

Information on procedural elements and rights of applicants subject to a Dublin transfer to Cyprus

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About this document

The ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation’ was endorsed in the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) of the Council of the European Union on 29 November 2022. The roadmap identified a clear need for objective and neutral information on reception and detention conditions and the asylum procedure in all the Member States, which can serve as reference in transfer decisions and that can be used in national courts when the person concerned has exercised his or her right to an effective remedy.

This data collection is based on Article 5 of the regulation on the European Union Agency for Asylum ⁽¹⁾ (EUAA). Member States were requested to provide information that reflects both the relevant legal provisions and the practical implementation of these provisions. The scope of the fact sheet is limited to rules and conditions applicable to applicants for international protection as well as other persons that are subject to a transfer under the Dublin III regulation ⁽²⁾.

The European Commission and the EUAA jointly developed the template which served as the basis for this fact sheet. The EUAA gathers and stores the fact sheets and requests Member States to update the information at least one time per year. The relevant national authorities of the Member States provide all the information contained within the fact sheet and are responsible for ensuring that it is accurate and up-to-date.

(1) [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

(2) [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013).

1. Access to material reception conditions

1.1 What steps should an applicant complete following a Dublin transfer in order to gain access to accommodation and other material reception conditions in your Member State?

How long do these steps normally take?

When and how is the applicant provided with information on how to gain access to accommodation and other material reception conditions?

Once the Cyprus Asylum Service is notified from another member state for a transfer then immediately the national airport (Larnaca Airport) is informed via e-mail for the details of the transfer. Depending on the case the necessary steps are taken. If the applicant being transferred is a minor then the social welfare services are promptly informed to take care of the minor and when/if necessary to be accommodated at a minors' shelter or at relative who is legally residing in Cyprus. The next day the minor will be taken to the nearest immigration office for fingerprinting (if the applicant is at age of fingerprinting), for submitting an application for international protection and to complete all registration procedures. The minor with his/her guardian and/or family member are informed about all the procedures and rights.

If the person is an adult person, then upon arrival he is asked to provide to the immigration police at the airport with his documents and then he is provided with an application for international protection.

1.2 What material reception conditions (as per Article 2(g) Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast) (RCD) are available to applicants for international protection entitled to these in your Member State?

Cyprus primarily assists applicants arriving legally with financial benefits to cover their needs in housing, food, bills, and other expenses. In cases of vulnerable individuals, additional material conditions such as housing and emergency financial benefits are provided by the Social Welfare Services of Cyprus. The applicants are given an allowance for rent housing, pocket money, food and bills. If the applicant is a woman alone in Cyprus she is then moved to a shelter. If any vulnerabilities are identified, the applicants are given medical support. If the applicant is minor then he is moved to a shelter for minors with a 24hrs care.

1.3. How does your Member State ensure that applicants for international protection in your Member State are provided with full access to the material reception conditions as defined in Article 2(g) of RCD in line with Article 17 and 18 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

Cyprus Asylum Service promptly communicates with the Social Welfare Services of Cyprus and other relevant stakeholders. Possible vulnerabilities are also taken into consideration for possible special procedural or reception guarantees. An applicant may also be referred to an accommodation centre operating under the coordination and supervision of the Asylum Service.

1.4. Does your Member State apply a policy in line with Article 20.1(c) of reducing or in duly justified exceptional cases withdrawing the access to reception conditions for applicants in cases the applicant lodged a subsequent application?

No.

If yes, what material support is provided to persons whose material reception conditions have been reduced or withdrawn in accordance with Article 20(1)(c) in your Member State to ensure a dignified standard of living and access to health care?

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1.5 What health care is an applicant for international protection entitled to in your Member State in line with Article 19 RCD?

All applicants are allowed free medical health care to all public hospitals and medical units. Applicants are provided the same health care as Cypriot citizens.

1.6 What steps are taken to ensure that applicants for international protection in your Member State have full/effective access to health care, in line with Article 19 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

For the first six months applicants are allowed with further documentation access for free public health care. After the duration of six months, applicants are encouraged to proceed to apply for a Medical Insurance card which is issued by the Ministry of Health. For those who reside in a Center (Kofinou, Pournara, Limnes), they have access to free medical care as there is medical personnel on the centers grounds. In case there is such need or request, residents are transferred by reception officers/interpreters/cultural mediators to hospitals or medical centres and access to specialized doctors is facilitated.

1.7 Please describe what are the support measures available/provided to persons with special reception needs in your Member State in line with Article 21 RCD (e.g. minors, unaccompanied minors)?

Individuals with special reception needs are referred to the Social Welfare Services for further support such as psychosocial support, housing in appropriate shelters, access to the national educational system. Persons with special reception needs may be identified by the competent officers in Reception Centres, while the applicants are already residing in Reception Centres and the Social Welfare Services (SWS) are informed immediately in order to apply their own special procedures.

1.8 How does your Member State ensure that applicants for international protection with special reception needs in your Member State are provided with full access to the reception conditions, which cater for their special reception needs, in line with Article 21(1) of RCD, and, where relevant, more favourable provisions set out in your national legislation?

As per the answer in question 1.7 the Social Welfare Services are the department responsible for ensuring that applicants for international protection with special reception needs are provided with full access to reception conditions/more favourable provisions if necessary. For more details see answer in 1.2.

1.9 How can an applicant for international protection avail themselves of a legal remedy in line with Article 26 RCD, in case they consider that their rights to material reception conditions are not being met in your Member State?

The Republic of Cyprus, in line with Article 26 RCD, provides applicants with the right to avail themselves of a free legal remedy considering their rights to material reception conditions. The applicants can visit the court offices and ask for a legal remedy. Application for legal aid can be made at Court Registration Office. Whether or not the applicant is granted legal aid is determined by the court by a decision.

2. Access to the asylum procedure

2.1 What are the procedural steps that an applicant for international protection transferred to your Member State needs to undertake in order to gain access to the asylum procedure following a Dublin transfer to your Member State?

How long do these steps normally take?

Are there any different steps to take for persons whose applications would be considered as subsequent applications? (Location to register, fees, admissibility procedure etc.)

How long do these steps normally take?

Where can the applicant find this information, or be provided with this information?

In their majority, applicants transferred back to Cyprus, declare upon arrival that they want to return to their country of origin voluntarily. If an applicant does not express the wish to return to his/her country of origin, follows the normal procedure, according to which, the applicant applies for international protection upon arrival at the airport and afterwards (s)he is informed and directed for the next steps such as registration location, health checks, admissibility procedure etc. These steps normally take a few days.

2.2 What are the procedural consequences in your Member State of an application for international protection being considered a subsequent application?

Under national law, Cyprus has the right to revoke or limit reception conditions on subsequent applications. Such right has yet to be exercised. Also, the deadline to lodge an appeal against a negative decision on an subsequent application is shorter at 15 days. According to the Supreme's Court Decision no 8/2022 issued on 17/11/2022, a person who has submitted a subsequent application does not have the status of an applicant for international protection unless/until the Asylum Service considers the subsequent application admissible.

2.3 Does your Member State avail itself of the possibility under Article 33(2) Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) (APD) to consider an application for international protection lodged by an applicant transferred to your country through the Dublin procedure as inadmissible? If so, under which of the grounds listed in this Article?

The grounds under which Cyprus availed itself of the possibility under Article 33 (2) are articles 33 (2) (c), (d).

3. Detention and limitations to the freedom of movement of applicants

3.1 Are there any circumstances under which your Member State an applicant for international protection could be detained on public health grounds (e.g. quarantine), under applicable provisions of national law unrelated to Article 9 RCD?

Yes.

If yes, please describe these different types of circumstances, the legal basis for the detention, duration, conditions (incl. type of facilities), and the legal remedies available to challenge such a decision.

During COVID Pandemic and according to the relevant Ministerial Decrees, the applicants for international protection could be isolated in special quarantine areas in designated accommodation areas for a specific period, depending on the above decrees.

3.2 How can an applicant challenge a decision to place them in detention according to Articles 8 and 9 RCD?

Applicants have the right to appeal and challenge any administrative decisions issued by the Republic of Cyprus at the relevant courts.

3.3 What are the limits set out in national law to the duration that an applicant may be placed in detention according to Article 9 RCD?

At what intervals does the judicial authority needs to review a detention decision according to Article 9(5) RCD?

According to information from the Civil Registry and Migration Department which is the competent authority in charge of detention, the maximum period an applicant may be detained is 18 months. Every 2 months the detention is under review. At 6 months there is an evaluation of whether the continuation of the detention for another 12 months is justified.

3.4 What types of less coercive (alternative) measure to detention are used in your Member State?

Please elaborate under which conditions these are generally used and how does your Member State ensure that these less coercive alternative measure to detention are used when they can be applied effectively as per Article 8.2 RCD?

According to national law, alternative to detention measures consist of (a) regular appearance before the authorities of the Republic, (b) depositing a financial guarantee, (c) obligation to stay in a designated place, including a hospitality center, (d) supervision by a supervisor. In practice, the most common alternative to detention measure is the regular appearance before the authorities of the Republic.

3.5 What conditions, set out in Article 10 RCD, are provided to applicants whilst in detention (specialised detention facilities, access to open-air space, possibility to communicate with UNHCR or an organisation working on behalf of UNHCR, possibility to communicate and receive visits from family members, legal advisers or counsellors and persons representing NGOs, information on the rules of the facility)?

Asylum seekers in detention are provided with all their legal and other rights as set out in the relevant national, EU and International Law, such as for example exercise, medical aid, visitation rights, legal support from their lawyers, etc.

4. Available legal remedies and access to legal aid

4.1 At which stages of the asylum procedure does an applicant have the right to legal aid after having been transferred to your Member State?

At any stage of the procedure, the applicant has the right to apply for legal aid after having been transferred to Cyprus from other Member State.

4.2 Is the legal aid provided free of charge to applicants for international protection or does your Member State apply any form of means testing? If so how is this applied in practice?

The legal aid provided to the applicants for international protection is free of charge. The applicants present themselves with the documents required to the Administrative Court of International Protection.

4.3 What are the deadlines within which your Member State requires that an applicant lodge an appeal with regards to decisions not to grant international protection or not to further examine the application on grounds of inadmissibility?

The deadlines within which Cyprus requires that an applicant lodges an appeal depends on the first instance decision. For example, cases that fall under regular procedure have the right for appeal within 30 days. For subsequent applications or applications under the accelerated procedure, the right to appeal is set to 15 days.

4.4 What are the formal requirements when lodging an appeal as referred to in question 4.3?

The applicants present themselves with the documents required by the Administrative Court for International Protection. The decision letter issued from Cyprus Asylum Service, Appeal Form, Affidant of the person submitting the appeal either applicant or lawyer, depending if one was hired.

4.5 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State pending the examination of the application in case of a request for extradition of the applicant to a third country? If yes, how do the competent authorities of your Member State ensure that a decision to extradite an applicant to a third country pursuant to Article 9(2) APD is taken in accordance with Article 9(3) APD, i.e. it does not result in direct or indirect refoulement, in violation of international and Union requirements?

N/A

4.6 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State where a person makes subsequent applications as referred to in Article 41 APD?

If yes, how do the competent authorities of your Member State ensure that a decision to return the applicant to a third country does not result in direct or indirect refoulement, in violation of international and Union requirements as per Article 41(1) APD?

N/A