

Refugee status in the Republic of Cyprus

Question:

I am from Ukraine. And i arrived in Cyprus using a pro-visa. It expires soon and i have to return home to the Donetsk region. Our region is involved in military actions, and civilians and military personnel die; young people are actively encouraged in the army. My friends advised me to apply to the Immigration service of Cyprus with a request to assign my refugee status In the internet, on the website http://prokipr.ru/lawer_refugee.html I read excerpts from the law on the Russian language, where in particular, is specified that persons applying for refugee status, while they await the decisions of the authorities, receive a maintenance allowance (€100 per week plus €250 per month compensation for housing). In case of refusal, the applicant will have to leave Cyprus in two weeks after he/she will pay back the maintenance allowance amount. Otherwise, he/she will face imprisonment, forced labor and deportation from Cyprus with registration in the stop-list. Is it true? And anyway, could you please clarify the situation: How to get refugee status in Cyprus and does it worth to do it? What are the rights of refugees?

Response:

International protection equals to two statuses: the Refugee and the Subsidiary Protection Status. The Asylum Service is the responsible Authority for those who are seeking to apply for International Protection. Upon examination of the Application by the Asylum Service, each case is examined on its own merits. After the evaluation of the application, the Asylum Service decides whether a person is entitled to international protection. The form of international protection to be granted is always in accordance to relevant international instruments, the national law and the European acquis.

A refugee is a person who «owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, and is unable or, owing to such fear, is unwilling to avail himself of the protections of that country».

The Refugees have the following rights:

1. The right to a fair treatment regardless of gender, race, and religion, membership in a particular social group, political opinion or country of nationality/origin.
2. The same rights as Cypriot nationals enjoy, such as:
 - a. the right to primary education
 - b. the right to engage in employed or self-employed professional activities, subject to rules generally applicable to the profession, the public administration, the recognition of degrees and remuneration.
 - c. The right of all minors to have full access to all levels of education.
 - d. The right to education other than primary, the recognition of foreign educational certificates, diplomas and degrees, the exemption from tuition fees and the right to scholarships.
 - e. The right to have free access to the Courts of the Republic as well as to the exemption from the requirement to provide guarantee for the judicial expenses.
 - f. The right to food supply in cases of emergency.
 - a. The right to public allowance and any other necessary assistance as well as the right to sufficient medical care for people with special needs such as pregnant women or individuals who have suffered torture, rape or other kinds of psychological or physical or sexual abuse or minors who

have been victims of mistreatment such as neglect, exploitation, torture and inhuman or degrading treatment or suffered because of armed conflicts.

- b. The right to social insurance.
 - c. The right to the protection of intellectual property rights.
 - d. The right to free medical care.
 - e. The right to participate in adult educational programs that relate to issues of employment, professional training and internship at work places.
1. The right to enjoy the same treatment as the one provided to foreigners under the same circumstances [...]
 2. The right to transfer assets into the Republic of Cyprus according to the relevant laws and regulations.
 3. The right to express and practice freely religious believes.
 4. The right to transfer property in the Republic of Cyprus according to the relevant laws and regulations.

It is important to state that the authorities of the Republic provide the recognized refugee with documents or certificates which would normally be delivered to them by or through their national authorities whereas fees may be charged. Also, identity card and travel documents are issued to a refugee upon receipt, unless reasons for national security and public order disallow it. Regarding the taxes or fares imposed on refugees, these are not higher than the ones imposed on nationals.

Family members of a refugee that enter the Republic at the same time or after the refugee can be reunited with him/her, whereas they have the right to apply for the benefits provided to recognized refugees.

As a continuance, International Protection - Subsidiary Protection Status as mentioned earlier hereof, is granted to «any person who is not recognized as refugee but substantial grounds have been shown for believing that the person concerned, if returned to his/her country of origin, would face a real risk of being subjected to serious harm and is unable or, due to this risk, unwilling to avail him/herself of the protection of that country».

Upon the completion of the procedure by the Asylum Service, a decision letter is sent stating that it has been granted subsidiary protection status. The beneficiary of subsidiary protection status is entitled to a residence permit of one year subject to extension for as long as this status is maintained.

A person being granted subsidiary protection status is not deported to his/her country of origin and the status is maintained until the verification that the grounds which led to granting the subsidiary protection have ceased or changed to such a degree that such a protection is not longer necessary.

The subsidiary protection beneficiaries have the following rights:

- 1) The right to freely move and reside in the territory of the Republic.
- 2) The right to fair treatment regardless of gender, race, religion, membership in a particular social group, political opinion or country of nationality.
- 3) The right to the same treatment as nationals, such as:
 - a) the right to primary education
 - b) the right to engage in employed or self-employed professional activities, subject to rules generally applicable to the profession, the public administration, the recognition of degrees and remuneration.

The right of all minors to have full access to all levels of education.

The right to education other than primary, the recognition of foreign educational certificates, diplomas and degrees, the exemption from tuition fees and the right to scholarships.

The right to have free access to the Courts of the Republic as well as to the exemption from the requirement to provide guarantee for the judicial expenses.

The right to food supply in cases of emergency.

The right to public allowance and any other necessary assistance as well as the right to sufficient medical care for people with special needs such as pregnant women or individuals who have suffered torture, rape or other kinds of psychological or physical or sexual abuse or minors who have been victims of mistreatment such as neglect, exploitation, torture and inhuman or degrading treatment or suffered because of armed conflicts.

The right to social insurance.

The right to the protection of intellectual property rights.

The right to free medical care.

The right to participate in adult educational programs that relate to issues of employment, professional training and internship at work places.

The right to engage in employed or self-employed professional activities, subject to the rules generally applicable to the profession, the public administration, the recognition of degrees and remuneration,; The state of the labour market may be taken into account, including inter alia for possible prioritization of access to employment for a time period not exceeding the period set by a decree issued by the Ministry of Interior upon consultation with the Minister of Labour and Social Insurance and social partners, and which is published in the official Gazette of the Republic; The beneficiary of subsidiary protection has access to a post for which he has received an offer and for a time period which is set in accordance with the relevant laws and regulations on prioritization in the labour market.

In any case, the interested parties shall have in mind that the first 12 months after the date of granting the subsidiary protection status the right to employment is limited to the following sectors:

- a. animal husbandry – agriculture-fishery: LABORERS
- b. manufacture: LABORERS AT BAKERIES, ANIMAL FOOD, RECYCLING, WOODEN FURNITURE POLISHERS
- c. construction: IRONMONGERS, PATTERN MAKERS, CONSTRUCTION WORKERS
trade and repairs: STAIGHTERS AND PAINTERS OF CARS, CAS STATION WORKERS/
WORKERS AT CAR WASHING STATIONS, FREIGHT HANDLERS OF WHOLESALE
TRADE
- d. other activities (i.e. CLEANERS OF BUILDINGS, SANITATION WORKERS, GARBAGE COLLECTOR).

After this period of time, the beneficiary of subsidiary protection has the same rights to employment as a refugee which means that s/he receives equal treatment as the citizens of the Republic as regards to wage-earning employment.

It should also be noted that the benefits granted to a refugee or a beneficiary of subsidiary protection may be limited in cases in which s/he has been engaged in such activities that his/her sole or main purpose was to create the necessary conditions to be granted the status.

As with the refugees, the taxes or fares or any other kind of charges imposed on beneficiaries of subsidiary protections, are not higher than those imposed on nationals.

As far as housing is concerned, there are no special conditions for refugees or beneficiaries of subsidiary protection, the majority of applicants for international protection find their own place

to live in the private sector, even though high rents make this difficult, especially in the main cities. The Social Welfare Services assist some applicants to find a place to live and, in a few isolated cases, accommodate applicants in hotels.

Currently in Cyprus there are 3 reception centers, 2 in Larnaca and 1 in Paphos. Applicants for international protection are entitled to governmental benefits according to the existing relevant legislation whereas as regards to pharmaceutical treatment, applicants are entitled to free medical and pharmaceutical care at all national hospitals, if they have not sufficient funds. All applicants for international protection are subject to certain compulsory medical examinations as soon as they file an application and this procedure is necessary in order for the application to be completed.

Contacts for the Asylum Service-Ministry of Interior

Address:

Asylum Service, Ministry of Interior – Government of Cyprus

70, Arch. Makariou III Ave., Afemia House, 1077 Nicosia, Cyprus.

Telephones: 22445265, 22445272, 22445245, Fascimile: 22302310

For more information you can visit the website of the Asylum Service at:

<http://www.moi.gov.cy/moi/asylum/Asylum.nsf>