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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

International and Regional Instruments

| Item | 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. | UNHCR, States Party to the Statelessness Conventions as of 4 th October 2018, 4 October 2018: https://www.refworld.org/docid/54576a754.html UN Treaty Collection: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtsg_no=V-3&chapter=5&Temp=mtsg2&clang=en |
| 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 | |
| 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. 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&mtsg_no=V-4&chapter=5&clang=en |
| 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/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=Bl3cGrPG |
| 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=Bl3cGrPG |
| IOB.3.d | | Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations. | Directive 2008/115/EC of the European Parliament and of the Council (EU Return 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/vitgbgip/eio9 |

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| 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/TreatyParticipantSearch.aspx?clang=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/TreatyParticipantSearch.aspx?clang=en |
| IOB.3.g | State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations. | International Covenant on Economic, Social and Cultural Rights, 1966 | Yes. There are no reservations in place. | UN Treaty Collection: https://treaties.un.org/Pages/TreatyParticipantSearch.aspx?clang=en |
| 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 CEDAW, 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/TreatyParticipantSearch.aspx?clang=en |
| 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/TreatyParticipantSearch.aspx?clang=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/TreatyParticipantSearch.aspx?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/TreatyParticipantSearch.aspx?clang=en |
| IOB.3.l | State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations. | Convention on the Rights of Persons with Disabilities, 2006 | Yes, with the following reservations: “Whereas the Persons with Disabilities Law, as this has been harmonized with the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, prescribes in section 3A thereof that the said Law shall not apply as regards employment: (a) to the armed forces, to the extent that the nature of the work requires special abilities which cannot be exercised by persons with disabilities, and (b) to occupational activities where by reason of the nature or the context in which they are carried out, a characteristic or an ability which is not possessed by a person with a disability, constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate, taking into account the possibility of adopting reasonable measures, the Republic of Cyprus declares that it ratifies the Convention with a reservation in respect of Article 27(1) of the Convention, to the extent that the provisions thereof are in conflict with the provisions of section 3A of the Persons with Disabilities Law.” | UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-15&chapter=4&clang=en#EndDec |

Stateless Population Data

| Item | Subtheme | Question | International Norms & Good Practice | Answer | Source |
|---------|--------------------------|---|---|--|--|
| POP.1.a | Availability and sources | Does the State have a standardised ‘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>CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union, Conclusions on Statelessness (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, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>ISI, The World’s Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p> <p>International Recommendations on Statelessness Statistics (IROSS) (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</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 have at times been reflected under the country of their habitual residence (e.g. stateless Kurds ex Syria). | Statistical Service of Cyprus (CYSTAT): https://www.cystat.gov.cy/ |
| POP.1.b | | Do public 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 any available figures. | 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 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 were registered by the Asylum Service and the Reviewing Authority (second tier administrative body that has since terminated operations) 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 registered under ‘Occupied Palestinian Territories’. | Statistical Service of Cyprus (CYSTAT): https://www.cystat.gov.cy/ 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_gr/asylumservice18_gr?OpenDocument (EL/EN) |

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| 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, The Republic of Cyprus Factsheet, September 2021: https://reporting.unhcr.org/sites/default/files/Bi-annual%20fact%20sheet%202021%2002%20Cyprus.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 & Cyprus Refugee Council |
| 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 in most cases 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. In 2021 an improvement was noted as the Asylum Service started registering people under the categories 'stateless' and 'unknown nationality'. | Information provided by the Cyprus Refugee Council from review of annual statistics. |
| POP.1.g | | Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting). | As above. EASO/EUAA, Practical guide on registration (2021) : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member. | 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, two persons applied for asylum claiming to be Rohingya but were not registered as stateless, which again indicates issues with underreporting the stateless population. In 2021, an improvement was noted regarding registration of stateless persons. According to the Asylum Service’s statistics in 2021, the Asylum Service recorded 10 people who were granted refugee status and registered as stateless. In 2022, eight people were granted refugee status and were registered as stateless. In 2023, 10 persons were registered as stateless in asylum procedures but no decisions or grants of refugee status have been issued so far. | Information provided by the Cyprus Refugee Council from review of annual statistics. |

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| <p>POP.2.a</p> | <p>Stateless in detention data</p> | <p>Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.</p> | <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014): State parties should gather, analyse and make available sex-disaggregated statistical data and trends. ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory. Equal Rights Trust, Guidelines (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. Council of the European Union, Conclusions on Statelessness (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>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.</p> | <p>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</p> |
| <p>POP.2.b</p> | | <p>Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.</p> | <p>As above</p> | <p>There are no statistics available on individuals released from immigration detention due to being un-removable. In addition to the individuals indicated above, nationals of Iran and Syria are at times released from detention as they are un-removable, however this is not officially documented.</p> | <p>Bi-monthly monitoring visits carried out by Cyprus Refugee Council. UNHCR Cyprus</p> |

Statelessness Determination and Status

| Item | 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. | 1954 Convention : 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 Aliens and Immigration Law, and the Civil Registry Law. | 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) Aliens and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)): http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL) Civil Registry Law of 2002 (Ο Περὶ Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)): http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL) |
| SDS.2.a | Training | Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?) | UNHCR Executive Committee, Conclusion No. 106 (LVII) (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 organises training seminars and workshops on refugee status determination to eligibility officers of the Asylum Service (and formerly to the 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.2.b | | Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency). | UNHCR, Good Practices Papers – Action 6 (2020) : 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. UNHCR, Geneva Conclusions (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. | UNHCR trainings (see above) may also be open to other stakeholders and service providers, including judges and lawyers. | UNHCR Cyprus |
| SDS.3.a | Existence of a dedicated SDP | Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated. 1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (answer Question SDS.3.b. and proceed to Question 4a). 2. There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access | UNHCR, Handbook on Protection (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. UNHCR, Good Practices Papers – Action 6 (2020) : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention. | 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. | |

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| | | <p>their rights (answer Question SDS.3.b. and proceed to Question 10a).</p> <p>3. There is a dedicated statelessness status but no formal procedure for determining this (answer Question SDS.3.b. and proceed to Question 15a).</p> | | | |
| SDS.3.b | Temporary protection for people fleeing war | <p>Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine (through the EU Temporary Protection Directive or another mechanism)?</p> <p>Is temporary protection accessible to all stateless persons who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, please state so.</p> <p>Please describe any other barriers for stateless people or people at risk of statelessness in accessing the territory or receiving temporary protection, asylum, or other protection.</p> | <p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.</p> | <p>Temporary Protection is being provided in Cyprus in accordance with the Temporary Protection Directive. According to the guidance provided by the Asylum Service, the national authority responsible for implementing the Temporary Protection status, the following persons are entitled to temporary protection:</p> <ul style="list-style-type: none"> • Ukrainian nationals, refugees in Ukraine, and their family members living in Ukraine before 24 February 2022 • Stateless persons and non-Ukrainians living in Ukraine before 24 February 2022 with a permanent residence permit, who are unable to return safely to their country of origin. <p>According to Eurostat, up to December 2023, 18,980 Ukrainian nationals and a total of 19,270 people (including Ukrainian and other non-EU nationalities) received Temporary Protection in Cyprus, making it one of the highest per capita recipients of Ukrainian refugees. Regarding stateless people who were formerly living in Ukraine there have been no such cases reported in Cyprus, which is most probably due to difficulties to reach the territory as it is an island.</p> <p>The Asylum Service in Cyprus reported, upon request, that as of December 2023 there were 20,923 persons registered as beneficiaries of international protection in December 2023.</p> <p>According to UNHCR, as of January 2024, 17,270 refugees from Ukraine have been recorded in Cyprus and 21,020 applied for asylum, temporary protection, or similar national protection schemes.</p> | <p>Asylum Service http://www.moi.gov.cy/moi/asylum/asylumservice.nsf/index_en/index_en?OpenDocument</p> <p>http://www.moi.gov.cy/moi/asylum/asylumservice.nsf/All/71A7D6D56D2B4B49C22588010055092A?OpenDocument</p> <p>Cyprus Refugee Council</p> <p>Eurostat Beneficiaries of temporary protection at the end of the month by citizenship, age and sex – monthly data https://ec.europa.eu/eurostat/en/web/products-datasets/-/MIGR_ASYTPSM Beneficiaries of temporary protection at the end of the month by citizenship, age and sex - monthly data [migr_asytpsm_custom_10208068]</p> <p>UNHCR Operational Data Portal</p> |
| SDS.10.a | Procedures in which statelessness can be identified and other routes to regularisation (Group 2) | <p>If there is no dedicated SDP leading to a statelessness status, are there any procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)?</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>ECtHR, Hoti v. Croatia (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>Information provided by the Cyprus Refugee Council</p> |

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| <p>SDS.10.b</p> | | <p>Are there any other routes through which stateless people could regularise their stay and/or access their rights without their statelessness being identified or determined?</p> | <p>1954 Convention UNHCR, Handbook on Protection (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>Stateless people can regularise their stay and access rights through refugee status determination procedures without their statelessness being identified or determined. For instance, stateless Kurds from Syria receive international protection, mainly subsidiary protection and related rights due to the conflict in Syria, without their statelessness being identified and determined.</p> | <p>Information provided by the Cyprus Refugee Council</p> |
| <p>SDS.11.a</p> | <p>Access to procedures (Group 2)</p> | <p>Please provide details on how statelessness may be identified in other procedures, which authority is competent to examine and/or identify statelessness and evaluate appropriateness to the national context.</p> | <p>UNHCR, Handbook on Protection (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, Good Practices Papers – Action 6 (2020): It is important that examiners develop expertise while ensuring that the procedures are accessible. 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 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.</p> <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, although 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>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.</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>Information provided by the Cyprus Refugee Council</p> |

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| SDS.11.b | | Are there obligations in law on authorities to consider a claim of statelessness? | UNHCR, Good Practices Papers – Action 6 (2020) : Access to the procedure must be guaranteed. EASO/EUAA, Practical guide on registration (2021) : Determining if applicants are stateless is essential when assessing the need for international protection. At registration, it is vital to collect information and detect possible cases of statelessness, but it is not appropriate to determine a person’s statelessness at the registration stage. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim. | 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 for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless? | 1954 Convention UNHCR, Handbook on Protection (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020) : Information on the procedure and counselling services must be available to potential applicants in a language they understand. | No. | |
| SDS.11.d | | Is there cooperation between agencies that may have contact with stateless people? | UNHCR, Good Practices Papers – Action 6 (2020) : 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 in cases where applicants are identified as stateless during the asylum procedure but do not have a valid asylum claim. However, this is not done consistently. | UNHCR Cyprus |
| SDS.12.a | Assessment (Group 2) | Who has the burden of proof when determining or identifying statelessness (in law and practice)? | UNHCR, Handbook on Protection (2014) : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR, Good Practices Papers – Action 6 (2020) : SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR, Geneva Conclusions (2010) : In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. 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. ECtHR, Hoti v. Croatia (2018) : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness. | 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 to evidence statelessness, in law and in practice? | UNHCR, Handbook on Protection (2014) : States are advised to adopt the same standard of proof as in refugee status determination (‘reasonable degree’). UNHCR, Good practices in nationality laws (2018) : The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of | 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) |

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| | | | <p>proving statelessness in the likely absence of documentary evidence.</p> <p>ECtHR, Hoti v. Croatia (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.</p> | | |
| SDS.12.c | | Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin information relating to statelessness, etc.)? | <p>ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p> <p>Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</p> | Decision makers are not presented with clear guidance on how to determine statelessness. There is no country of origin information or guidelines produced in Cyprus for the Cyprus Asylum Service. Caseworkers use country of origin information available from other sources. | UNHCR Cyprus |
| SDS.13.a | Procedural safeguards (Group 2) | Is free legal aid available to stateless people generally? | <p>UNHCR, Handbook on Protection (2014): Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p>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.</p> | 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 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. | <p>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)</p> <p>AIDA, Country Report: Cyprus, 2022: http://www.asylumineurope.org/reports/country/cyprus</p> |
| SDS.13.b | | Is free interpreting available to stateless people? | <p>UNHCR, Handbook on Protection (2014): The right to assistance with interpretation/translation [is] essential.</p> <p>ENS (2013): Assistance should be available for translation and interpretation.</p> | In the framework of refugee status determination an interpreter is always provided. Interpretation is provided in the native language of the applicant or 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.c | | Are there other procedural safeguards in place in procedures through which stateless people may have their statelessness identified or determined, or regularise their stay (e.g., decisions given in writing with reasons, right to an interview, time limit, right of appeal, audits in decision-making, etc.)? | <p>UNHCR, Handbook on Protection (2014): States are encouraged to incorporate the safeguard that decisions are made in writing with reasons. It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months. An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p> | <p>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 special need). 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.</p> <p>In the framework of refugee status determination, decisions are always provided in writing. At first instance, decisions are usually provided in English with detailed reasons. The content of the file, also usually in English e.g. the interview transcript, Country of Origin Information reports, etc. can only be accessed and reviewed at the offices of the Asylum Service or when an appeal is submitted. In case of a negative decision there is a right to appeal. Currently there are no audits in decision-making but the Asylum Service with the support of UNHCR is in the process of setting-up a quality control department.</p> | <p>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)</p> <p>AIDA, Country Report: Cyprus, 2022: http://www.asylumineurope.org/reports/country/cyprus</p> |
| SDS.14.a | Protection (Group 2) | Are there any rights granted to stateless people on the basis of their statelessness? If yes, please provide details. | <p>UNHCR, Handbook on Protection (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 person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.</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 apply Article 1D of the 1951 Refugee Convention to confer refugee status. Following the change of policy, Article 1D has been applied by the | AIDA, Country Report: Cyprus, December 2022: http://www.asylumineurope.org/reports/country/cyprus |

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| | | | | <p>Asylum Service for Palestinian refugees from other UNRWA areas of operation (Lebanon). The Refugee Reviewing Authority (second tier administrative body that has since terminated operations) 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 the cessation of UNRWA protection. 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 to reach Australia irregularly and several were reported missing at sea.</p> | |
| SDS.14.b | | <p>Are stateless people otherwise able to access their rights under the 1954 Convention? Please state whether stateless people can access:</p> <ul style="list-style-type: none"> - right to reside - travel document - work - healthcare - social security - education - housing - family reunification - right to vote. <p>[Section complete, proceed to DET]</p> | <p>1954 Convention UNHCR, Handbook on Protection (2014): The status granted to a stateless person in a State Party must reflect international standards. 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. States parties are encouraged to facilitate the reunification of those with recognised statelessness status with their spouses and dependents. The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</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>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. Both statuses enjoy the right to reside, travel document, work, healthcare, social security and education. Holders of subsidiary protection are not entitled to family reunification whereas neither status is entitled to housing or the right to vote.</p> <p>From 2019 onwards, the Civil Registry and Migration Department (CRMD) has refused to issue residence permits for family members of beneficiaries of international protection, that did not exist in the country of origin. This includes spouses, underage children, and children who came of age as refugees in Cyprus, regardless of the country of origin of the spouse or the years they had already been in the country and had already been receiving a residence permit, leaving them without status and full access to rights. This has led to persons who have been living for many years in the country losing their employment and other rights. According to the CRMD, spouses will receive humanitarian status without defining if they will have access to rights (humanitarian status as it currently stands provides a right to remain but no access to rights, and exceptionally the right to work may be provided). Since 2021, a new practice is followed by which minor children in such cases are granted the same status as the parent who is a beneficiary of international protection.</p> <p>Protection afforded to Palestinians is not always consistent and Article 1D of the 1951 Refugee Convention is not always applied. In 2020, the Administrative Court of International Protection granted refugee status to a Palestinian from Gaza who had been granted subsidiary protection as it was determined that the cessation of UNRWA protection resulted from objective reasons.</p> | <p>Article 6 and Article 19(3) Refugee Law: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>AIDA Country Report: Cyprus, 2018 Update, pages 103-104: https://www.asylumineurope.org/reports/country/cyprus</p> <p>AIDA Country Report: Cyprus, 2019 Update, pages 112-124: https://www.asylumineurope.org/reports/country/cyprus</p> <p>AIDA, Country Report: Cyprus, December 2020: http://www.asylumineurope.org/reports/country/cyprus</p> <p>AIDA, Country Report: Cyprus, 2021: http://www.asylumineurope.org/reports/country/cyprus</p> <p>Cyprus – Administrative Court of International Protection, A.B. v. the Republic of Cyprus, Reg. no. 1118/18, 5 June 2020: https://www.asylumlawdatabase.eu/en/case-law/cyprus-%E2%80%93-administrative-court-international-protection-ab-v-republic-cyprus-reg-no-111818-5</p> |

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| | | | | However, monitoring is still required to ensure refugee status is granted in other such cases. | |
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Detention

| Item | Subtheme | Question | International Norms & Good Practice | Answer | Source |
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| DET.1.a | Immigration detention | <p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered.</p> <p>Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p> | <p>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (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. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. 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>In Cyprus, immigration detention powers are provided for under the Aliens and Immigration Law and the Refugee Law. Domestic law allows immigration detention for purposes other than those allowed under ECHR 5(1)(f).</p> <p>Detention under the Aliens and Immigration Law is provided under two different articles: Article 14 concerning persons who have been declared "illegal immigrants" and Article 18PST which transposes the EU Returns Directive. Article 14 provides for 13 different instances under which persons can be declared "illegal immigrants", with the most common instances being illegal entry or stay. Article 18PST provides that third country nationals subject to return procedures may be detained only for the preparation of the return or during the execution of the decision especially when there is a risk of absconding or if the person obstructs the removal process.</p> <p>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.</p> <p>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 proper assessment of the necessity of detention or available alternatives. A non-exhaustive list of recommended alternatives to detention 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>There is no evidence that alternatives are being examined effectively and exhausted prior to ordering detention. In most cases, asylum seekers already in detention for other immigration reasons will receive detention orders under the Refugee Law, without an assessment of the availability of other less coercive measures in each individual or of individual vulnerability factors.</p> | <p>Aliens 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>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(Ι)/2000)): http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>AIDA Country Report: Cyprus, December 2017&2020: http://www.asylumineurope.org/reports/country/cyprus</p> <p>Cyprus Refugee Council bi-monthly monitoring visits.</p> <p>Future Worlds Centre, Αναζητώντας ΕναλλακτικέςΣ την 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)</p> <p>Summary report in English: https://issuu.com/strengtheningasylum/docs/_alternatives_to_detention_summary</p> |

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| DET.1.b | | 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: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).</p> <p>ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities’ diligence in handling the deportation.</p> <p>EU Return 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(I)/2000)), Article 9ΣΤ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>Aliens 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.c | | Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice. | <p>EU Return Directive: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.</p> <p>UN Working Group on Arbitrary Detention (2018): When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.</p> <p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009)</p> | <p>According to national law, there is a clear obligation to release a person when there is no reasonable prospect of removal; however, in practice, this is often not adhered to.</p> <p>In a recent court decision concerning a removal decision of a Palestinian from the West Bank, the Administrative Court of International Protection (IPAC) order, citing a recent CJEU decision, confirmed that the authorities must determine the country of removal when adopting a return decision. The Court specified that “compliance with the principle of non-refoulement is always evaluated in relation to the country to which the applicant is to be deported, and therefore, this evaluation cannot be carried out vaguely, without specifying the country of destination to which the deportation decision is executed.”</p> | <p>Aliens and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)), Articles 18ΠΣΤ (6): http://www.cylaw.org/nomoi/enop/ind/0_105/section-sc67154215-9604-e55a-296a-ec0d932e12b8.html (EL)</p> <p>E.A.S.H. v. RoC via Civil Registry and Migration Department, Ministry of Interior, available at: http://www.cylaw.org/cgi-bin/open.pl?file=administrativeIP/2023/202307-321-23.html&qstring=321%20w%2F1%2023</p> <p>Judgment - 06/07/2023 - Bundesamt für Fremdenwesen und Asyl (Réfugié ayant commis un crime grave)</p> <p>Case C-663/21</p> |
| DET.2.a | Identification of statelessness | 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>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p>UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p>CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention.</p> <p>Equal Rights Trust, Guidelines (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.</p> <p>ICJ, Migration and International Human Rights Law (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. 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. However, in practice, persons are often detained even if there is no prospect of removal. | <p>Bi-monthly monitoring visits carried out by the Cyprus Refugee Council.</p> <p>AIDA, Country Report: Cyprus, December 2020: http://www.asylumineurope.org/reports/country/cyprus</p> <p>AIDA, Country Report: Cyprus, 2021: http://www.asylumineurope.org/reports/country/cyprus</p> |
| DET.2.b | | Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability. | <p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.</p> | There is a definition of vulnerability in the Immigration Law as well as the Refugee Law; however, neither explicitly include statelessness. Overall statelessness is not considered to be a factor that increases vulnerability. | Aliens and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.10)), Article 18ΟΔ: http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL) |

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| | | | | | <p>The Cyprus Refugee Laws 2000-2016 (Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)), Article 9ΚΓ: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (EL)</p> <p>Based on cases of stateless persons represented by the Cyprus Refugee Council</p> |
| DET.2.c | | <p>Are individual vulnerability assessments carried out before a decision to detain (or soon after)?</p> | <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Return Directive: Article 16(3) EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons. Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities should assess the situation of LGBTI persons in detention. PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.</p> | <p>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, sexual violence and torture.</p> | <p>Aliens 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)</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, 2022: http://www.asylumineurope.org/reports/country/cyprus</p> <p>Cyprus Refugee Council bi-monthly monitoring visits.</p> |
| DET.2.d | | <p>Are stateless people detained in practice?</p> | <p>As above.</p> | <p>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 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.</p> | <p>Aliens and Immigration Law (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)), Article 18ΠΣΤ (6): http://www.cylaw.org/nomoi/enop/non-ind/0_105/index.html (EL)</p> <p>Cyprus Refugee Council bi-monthly monitoring visits.</p> |
| DET.3.a | Procedural safeguards | <p>Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?</p> | <p>ICCPR: Article 9(4) ECHR: Article 5(4) EU Return Directive: Articles 12, 13 and 15(5) HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law. UNHCR, Handbook on Protection (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.</p> | <p>Since 2016, there is no time limit on detention under the Refugee Law. In practice, asylum seekers are detained for the duration of the asylum procedure, which may exceed 12 months especially if an appeal against the rejection of the asylum application is submitted before court.</p> <p>Detention under the Aliens 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.</p> <p>Third country nationals, including people who cannot be removed, which may include stateless people, are often detained for much longer periods.</p> <p>The law provides that individuals must be informed in writing of the reasons for immigration detention. However, the decision/detention order often refers 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 decision/detention order is usually issued in English and/or in Greek, and it is never provided in a language the applicant is</p> | <p>Cyprus Refugee Council</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>Aliens 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, 2022. Available at: http://www.asylumineurope.org/reports/country/cyprus</p> <p>Cyprus Refugee Council bi-monthly monitoring visits.</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> |

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| | | | <p>UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for their arrest.</p> <p>Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. 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. Detention should always be for the shortest time possible.</p> <p>International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (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>ECtHR, Kim v. Russia (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>known to understand. From discussions with detainees, it is evident that they often do not know the reasons for their detention.</p> <p>The Aliens 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. Detainees are not always released when it becomes evident that their removal will not be possible within a reasonable time.</p> <p>There are two legal remedies available to challenge detention for immigration purposes:</p> <ol style="list-style-type: none"> 1. A recourse/review before the Administrative Court to challenge the lawfulness of the detention order when ordered under the Aliens and Immigration Law, with a deadline of 75 days. A recourse/review before the Administrative Court of International Protection when detention is ordered under the Refugee Law, with a deadline of 15 days. The deadline was reduced in 2020 from 75 days to 15 days leading to another serious obstacle in challenging detention as in most cases detainees will not access a lawyer and/or legal aid in time to submit the recourse. 2. A Habeas Corpus application before the Supreme Court to challenge the lawfulness of detention on grounds relating to the length of detention, regardless of which Law it was ordered under. While there is no time limit on detention following a criminal sanction as a "prohibited immigrant" or under the Refugee Law, 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). <p>Regarding legal aid, when detention is ordered under the Aliens and Immigration Law, the 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.</p> <p>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.</p> <p>When detention is ordered under the Refugee Law, 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.</p> | |
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| DET.3.b | | Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP? | Equal Rights Trust, Guidelines (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. | The detention order contains a reference to the right to submit a recourse/review to challenge the legality of the decision under Article 146 of the Constitution but does not contain information on the right to challenge the duration of detention under a Habeas Corpus application (Article 155.4 of the Constitution). 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 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. | Cyprus Constitution http://www.cylaw.org/nomoi/enop/non-ind/syntagma/full.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, 2022: http://www.asylumineurope.org/reports/country/cyprus Cyprus Refugee Council casework and monitoring visits |
| DET.3.c | | Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal? | Equal Rights Trust, Guidelines (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality. | 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. Embassies may 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, however, such recommendations are not always followed. | Cyprus Refugee Council |
| DET.4.a | Protections on release | Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention? | 1954 Convention : Article 27 UNHCR, Handbook on Protection (2014) : Being undocumented cannot be used as a general justification for detention. CMW, General comment No. 5 (2021) : There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released. ENS, Protecting Stateless Persons From Arbitrary Detention (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, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation. | People released from detention are in most cases not issued with identification documents, including in cases of stateless persons. | Cyprus Refugee Council |
| 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? | CJEU, Kadzoev, C-357/09 PPU (2009) : After the maximum period of detention has expired, the person must be released immediately. A lack of valid | 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 residence status or access to basic rights. In some cases, a short- | Cyprus Refugee Council |

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| | | | documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation. | term residence permit on humanitarian grounds may be issued. In such a 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. | |
| DET.5.a | Return and readmission agreements | Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements? | UNHCR, Handbook on Protection (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness. UNCRC, MKAH v Switzerland, no 95/2019 (2021) : The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC). | Statelessness is not a juridically relevant fact in readmission and/or bilateral return agreements, in cases concerning adults or children. | Based on review of cases by the Cyprus Refugee Council |
| DET.5.b | | Are you aware 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 |

Prevention and Reduction

| Item | Subtheme | Question | International Norms & Good Practice | Answer | Source |
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| PRS.1.a | Naturalisation | In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality? | <p>1954 Convention: Article 32</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>CoE Committee of Ministers, Recommendation No. R (99) 18 (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 for stateless persons to access nationality from other persons with a foreign nationality. The residence requirements depend on residence status held. Only adults have a right to apply for nationality.</p> <p>Until the recent legislative amendment in December 2023, the requirement was five consecutive years of residence and uninterrupted stay in Cyprus during the last 12 months, except for persons who reside in the Republic solely for the purpose of work, for whom seven years of residence was required. Beneficiaries of international protection, including stateless persons, were eligible to apply for nationality after five years of residence.</p> <p>The amended Law increases the residence requirement to eight years. Furthermore, the years of stay as a student, applicant for international protection, or holder of subsidiary or temporary protection are not counted.</p> <p>The only exception is for persons who reside in the Republic for the purpose of highly skilled employment in companies as determined by a Decision of the Council of Ministers, who can apply after four or five years of residence depending on the applicants' knowledge of the Greek language.</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>Civil Registry Law (Amendment) Law of 2023 (L. 149(I)/2023) Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) Νόμος του 2023 (N. 149(I)/2023) http://www.cylaw.org/nomoi/arith/2023_1_149.pdf (EL)</p> <p>AIDA, Country Report: Cyprus, 2022: https://www.asylumineurope.org/reports/country/cyprus</p> |
| PRS.1.b | | Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe. | <p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.</p> | <p>When applying for nationality the applicant must be of 'good character' and must submit a clear criminal record with the application for nationality. People have often been rejected as 'not of good character' based on internal communications between the Police and the Civil Registry and Migration, or on reports or investigations carried out by the police even if these never led to prosecution and conviction.</p> <p>The amended Law also requires that the applicant be of good character and includes a non-exhaustive list of elements that demonstrate good character:</p> <ul style="list-style-type: none"> (i) The applicant has not shown by deeds or words any lack of respect for law or contempt for the Republic; (ii) Has not behaved in a manner that constitutes acceptance of the illegal administration of the areas not controlled by the Republic, does not hold any office related to it, nor does it possess, illegally enter, cause damage to or interfere with immovable property located in said areas which belongs to another legal owner; (iii) Has not, during any war waged by the Republic, engaged in any transaction, nor communicated with the enemy, or engaged in the conduct of an operation, or participated in any operation in such a manner as to have assisted the enemy; (iv) Has not been sentenced in the Republic or in another country to imprisonment for a serious criminal offense which carries a prison sentence of five years or more or for another serious offense or for an offense involving dishonour or moral obscenity; (v) Is not wanted at pan-European level by EUROPOL or internationally by INTERPOL for a serious criminal offence, which constitutes an offense in the Republic and carries a prison sentence of five years or more or for another serious offense or for a dishonourable or moral offense turpitude. | <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>Cyprus Refugee Council</p> |

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| | | | | <p>58(I) of 2016.</p> <p>(v) Was not sanctioned and their name is not included in a list of sanctions, in accordance with the provisions of the Implementation of the Provisions of the Resolutions or Decisions of the United Nations Security Council (Sanctions) and the Decisions and Regulations of the Council of Europe Union (Restrictive Measures) Act;</p> <p>(vii) No criminal case is pending against them in the Republic or abroad for an offense punishable by imprisonment of three years or more;</p> <p>(iii) Has not entered through an illegal point of entry or entered or remained in the Republic in violation of any prohibition, condition, restriction or reservation, in accordance with the laws of the Republic in force at the time;</p> <p>(ii) Does not constitute a risk to public order and public security of the Republic:</p> <p>The inclusion of illegal entry or stay as an element indicating the applicant is not of 'good character' will exclude a significant number of international protection holders including stateless persons of naturalising as the majority will have entered irregularly.</p> | |
| PRS.1.c | | <p>Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.</p> | <p>1954 Convention: Article 32</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p>UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021): States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.</p> | <p>There are no exemptions for stateless people from any of the requirements to apply for nationality. Only adults have the right to apply for nationality.</p> <p>Until the recently amended Law, the only requirements beside the residence requirement, were three guarantors with Cypriot nationality, the applicant's good character and a clear criminal record. With the amendment the following requirements have been included:</p> <ul style="list-style-type: none"> - Legal and continuous stay (physical presence) in the Republic for the entire period of the immediately preceding 12 months from the date of the application. Periods of absence from the Republic not exceeding a total of 90 days within the twelve-month period are permitted. - Total residence with physical presence of seven years of legal residence in the Republic within the last ten years before the mentioned twelve-month period. In the calculation of residence, the years of stay that the person resided as a student, applicant for international protection, holder of supplementary or temporary protection are not counted. - The applicant is of good character. The Law includes a non-exhaustive list of evidence that indicates good character which includes not entering from an illegal point of entry or remaining irregularly, which will exclude a significant number of international protection holders including stateless persons. (see PRS.1.b) - The applicant must have sufficient knowledge of the Greek language at level B1, with the exception of persons who reside in the Republic for the purpose of highly skilled employment. - Adequate knowledge of basic elements of the contemporary political and social reality of Cyprus. - Suitable accommodation and stable and regular financial resources, sufficient for the maintenance of themselves and dependent members of their family. - Intention to reside in the Republic or to enter or continue to serve in the public service of the Republic: | <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>Civil Registry Law (Amendment) Law of 2023 (L. 149(I)/2023) Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) Νόμος του 2023 (N. 149(I)/2023) http://www.cylaw.org/nomoi/arith/2023_1_149.pdf (EL)</p> |

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| | | | | <p>The application is submitted to the Civil Registry and Migration Department (CRMD) with a submission fee of 500 EUR. The application and the fee must be submitted for each individual applicant.</p> <p>Prior to the amendment of the Law, 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). An application for naturalisation currently takes two to three years to be examined, with a very low rate of success for people who are not financially affluent.</p> <p>Applications to acquire nationality as spouse of a Cypriot national are subject to a fee of 300 EUR and can be submitted after being married for three years.</p> | |
| PRS.2.a | Stateless born on territory | <p>Is there a provision in law for stateless children born on the territory to acquire nationality? [If yes, continue to PRS2b. If no, proceed to PRS2i]</p> | <p>1961 Convention: Article 1 ECN: Article 2 CRC: Article 7 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. European Parliament resolution (2018): The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p> | <p>There is no provision in law for stateless children born on the territory to be granted nationality. Furthermore, only adults have the right to apply for nationality.</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> <p>Civil Registry Law (Amendment) Law of 2023 (L. 149(I)/2023) Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) Νόμος του 2023 (N. 149(I)/2023) http://www.cylaw.org/nomoi/arith/2023_1_149.pdf (EL)</p> |
| PRS.2.i | | <p>Are there specific provisions to protect the right to a nationality of children born to refugees?</p> | <p>UNHCR, Guidelines on Statelessness No. 4 (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.</p> | <p>There are no specific provisions for the nationality of children born to beneficiaries of international protection.</p> | <p>Cyprus Refugee Council</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> <p>Civil Registry Law (Amendment) Law of 2023 (L. 149(I)/2023) Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) Νόμος του 2023 (N. 149(I)/2023) http://www.cylaw.org/nomoi/arith/2023_1_149.pdf (EL)</p> |
| PRS.3.a | Foundlings | <p>Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.</p> | <p>1961 Convention: Article 2 ECN: Article 6(1)(b)</p> | <p>The law provides for the registration of the birth of a foundling, but there are no provisions in law regarding the nationality of foundlings.</p> | <p>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)</p> |
| PRS.3.b | | <p>Is there an age limit (e.g. ‘new-born’ or ‘infant’) in law or practice specifying when a foundling would qualify for nationality?</p> | <p>UNHCR, Guidelines on Statelessness No. 4 (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.</p> | <p>There are no provisions in the law regarding the nationality of foundlings and children do not have a right to apply for nationality.</p> | <p>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)</p> |

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| | | | | | Civil Registry Law (Amendment) Law of 2023 (L. 149(I)/2023) Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) Νόμος του 2023 (N. 149(I)/2023) http://www.cylaw.org/nomoi/arith/2023_1_149.pdf (EL) |
| PRS.3.c | | Can nationality be withdrawn from foundlings if this leads to statelessness? | UNHCR, Guidelines on Statelessness No. 4 (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.4.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? | 1961 Convention : Article 5 ENS, No Child Should Be Stateless (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.4.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. | ECN : Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (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.5.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? | 1961 Convention : Article 4 UNHCR, Guidelines on Statelessness No. 4 (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 can acquire Cypriot nationality. | 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.5.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.)? | ECtHR, Genovese v. Malta (2011) : The state must ensure that the right to nationality is secured without discrimination. CEDAW, Gen. Rec. 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, Background Note on Gender Equality, Nationality Laws and Statelessness 2023 : Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 | 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 applied in the past mainly 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 the 1974 war, and whose entry and residence in Cyprus is considered to be illegal. In many such cases it is possible for the child to acquire Turkish nationality and therefore they may not be stateless, however there are increasing reports of cases where the non-Cypriot parent may be a descendent of a Turkish national who had settled in Cyprus and there may be obstacles to acquiring Turkish nationality for the child. Furthermore, in a few cases the family has opted to reside in the areas under the effective control of the Republic of Cyprus and having no contact with Turkey, which in practice may result in statelessness for the children. According to reports the number of persons denied Cypriot nationality ranges from 6,000-10,000. In July 2023, a mandamus application was brought to the Supreme | 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) Dialogos, ' Children of Turkish Cypriot mixed marriages await recognition – The road is long and arduous https://dialogos.com.cy/paidia-eikton-ga-on-toyrkokyprion-peri-enoy-n-tin-anagnorisi-makrys-kai-epiponos-o-dromos/ |

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| | | | | <p>Court by 16 individuals who are descendants of a Cypriot citizen and a Turkish citizen, claiming that they applied to register as citizens of Cyprus but never received a response from the authorities. They argued that they are stateless and that Cyprus failed to grant them Cypriot citizenship. The Supreme Court noted the adverse consequences of statelessness, referring to jurisprudence of the ECtHR, but found that all but one applicant are Turkish citizens. For all applicants, the Court concluded that the authorities' failure to respond to the citizenship applications fell under the jurisdiction of the Administrative Court, and thus rejected the applications.</p> <p>Furthermore, in recent years this discriminatory provision has been applied to cases of children of Cypriot nationals of Greek ethnic origin who have children with third country nationals who may have entered or stayed irregularly. In such cases the child is denied Cypriot nationality until the Ministerial Council orders the nationality to be provided. In cases where the third country national cannot pass on their own nationality, the child is stateless until the Ministerial decision granting Cypriot nationality. In many such cases the non-Cypriot parent is an asylum seeker or a beneficiary of international protection, which may be an obstacle in passing on nationality and therefore increasing the risk the child will be stateless.</p> <p>In the last 10 years the cases that require the approval of the Ministerial Council to acquire nationality are all on hold with extremely few exceptions, with many cases pending for many years, including instances of children reaching 18 years old with no decision issued.</p> <p>Regarding children born out of wedlock there is no differential treatment in any rights, including the right to acquire nationality from either parent.</p> <p>In the case of same-sex couples, although they have the right to enter a civil partnership, they do not have the right to co-parent a child and only one parent is registered on the birth certificate. Therefore, the parent who is not on the birth certificate will not be able to confer nationality.</p> | <p>Supreme Court, application no. 177/2021 (26 July 2023), http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2023/1-202307-177-21PolAit.htm&qstring=mandamus</p> <p>Civil Partnership Law (ο περί Πολιτικής Συμβίωσης Νόμος του 2015 (184(I)/2015): http://www.cylaw.org/nomoi/enop/non-ind/2015_1_184/index.html</p> |
| PRS.6.a | Birth registration | Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents, or other characteristics? | <p>CRC: Article 7 ICCPR: Article 24(2) CoE, Recommendation CM/Rec(2009)13 (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. UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7 UN Sustainable Development Goal 16.9 European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families. UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All</p> | <p>All births must be registered at the respective District Administration Office within 15 days of the date of birth regardless of the residence 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.</p> | <p>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)</p> |

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| | | | parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed. | | |
| PRS.6.b | | Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued. | HRC, Resolution A/HRC/RES/20/4 (2012) : Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members. Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : 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. General Comment No 7 (2005) CRC : States parties should take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families. | All children born in Cyprus 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) |
| PRS.6.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.) | CRC : 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. 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 (see PRS.5.b). | 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.6.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 later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and whether the child's best interests are taken into consideration. | CRC : Articles 3 & 7 1961 Convention : Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (2012) : States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. UNHCR, Best Interests Procedure Guidelines (2021) HRC, D.Z. v. Netherlands (2021) | 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 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). | 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.6.e | | Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)? | Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : 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. Global Compact for Safe, Orderly and Regular Migration : States will contribute resources and expertise to strengthen the capacity of national civil | The birth of all children is registered in Cyprus, regardless of residence status, however undocumented parents, including stateless persons, may face difficulties in registering the birth of their children, as on instances they are 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 Επιτρόπου, 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, Ιούλιος 2015: http://www.childcom.org.cy/ccr/ccr.nsf/All/E319805FEBD84E43C22582D3003A7EA7?OpenDocument (EL) |

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| | | | <p>registries to facilitate timely access by refugees and stateless persons to civil and birth registration.</p> <p>Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p>European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p>Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p> | <p>Although same-sex couples have the right to enter a civil partnership, they do not have the right to co-parent a child and only one parent is registered on the birth certificate.</p> <p>There is no information regarding any provisions or practice that could impact the birth registration of children born through surrogacy abroad.</p> | |
| PRS.6.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 undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities? | <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC: 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. Children's personal data, in particular biometric data, should only be used for child protection purposes.</p> <p>CoE, ECRI General Policy Recommendation No. 16(2016): States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.</p> | <p>There are no mandatory reporting requirements for authorities that would deter undocumented parents from coming forward to register their children, but neither is there a firewall to prevent data sharing with immigration authorities. 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.</p> | <p>Commissioner for Children's Rights – Cyprus, Θέση της Επιτρόπου, 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)</p> | |
| PRS.6.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. | <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.</p> <p>HRC, Resolution A/HRC/RES/20/4 (2012): Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p> <p>General Comment No 7 (2005) CRC: States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services.</p> | <p>The deadline for the completion of birth registration is 15 days after the child's birth. Within the 15 days the fee to register is 5 EUR from then on and up to 3 months the fee is 30 EUR. Late registration after the 3 months is possible by law but , requires the submission of an affidavit, approval of the Registrar, and is subject to an increased fee of 60 EUR. Late birth registration is possible in practice under these requirements.</p> | <p>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)</p> <p>District Administration Offices http://www.moi.gov.cy/moi/da/dadmin.nsf/dmlfaqs_gr/dmlfaqs_gr?OpenDocument (EL)</p> | |

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| PRS.6.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 a higher fee, which, until 2019, was 150 EUR, but has since been reduced to 60EUR. The fee, even reduced, is an obstacle in certain cases, especially for those who are undocumented and/or destitute. | District Administration Offices http://www.moi.gov.cy/moi/da/dadmin.nsf/dmlfaqs_gr/dmlfaqs_gr?OpenDocument (EL) |
| PRS.7.a | Reducing <i>in situ</i> statelessness | Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details. | UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 7 | Currently, there are no programmes in place in Cyprus to promote civil registration. | |
| PRS.7.b | | Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information. | 1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Recommendations of the Forum on Minority Issues (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities. | The following sections of the population are believed to be at risk of statelessness, or stateless: - Children of refugees - Children of mixed marriages where one parent is Cypriot and the other parent is non-Cypriot and entered or remained in Cyprus irregularly (see PRS.5.b 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. | 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) |
| PRS.7.c | | Has the State 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.) | 1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality. | The Government has not implemented any other measures aimed at reducing statelessness or the risk of statelessness. | |
| PRS.8.a | Deprivation of nationality | Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.). | 1961 Convention : Article 8 & 9 ECN : Article 7(3) UDHR : Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary : Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009) : para. 23 UNHCR Guidelines on Statelessness No.5 (2020) : the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification). ILEC Guidelines (2015) : Deprivation of nationality must have a firm legal basis, should not be | Yes. There is no safeguard to prevent statelessness in provisions relating to deprivation of nationality. A person registered or naturalised may be deprived of their Cypriot nationality where: 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) The person behaves in a manner that constitutes acceptance of the illegal administration in areas not under the control of the Republic, holds any office related to it or holds or has illegally entered, caused damage or interfered with immovable property located in those areas that belongs to another rightful owner, d) 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 e) 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 | 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) |

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| | | | <p>interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p> | <p>offence in Cyprus which is particularly heinous or of moral depravity and is subject to a prison sentence.</p> <p>f) within a period of ten (10) years since registration or naturalisation, the person is wanted at EU level by EUROPOL or internationally by INTERPOL for a serious criminal offense, which carries a prison sentence of five (5) years or more or for another particularly heinous offence or for an offence of moral depravity. It is understood that the offense for which the person in question is wanted constitutes an offense in the Republic which, as mentioned above, is subject to a prison sentence,</p> <p>g) within ten (10) years of the persons registration or naturalisation, they have been subject to sanctions or their name is included in a list of sanctions, as specifically specified in the Regulations issued pursuant to Articles 111a and 117;</p> <p>h) within ten (10) years from their registration or naturalisation, it is found that they do not comply with the criteria and / or additional conditions set out in Regulations issued pursuant to Articles 111a and 117.</p> <p>i) 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 member; or did not notify each year, as prescribed, the Consulate of their intention to maintain the Cypriot nationality.</p> | |
| PRS.8.b | | <p>Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?</p> | <p>1961 Convention: Article 8(4) ECN: Articles 10 to 13 Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation. ILEC Guidelines (2015): The consequences of a decision to deprive somebody of their nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p> | <p>According to the Law, the Council of Ministers orders deprivation of nationality. 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 address the Independent Nationality Deprivation Examination Committee. The Independent Committee is composed of the chairperson and two members, to advise the Council of Ministers on issues of deprivation of nationality of the Republic. A representative of the Law Office of the Republic is appointed as the chairperson of the Independent Committee and the General Accountant and the General Director of the Ministry of Justice and Public Order or their representatives are appointed as members. The Independent Committee may, at its discretion, summon the person affected to express their position or the Independent Committee may examine the case on the basis of the material before it, provided that it has previously notified that person in order to submit their position in writing. The Committee may also summon any other person and/or require the submission of documents and/or other information from any body, service and/or authority. The Independent Committee shall deliver its opinion on a reasoned decision, acting by a majority vote, which it shall notify to the Council of Ministers. The Council of Ministers examines the opinion of the Independent Committee, in order to be satisfied that, based on the evidence before it, it is appropriate to proceed with an act of deprivation of a certain person or of a family member of the status of national of the Republic. There are no time limits and besides the Independent Committee the law does not provide for judicial oversight, appeal rights or legal aid. However, as is the case for all administrative decisions, a recourse may be submitted before the Administrative Court against the decision, under Article 146 of the Constitution.</p> | <p>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)</p> <p>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)</p> |

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| PRS.8.c | | Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness. | | Yes, however, there is no information available as to whether they have been applied where it has resulted in (risk of) statelessness. In late 2021, the Government decided to start the process of deprivation of Cypriot citizenship from 39 investors and six members of their families and also to cancel a previous decision of the Council of Ministers to naturalise an investor and a dependent family member. There is no information as to whether these cases resulted in statelessness. | UNHCR Cyprus Article in newspaper Phileleftheros https://www.philenews.com/koinonia/eidiseis/article/1314310 |
| PRS.8.d | | Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness? | 1961 Convention : Article 7 ECN : Articles 7 and 8 | There are safeguards in law to prevent renunciation of nationality from resulting in statelessness, as renunciation of Cypriot nationality requires the person to have nationality of another country. Specifically, the Law provides that any national of the Republic who is an adult and of legal capacity and who also has the nationality of any foreign country may provide a confirmation denouncing the nationality of the Republic in the prescribed manner. The Minister of Interior shall ensure that the confirmation is registered and as soon as this registration is made, this person ceases to be a national of the Republic. For the purposes of this provision, any woman who has been married is considered an adult (legal age of marriage is 16 years old whereas adulthood is 18 years old). The Law also provides that the Minister may suspend the registration of any such confirmation if it takes place during a war which the Republic may wage or when the Minister is of the opinion that it is done deliberately to avoid any obligation of military service or any prosecution for an offense punishable by imprisonment to which the person would be subject. | Civil Registry Law of 2002 (Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)), Article 112: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_141/full.html (EL) |
| PRS.8.e | | Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice. | Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards. UNHCR Guidelines on Statelessness No.5 (2020) : Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct. | Yes. According to the Law, Cypriot nationality may be deprived on certain national security grounds (see PRS.8.a), but only when nationality was acquired by registration or naturalisation, not by descent. | 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.8.f | | Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice. | ICCPR : Article 26 1961 Convention : Article 9 ECN : Article 5 Principles on Deprivation of Nationality : Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals. | Yes. According to the Law, Cypriot nationality may only be deprived in cases where it was acquired by registration or naturalisation, not by descent, leading to discrimination between nationals. | 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.8.g | | Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses. | 1961 Convention : Article 6 CRC : Articles 2(2), 7 and 8 CEDAW : Article 9(1) Principles on Deprivation of Nationality : States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, | No, there are no safeguards to prevent derivative loss of nationality. There have been cases where nationality was deprived of the main applicant which led to loss of nationality for the spouse and children. However, due to lack of data, the number of such cases is not clear. | 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) Information provided by the Cyprus Refugee Council |

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| | | | <p>expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p> | | |
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Resources

| Item | Subtheme | Question | International Norms & Good Practice | Answer | Source |
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| RES.1.a | Published judgments | Please list the most relevant judgments relating to statelessness and include links to the cases (where available). | | Supreme Court, application no. 177/2021 (26 July 2023) The mandamus application was brought to the Supreme Court by 16 individuals who are descendants of a Cypriot citizen and a Turkish citizen, claiming that they applied to register as citizens of Cyprus but never received a response from the authorities. They argued that they are stateless and that Cyprus failed to grant them Cypriot citizenship. The Supreme Court noted the adverse consequences of statelessness, referring to jurisprudence of the ECtHR, but found that all but one applicant are Turkish citizens. For all applicants, the Court concluded that the authorities' failure to respond to the citizenship applications fell under the jurisdiction of the Administrative Court, and thus rejected the applications. | http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2023/1-202307-177-21PolAit.htm&qstring=mandamus |
| RES.2.a | Free legal assistance | Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe. | UNHCR, Handbook on Protection (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. | Cyprus Refugee Council: https://cyrefugeecouncil.org UNHCR Cyprus: http://www.unhcr.org/cyprus.html |
| RES.3.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. | |