



EASO SPECIAL SUPPORT PLAN

TO CYPRUS

Luxembourg, 05 June 2014



Hereby the Executive Director of EASO and the Minister of Interior of Cyprus agree on the EASO Special Support Plan for the provision of technical and operational assistance in Cyprus.

Luxembourg, 5 June 2014,

**The Executive Director
of the European Asylum
Support Office**

Signed 05/06/2014

Dr. Robert K. Visser

**The Minister of Interior
of the Republic of Cyprus**

Signed 05/06/2014

Mr Sokratis Hasikos



1 INTRODUCTION

1.1. Specific needs of Cyprus

On 26th May 2014 Cyprus requested EASO for Special Support to improve and enhance the Cypriot Asylum and Reception System.

Internally, the Cypriot Asylum and Reception Authorities have been assessing the situation and identified the need for enhancing and reinforcing parts of their asylum and reception system. They concluded there is a need for support on training of staff, in the area of vulnerable groups, on advice on age assessment procedures, on enhancing the reception conditions, as well as in the field of data collection and analytical capacity (i.e. statistics and information technology).

The request of special support also referred to the adoption of the recast EU asylum acquis and the need to implement the Common European Asylum System (CEAS) in a coherent way. Particularly mention was made to the obligation to transpose by 20 July 2015 the provisions of Directive 2013/32/EU on common procedures for granting and withdrawing international protection (Asylum Procedures Directive) and Directive 2013/33/EU laying down standards for the reception of applicants for international protection (Reception Conditions Directive), which will require additional changes in the current Cypriot asylum procedure and reception system.

In 2013, Cyprus recorded **1.246** applicants for international protection at first instance (Asylum Service); 45% of whom claimed to be Syrian. From January 2014 to April 2014, Cyprus reported **535** applicants, which represents a significant increase (+37%) compared to the same period in 2013. The rise of Syrian applicants was even more pronounced (+ 115%).

As noted in the EASO Annual Report on the situation of asylum in the EU 2013, the European Commission took steps to support Member States under pressure due to the increased number of Syrian applications. In parallel to ordinary activities, the European Commission mobilized emergency funding to address situations of pressure in Member States amounting to €36 million, reaching the highest level since the creation of the European Refugee Fund. **Cyprus**, Greece, Italy, Malta, Bulgaria, Germany, France, Hungary, and the Netherlands were beneficiaries of this emergency support.

At the end of April 2014 CY recorded **1717** pending applicants (1206 cases) in first instance (Asylum Service). It is worth noting that **1109** applicants (65% of the stock) had been awaiting a decision for **more than six months**. From December 2013 to April 2014, the stock of pending cases in first instance (Asylum Service) increased by 9%. In April 2014, 100 decisions (126 persons) were issued in first instance (including 35 cases withdrawn). Should this rate of decision-making be maintained, it would take 12 months to deal with the stock of pending cases, even in the absence of new claims. In addition to the above, at the end of April 2014, there were 1034 applicants (646 cases) pending before the Refugee Reviewing Authority.

A legislative amendment of the Refugee Law on 1 February 2013, set out the criteria determining which body is responsible for the examination of subsequent applications (the Asylum Service or the Refugee Reviewing Authority). In addition, on 12 July 2013, new legislative amendments were made in Cyprus concerning the provision of material aid to applicants for international protection. On April 15th, 2014 two legislative amendments of the Refugee Law where published. The first amendment intended to improve the harmonization with some articles of the EU Directives 2005/85/EC and 2001/55/EC, as well as some articles of the EU Directive 2003/86/EC regarding the family reunification of refugees and some articles of the EU Directive 2011/95/EC into national legal scheme. The second amendment fully transposes the European Directive 2011/95/EC.

In the light of all these facts, EASO examined the request and the situation in Cyprus and came to the conclusion that there is a need for tailor-made support. The Executive Director of EASO therefore decided on 3rd June 2014 to render Special Support to Cyprus by providing expertise from EASO and the Member States.



This Special Support Plan lays down the conditions and objectives of EASO's specific technical and operational support to Cyprus until 01 July 2015 and sets out the conditions for participation in these specific EASO activities.

Regulation 439/2010, of 19 May 2010, establishing EASO (hereinafter referred to as the "EASO Regulation"), in particular, Article 2 (1), (3), (4) and (5) thereof, foresees EASO's duty to provide special support to Member States with specific needs, in order to improve their implementation of the instruments of the CEAS.

1.2. *Flexibility Clause*

Given the nature of EASO's special support measures which have to be timely, active and flexible, and to take into consideration availability of resources and experts and changing circumstances of the asylum and reception system in the Member States. Any change will be subject to discussion between EASO and the host member state.

The Executive Director of EASO is authorised to make changes that may be accommodated within the objectives of a measure without requiring an amendment of the Special Support Plan, provided that they do not affect the overall budget and that Cyprus is timely informed in writing. .

1.3. *Lawfulness and Respect of Fundamental Rights*

Support related to the participation in EASO activities under the EASO Special Support Plan to Cyprus must be carried out in a way that fully respects human dignity. All persons involved in support activities shall maintain the highest standards of ethical conduct, professionalism, and respect and promotion of fundamental rights and international protection. This particularly applies vis-à-vis to persons who are in need of international protection. Persons involved in support activities are expected to meet obligations imposed upon them by the provisions of the EASO Special Support Plan to Cyprus and shall comply with the rules of their mandates. Whilst taking part in EASO support activities, all persons shall respect the applicable International law, European Union law and the national law of the home and requesting Member States. They shall maintain the highest standards of integrity and conduct. They are to act responsibly and proportionally to current objectives. Whilst carrying out support activities and functions, personnel must not discriminate persons on grounds of sex, race, religion, ethnic origin, age or sexual orientation. All persons involved in support activities are expected to treat every person with courtesy, respect and due consideration for the nature of any legitimate activity in which they are engaged. To perform their duties properly, they shall serve the public interest and refrain from any activities, which could undermine or compromise their independence and the appropriate performance of their duties.

During the implementation of the EASO Special Support Plan to Cyprus, all participants must apply a "zero tolerance" attitude with respect to the infringement of fundamental human rights. All participants in EASO activities shall act in accordance with the Code of Conduct.

1.4. *Confidentiality and data protection*

In accordance with the Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001, regarding public access to European Parliament, Council and Commission documents and the EASO implementing rules on access to documents¹, this document shall be made publicly available.

Personal data will be processed in accordance with Regulation (EC) 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

¹ Decision No. 6 of the Management Board of EASO of 20 September 2011 laying down practical arrangements regarding public access to the documents of EASO.



2 MISSION

2.1 Stakeholders

EASO and Cyprus will each appoint a Plan Manager, a Coordination Point and a Measure Point (establishment of a so-called Working Arrangement) in view of the implementation of the EASO Special Support Plan to Cyprus. This will occur through an exchange of letters before end of June 2014.

The Cypriot stakeholders involved in the process and their respective roles are the following:

Stakeholders	Responsibility
Asylum Service, Ministry of Interior	<p>The Asylum Service is the competent authority to examine applications for international protection at first instance. In case an application is rejected by the Asylum Service (even if subsidiary protection is granted), the applicant has the right to an administrative appeal against this decision, before the Independent Refugee Reviewing Authority (RRA).</p> <p>The decisions are based on the Refugee Laws (2000-2014)</p> <p>The Asylum Service is also responsible by the Refugee Laws, for the operation of reception and (open) accommodation Centres for asylum seekers, as well as for coordinating all other competent authorities on asylum issues.</p> <p>The “Dublin Office” operates within the Asylum Service, which is the competent Service to implement the Dublin Regulation.</p>
Refugee Reviewing Authority	The Refugee Reviewing Authority is the independent authority, which is responsible for examining applications on 2 nd instance (administrative level). Following forthcoming changes of legislation, the Refugee Reviewing Authority could be replaced by an administrative court by the end of 2014.
Social Welfare Services, Ministry of Labour, Welfare and Social Insurance	The Social Welfare Services carry the responsibility for the provision of social welfare services to applicants and beneficiaries of international protection. Where the applicant is an unaccompanied minor, the Director of the SWS, acts as a guardian and a representative of the said minor during the asylum procedure and takes all measures necessary under the Refugee Laws and the Regulations made under it, on the minor’s behalf and in his interest including in respect of the asylum procedure.
Ministry of Health	<p>According to the Refugee Law, applicants for international protection are entitled to medical and pharmaceutical treatment, free of charge at Public Hospitals and Health centres, when the applicant does not have sufficient funds.</p> <p>Obligatory medical screening examinations are also taking place at Public Hospitals, upon the submission of the application for international protection.</p>



Aliens and Immigration Service (AIS) of the Police, Ministry of Justice and Public Order	This service is primarily responsible for receiving and registering applications for international protection, on behalf of the Asylum Service (including fingerprinting for EURODAC and Dublin purposes). The AIS is also responsible for implementing detention and deportation orders issued by the Director of the Civil Registry and Migration Department.
Civil Registry and Migration Department, Ministry of Interior	This Department is responsible for issuing residence permits to beneficiaries of international protection, as well as travel documents. The Director also issues detention and return orders for illegal migrants. The CRMD is, as of April 2014 (recent amendment of the Refugee Law), responsible for family reunification issues.
Kofinou local Council	The Kofinou Council is responsible since 2004 for the daily management of the Kofinou Reception and Accommodation Centre, situated in Kofinou and under the responsibilities of the Asylum Service.

3 MEASURES

Given the above-mentioned challenges, chapter 3 of the EASO Special Support Plan to Cyprus describes the various measures to support the Cypriot authorities in the field of asylum procedure and reception system.

Cyprus and EASO will provide the Member States experts with information on the general state of play with regard to the asylum procedure and reception system in Cyprus and specific information about the state of play. The responsible Cypriot authority shall provide a working place to the experts(s) participating in the activities to implement the Special Support Plan. EASO will reimburse costs incurred by persons participating in the activities, according to the EASO rules specific for Special Support Plans.

In the course of the participation in EASO activities under the EASO Special Support Plan to Cyprus, EASO will provide technical support to experts with the aim of ensuring that the products developed make good use of the expertise and information available to EASO. EASO shall make use of the products developed under the EASO Special Support Plan to Cyprus and is entitled to their publication. All intellectual property rights of the work of the experts performed in the context of the Special Support Plan vest in EASO. EASO will publish selected products under the EASO Special Support Plan to Cyprus.

EASO will conduct in cooperation with the Cypriot authorities a mid-term review to assess the state of play the Special Support Plan and changes occurred in the Cypriot asylum and reception system as a follow up of the activities implemented in the framework of the Special Support Plan, by January 2015.

The impact of the activities performed and the products developed by the experts will be assessed as part of the evaluation process to be carried out under measure CY 7. EASO will maintain close cooperation and communication with the relevant stakeholders.

**EASO Measure CY 1: Support the Cypriot Data Collection and Analytical Capacity**

Objective(s)	Enhance the capacity of staff with regard to methodologies and methods of analysis aimed at assessing the Cypriot asylum system in the framework of the CEAS. Enhance inter-service coordination.
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EASO Measure CY 2: EASO tailor made workshops on introduction to international protection

Objective(s)	Reinforce the capacity and further develop the skills and abilities on international protection of staff involved in the asylum and reception process..
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EASO Measure CY 3: Intra-institutional screening mechanism detecting persons with special needs

Objective(s)	Improve the ability throughout the application process to identify, via a systematic approach, the special needs of vulnerable applicants. Develop further the exchange of relevant information between the different institutions, ensuring the necessary referral to the asylum procedure and provide for adequate support and follow-up.
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EASO Measure CY 4: Support with development, implementation of relevant methodology and training in the field of age assessment

Objective(s)	Enhance the capacity of the relevant stakeholders in assessing the age of asylum applicants and in referring unaccompanied minors to suitable facilities. In line with "EASO age assessment practice in Europe" report, take a multi-disciplinary and holistic approach to age assessment, e.g. the development, implementation and training on age assessment by both non-medical and medical methods, including a social services assessment, psychological interviews/tests, age determination interviews, physical development assessment by paediatricians, along with the medical tests such as bone x-rays.
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EASO Measure CY 5: Support in the field of reception and open accommodation

Objective(s)	Enhance the capacity of the Asylum Service in managing and developing improved reception facilities in order to fulfil international obligations in the field of reception of asylum seekers and refugees.
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EASO Measure CY 6: Study visits of the Cypriot institutions in the field of asylum and reception to EU Member States

Objective(s)	Support the further development of the cooperation and promote the exchange of good practices, information and experiences between the Cypriot authorities and other Member States in the field of asylum.
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EASO Measure CY 7: Final evaluation of the implementation of the EASO Special Support Plan to Cyprus

Objective(s)	Evaluation of the implementation of the EASO Special Support Plan to Cyprus.
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4 COOPERATION WITH UNHCR

In accordance with Article 50 of the EASO Regulation, EASO aims at continuing in a coherent and complementary way the fruitful cooperation with the UNHCR.

In this framework, in particular in line with its mandate and role in Cyprus, as well as on-going UNHCR activities, UNHCR will support all measures in EASO Special Support Plan (SSP) to Cyprus and offer complementary support in the context of the implementation of the SSP.

5 FINAL PROVISIONS

5.1 General reporting provisions

A reporting system will be established for monitoring the implementation of the Special Support Plan and to define improvements within the Cypriot asylum procedure so as to assess any further needs or changes. In particular, the Support Teams will provide a Final Report to the EASO.

Cyprus will report to EASO on progress made. The reporting may comprise of statistics, management information and reports about improvements to the asylum and reception systems but shall not include any personal data.

5.2 Incident reporting

Participants in EASO activities who have reason to believe that a violation of the present Code of Conduct has occurred or is about to occur, are obliged to report the matter to the Executive Director of the EASO and to the host Member State coordination point for the Special Support Plan via the appropriate channels.

Any accidents that may occur throughout the participation of experts in the Support Teams shall be reported through the same channels.