

MIGRATION ACTION PLAN FOR CYPRUS

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ANNEX 2

I. Improving the general cohesion and efficiency of migration management in Cyprus¹

<u>Horizontal actions:</u>
a. Enhance inter-service coordination and cooperation including the exchange of information between: the Asylum Service (CAS), Police, Civil Registry and Migration Department (CRMD) and Judicial Authorities regarding the decisions taken on the applications for international protection or appeals against asylum/return related decisions; and with the Social Services and Ministry of Health throughout the migration management process.
b. Establish a common e-platform to ensure inter-departmental coordination throughout the migration management system, including by interconnecting existing databases and data management systems.
c. Ensure monitoring and evaluation of Cyprus asylum and reception systems (<i>involving ministerial, departmental and local levels</i>), as well as the establishment of a self-monitoring mechanism for the respect of fundamental rights, <i>including through the inter-ministerial Committee on migration/refugee matters</i> .
d. Ensure the necessary contingency planning/preparation.
e. Constant evaluation of the operational needs for support by the relevant Union Agencies, notably EUAA, Frontex and Europol within their respective mandates and in cooperation with their national counterparts. It is imperative to ensure efficient and effective coordination with all EU actors operating on the ground, including where needed through designated contact points and within the framework of the established Operational Cooperation Platform for migration management support to Cyprus.

II. First reception – Screening/ debriefing, Registration and access to asylum procedure

<i>1. Accelerate the implementation of the agreed ²Standard Operating Procedures (SOPs) for first reception. Support the operation of the 'Pournara' centre as a first reception centre, including a 'procedures' area, a dedicated safe zone area for vulnerable persons, including unaccompanied minors. Efforts should be stepped up to make use of the resources already made available and to minimise delays in the implementation of the different parallel ongoing projects.</i>
<u>Actions in relation to 'Pournara' first reception centre:</u>
a. Appoint on-site coordinator of the centre, similarly as done for the 'Kofinou' reception centre that would allow the Asylum Service coordinator of the established SOPs to focus on the implementation of the procedures applicable to first reception. Strengthen the management structure by deploying

² Document referenced ARES(2020)3974972 of 27 July 2020.

MIGRATION ACTION PLAN FOR CYPRUS

adequate and trained staff for all authorities involved, based on a comprehensive needs' assessment.

b. Ensure adequate working space and supporting facilities for EU agencies, Cypriot authorities and other actors working on-site (e.g. NGOs), taking into account the needs and their mandate.

c. Establish and implement public health and healthcare related SOPs by the competent authorities, by also ensuring the necessary material and human resources as well as services.

d. Implement urgently the established SOPs for cooperation/coordination between the different actors involved in first reception. In particular, fully implement the established workflow for all new arrivals by sea / in-land apprehensions, including secondary security checks, referral to asylum procedure for those seeking international protection and return procedures for migrants not in need of international protection.

e. Ensure consistent vulnerability assessment of cases once special needs are identified, and ensure follow up for identified cases.

f. Complete the pending infrastructural works in the centre, in particular the 'procedures' area and the safe zone for vulnerable persons and UAMs;

g. Ensure adequate information on rights and obligations of applicants for international protection (*with regard to reception conditions and asylum procedure*), but also on the option for voluntary return to countries of origin.

2. Actions in relation to screening (identification) and debriefing of irregular migrants:

a. Continue implementing harmonised procedures (established SOPs) for screening and debriefing, including points of disembarkation and anywhere else is required, in the areas under the effective control of the Government of the Republic of Cyprus.

b. Continue the training for staff of the Police responsible for screening and debriefing (i.e. Alien and Immigration Unit of the Police) using the support of Frontex as appropriate.

c. Constantly assess the need for deployment of screening/ debriefing experts as well as other relevant experts of Frontex and equipment for assisting Cyprus in identification, screening and debriefing of irregular migrants.

d. Continue the provision of awareness seminars regarding irregular migration, and counter-terrorism specifically aimed at frontline law enforcement officers, using the support of Europol as appropriate.

3. Actions in relation to secondary security checks:

a. In accordance with the European Regulation 2016/794, EUROPOL supports the law enforcement authorities in the European Union, in the prevention and combating of organized crime, terrorism and any other form of serious crimes affecting two or more Member States. EUROPOL deploys expert staff on the ground to provide support with secondary security checks, and with investigations to dismantle smuggling and trafficking networks.

4. Actions in relation to asylum registration:

a. Continue implementing harmonised procedures for registering applications for international protection, including EUAA support;

MIGRATION ACTION PLAN FOR CYPRUS

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| b. Strengthen quality elements of the registration procedure by ensuring a further elaboration of the registration phases and a gradual transition to Face-to-Face registration interviews (information provision, Dublin, vulnerability). |
| c. Conduct regular training sessions for staff responsible for registration (<i>i.e. Alien and Immigration Unit of the Police, CAS, SWS, MoH</i>), as appropriate, including on vulnerability, trafficking of human beings, age assessment etc. (<i>support of EUAA available</i>); |
| d. Reduce delays for appointments for registering applications for international protection, to the shortest time possible after arrival in line with the EU law. |

5. Actions ensuring access to first reception and referral to second-line reception for applicants of international protection

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| a. Accelerate effective access to full range of reception conditions including by streamlining the relevant procedures. |
| b. Ensure that clear criteria for allocation of applicants across different second line accommodations are in place and ensure prompt referral to appropriate second-line accommodation (<i>as appropriate: reception centre, housing pool, rental allowances, etc.</i>) |
| o Ensure presence of social services or other designated actors at the 'Pournara' centre for the purpose of immediate provision of reception conditions following registration/ facilitating effective access to the reception system; |
| o Ensure swift procedures and referrals of vulnerable cases to appropriate services and facilities designated by the Social Welfare Services, and ensuring that a proper information sharing mechanism is in place. |

III. Reception Conditions

The level of material reception conditions (in particular access to housing) to be improved to fulfil the standards established by EU law by:

1. Exploring possibilities for swiftly establishing the new open reception centre, creating a housing pool, possibly for certain profiles based on a comprehensive strategic approach.

Actions:

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| a. Finalise and implement an overall reception strategy taking into account the capacity of CY for hosting centers complemented by other kinds of accommodation facilities (<i>housing pool, rental allowances, individual housing schemes, or other alternatives</i>), with the objective of ensuring that all applicants for international protection will have access to adequate accommodation (incl. persons with special needs/ vulnerabilities), in accordance with the EU and EUAA standards. |
| b. Housing: where necessary, improve facilities and prioritise independent housing whenever possible. |
| c. EUAA to continue providing expertise and support for the creation and/ or operation of the existing Centres and other types of accommodation, in cooperation with the relevant national authorities, as appropriate; |

MIGRATION ACTION PLAN FOR CYPRUS

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| d. Continue improving the management and services provided at the 'Kofinou' reception centre, with the assistance of EUAA as appropriate; |
| e. Step up the measures aimed at enabling the beneficiaries of international protection to leave the reception centre(s), including facilitating an effective access to the labour market according to the EU Directives. |

2. Implement the provision of adequate material reception conditions to the applicants for international protection.

Actions:

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| a. provision of adequate material reception conditions for applicants for international protection, in particular pay allowances by bank transfers, where possible, and take any other measures |
| o In particular |
| b. Monitor accordingly the level of housing allowance for applicants for international protection staying outside the reception centres; consider facilitating access of applicants for international protection to accommodation in the private sector, including through dedicated housing schemes. |
| c. Additional personnel for the Social Welfare Services and other competent authorities in order to accelerate examination and assistance for housing, with a special focus on vulnerable groups. |

3. Complete the establishment of the centre for vulnerable groups

Actions:

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| a. Pursue the establishment of the centre; |
| b. Establish procedures (SOPs) to deal with vulnerable cases throughout the asylum system (<i>i.e. in relation to reception and asylum procedure, and set up rules for fulfilling special needs</i>). |

4. Efforts should focus also in increasing reception capacities for unaccompanied minors (UAMs)

Actions:

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| a. Ensure adequate reception capacities for unaccompanied minors in order to be able to fully meet their needs; |
| b. Age assessment: increase capacity and ensure necessary procedures, equipment and/or medical equipment and training (e.g. using EUAA tools) of relevant staff and ensure quality of age assessment. |
| c. Guardians/legal representatives for minors: ensure adequate number / workload of guardians for minors. Ensure their adequate training, provided by the national and/or EU competent Agencies. |
| d. Additional personnel for the Social Welfare Services in order to serve as guardians for UAMs, as well as additional personnel to support shelters for UAMs |

IV. Asylum at 1st instance:

MIGRATION ACTION PLAN FOR CYPRUS

1. Urgently tackle the backlog of asylum applications at the 1st instance, by ensuring the recruitment of additional personnel at the Asylum Service, as provided for in the Operating Plans agreed with EUAA; by exploring ways of accelerating procedures by, on the one hand, prioritizing clearly well-founded cases and, on the other, accelerating the processing of manifestly unfounded cases; by improving structures and working methods of the Asylum Service and expertise of its staff with possible assistance, such as EUAA.

Actions:

- a. Improve the structure of the Asylum Service and enhance its capacity, including at management level, as well as with the appropriate trained personnel at different levels to accommodate the needs and obligations relating to the radical increase of migration flows, ensuring strategic planning and effective overall management.
- b. *Collect and maintain detailed statistical data on the profile of applicants for international protection (e.g. legally and irregularly arriving migrants).*
- c. Accelerate and complete recruitment of additional personnel at the Asylum Service in accordance with the needs' assessment as indicated in point (IV.1.a) above;
- d. Maintain adequate working space for newly and future recruited Asylum Service and EUAA staff;
- e. Finalise developing an improved data management and filing system (*work ongoing, with involvement of EUAA*);
- f. Ensure swift and comprehensive training of new staff, in cooperation with EUAA as appropriate;
- g. Improve the system of swift information among the authorities responsible for final decisions in asylum procedure, be it at first or second instance and. for returns.
- h. Establish a system of prioritisation of cases for the purpose of accelerating the selected categories of cases and establish accelerated procedures (*possibly using EUAA and UNHCR support*);
- i. Put in place an efficient cases' allocation system, including for backlog cases.

2. Ensure quality control of the asylum process, if needed with the support of EUAA and UNCHR expertise in setting up the appropriate mechanisms.

Actions:

- a. Establish procedures to ensure the implementation of the quality control unit so that the processes at the Asylum Service as well as the quality of its decisions are effectively and further improved.

V. Asylum at second instance (Administrative Court of International Protection):

1. Intensify the ongoing efforts to reduce the backlog of cases at second instance, taking swift measures to ensure the effective functioning of the Administrative Court of International Protection (ACoIP) (Secure the necessary resources i.e. appropriate working space and administrative support for the judges, while ensuring the swift follow-up of decisions throughout the migration management chain). EUAA support is provided in its Operating Plans agreed with CY, especially with regard to case handling and swift training of judges.

Actions:

- a. Ensure adequate capacity regarding the ACoIP and the necessary infrastructure;

MIGRATION ACTION PLAN FOR CYPRUS

b. Ensure swift completion of actions needed for the recruitment of administrative staff and judicial assistants for <i>ACoIP</i> ;
c. Ensure comprehensive and specific training of the newly appointed judges of <i>ACoIP</i> and its judicial assistants, including by using EUAA support as appropriate;
d. Conduct regular assessments whether the capacity of <i>ACoIP</i> in terms of judges and other personnel is sufficient to deal with the existing backlog and the forthcoming caseload resulting from an increase of first instance decisions;
e. Ensure speedy adoption of secondary regulations/legislation for the operation of the court (to be adopted by Supreme Court), and/or take other necessary legislative measures, to ensure adapting the regular procedure before IPAC to the specificities of asylum procedure. The Commission and EUAA stand ready to assist with advice and expertise; Establish system of swiftly informing return authorities of final decisions of the court;
f. Clearly establish the definition of 'final decision' in line with EU asylum law;
g. Take measures at IPAC to clear the existing backlog of cases, as soon as possible.

2. Take the necessary measures to improve access to legal aid, in line with Article 20 of the Asylum Procedures Directive³, including by ensuring proper information on the rights of applicants. In addition, EU support for provision of legal aid under the AMIF can be explored.

Actions:

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| a. Conduct a review of the system of provision of the legal assistance. Consider adapting the legal rules on legal assistance (<i>either by legislation or by procedural rules of the court to be adopted by the Supreme Court</i>) – so that they take into account specificities of asylum cases; |
| b. Ensure adequate resources for the provision of legal aid to applicants for international protection. EU support under the AMIF national programme can be explored for this purpose; |
| c. Improve information to applicants for international protection on asylum procedure, including on the right and access to legal assistance at the second instance. |

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VI. Detention of applicants for international protection

Actions:

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| a. Provide adequate information to detainees about their rights (e.g. enabling subsequent applications where different grounds have emerged), including the right to legal assistance in line with Article 9 of the Reception Conditions Directive ⁴ . |
| b. Enhance quality of detention orders so that they adequately reflect that proper case-by-case assessment of necessity and proportionality of detention has taken place; |

³ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection

⁴ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)

MIGRATION ACTION PLAN FOR CYPRUS

c. Evaluate deadlines for judicial review of detention orders/*habeas corpus*.

VII. Integration of third country nationals including beneficiaries of international protection⁵

Actions:

- a. Finalise work on a comprehensive integration strategy in line with the Action Plan on Integration and Inclusion 2021-2027⁶;
- b. In accordance with the Action Plan on Integration and Inclusion 2021-2027 and on the basis of the integration strategy, elaborate and implement concrete actions, including access to health, education and the labour market.
- c. Vulnerable groups, such as women, unaccompanied minors and members of the LGBTQ+ should be targeted with specific measures in all sections referenced under VII(b).
- d. For the implementation, a multi-stakeholder approach should be privileged and should include national, local and regional authorities, host community and civil society organisations as well as social and economic partners, the regional intercultural networks, established through the DG-Reform co-funded project in co-operation with the Council of Europe shall contribute towards this goal.

VIII. Improving Efficiency and effectiveness of the Return System

1. Resources and procedures

All return related decisions are taken and signed by the Head of the Civil Registry and Migration Department and by the Head of the Asylum Service for the return decision issued together with a negative decision on asylum. The link between asylum procedure and return procedures, as well as the court decisions communication will be upgraded.

Actions:

- a. Finalise and test the establishment of return Standard Operating Procedures and structures, in view of sustainably increasing returns and to ensure a swift and harmonised application of the law and practices in place. The Commission and Frontex provide enhanced constant support in this context through the Returns Working Group established with CY.
- b. Ensure that the number of staff for return related procedures reaches a level which will allow for swift and fast processing of cases;
- c. in accordance with the National Law, maintain the legal possibility for delegation of powers in order for other officials to have the authority of signing return related decisions;
- d. In view of sustainably increasing returns, establish the necessary communication and cooperation channels between the Asylum Service, Police and Civil Registry and Migration Department, Administrative Court of International Protection, and the Social Welfare Services for the swift issuance and execution of return decisions;

⁵ Raised in COM letter Ares(2018)5640212 - 05/11/2018

⁶ COM(2020) 758

MIGRATION ACTION PLAN FOR CYPRUS

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| e. Consider targeted operations for the identification of potential returnees, as appropriate, rather than relying only on the outcome of routine and arbitrary checks. |
| f. Step up the use of Frontex Application Returns (FAR) by Frontex trained CY officers. |

2. Detention

Only one specialised detention facility (Menoya) is currently in use, for a total capacity of 128 places.

Actions:

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| a. Ensure that detention capacity is in line with actual needs and EU standards, and consider the use of effective alternatives to detention as appropriate, to ensure the effectiveness of return procedures in accordance with Article 8(1) of Directive 2008/115/EC. |
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3. Assisted Voluntary Return and Reintegration (AVRR)

The International Organization for Migration (IOM) Cyprus, is implementing an AVRR programme providing support for assisted voluntary return (and reintegration) to legally and illegally staying third-country nationals (TCNs) and willing to return voluntarily. CRMD also implements AVRR, including for detained TCNs as these are not considered eligible by IOM.

Actions:

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| a. Review and improve accordingly if possible the effectiveness of the current AVRR activities, and develop strategically the support under the 2021-2027 national programmes of the Home Affairs Funds where relevant and needed. |
| b. As part of a durable voluntary return strategy, make full use of reintegration possibilities available under programmes supported by Frontex and with Union funding, notably the Joint Reintegration Services (JRS) and EU funded post-arrival and reintegration programmes implemented in various third countries. |
| c. Build-up a sustainable system for the provision of return counselling. |

4. Use of already existing readmission tools

Enhance the participation of Cyprus to return/readmission meetings and working groups.

Actions:

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| a. Further increase the participation to the EU return /readmission meetings, including Country Working Group – organized by Frontex, in order to become more aware of best practices from other MS and exchange knowledge and expertise; |
| b. Make use of already existing readmission tools and EU agreements and arrangements in place. In this regard the Commission stands ready to organise a technical workshop in order to present the above mentioned readmission tools and assist in their effective use by the Cypriot authorities, such as the SoPs with Bangladesh. A mapping of cooperation with third countries is needed in this regard by the Ministry of Interior Immigration Department, in cooperation with the Police and the Ministry |

MIGRATION ACTION PLAN FOR CYPRUS

for Foreign Affairs; A workshop on readmission will be provided by DG HOME and Frontex. Frontex deployed return expert to assist in engaging Third Countries' authorities.

c. Make use of EU Travel Documents (EUTD) so as in this way returns to some third countries will be possible even in the case of lack of travel documents.

d. Make use of Return Case Management Systems platforms to which connection has been established, i.e. with Georgia, Sri Lanka, and Bangladesh, and pursue further connections where this possible.

5. Making full use of the enhanced mandate of Frontex on Returns

Actions:

a. Continue to make use of pre-return support, including return experts and identification missions for undocumented migrants organised by Frontex;

b. Continue to ensure regular training for escorts and escort leaders for forced return operations, forced return monitors, return specialists;

c. Continue the participation in Joint Return Operations and use Frontex support for national return operations;

d. Continue to make use of the possibility to execute returns via commercial flights project of Frontex, especially given the reported refusal of air carriers to accept returnees on board;

e. Development of a Return Case Management System using the existing RECAMAS model.