention). While there is no time limit on detention following a criminal sanction as a “prohibited immigrant”, a Habeas Corpus application can be submitted if it is possible to establish that the length of detention is excessive. However, in most cases detainees are not able to effectively exercise this remedy due the expense of this procedure (court fees, lawyers’ fees). The Legal Aid law provides for legal aid to challenge return and removal decisions and decisions imposing an entry ban. Deportation decisions and decisions ordering detention for deportation purposes are not covered so access to a legal remedy is seriously impeded. Where available, legal aid is subject to a means and merits test that requires detainees to argue before a legal aid judge without legal advice or translation, that their case has a good chance of success. NGOs are not permitted to appear before the Court and pro bono legal work by lawyers is prohibited. In exceptional cases, NGOs may collaborate with lawyers to bring</p>	<p>Constitution of the Republic of Cyprus (Το Σύνταγμα της Κυπριακής Δημοκρατίας (ΣΥΝΤΑΓΜΑ)), Articles 146 & 155(4): http://www.cylaw.org/nomoi/enop/non-ind/syntagma/full.html (EL)</p> <p>Legal Aid Law (Ο Περί Νομικής Αρωγής Νόμος του 2002 (165(I)/2002)), Art. 6b(7): http://www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html (EL)</p> <p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)), Article 9ΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>Foreigners and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)): http://www.cylaw.org/nomoi/enop/non-ind/O_105/index.html (EL)</p> <p>AIDA Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus</p> <p>Cyprus Refugee Council casework and monitoring visits</p>

						cases before the Court, but capacity to do this is extremely limited. Legal aid is available to challenge the detention of an asylum seeker under the Refugee Law without being subject to the merits limb of the test, so is more accessible, but the number of applications and the success rate of challenges remain very low.	
DET	3	f		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p>Equal Rights Trust (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>ENS (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.</p>	<p>There is a Circular on issuance of travel documents to undocumented detainees under deportation procedures. The Immigration Police and the detainee may apply to the relevant consular authorities. The Immigration Police may apply through the Ministry of Foreign Affairs and Cypriot Embassy in the country of origin in case there are no consular authorities in Cyprus. Increasingly, embassies require the individual to consent to return and refuse to issue documents if they object or do not submit the application themselves. There are no time limits set out in the Circular. The Police informs the Migration Department on a monthly basis of the progress of the procedure and suggests release from detention when it transpires that there is no prospect of return including in cases where people are stateless.</p>	Cyprus Refugee Council

DET	3	g		<p>Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.</p>	<p>UNHCR (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. EU Returns Directive: Article 13(3)</p>	<p>The Legal Aid law provides for legal aid to challenge return and removal decisions and decisions imposing an entry ban. Deportation decisions and decisions ordering detention for deportation purposes are not covered so access to a legal remedy is seriously impeded. Where available, legal aid is subject to a means and merits test that requires detainees to argue before a legal aid judge without legal advice or translation, that their case has a good chance of success. NGOs are not permitted to appear before the Court and pro bono legal work by lawyers is prohibited. In exceptional cases, NGOs may collaborate with lawyers to bring cases before the Court, but capacity to do this is extremely limited. Legal aid is available to challenge the detention of an asylum seeker under the Refugee Law without being subject to the merits limb of the test, so is more accessible, but the number of applications and the success rate of challenges remain very low.</p>	<p>Legal Aid Law (Ο Περί Νομικής Αρωγής Νόμος του 2002 (165(I)/2002)), Art. 6b(7): http://www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html (EL)</p> <p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)), Article 9ΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>AIDA Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus</p>
DET	4	a	Protections on release	<p>Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?</p>	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 27 UNHCR (2014) : Being undocumented cannot be used as a general justification for detention. ENS (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust (2012): Released stateless detainees should be</p>	<p>People released from detention who do not have legal status are not consistently issued with identification, meaning that they are at risk of re-detention and destitution. If a short-term residence permit on humanitarian grounds is to be issued, a letter from the Migration Department is provided on release, which states that the individual is entitled to stay and work in Cyprus and advises them to apply for the relevant permits. This status does not give entitlement to social</p>	<p>Cyprus Refugee Council casework and monitoring visits</p>

					provided with appropriate documentation and stay rights suitable to their situation.	security or legal aid. In practice, there have been cases of stateless people being unable to access their rights under this status as they were required to submit a valid passport to acquire the permit.	
DET	4	b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	<p>Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatreshnite raboti ECJ (2009): After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release.</p> <p>Equal Rights Trust (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	There are no legal provisions that regulate the procedure or determine the status to be afforded to people who cannot be removed. In many cases people are released without any legal status or access to basic rights. In some cases, a short-term residence permit on humanitarian grounds may be issued. In this case, a letter from the Migration Department is provided on release, which states that the individual is entitled to stay and work in Cyprus and advises them to apply for the relevant permits. This status does not give entitlement to social security or legal aid. In practice, there have been cases of stateless people being unable to access their rights under this status as they were required to submit a valid passport to acquire the permit. Another condition may be to secure an employment contract stamped by the Labour Office, however, in most cases this proves impossible as the Labour Office requires a residence permit before it will stamp the employment contract.	Cyprus Refugee Council
DET	4	c		If re-detention occurs, is the cumulative time spent in detention counted towards	Equal Rights Trust (2012) : When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.	Cumulative time spent in detention does not count towards the maximum time limit.	Based on information from regular monitoring visits to the main detention centre and cases represented by Cyprus Refugee Council.

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				any maximum time limits?			
DET	5	a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	UNHCR (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	Statelessness is not a juridical relevant fact in readmission and/or bilateral return agreements.	Based on review of cases by the Cyprus Refugee Council
DET	5	b		Are you aware of cases of cases of stateless people being returned under such agreements?		In the past, and prior to the Syrian conflict, stateless Kurds were returned to Syria, but it is not clear whether this was under a specific return/readmission agreement.	Cyprus Refugee Council

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality? [If yes, continue to PRS1b. If no, proceed to PRS1h]	UN Convention on the Reduction of Statelessness, 1961 : Article 1 European Convention on Nationality, 1997 : Article 2 Convention on the Rights of the Child 1989 : Article 7 Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. European Parliament (2018) : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	No, there is no provision in law for stateless children born on the territory to be granted nationality.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)): http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)
PRS	1	h		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	No, there are no specific provisions for the nationality of children born to beneficiaries of international protection.	
PRS	2	a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	UN Convention on the Reduction of Statelessness, 1961 : Article 2 European Convention on Nationality, 1997 : Article 6(1)(b)	The law provides for the registration of the birth of a foundling, but there are no provisions in law regarding the nationality of foundlings.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 18: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)

PRS	2	b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	There are no provisions in the law regarding the nationality of foundlings. Adults can apply for nationality after seven years of residence if they are residing in Cyprus exclusively for employment purposes, or five years if they are residing on any other status such as international protection, visitors, students, etc.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 111: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)
PRS	2	c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	There is no specific provision in the Civil Registry Law for the granting of nationality to foundlings. However, provisions on the birth registration of foundlings provide that the registration may be cancelled (and a new one made) if the parents are identified to include the correct information on the birth certificate. There is no provision to ensure that nationality is not withdrawn from those who would be rendered stateless by such a decision.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 18: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)
PRS	3	a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	UN Convention on the Reduction of Statelessness, 1961 : Article 5 ENS (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	There are no provisions in the law regulating the situation where a child national is adopted by foreign parent(s). However, according to the law, Cypriot nationality can only be withdrawn if the person acquired it by registration or application and not if was acquired by birth or descent. There are no restrictions on the number of nationalities a person can have.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 113: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)

PRS	3	b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	European Convention on Nationality, 1997: Article 6(4)(d) Committee on the Rights of the Child (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	A foreign child adopted by national parents acquires nationality upon the date of the adoption, which is the date the court order is issued. The child may be at risk of statelessness during the procedure. People over 18 who are adopted by nationals do not acquire nationality but must apply for naturalisation under standard procedures.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 114: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)
PRS	4	a	ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	UN Convention on the Reduction of Statelessness, 1961 : Article 4 UNHCR (2012) : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Children born abroad to at least one parent (born on or after 16 August 1960) with Cypriot nationality are Cypriot nationals.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 58 & 109(2): http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)
PRS	4	b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	Genovese v. Malta ECtHR (2011) : The state must ensure that the right to nationality is secured without discrimination. CEDAW Gen. rec. No. 32, 2014 : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. UNHCR (2014) : Action 4	There are no conditions and registration of the birth at a consulate is a formality and not a condition to acquire nationality. However, in cases of children born in Cyprus where one parent is Cypriot and the other is non-Cypriot and entered or remained in Cyprus irregularly, the child does not acquire nationality unless the Ministerial Council orders otherwise. This condition is considered to be discriminatory and applies, for example, to Cypriot nationals of Turkish ethnic origin who reside in the occupied northern part of Cyprus and are married and/or have children with Turkish nationals who have settled in Cyprus after	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 58 & 109(2): http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)

						the 1974 war, and whose entry and residence in Cyprus is considered to be illegal. There are also cases of children of Cypriot nationals of Greek ethnic origin who are married to third country nationals who may have entered or stayed irregularly and who are denied Cypriot nationality. The procedure for the examination of applications by the Council of Ministers to enable the registration of such children as Cypriot nationals is very lengthy and decisions often remain pending for years.	
PRS	5	a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	<p>Convention on the Rights of the Child, 1989: Article 7</p> <p>International Covenant on Civil and Political Rights, 1966: Article 24(2)</p> <p>Council of Europe (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown.</p> <p>UNHCR (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR (2014): Action 7</p> <p>UN Sustainable Development Goal 16.9</p>	All births must be registered at the respective District Administration Office within 15 days of the date of birth regardless of the legal status of the parents in Cyprus. The birth must be recorded within three months of the date of birth. There is a fee of 5 EUR to register a birth.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 8: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)
PRS	5	b		Are all children issued with birth certificates upon registration? If no, please describe legal status of	UN Human Rights Council, Resolution A/HRC/RES/20/4 : Underscores the importance of effective birth registration and provision of documentary proof of birth	All children are issued with birth certificates upon registration.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 13: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)

				documentation issued.	irrespective of immigration status and that of parents or family members. Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.		
PRS	5	c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	Convention on the Rights of the Child, 1989 : Articles 3 & 7	The child's nationality is only determined upon birth if the child is considered to be a Cypriot national. If the child's parents are not Cypriot nationals, nationality will not be determined. There is no formal procedure and the nationality will be determined by the state official completing the registration. If in doubt the section will be left blank.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)): http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)
PRS	5	d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality	Convention on the Rights of the Child, 1989 : Articles 3 & 7	There is no legal framework to determine a child's nationality unless the possible nationality is Cypriot. In such cases the procedure is to submit documentation that shows that one of the parents has Cypriot nationality or right to Cypriot nationality. The competent authority is the District Administration Office unless	

				later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.		one of the parents entered or remained irregularly in the country in which case a decision from the Ministerial Council is required in order to register Cypriot nationality (see point 4b).	
PRS	5	e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.	Undocumented parents, including stateless persons, may face difficulties in registering the birth of their children, as on instances they were asked to present passports before registration was made. In addition, undocumented parents may not register their children due to fear of being detected as irregular residents. A number of complaints have been submitted to the Child Commissioner in this regard.	Commissioner for Children's Rights – Cyprus, Θέση της Επιτροπής, αναφορικά με τη νομοθεσία και τις διαδικασίες/διοικητικές πρακτικές που διέπουν την εγγραφή και έκδοση πιστοποιητικού γεννήσεως: Αποτέλεσμα διερεύνησης παραπόνων, συναντήσεων με την Υπουργό Εσωτερικών και λειτουργούς αρμοδίων Τμημάτων, Ιούνιος 2015: http://www.childcom.org.cy/ccr/ccr.nsf/All/E319805FEBD84E43C22582D3003A7EA7?OpenDocument (EL)
PRS	5	f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status.	There are no mandatory reporting requirements for authorities that would deter undocumented parents from coming forward to register their children. However, cases have arisen where undocumented parents are afraid to appear before the authorities, although there is no information indicating that anyone has faced arrest or other consequences.	Commissioner for Children's Rights – Cyprus, Θέση της Επιτροπής, αναφορικά με τη νομοθεσία και τις διαδικασίες/διοικητικές πρακτικές που διέπουν την εγγραφή και έκδοση πιστοποιητικού γεννήσεως: Αποτέλεσμα διερεύνησης παραπόνων, συναντήσεων με την Υπουργό Εσωτερικών και λειτουργούς αρμοδίων Τμημάτων, Ιούνιος 2015: http://www.childcom.org.cy/ccr/ccr.nsf/All/E319805FEBD84E43C22582D3003A7EA7?OpenDocument (EL)

				undocumented migrants)?			
PRS	5	g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. UN Human Rights Council, Resolution A/HRC/RES/20/4 : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	The deadline for the completion of birth registration is 15 days after the child's birth. Late registration is possible by law but subject to late registration fees. In cases where three months have elapsed, registration is possible upon submission of an affidavit and approval of the Registrar, but this is subject to an increased fee. Late birth registration is possible in practice.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 16: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL) Cyprus Civil Registry and Migration Department Section website (Issue of Birth Certificate): http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/239441159081A5CCC2257D1E00248A00?OpenDocument
PRS	5	h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	The additional requirements include an affidavit and, although not prescribed in law, the Civil Registry Section requests a higher fee of 150 EUR. The fee can be an obstacle in certain cases, especially for those who are undocumented and/or destitute.	Cyprus Civil Registry and Migration Department Section website (Issue of Birth Certificate): http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/239441159081A5CCC2257D1E00248A00?OpenDocument
PRS	6	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR (2014) : Action 7	Currently, there are no programmes issued by the government in Cyprus to promote civil registration.	

PRS	6	b	Are there particular sections of the population - such as minority groups - believed to be stateless/at risk of statelessness? Please provide details and source of information.	<p>UN Convention on the Reduction of Statelessness, 1961: Article 9</p> <p>UNHCR (2014): Action 4</p> <p>UN Human Rights Council (2019): States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.</p>	<p>The following sections of the population are believed to be at risk of statelessness, or stateless:</p> <ul style="list-style-type: none"> - Children of refugees - Children of mixed marriages where one parent is Turkish Cypriot and the other parent is non-Cypriot and entered or remained in Cyprus irregularly (see PRS 4a above) - Children of Turkish settlers living in the areas not under the control of the Republic may also be at risk of statelessness, although they may have access to Turkish nationality - Stateless Syrian Kurds, nationals of the former Soviet Union, a small number of Uyghurs, as well as Palestinians living without an effective nationality 	<p>Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 109: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)</p>
PRS	6	c	Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	<p>UN Convention on the Reduction of Statelessness, 1961</p> <p>UNHCR (2014): Actions 1 & 8</p> <p>UNHCR (2015): States parties to the 1954 Convention are required to help stateless persons become naturalised.</p>	<p>The Government has not implemented any other measures aimed at reducing statelessness or the risk of statelessness.</p>	

PRS	7	a	Withdrawal of nationality	<p>Are there provisions on loss and/or deprivation of nationality established in law? Please describe and state whether there is a safeguard against statelessness in law and practice.</p>	<p>UN Convention on the Reduction of Statelessness, 1961: Article 8 European Convention on Nationality, 1997: Article 7(3) Universal Declaration of Human Rights: Article 15(2)</p>	<p>According to the Law, Cypriot nationality may only be deprived in cases where it was acquired by registration or naturalisation, not by descent. The Council of Ministers may deprive a person registered or naturalised of their nationality where:</p> <ul style="list-style-type: none"> a) Naturalisation or registration was acquired by fraud, false representations or concealment of material facts. b) In actions or in words the person showed lack of loyalty or disfavour to the Republic c) In any war carried out by Cyprus the person illegally engaged in a transaction or communicated with the enemy or engaged in, or participated in, any enterprise which in its knowledge was conducted in such a way as to assist the enemy in the war; or d) within ten (10) years since registration or naturalisation, the person has been sentenced in any country to imprisonment for a particularly heinous offence or for an offence of moral depravity, provided that such conviction concerns an offence which is also an offence in Cyprus which is particularly heinous or of moral depravity and is subject to imprisonment e) if the person has usually resided in foreign countries for a continuous period of seven years and during that period they were not at any time in the service of the Republic of Cyprus or an International Organisation of which Cyprus is a 	<p>Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 113: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL)</p>
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						member; or did not notify each year, as prescribed, the Consulate of their intention to maintain the Cypriot nationality.	
						There is no safeguard against statelessness in law or practice.	
PRS	7	b		Who is the competent authority for withdrawal of nationality and what procedural safeguards are in place (legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	UN Convention on the Reduction of Statelessness, 1961 : Article 8(4) European Convention on Nationality, 1997 : Article 11	According to the Law, the Council of Ministers orders deprivation of nationality. The Council of Ministers proceeds only if it is satisfied that it is not in the public interest for the person to continue to be a Cypriot national. Before issuing an order for deprivation, the Council of Ministers gives the person a written notice informing them of the reasons. The person is informed of the right to request an investigation. If requested, the Council of Ministers may refer the matter to the Research Committee, appointed specifically for this purpose. The Research Committee consists of the President, who has judicial experience and other members the Council of Ministers deems necessary. There are no time limits and besides the Research Committee the law does not provide for judicial oversight, appeal rights or legal aid. However, a recourse before the Administrative Court may be submitted against the decision, under Article 146 of the Constitution.	Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 113(6)&(7): http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL) Constitution of the Republic of Cyprus (Το Σύνταγμα της Κυπριακής Δημοκρατίας (ΣΥΝΤΑΓΜΑ), Article 146: http://www.cylaw.org/nomoi/enop/non-ind/syntagma/full.html (EL)
PRS	7	c		Are withdrawal provisions applied in practice?		There have been recorded cases of revocation of Cypriot nationality.	UNHCR Cyprus

Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
LIT	1	a	Published judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		There are no judgements adjudicating statelessness in Cyprus.	
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction). Please list.			
LIT	2	a	Legal training	Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<p>UNHCR (2016): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels.</p> <p>UNHCR (2010): It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.</p>	<p>UNHCR in Cyprus delivered training on the protection needs of stateless people in October 2015 as part of its ongoing advocacy and awareness-raising activities towards the adoption of a legal framework for the protection of stateless people in Cyprus. UNHCR regularly organises training seminars and workshops on refugee status determination to eligibility officers of the Asylum Service and Reviewing Authority, which incorporate issues relating to the protection needs of stateless refugees. On the job training and legal and technical advice is also provided to eligibility officers in the framework of UNHCR’s supervisory role monitoring the refugee status determination procedure, and at the request of the authorities. Trainings may also be open to other stakeholders</p>	

						and service providers, including the judiciary.	
LIT	3	a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR (2014) : Applicants must have access to legal counsel.	There are no specialised lawyers or law firms in Cyprus that handle issues related to statelessness. Only NGOs and lawyers working with NGOs who are active in the fields of refugee law and asylum issues provide advice to people who are stateless or at risk of statelessness.	<p>Cyprus Refugee Council: https://cyrefugeecouncil.org</p> <p>UNHCR Cyprus: http://www.unhcr.org/cyprus.html</p> <p>AIDA Country Report: Cyprus, December 2017: http://www.asylumineurope.org/reports/country/cyprus/information-asylum-seekers-and-access-ngos-and-unhcr</p>
LIT	4	a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		There is no academic literature on statelessness in Cyprus.	