

FIRST ANNEX
OF THE OFFICIAL GAZETTE OF THE REPUBLIC
Number 3578 of the 22nd FEBRUARY 2002
LEGISLATION

PART I

The Refugee (Amending) Law of 2002 is issued by publication in the Official Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution

Number 6(I) of 2002

LAW THAT AMENDS THE REFUGEE LAW OF 2000

For the purposes of harmonisation with acts of the European Union entitled -

- a. Conclusions of the Working Group on Migration of the Council which were adopted on 30 November 1992 referring to Countries in which there is Generally No Serious Risk of Persecution, (WGJ 1281), and
- b. Council Resolution of 20 June 1995 on Minimum Guarantees for the Asylum Procedures (EEC 274 of 19/9/1996, page 13),

The House of Representatives enacts as follows:

<i>Short Title</i> <i>6 (I) of 2000</i>	1. The present Law shall be cited as the Refugee (Amending) Law of 2002 and shall be read as one with the Refugee Law of 2000 (hereinafter referred to as the "principal law") and the principal law and the present Law shall both be referred to as the Refugee Laws of 2000 and 2002.	
<i>Amendment of Section 2 of the principal law</i>	2. Section 2 of the principal law is amended by deleting the definition of "competent officer" appearing therein and substituting therefor the following new definition: "competent officer" means and officer serving at the Migration Department who has undergone special training on refugee matters"	
<i>New section 11A added to the principal law</i>	3. The principal law is amended by inserting immediately after Section 11 thereof the following new Section to be numbered 11A:	
	<i>Criteria for the recognition of an individual as refugee</i>	11A(1) For the recognition of an individual as a refugee, as well as for the (refusal to attribute*) refugee status (*direct translation: "deprivation"), the Authority- (a) shall take into consideration:
		(i) The guidelines contained in the Joint Position of the European Council, dated 4 March 1996, on the Harmonised Application of the Term "Refugee"; and

		(ii) The guidelines for joint reports relating to third countries, which were adopted by the Council of the European Union on 20.6.1994; and
		(b) shall be guided by the Handbook on Procedures and Criteria for Determining Refugee Status, issued by the Office of United Nations High Commissioner for Refugees.
		(2) Safe Third Countries or countries where in principle/generally there is no well-founded/serious fear of persecution are considered to be the countries:
		(a) which do not produce a large number of refugees;
		(b) in which there is in practice respect of human rights and compliance with International Conventions relating to the protection of human rights;
		(c) in which there is stability in the political/social sphere/life;
		(d) in which democratic (bodies**) (**institutions; direct translation: organs) exist and function, elections to appoint officials take place, there is freedom of thought and expression, as well as, the possibility to have recourse to judicial remedies for the protection and effective practice of fundamental rights and freedoms exists.
		(3) Irrespective of the establishment of the existence in a country of any of the circumstances referred to under sub-section 2, each application for recognition of a person as a refugee shall be examined individually on the basis of the elements submitted by the applicant.
<i>Amendment of Section 18 of the principal law</i>	4. Section 18 of the principal law is amended as follows:	
	(a) By deleting the figure (1) of sub-section (1) thereof and substituting therefor as sub-section (1)(a) and by deleting the words "the Minister of Interior" (4 th line) thereof and substituting therefor the words "Reviewing Authority";	
	(b) by inserting immediately after paragraph (a) thereof the following new paragraph (b):	

	<p>"(b) (i) The Reviewing Authority referred to in paragraph (a) consists of three (3) legal officers, who serve at the Law Office of the Republic on scale A 13 or higher, and who are appointed by the Council of Ministers, following the recommendation of the Attorney-General of the Republic, for a period of three years.</p> <p>(ii) Each member of the Reviewing Authority may exercise the vested, by virtue of the present Law, competencies of the Authority on its own. In case, however, the decision of the Refugee Authority is taken in a composition, within which at least one Permanent Secretary participates, then the Reviewing Authority shall consist of at least two (2) legal officers."</p>
	(c) by deleting the words "The Minister of Interior" (first line) of sub-section (3) thereof and substituting therefor the words "The Reviewing Authority"; and
	(d) By deleting the words "of the Minister" (third line) of sub-section (4) thereof and substituting therefor the words "of the Reviewing Authority".
<i>Amendment of Section 27 of the principal law</i>	5. Section 27 of the principal law is amended by deleting sub-section (4) thereof and substituting therefor the following new sub-section (4):
	"(4) The Permanent Secretary of the Ministry of Interior or his representative shall preside over the Authority."
<i>Addition of new Section 30A</i>	6. The principal law is amended by inserting immediately after Section 30 thereof the following new Section to be numbered 30(A):
<i>"Issuance of residence permits"</i> <i>Official Gazette</i> <i>Third Annex:</i> 22.12.1972 <i>Official Gazette</i> <i>Third Annex</i> (I): 23.11.1984 27.12.1986 30.1.1987 11.11.1988 18.5.1990 17.4.1991 8.11.1991 15.4.1994 6.12.1996 21.7.2000 31.12.2001	30A(1). The residence permits provided under Sections 8, 17(2) and 19(3) are issued by the Migration Officer and shall be one of the permits provided under the Aliens and Immigration Regulations.
	(2) At the time of the issuance of the permits mentioned in sub-section (1) the provisions of this Law shall be applied, which shall supersede any possible conflicting provisions of the Aliens and Immigration Regulations."

<i>Amendment of Section 32 of the principle law</i>	7. Section 32 of the principle law is amended as follows:
	(a) By deleting from its sub-section (2) of paragraphs (a) and (b) thereof and the renumbering therefor of the existing paragraphs (c) and (d) as paragraphs (a) and (b), respectively;
	(b) By deleting sub-section (3) thereof.
<i>Temporary provisions</i>	8.(1) Until 31.12.2001, applications for recognition of a person as a refugee shall be submitted to the office of the United Nations High Commissioner for Refugees and any decisions made by UNHCR shall be considered as decisions of the Refugee Authority, issued by power of Section 17(1)
	(2) Sub-section (1) shall be considered as entered into force as from 28 January 2000.

* : term when read in the context of the sub-section unclear and/or vague;
may have double meaning and/or is open to legal interpretation

** : direct translation of the Greek term inaccurate in English