

**ANNEX ONE**  
**OF THE OFFICIAL GAZETTE OF THE REPUBLIC**

No. 3383 of JANUARY 28<sup>TH</sup>, 2000

**LEGISLATION**

**PART I**

**The Refugee Law of 2000 is promulgated by publication in the Official Gazette of the Republic of Cyprus  
in accordance with Article 52 of the Constitution.**

Number 6(I) of 2000

**A LAW TO PROVIDE FOR THE RECOGNITION OF REFUGEES AND FOR THE BETTER IMPLEMENTATION OF  
THE CONVENTION ON THE LEGAL STATUS OF REFUGEES<sup>1</sup>**

**PART I**

**INTRODUCTORY PROVISIONS**

The House of Representatives votes as follows:

Short title. 6(I) of 2002 53(I) of 2003 63(I) of 2003 9(I) of 2004 241(I) of 2004 154(I) of 2005 112(I) of 2007 122(I) of 2009 9(I) of 2013 58(I) of 2014 59(I) of 2014 105(I) of 2016 106(I) of 2016 80(I) of 2018 116(I) of 2019 142(I) of 2020.	<b>1. This Law will be cited as the Refugee Laws 2000 to 2020.</b>
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Interpretation. 2(a) of 122(I) of 2019.	<b>2. For the purpose of this Law, unless the context otherwise requires –</b>
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<sup>1</sup> This is an unofficial translation of the consolidated law as last amended in 2020.

- 2(c) of 9(I) of 2004. “application” means an application for the granting of international protection submitted by an applicant who does not explicitly request to be granted another form of protection that can be applied for separately;
- 2(b) of 112(I) of 2007.
- 2(b) of 9(I) of 2004. “applicant” means an alien who has made an application and this status remains valid for the period starting from the date the application was made until a final decision is taken in relation to this application and the meaning of an applicant also includes a minor;
- 2(c) of 122(I) of 2009.
- 2(g) of 105(I) of 2016. “applicant with special reception needs” means a vulnerable person, in accordance with section 9KC, who is in need of special guarantees in order to benefit from the rights and comply with the obligations prescribed in sections 8(1)(b) and (2), in sections 9A to 9KI and in section 10(1B), (2), (2A), (2B), (2C), (2D) and (2E);
- 2(g) of 105(I)/2016. “applicant in need of special procedural guarantees” means an applicant whose ability to benefit from the rights and comply with the obligations prescribed in this Law is limited due to special circumstances such as age, gender, sexual orientation, gender identity, disability, serious illness, mental disorder or as a result of torture, rape or any other serious forms of psychological, physical or sexual violence;
- Ch. 105 “alien” means a person as defined in the Aliens and Immigration Law;  
 2 of 1972  
 54 of 1976  
 50 of 1988  
 197 of 1989  
 100(I) of 1996  
 34(I) of 1997  
 14(I) of 1998.
- 2(b) of 9(I) of 2004. “Reviewing Authority” means the independent Refugee Reviewing Authority established under Part V of this Law;  
**[This definition was deleted by section 2(h) of 105(I)/2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**
- 2(a) of 106(I) of 2016. “Revocation of international protection” means any of the following decisions of the Head:
- (a) A decision to revoke refugee or subsidiary protection status in accordance with section 5(4);
  - (b) A decision to cease refugee status in accordance with section 6;
  - (c) A decision to revoke refugee status in accordance with section 6A;

- (d) A decision to revoke international protection status in accordance with section 6B;
- (e) A decision to cease subsidiary protection status in accordance with section 19(3);
- (f) A decision to revoke subsidiary protection status in accordance with section 19(3A).

2(b) of 59(I) of 2014. “minor” means a third-country national or a stateless person who has not yet attained the age of eighteen (18);

2(a) of 105(I) of 2016. “competent officer” means an officer serving at the Asylum Service and who has undergone special training in matters pertaining to international protection and asylum;

2(a) of 9(I) of 2004. “Authority” **Repealed.**

“asylum” means, under this Law, the protection and rights accorded to an alien who is recognised as a refugee under the provisions of this Law;

2(b) of 58(I) of 2014. “unaccompanied minor” means a minor who –

2(b) of 105(I) of 2016. (a) reaches the areas controlled by the Government of the Republic without being accompanied by an adult responsible for him whether by law or by practice and for as long as he is not effectively taken into care of such a person; or

(b) ceases to be accompanied after his entry into the areas controlled by the Government of the Republic;

2(a) of 53(I) of 2003. “safe third country” has the meaning assigned to this term under section 12B of this Law;

2(g) of 105(I) of 2016. “confirmation of submission of an application” means a confirmation of submission of an application issued to an applicant pursuant to section 8(1)(b);

2(a) of 9(I) of 2004. “Secretary of the Refugee Authority” **Repealed.**

“Republic” means the Republic of Cyprus;

2(c) of 9(I) of 2004. “Dublin provisions” means the provisions contained in Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, and the Commission Regulation (EC) No. 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No. 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and, in particular as regards the Kingdom of

- (III) of 2004. Denmark, the provisions contained in the Dublin Convention (Ratification) Law of 2004 regarding the Convention determining the state responsible for examining applications for asylum lodged in one of the Member States of the European Communities and, as regards the Republic of Iceland and the Kingdom of Norway, the provisions contained in the Council Decision of 15 March 2001 for an Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining an application for asylum lodged in a Member State or in Iceland or Norway;
- 2(b) of 58(I) of 2014. “international protection” means refugee status and/or subsidiary protection status;
- 2(b) of 67(I) of 2003. “Director” means the Director of the Department;
- 2(c) of 59(I) of 2014. “beneficiary of international protection” means a person who has been granted refugee status or subsidiary protection status;
- 2(g) of 105(I) of 2016. “Administrative Court” means the Court which exercises jurisdiction by virtue of Article 146 of the Constitution and includes any judge thereof;
- 2(b) of 9(I) of 2013. “representative”, in respect of an unaccompanied minor, means the Director of the Social Welfare Services in accordance with section 10(1B);
- 2(a) of 9(I) of 2013. “areas controlled by the Government of the Republic” means the areas of the Republic where the Government of Republic exercises effective control;
- 2(c) of 105(I) of 2016. “Commission” means the Commission of the European Union;
- 2(c) of 122(I) of 2009. “European safe third country” has the meaning assigned to this term under section 12Bsecond;
- 2(a) of 106(I) of 2016. “European Asylum Support Office” means the European Asylum Support Office established by Regulation (EU) No. 439/2010;
- 2(a) of 112(I) of 2007. “refugee status” means the recognition by virtue of this Law of a third country national or a stateless person as a refugee;
- 2(b) of 106(I) of 2016. “subsidiary protection status” means the recognition by virtue of this law of a third country national or a stateless person as a person entitled to subsidiary protection;
- 2(b) of 106(I) of 2016  
Official Journal of the  
EU: L 132, 29.5.2010,  
p. 11  
“Regulation (EU) No. 439/2010” means the act of the European Union entitled “Regulation (EU) No. 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office”;
- 2(a) of 106(I) of 2016. “Regulation (EU) No. 603/2013” means the act of the European Union entitled “Regulation (EU) No. 603/2013 of the European Parliament and of the Council of

- Official Journal of the EU: L 180, 29.6.2013, p. 1. 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 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 and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice;
- 2(g) of 106(I) of 2016 Official Journal of the EU: L 180, 29.6.2013, p. 31. "Regulation (EU) No. 604/2013" means the act of the European Union entitled "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";
- 2(g) of 105(I) of 2016. "submission", in relation to an application, means the submission of an application in writing; the term "submit" is construed accordingly;
- 2(g) of 105(I) of 2016. "accommodation centre" means any place used for the collective housing of applicants;
- 2(g) of 105(I) of 2016. "Unit" means the competent Aliens and Immigration Unit of the Police;
- 2(g) of 105(I) of 2016. "detention" means confinement of an applicant within a special place, where the applicant is deprived of his or her freedom of movement;
- 2(a) of 241(I) of 2004. 2(c) of 9(I) of 2004. "Member State" means a Member State of the European Union and includes states which are contracting parties to the Agreement on the European Economic Area and Switzerland;
- 2(d) of 105(I) of 2016. "family member" means, in so far as the family already existed in the country of origin, the following members of the applicant's family or beneficiary of international protection, who are present in the areas controlled by the Government of the Republic of Cyprus in relation to the application:
- (a) the spouse of the applicant or the beneficiary of international protection;
  - (b) the partner with whom the applicant or beneficiary of international protection has concluded a civil partnership, provided that the law of Cyprus recognises such a partnership and assigns validity and legal effects to it and subject to the conditions that the law of Cyprus assigns to such recognition, validity and legal effects;
  - (c) the minor and unmarried children either of the applicant or of the applicant and his spouse or partner under paragraph (b), or of the beneficiary of international protection or the beneficiary of international protection and his spouse or partner

under paragraph (b), irrespective of whether such children were born in or out of wedlock or if they are adopted, as defined in the Adoptions Law;

(d) in the eventuality that applicant or the beneficiary of international protection is a minor and unmarried, the father, the mother or another adult responsible for the applicant whether by law or by the practice of the Republic;

- 2(g) of 105(I) of 2016. “subsequent application” means a further application for international protection made under section 16D after a final decision has been taken on a previous application, including cases where the Head has taken a decision in accordance with section 16B or 16C;
- 2(b) of 122(I) of 2009. “legal adviser” means a person who holds a university degree in Law which is recognised by the competent authorities of the Republic, and who is registered in the Register of Lawyers Practising the Profession;
- 2(c) of 9(I) of 2013.
- 2(g) of 105(I) of 2016. “healthcare institute” means the respective local healthcare institute;
- 2(b) of 122(I)/2009. “Directive 2005/85/EC” means the act of the European Community entitled “Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status”;
- 2(g) of 105(I) of 2016. “Directive 2013/32/EU” means the act of the European Union entitled “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” (recast);  
Official Journal of the EU: L 180, 29.6.2013, p. 60; L29, 5.2.2015, p.16.
- 2(g) of 105(I) of 2016. “Directive 2013/33/EC” the act of the European Union entitled “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);  
Official Journal of the EU: L 180, 29.6.2013, p. 96; L10, 15.1.2014, p.32.
- 2(f) of 58(I) of 2014. “family reunification” means entry and stay in the areas controlled by the Government of the Republic of the family members of a refugee, with whom the refugee created a family tie before entering the Republic;
- “manifestly unfounded application” Deleted by 2(a) of 58(I) of 2014.**
- 2(c) of 9(I) of 2004. “Head” means a competent officer who heads the Asylum Service and includes any other competent officer of the said Service who is authorised by the Minister to exercise all or any of the powers or to perform all or any of the duties of the Head;
- 2(c) of 53(I) of 2003. “protected person” **Deleted.**
- 2(c) of 106(I) of 2016. “refugee” means a third country national or a stateless person who has been recognised as a refugee in accordance with section 3;

- 2(d) of 59(I) of 2014. “person eligible for subsidiary protection” or “beneficiary of subsidiary protection” or “person granted subsidiary protection status” means a person who-
- (a) does not meet the conditions to be recognised as a refugee but meets the conditions of section 19 for the granting of subsidiary protection, and
  - (b) does not fall within the scope of the application of section 5(3);
- ‘temporary protection’ has the meaning assigned to this term by section 20;
- 2(b) of 122(I) of 2009. “first country of asylum” has the meaning assigned to this term under section 12B fifth;
- 2(a) of 106(I) of 2016. “Istanbul Protocol” means the United Nations Protocol on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- 2(f) of 58(I) of 2014. “serious harm” or “serious and unjustified harm” has the meaning assigned to this term by section 19(2);
- 2(b) of 106(I) of 2016. “Convention” means-
- (a) the Convention on the Legal Status of Refugees, done in Geneva on 28th July 1951, which binds the Republic of Cyprus pursuant to Article 8 of the Treaty of Establishment; and
  - (b) the Protocol ratified by virtue of the Protocol on the Legal Status of Refugees (Ratification) Law of 1968;
- 73 of 1968.
- 2(b) of 241(I) of 2004. “Council” means the Council of the European Union;
- 2(b) of 241(I) of 2004. “Agreement on the European Economic Area” means the Agreement on the European Economic Area, signed at Oporto on 2 May 1992 (EE L I of 03.01.1994), as amended from time to time;
- 2(e) of 105(I) of 2016. “reception conditions” means all the rights to which an applicant is entitled in accordance with sections 8(1)(b) and (2), sections 9A to 9KI and sections 10 (1B), (2), (2A), (2B), (2C), 2(D) and 2(E);
- 2(b) of 9(I) of 2013. “final decision” means a decision which determines whether a third country national or stateless person is recognised as a refugee or as a person granted subsidiary protection status under this Law and-
- (a) the deadline for submitting a recourse pursuant to Article 146 of the Constitution against the said decision has lapsed, or
- 2(f) of 105(I) of 2016. (b) the above-mentioned recourse was submitted and a first instance decision in relation to it was issued by the Administrative Court,

- 2(e) of 58(I) of 2014. Regardless of the submission of a recourse the applicant has the right to remain within the areas controlled by the Government of the Republic only until a relevant court decision is issued;
- 2(b) of 67(I) of 2003. “Department” means the Civil Registry and Migration Department, which was  
141(I) of 2002. established by the Civil Registry Law;  
65(I) of 2003.
- 2(g) of 105(I) of 2016. “material reception conditions” means the reception conditions, which include-  
(a) financial assistance for daily expenses; and  
(b) provision of housing, food and clothing by the means foreseen in section 9JB(1);
- 2(f) of 58(I) of 2014. “third country national” has the meaning assigned to this term by section 2 of the  
Ch. 105. Aliens and Immigration Law, as amended or replaced from time to time;  
2 of 1972  
54 of 1976  
50 of 1988  
197 of 1989  
100(I) of 1996  
43(I) of 1997  
14(I) of 1998  
22(I) of 2001  
164(I) of 2001  
88(I) of 2002  
220(I) of 2002  
66(I) of 2003  
178(I) of 2004  
8(I) of 2007  
184(I) of 2007  
29(I) of 2009  
143(I) of 2009  
153(I) of 2011  
41(I) of 2012  
100(I) of 2012  
117(I) of 2012  
32(I) of 2013  
49(I) of 2013.
- 2(c) of 9(I) of 2004. “Asylum Service” means the Service of the Ministry of Interior, established under Part V of this Law;
- 2(g) of 105(I) of 2016. “submission”, with reference to an application, means the expression to a competent authority by a third country national or stateless person of the wish to apply for international protection; the term “submit” is construed accordingly;
- 2(c) of 9(I) of 2004. “Minister” means the Minister of Interior;



- 2(a) of 53(I) of 2003. “country where there is generally no serious risk of persecution” has the meaning assigned to this phrase by section 12A of this Law;
- 2(c) of 58(I) of 2014. “country of nationality” or “country of origin” means the country of nationality of the applicant or, where the applicant is stateless, his country of habitual residence;
- 2(d) of 122(I) of 2009. (2) A reference in this Law to a Directive, Regulation or other act of the European Community or the European Union is a reference to any such act, as amended or replaced from time to time.
- Refugee. **3.**—(1) A person is recognised as a refugee where, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality or membership of a particular social group or political opinion, is outside his country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside and being outside of the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is not willing to return to it, and to whom section 5 does not apply.
- 3 of 112(I) of 2007. (2) In the case of a person who has more than one nationality, the term “country of nationality” referred to in subsection (1) shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.
- 4 of 112(I) of 2007. **3A.** Actors of persecution or serious harm include:
- Actors of persecution or serious harm. (a) the State,
- (b) groups or organisations controlling the State or a substantial part of the territory of the State;
- (c) non-State actors, if it can be demonstrated that the actors mentioned in paragraphs (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Section 3B.
- 3 of 59(I) of 2014. **3B.**—(1) Protection may be provided by:
- Actors of protection. (a) the State, or
- (b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State;
- provided they are willing and able to offer protection in accordance with sub section 2
- (2) Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors

mentioned in subsection (1) take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.

(3) When the Head is assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in subsection (2), he takes into account any guidance which may be provided in relevant acts of the European Union.

4 of 112(I) of 2007. **3C.** –(1) Acts of persecution within the meaning of Article 1A of the Convention Acts of persecution. must:

(a) be sufficiently serious by their nature or repetition as to constitute a severe violation of fundamental human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

(b) be an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as mentioned in paragraph (a).

(2) The following is a non-exhaustive list of acts of persecution within the meaning of subsection (1):

(a) acts of physical or mental violence, including acts of sexual violence;

(b) legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

(c) prosecution or imposition of a disproportionate or discriminatory penalty;

(d) denial of judicial redress resulting in the imposition of a disproportionate or discriminatory penalty;

(e) prosecution or imposition of a penalty for refusal to do military service in a conflict, where such military service would involve a crime, an offence or an act referred to in section 5(1)(c);

(f) acts of a gender-specific or child-specific nature.

4 of 59(I) of 2014. (3) In accordance with section 3(1), there must be a connection between the reasons mentioned in section 3D and the act of persecution within the meaning of subsection (1) of this section or the lack of protection against such acts.

4 of 112(I) of 2007. **3D.** –(1) When assessing the reasons for persecution, the Asylum Service takes the Reasons for following into account:

persecution.

5(a) of 59(I) of 2014.

4 of 105(1) of 2016. (a) The concept of race includes considerations of colour, descent or membership of a particular ethnic group.

(b) The concept of religion includes the holding of theistic, non-theistic or atheistic beliefs, the participation in formal worship in a private or in public space, either alone or in community with others, abstention from such worship, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief.

(c) The concept of nationality is not confined to citizenship or lack of it but includes in particular the membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political background or its relationship with the population of another country.

(d) A group is considered to be a particular social group where, *inter alia*:

(i) the members of such group share innate characteristics, or a common background that cannot be changed, or share characteristics or beliefs so fundamental to identity or conscience that a person should not be forced to renounce them, and

(ii) that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society.

Depending on the circumstances in the country of origin, a particular social group may include a group based on the common characteristic of sexual orientation. Sexual orientation may not be understood to include acts considered to be criminal in accordance with Cyprus law. Gender-related aspects, including gender identity, are given due consideration for the purpose of determining membership of a particular social group or identifying a characteristic of such a group.

5(b) of 59(I) of 2014. (e) The concept of political beliefs opinion includes in particular the holding of an opinion, idea or belief on a matter related to the potential actors of persecution specified in Section 3A and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

(2) When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

Basic principles for the treatment of refugees. **4.** The application of this law is governed by the following principles:

(a) A refugee or an applicant is neither to be deported to a country nor sent to the borders of a country where his life or freedom will be put at risk or where he will be subjected to torture or inhuman or degrading treatment or persecution for reasons of sex, race, religion, nationality, membership of a particular social group or political opinion,

(b) a refugee is not to be discriminated against for reasons of sex, race, religion, nationality, membership of a particular social group or political opinion;

(c) a refugee is to be treated fairly by officers of the Government of the Republic of Cyprus who are responsible for providing of assistance to refugees,

(d) the principle of family unity is safeguarded, in accordance with section 25.

5 of 105(1) of 2016 (e) The Asylum Service provides access to information to every person granted international protection as soon as possible in a language which he or she understands or is reasonably supposed to understand in relation to the rights and obligations pertaining to such protection.

3 of 58(I) of 2014. 5.--(1) An applicant is excluded from refugee status if-

Exclusion of an applicant.

(a) he is already receiving international protection or assistance from organs or organisations or agencies of the United Nations other than the United Nations High Commissioner for Refugees; when such protection or assistance has ceased for any reason, without the position of such a person being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, such a person is *ipso facto* entitled to the benefits of this Law; or

(b) he is recognised by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country or rights and obligations equivalent to those; or

(c) there are serious reasons for considering that-

(i) he has committed a crime against peace, a war crime or a crime against humanity as defined in the international instruments drawn up to make provision in respect of such crimes, or

(ii) he has committed a serious non-political crime in another country prior to the issuance of a residence permit based on the granting of refugee status; for the purposes of this subparagraph, the meaning of a serious non-political crime includes particularly cruel actions, even if committed with an allegedly political objective, or

(iii) he has been found guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations, or

(iv) he is an instigator or otherwise participates in the commission of any of the crimes or acts foreseen in subparagraphs (i) to (iii).

(2) An applicant is excluded from subsidiary protection status, if there are serious reasons for considering that-

- (a) he has committed a crime against peace, a war crime or a crime against humanity as these crimes are defined in the international instruments drawn up to make provision in respect of such crimes, or
  - (b) he has committed a serious crime; or
  - (c) he has been found guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;
  - (d) he a danger to the Cypriot society or the security of the Republic; or
  - (e) he is an instigator or otherwise participates in the commission of any of the crimes or acts foreseen in subparagraphs (a) to (d);
  - (f) he has committed, prior to his admission into the Republic, one or more crimes, other than those referred to in paragraphs (a) to (d), which would be punishable by imprisonment had they been committed in the Republic, and if he left his country of origin solely in order to avoid sanctions resulting from these crimes.
- (3) in the event of an application submitted by a person for whom the Head, following an examination of his application, establishes falls within any of the categories referred to in subsection (1) or (2), the Head rejects the application:
- (a) if in relation to the refugee status, the Head establishes that the said person falls within a category referred to in subsection (1);
  - (b) if in relation to the subsidiary protection status, the Head establishes that the said person falls within a category referred to in subsection (2).
- (4) (a) In the event that the Head establishes *a posteriori*, based on facts revealed after the recognition of refugee status, that a person fell, at the date of recognition of the said status, within any of the categories referred to in subsection (1), the Head by way of a reasoned decision revokes the decision on which the said status was based.
- (b) In the event that the Head establishes *a posteriori*, based on facts revealed after the granting of subsidiary protection, that a person fell, at the date of recognition of the said status, within any of the categories referred to in subsection (2), the Head, by way of a reasoned decision revokes the decision on which the said status was based.
- (5) Without prejudice to the duty of a subsidiary protection beneficiary to disclose any relevant fact at his disposal, the Head demonstrates on an individual basis in the decision foreseen by section (4)(b) that the person concerned is not eligible for subsidiary protection pursuant to subsection (2).

(6) Applications falling within scope of subsection (3) are examined within the regular procedure of section 13 for the examination of applications, any decisions to revoke the status that is granted under subsection (4) are taken following the regular procedure of section 13 for the examination of applications, *mutatis mutandis*.

(7) (a) Subsections (1C), (1D) and (2) of section 6 are applicable *mutatis mutandis* to the procedure of adopting a decision under subsection (4).

(b) Subsection (3) of section 6 is applicable *mutatis mutandis* when a decision is adopted under subsection (4).

(c) Subsections (1) and (2) of section 18second and subsection (1A) of section 31A are applied *mutatis mutandis* with reference to a decision of the Head by under subsection (4),

7(a) of 112(I) of 2007.  
Cessation of refugee  
status.  
7(a) of 59(I) of 2014.

6.-(1) The status of a refugee ceases to be valid if -

(a) he has voluntarily re-availed himself of the protection of the country of his nationality; or

(b) having lost his nationality, he has voluntarily re-acquired it; or

(c) he has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(d) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(e) he can no longer, because the circumstances in connection with which he was recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of nationality; or

(f) being a stateless person, he is able to return to the country of former habitual residence because the circumstances in connection with which he was recognised as a refugee have ceased to exist.

7(c) of 112(I) of 2007.

(1A) In applying subsections 1(e) and (f), it is examined whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded.

7(b) of 59(I) of 2014.

(1Asecond) Subsection (1)(e) and (f) do not apply to a refugee who satisfies the Head that, due to his previous persecution, there are compelling reasons for refusing to avail himself of the protection of the country of nationality or, in the case of a stateless person, of the country of former habitual residence.

3(a) of 122(I) of 2009.

- 3(a) of 122(I) of 2009. (1B) An examination for the cessation of the refugee status may commence when new evidence or findings arise indicating that there are reasons to reconsider the validity of the refugee status granted to a particular person.
- (1C) In the event that the Head examines the possibility to cease the refugee status, he ensures to—
- 3(a) of 106(I) of 2016. (a) inform the person concerned in writing that he is reconsidering whether he satisfies the necessary requirements to qualify for refugee status and about the reasons of the reconsideration, and
- 3(a) of 122 of 2009.
- 3(a) of 106(I) of 2016.
- 3(c) of 106(I) of 2016. (b) the person concerned has the opportunity to submit, either in a personal interview for which section 13A and sections 18 (1), (2), (2A) and (2B) apply, or in a written statement, the reasons why he believes that the refugee status he enjoys should not be ceased.
- (1D)(a) Within the framework of cessation of the refugee status, the Head receives precise and up-to-date information from various sources, such as the European Asylum Support Office and the United Nations High Commissioner for Refugees, as to the general situation prevailing in the country of nationality of the person concerned.
- (b) During the collection of information to reconsider the refugee status, such information is not obtained from the actor of persecution of the person concerned in a manner that would result in such actor being informed directly of the fact that that the person concerned is a refugee whose status is under reconsideration or would jeopardise the physical integrity of the person concerned or his dependants or the liberty and security of his family members still living in the country of nationality.
- (2) In the event that the Head, following an investigation of the case in accordance with the regular procedure for the examination of applications prescribed in section 13 *mutatis mutandis*, establishes that one of the requirements referred to in subsection (1) is met, he decides in writing and providing reasons to revoke the refugee status from the person concerned mentioning in his decision the factual and legal reasons on which it is based upon and informing the said person of his right to seek a recourse to the Administrative Court against the decision by virtue of Article 146 of the Constitution, including the nature and form of such a recourse and the timeframe within which it can be lodged, pursuant to the same provisions. The said decision is communicated to the person concerned:
- 7(c) of 59(I) of 2014.
- 7(e) of 112(I) of 2007.
- 3(d) of 106(I) of 2016. Provided that, this subsection applies only in relation to a refugee status granted following an application submitted after 20 October 2004.
- (2A) Without prejudice to the duty of a refugee under section 16(2)(a) to disclose all relevant facts and provide all relevant documents at his disposal, the Head demonstrates in his decision issued under subsection (2), on an individual basis,

that the person concerned has ceased to be or has never been a refugee pursuant to subsections (1), (1A) and (1Asecond).

(3) By virtue of the cessation, any residence permit granted to the said person as a result of his recognition as a refugee terminates, and such person must hand over the refugee identity card and the refugee travel documents which were issued by virtue of section 22.

(4) Section 11(9), and sections 18second(1) and (2), section 31A(1A), and paragraph (a) of section 31C (2A) apply *mutatis mutandis* with regard to a decision of the Head made under this section.

8 of 112(I) of 2007. **6A.** –(1) The status of a refugee is revoked when the Head–  
Revocation of refugee  
status.  
8(a) of 59(I) of 2014.

(a) establishes that misrepresentation or omission of facts by the applicant, including the use of forged documents, was decisive in the granting of refugee status; or

(b) establishes that the applicant should have been excluded or is excluded from refugee status, pursuant to section 5; or

(c) considers, on reasonable grounds, that the person concerned constitutes a danger to the security of the Republic; or

(d) considers that the person concerned constitutes a danger to Cypriot society, having been convicted by a final judgment of a particularly serious crime.

8(b) of 59(I) of 2014. (1A) In the event that an application has been submitted by a person falling within any of the categories referred to in paragraphs (c) and (d) of subsection (1), the Head by a decision rejects the application in relation to the refugee status.

(2) In the event that the Head, following an examination of the case applying *mutatis mutandis* the regular procedure of section 13 for the examination of applications, establishes that one of the requirements referred to in subsection (1) is met, he decides in writing and providing reasons to revoke the refugee status from the person concerned mentioning in his decision the factual and legal reasons on which it is based upon and informing the said person of his right to seek a recourse to the Administrative Court against the decision by virtue of Article 146 of the Constitution, including the nature and form of such a recourse and the timeframe within which it can be lodged, pursuant to the same provisions. The said decision is communicated to the person concerned.

(3) Sections (6) (1B), (1C) and (1D) of section 6 are applicable *mutatis mutandis* to the procedure and decision to revoke refugee status made under this section.

4(b) of 122(I) of 2009.



(4) Section 11(9), Section 18 second (1) and (2), section 31A(1A) and paragraph (a) of 31C(2A) apply *mutatis mutandis* in relation to a decision of the Head made under this section.

4 of 106(I) of 2016.

(5) Persons to whom the provisions of subsection (1)(b) or subsection (1A) apply enjoy the rights foreseen in Articles 3, 4, 16, 22, 31, 32 and 33 of the Convention for as long as they remain within the areas controlled by the Government of the Republic.

8(c) of 59(I) of 2014.

5 of 106(I) of 2016.

Renouncement of international protection status.

**6B.** Notwithstanding sections 6, 6A and 19, if a beneficiary of international protection has renounced in an unequivocal manner his recognition as a beneficiary of international protection, the Head by way of a decision revokes the international protection status.

## 8 of 105(I) of 2016

### PART II

#### APPLICANTS OF INTERNATIONAL PROTECTION

Entry of applicants in the Republic.

**7.** –(1) An applicant who enters or has entered the Republic illegally is not subject to punishment for the sole reason of his illegal entry or residence, provided that he appears without any undue delay before the authorities and gives the reasons for his illegal entry or residence.

3(a) of 53(I) of 2003.  
3 of 67(I) of 2003.

(2) Repealed.

6 of 106(I) of 2016.

(3) An applicant may contact the Representative of the United Nations High Commissioner for Refugees in the Republic or any other organisation providing legal or other advice to applicants in accordance with Cypriot legislation.

**Subsections (4) to (6) were deleted by 9 of 105(I) of 2016.**

10(a) of 105(I) of 2016.  
Right to stay and confirmation of the making of an application.

**8.** –(1)(a) Without prejudice to subsection (1A) of this section and without prejudice section 16(D)(4)(b), the applicant has solely for the purpose of the procedure a right to stay in the areas controlled by the Government of the Republic of Cyprus starting from the date the application is made until-

2(a) of 142(I) of 2020.  
73(I) of 2018

4(I) of 2020  
141(I) of 2020.

(i) the date on which the deadline lapses as specified in article 12A of the Law on the Establishment and Functioning of the Administrative Court of International Protection for the submission of an appeal against a decision of the Head on the given application or against a decision of the Reviewing Authority against an administrative recourse which the applicant has submitted before it, or

(ii) in the event the above-mentioned was submitted in time, the date of issue of the first-instance judgment of the Administrative Court relating to it.

10(c) of 105(I) of 2016. (b) Within three (3) days from the application being registered, the person at the place in charge of applications shall grant to the applicant a confirmation of the submission of an application, which:

(i) Is issued in the name of the applicant and in the form determined by the Head; and

(ii) certifies that the applicant is entitled to remain in the areas controlled by the Republic of Cyprus during the duration within which his application is being examined; and

(iii) in the event that the applicant is not entitled to move freely in the whole territory or in any part of the territory of the areas controlled by the Republic of Cyprus, attests this fact; and

(iv) is not required to certify the applicant's identity; and

(v) is valid for as long as the applicant has the right to stay in the areas controlled by the Republic of Cyprus.

4(a) of 58(I) of 2014. (c) The right to stay foreseen in paragraph (a) does not establish a right to be  
10(d) of 105(I) of 2016. granted a residence permit.

(d) Notwithstanding the provisions of paragraph (a), the right to stay foreseen in the said paragraph ceases to be valid in the event that the competent authorities of the Republic intend to surrender or extradite the applicant –

(i) to another Member State either under the European Arrest Warrant and the Surrender Procedures Between Member States of the European Union Laws 2004 and 2006 or otherwise, or

133(I) of 2004. (ii) to a third country, or  
112(I) of 2006.

(iii) to an international criminal court.

7(b) of 106(I) of 2016. (e) the extradition of an applicant to a third country as per paragraph (d) is only permitted when the authority deciding on the extradition is satisfied that the extradition decision does not result in direct or indirect refoulement in violation of paragraph (a) of section 4 or of the obligations of the Republic under international law or European Union law.

(1A) Without prejudice to paragraph (b) of section 10A, in the event of a decision of the Head:

7(c) of 106(I) of 2016.

(a) where it is considered that the application is unfounded following its examination pursuant to section 12D(4), with the exception of the cases where decisions are based on the circumstances of section 12D(2)(h), or

(b) where it is considered that an application is inadmissible pursuant to sections 12Bfourth, or

(c) where the reopening of the applicant's case is rejected after it has been discontinued pursuant to section 16B, or

(d) non-examination or non-full examination of the application pursuant to section 12Bsecond,

2(b)(i) of 142(I) of

2020

(e) where it is considered that a decision is manifestly unfounded in accordance with the provisions of section 12F, excluding the situation by which the decisions are based on the circumstances which are foreseen in section 12D(4)(h),

2(b)(ii) of 142(I) of

2020

the applicant's eligibility to stay in the areas controlled by the Government of the Republic is determined by the Administrative Court, upon the filing of a relevant application by the applicant which is examined and determined as soon as possible, without requiring the applicant to be summoned to attend, unless the Court shall order otherwise:

2(b)(iii) of 142(I) of

2020

Provided that, in the event that the application is accepted residence is ordered in the areas controlled by the Government and any order relating to deportation, removal, return or readmission is suspended-

2(b)(iii) of 142(I) of

2020

Provided further, in the event of the rejection of the application, the referred initial reserved measures are executed.

2(b)(iii) of 142(I) of

2020.

(1B) Without prejudice to section 16D(4)(c), the applicant, whose right to stay is examined by the Administrative Court pursuant to subsection (1A), has the right to stay in the areas controlled by the Government of the Republic until the decision of the Administrative Court on the foreseen application under subsection (1A). Without prejudice to section 16D(4), if the applicant concerned is an unaccompanied minor-

7(c) of 106(I) of 2016.

(a) The Director of Social Welfare Services ensures that, before the submission of the intended application, the unaccompanied minor has had the necessary interpretation and legal assistance for a period of at least one week so that the unaccompanied minor can prepare his application to the Administrative Court and make to the Administrative Court his arguments in favour of his right to stay in the territory of the Republic, pending the determination of his case at first instance, and

(b) within the context of examining the application, the Administrative Court examines the factual and legal issues of the Head's decision relating to the applicant mentioned in subsection (1A).

7(c) of 106(I) of 2016. (1C) Subsections (1A) and (1B) of this section apply without prejudice to Article 26 of EU Regulation 604/2013.

10(e) of 105(I) of 2016. (2)(a) The place of residence of the applicant is specified on the confirmation of application submission. In the event of a change in the place of residence, the applicant must inform the Unit as soon as possible by completing a form in the format determined by the Head. The person in charge of the Unit, upon receipt of the said form, applies a seal in a manner so as the date on which it is filed is shown and gives a relevant confirmation to the applicant acknowledging receipt. The applicant informs the Unit either within five (5) working days from changing his place of residence or at a subsequent time, which is as soon as possible from the time he changed his residence, provided that the applicant provides a satisfactory explanation to the person in charge of the Unit as to why it was not possible to comply with the initial five day time period; if the person in charge of the Unit deems that the aforesaid explanation given by the applicant is not satisfactory, he deems that the information was given out of time. The person in charge of the Unit does not refuse to receive the form because it was submitted out of time, but in such a case the form is marked as submitted out of time.

(b) The person in charge of the Unit sends the form regarding the change of place of residence on the same day to the Asylum Service, the Department the local competent District Welfare Offices and the local competent district Labour Offices.

**(3) Repealed by 2(b) of 80(I) of 2018.**

4(c) of 58(I) of 2014. **(4) Repealed by 7(d) of 106(I) of 2016.**

11 of 105(I) of 2016. 9.-(1) Paragraph (b) of subsection (1) and subsection (2) of section 8, sections 9A to 9KI and section (1B), (2), (2A), (2B), (2C), (2D) and (2E) apply to –  
 Scope of application of sections 8(1)(b) and (2),  
 9A to 9KI and 10(1B)  
 and (2) to (2E).

(a) a third country national or a stateless person who makes an application in the areas controlled by the Government of the Republic including the territory, the land, boundaries, territorial waters and the transit zones of such areas;

(b) a third country national or a stateless person in relation to whom the determination of the Member State responsible for the examination of his application under the Dublin Regulation is pending;

(c) a family member of a person referred to in paragraph (a) or (b), who is included in the application in this circumstance, the reference in the abovementioned sections to an applicant is deemed to include the said member.

(2) Paragraph (b) of subsection (1) and subsection (2) of section 8, sections 9A to 9KI and section 10(1B), (2), (2A), (2B), (2C), (2D) and (2E) do not apply to:

(a) applications for diplomatic or territorial asylum made to a representation of a Member State;

(b) to persons enjoying temporary protection under this Law.

12 of 105(I) of 2016.  
Provision of  
information.

**9A.**-(1) The Asylum Service issues an information leaflet, in a language that the applicant understands or is reasonably supposed to understand, for informing of-

(a) The benefits to which he is entitled in relation to his reception conditions and the procedures to be followed for his access to such benefits under this law;

(b) the obligations to which he must comply in relation to his reception conditions;

(c) the organisations or groups providing special legal support and the organisations which may assist or inform the applicant about his current reception conditions, including medical care.

(2) When an applicant presents himself before a competent authority to lodge an application, the person in charge of the place for the submission of applications provides the applicant with the information leaflet referred to in subsection (1), as well as any other necessary information regarding reception conditions, which may be given either orally or in writing in a language that the applicant understands or is reasonably supposed to understand.

(3) The Asylum Service ensures that the information provided to the applicant takes place as foreseen in subsections (1) and (2) within a reasonable time frame, not exceeding fifteen (15) days from the lodging of the application and for this purpose it issues the necessary guidelines to all authorities responsible for receiving applications, and monitors and coordinates the correct implementation of paragraph (b) of subsection (1) and subsection (2) of section 8, sections 9 to 9KI and section 10(1B), (2), (2A), (2B), (2C), (2D) and (2E).

12 of 105(I) of 2016.  
Issue of travel  
documents.

**9B.** The Director, pursuant to a recommendation of the Head, may provide an applicant with all the necessary travel documents when serious humanitarian reasons arise necessitating the presence of the applicant in another state.

12 of 105(I) of 2016.  
Administrative  
formalities.

**9C.** It is not permitted to impose an unnecessary or disproportionate obligation for the submission of official documents or other administrative formalities on applicants in order to grant the rights to which they are entitled under paragraph (b) of subsection (1) and subsection (2) of section 8, sections 9 to 9KI and sections 10(1B), (2), (2A), (2B), (2C), (2D) and (2E), based on the sole fact that such applicants request to be granted international protection.

- 12 of 105(I) of 2016. Residence and freedom of movement. **9D.** -(1) An applicant has the right to move and reside freely in the areas controlled by the Government of the Republic.
- (2) An applicant has the right to choose his place of residence and an obligation to inform the competent authorities of any change to his place of residence pursuant to section 8.
- 12 of 105(I) of 2016. Restrictions to free movement and residence. **9E.**-(1) Notwithstanding section 8(1) and (2) and section 9D, the Minister may, by means of a decision-
- (a) Which constitutes a regulatory administrative act published in the Official Gazette of the Republic -
- (i) restrict the right to free movement of applicants to certain areas controlled by the Government of the Republic; and/or
- (ii) decide the place of residence of the applicant for reasons of public interest or public order;
- (b) which constitutes an individual administrative act notified to the applicant concerned -
- (i) restrict the right to free movement of the specific applicant to certain areas controlled by the Government of the Republic; and/or
- (ii) decide the place of residence of the specific applicant, for reasons of public interest or public order or, when necessary, for the accelerated processing and effective monitoring of his application.
- (2) In the event of the restriction on the right to free movement or residence pursuant to subsection (1):
- (a) The restriction of the right to free movement within a certain area must neither affect the inalienable sphere of private life, nor obstruct in any manner the access of applicants to all benefits granted in accordance with 8(1)(b) and (2), sections 9 to 9KI and section 10(1B), (2), (2A), (2B), (2C), (2D) and (2E)
- (b) the Head may decide to grant a permit of temporary removal from the designated place of residence or movement pursuant to an application of the person concerned in the form foreseen by the Head on an individual, impartial and objective basis; a full or partial rejection must be reasoned:
- Provided that an applicant has the right to appear before any administrative authority or court of the Republic, as is necessary, without the issuance of the aforementioned decision and irrespective of the restriction on his right to free movement or residence pursuant to subsection (1).
- 12 of 105(I) of 2016. **9F.** -(1) The detention of an applicant for the sole reason of his status as an applicant is prohibited, as is the detention of a minor applicant.

Detention of  
applicants.

(2) Unless it possible in any given case to effectively apply other less restrictive alternative measures such as those prescribed in subsection (3), and provided that it is deemed necessary and following an individual assessment of each case, the Minister may issue an order in writing to detain an applicant for any of the following reasons only:

(a) In order to verify the identity or nationality;

(b) in order to determine those elements on which the application for international protection is based, which would otherwise be impossible to obtain, especially where there is a risk of the applicant absconding;

(c) in order to decide, in the context of the procedure, the applicant's right to enter the territory;

(d) when the applicant is detained in the context of a return procedure pursuant to sections 18PC to 18QI of the Aliens and Immigration Law, in order to prepare the return and/or carry out the removal process, and the Minister substantiates on the basis of objective criteria, including that the person already had the opportunity to access the asylum procedure, that there are reasonable grounds to consider that the person is making an application for international protection merely in order to delay or to frustrate the enforcement of the return decision;

Ch. 105.  
2 of 1972  
54 of 1976  
50 of 1988  
197 of 1989  
100(I) of 1996  
43(I) of 1997  
14(I) of 1998  
22(I) of 2001  
164(I) of 2001  
88(I) of 2002  
220(I) of 2002  
66(I) of 2003  
178(I) of 2004  
8(I) of 2007  
184(I) of 2007  
29(I) of 2009  
143(I) of 2009  
153(I) of 2011  
41(I) of 2012  
100(I) of 2012  
117(I) of 2012  
32(I) of 2013  
49(I) of 2013  
88(I) of 2014  
129(I) of 2014  
17(I) of 2015  
16(I) of 2016.

e) when the protection of national security or public order so requires;

(f) pursuant to section 28 of Regulation 604/2013.

(3) The Minister may, as an alternative to detention, impose certain obligations on the applicant for as long as is considered appropriate under the circumstances aimed at avoiding the risk of absconding, such as -

(a) regular reporting to the authorities of the Republic,

(b) the deposit of a financial guarantee,

(c) an obligation to stay at a designated place, including an accommodation centre,

(d) supervision by a supervisor.

(4)(a) The detention of an applicant has the shortest length possible and lasts only for as long as the detention grounds set out in subsection (2) are applicable.

(b) Administrative procedures relevant to the detention grounds set out in subsection (2) are executed without undue delay. Delays in administrative procedures that cannot be attributed to the applicant do not justify a continuation of detention.

(5) The detention order foreseen in the present section shall state the reasons in fact and in law on which it is based, and a copy shall be served on the applicant concerned.

(6)(a) The detention order is subject to recourse under by virtue of Article 146 of the Constitution, pursuant to the provisions of the said Article and the requirements under which the said Article permits such recourse.

(b)(i) The first instance judicial proceedings as per paragraph (a) are concluded as soon as possible and the judicial decision given, unless there are grounds of force majeure, within four (4) weeks from the registration of the recourse. In order to meet the above time limit and notwithstanding any Rules of Procedure, the court trying the case may give relevant directions for an accelerated exchange of pleadings and subsequent oral submissions and/or it may hear the litigants orally instead of written submissions.

(ii) Subparagraph (i) ceases to apply in the event of Procedural Rules issued by the Supreme Court which ensure the completion of the proceedings no later than the time frame mentioned in subparagraph (i).

(c) The Minister immediately releases the detained applicant concerned if his detention order is annulled by the Administrative Court pursuant to Article 146 of the Constitution or is revoked by the Minister.



(7)(a)(i) The duration of detention under the present section is subject to an application for the issuance of a writ of *habeas corpus* by virtue of Article 155.4 of the Constitution, pursuant to the provisions of the said Article.

(ii) A detained applicant may submit more than one application mentioned in subparagraph (i), particularly when the detention is prolonged or when relevant circumstances arise or when new evidence becomes available which may affect the lawfulness of the length of detention.

(b)(i) The first instance proceedings of the application referred to in paragraph (a) is concluded as soon as possible and the judicial decision given, unless there are grounds of force majeure, within three (3) weeks from the submission of the application. The court hearing the case provides the necessary directions for the acceleration of the whole procedure.

(ii) Subparagraph (i) ceases to apply in the event of Procedural Rules issued by the Supreme Court which ensure the completion of the proceedings no later than the time frame mentioned in subparagraph (i).

(c) The Minister immediately releases the detained applicant if his application pursuant to paragraph (a) is accepted by the Supreme Court.

(8) The Minister immediately informs in writing any applicant held in detention in a language that the latter understands or is reasonably supposed to understand, of the reasons of detention, the court procedures referred to in subsections (6) and (7) and the possibility to apply for free legal aid and representation within the context of such procedures pursuant to the Law on Legal Aid.

165(I) of 2002

22(I) of 2005

77(I) of 2005

43(I) of 2006

132(I) of 2009

172(I) of 2011

8(I) of 2012

64(I) of 2014

105(I) of 2014

140(I) of 2014

20(I) of 2015

173(I) of 2015.

(9)(a) The detention of applicants takes place generally in specialised detention facilities. When accommodation in specialised detention facilities cannot be ensured a correctional institution is necessarily resorted to, detained applicants are kept separately from ordinary prisoners and the detention conditions foreseen in the present section apply.

(b) When it is possible, detained applicants are held separately from other third country nationals who have not submitted an application. When this is not

possible, the detention conditions foreseen in this section apply as regards detained applicants.

(10) Detained applicants have access to open-air spaces.

(11)(a) Persons representing the United Nations High Commissioner for Refugees have the right to contact and visit a detained applicant in conditions that respect the right to private life.

(b) Paragraph (a) applies *mutatis mutandis* to any organisation working in the Republic on behalf of the United Nations High Commissioner for Refugees in agreement with the authorities of the Republic.

(12)(a) Family members, legal advisers or advocates and persons representing relevant non-governmental organisations recognised by law or by the authorities of the Republic have the right to contact and visit detained applicants in conditions that respect the rights to private life.

(b) The Police or any other competent authority of the Republic, which has the supervision of the detention facility where the detained applicant is held, may by way of a decision in writing restrict the right foreseen in paragraph (a) to access the detention facility when it deems such a restriction is objectively necessary for the security, the public order or the administrative management of the detention facility, provided that access is not severely restricted or rendered impossible.

(13) The Police or any other competent authority of the Republic, which has the supervision of the detention facility where the detained applicant is held, systematically provides information to the detained applicant which explain the rules applied in the facility and set out his rights and obligations in a language that he understands or is reasonably supposed to understand. In duly justified cases, the Police or any other competent authority of the Republic, which has the supervision of the detention facility where the detained applicant is held, may derogate from such an obligation for a reasonable time, which is as short as possible, in the event the applicant is held in a transit zone.

(14) In case of the detention of vulnerable applicants and applicants with special reception needs -

(a) the health, including the mental health of the aforementioned persons, is a primary consideration to the authorities of the Republic;

(b) the Police or any other competent authority of the Republic, which has the supervision of the detention facility where the detained applicant is held, ensures regular monitoring and adequate support, which takes into account his particular situation, including his health.

(15) Detained families are provided with separate accommodation guaranteeing adequate respect for private life.

(16) Female detained applicants are accommodated separately from male applicants, unless they are family members and all individuals concerned provided their consent:

Provided that, the present subsection does not apply to the use of common areas designed for recreational or social activities, including the provision of meals.

(17) In duly justified cases and for a reasonable period that is as short as possible, the Police or any other competent authority of the Republic, which has the supervision of the detention facility where the detained applicant is held, may derogate from subsection (15) and from subsection (16) when the detained applicant is held in a transit zone.

(18) In the event the Minister acts in accordance with subsections (1) and (2) in relation to a specific applicant, he simultaneously revokes any existing order he issued under section 14 and/or 18Q of the Aliens and Immigration Law concerning the same applicant.

(19) A detained applicant has the right to go with a police escort-

(a) to the Administrative Court in the event that –

(i) the applicant handles his recourse mentioned in subsection (6) personally and without an advocate; or(ii) The Administrative Court permits the applicant or orders him to appear before it as a witness; and

(b) to the Supreme court, for the purposes of his application for the issuance of a writ of *habeas corpus* in relation to his detention, as foreseen in subsection (7).

3 of 80(I) of 2018.  
Risk of absconding for  
the purposes of  
Regulation (EU) No.  
604/2013.

**9Fsecond.** For the purposes of Article 2(n) of Regulation (EU) No. 604/2013, subject to the principles of necessity and proportionality, the reasons upon which it is believed that the applicant or third country national or stateless person who is subject to a transfer procedure may abscond are any of the following:

Ch. 105. (a) non-compliance with a previous return decision under the Aliens and  
2 of 1972 Immigration Law,  
54 of 1976  
50 of 1988  
197 of 1989  
100(I) of 1996  
43(I) of 1997  
14(I) of 1998  
22(I) of 2001  
164(I) of 2001  
88(I) of 2002  
220(I) of 2002

66(l) of 2003  
 178(l) of 2004  
 8(l) of 2007  
 184(l) of 2007  
 29(l) of 2009  
 143(l) of 2009  
 153(l) of 2011  
 41(l) of 2012  
 100(l) of 2012  
 117(l) of 2012  
 32(l) of 2013  
 49(l) of 2013  
 88(l) of 2014  
 129(l) of 2014  
 17(l) of 2015  
 16(l) of 2016  
 2(l) of 2017  
 9(l) of 2017  
 71(l) of 2017.

(b) non-compliance with a transfer decision and/or the obstruction of the execution of a transfer under the Dublin Regulation,

(c) a reasonably established intention of non-compliance with a transfer decision under the Dublin Regulation

(d) the provision of false and/or misleading information,

(e) a conviction entered into the register of the Republic or another state of such a nature which creates the presumption that the person concerned may abscond,

(f) a previous detention or return or expulsion,

(g) a false statement regarding the address of habitual residence,

(h) a previous disappearance and/ or abscondment,

(i) the abandonment of reception or accommodation centres or spaces for applicants,

(j) non-detection at the registered address of residence and on the registered telephone number and non-compliance with section 8(2) of this Law, following due investigation,

(k) unfounded claims during an interview within the framework of Dublin provisions,

(l) the deliberate destruction of identification documents or of a travel document upon or after his arrival to the Republic and non-collaboration with the authorities

of the Republic to prove to a reasonable degree of certainty his identity or nationality.

12 of 105(I) of 2016. **9G.**-(1) Upon receipt of the confirmation an application made, the applicant is referred by the person in charge of the place where applications are made to a healthcare institute in order to submit to the medical examinations set out in Table III.

Medical screening.

Table III.

(2) The applicant is obliged to present himself for the abovementioned medical examinations within three (3) days from the date of receipt of the confirmation of the submission of an application and to produce that confirmation in addition to any other identification documents, if any.

(3) The medical examinations are carried out free of charge.

(4) Upon receiving of the medical examinations results, the applicant presents himself anew to the healthcare institution for a final evaluation of his health and a relevant report is prepared by the examining doctor.

138(I) of 2001  
37(I) of 2003  
105(I) of 2012. (5) The overall results of the medical examinations and the report of the doctor are given to the applicant. The applicant must deliver the said results and report to the Unit. Without prejudice to the Processing of Personal Data (Protection of the Individuals) Law and after having secured the express consent of the applicant beforehand, the Unit notifies the results of the blood tests to the Asylum Service in a sealed envelope.

(6) The Ministry of Health is the competent authority to implement subsections (1) to (4) and of the first sentence of subsection (5).

12 of 105(I) of 2016  
Access to schooling and  
education of minors. **9H.**-(1) Minor applicants and minor children of applicants have access to primary and secondary state education under the same conditions that apply to citizens of the Republic, for as long as a removal measure against them or their parents is not actually enforced. The abovementioned education may be provided in an accommodation centre.

(2) The right of minor applicants or minor children of applicants to attend secondary education is not prejudiced by the attainment of the age of majority.

(3)(a) Access to state education as per subsection (1) is granted immediately and in any case no later than within three (3) months from the on which the application for international protection was lodged by or on behalf of the minor.

113(I) of 1999  
69(I) of 2001 (b) When access to the state education system as set out in subsection (1) is not possible due to the special circumstances of the minor, the competent authorities of the Ministry of Education and Culture ensure the implementation of other appropriate educational arrangements in accordance with the Education and Training of Children with Special Needs Law and with the Education and Training of

87(I) of 2014. Children with Special Needs Regulations of 2001 and 2013, as amended or replaced  
 Official Gazette, from time to time.  
 Annex Three (I):  
 4.5.2001  
 6.12.2013.

(4) When deemed necessary, preparatory classes, including language classes, shall be provided to minors where it is necessary to facilitate their access to and participation in the state education system as set out in this section.

(5) The competent authority for the implementation of this section is the Ministry of Education and Culture, in collaboration with the Social Welfare Services within the framework of their responsibilities.

12 of 105(I) of 2016. 91.-(1)(a) Following the lapse of the time-period prescribed in paragraph (b), if no  
 Access of applicants to decision on the application been issued and the delay cannot be attributed to the  
 the labour market. applicant, the applicant has the right to access the labour market.

(b) The time period referred to in paragraph (a) starts on the date the application is lodged and expires nine (9) months from the said date:

Provided that, the Minister, by way of a decision taken following consultation with the Minister of Labour, Welfare and Social Insurance and which constitutes a regulatory administrative act and is published in the Official Gazette of the Republic, may determine that the said time period expires sooner than nine (9) months from the date of application submission.

(2)(a) The Minister of Labour, Welfare and Social Insurance, by way of an order which -

- (i) is issued following consultation with the Minister;
- (ii) constitutes a regulatory administrative act; and
- (iii) is published in the Official Gazette of the Republic,

may subject the right foreseen in subsection (1) to terms and conditions that do not prejudice the effective access of applicants to the labour market.

(b) The order provided in paragraph (a) may include terms and conditions which ensure priority over applicants to persons listed below for access to the labour market:

- (i) European Union citizens;
- (ii) nationals of states that are parties to the Agreement on the European Economic Area;
- (iii) third country nationals who reside legally in the areas controlled by the Government of the Republic.

(3) The right to work provided in subsection (1) -

(a) is not affected by the submission of a recourse pursuant to Article 146 of the Constitution against a negative decision of the Head, the given recourse having suspensive effect;

(b) is terminated -

(i) with the expiration of the deadline for submitting a recourse under Article 146 of the Constitution against a negative decision of the Head, or

(ii) with the notification to the applicant of a decision of the Administrative Court which rejects any recourse made pursuant to Article 146 of the Constitution against a negative decision of the Head.

(4)(a) An applicant who is employed in breach of this section and/or an order made under this section commits a criminal offence and is liable to imprisonment not exceeding three (3) months or to a fine not exceeding two thousand euros (€2,000) or to both such penalties.

(b) An employer who employs an applicant in breach of this section and/or an order made under this section commits a criminal offence and is liable to imprisonment not exceeding three (3) years or to a fine not exceeding eight thousand (€8,000) euros or to both such penalties.

12 of 105(I) of 2016. Vocational training. **9J.**-(1) Access to vocational training that is connected to a contract of employment is permitted, provided that the applicant has access to the labour market in accordance with section 9I.

(2) Notwithstanding subsection (1), the Minister of Labour, Welfare and Social Insurance may, by way of a decision constituting a regulatory administrative act and which is published in the Official Gazette of the Republic, allow applicants to have access to vocational training irrespective of whether they have access to the labour market.

12 of 105(I) of 2016. General rules on the coverage of material reception conditions for applicants. **9JA.**-(1) The Social Welfare Services provide material reception conditions to applicants residing in the areas controlled by the Government of the Republic in order to ensure an adequate standard of living, which guarantees their subsistence and protects their physical and mental health.

(2) Upon the making of an application, the person in charge of the area where applications are made refers the applicant to the respective competent District Welfare Office.

(3) Upon presentation of the confirmation of submission of an application, the applicant has the right to make an application for material reception conditions in a manner determined by the Director of the Social Welfare Services.

(4) The Social Welfare Services decide, on an individual basis, the total or partial rejection of an application for the grant of material reception conditions and the

total or partial suspension of the grant of material reception conditions if established that the applicant:

(a) Has sufficient resources that enable his subsistence and ensure an appropriate standard of living in terms of health, for example because he has worked for a reasonable period of time; or

(b) breaches a decision of the Minister as foreseen in section 9E and relates to the place of residence of the applicant, without prejudice to subsection (2)(b) of the same section.

(5) The competent authorities of the Republic ensure that the standard of living prescribed in subsection (1) is also met in the specific situation of vulnerable persons in accordance with section 9KC, as well as in the situation of persons who are in detention.

12 of 105(I) of 2016.  
Manner of providing  
material reception  
conditions.

**9JB.** –(1) Notwithstanding section 9IA, the material reception conditions referred to in paragraph (b) in the definition of the term “material reception conditions” in section 2(1) are offered in kind and/or in the form of vouchers:

Provided that where the provision in kind and/or in the form of vouchers is not possible, material reception conditions may be provided in the form of a financial allowance.

(2) Where material reception conditions are provided in the form of a financial allowance and/or in the form of vouchers:

(a) the amount thereof is determined in accordance with the level or levels established to ensure an adequate standard of living to Cypriot citizens, by virtue of the relevant legislation; and

(b) less favourable treatment may be provided to applicants as compared to Cypriot citizens, in particular where material support is partially provided in kind or where those levels that are provided to Cypriot nationals aim to ensure a standard of living higher than that prescribed for applicants under this Law.

12 of 105(I) of 2016.  
Medical care.

**9JC.** –(1) Upon presentation of the confirmation of an application submission, an applicant resident within the areas controlled by the government of the Republic and who does not have adequate resources, is entitled to –

(a) free medical care in all state medical institutes, including, at least, emergency care and essential treatment of illnesses and serious mental disorders; and

(b) free provision of necessary medical care or other assistance, including, where applicable, appropriate mental health care for an applicant with special reception needs.



(2) The Ministry of Health decides, on an individual basis, the complete or partial rejection of an application for the grant of medical care and/or assistance as per subsection (1) and the complete or partial suspension of the provision of the medical care and/or assistance as per subsection (1), where it is established that the applicant concerned has, for example because he has worked for a reasonable period of time, sufficient resources that enable his subsistence and ensure an appropriate standard of living in terms of health.

(3) It is rebuttably presumed that an applicant who resides in a reception centre or receives material reception conditions from the Social Welfare Services does not have sufficient resources.

12 of 105(I) of 2016. **9JD.**-(1) Where housing is provided in kind, it shall take one or a combination of the following forms:

(a) remises used for the purpose of housing applicants during the examination of an application for international protection made at the border or in transit zones;

(b) accommodation centres which guarantee an adequate standard of living;

(c) private houses, flats, hotels or other premises adapted for housing applicants.

(2) Where an applicant or a member of his family, at the time the application is made, informs the person in charge of the premises where applications are made, that they do not have and/or cannot ensure appropriate housing immediately, the said person in charge immediately informs the Asylum Service to take appropriate actions.

(3) Where housing is provided to an applicant, the competent authorities, as far as possible and following the applicant's consent, take appropriate measures to maintain the unity of his family located in the areas controlled by the Republic.

(4) The Asylum Service decides on the form of housing to be provided in kind. Where a decision is taken to provide housing in kind, either completely or partly in the form prescribed in subsection (1)(a) and/or (c)-

(a) The Asylum Service notifies the said decision to the Social Welfare Services, and

(b) the Social Welfare Services implement the said decision to the extent it concerns housing in kind in the above-mentioned form.

(5) The Asylum Service may delegate the decision-making competence under subsection (4) to an officer from another authority, subject to the consent of the said authority.

(6) Without prejudice to section 9F regarding detention conditions, where a decision is made to provide housing in the form prescribed in paragraph (a), (b) and/or (c) of subsection (1), the competent authorities shall ensure that-

(a) applicants are guaranteed protection of their family life;

(b) applicants have the possibility of communicating with relatives, legal advisers or counsellors, persons representing the United Nations High Commissioner for Refugees and other relevant national, international and non-governmental organisations and bodies;

(c) for the purpose of providing assistance to applicants, access is provided to family members, legal advisers or counsellors, persons representing the United Nations High Commissioner for Refugees and relevant non-governmental organisations recognised by law by the authorities of the Republic; limits on such access may be imposed only on grounds relating to the security of the premises and of the applicants.

(7) Where housing is provided to an applicant in the form prescribed in subsection (1)(a) or (b), the competent authorities -

(a) take into consideration specific concerns relating to gender and age, including the situation of vulnerable persons;

(b) take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment, within the premises and accommodation centres referred to in subsection (1)(a) or (b);

(c) ensure that minors have access to leisure activities, including play and recreational activities appropriate for their age, within the premises and accommodation centres referred to in subsection (1)(a) and (b), including outdoor activities.

(8) The competent authorities ensure, as far as possible, that dependent adult applicants with special reception needs are housed together with close adult relatives who are already present in the areas controlled by the Government of the Republic and who are responsible for them whether by law or by practice.

(9) The competent authorities ensure that transfers of applicants from one housing facility to another takes place only when necessary. In such a case, applicants shall be provided with the possibility to inform their legal advisers or counsellors of the transfer and of their new address.

12 of 105(I) of 2016  
Competent authority  
for accommodation  
centres.

**9JE.**-(1) Without prejudice to section 10(2B)(c), the Asylum Service has exclusive competence to refer and terminate the accommodation of applicants in an accommodation centre, the said competence may be delegated to an officer of another competent authority, subject to the consent of the said other authority.

2(a) of 116(I) of 2019.

(2) The Asylum Service is the competent authority for the establishment and operation of accommodation centres, and may-

73(I) of 2016. (a) Hire the services of other organisations to manage the operation of accommodation centres, in accordance with provisions of the Regulation for Public Procurement Procedures and the Related Issues Law and the Regulations issued pursuant thereunder, or

(b) delegate its competence, as prescribed in paragraph (a) to the European Funds Unit of the Ministry of Interior.

2(b) of 116(I) of 2019. (3) Notwithstanding the hiring or assignment of services by virtue of subsection (2), the Asylum Service shall supervise the smooth operation of the accommodation centres and the correct implementation of subsection (1)(b) and sub-section (2) of section, sections 9 to 9KI and section 10 (1B), (2), (2A), (2B), (2C), (2D) and (2E) and for this purpose it may issue recommendations and directions to the organisations responsible for the management of the operation of accommodation centres, toward the better operation of such centres.

12 of 105(I) of 2016. **9JF.**-(1) The operation of an accommodation centre is governed by the following principles:  
General principles governing the operation of an accommodation centre.

(a) the ensuring to applicants of an adequate standard of living, which guarantees their subsistence and protects their physical and mental health;

(b) the housing of single men and women in different premises;

(c) the prohibition of referrals of unaccompanied minor applicants;

(d) the temporary stay of applicants until the creation of the necessary conditions for their residence outside an accommodation centre;

(e) the free movement of the applicants from and to the accommodation centre.

(2) Notwithstanding subsection (1)(c), the Head may refer for accommodation in a centre an unaccompanied minor applicant aged sixteen (16) or over, provided that:

(a) His accommodation in premises separate from those of adult applicants is ensured; and

(b) the application of section 9KC is ensured; and

(c) the Social Welfare Services examine the reception conditions at the accommodation centre and approve the unaccompanied minor's accommodation; and

(d) it is to the best interest of the unaccompanied minor, as foreseen in section 9KE(3).

12 of 105(I) of 2016. **9JG.**-(1) Accommodation centres are governed by the following operation rules:  
 Operation rules of  
 accommodation  
 centres.

(a) The Asylum Service grants to applicants an allowance on a monthly basis, the amount of which is determined by an order of the Council of Ministers published in the Official Gazette of the Republic, for the meeting of their immediate personal needs:

Official Gazette, Annex  
 Three (I): 14.8.2013  
 Official Gazette, Annex  
 Three (I):  
 30.12.2005  
 20.3.2009  
 12.7.2013.

Provided that, until such order is made, the order issued by virtue of Regulation 20(1)(b) of the Refugees (Reception Conditions of Applicants) Regulations of 2005 to 2013 applies, despite the repealing of such Regulations;

(b) supplies are provided for the preparation of breakfast and two ready meals per day, in accordance with the dietary requirements of the applicants;

(c) Free transport is provided to the urban centres in the morning and from the urban centres to the accommodation centres in the afternoon, as well as any other transport necessary or urgent under the circumstances;

(d) Medical care is provided by a healthcare institute as well by any other state healthcare unit, where treatment is necessary under the circumstances;

(e) applicants must -

(i) keep their rooms and the common use areas of the accommodation centres clean; and

(ii) not host persons who are not entitled to reside at the accommodation centre; and

(iii) comply with the internal operation rules of the accommodation centre as regards the smooth operation and maintenance of order therein.

(2) Applicants are entitled to participate in the management of material resources and non- material aspects of life in the accommodation centre through an advisory board or representative advisory body of residents, which collaborates with the competent authorities managing the accommodation centre.

12 of 105(I) of 2016. **9JH.** With the aim to make applicants independent from the accommodation centre as soon as possible, the Asylum Service ensures that the Social Welfare Services as well as other governmental services and non-governmental organisations provide applicants with -

(a) information and support in order to find appropriate housing and work, where this is necessary;

(b) support for psychosocial problems that are faced;

(c) support to organise their social life, to receive advice and to plan their future actions.

12 of 105(I) of 2016.  
Termination of stay at  
an accommodation  
centre.

**9JI.** (1) The termination of stay at a reception and/or accommodation centre is determined by the Head, in any of the following cases:

(a) with the voluntary departure of an applicant, if he has secured other appropriate housing conditions with his own resources;

(b) after the lapse of at least six (6) months from the referral of an applicant at an accommodation centre, where the accommodation centre is full beyond capacity and the referral of new applicants is necessary;

(c) due to repeated serious breaches of the operation rules of the accommodation centre by the applicant, where he does not comply with the directions of the staff of the accommodation centre;

(d) due to a particularly violent behaviour of the applicant either toward the staff of the accommodation centre or toward other applicants:

Provided that, in the cases foreseen in paragraphs (b), (c) and (d), the Social Welfare Services provide material reception conditions to the applicant by virtue of section 9JE.

(2) An applicant who departs from the accommodation centre informs the Asylum Service in writing, also stating at the same time his new address.

12 of 105(I) of 2016.  
Staff at  
accommodation  
centres.

**9K.** The staff at accommodation centres has appropriate training in relation to the needs of the applicants, both men and women as well as of the persons falling within the provisions of section 9KC, and is bound by the principle of confidentiality regarding any information that they know as a result of performing their duties pursuant to section 31B.

12 of 105(I) of 2016.  
Different reception  
conditions.

**9KA.** -(1) In duly justified cases, the Head may decide, by exception, to make material reception conditions enforceable which are different than those prescribed in section 9JD(1), (6), (8) and (9), in section 9JD(7)(a) and (b), in section 9JF(1)(b) and (c), in section 9JG(2) and in section 9K, for a reasonable time period which is as short as possible where:

a) an assessment of the specific needs of the applicant is required, in accordance with section 9KD; or

(b) housing capacities normally available are temporarily exhausted.

(2) The different reception conditions cover in all circumstances the basic needs and, where a decision is taken to provide different reception conditions for the reasons so referred:

(a) In subsection (1)(a), such conditions are notified in writing to the applicant concerned, explaining the reasons for such different reception conditions, and the time period for which they apply;

(b) in subsection (1)(b), such conditions are published in the Official Gazette of the Republic by way of a notification of the Head, which also specifies the time period for which they apply.

12 of 105(I) of 2016.  
Restriction or  
withdrawal of material  
reception conditions.

243 of 1990

5(III) of 2000

9(III) of 2010.

**9KB.** -(1) Without prejudice to the Convention on the Rights of the Child (Ratification) Law, the Head may, by way of a decision which is notified both to the applicant concerned and to the competent authorities for its implementation:

(a) reduce or, in exceptionally and duly justified cases, withdraw the material reception conditions where the applicant -

(i) does not comply either with the obligation to inform of a change of place of residence in accordance with section 8, or with a decision or a binding permit issued by virtue of section 9E, or

(ii) does not present himself for the personal interview arranged by the Asylum Service within two (2) weeks from the date of the arranged interview or does not respond to a request of the Asylum Service to provide information within the context of the procedure for the examination of his application within two (2) weeks from the date that he should have responded to the request to provide information, and does not provide satisfactory explanations for such actions of his, or

(iii) has made a subsequent application under section 16D:

Provided that, in the cases foreseen in subparagraphs (i) and (ii), when the applicant is traced or voluntarily reports to the Asylum Service, the Head shall take a duly reasoned decision, based on the reasons which led to the applicant's disappearance, on the renewal of the grant of some or all of the material reception conditions reduced or withdrawn-

(b) reduce or withdraw material reception conditions where an applicant has concealed financial resources, and has in consequence unduly benefited from material reception conditions;

(c) reduce material reception conditions when the applicant, for no justifiable reason, has not lodged an application as soon as reasonably practicable after arrival in the areas controlled by the Government of the Republic:

Provided that, in order to determine the aforementioned reasonably practicable time period as regards an applicant already residing in the areas controlled by the Government of the Republic under a different legal status, the Asylum Service takes into account the time period within which the applicant claims that the well-founded fear of being persecuted arose.

(2) Any decision of the Head on the reduction or withdrawal of material reception conditions pursuant to subsection (1) of this section or to end the stay of an applicant at an accommodation centre pursuant to section 9JI(1)(c) and (d), is taken individually, objectively and impartially, is duly reasoned and is notified to the applicant concerned. Such decision is based on the specific situation of the person concerned, especially with regard to persons covered by section 9KC, taking into account the principle of proportionality. Notwithstanding the provisions of this section and section 9JI(1)(c) and (d), in all circumstances a dignified standard of living and access to health care and assistance for all applicants is ensured in accordance with section 9JC.

(3) The Head, by way of a duly reasoned decision notified to the competent authorities to be implemented and taking into account the particular circumstances of each case, may renew the grant of some or all material reception conditions pursuant to this law.

(4) The material reception conditions are not withdrawn or reduced in the absence of a decision that meets the requirements of subsection (2).

12 of 105(I) of 2016. **9KC.** When implementing the provisions of sections 8(1)(b) and 8(2), sections 9A to 9KI and sections 10(1B), (2), (2A), (2B), (2C), (2D) and (2E), the competent authorities take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

12 of 105(I) of 2016. **9KD.** -(1) For the effective implementation of section 9KC, an individual assessment is required to establish whether a particular person is an applicant with special reception needs and, if so, to indicate such special reception needs. When carrying out the aforementioned assessment, an individual assessment is required to establish whether the same person is an applicant requiring special procedural guarantees and, if so, to identify his procedural needs and ensure that he receives the necessary support and special procedural guarantees. The said assessments are carried out without prejudice to the assessment of international protection needs in accordance with the provisions of this law.

(2) The individual assessments referred to in subsection (1) are carried out within a reasonable time period at the initial stages of the making of an application, without the extent of such assessment being limited necessarily to the provisions of the special form prescribed in paragraph (3)(a).

(3) For the effective implementation of this section-

(a) The person in charge of the place where applications are made completes a special form, the format of which is determined by the Head, and in which any special reception needs and/or procedural needs of the applicant as well as the nature of such needs are mentioned, where possible;

(b) within the framework of the initial medical screenings which the applicant undergoes under section 9G, the attending doctor, psychologist or any other specialist prepares a report on the presence of any special reception needs and/or procedural needs of the applicant as well as the nature of such needs.

(c) where an applicant is housed at an accommodation centre, the social workers and psychologists working therein ascertain, after conducting personal interviews with each resident within a reasonable period of time after admission to the accommodation centre, whether the residents of the accommodation centre have any special reception needs and/or procedural needs and they prepare a relevant report mentioning the nature of any such needs.

(d) the officers of the Social Welfare Services, in case an applicant appears before them, identify where possible, any special reception needs and/or procedural needs of the applicant and inform the Asylum Service in writing on the existence and nature of any such needs.

(e) where any competent authority of the Republic, while performing its duties pursuant to this law, ascertain the existence of any special reception needs and/or procedural needs of an applicant, is obliged to immediately inform the Asylum Service.

(4)(a) The forms and reports referred to in subsection (3) are immediately notified to the Asylum Service in a sealed envelope.

(b) The Asylum Service-

(i) decides, within a reasonable period of time, on the need to provide special reception needs and/or procedural needs, mentioning in the said decision the nature of such possible needs, after taking into consideration the information and data contained in the forms and in the reports referred to in subsection (3), and(ii) refers the applicant with special reception needs and/or procedural needs to the competent authorities for the purpose of implementation of subsection (6).



(c) If the Asylum Service deems it so necessary, it conducts a personal interview with the applicant in relation to his special reception needs and/or procedural needs and/or seeks advice from experts on specific issues.

(5) The provisions of this section also apply in the case where where the special reception needs and/or procedural needs appear at a later stage of the international protection procedure. Where the competent authority of the Republic, while performing its duties pursuant to this law, establishes at a later stage of the international protection procedure the existence of the special needs of the applicant, it is obliged immediately to inform the Asylum Service which decides on the need to provide special reception needs and/or procedural needs in accordance with the provisions of subsection (4).

(6) Where it is established that an applicant has special reception needs and/or procedural needs in accordance with this section, the competent authorities –

(a) provide support, which takes into account the special reception needs and/or procedural needs of the applicant during the whole international protection procedure; and

(b) ensure the appropriate monitoring of his situation.

(7) Only vulnerable persons as per section 9KC are deemed to have special reception needs and benefit from the special support provided in accordance with the provisions of this section.

12 of 105(I) of 2016. **9KE.** –(1) The Social Welfare Services have competence and responsibility for minor Minors. applicants.

(2) The best interests of the child are a primary consideration for the Social Welfare Services when implementing the provisions of this Law regarding minors. The Social Welfare Services ensure a standard of living adequate for the minor's physical, mental, moral and social development.

(3) In assessing the best interests of the child, the competent authorities take due account of, in particular, the following factors-

(a) family reunification possibilities;

(b) the minor's well-being and social development, taking into particular consideration the minor's background;

(c) safety and security considerations, in particular, where there is a risk that the minor may become a victim of human trafficking;

(d) the views of the minor in accordance with his or her age and maturity.

(4) The Social Welfare Services ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care is developed, and qualified counselling is provided, when needed.

(5) The Social Welfare Services ensure that the minor children of applicants or minor applicants reside with their parents, their unmarried minor siblings or with the adult responsible for them whether by law or by practice, provided it is in the best interests of the minors concerned.

12 of 105(I) of 2016. **9KF.**-(1) The Director of the Social Welfare Services ensures that persons who have been subjected to torture, rape or other serious acts of violence receive the necessary treatment for the damage caused by such acts and, in particular, access to appropriate medical and psychological treatment or care.

(2) Those working with victims of torture, rape or other serious acts of violence have and continue to receive appropriate training concerning the needs of minors and are bound by the principle of confidentiality in accordance with section 31B in relation to any information they obtain in the course of their work.

12 of 105(I) of 2016. **9KG.** Any adverse decision of a competent authority which constitutes an individual administrative act and concerns the grant, withdrawal or reduction of benefits by way of application of any provision of section 8(1)(b) and (2), sections 9 to 9KF and sections 10(1B), (2), (2A), (2B), (2C), (2D) and (2E) is taken on an objective and impartial basis and is duly reasoned.

12 of 105(I) of 2016. **9KH.** The Minister monitors and coordinates the correct implementation of section 8(1)(b) and (2), of sections 9 to 9KI and sections 10(1B), (2), (2A), (2B), (2C), (2D) and (2E), and for this purpose may issue guidelines to all competent authorities for the better implementation of the said sections.

12 of 105(I) of 2016. **9KI.** The Head, as a competent authority of the Republic, fulfils all obligations imposed on the Republic as a Member State of the European Union by the following articles of Directive 2013/33/EU-

(a) Article 27;

(b) Article 28, paragraph 2;

(c) Article 29, paragraph 1;

(d) Article 30, second indent.

4 of 24(I) of 2004. **10.** (1) Where the applicant is an unaccompanied minor, the authorities to which the application is made and/or the competent officer, immediately notify the Head

- Unaccompanied minor applicants. of any such case and the Head immediately notifies the Director of the Department of Social Welfare Services, who acts as a guardian of the said minor and takes all measures necessary pursuant to this Law and the Regulations issued under it, on account and in the interest of the minor.
- 9 of 112(I) of 2007. (1A) The best interests of the child are a primary consideration in the implementation of the provisions of this Law relating to international protection and minors.
- 13(a) of 105(I) of 2016. (1B) The Director of the Social Welfare Services takes action as soon as possible, in person or through an officer of the said Services, as representative and assistant of the unaccompanied minor in the procedures foreseen in this Law so as to ensure the best interests of the child, and, where necessary, to exercise legal capacity on behalf of the unaccompanied minor or to ensure the representation of the unaccompanied minor in court proceedings in accordance with the 2014 Law on the Commissioner for the Protection of the Rights of Children (Appointment of a Guardian by the Court as a representative of a child) Rule of Procedure.
- Annex Two,  
Part (I):  
5.12.2014
- 7 of 122(I) of 2009. (1C) The Asylum Service ensures that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, on the method by which the unaccompanied minor should prepare for the personal interview.
- 8(a) of 106(I) of 2016. (1D) Notwithstanding the provisions of section 18(1), the Asylum Service allows the representative and/or legal adviser to be present during the personal interview of the unaccompanied minor and to make questions or comments, within the framework determined by the competent officer conducting the interview.
- 7 of 122(I) of 2009. (1E) The Asylum Service may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.
- 7 of 122(I) of 2009. (1F) The Asylum Service ensures that –
- (a) the interview of the unaccompanied minor is conducted by a competent officer who has the necessary knowledge of the special needs of minors; and
- (b) such a competent officer prepares the decision on the application.
- 8(b) of 106(I) of 2016. (1Fsecond) The unaccompanied minor and his representative are provided with the legal and procedural information referred to in section 18(7C) free of charge, as well as information on the procedures for the revocation and withdrawal of international protection foreseen in sections 6, 6A, 6B and 19, respectively.
- 8(c) of 106(I) of 2016. (1G) (a) The Asylum Service may use medical examinations to determine the age of an unaccompanied minor within the framework of the examination of the application where, following general statements or other relevant indications, there are doubts concerning the applicant's age. If, following the performance of a

medical examination, there are still doubts concerning the age of the applicant, then the applicant shall be assumed a minor.

(b) Any medical examination shall be performed with full respect for the individual's dignity, shall be the least invasive examination and shall be carried out by qualified medical professionals allowing, to the extent possible, for a reliable result.

7 of 122(I) of 2009. (1H) where a medical examination is conducted in accordance with subsection (1G), the Asylum Service ensures that –

8(d) of 106(I) of 2016. (a) the unaccompanied minor is informed prior to the examination of his application, and in a language which he understands or is reasonably supposed to understand, of the possible use of medical examinations to determine age; including information on the method of the examination and the possible consequences of the result of the medical examination on the assessment of the application for international protection, as well as the consequences of refusal on the part of the unaccompanied minor to undergo medical examinations;

(b) the unaccompanied minor and/or his representative consent to a medical examination being carried out to determine the age of the unaccompanied minor concerned; and

(c) the decision to reject an application from an unaccompanied minor, who refused to undergo such medical examinations, is not based solely on this refusal.

7 of 122(I) of 2009. (1I) An unaccompanied minor's refusal to undergo medical examinations to determine age does not prevent the Head from taking a decision on the application of the unaccompanied minor.

13(b) of 105(I) of 2016. (2) The Director of the Social Welfare Services acts as soon as possible, either in person or through an officer of the said Services, as the representative and assistant of the unaccompanied minor so that the latter benefits from the rights and complies with the obligations prescribed in this law. The said Director immediately informs the unaccompanied minor of the specific person who is appointed to act as representative of the unaccompanied minor. The representative performs his duties in accordance with the principle of the best interests of the child as laid down in section 9KE(3), and has the necessary expertise for this purpose. In order to ensure the welfare and social development of the minor as mentioned in section 9KE(3)(b), the change of person acting as a representative occurs only when necessary. The said Director does not appoint as representative of an unaccompanied minor any person with conflicting interests or with interests that could conflict with those of the unaccompanied minor.

13(c) of 105(I) of 2016. (2A) The Head carries out regular assessments, including an assessment on the availability of the necessary means for the representation of the unaccompanied

minor. The Minister of Labour, Welfare and Social Insurance takes into account the said assessment, giving any relevant instructions to the Director of the Social Welfare Services and taking any other necessary measure for the effective representation of unaccompanied minors.

13(c) of 105(I) of 2016. (2B) The Director of the Social Welfare Services ensures that unaccompanied minor applicants, from the date their applications are made until the time they must leave the areas controlled by the Republic of Cyprus, are accommodated-

(a) Together with adult relatives; or

(b) with a foster family; or

(c) in accommodation centres with special provisions for minors which do not accommodate adults, and which operate and are monitored by the said Director; or

(d) in accommodation centres for adult applicants, provided that the unaccompanied minors are sixteen (16) years old or over and the Head agrees to this acting in accordance with the provisions of section 9JF(2); or

(e) in other lodgings suitable for minors.

13(c) of 105(I) of 2016. (2C) The Director of the Social Welfare Services ensures that -

(a) to the extent possible, siblings are kept together, taking into account the best interests of the minor concerned and, in particular, age and degree of maturity; and

(b) changes of residence of unaccompanied minors are limited to a minimum.

13(c) of 105(I) of 2016. (2D) The Director of the Social Welfare Services starts tracing, as soon as possible after the application for international protection is made, the family members of the unaccompanied minor, if necessary with the assistance of international or other relevant organisations, whilst protecting the best interests of the unaccompanied minor. In cases where there may be a threat to the life or integrity of the minor or his close relatives, particularly if they have remained in the country of origin, the Director of the Social Welfare Services ensures that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety.

13(c) of 105(I) of 2016. (2E) Those working with unaccompanied minors have and continue to receive appropriate training concerning the needs of minors and are bound by the principle of confidentiality in relation to any information they obtain in the course of their work, in accordance with the provisions of section 31B.

8(f) of 106(I) of 2016. (2F) When a person is identified as an unaccompanied minor during the international protection procedure, the Asylum Service may-

(a) Examine the application in accordance with the accelerated procedure foreseen in section 12D only where:

(i) the applicant comes from a country which satisfies the criteria to be considered a safe country of origin, within the meaning of this law, or

(ii) the applicant made a subsequent application which is not inadmissible pursuant to section 16D(3)(d); or

(iii) the applicant may, due to serious reasons, be considered dangerous for national security or public order in the Republic, or have been expelled by force due to serious reasons of national security or public order in accordance with Cypriot legislation;

(b) consider that the application is inadmissible in accordance with section 12B fourth(2)(c), where a country other than a Member State is considered to be a safe third country for the applicant, in accordance with section 12B, provided that this is in the best interests of the minor.

9 of 106(I) of 2016.  
Applicants in need of  
special procedural  
guarantees.

**10A.** -(1) The Asylum Service, within a reasonable period of time after an application is made, establishes whether the applicant is an applicant in need of special procedural guarantees in accordance with section 9KD.

(2) Where the Asylum Service establishes that an applicant is in need of special procedural guarantees, it provides adequate support in accordance with 9KD(6), including adequate time, so that he can benefit from the rights and comply with the obligations of this Law throughout the duration of the international protection procedure and enable him to present the evidence required to substantiate the application.

(3)(a) When adequate support cannot be provided within the framework of the procedures prescribed in section 12D(4), in particular where it is established that the applicant is in need of special procedural guarantees as a result of torture, rape or other serious forms of psychological, physical or sexual violence, the Head decides not to implement or to cease the implementation of section 12D(4) with regard to the applicant concerned.

(b) If the Head decides, in accordance with paragraph (a) of this subsection, not to implement or to cease the implementation of section 12D(4) with regard to a specific applicant, and the said applicant -

(i) intends to submit an application to the Administrative Court as per section 8(1A), the Head ensures that the said applicant is provided with the necessary interpretation and legal assistance and at least a time period of one (1) week to prepare his application and submit his arguments to the Administrative Court in favour of the recognition of his right to stay in the territory of the Republic, pending the determination of the recourse at first instance.

(ii) submits an application to the Administrative Court as prescribed in section 8(1A), within the framework of the examination of the application the Administrative Court examines the questions of fact and of law of the Head's decision in relation to the applicant referred to in section 8(1A).

(4) This section also applies where the need for special procedural guarantees emerges at a later stage of the international protection procedure, without the need to repeat the previous stages of this procedure. In any case, the effort to identify applicants in need of special procedural guarantees takes place before the Head decides on the application.

6 of 58(I) of 2014

### PART III

#### GRANTING OF REFUGEE STATUS, SUBSIDIARY PROTECTION AND TEMPORARY PROTECTION STAY

10 of 106(I) of 2016.  
Making, registering and  
lodging an application.

**11.** –(1) An application is addressed to the Asylum Service.

(2)(a) An application is made within the Republic, at the relevant Unit and when the applicant is detained or imprisoned, at the detention centre or at the prison or at the place for detention of prohibited migrants where held. Where the applicant is not in a position to make his application in writing, he may make it orally to the person in charge of the place where applications are made; the person in charge ensures the registration of the application in the form determined by the Head. The person in charge of the place where applications are made registers the application the latest within three (3) working days after the application is made and refers it immediately to the Asylum Service for examination.

(b) If the application is made to authorities which are likely to receive such applications without however being competent authorities for the place where applications are made pursuant to paragraph (a), the said authorities ensure that the application is registered the latest within six (6) working days after the application is made.

(c) Notwithstanding paragraphs (a) and (b), when a large number of simultaneous applications from third country nationals or stateless persons makes it difficult in practice to meet the time limit for registering applications as foreseen in any of the said paragraphs, such applications are registered the latest within ten (10) days after they are made.

(3) The Minister ensures as regards the authorities referred to in paragraph (b) of subsection (2), that the staff of the Department hold the relevant information and that their personnel receive the necessary level of training which is appropriate to

perform their tasks and responsibilities and instructions to inform applicants as to where and how applications for international protection may be lodged.

(4)(a) An applicant lodges his application within six (6) working days from the date it was submitted at the place referred to in paragraph (a) of subsection (2), provided that he is given the opportunity to do so within the said time limit.

(b) The lodging of an application is done by the applicant submitting a relevant form to the person in charge of the place referred to in paragraph (a) of subsection (2).

(c) When the applicant does not lodge his application in accordance with paragraph (a) and (b) of this subsection, the Head takes a decision in accordance with section 16B, which becomes enforceable *mutatis mutandis*.

(5) Every adult is entitled to make an application in person:

Provided that, if the Director of the Social Welfare Services considers that any adult who intends to submit an application or is an applicant has no legal capacity, the said Director acts as soon as possible either in person or through an officer of the Social Welfare Services as a representative and assistant of the said adult.

(6)(a) An applicant has the right to make an application on behalf of his dependants, provided that the adult dependents consent to the lodging of the application on their behalf. The aforementioned consent is requested at the time the application is lodged or, at the latest, during the personal interview with the dependent adult. Before consent is requested, each dependent adult shall be informed in private by the person in charge of the place where applications are made of the relevant procedural consequences of the lodging of the application on his behalf and of his right to make a separate application for international protection.

(b) If the adult dependents do not consent to their applications to be lodged on their behalf by the applicant, the said adult dependents have the right to make separate applications.

(c) Notwithstanding section 10, a minor has the right to make an application either in person, if he has legal capacity to take part in the procedures under Cypriot law, or through his parents or other adult family members, or through an adult responsible for him by the law or practice of the Republic, or through a representative.

(d) The Director of the Social Welfare Services may lodge an application on behalf of an unaccompanied minor if, based on an individual assessment of the personal circumstances of the latter, he or she deems that the minor may need international protection in accordance under this Law.

(7) The applicant is obliged during the entire examination of application procedure to inform the Unit of the birth of new members of his family and/or of new persons



dependent on him and to attach a relevant birth certificate. The Unit must inform the Asylum Service and the Director accordingly.

8) During the making of his application, the applicant is informed in a language that he understands or that he is reasonably supposed to understand, of his rights and obligations as an applicant as foreseen in this law, of the procedure for the examination of his international protection application and of the rights and obligations he has in relation to this procedure, and in particular to this end, is informed of-

(a) the right to free assistance of an interpreter, in his language or in a language he understands if no interpreter is available in his mother tongue;

(b) the right to call a lawyer or a legal adviser to assist him during the whole procedure;

(c) the right, at all stages of the procedure for the examination of the application, to contact the representative of the United Nations High Commissioner for Refugees or other organisations in accordance with section 7(3);

(d) the right to contact other organisations that deal with refugees;

(e) the consequences of non-compliance with obligations and non-collaboration with the authorities of the Republic;

(f) the time limits and the means available to him in order to comply with the obligation to submit evidence in accordance with section 16;

(g) the consequences of an implicit withdrawal or abandonment of an application in accordance with section 16B, or of an explicit withdrawal of the application in accordance with section 16C.

(9) The applicant has the right to consult, at his own expense and in a substantial manner, a lawyer or a legal adviser on issues relating to his application at all stages of the procedure for the examination of the application, even following a negative decision of the Head.

7 of 9(I) of 2004. Taking fingerprints of applicants. **11A. (1)** During the making of an application fingerprints shall be taken of every applicant aged at least 14 years and any dependent of the said applicant aged at least 14 years.

138(I) of 2001  
37(I) of 2003. (2) The applicant, as regards the taking of his fingerprints, has all the rights deriving from the data subject from the Processing of Personal Data (Protection of Individuals) Laws of 2001 and 2003.

8 of 9(I) of 2004. Procedures in relation to Dublin provisions. **11B. (1) Deleted by 14(a) of 105(I) of 2016.**  
**(2) Deleted by 14(a) of 105(I) of 2016.**

(3) The submission of an administrative recourse to the Reviewing Authority, in accordance with the provisions of Section 28E, does not have suspensive effect as regards the execution of the transfer of the applicant to the Member State responsible to examine the application pursuant to the provisions of Dublin, unless the Reviewing Authority decides otherwise.

**[Paragraph (3) was deleted by 14(b) of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

11 of 106(I) of 2016. Information, interpretation and counselling at detention centres and border crossing points. **11C.**(1) When there are indications that a third country national or a stateless person who is in a detention centre or at a border crossing point, including the transit zones at external borders, wishes to make an application, the Police or any other competent authority of the Republic responsible for the detention facility or the border crossing point, where the third country national or stateless person is found, provides information in relation to the possibility to do so. At the said detention centre and crossing point, the Police or any other competent authority of the Republic responsible for the detention facility or the crossing point, provides interpretation arrangements to the extent necessary to facilitate access to the international protection procedure.

(2)(a) The Police or any other competent authority of the Republic responsible for the border crossing point, including the transit zones at external borders where applicants are found, provides effective access to organisations and persons providing information and counselling to applicants.

(b) Paragraph (a) applies in relation to organisations and persons with which the authorities of the Republic conclude agreements for this purpose.

(3) The Police or any other competent authority in the Republic responsible for the border crossing points, including transit zones at external borders, where applicants are found, may by way of a decision in writing restrict the right of access prescribed in subsection (2) where it considers that such restriction is objectively necessary for the security, public order or administrative management of the specific border crossing point, so long as the said access is not excessively restricted or becomes impossible.

Manifestly unfounded applications. **12. Repealed by Section 9 of 122(I) of 2009.**

10 of 53(I) of 2003. Countries in which there is generally no serious risk of persecution. **12A.** –(1) Countries in which there is generally no serious risk of persecution means countries where it is clearly shown, in an objective and verifiable way, that refugees are not generated or where the circumstances which might in the past have justified resort to this Law and the Convention have ceased to exist.

(2) The points below should be taken into consideration cumulatively for the designation of any country as a country in which generally there is no serious risk of persecution-

(a) the number of asylum-seekers and recognised refugees who possess the nationality of such country;

(b) the country's formal obligations arising from its accession to international human rights conventions and the practical observance of those obligations;

(c) the existence and operation of statutory democratic bodies, the holding of elections for the appointment of officials, respect to freedom of expression and thought as well as the possibility of recourse to remedies for the protection and effective exercise of fundamental rights and freedoms;

10 of 9(I) of 2004 (d) The stability of social and political life of the country, taking into account any significant changes anticipated in the immediate future.

(3) Applications by persons who possess the nationality of a country which is regarded as a country in which there is generally no serious risk of persecution may be examined, at the discretion of the competent officer, in accordance with the accelerated procedure foreseen in section 12D, unless the evidence submitted by the applicant in accordance with the provisions of the following subsection negate the general assessment of this country, in which case the application is examined in accordance with the regular procedure under section 13.

(4) Notwithstanding the designation of a country as a country in which there is generally no serious risk of persecution, every application for recognition of a person as a refugee submitted by a person who possesses the nationality of such country or, in the event of statelessness, has habitual residence in such country, will be examined individually on the basis of the evidence submitted by the applicant.

10 of 53(I) of 2003. **12B.** —(1) For the purposes of this Law, a country is considered as a safe third country for a specific applicant when treatment in the given country cumulatively meets the following conditions:  
Safe third country.  
12(a) of 106(I) of 2016.

(a) Life and freedom are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;

(b) there is no risk of serious harm within the meaning of section 19(2);

(c) the principle of non-refoulement in accordance with the Convention is respected;

(d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and

(e) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Convention.

- 11(b) of 9(I) of 2004. (2) When the concept of safe third country may be applied to an application it may be examined, at the discretion of the competent officer, in accordance with the accelerated procedure under section 12D.
- 10(c) of 122(I) of 2009. (3) The application of the concept of safe third country is subject to the following rules:
- (a) a connection between the applicant and the third country is required, and based on this connection it would be reasonable for the applicant to go to the given third country;
- 12(b) of 106(I) of 2016. (b) the Head examines on an individual basis whether a third country is safe for the specific applicant and/or, by way of a notification published in the Official Gazette of the Republic, determines the countries considered to be generally safe;
- 15 of 105(I) of 2016. (c) the Head examines on an individual basis, in accordance with international law, the extent to which a third country is safe for the specific applicant, who may challenge by way of a recourse to the Administrative Court pursuant to Article 146 of the Constitution the application of the safe country concept when-
- (i) invoking as a reason the fact that the third country is not safe under the specific circumstance in which he finds himself, or
- (ii) questioning the existence of a connection between him and the third country in accordance with the provisions of paragraph (a).
- 10(c) of 122(I) of 2009. (4) When a decision of the Head is based solely on the safe third country concept, the Asylum Service informs the applicant accordingly and provides him with a document which informs the authorities of the third country, in an official language of the given country, that the application of the applicant has not been examined in substance.
- 12(c) of 106(I) of 2016.
- 10(c) of 122(I) of 2009. (5) When the third country does not permit the applicant to enter its territory, the applicant has the right to address a new application to the Asylum Service to be examined in accordance with the procedures and guarantees of this Law.
- 10(c) of 122(I) of 2009. (6) The Head informs the Commission periodically of the countries considered as safe third countries in accordance with the provisions of this section.
- 11 of 122(I) of 2009. 12Bsecond. –(1) For the purposes of this Law, a safe European third country means a country which cumulatively meets all the following conditions:
- Safe European third country.
- (a) it has ratified and observes the provisions of the Convention without geographical limitations;

(b) it implements an asylum procedure prescribed by law;

13(a) of 106(I) of 2016. (c) it has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and observes its provisions, including the standards relating to effective remedies.

13(b) of 106(I) of 2016. (2) An application may be examined at the discretion of the competent officer in accordance with the accelerated procedure as foreseen in section 12D if the competent officer establishes, based on the facts, that the applicant aims to enter illegally or has just entered the Republic illegally from a European safe third country.

(3) The Head may decide not to apply the safe European third country concept to a particular application on humanitarian grounds or for policy reasons or for reasons of compliance with the public international law.

(4) When the Head takes a decision, which is based solely on the concept of a European safe third country, the Asylum Service informs the applicant accordingly and provides him with a document which informs the authorities of the European safe third country, in the official language of the given country, that the application of the applicant has not been examined in substance.

13(c) of 106(I) of 2016.

13(d) of 106(I) of 2016. (5) When the safe European third country does not accept the readmission of the applicant, the applicant may submit a new application to the Asylum Service to be examined in accordance with the procedure and guarantees of this law.

13(e) of 106(I) of 2016. (6) In the case of a decision of the Head based on the European safe third country concept, the applicant has the right to challenge the said decision by way of recourse to the Administrative Court by virtue of Article 146 of the Constitution on the grounds that the conditions in the specific third country are not safe in relation to his particular circumstances. The Asylum Service informs the applicant of his aforementioned right and of the deadline to submit the given a recourse.

13(e) of 106(I) of 2016. (7) The Head informs the Commission periodically in relation to the countries considered to be European safe third countries, in accordance with the provisions of this section.

14 of 106(I) of 2016.

Safe country of  
nationality.

**12Bthird.** –(1) For the purposes of the examination of applications, the Minister may by way of an order designate a country as a safe country of nationality provided that he is satisfied, based on the legal situation, the implementation of the law within a democratic system and of the general political conditions, that in the designated country generally and permanently there are no acts of persecution in accordance with section 3C, neither torture nor inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.

(2) In assessing a country as a safe country of nationality, with a view to its possible designation or declassification as such in accordance with this section, account is

taken *inter alia* of the extent to which protection is provided against persecution or ill-treatment through:

(a) the relevant primary and secondary legislation of the country and the manner it is applied;

(b) observance of the rights and freedoms laid down -

(i) in the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular, the rights from which derogation cannot be made under Article 15(2) thereof, and

(ii) the International Covenant on Civil and Political Rights, and

(iii) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) respect for the non-refoulement principle in accordance with the Convention;

(d) provision of a system of effective remedies against violations of the aforementioned rights and freedoms.

(3) The assessment of whether a country is a safe country of nationality, in accordance with this section, is based on a range of sources of information, including in particular information from other Member States, the European Asylum Support Office, the United Nations High Commissioner for Refugees, the Council of Europe and other relevant international organisations.

(4) The research, collection of information and preliminary assessment on whether a country is to be designated or declassified as a safe country of nationality in accordance with this section is carried out by the Asylum Service, which submits a relevant recommendation to the Minister.

(5) The Head notifies the Commission of any order issued by the Minister pursuant to this section to the Commission.

(6) A third country designated as a safe country of nationality in accordance with this section may, after an individual examination of the application, be considered as a safe country of nationality for a particular applicant only if the applicant –

(a) has the nationality of that country, or

(b) is a stateless person and formerly had his habitual residence in that country,

and has not submitted any serious grounds to consider that the given country is not a safe country of nationality in his particular case and in terms of his qualification as a beneficiary of international protection.

(7) An application made by a person who holds the nationality of country designated as a safe country of nationality in accordance with this section and an application made by a stateless person whose country of former habitual residence has been designated as a safe country of nationality in accordance with this section, may be examined at the discretion of the competent officer in accordance with the accelerated procedure foreseen in section 12D, unless the applicant provides reasonable grounds based on which he considers that the safe country of nationality is not a safe country of nationality in his particular circumstances, in which case the application is examined in accordance with the regular procedure of section 13.

(8) For the purpose of implementation of this section, the Asylum Service gives the applicant the opportunity to provide grounds based on which he believes that the safe country of nationality is not a safe country of nationality in his particular circumstances.

(9) In the case where the Head considers a third country as a safe country of nationality for a particular applicant under subsection (6), the Asylum Service informs the applicant of the decision of the Head and of the right of the applicant to contest the application of the concept of safe country of nationality in his particular circumstances and to challenge the decision of the Head before the Administrative Court pursuant to Article 146 of the Constitution, and of the deadline to submit the given a recourse.

(10)(a) The order of the Minister issued under subsection (1) is reviewed at least once a year. The relevant research, collection of information and preliminary assessment is carried out by the Asylum Service which submits a specific recommendation to the Minister in relation to the review of the order.

(b) When the Minister establishes a significant change in the human rights situation of a country which he has been designated as safe, he re-examines as soon as possible and, if necessary, reviews the designation of the country as safe in accordance with paragraph (a).

(11) When implementing subsections (1), (2), (4), (6) and (10), taken into account are *inter alia* the guidelines and operational manuals and the information on countries of nationality and activities, including the European Asylum Support Office Country of Origin Information report methodology on report submissions referred to in Regulation (EU) No 439/2010, as well as relevant guidelines of the United Nations High Commissioner for Refugees.

(12) Every order which the Minister issues in accordance with this section is published in the Official Gazette of the Republic.

16 of 105(I) of 2016.  
Inadmissible  
applications.

**12Bfourth.** –(1) Without prejudice to cases where an application is not examined in accordance with Regulation (EU) No 604/2013, in the case that an application is deemed to be inadmissible pursuant to subsection (2), the Head closes the file and discontinues the examination procedure by a decision taken and registered in the

file without applying the provisions of sections 12D and 13, and to any such decision the provisions of section 18(7) to (7E) are applicable.

(2) Without prejudice to the Convention, the Asylum Service may consider an application as inadmissible only if-

(a) International protection has been granted by another Member State; or

(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to section 12B; or

(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to section 12B; or

(d) the application is a subsequent application in the context of which no new evidence has been submitted by the applicant or no new elements or findings relating to the assessment of whether the applicant qualifies as a beneficiary of international protection have arisen; or

(e) a person dependent on the applicant, despite consenting to the lodging of an application on his behalf in accordance with section 11(6)(a), at a later date lodged in person a separate application, and there are no facts relating to the situation of this dependant person which justify the making of such a separate application.

4 of 80(I) of 2018.

(3) Without prejudice to Article 5 of Regulation (EU) No. 604/2013, before the Head decides on the admissibility of an application in accordance with this section, the Asylum Service allows an applicant to present his views as regard the application of the grounds foreseen in subsection (2) in his particular circumstances. For this purpose, the Asylum Service conducts a personal interview on the admissibility of the application.

11 of 122(I) of 2009. First country of asylum. 12B. –(1) For the purposes of this Law, first country of asylum for a particular applicant means a country which –

(a) recognised the applicant as a refugee and continues to provide the relevant protection, or

(b) provides the applicant with other sufficient protection which includes the application of the principle of non-refoulement,

provided that the applicant will be readmitted to that country.

(2) An application which may be related to the first country of asylum may be examined at the discretion of the competent officer with the accelerated procedure provided for in section 12D.

16 of 106(I) of 2016. (3) The Asylum Service informs the applicant of the right to contest the application of the concept of safe country of asylum in his particular circumstances, by



challenging the decision of the Head before the Administrative Court pursuant to Article 146 of the Constitution, and of the deadline to submit the given a recourse.

10 of 53(I) of 2003. Internal relocation. 9(a) of 59(I) of 2014. **12C.** –(1) When making a decision on an application, the Head may decide that the applicant does not need international protection if in a part of his country of nationality-

(i) there is no well-founded fear of persecution or of a real risk of suffering serious harm, or

(ii) he has access to protection against persecution or serious harm as defined in section 3B,

and he can legally and safely travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

**(2) Repealed by 9(b) of 59(I) of 2014.**

9(c) of 59(I) of 2014. (3) When examining if an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or that he has access to protection against persecution or serious harm in a part of the country of origin in accordance with subsection (1), the Head, when deciding on an application, takes into account the general circumstances prevailing in the said part of the country and the personal circumstances of the applicant in accordance section (2)(a), section 16(3) and sections 18(3), (4) and (5). To this end, precise and up-to-date information from relevant sources, such as the United Nations High Commissioner for Refugees and the European Asylum Support Office, is taken into account.

**(4) Repealed by 9(d) of 59(I) of 2014.**

13 of 9(I) of 2004. Accelerated procedure of examination of applications. 12(a) of 122(I) of 2009. 17(a) of 106(I) of 2016. **12D.** (1) As a matter of priority and no later than thirty days from the date the application is made, the Head examines in accordance with the accelerated procedure foreseen in this section those applications which at the discretion of the competent officer fall within the provisions of sections 12A, 12B, 12Bsecond, 12Bthird, 12Bfourth, 12Bfifth and/or subsection (4) of this section.

12(b) of 122(I) of 2009. (2) During the examination of an application, the competent officer proceeds with a personal interview of the applicant, following which he submits a report to the Head with the facts of the case and his findings regarding the application of the provisions of sections 12A, 12B, 12Bsecond, 12Bthird, 12Bfourth, 12Bfifth and/or subsection (4) of this section.

(3) The Head, following an examination of the report of the competent officer, may, by way of a decision:

(a) Recognise the applicant as a refugee;

(b) return the application to the competent officer to follow the regular procedure of asylum applications examination pursuant to section 13; or

3 of 142(I) of 2020. (c) reject the application pursuant to the provisions of sections 12A, 12B, 12Bsecond, 12third, 12fourth, 12fifth and/or subsection (4) of this section and to issue a return and/or removal decision and/or deportation order, which is an integral part of the decision, pursuant to the provisions of Aliens and Immigration Law-

Provided that, the enforcement of the return and/or removal order and/or deportation order is without prejudice to the provisions of section 4 and 8.

17(b) of 106(I) of 2016. (4) An application may be examined at the discretion of the competent officer in accordance with the accelerated procedure foreseen in this section, provided that there is compliance with the principles and guarantees of this Law in relation to the examination of applications, in any of the following cases:

5 of 80(I) of 2018 (a) the applicant, in making his application and presenting the facts, has only raised issues that are not relevant to the examination of whether he qualifies for international protection status;

(b) the applicant is from a safe country of nationality within the meaning of section 12Bthird;

(c) the applicant has misled the authorities of the Republic by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity and/or nationality that could have had a negative impact on the decision;

(d) it is likely that the applicant, in bad faith, has destroyed or disposed of identity or travel document which would have helped establish his identity or nationality;

(e) the applicant has made clearly inconsistent and contradictory or clearly false or obviously improbable representations which contradict sufficiently verified country of origin information, thus making his claim clearly implausible in relation to whether he meets the conditions required to qualify as a beneficiary of international protection by virtue of this Law;

(f) the applicant has made a subsequent application for international protection that is not considered inadmissible as per section 16D(3)(d);

(g) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his deportation/ removal; or

(h) the applicant entered the territory of the Republic unlawfully or prolonged his stay unlawfully and, without good reason, has not presented himself to the

authorities or made an application as soon as possible, taking into account the circumstances of his entry;

(i) the applicant may, for serious reasons, be considered a risk to national security or public order, or the applicant has been forcibly expelled for serious reasons of public security or public order;

(j) the applicant refuses to comply with the obligation to have his fingerprints taken in accordance with Regulation (EU) No 603/20133.

17(c) of 106(I) of 2016. (5)(a) The examination of an application under this section is concluded as soon as possible, without prejudice to ensuring an adequate and complete examination.

(b) The thirty-day (30) time limit foreseen in subsection (1) may be extended by the Head, following a recommendation of the competent officer, for a period not exceeding two (2) months, provided that the Head considers that this is necessary for an adequate and complete examination of the application.

(c) Where, at the discretion of the Head, the accelerated examination procedure foreseen in this section does not ensure an adequate and complete examination of the application, the Head acts in accordance with section (3)(b).

18 of 106(I) of 2016. **12E.** –(1) Without prejudice to the fundamental principles and guarantees foreseen in this Law in relation to the examination of applications, the competent officer gives priority to the examination of any application over other previously made applications, particularly:

(a) When the application is likely to be deemed well-founded; or

(b) when the applicant is an applicant with special reception needs in accordance with section 9KD or is an applicant in need of special procedural guarantees, particularly if he is an unaccompanied minor.

(2) The application is examined in accordance with section 13.

4 of 142(I) of 2020. **12F.** An application is rejected as manifestly unfounded if it is determined that the applicant does not meet the conditions to qualify as a refugee or to be entitled to subsidiary protection and any of the aforementioned circumstances listed in section 12D(4) concurrently apply.

15 of 9(I) of 2004. **13.** –(1) During the regular procedure of examination of applications, the competent officer examines the application and proceeds with a personal interview of the applicant, except in those cases where such interview has already taken place by virtue of section 12D(2).

(2) The Head, following the examination of the report of the competent officer, may, by way of a decision:

(a) Recognise the applicant as a refugee;

(b) grant to the applicant the status subsidiary protection;

(c) **Repealed by 7 of 58(I) of 2014.**

5 of 142(I) of 2020.

(d) reject the application and issue a decision for return and/or removal and/or a deportation order, which constitutes an integral part of the decision, pursuant to the Aliens and Immigration Law-

Provided that, the enforcement of the return and/or removal decision and/or deportation order is without prejudice to the provisions of sections 4 and 8

(3) The Head, where he deems the interview of the competent officer interview inadequate, may request that the interview be repeated.

(4) The Head, when taking a decision under subsection (3), gives to the applicant the benefit of the doubt, provided that the applicant has submitted all evidence available to him in relation to his application, which have been checked, and the competent officer and/or the Head are satisfied that the applicant is generally credibility.

13 of 122(I) of 2009.

(5) The Asylum Service ensures the completion of the examination of the application under the regular procedure as soon as possible, without prejudice to ensuring an adequate and complete examination.

19(a) of 106(I) of 2016.

(6)(a) Without prejudice to paragraphs (b) and (c) of this subsection, the Asylum Service ensures that the procedure for the examination of the application is concluded within six (6) months from the lodging of the application, whether the procedure foreseen in this section or the procedure foreseen in section 12D is followed.

(b) Where the Head cannot take a decision within six months from the lodging of the application, the Asylum Service has the obligation:

(i) To inform the applicant of the delay; and

(ii) to provide, upon request, information on the reasons for the delay and the timeframe within which the decision on the application is to be expected.

(c) When an application is subject to the procedure of Regulation (EU) No 604/2013 and the Republic has been determined in accordance with the Regulation to be the responsible Member State for the examination of the applicant's application, the time limit of (6) six months starts from the moment the applicant is in the areas

controlled by the Government of the Republic and has been taken over by the Asylum Service.

19(b) of 106(I) of 2016. (7) Notwithstanding subsection (6), the Head may extend the time limit of six (6) months prescribed in the said subsection for a period not exceeding a further nine (9) months in any of the following cases:

(a) When complex issues of fact and/or law are involved;

(b) a large number of third-country nationals or stateless persons simultaneously apply for international protection, making it very difficult in practice to conclude the procedure within the six-month time limit;

(c) the delay may be clearly attributed to the applicant's failure to comply with his obligations under section 16.

19(b) of 106(I) of 2016. (8) By way of exception, the Asylum Service may, in duly justified cases, exceed the time limits laid down in subsection (7) by a maximum of three (3) months deemed where necessary by the Head in order to ensure an adequate and complete examination of the application.

19(b) of 106(I) of 2016. (9) Without prejudice to section 18A(1) and section 19(1), the Head may decide to postpone the conclusion of the examination procedure where the Asylum Service cannot reasonably be expected to decide within the time limits laid down in subsections (6), (7) and (8) due to an uncertain situation in the country of nationality which is expected to be temporary. In such a case, the Asylum Service-

(a) Reviews the situation in the country of nationality at least every six (6) months; and

(b) informs the applicant concerned within a reasonable time of the reasons for the postponement of the conclusion of the examination procedure; and

(c) informs the Commission within a reasonable time of the Head's decision to postpone the conclusion of the examination procedure for the specific country of nationality.

19(b) of 106(I) of 2016. (10) In any event, the Asylum Service concludes the application examination procedure within a maximum time limit of twenty-one (21) months from the lodging of the application.

14 of 122(I) of 2009. **13A.** –(1) Before a decision on an application is taken by the Head, the Asylum Service provides the applicant with an opportunity of a personal interview on the substance of his application which is conducted by a competent officer. The Asylum Service provides the opportunity of such a personal interview to every adult who is a dependant person of the applicant where the applicant filed an application in the name of such dependent person.

Personal interviews of applicants and dependants.

20(a) of 106(I) of 2016.

20(b) of 106(I) of 2016. (1A) When simultaneous applications by a large number of third-country nationals or stateless persons make it impossible in practice for the Asylum Service to conduct timely interviews on the substance of each application, the Council of Ministers may by way of an order published in the Official Gazette of the Republic, foresee that experts from other Member States deployed by the European Asylum Support Office or from any other relevant organisation, may temporarily be involved in conducting such interviews:

Provided that, the staff other than that of the Asylum Service may—

(a) participate in conducting the aforementioned interviews if they have received in advance the relevant training including everything stipulated in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010; and

(b) conduct personal interviews of applicants provided that they also have acquired or have been trained to have acquire general knowledge of problems which could adversely affect an applicant's ability to be interviewed, such as indications that the applicant may have been tortured in the past.

20(c) of 106(I) of 2016. (2) Notwithstanding the provisions of subsection (1), the personal interview may be omitted when—

(a) the Head is able to take a positive decision on the status of the applicant on the basis of available evidence; or

(b) the Asylum Service is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his control. When in doubt, the Asylum Service may consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature.

20(c) of 106(I) of 2016. (3) When the Asylum Service does not provide the opportunity of a personal interview to the applicant in accordance with subsection (2)(b), or to a person dependent on the applicant, reasonable efforts shall be made to allow the applicant or the dependant to submit further information.

20(c) of 106(I) of 2016. (4) The absence of a personal interview in accordance with this section does not prevent the Head from taking a decision on an application.

20(c) of 106(I) of 2016. (5) The absence of a personal interview pursuant to paragraph 2(b) does not adversely affect the decision of the Head.

(6) Notwithstanding the provisions of sections 16B(1) and (2), when deciding on the application, the Head may take into account the fact that the applicant failed to appear for the personal interview, unless he had good reasons for the failure to appear.

(7) Notwithstanding section 18(1), a personal interview normally takes place without the presence of family members, unless the Asylum Service considers that their presence is necessary to conduct an appropriate examination.

(8) A personal interview is conducted under conditions which ensure appropriate confidentiality.

20(d) of 106(I) of 2016.

(9) The Asylum Service takes appropriate steps to ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, the Asylum Service ensures that:

(a) the officer who conducts the interview has the appropriate qualifications to take account of the personal and general circumstances surrounding the application, including the applicant's cultural origin, gender, sexual orientation, gender identity or vulnerability;

(b) wherever possible, the interview with the applicant is conducted by a person of the same sex if the applicant so requests, unless the Asylum Service reasonably considers that such a request is based on grounds which are not related to difficulties on the part of the applicant to present the grounds of his application in a comprehensive manner;

(c) an interpreter is selected who is able to ensure appropriate communication between the applicant and the person who conducts the interview. The communication takes place in the language preferred by the applicant unless there is another language which he understands and in which he can communicate clearly; wherever possible, an interpreter of the same sex is provided if the applicant so requests, unless the Asylum Service reasonably considers that such a request is based on grounds which are not related to difficulties on the part of the applicant to present the grounds of his application in a comprehensive manner;

(d) the person who conducts the interview on the substance of an application shall not wear a military or law enforcement uniform;

(e) interviews with minors are conducted in a child-appropriate manner.

20(d) of 106(I) of 2016.

(10) When conducting a personal interview on the substance of an application, the Asylum Service provides to the applicant an adequate opportunity -

(a) to present elements needed to substantiate the application in accordance with section 16(2)(a) and sections 18(3) to (5) as completely as possible; and

(b) to give explanations regarding the elements which may be missing and/or any inconsistencies or contradictions in the applicant's statements.

11 of 112(I) of 2007.

**14.**-(1) When assessing an application or an administrative recourse, it is accepted that-

International  
protection needs  
arising *sur place*.  
10 of 59(I) of 2014.

(a) a well-founded fear of persecution or a real risk of suffering serious harm may be based on events which took place after the departure of the applicant from his country of origin;

(b) a well-founded fear of persecution or a real risk of suffering serious harm may be based on activities in which the applicant was engaged after his departure from his country of origin, in particular, where it is established that the activities he invokes constitute an expression and extension of beliefs or orientations that the applicant already held in his country of origin.

(2) Without prejudice to the provisions of the Convention, the Head may in principle not grant refugee status to an applicant who makes a subsequent application if the risk of persecution is based on circumstances which the applicant has deliberately created after his departure from the country of origin.

21 of 106(I) of 2016.  
Medical and  
psychological  
examination of an  
applicant.

**15.** –(1) When the competent officer deems it relevant for the assessment of an application pursuant to section 16(2)(a) and (3) and sections 18(3) to (5), and subject to the consent of the applicant, the applicant is referred for an examination to a doctor and/or a psychologist, as regards-

(a) Signs that might indicate past persecution or serious harm; and

(b) symptoms and signs of torture or other serious acts of physical or psychological violence, including acts of sexual violence.

(2) The medical and/or psychological examination referred to in subsection (1) is paid out of public funds, and is carried out by qualified medical professionals and its results are submitted to the Asylum Service as soon as possible.

(3) The refusal of an applicant to undergo a medical and/or psychological examination does not prevent the Head from taking a decision on the application.

(4) The results of the medical and/or psychological examinations carried out under subsection (1) or (8) are taken into account by the Head together with the other elements of the application.

(5) Where there are signs of serious harm, the competent officer conducts the interview of the applicant after consultation and in cooperation with a competent doctor.

(6) The medical and/or psychological examination carried out in accordance with this section may, *inter alia*, be based on the Istanbul Protocol.



(7) For the purposes of the implementation of this section, the Minister of Health by way of a decision may designate the health professionals who carry out medical and/or psychological examinations of applicants.

(8) When no medical and/or psychological examination is conducted in accordance with subsection (1), the Asylum Service informs applicants that they may, on their own initiative and at their own cost, arrange for a medical and/or psychological examination concerning signs that might indicate past persecution or serious harm.

17(a) of 105(I) of 2016.  
Obligations of the  
applicant during the  
examination of the  
application and  
relevant obligation of  
the competent  
authorities.  
22(a) of 106(I) of 2016.

**16.-(1)** During the examination of his application, the applicant must cooperate with the Asylum Service to verify his identity and the other information referred to in subsection (2)(a).

(2) In particular, the applicant–

11(b) of 59(I) of 2014.

(a) must submit as soon as possible all the elements required to substantiate the application consisting of the applicant's statements and all documentation at the applicant's disposal as regards his age, personal history, including the history of his relatives, his identity, his nationality, the country and place of previous residence, previous asylum applications, his travel route, his identity card and travel documents and the reasons why he is requesting international protection;

(b) must hand over his passport or travel documents either to the Asylum Service or the Police; the Police must immediately hand over to the Asylum Service the passport or travel documents together with the application for international protection; the applicant receives a document certifying that his passport is being held by the Asylum Service or the Police from the making of this application and a copy of the passport is given to the applicant;

(c) where he has no evidence or documents in his possession, must explain the reasons for the non-existence of the said documents and evidence, state the efforts he has made to obtain them and to present any further evidence that the Asylum Service may request or is useful and to make reasonable efforts to provide the necessary evidence to the Asylum Service;

17(b) of 105(I) of 2016.

(d) must report or present in person, without delay or at a fixed time at the Asylum Service and/or the Unit;

22(b) of 106(I) of 2016

(e) must consent to undergo a body search and to a search of the items he has on him; without prejudice to any search carried out for security reasons, the body search of the applicant pursuant to this law is conducted by a person of the same

sex, respecting fully the principles of human dignity and physical and psychological integrity;

(f) must consent to be photographed;

(g) must allow for his oral statements to be recorded, provided that he has been informed in advance accordingly;

17(c) of 105(I) of 2016

(h) must generally assist the Asylum Service in the best possible way in establishing the facts of his case.

17(d) of 105(I) of 2016

(3) The Asylum Service assesses, in collaboration with the applicant, the elements provided for in subsection (2)(a).

16 of 122(I) of 2009.

File closure.

**16A. Repealed by 23 of 106(I) of 2016.**

24 of 106(I) of 2016.

Implicit withdrawal of application or abandonment of an application.

**16B.** –(1) When there is reasonable cause to consider that an applicant has implicitly withdrawn or abandoned his application, the Head, at his discretion-

(i) Closes the applicant's file and suspends the procedure for the examination of the application by way of a decision taken and registered in the file without applying sections 12D and 13; sections 18(7) to (7E) apply to such decision; or

(ii) takes a decision to reject the application when he considers that it is unfounded pursuant to adequately examining its substance in accordance with section 16(3) and section 18(3), (4) and (5).

(2) The Head may consider that the applicant has implicitly withdrawn or abandoned his application for international protection, in particular, when it is ascertained that the applicant:

(a) has failed to respond to requests of the Asylum Service to provide information essential to his application in accordance with section 16 or has not appeared for a personal interview as provided in sections 13A and 18, unless the applicant demonstrates within a reasonable time period that his failure was due to circumstances beyond his control; or

(b) has absconded or left without authorisation from the place where he lived or was held without contacting the Asylum Service within a reasonable time period, or he has not within a reasonable time period complied with reporting duties or other obligations to communicate as provided in section 8(2)(a), unless the applicant demonstrates that this was due to circumstances beyond his control.

(3) This section applies without prejudice to Regulation (EU) 604/2013.

17 of 122(I) of 2009. **16C.**-(1) The applicant has the right to withdraw his application at any stage before a decision is taken by the Head.  
 18 of 105(I) of 2016  
 Explicit withdrawal of application.

(2) When the applicant explicitly withdraws his application under subsection (1), the Head decides, without applying sections 12D and 13, to reject the application on the ground that the applicant withdrew; section 18(7) to (7E) apply to such a decision.

25 of 106(I) of 2016. **16D.** -(1)(a) When an applicant submits to the Head:  
 Submission of new elements or representations or a subsequent application. (i) A subsequent application; or  
 (ii) new elements or representations on or after the date by which the decision of the Head on a prior application of the applicant becomes enforceable,

the Head examines anything submitted in accordance with this section as soon as possible.

(b) In paragraph (a), the term “decision” includes a decision taken by the Head pursuant to section 16B or 16C.

(2) When an applicant submits to the Head either a subsequent application or new elements or representations in accordance with subsection (1), the Head does not treat anything submitted as a new application but as further steps within the framework of the decided application. The Head considers all elements of the aforementioned further representations without an interview being held.  
 6(a) of 142(I) of 2020.

(3)(a) When taking a decision on the admissibility of an application in accordance with section 12Bfourth(2)(d), the Head carries out a preliminary examination to establish the extent to which new elements or findings have arisen or have been presented by the applicant which the Head did not take into account when issuing his decision relating to the examination of whether the applicant qualifies as a beneficiary of international protection.

6(b) of 142(I) of 2020. Provided that, in the eventuality that the Head determines that the applicant has not submitted new elements or representations the subsequent application is rejected as inadmissible, based on the principle of res judicata, without an interview being held.

(b) When the Head establishes that new elements or representations have arisen or were submitted as per paragraph (a), he proceeds to a substantive examination after informing the applicant accordingly, and issues a new enforceable decision, only if:

(i) the said elements or representations significantly increase the chances of the applicant being granted international protection; and

(ii) he is satisfied that the applicant, through no fault of his own, was unable to submit the said elements or representations during the previous procedure and particularly through the recourse to the Administrative Court pursuant to Article 146 of the Constitution.

(c) Subsections (7) to (7E) of section 18 apply to the new enforceable decision referred to in paragraph (b).

(d) When a subsequent application is not further examined pursuant to this section, it is considered inadmissible in accordance with section 12Bfourth(2)(d) and in such case the Head issues a relevant decision in relation to which section 18 (7) and (7E) apply, *mutatis mutandis*. The said decision is reasoned and informs the applicant of the right to challenge it before the Administrative Court in accordance with Article 146 of the Constitution, as well as the deadline to submit a recourse.

(4)(a) Without prejudice to paragraph (b) of this subsection, section 8(1) applies in relation to any applicant acting as provided in subsection (1).

(b) The Head may by way of a decision terminate the right to remain, in the areas controlled by the Government of the Republic, for any person who acted as provided in subsection (1), when the said person-

(i) lodges a first subsequent application, which is not further examined pursuant to subsection (3)(d), merely to delay or frustrate the enforcement of a decision which would result in his imminent removal from the Republic; or

(ii) makes a second or further subsequent application to the Asylum Service, following a final decision whereby the first subsequent application is considered inadmissible pursuant to subsection (3)(d), or after the issuance of a final decision by which the first subsequent application is rejected as unfounded,

provided that the Head is satisfied that any decision for return or removal will not lead to direct or indirect refoulement in violation of the obligations of the Republic under international law and the law of the European Union.

(c) Section 8(1B) does not apply to a person in relation to whom paragraph (b) of this subsection applies.

(5) This section applies *mutatis mutandis* to a dependent person who lodges an application after having consented, in accordance with section 11(6), to his case being part of an application filed in his name. In such a case, the preliminary examination prescribed in subsection (3)(a) of this section concerns any facts that justify the lodging of a separate application by a dependant person.

(6) When another Member State must enforce a transfer decision to the Republic against a particular person pursuant to Regulation (EU) No 604/2013 and when the said person makes a subsequent application or new elements or representations

in the other Member State, the subsequent application or the new elements or representations are examined in accordance with this Law by the Asylum Service as the competent authority of the responsible Member State pursuant to that Regulation.

(7) When implementing this section, the following provisions of this Law apply *mutatis mutandis*:

- (a) section 7(3);
- (b) section 8(1)(a), (c), (d) and (e)
- (c) section 8(2) and (3);
- (d) section 9F;
- (e) section 10(1), (1A), (1B), (1C), (1D), (1E), (1F), (1Fsecond), (1G), (1H) and (1I)
- (f) section 10A;
- (g) section 11 (2), (3), (4) and (5);
- (h) section 11(8)
- (i) section 11C;
- (j) section 12D(2);
- (ja) section 13(1);
- (jb) section 13A;
- (jc) section 16(1);
- (jd) section 16(2)(a), (b), (d), (e), (f), (g) and (h);
- (je) section 16B
- (jf) section 16C;
- (jg) section 18(1), (1A), (1B), (2), (2A), (2B), (3) and (7);
- (jh) section 18(7A) (a), (b), (c), (d), (f) and (g);
- (ji) section 18(7B)(a);
- (jk) section 18(7C), (7D), (7E) and (9);
- (ka) section 18second;
- (kb) section 31A(1A).

16 of 106(I) of 2016.  
Reopening of file and  
re-examination of  
application

**16E.**-(1) When the Head decides to close the file and suspend the procedure for the examination of an applicant's application, in accordance with section 16B, the said applicant may within nine (9) months from the date of notification of the relevant decision of the Head to the applicant, or to his lawyer or legal adviser who is representing him legally, request that the Asylum Service reopen his file and re-examine his case, or make a new application to which section 16D does not apply.

(2) Subject to subsection (3), when an applicant exercises his right foreseen in subsection (1) in time, the Head reopens the applicant's file and continues the examination of his application in substance and from the stage at which the examination ceased, even if the applicant made a new application in accordance with subsection (1).

(3) If an applicant exercises his right foreseen in subsection (1) out of time, or more than once, the Head issues a rejection decision to which sections 18(7) to (7E) will apply.

(4) This section applies subject to Regulation (EU) 604/2013.

18 of 9(I) of 2004.  
Criteria for determining  
refugee status.

**17.**(1) For determining refugee status, the Head –

(a) takes into consideration –

(i) The guidelines contained in the Joint Position of 4 March 1996 defined by the European Council on the harmonized application of the term “refugee”, and

(ii) the joint reports in respect of third countries, which are drawn up in accordance with the procedure for the preparation of reports regarding joint evaluations of the situation in third countries, adopted by way of a decision of the Council of Ministers in accordance with the guidelines on joint reports in respect of third countries, which were adopted by the Council of the European Union on 20.6.1994.

(b) is guided by the Handbook on Procedures and Criteria for Determining Refugee Status which is issued by the Office of the United Nations High Commissioner for Refugees.

(2) The Head informs any interested person of the means of accessing the acts of the European Union mentioned in subsection (1) and the Handbook of the Office of the United Nations High Commissioner for Refugees.

18 of 9(I) of 2004.  
Principles governing  
the procedures before  
the Asylum Service and  
other authorities of the  
Republic.  
27(a) of 106(I) of 2016.

**18.** –(1) During any personal interview conducted with the applicant, within the framework of either the accelerated or regular procedure for the examination of applications, no person other than the applicant, his lawyer or legal adviser, the competent officer, the guardian of a minor, and the necessary interpreter may be present, unless otherwise requested by the applicant.

27(b) of 106(I) of 2016.

(1A) The lawyer or legal adviser of the applicant, who is present in accordance with subsection (1) at any personal interview conducted with the applicant, may only intervene at the end of the personal interview.

27(b) of 106(I) of 2016.

(1B) The competent officer conducts a personal interview with the applicant, which requires the presence of the applicant at the interview, irrespective of whether the applicant is represented by a lawyer or legal adviser. The competent officer may ask the applicant to reply in person the questions asked.

27(b) of 106(I) of 2016.

(1C) Without prejudice to section 10(1C) and (1D), the absence of a lawyer or legal adviser does not prevent the Asylum Service from conducting a personal interview with the applicant.

27(c) of 106(I) of 2016.

(2) During the submission of an application, during the examination of the application and whenever the authorities of the Republic invite the applicant, free services of an interpreter are provided to the applicant, where necessary; for the purposes of this section such services are always considered necessary in the

circumstances the Asylum Service invites the applicant to a personal interview and the necessary communication is not possible without such services.

27(c) of 106(I) of 2016. (2A) (a) The competent officer who interviews the applicant in accordance with this Law –

(i) may ensure audio and/or audio-visual recording of the personal interview and, in such a case, takes the necessary measures so as the recording or the transcript thereof is available in connection with the applicant's file,

(ii) or prepares a thorough and detailed report including all the material evidence on the facts, or prepares a transcript of the audio and/or video recording of the personal interview;

(iii) provides the applicant with the opportunity to make comments and/or to provide clarifications orally and/or in writing with regard to any mistranslations or misinterpretations which appear in the written report or in the transcript of the audio at the end of the personal interview or within a specified time limit before the Head takes a decision on the application;

(iv) for the purposes of subparagraph (iii), fully informs the applicant of the content of the written report or of the material elements of the transcript of the audio, with the assistance of an interpreter if necessary, and asks the applicant to confirm that the content of the written report or the transcript of the audio correctly reflects the interview. When the applicant refuses to confirm that the content of the written report or the transcript of the audio correctly reflects the personal interview, the reasons for refusal are entered into the applicant's personal file and the given refusal does not prevent the Head from taking a decision on the application.

(b) When the personal interview is audio and/or audio-visually recorded in accordance with paragraph (a)(i) and the recording is admissible as evidence in the recourse procedures in accordance with Article 146 of the Constitution, the competent officer is not required to request the applicant to confirm that the content of the written report or the transcript of the recording correctly reflects the interview.

27(c) of 106(I) of 2016. (2B)(a) Before the Head takes a decision on the application, the Asylum Service provides the applicant, and the lawyer or legal adviser referred to in section 18second (1), access to the report on the personal interview or the transcript of the recording and, subject to paragraph (b) of this subsection, to any audio and/or audio-visual recording of the personal interview.

(b) Subject to paragraph (c) of this subsection, when the personal interview is audio and/or audio-visually recorded, access to the recording is only given to the person who submits a recourse to the Administrative Court in accordance with Article 146 of the Constitution against a decision made by the Head under this Law.

(c) Without prejudice to paragraph (a)(iii) and (iv) and subsection (2A)(b) of this section, when an application is examined in accordance with section 12D(4), access to the report or to the transcript of the recording and, when appropriate, the recording, is provided at the same time as the decision on the application is made.

(d) The Asylum Service ensures that the applicant and, if required, his lawyer or legal adviser as referred in section 18second(1), have access to the information referred to in subsection (7A)(a) of this section and to the advice referred to in subsection (7A)(b)(ii), when such information and/or advice is taken into account by the Asylum Service when making a decision on the application.

**(2C) Deleted by 27(d) of 106(I) of 2016.**

13 of 112(I) of 2007. (3) The assessment of an application for international protection is carried out on  
18(b) of 122(I) of 2009. an individual basis, objectively and impartially, and involves taking into account:

(a) all relevant facts relating to the country of origin at the time of taking a decision on an application, including the laws and regulations of the country of origin and the manner in which they are applied,

(b) the relevant statements and documentation submitted by the applicant including evidence relating to whether the applicant has been or may be subject to persecution or serious harm,

(c) the individual position and personal circumstances of the applicant, including factors such as personal background, gender and age, so as to assess whether, on the basis of the applicant's personal circumstances, the conditions to which the applicant has been or could be exposed amount to persecution or serious harm;

(d) whether the activities of the applicant, since leaving the country of origin, has have been undertaken for the sole or primary purpose of creating the necessary conditions for applying for international protection, so as to assess whether the applicant, as a result of such activities, will be exposed to persecution or serious harm if he returns to that country;

(e) whether the applicant could reasonably be expected to avail himself of the protection of another country, the nationality of which he could assert.

12(a) of 59(I) of 2014. (4) The fact that an applicant has already been subjected to persecution or serious harm or to direct threats of such persecution or harm is a serious indication that the applicant's fear of persecution or real risk of suffering serious harm is well-founded, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

(5) It is up to the applicant to substantiate the application for international protection. When aspects of the applicant's statements are not supported by documents or other evidence, such aspects do not need confirmation when the following conditions are met:



- (a) the applicant has made a genuine effort to substantiate his application,
  - (b) all relevant elements at the applicant's disposal have been submitted and a satisfactory explanation has been given regarding any lack of other relevant elements,
  - (c) the applicant's statements are considered coherent and plausible and do not run counter to available specific and general information relating to his case,
- 12(b) of 59(I) of 2014. (d) the applicant has applied for international protection as soon as possible, unless he proves that there was a serious reason impeding him to have done so,
- (e) the general credibility of the applicant has been established.
- 12(c) of 59(I) of 2014. (6) The Asylum Service and all other authorities of the Republic involved in the implementation of this Law take into account the specific state of vulnerable persons such as minors, unaccompanied minors, persons with special needs, elderly persons, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape, or other forms of serious psychological, physical, or sexual violence. This subsection applies only to persons found to have special needs after an individual evaluation of their situation.
- 18(c) of 122(I) of 2019. (7) Every decision of the Head is given in writing and is communicated, within reasonable time, to the applicant or lawyer or legal adviser who legally represents him.
- 17(e) of 106(I) of 2016. (7A) (a) Decisions on applications are taken after an appropriate examination, on an individual basis, objectively and impartially, following receipt of precise and up-to-date information from various sources, such as the European Asylum Support Office and United Nations High Commissioner for Refugees and relevant international human rights organisations, as to the general situation prevailing in the countries of nationality of applicants and, when necessary, in countries through which they have transited; the Head ensures that he and the staff responsible for examining applications and taking decisions have access to the above-mentioned information;
- 27(e) of 106(I) of 2016. (b) The Head and the staff responsible for examining applications and to make recommendations for a decision -
- (i) must know the relevant standards applicable in the field of asylum and refugee law; and
  - (ii) may seek advice, whenever necessary, from experts on specific issues, such as medical, cultural or religious issues, or issues relating to children or gender.

(c) The application is neither rejected nor excluded from examination on the sole ground that it was not submitted as soon as possible.

27(f) of 106(I) of 2016. (d) Notwithstanding paragraph (a), the Head may, for the purposes of paragraph (a) and/or (b) of section 11(6), and, provided that the application is based on the same grounds, take a single decision covering all dependants, unless to do so would lead to the disclosure of the particular circumstances of the applicant which could jeopardise his interests, especially in cases of persecution on grounds of gender, sexual orientation, gender identity and/or age. In such cases, the Head issues a separate decision for the person concerned.

27(f) of 106(I) of 2016. (e) Subject to section 16C, the Head rejects an application as unfounded only if he ascertains that the applicant does not meet the requirements for the grant of international protection.

27(g) of 106(I) of 2016. (f) When examining an application, the Asylum Service first ascertains whether the applicant can qualify as a refugee and, if not, ascertains whether the applicant is eligible for subsidiary protection,

27(g) of 106(I) of 2016. (g) The Asylum Service provides free translation services of the documents in relation to the examination of applications. The competent officer is not obliged to obtain the translation of any document furnished by the applicant, if he deems that this is not necessary to the application. Translators are bound by the principle of confidentiality in accordance with section 31B.

27(h) of 106(I) of 2016. (7B) Where the Head rejects an application with regard to refugee status and/or subsidiary protection status -

(a) he states in his decision the reasons in fact and in law for the rejection, and

7 of 142(I) of 2020 (a1) he orders the return and/or removal and or deportation of the applicant, which constitutes an integral part of the decision of the Head, pursuant to the provisions of the Aliens and Immigration Law, if no other decision of return and/or removal and/or deportation is already in force, that decision shall be deemed to be incorporated into the rejection decision and shall form an integral part thereof, and

(b) he informs the applicant through his decision of the right to submit a recourse against the decision to the Administrative Court in accordance with Article 146 of the Constitution, as well as of the nature and form of such a recourse and the deadline, in accordance with the said Article.

27(i) of 106(I) of 2016 (7C) (a) The Head ensures that free legal and procedural information is given to applicants, following a request by the person concerned, in the form determined by the Head.

(b) the legal and procedural information provided in accordance with paragraph (a) include as a minimum -

(i) information regarding the procedure for the examination of the applicant's application, in light of the applicant's particular circumstances; and

(ii) in the event of a rejection of an application by the Head, beyond what is prescribed in subsections (7B) and (7E) of this section, information explaining the reasons for the decision and the option to submit a recourse in accordance with Article 146 of the Constitution as well as the deadline for such a recourse.

(c) For the effective implementation of this subsection, the Head may decide that free legal and procedural information is paid out of public funds and is provided by-

(i) non-government organisations, or

(ii) professionals of state authorities, provided that the consent of such state authorities has been obtained, or

(iii) specialised state services, provided that the consent of such specialised state services has been obtained, or

(iv) private lawyers or legal advisers, or

(v) officers of the Asylum Service not engaged in the examination of applications.

(d) The Head rejects an application to provide free legal and procedural information where he substantiates that the applicant has sufficient resources.

(e) The Head may require from an applicant, who was provided with free legal and procedural information in accordance with this subsection, to return the full or part of the amount paid for legal and procedural information, if and from the moment that the applicant's financial situation has improved significantly or if the decision to provide free legal and procedural information was taken based on false information given by the applicant. If the applicant refuses or fails to comply with the requirement of the Head, the Head may initiate proceedings with the aim to collect the relevant amount as a civil debt owed to the Republic.

18(d) of 122(I) of 2009. (7D) Notwithstanding the provisions of subsection (7B), the Head is not obliged to provide information in writing on the remedies that the applicant has to submit a recourse against the decision by which his application is rejected, when the applicant has been informed about such remedies at an earlier stage either in writing or by electronic means to which the applicant has access.

27(i) of 106(I) of 2016. (7E) The Head informs the applicant in a language he understands or is reasonably supposed to understand of the outcome of his decision and the applicant's rights referred in subsection (7B)(b), as well as of the deadlines for exercising this right.

27(ja) of 106(I) of 2016. (8) The applicant, at all stages of the examination procedure of the application before the Asylum Service, has the right to be represented by a lawyer or a legal adviser.

27(jb) of 106(I) of 2016. (9) Both the fact that an application was submitted, as well as any other information, which relates to the application, remain confidential and under no circumstances are disclosed to the authorities of the applicant's country of nationality, or to an actor of persecution or serious harm, and neither is any information requested in relation to the applicant from the country of nationality or an actor of persecution or serious harm in a way that would result in direct disclosure to the country of nationality or to the actor of persecution or serious harm of the fact that the applicant has submitted an application, thus risking the physical integrity of the applicant or his dependants or the freedom and safety of his family members who continue to live in his country of nationality.

6 of 80(I) of 2018.

(9A) The Asylum Service handles applications submitted in the areas controlled by the Government of the Republic, even if they have been submitted to the authorities of another Member State which carry out border control or immigration control in the said areas.

12(d) of 59(I) of 2014. (10) **Deleted by 19(a) of 105(I) of 2016**

(11) The decisions of the Asylum Service become enforceable upon their notification to the applicant. A decision of the Head whereby an applicant is granted refugee status constitutes a positive decision. A decision of the Head whereby an applicant is granted subsidiary protection status constitutes a negative decision and may be challenged under Article 146 of the Constitution.

28 of 106(I) of 2016. 18second. —(1) Without prejudice to subsection (2), the lawyer or legal adviser of the applicant, who assists or represents the applicant, is entitled, following a relevant request, to access the information in the applicant's file, based on which a decision is being taken or will be taken by the Head.

Lawyers and legal advisers of applicants.

(2) The Head may reject a request made under subsection (1) when-

(a) The disclosure of information or of the sources may jeopardise public security, the security of the organisations or persons providing the information or the security of the persons to whom the information relates, or

(b) the investigative interests relating to the examination of applications or the international relations of the Republic are compromised.

In such case, the Head grants access to such information or sources to a lawyer or legal adviser of the applicant who has undergone a security check, insofar as the

information is relevant for examining the application or for taking a decision to withdraw international protection.

(3) The lawyer or legal adviser who assists or represents an applicant has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting with the applicant, in accordance with section 9F(12) and section 9JD(6)(b) and (c).

18 of 9(I) of 2004. **18A.** –(1) The Head, by way of a decision, recognises an applicant as a refugee if  
Recognition of Refugee Status. he, during the relevant examination of his application, has proven that he falls  
14(a) of 112(I) of 2007. within the definition of a “refugee” as per section 3.

13 of 59(I) of 2014. (2)(a) Without prejudice to paragraphs (b) and (c), a three-year residence permit is granted as soon as possible to a recognised refugee, which grants to the refugee a residence permit in the areas controlled by the Government of the Republic and is renewable for further three-year periods.

(b) The Director does not enforce paragraph (a) if there are compelling security reasons for the Republic or there are compelling reasons of public order that require the non-granting of a residence permit.

(c) The Director, as appropriate, revokes or refuses to grant or renew a permit to a person who is either deprived of the refugee status in accordance with sections 5, 6 or 6A or is deported in accordance with section 29.

14(b) of 112(I) of 2007. (3) Without prejudice to Section 4(d), the residence permit granted to family members of persons eligible for refugee status who do not individually qualify for recognition of the refugee status may be valid for a period of less than three years and may be renewable.

19 of 9(I) of 2004. **19.**–(1) The Head, by way of a decision, recognises the status of subsidiary  
Recognition of subsidiary protection status. protection to any applicant who is not recognised as a refugee or to any applicant  
15(a) of 112(I) of 2007. whose application is clearly not based on any of the grounds of section 3(1), but in respect of whom there are substantial reasons to believe that if the person concerned returns to his country of nationality, he will face a real risk of being subjected to serious harm, and is unable, or, owing to such risk, is unwilling to avail himself of the protection of that country.

14(a) of 59(I) of 2014. (2) For the purposes of this Law, “serious harm” or “serious and unjustified harm” means -

(a) the death penalty or execution, or

(b) torture or inhuman or degrading treatment or punishment of an applicant in his country of origin, or

(c) serious and individual threat to a civilian's life by reason of indiscriminate violence in situations of international or internal armed conflict.

14(a) of 59(I) of 2014. 20(a) of 105(I) of 2016. (3)(a) The Head, by way of a decision, ceases subsidiary protection status, where the circumstances which led to the recognition of the said status have ceased to exist or have changed to such a degree that protection is no longer required. When taking his decision, the Head examines whether the change of circumstances is of such a substantial and non-temporary nature so that the person eligible for subsidiary protection no longer faces a risk of serious harm. When a decision is taken in accordance with this subsection, section 6(2) and (3) and section 5(5) apply *mutatis mutandis*.

(b) Paragraph (a) does not apply to a person eligible for subsidiary protection status who satisfies the Head that, due to a previous serious harm, there are compelling reasons for refusing to avail himself of the protection provided by his country of nationality, or in the case of a stateless person, the country of his previous habitual residence.

20(b) of 105(I) of 2016. (c) This subsection only applies in relation to a status of subsidiary protection granted on an application lodged after 20 October 2004.

15(e) of 112(I) of 2007. 8(a) of 58(I) of 2014. (3A) In the event that the Head ascertains *a posteriori*, on the basis of facts revealed after the granting of subsidiary protection status to a person, that the said person has misrepresented or omitted facts, including the use of forged documents, and the said misrepresentation or omission was decisive for the granting of subsidiary protection status to this person, by way of a reasoned decision he revokes the decision based upon which the said status was granted, and section 5(5) and section 6(2) and (3) apply *mutatis mutandis*.

8(b) of 58(I) of 2014. 29(a) of 106(I) of 2016. (3B) Section 6(1B), (1C) and (1D) apply *mutatis mutandis* to the decision under subsection (3) or subsection (3A) of this section.

29(B) of 106(I) of 2016. (3C) Section 11(9), section 18second(1) and (2), section 31A(1A) and section 31C(2A)(a) apply *mutatis mutandis* in relation to a decision of the Head under this section.

14(b) of 59(I) of 2014. (4)(a) To a person granted subsidiary protection status and his family members, residence permits are provided as soon as possible after the granting of such status which are valid for one year, which grant to such persons the right to stay in the areas controlled by the Government of the Republic and are renewable for as long as such status is valid for further two-year periods.

(b) The Director does not enforce paragraph (a) where compelling reasons of security for the Republic or compelling reasons of public order require the non-granting of a residence permit.

**(5) Repealed by 14(c) of 59(I) of 2014.**

- 15(ja) of 112(I) of 2007. (6) Upon recognition of subsidiary protection status, a person eligible for subsidiary protection has the same rights as recognised refugees pursuant to sections 21, 21A and 21C.
- 8(c) of 58(I) of 2014. (6A) Notwithstanding the provisions of subsection (6), the social welfare provided to a person eligible for subsidiary protection is limited to core benefits which –
- (a) cover, as a minimum, the minimum income support, welfare in case of sickness or pregnancy and parental care, under the condition that they are also provided to the citizens of the Republic under relevant laws and regulations, and
- (b) are provided at the same levels and under the same eligibility conditions which apply to the citizens of the Republic under relevant laws and regulations.
- 15(jb) of 112(I) of 2007. (7) The provisions of section 23 of this Law also apply *mutatis mutandis* to cases of  
8(d) of 58(I) of 2014. persons with subsidiary protection status.
- (8) Repealed by 14(c) of 59(I) of 2014.**
- 14(d) of 59(I) OF 2014. (9) To a person eligible for subsidiary protection a travel document is issued and delivered with proof of receipt which allows him to travel outside of the Republic, provided that he is unable to obtain a national passport and this does not conflict with compelling reasons of national security or compelling reasons of public order.
- 15(jc) of 112(I) of 2007. (10) The Council of Ministers issues Regulations for the better implementation of this section.
- 20 of 9(I) of 2004. **19A. Repealed by 9 of 58(I) of 2014.**  
Residence status on humanitarian grounds.
- 19 of 53(I) of 2003. 20. –(1) For the purposes of sections 20 to 20JB:  
Temporary protection.  
10(a) of 58(I) of 2014. “temporary protection” means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced aliens, who are unable to return to their country of nationality, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned but also of other asylum applicants;
- 5(a) of 241(I) of 2004. “sponsor” means a person enjoying temporary protection in accordance with a decision taken under the Directive or under this Law and who wants to be joined by members of his family;
- 21(a) of 9(I) of 2004. “displaced aliens” means third country nationals or stateless persons who have had to leave their country of nationality, or have been evacuated, in particular following an appeal by international organisations, and whose repatriation under safe and

- 10(b) of 58(I) of 2014. stable conditions is impossible on account of the situation prevailing in the country and who may fall within the scope of section 3(1) and section 19, in particular–
- (a) Persons who have fled areas of armed conflict or endemic violence, or
  - (b) persons facing serious danger, or who have been victims of systematic or generalised violations of their human rights;
- “mass influx” means arrival in the Republic of a significant number of displaced aliens who come from a specific country or geographical area, regardless of whether their arrival was spontaneous or assisted, particularly through evacuation programmes.
- 5(a) of 241(I) of 2004. “Directive 2001/55/EC” means Council Directive 2001/55/EC of 20 July 2001, on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof; Official Journal of the EU, L212, 07/08/2001, p. 12
- 5(b) of 241(I) of 2004. (2) The Republic applies temporary protection with due respect for human rights and fundamental freedoms and its obligations regarding non-refoulement which emanate from the provisions of section 4 of this Law.
- 5(c)(i) of 241(I) of 2004. (3)(a) Persons enjoying temporary protection may make an application at any time. The Dublin provisions apply in order to determine which Member State is responsible for the examination of the application. In particular, the Member State responsible for examining the application for international protection by a person enjoying temporary protection is the Member State which has accepted his transfer onto its territory.
- 21(a) of 105(I) of 2016.
- 5(c)(ii) of 241(I) of 2004. (b) When the individual application for recognition of refugee status is rejected and when any other form of protection is not granted to a person who is in the Republic with temporary protection status, without prejudice to the provisions of subsection (5) of this section, that person will continue to enjoy temporary protection status for the remainder of the period of protection, in accordance with the provisions of this section.
- 5(c)(iii) of 241(I) of 2004. (c) When an application is made and the examination of which is completed before the end of the period of temporary protection, the applicant continues to enjoy the rights deriving from this Law for persons enjoying temporary protection until the expiry of the given period pursuant to the provisions of Directive 2001/55/EC or of section 20C of this Law, as appropriate.
- 5(c)(iii) of 241(I) of 2004. (d) When an application is made and the examination of which is not completed before the end of the period of temporary protection the examination is completed after the end of the given period, and during this period the applicant has the rights of an asylum seeker.



- 5(c)(iii) of 241(I) of 2004. (e) Temporary protection does not prejudice the recognition of refugee status.
- 5(d) of 241(I) of 2004. (4) The Head, by way of a decision, grants the status of temporary protection to all persons falling under the category of persons referred to in the Council decision taken in accordance with the provisions of Directive 2001/55/EC, or of the Council of Ministers which is taken in accordance with the provisions of section 20B, who have been accepted to enter the Republic or who are already in the Republic for temporary protection purposes.
- 5(d) of 241(I) of 2004. (5) The Head may exclude from temporary protection any person falling under the above-mentioned categories if, following due investigation:
- (a) There are serious reasons for considering that:
- (i) he has committed a crime against peace, a war crime or a crime against humanity, as defined by international law;
- (ii) he has committed a serious non-political crime outside the Republic, prior to his admission to the Republic as a person enjoying temporary protection. The severity of the expected persecution is to be weighed against the nature of the criminal offence of which the person concerned is suspected. Particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes:
- It is provided that the above applies both to the participants in the crime and to its instigators,
- (iii) he has been found guilty of acts contrary to the purposes and principles of the United Nations.
- (b) There are reasonable grounds for regarding him as a danger to the security of the Republic or he is a danger to the community, having been convicted by a final judgment of a particularly serious crime:
- 10(c) of 58(I) of 2014. Provided that, for the exemption from refugee or subsidiary protection status the provisions of section 5 apply and the provisions of this section do not exempt any person from the examination of the application.
- 5(d) of 241(I) of 2004. (6) The grounds for exclusion laid down in subsection (5) must be based solely on the personal conduct of the person concerned and the exclusion decisions or measures must be based on the principle of proportionality.
- 5(d) of 241(I) of 2004. (7) **[Subsection 7 was deleted by section 21(b) of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**
- 5(e) of 241(I) of 2004. (8) **Repealed.**

5(e) of 241(I) of 2004. **(8A) Repealed.**

5(e) of 241(I) of 2004.

**(9) Repealed.**

5(e) of 241(I) of 2004. **(10) Repealed.**

5(e) of 241(I) of 2004.

**(11) Repealed.**

6 of 241(I) of 2004.  
Existence, duration and  
end of temporary  
protection.

**20A.** –(1) The existence of a mass influx as well as the duration and the end of temporary protection is decided by the Council in accordance with the procedures prescribed in Directive 2001/55/EC.

(2) The Council of Ministers may make an application to the Commission to submit a proposal to the Council to establish the existence of a mass influx as well as to extend the duration of temporary protection already decided by the Council.

(3) An application by the Council of Ministers which is made pursuant to subsection (2) must include at least the following:

(a) a description of the specific groups of persons to whom temporary protection will be granted;

(b) the date on which the temporary protection will take effect;

(a) an estimation of the scale of the movements of displaced persons.

6 of 241(I) of 2004.  
Granting of temporary  
protection to additional  
categories of persons.

**20B.** The Council of Ministers may by way of a decision published in the Official Gazette of the Republic extend the temporary protection provided for by the Council Decision to additional categories of displaced persons beyond those included in the Council Decision who have been displaced for the same reasons and from the same country or region of origin and, in this circumstance, it immediately notifies its decision to the Council and the Commission.

6 of 241(I) of 2004.  
End of temporary  
protection granted  
under section 20B.

**20C.** –(1) Temporary protection granted under section 20B ends by a decision of the Council of Ministers, which may coincide with the end of temporary protection decided by the Council, provided that it is based on the establishment of the fact that the situation in the country of origin is such as to permit the safe and durable return of those granted temporary protection with due respect to human rights and fundamental freedoms and the Republic's obligations regarding non-refoulement.

(2) Subject to the provisions of sections 20D and 20E, when temporary protection comes to an end pursuant to a decision of the Council or of the Council of Ministers, as appropriate, the general rules of the Aliens and Immigration Law (Cap. 105), as amended or replaced from time to time, apply.

6 of 241(I) of 2004. **20D.**—(1) The Asylum Service takes all necessary measures, as set by Regulations, Voluntary return. to make possible the voluntary return of persons enjoying temporary protection or whose temporary protection has ended, and must facilitate their return with due respect for human dignity.

(2) The Asylum Service provides to persons wishing to return voluntarily all the necessary information regarding the situation in their country or origin in order that they have full knowledge of the consequences of their voluntary return and for this purpose it may propose to the Director to grant the opportunity of exploratory visits to the country of origin.

(3) For such time as the temporary protection has not ended, the Director, taking into consideration the opinion of the Asylum Service, examines favourably, on the basis of the circumstances prevailing in the country of origin, applications for return to the Republic from persons who have enjoyed temporary protection and who have exercised their right to voluntary return.

(4) Upon the termination of temporary protection, the rights provided for in sections 20F to 20J are extended to persons who enjoyed temporary protection and who are benefiting from a voluntary return programme until the date of return.

6 of 241(I) of 2004. **20E.** —(1) Persons, whose temporary protection has ended and who do not have a right to stay under any other provision of the present or any other law, are Enforced return. subjected to enforced return, with due respect for human dignity.

(2) In case of enforced return, the Director, taking into account the opinion of the Asylum Service, considers any compelling humanitarian grounds which may make return impossible or unreasonable in specific cases and, in particular, a deportation order is not issued against the following persons who have enjoyed temporary protection –

(a) persons who due to their state of health cannot reasonably travel or will suffer serious negative effects if their treatment is interrupted and for as long as that situation continues, and

(b) families with minor children, who attend any school in the Republic, until the current school year is completed.

6 of 241(I) of 2004. **20F.** —(1) Persons enjoying temporary protection have the right to stay in the areas controlled by the Government of the Republic and for this purpose they are Right to stay and right to information. granted by the Director a residence permit pursuant to the Aliens and Immigration Law (Cap. 105), as amended or replaced from time to time, which is renewed for 11 of 58(I) of 2014. the period determined by the decision of the Council or of the Council of Ministers, on a case by case basis.

(2) Where the Council or the Council of Ministers, when appropriate, declares the end of temporary protection under Sections 20A and 20C, respectively, the Head,

by way of a decision, revokes the temporary protection status and the Director revokes the residence permit, unless the said person has a right to stay by virtue of any other provisions of this or any other law.

(3) The Director provides persons accepted into the Republic for the purposes of temporary protection with all the necessary facilities for obtaining the required visas, including transit visas, which are provided free of charge.

(4) The Asylum Service provides persons enjoying temporary protection with a document, in a language understood by them, in which the provisions relating to temporary protection of the present Law or any other law and which are relevant to them are clearly set out.

6 of 241(I) of 2004. **20G.** –(1) For purposes of the effective application of the Council Decision taken under Directive 2001/55/EC, the Asylum Service registers the personal data of persons enjoying temporary protection in the Republic, as referred to in point (a) of Table I.

Personal data of persons enjoying temporary protection and obligation to re-admit.  
Table I.

(2) The Republic takes back a person enjoying temporary protection on its territory in the case when the said person remains or seeks to enter without authorization onto the territory of another Member State during the period covered by the Council Decision or the Council of Ministers, as appropriate, unless a bilateral agreement has been signed with another Member State to the contrary.

6 of 241(I) of 2004. **20H.** –(1) Persons enjoying temporary protection have the right, for a period not exceeding the period of temporary protection -

Rights of persons with temporary protection.

(a) To engage in employed or self-employed activities, subject to any legislation of the Republic applicable to the profession and subject to the provisions of the Aliens and Immigration Law (Cap. 105), as may be amended or replaced:

Provided that citizens of a Member State and applicants receiving unemployment benefits have priority,

Provided further that in relation to employed or self-employed activity the relevant legislation of the Republic relating to remuneration and access to the social security schemes applies;

(b) to attend educational programmes for adults and vocational and practical training and programmes;

12(a) of 58(I) of 2014. (c) To have access to suitable accommodation for their stay:

Provided that, where suitable accommodation cannot be accessed in accordance with this paragraph, adequate financial assistance is provided to such persons so that they can obtain such accommodation.

- 12(a) of 58(I) of 2014. (d) to receive adequate support in terms of social assistance and living where they do not have sufficient resources;
- 12(a) of 58(I) of 2014. (e) save for paragraph (f), to have access to medical care when they do not have sufficient resources, which includes as a minimum emergency care and essential treatment of illness;
- (f) to necessary medical or other assistance for those with special needs and in particular unaccompanied minors or other persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence.
- 12(b) of 58(I) of 2014. (1A) When persons who are enjoying temporary protection undertake employed or self-employed activity the ability to meet their own needs is considered when determining the level of assistance required.
- 12(b) of 58(I) of 2014. (1B) The Council of Ministers may, by way of a decree published in the Official Gazette of the Republic, lay down the terms, the conditions and the method of calculating the support granted under subsection (1)(d).
- (2) Persons under 18 years of age with temporary protection have access to the public education system under the same conditions as citizens of the Republic.
- (3) Adults with temporary protection have access to the general educational system available to adults in the Republic.
- 6(I) of 241(I) of 2004. **20I.** –(1) For the purposes of this section, in the case of families which already existed in the country of origin and were separated due to circumstances of the mass influx, the following persons are considered to be members of the family:
- Family reunification.
- (a) The spouse of the sponsor, the minor children of the sponsor or of his spouse, without distinction as to whether they were born in or out of wedlock or were adopted;
- (b) other close relatives living together as part of the family unit at the time of the events leading to the mass influx, and who were wholly or mainly dependent on the sponsor at the time.
- (2) In cases where the separate family members enjoy temporary protection in different Member States including the Republic, the Head, in co-operation with the competent authorities of the other Member States involved and taking into account the provisions of Articles 25 and 26 of Directive 2001/55/EC, reunites family members provided that it is ascertained that they fall under the description of subsection 1(a), taking into account the wishes of the said persons; and may reunite family members provided that it is ascertained that they fall under the

description of subsection 1(b), taking into account on a case-by-case basis the extreme hardship they would face if the reunification did not take place.

(3) When the sponsor enjoys temporary protection in the Republic and one or some family members are not yet in any other Member State, the Head reunites family members who are in need of protection with the sponsor, provided that it is ascertained that they fall under the description of subsection 1(a); and may reunite family members who are in need of protection with the sponsor, provided that they fall under the description of subsection 1(b), taking into account on a case-by-case basis the extreme hardship which they would face if the reunification did not take place.

(4) When applying this section, the Head takes into consideration the best interests of the children.

(5) If the Head decides the reunification of the family of the sponsor in the Republic, he informs the Director to provide every necessary facility to the family members for obtaining any required visas, including transit visas.

(6)(a) Reunited family members are granted residence permits pursuant to section 20F of this Law.

(b) When the Head consents to the transfer of family members to another Member State for family reunification purposes, upon the transfer of such persons to the other Member State the residence permit is revoked by the Director and any obligations of the Republic arising from the present Law in relation to the persons concerned are terminated.

Table I. (7) The Asylum Service, at the request of the competent authorities of another Member State, provides the necessary information, as set out in Table I, as regards the person receiving temporary protection to process a matter which arises under the present section.

**(8) Repealed by 22 of 105(I) of 2016**

6 of 241(I) of 2004. **20J.** Subject to the provisions of section 10 and notwithstanding any other provision of any other law, during the period of temporary protection the Director of the Social Welfare Services may, by obtaining when necessary the consent of an adult person and considering the views of the child in accordance with his age, assign the care of the unaccompanied minor:

Unaccompanied  
minors.

(a) to adult relatives;

(b) to a foster family;

(c) to reception centres with special provisions for minors or to other accommodation suitable for minors;

(d) to the person who took care of the child when fleeing.

6 of 241(I) of 2004.  
Solidarity with other  
Member States.

**20JA.** (1) In a spirit of community solidarity, the Republic receives persons eligible for temporary protection and for this purpose the Council of Ministers indicates in figures the capacity of the Republic to receive such persons and such information is communicated through the Asylum Service to the Council and the Commission in order to be included in the Council Decision issued pursuant to Directive 2001/55/EC.

(2) The Asylum Service, in co-operation with the competent international organisations, ensures that eligible persons defined in the Council Decision who have not yet arrived in the European Community have expressed their will to be received onto the territory of the Republic.

(3) For the duration of the temporary protection, the Asylum Service cooperates with the competent authorities of other Member States for the transfer of the residence of persons enjoying temporary protection from one Member State to another, provided that the persons concerned have granted their written consent to this transfer.

(4) The Asylum Service shall notify the competent authorities of the other Member States of transfer requests and simultaneously notify the Commission and the United Nations High Commissioner for Refugees.

(5) When a transfer request is submitted to the Republic by the competent authorities of another Member State, the Asylum Service shall inform the requesting Member State of its reception capacity for transferred persons.

(6) When a transfer of a person enjoying temporary protection is made from the Republic to another Member State, the residence permit shall be recalled by the Director and any obligations arising under this Law towards that person are terminated.

Table II. (7) The Asylum Service shall use the model transit pass set out in Table II for the transfer of persons enjoying temporary protection.

6 of 241(I) of 2004.  
Administrative  
Cooperation.

**20JB.** The Asylum Service is the competent authority for the administrative cooperation with the Commission and with the competent authorities of other Member States and the competent international organisations in relation to the implementation of the provisions of the present Law and Directive 2001/55/EC regarding temporary protection, and for this purpose it regularly and as soon as possible communicates data concerning the number of persons enjoying temporary protection as well as complete information on national laws, regulations and administrative provisions associated to the implementation of the present Law and Directive 2001/55/EC.

**13 of 58(I) of 2014.**

## PART IV

## RIGHTS AND OBLIGATIONS OF BENEFICIARIES OF INTERNATIONAL PROTECTION

- Rights of refugees. **21.**—(1) A person recognised as a refugee under this Law –
- (a) has the right –
    - (i) to fair treatment, without discrimination on the grounds of sex, race, religion, membership of a particular social group, political opinion or country of nationality,
    - (ii) to transfer assets into the Republic, subject to the applicable laws and regulations,
    - (iii) to manifest and practice his religion freely,
  - 16(a) of 112(I) of 2007 (iv) to access programmes of societal integration.
  - (b) receives the same treatment as provided to the citizens of the Republic under the relevant laws and regulations relating to –
  - 15(a) of 59(I) of 2014. (i) access to the general education system and further training or retraining,
  - (iA) Repealed by 15(b) of 59(I) of 2014.**
  - (iB) the full access of all minors to all levels of the education system,
  - 15(c) of 59(I) of 2014. (iC) the current procedures for the recognition of foreign degrees, certificates and other evidence of formal qualifications,
  - (ii) the free access to the courts of the Republic and exemption from the requirement to provide guarantee for judicial costs (*cautio judicatum solvi*),
  - (iii) the rationing system in case of emergency,
  - 15(d) of 59(I) of 2014. (iv) the necessary assistance as regards social welfare, as well as adequate health care, including treatment for mental disorders, where necessary, to those with special needs such as pregnant women, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict.
  - (v) Repealed by 15(e) of 59(I) of 2014.**
  - (vi) the protection of intellectual property,
  - 14(a) of 58(I) of 2014. (vii) health care,



- 16(e) of 112(I) of 2007. 15(f) of 59(I) of 2014. (viii) the participation in training programmes for adults which relate to employment, vocational training, including training courses for upgrading skills, counselling services provided by employment offices and practical workplace experience.
- 14(b) of 58(I) of 2014. (c) receives the same treatment as that accorded to legally resident aliens under the same conditions, in accordance with the relevant laws and regulations of the Republic, relating to—
- (i) access to accommodation,
  - (ii) the right to associate,
  - (iii) the right to choose a place of residence and move freely within the territory of the Government of the Republic,
  - (iv) the right to acquire or possess property and other similar rights, as well as the right to rent or lease immovable property and to enter into contracts relating to immovable property.
- (d) Repealed by 14(c) of 48(I) of 2014.**
- 15(g) of 59(I) of 2014. 31(I) of 2008. (1A) The competent authorities of the Republic shall ensure the facilitation of the full access of refugees who are unable to provide evidence of their qualifications to appropriate programmes for the assessment, validation and certification of their previous learning. Such measures comply with the provisions of section 2, subsections (2) and (3) of section 3 of the Recognition of Professional Qualifications Law, as amended or replaced from time to time.
- 15(g) of 59(I) of 2014. (1B) The competent authorities of the Republic make efforts to facilitate full access to the activities referred to in subsection (1)(b)(viii) for refugees.
- 15(g) of 59(I) of 2014. (1C) If the practice of refugee dispersal is implemented, the Director of Social Welfare Services makes efforts to put into practice policies aimed at preventing discrimination against refugees and securing equal opportunities as regards access to accommodation.
- 16(h) of 112(I) of 2007. 15(h) of 59(I) of 2014. (2) For the purpose of facilitating the integration of refugees into society, the competent authority ensures the establishment of integration programmes which are considered appropriate to take into account the specific needs of beneficiaries of refugee status or ensures the creation of conditions that ensures access to similar programmes. The Council of Ministers by way of a decision determines the competent authority.
- 20(b) of 53(I) of 2003. (3) For the purposes of this section the term “under the same conditions” means that any conditions that a recognised refugee must have met to enjoy the right concerned if he was not a refugee must be met by him, excluding those conditions that by their very nature the refugee cannot meet.
- 16 of 59(I) of 2014. Access to employment **21A.**—(1) Immediately after the granting of international protection, every beneficiary of international protection may engage in employed or self-employed

activities in accordance with to rules applicable to the profession in general and public administration.

(2) The applicable law as regards pay, access to social security schemes for employed or self-employed professional activities and other terms of employment applies to beneficiaries of international protection.

21 of 53(I) of 2003. Right to gainful employment.	<b>21B. Repealed by 15(I) of 58(I) of 2014.</b>
21 of 53(I) of 2003. Administrative assistance.	<p><b>21C.</b> –(1) When the exercise of any right by a recognised refugee normally requires the assistance of authorities of another state to which he does not have access, the respective competent authorities of the Republic ensure on a case-by-case basis that such assistance be afforded to him by the same, or by an international authority.</p> <p>(2) The authorities referred to in subsection (1) grant or shall arrange for the grant, under their supervision, of documents or certificates to recognised refugees that would normally be delivered to aliens by or through their national authorities.</p> <p>(3) Documents or certificates that are delivered in the above manner replace the documents which are delivered to aliens by or through their national authorities and are valid until proven otherwise.</p> <p>(4) Without prejudice to special treatment applicable to persons with needs, fees may be charged for the services referred to in this section which should be proportionate to the fees imposed on citizens of the Republic in similar cases, in accordance with section 23.</p>
16 of 58(I) of 2014.	(5) The provisions of this section do not prejudice the provisions of section 22.
17 of 112(I) of 2007. Limitation of refugee benefits.	<b>21D. Repealed by 17 of 59(I) of 2014.</b>
Identity card and travel documents. 18 of 59(I) of 2014.	<p><b>22.</b>–(1) A refugee identity card is issued and delivered to a refugee with proof of receipt.</p> <p>(2) Refugee travel documents are issued and delivered with proof receipt to a refugee, unless the opposite is mandated due to compelling reasons of security of the Republic or compelling reasons of public order.</p>
Taxation charges to refugees.	<b>23.</b> Taxes, charges, duties or fees of any nature higher than those imposed on the citizens of the Republic in similar cases are not imposed on refugees.
17 of 58(I) of 2014. Obligations of applicants or	<b>24.</b> –(1) Every applicant of international protection or other status under this Law and every beneficiary of international protection or other status under this Law

beneficiaries of a status under this Law and members of their families.

and every member of family of the aforementioned persons must abide by the Constitution, the primary and secondary legislation and the law of the Republic.

(2) No person referred to in subsection (1) may participate in activities which endanger security or public safety or the constitutional order or the public order of the Republic or which harm or are possible to otherwise harm the public interest.

(3) A person referred to in subsection (1) may not engage in activities which are contrary to the principles of the United Nations and international law

18 of 58(I) of 2014.  
Family unity and family reunification.

**25.**-(1) Family members of a beneficiary of international protection, who do not individually fulfil the conditions for the recognition of international protection may submit, in the form determined by the Head, an application to the Head for the provision of benefits enjoyed by the beneficiary of international protection under the following sections:

(a) Section 18A(2) and (3),

(b) Section 19(4), (6) and (9),

(c) Section 21(1)(b)(i), (iB), (iC), (iv), (vii) and (viii), (c)(i) and (iii), (1A), (1B), (1C) and (2),

(d) Section 21A,

(e) Section 22(2),

(f) Section 25A(1), (2), (3) and (4).

(2) With reference to an application submitted under subsection (1), sub-sections 13(1), (2), (3) and (4) apply *mutatis mutandis*.

(3) Section 4(d) and subsections (1) and (2) of this section do not apply where the family member is excluded or would be excluded from international protection under sections 3C, 3D, 5, 6 and/or 19.

(4) The Head may, in the interest of the security of the Republic or for reasons of public order-

(a) reject an application submitted under subsection (1),

(b) recall and/or limit benefits that he decided to grant under this section.

(5) (a) Notwithstanding the definition of the term “family member” in section 2(1) but without prejudice to sub-sections (1) to (4), sub-sections (6) to (19) of this

section apply with regard to the following family members of a refugee with whom the refugee established a family bond before his entry into the Republic:

(i) the refugee's spouse, under the condition that both have reached the age of twenty-one:

Provided that, in the case of a polygamous marriage, a spouse of a refugee, further to the spouse who already lives with the refugee in the Republic, is exempt from this paragraph;

(ii) a minor and unmarried child of the refugee and of his or her spouse, including a child adopted by a decision taken by the competent authority in the Republic or by a foreign decision which is automatically enforceable by virtue of international obligations of the Republic or is recognizable under international obligations of the Republic:

Provided that, in the case of a polygamous marriage, the child of the refugee and a spouse, further to the children of the refugee and of the spouse who already lives with the refugee in the Republic, is exempt from this paragraph;

(iii) a minor and unmarried child of the refugee, including a child adopted under the aforementioned in subparagraph (ii), where the refugee has the exclusive custody and care of the child:

Provided that, in the case of a polygamous marriage, the child of the refugee and a spouse, further to the children of the refugee and of the spouse who already lives with the refugee in the Republic, is exempt from this paragraph;

(iv) a minor and unmarried child of the spouse of the refugee, including a child adopted under the aforementioned in subparagraph (ii), where the spouse of the refugee has the exclusive custody and care of the child:

Provided that, in the case of a polygamous marriage, the child of a spouse, further to the children of the spouse who already lives with the refugee in the Republic, is exempt from this paragraph;

(v) first-degree relatives in the direct ascending line where the refugee is an unaccompanied minor.

7(I) of 2007  
181(I) of 2011  
8(I) of 2013  
67(I) of 2013.

(b) Subsections (6) to (19) do not apply with regard to family members of a refugee who fall within the scope of the Law on the Right of Citizens of the Union and their Family Members to Move and Reside Freely in the Republic, as amended or replaced from time to time.

(c) Subsections (6) to (19) apply save for more favourable provisions –

(i) in bilateral and multilateral agreements between the European Union or the European Union and its Member States, on the one hand, and third countries, on the other;

(ii) in any of the following acts:

- |   |   |
|---|---|
| 64 of 1967<br>5 of 1975<br>31 of 1988<br>203 of 1991<br>10(III) of 1993.<br><br>27(III) of 2000<br>17(III) of 2011. | (aa) the European Social Charter of 18 October 1961 which was ratified by the European Social Charter (Ratification) Law, as amended or replaced from time to time,<br><br>(bb) the Revised European Social Charter of 3 May 1987, which was ratified by the Revised European Social Charter of 1996 (Ratification) Law, as amended or replaced from time to time,<br><br>(cc) the European Convention on the Legal Status of Migrant Workers of 24 November 1977 |
|---|---|

13 of 105(I) of 2016 (6) In order to exercise the right of family reunification, an application for reunification with family members of the refugee is submitted by the refugee to the Department, in the form prescribed by the Director, with the payment of a fee which is decided by the Director.

(7) The application is accompanied by documents which prove the family relation and true copies of travel documents of the member or members of the family and, if it is deemed necessary to prove the existence of family relation, the Department may carry out personal interviews with the refugee and/ or members of his family and carry out any other investigation it deems necessary.

(8) When the refugee fails to furnish official documents proving the family link, the Department examines other evidence, which it assesses in accordance with Cyprus law, relating to the existence of such bonds. A decision to reject the application may not rely solely on the absence of such evidence.

(9) The application for family reunification of family members of the refugee is made and examined only when the family members of the refugee reside outside the territory of the Republic.

(10) As soon as it is possible and, in any case, no later than nine (9) months after the date the application was submitted, the Director decides on the application and communicates his decision in writing to the refugee who submitted the application and to the Asylum Service. In exceptional circumstances relating to the complexity of examination of the application, the given time limit may be extended by way of a written decision of the Director. The decision to reject an application must be reasoned.

(11) When implementing subsections (5) to (10), the best interest of minor children is duly considered.

(12)(a) Subject to international obligations of the Republic, when family reunification is possible in a third country in which the refugee and a member of his family have special ties or where the application for family reunification is submitted after the lapse of three (3) months from when the applicant was granted refugee status, the Director may require the following evidence to be submitted with regard to the application for family reunification:

(i) accommodation regarded as normal for a comparable family in the same area and which meets the general health and safety standards in force through Cypriot law,

(ii) health insurance for the refugee and his family members, covering all risks normally covered for nationals, and

(ii) stable and regular resources which are sufficient to maintain the refugee and his family members without resorting to the social assistance system of the Republic.

(b) For the purposes of subparagraph (iii) of paragraph (a), the Director evaluates the resources stated therein by reference to their nature and regularity and may consider the level of minimum national wages and pensions in the Republic, as well as the number of family members.

(13) The Director may reject an application for family reunification regarding a refugee's family member on grounds of public order, public security or public health.

(14)(a) Subject to subsection (17), as soon as the Director approves an application for family reunification, he immediately informs the Director, who –

(i) authorizes the entry of the refugee's family member into the areas controlled by the Government of the Republic, and

(ii) informs the local competent consulate authorities of the Republic to grant to the family member every facility to obtain the necessary visas.

(b) The Director grants to a family member of a refugee a first residence permit, which is renewable and is of at least one (1) year's duration.

(c) Notwithstanding the provisions of paragraph (b), the duration of the residence permit granted by the Director to a family member of a refugee does not in principle exceed the date of expiry of the residence permit of the refugee.

(d) The Director may recall or not renew the residence permit of a family member of a refugee on grounds of public order, public security or public health, after having duly considered –

(i) the provisions of subsection (16), and  
 (i) the severity or type of any offence committed by the family member of the refugee against public order or public security or the dangers that emanate from the said member.

(e) The Director does not refuse the renewal of a residence permit and neither is it decided or ordered to removal a family member of a refugee from the Republic on the sole ground that the family member suffers from an illness or disability after the issuance of the residence permit.

(f) The Director renews a residence permit for a family member of a refugee only if the said member submits a certificate of success of an oral test which is issued by the Ministry of Education and Culture or for another equal qualification accepted by the said Ministry which proves that the said family member has satisfactory knowledge of –

- (i) the Greek language at A2 level, as determined in the Common European Framework of Reference for Languages, and
- (ii) key elements of the contemporary political and social reality of Cyprus.

Participation in the test is permitted through the submission of an application to the Examinations Service of the Ministry of Education and Culture and payment of a fee of twenty-five euros (€25).

(15)(a) The family members of a refugee have the following rights under the same rules, terms and conditions as the refugee:

- (i) access to education,
- (ii) access to vocational guidance and to basic and further training and re-training.

(b) The family members of a refugee have the right to employment and self-employed activity under the same rules, terms and conditions as the refugee, subject to the rules, terms and conditions of employment of third-country nationals in the Republic as provided by Cypriot law and national policies.

(c) Notwithstanding the provisions of paragraph (b), the Council of Ministers, by an order constituting a public instrument published in the Official Gazette of the Republic, may restrict the right of family members of a refugee to employment and self-employed activity for a period not exceeding twelve (12) months from the date the residence permit was granted to the said family members, taking into account the state of the labour market as reported by the Minister of Labour and Social Insurance following consultation with the social partners.

(16)(a) The children who have reached majority and the spouse of a refugee are entitled, following an application to the Director, to an autonomous residence permit which is independent of the residence permit of the refugee under the following conditions:

(i) In each case, the applicant has completed five (5) years of stay in the areas controlled by the Government of the Republic of Cyprus and has not obtained a residence permit for a reason other than family reunification, and

(ii) When an application is submitted by a spouse of a refugee, the said spouse is divorced from the refugee.

(b) The Director grants an autonomous residence permit to a family member of a refugee in any of the following cases:

- (i) in the event of the death of the refugee
- 119(I) of 2000 (ii) in the event that the family member is a victim of domestic violence, as provided
- 212(I) of 2004. by the Violence in the Family (Prevention and Protection of Victims) Law, as amended or replaced from time to time,
- 11(III) of 2003. (iii) in the event that the family member is a victim of trafficking and exploitation pursuant to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which was ratified by the United Nations Convention against Transnational Organized Crime and Protocols (Ratification) Law
- 87(I) of 2007 2003, as amended or replaced from time to time and/or under the Combatting of
- 13(I) of 2012. Human Trafficking and Exploitation and the Protection of Victims Law, as amended or replaced from time to time.

(c) An autonomous residence permit granted to a family of a refugee under this subsection is one of the categories of residence permits provided by the Aliens and Immigration Law, as amended or replaced from time to time, or the regulations made thereunder.

(17)(a) The Director may reject an application for family reunification, recall or refuse to renew a residence permit for a family member of a refugee in any of the following circumstances:

- (i) When the conditions laid down in this section for family reunification are not or are no longer met; upon the renewal of the residence permit when the refugee does not have sufficient resources without resorting to the social assistance system of the Republic, the Director takes into consideration the contributions of the family members to the household income;
- (ii) subject to subsection (16), when the refugee and the relevant family member do not or no longer lead a genuine marital or family relationship;
- (iii) when it is found that the refugee has married another person, or is in a stable long-term relationship with another person;
- (iv) when it is established that false or misleading information was used, false or falsified documents were used, or fraud was committed in any manner, or other unlawful means were used;
- (v) when it is established that it was a marriage or adoption of convenience as defined in the Aliens and Immigration Law, as amended or replaced from time to time, or the adoption was made for the sole purpose of enabling the person to enter or to reside in the Republic; when assessment the marriage or the adoption



it is taken into account whether the marriage or adoption took place after the refugee was issued his residence permit.

(b) The Department may conduct specific checks and inspections when there are reasonable suspicions of fraud or of a marriage or adoption of convenience, including specific checks undertaken within the context of the renewal of the residence permit of the family member.

(c) The Director may recall or not to renew the residence permit of a family member of a refugee in the event that the residence permit of the refugee is terminated and the family member does not yet have an autonomous right of residence pursuant to subsection (16).

(18) In applying subsections (5) to (17), the Director takes due account of the nature and stability of the person's family ties and the duration of residence in the Republic, as well as the existence of family, cultural and social ties with the country of origin in the event of a rejected application, the recall or refusal of renewal of the residence permit, or in the case of removal measures against the refugee or his family members.

(19) For the purposes of subsections (5) to (18) of this section, "residence permit" means an authorisation which is issued by the Director under which a third-country national is allowed to reside legally in the Republic in accordance with Article 1(2)(a) of the act of the European Union titled "Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals", as last amended by Council Regulation (EC) No 380/2008 of 18 April 2008.

Official Journal of the  
EU: L 157, 15.6.2002,  
p.1;  
L115,  
29.4.2008,  
p.1.

19 of 112(I) of 2007.  
Unaccompanied minors  
with refugee or  
subsidiary protection  
status.  
19(a) of 59(I) of 2014.

**25A.** –(1) When an unaccompanied minor is recognised as a refugee or is granted subsidiary protection status, the Head immediately informs the Director of Social Welfare Services who acts as the guardian of the unaccompanied minor, covering his needs and, to that end, regularly assessing the situation of the unaccompanied minor. The Director of Social Welfare Services, ensuring when necessary the consent of an adult person and considering the views of the unaccompanied minor, in accordance with his age and degree of maturity, assigns his care either –

- (a) to adult relatives; or
- (b) to a foster family; or
- (c) to specific accommodation centres for minors; or
- (d) to another type of accommodation suitable for minors.

(2) As far as possible, brothers and sisters are kept together, taking into account the best interests of the minor concerned and, in particular, his age and degree of maturity. Changes of residence of unaccompanied minors are limited to a minimum.

- 19(b) of 59(I) of 2014. (3) When international protection is granted to an unaccompanied minor but the tracing for his family has not started, the Director of Social Welfare Services, begins to trace the members of the family of the unaccompanied minor as soon as possible after the granting of international protection, whilst protecting the best interests of the unaccompanied minor. If the tracing has already begun, the Director of Social Welfare Services continues the tracing procedure, where necessary. In cases where there may be a threat to the life or integrity of the minor or his close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and exchange of information on the said persons is undertaken on a confidential basis.
- 19(c) of 59(I) of 2014. (4) Those working with unaccompanied minors already have and continue to receive appropriate training as regards the needs of unaccompanied minors.

## PART V

## 24 of 105(I) of 2016 ESTABLISHMENT AND COMPETENCES OF THE ASYLUM SERVICE

Asylum Service. 26.-(1) The Asylum Service is established at the Ministry of Interior, which examines and decides upon applications in accordance with the provisions of this Law and exercises any other competence granted to it by virtue of this Law.

19 of 58(I) of 2014. (2) The Asylum Service proceeds with the establishment of an Office, for the purposes of keeping a relevant registry and collecting information on matters regarding beneficiaries of international protection or other status under this Law.

30 of 106(I) of 2016. (3) The Minister ensures that the Asylum Service is given the appropriate means, including adequate and competent staff to carry out its duties under this law.

30 of 106(I) of 2016. (4) The Head ensures that:

(a) The staff of the Asylum Service responsible to examine applications is properly trained through receiving relevant training which includes what is listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010, considering the relevant training established and developed by the European Asylum Support Office; and

(b) competent officers interviewing applicants pursuant to this Law have general knowledge of problems which could adversely affect the ability of the applicant to be interviewed, such as indications that the applicant may have been tortured in the past.

Other competences of the Asylum Service. 27.-(1) In addition to the power vested in the Asylum Service under section 26, the Asylum Service has the following competences:

25(b) of 105(I) of 2016.

(a) Coordinates the actions of all the involved authorities of the Republic for the better implementation of this Law;

(b) organises seminars and training courses on matters of international protection, asylum and on refugees for officers dealing with such matters in all involved authorities of the Republic;

(c) issues directives, circulars and guidelines on matters regulated by this Law or in the Convention or in Community Regulations or Decisions of Organs of the European Union or findings of the Executive Committee of the United Nations High Commissioner for Refugees or related resolutions of the United Nations or of other international organisations;

**(d) deleted by 25(a) of 105(I) of 2016.**

(e) monitors the evolution of the *acquis* of the European Union with respect to asylum and submits proposals and suggestions to the Minister as regards the positions of the Ministry before the European Union institutions;

(f) as regards to the taking of fingerprints, manages the implementation of Council Regulation (EC) No. 2725/2000 of 11 December 2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention and of Council Regulation (EC) 407/2002 of 28 February 2002 establishing rules for the implementation of Regulation (EC) 2725/2000 for the comparison of fingerprints for the effective application of the Dublin Convention;

(g) manages the implementation of the Dublin provisions;

**(h) Deleted by 25(a) of 105(I) of 2016.**

(i) submits to the Minister recommendations and proposals relating to policy matters within the areas of its competence.

31 of 106(I) of 2016. (2)(a) The Head informs the Committee as soon as the reasons for the implementation of exceptional measures taken in accordance with section 11(2)(c), section 13A(1A) and section 13(7)(b) cease to apply, and at least on an annual basis.

(b) The information referred to in paragraph (a) include, where possible, data on the percentage of the applications for which derogations were applied as per the total number of applications processed during that period.

(c) The Head, as the competent person for this authority of the Republic, complies with the obligation imposed by Article 50 of Directive 2013/32 EU to the Republic as a Member State.

Establishment and appointment of the Reviewing Authority. 21 of 58(I) of 2014. **28.** –(1) The Refugee Reviewing Authority is established with the power and competence to examine administrative recourses submitted by applicants against decisions of the Head of the Asylum Service and of the Director in relation to the deportation of persons under international protection.

(2) The Reviewing Authority consists of the President and two members appointed by the Council of Ministers. The appointment of the President and the members of the Reviewing Authority is published in the Official Gazette of the Republic.

(3) The Reviewing Authority is an independent authority and is not subject to any Ministry, Department or Independent Service of the Government of the Republic.

**[Section 28 was repealed by section 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

- Terms of appointment, remuneration and pension of the President and the Members of the Reviewing Authority.
- 20 of 59(I) of 2014.
- 28A.** –(1) Persons of the highest moral ground and level of professionalism, with experience in matters pertaining to international protection, refugees and asylum are appointed as President and members of the Reviewing Authority.
- (2) The President and at least one of the members are jurists.
- (3) The President and members of the Reviewing Authority are appointed for a term of office determined by the Council of Ministers not exceeding five years. This term of office may be renewed for further terms, each of which is decided by the Council of Ministers and does not exceed five years. In any case, the Head and members of the Reviewing Authority may not serve beyond the age of 68.
- (4) During their terms of office, the President and members of the Reviewing Authority are prohibited from –
- (a) Accepting or maintaining –
- (i) employment in a job, office or position, of which the remuneration is subject to the control of the Republic,
- (ii) either a public post or a post or capacity in a municipality or a legal entity or public law organisation;
- (b) accepting or maintaining employment in a job, office or position in the private sector either for remuneration of any nature or under circumstances in which the payment or remuneration of any nature is reasonably expected, irrespective of whether remuneration is indeed paid or not.
- (5) The President and each Member of the Reviewing Authority receives such remuneration and allowances as laid down by the Council of Ministers in the documents of appointment.
- (6) The Council of Ministers may determine by way of a decision the payment of allowances, bonuses or pensions to or in relation to a person who served as a President or a Member of the Reviewing Authority.

**[Section 28A was repealed by section 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

Vacancy. **28B.** –(1) The position of the President or a member of the Reviewing Authority becomes vacant –

(a) in case of death;

(b) in case of a resignation which is submitted in writing to the Council of Ministers;

(c) in case of dismissal by the Council of Ministers in accordance with the provisions of subsection (2).

(2) The Council of Ministers may, by way a decision, dismiss the President or any member of the Reviewing Authority for any of the following reasons:

(a) due to the conviction of the holder of the post of a criminal offence, which involves dishonesty and moral indecency;

(b) due to the imposition on the holder of the post of an imprisonment penalty for having committed a criminal offence;

(c) due to illness, disability or mental or physical incapacity, which renders the holder of the post incapable of fulfilling adequately the competencies, powers or duties for the remaining period of his office;

(d) due to a violation or failure to comply with any of the obligations prescribed in section 28A(4) by the holder of the post.

(3) When the post of the President or a member of the Reviewing Authority becomes vacant before the completion of the period of office at the Reviewing Authority, the Council of Ministers, following a recommendation of the Minister, proceeds with the appointment of a new President or member for the remaining period of office of the former holder of the post, in accordance with the provisions of section 28A (1) and (2).

**[Section 28B was repealed by section 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

Temporary replacement. **28C.** When the President or a member of the Reviewing Authority is temporarily impeded from performing his duties for any reason, the Council of Ministers, following a recommendation by the Minister, appoints a temporary replacement of the President or of the member, and such an appointment ends immediately upon the return of the temporarily replaced President or member:

Provided that, a member of the Reviewing Authority may be appointed temporarily as President pursuant to this section.

**[Section 28C was repealed by section 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

Powers of the President.

**28D.** The President –

(a) Presides over the Reviewing Authority;

(b) by virtue of section 28E (3) and (4), assigns the examination of administrative recourses to a member of the Reviewing Authority or refers them to the full board of the said Authority;

(c) assigns, in co-operation with the Secretary, the investigation of the administrative recourse to competent officers;

(d) convenes meetings of the full board of the Reviewing Authority when necessary under the provisions of this Law;

(e) ensures that the Reviewing Authority exercises their competences in accordance with the law;

(f) represents the Reviewing Authority before the Court or other authorities.

**[Section 28D was repealed by section 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

Competences and powers of the Reviewing Authority.

**28E.** –(1) Any negative decision of the Head taken under sections 5, 6, 6A, 11B, 12D, 13, 14, 16A, 16B, 19, 20 and 20I or 25, and any decision of the Director taken under section 29, is subject to an administrative recourse before the Reviewing Authority.

8 of 241(I) of 2004.  
21(a) of 122(I) of 2009.  
11 of 9(I) of 2013.  
22(a) of 58(I) of 2014.  
7 of 80(I) of 2018.

(2) The Reviewing Authority, following the examination of the administrative recourse of an applicant, issues a reasoned decision upholding or annulling and amending the decision of the Head or the Director.

21(b) of 122(I) of 2009.

(2A) Notwithstanding the provisions of subsection (2), in the circumstance of an in or out of time administrative recourse against a positive decision of the Head, the Reviewing Authority, by way of a reasoned decision, rejects the recourse as inadmissible without further examination and without upholding, annulling and amending the said decision of the Head.

Such an administrative recourse and the decision of the Reviewing Authority relating to it do not prejudice the enforceability of the relevant decision of the Head under section 18(11).

21(b) of 122(I) of 2009. (2B) Notwithstanding the provisions of subsection (2), in the circumstance of an out of time administrative recourse against a negative decision of the Head, the Reviewing Authority by way of a reasoned decision rejects the recourse as inadmissible without further examination and without upholding, annulling and amending of the said decision of the Head.

Such an administrative recourse and the decision of the Reviewing Authority relating to it do not prejudice the enforceability of the relevant decision of the Head under section 18(10)(a).

(3) without prejudice to the provisions of section (4), any member of the Reviewing Authority may by himself exercise the competences of the Reviewing Authority laid down in this section.

(4) The Reviewing Authority examines and decides in full board on administrative recourse against decisions of–

22(b) of 58(I) of 2014 (a) the Head to exclude an applicant from the status of refugee or subsidiary protection under section 5;

22(c) of 58(I) of 2014 (b) the Head to cease or withdraw refugee status under section 5, 6 or 6A or subsidiary protection status under section 19;

(c) the Director to deport a refugee or a person with subsidiary protection status under section 29.

(5) When the Reviewing Authority examines the administrative recourse in full board, the decision is taken by a majority vote.

**[Section 28E was repealed by section 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

Time limit for the submission of administrative recourse. **28F.** –(1) The administrative recourse is submitted within ten working days from the date the applicant is notified of the decision of the Head in cases when the application was examined following the accelerated procedures of section 12D, with the exception of cases where section 12D(4)(a) applies.

22(a) of 122(I) of 2009.

22(b) of 122(I) of 2009. (2) The administrative recourse is submitted within twenty days from the date the applicant is notified of the decision of the Head or of the Director in all other cases, except those falling within the scope of application of subsection (1).

**[Section 28F was repealed by section 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

Procedures before the Reviewing Authority. **28G.** –(1) The procedures before the Reviewing Authority may be both in the form of written representations as well as hearings.

(2) The Reviewing Authority examines each administrative recourse after an investigation of the case by a competent officer, who submits to the Reviewing Authority a relevant report.

(3) Both the Reviewing Authority as well as the competent officer may invite the applicant to a personal interview.

(4) The Reviewing Authority may, during the examination of the administrative recourse, where it deems so expedient, decide to call a hearing to which it has the power to summon:

(a) The applicant;

(b) any expert it may decide;

(c) the competent officer of the Reviewing Authority;

(d) a representative of the Asylum Service.

(5) The hearing procedures before the Reviewing Authority are held in closed meetings.

(6) In case the applicant submits new evidence, the Reviewing Authority may either invite the applicant to a personal interview or summon the applicant to a hearing, as the Reviewing Authority deems appropriate:

Provided that, the extent to which any evidence submitted by the applicant constitute new evidence is decided by the Reviewing Authority.

(7) The Reviewing Authority may regulate further matters pertaining to its procedures by internal regulations published in the Official Gazette of the Republic.

**[Section 28G was repealed by section 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

Issuance of a decision of the Reviewing Authority. **28H.** –(1) The Reviewing Authority issues its decision within fifteen days from the date the recourse was submitted for the cases under section 28F (1).



(2) The Reviewing Authority issues its decision as soon as possible within the time limit for the submission of the administrative recourse for the cases referred to in section 28F(2).

**[Section 28H was repealed by section 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

Basic principles governing the operation and procedures of the Reviewing Authority.

**28I.** –(1) Upon the submission of the administrative recourse, the applicant is informed in writing of his rights and obligations in relation to the procedures before the Reviewing Authority.

(2) During the course of the procedures before the Reviewing Authority, the applicant is provided with free-of-charge services of an interpreter, when necessary, and for the purposes of this section it is always deemed necessary in cases where the Reviewing Authority invites the applicant to a personal interview or summons him to a hearing.

23(a) of 58(I) of 2014.

(3) During the personal interview, no other person may be present other than the Reviewing Authority or the competent officer, depending on the case, the applicant, his lawyer or legal adviser, the guardian or representative of an unaccompanied minor or the representative of an unaccompanied minor, where applicable, and the necessary interpreter, unless otherwise requested by the applicant.

(4) Throughout the procedure before the Reviewing Authority, the applicant has the right to be represented by a lawyer or a legal adviser.

(5) Both the submission of the administrative recourse as well as any evidence in relation to the administrative recourse that the Reviewing Authority has in its possession remain confidential and in no case shall they be revealed to the authorities of the applicant's country of nationality nor shall the authorities request any information about the applicant.

21 of 59(I) of 2014.

(6)(a) Without prejudice to paragraph (b), the Reviewing Authority implements *mutatis mutandis* the following sections:

- (i) section 5;
- (ii) section 6(1Asecond), (1C), (1D), (2), (2A) and (4);
- (iii) section 6A(2), (3) and (4);
- (iv) section 10(1A), (1C), (1D), (1E), (1F), (1H) and (1I);
- (v) section 11(5)
- (vi) section 12B(3) and (4);
- (vii) section 12Bsecond(3) and (4);
- (viii) section 12Bthird(6)
- (ix) section 12Bfourth(2);
- (x) section 12C;
- (xi) section 13(5) and (6);
- (xii) section 13A(4), (5), (6), (7), (8) and (9);

(xiii) section 14;

**(xiv) Deleted by 8 of 80(I) of 2018.**

(xv) section 16B;

(xvi) section 16C;

(xvii) section 18(2A), (2B), (3), (7), (7A), (7B), (7C), (7D), (7E) and (9);

(xviii) section 19(3) and (3A)

27 of 105(I) of 2016. (xix) any other section in this Law, which the Reviewing Authority must enforce, mutatis mutandis, to meet the obligations imposed to the authorities by Directive 2013/32/EU.

(b) Paragraph (a) does not apply in relation to administrative recourse before the Reviewing Authority as regards –

23(c) of 58(I) of 2014. (i) a negative decision of the Head under sections 20 or 20I, or

(ii) a decision of the Director pursuant to section 29 regarding a person with a residence status on humanitarian grounds.

23(b) of 122(I) of 2009. (7) All the decisions of the Reviewing Authority are communicated to the Asylum Service and the Director for the taking of all necessary measures for the execution of the decision, as appropriate.

(8) The representative of the United Nations High Commissioner for Refugees has access to decisions of the Reviewing Authority upon submission to it of a relevant request.

**[Section 28I was repealed by 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

Office of the Reviewing Authority. **28J.** –(1) The Reviewing Authority has an Office whose staff includes the Secretary and competent officers.

(2) The office staff shall act in accordance with the directions and instructions of the Reviewing Authority.

(3) Staff members of the Reviewing Authority are members of the public service and are appointed in accordance in the Public Service Laws of 1990 to (No 3) of 2003.

1 of 1990  
71 of 1991  
211 of 1991  
27(I) of 1994  
83(I) of 1995  
60(I) of 1996  
109(I) of 1996  
69(I) of 2000  
4(I) of 2001  
94(I) of 2003  
128(I) of 2003

183(I) of 2003.

(4) The competent officers investigate administrative recourses which are assigned by the Secretary in consultation with the President and submit a report to the Reviewing Authority.

(5) The Secretary of the Authority is responsible for the coordination and smooth operation of the Office of the Reviewing Authority and acts in accordance with the instructions given to him by the President of the Reviewing Authority.

(6) The Secretary and the competent officers may be present at the meetings of the Reviewing Authority and may inform or express their opinion to the Reviewing Authority about matters assigned to them.

**[Section 28I was repealed by 26 of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

## PART VI

### FINAL PROVISIONS

23(a) of 9(I) of 2004.  
23(a, b) of 53(I) of 2003.  
Deportation of persons with international protection.  
23(c) of 53(I) of 2003.  
20(a) of 112(I) of 2007.  
24(a) of 58(I) of 2014.

**29.**—(1) The Director may decide to deport a beneficiary of international protection-

(a) when there are reasonable grounds for regarding such person as a danger to the security of the Republic, or

(b) when the said person has been convicted by a final judgment for having committed a particularly serious offence and therefore represents a danger to Cypriot society.

(2) Before the Director proceeds to issue a deportation order against any person under subsection (1), the Director-

(a) Provides the affected person with the opportunity to submit written or oral representations, and

(b) informs the Head of the Asylum Service:

Provided that, the representative of the United Nations High Commissioner for Refugees is informed of the decisions of the Director following a relevant request submitted to him.

23(b) of 9(I) of 2004.  
24(b) of 58(I) of 2014.

(2A) The Director informs the refugee or the person with subsidiary protection status of his decision to issue a deportation order.

**[The phrase “, as well as of his right to submit an administrative recourse before the Reviewing Authority and of the time limits within which this right may be exercised” was repealed by 28(a) of 105(I) of 2016 which came into force on**

**01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

**(2B) [Subsection 2B was repealed by section 28(b) of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

**(3) Repealed by 24(c) of 58(I) of 2014.**

- 23(e) of 53(I) of 2003. (4) It is prohibited to issue a deportation order against a refugee or person with subsidiary protection status to a country in which his life or freedom would be at risk or he would be in danger of being subjected to torture or inhuman or degrading treatment or punishment or persecution for reasons of sex, race, religion, nationality, membership of a particular social group or political opinion or because of armed conflict or environmental disaster.
- 23(f) of 53(I) of 2003. (5) It is prohibited to issue a deportation order against any person to a country where he would run the risk of being subjected to torture, inhuman or degrading treatment or punishment.
- 20(b) of 112(I) of 2007. (6) Persons to whom the provisions of subsection (1) apply enjoy the rights set out  
12(b) of 9(I) of 2013. in sections 3, 4, 16, 22, 31 and 33 of the Convention for as long as they are present in the areas controlled by the Government of the Republic.
- Measures taken against 30. Measures which may be taken against the person, property or interests of alien  
aliens are not taken citizens of another State shall not be taken against a refugee who has the  
against refugees. nationality of the said other State.
- 24 of 122(I) of 2009. 30A. –(1) Each of the residence permits provided for by sections 18A, 19 and 20F is  
9 of 241(I) of 2004. issued by the Director as a special permit pursuant to Regulation 15 of the Aliens  
24 of 9(I) of 2004. and Immigration Regulations of 1972 – 2002, in which the status governing the  
24 of 53(I) of 2003. residence of the person in the areas controlled by the Government of the Republic  
13 of 9(I) of 2013. is specified, as appropriate, in accordance with the aforementioned sections.  
25 of 58(I) of 2014.  
Official Gazette.  
Annex Three (I):  
22.12.1972  
23.11.1984  
27.12.1986  
30.01.1987  
11.11.1988  
18.05.1990  
17.04.1991  
08.11.1991  
15.04.1994  
06.12.1996  
21.07.2000  
31.12.2001

26.07.2002

Issuance of residence  
permits

(2) At the time of issue of the permits referred to in subsection (1) the provisions of this Law apply, which override any possible conflicting provisions of the Aliens and Immigration Regulations.

26 of 58(I) of 2014.  
Exceptional measures.

**31.** In case of war or other serious or exceptional circumstances, the Government of the Republic may take any measures considered necessary for public safety in relation to an applicant of international protection or other status under this Law, and such measures may continue after the granting of such status to such person if this is justified for reasons of public safety-

Provided that, such measures shall not be contrary to international law and/or the law of the European Union which is binding on the Republic.

25 of 53(I) of 2003.  
Participation of a  
United Nations High  
Commissioner for  
Refugees in the  
procedures of asylum  
examination.  
26 of 9(I) of 2004.

**31A.**—(1) The representative of the United Nations High Commissioner for Refugees has the right, provided it is so requested, to be present –

(a) as an observer in an advisory capacity throughout any interview of an applicant at any stage of the procedure of the examination of an application,

**[The words “asylum at first or second instance” were deleted by 29(a) of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

(b) in an advisory capacity throughout the decision-making process undertaken by the Asylum Service.

**[The words “or the Reviewing Authority” were deleted by 29(b) of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

25 of 122(I) of 2009.

(1A)(a) The United Nations High Commissioner for Refugees has the right –

(i) to have access to applicants, including those detained at the borders or transit zones;

(ii) to have access to information on applications, on the course of the procedure and the decisions taken, provided that the applicant so agrees; and

(iii) to present its views before the Asylum Service when exercising its supervisory functions pursuant to Article 35 of the Convention in relation to applications at any stage of the procedure.

**[The words “and the Reviewing Authority” were deleted by 29(d) of 105(I) of 2016 were repealed by 29(a) of 105(I) of 2016 which came into force on 01.01.2021 by virtue of the decision of the Council of Ministers No. 90.616 of 22.12.2020 exercised pursuant to section 37(2) of 105(I) of 2016]**

32 of 106(I) of 2016. (b) Paragraph (a) applies, *mutatis mutandis*, to an organisation working in the areas controlled by the Government of the Republic on behalf of the United Nations High Commission for Refugees pursuant to an agreement with the authorities of the Republic.

**(2) Repealed by 27 of 58(I) of 2014.**

21 of 112(I) of 2007. **31B.** –(1) Any person who receives any kind of information while performing his duties pursuant to this Law or pursuant to Regulations made thereunder are obliged not to reveal such information, unless –

Principle of confidentiality

(a) by the written consent of the person from whom the information was received; or

(b) for the purposes of proving or substantiating facts in a case pending before the court, or

(c) for the purposes of the implementation of this Law or the Regulations made thereunder or international law or Community law; or

14 of 9(I) of 2013. (c1) for the purposes of criminal investigation and/or prosecution; or

(d) for the purposes of public interest or for other administrative purpose which falls within the public interest.

(2) A person who violates or fails to comply with the provisions of subsection (1) commits a criminal offence and upon conviction is liable to imprisonment not exceeding three months or to a fine not exceeding one thousand pounds or to both such penalties.

30 of 105(I) of 2016. **31C.**–(1) When a person submits a recourse to the Administrative Court pursuant to Article 146 of the Constitution against a decision taken by the Head or the Reviewing Authority pursuant to this law, the Administrative Court provides free interpretation services when the said person:

Right of person submitting a recourse under Article 146 of the Constitution, with regard to international protection.

(a) Handles his recourse personally; or

(b) appears as a witness before the Administrative Court or is otherwise invited by the Administrative Court.

(2) When a person submits a recourse to the Administrative Court in accordance with Article 146 of the Constitution against a decision taken by the Head or the Reviewing Authority pursuant to this law, the said person, during the examination of the recourse, may contact the United Nations High Commissioner for Refugees or any other organisation providing legal or other advice to applicants in accordance with Cypriot law.

33(a) of 106(I) of 2016. (2A)(a) The Head provides to the Administrative Court access to the information on file of the applicant submitting a recourse based on which the Head took a decision as regards the application.

(b) The Administrative Court has access to the information referred to in section 18(7A)(a) as necessary to perform its duties. The Administrative Court obtains such access either by ordering the Head to provide this information or through the applicant or by other means.

33(a) of 106(I) of 2016. (2B) When a person submits a recourse to the Administrative Court pursuant to Article 146 of the Constitution against a decision taken by the Head pursuant to this law, the said person and, if required, the aforementioned in section 18 second lawyer or legal adviser have access to the information referred to in section 18(7A)(a) and the advice referred to in section 18(7A)(b)(ii) when such information and/or advice were taken into account by the Asylum Service when deciding on the application.

(3) Notwithstanding section 8(1)(a), when a person submits a recourse pursuant to Article 146 of the Constitution to the Administrative Court against a transfer decision in accordance with Article 27(1) of EU Regulation 604/2013 the said person has the right to remain in the areas controlled by the Government of the Republic, and the said right starts from the date the recourse was submitted to the Administrative Court until the issuance of the final decision of the Administrative Court on the recourse within the context of the first instance examination of the said recourse.

33(b) of 106(I) of 2016. (4) When issuing decisions or orders concerning an applicant or beneficiary of international protection, the Administrative Court shall mention only the initials of the name and surname.

33(b) of 106(I) of 2016. (5) The Administrative Court must, within reasonable time, issue its decision in writing and notify it to the applicant or to the lawyer legally representing him.

Regulations. **32.** –(1) The Council of Ministers may issue regulations for the better implementation of this Law.

(2) Without prejudice to the generality of subsection (1), the Council of Ministers may issue regulations by which to –

**(a) Deleted by 31 of 105(I) of 2016.**

**(b) Deleted by 31 of 105(I) of 2016.**

(c) lay down rules in relation to the implementation of sections 11A and 11B;

**(d) Deleted by 31 of 105(I) of 2016.**

- 27(b) of 9(I) of 2004. (e) determine any other matter deemed necessary for the better implementation of the Law.
- 7(b) of 6(I) of 2002. (3) Deleted.
- 28(c) of 58(I) of 2014. (4) Regulations issued under this Law are published in the Official Gazette of the Republic and, unless otherwise determined, shall come into force on the date of publication.
- 34 of 105(I) of 2016. **33.**-(1) The provisions of section 18(10), section 28E(1) and section 28F of the main law are suspended to a date to be determined by a notification of the Council of Ministers, which is published in the Official Gazette of the Republic. The said date precedes the date determined by the Council of Ministers in accordance with the provisions of section 37(2) of the Refugee (Amendment) Law 2016.
- Transitional provisions regarding repeal, by virtue of section 26 of the Refugee (Amendment) Law 2014, the Reviewing Authority provisions of the main law.
- (2)(a) In the circumstances that, on the date determined in accordance with section 37(2) of the Refugee (Amendment) Law 2016, the Refugee Reviewing authority established under this law has not decided on an administrative recourse pending before it:
- (i) if the administrative recourse concerns a negative decision of the Head, the Head examines and decides on the administrative recourse as if it had been made as an objection against his initial negative decision,
- (ii) if the administrative recourse concerns a decision of the Director, the Director examines and decides on the administrative recourse as if it had been made as an objection against his initial decision.
- (b) During the examination prescribed in paragraph (a), the provisions of section 28E (2A) and (2B) of the main law apply *mutatis mutandis* notwithstanding their repeal under section 26 of the Refugees (Amendment) Law of 2016.
- (c) The case by case examining officer shall take into account the relevant status in fact and in law applicable on the date of issue of his decision on the administrative recourse.
- 34 of 106(I) of 2016. **34.** Any reference in a law, regulatory administrative act or administrative circular to the act of the European Union titled "Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status" is deemed to be, *mutatis mutandis*, a reference to Directive 2013/32/EU in accordance with the correlation table in Annex III to Directive 2013/32/EU.
- References to Council Directive 2005/85/EC
- Official Journal of the EU: L 326, 13.12.2005, p.13



**Translation note:<sup>2</sup>**

8 of 6(I) of 2002. 26 to 53(I) of 2003. Temporary provisions **8.**—(1) Up until 31.12.2001, applications for the recognition of a person as a refugee are submitted to the office of the United Nations High Commissioner for Refugees and any decisions made by the High Commissioner are deemed as decisions of the Refugee Authority and of the Reviewing Authority, respectively.

(2) Subsection (1) is deemed to have entered into force as from 28 January 2000.

28 of 9(I) of 2004. Transitional provisions. **28.** (1) Until the Asylum Service starts to operate and until the Reviewing Authority is appointed by the Council of Ministers the competences and powers of the two bodies will continue to be exercised by the Refugee Authority and the Reviewing Authority, respectively, as defined in the main law.

(2) The operational commencement of the Asylum Service and the appointment of the Reviewing Authority by the Council of Ministers shall be as soon as possible after the commencement of this law.

(3) With the commencement of the Asylum Service and of the Reviewing Authority, any applications or administrative recourse pending examination before the Refugee Authority or the Reviewing Authority as defined in the main law are deemed to be pending before the Asylum Service and the Reviewing Authority, respectively.

29 of 9(I) of 2004. **29.** (1) Save for the provisions of subsection (2), this Law comes into force following its publication in the Official Gazette of the Republic.

(2) Sections 8 and 22 of this Law, solely as regards the provisions relating to the new proposed section 27(f) of Part V of the main law, come into force upon accession of the Republic to the European Union.

28 of 122(I) of 2009. Implementation of present law. **28.** This law applies to applications submitted after 1 December 2007 and to the procedure which starts after 1 December 2007 for the cessation or revocation of the status of international protection.

35 of 105(I) of 2016. Repeal. **35.**—(1) The following is repealed:

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<sup>2</sup> The following sections are non-sequentially numbered and relate to various transitional, temporary, repeal, implementation or commencement provisions from the stipulated amending laws.

Official Gazette, Annex Three (I): 30.12.2005 30.3.2009 12.7.2013.	(a) The Refugee (Reception Conditions of Applicants) Regulations 2005 to 2013.
Official Gazette, Annex Three (I): 12.10.2007	(b) the decisions issued under Regulation 11(1) of the aforementioned Regulations;
Official Gazette, Annex Three (I): 26.10.2007 10.10.2008.	(c) the decisions issued under Regulation 12(2) of the aforementioned Regulations;
Official Gazette, Annex Three (I): 19.7.2013	(d) the notification issued under Regulation 14(3) of the aforementioned Regulations.

(2) Any reference in a law, regulatory administrative act or administrative circular-

(a) to regulations or to a decision repealed under subsection (1) of this section is deemed, mutatis mutandis, as a reference to section 8(2) and 8(1)(b), to sections 9 to KI and to sections 10(1B), (2), (2A), (2B), (2C), (2D) and (2E), and

Official Journal of the  
EU: L 31,  
6.2.2003, p. 18

(b) to the act of the European Union titled "Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers in Member States" is deemed as reference, mutatis mutandis, to Directive 2013/33/EU in accordance with the correlation table in Annex III to Directive 2013/33/EU.

36 of 105(I) of 2016.  
Implementation of this  
Law.

**36.-(1)** The provisions of this law **[105(I)/2016]** which are laid down in subsection (2) and which -

**[105(I)/2016]** (a) Confer rights to an applicant or beneficiary of international protection or a family member of such person, and/or;

(b) impose an obligation on an authority of the Republic,

apply to:

(aa) applications submitted on or after 20 July 2015, and

(bb) the procedures on revocation of international protection which start on or after 20 July 2015.

(2) Subsection (1) relates to the following provisions:

(a) the definitions of the terms “applicant in need of procedural guarantees”, “subsequent application” and “final decision” of section 2(1) of the main law, as defined or amended under section 2 of this Law;

(b) section 6A(2) of the main law, as quoted in section 7 of this Law;

(c) section 8(1)(a) of the main law, as quoted in section 10 of this Law;

(d) section 8(1)(c) of the main law, as amended by section 10 of this Law;

(e) section 8(2) of the main law, as quoted in section 10 of this Law;

(f) section 9KD(1), (2), (3) and (4) of the main law, as quoted in section 12 of this Law;

(g) section 10(1B) and (2) of the main law, as quoted in section 13 of this Law;

(h) section 12B(3)(b) and (c) of the main law, as quoted in section 15 of this Law;

(i) section 12Bfourth (1) and (2) of the main law, as quoted in section 15 of this Law;

(j) section 31A(1A)(a)(i) of the main law, as quoted in section 29 of this Law.

37 of 105(I) of 2016. **37.** –(1) without prejudice to subsections (1) and (2), this Law [105(I)/2016] enters into force on the date of its publication in the Official Gazette of the Republic.  
Commencement of this Law

(2) Sections 2(h), 3, 4, 5, 6, 7, 10(a) [**and (b) deleted by 9(b) of 80(I) of 2018**], 14(b), 17(c) and (d), 18, 19, 21, 22, 24, 26, 28 and 29(a), (b) and (d) of this Law come into force on a date determined by a notification of the Council of Ministers, published in the Official Gazette of the Republic.

(3) Section 35 of this Law [105(I)/2016] is deemed to have entered into force on 20 July 2015.

**35.** The provisions of this law [**106(I) of 2016**] which:

35 of 106(I) of 2016.  
Implementation of this Law.  
[106(I)/2016]

(a) Confer rights to an applicant or beneficiary of international protection or a family member of such person, and/or

(b) impose an obligation on an authority of the Republic,

apply to –

(aa) applications submitted on or after 20 July 2015, and

(bb) the procedures regarding the withdrawal of international protection which start on or after 20 July 2015

36 of 106(I) of 2016. Commencement of this Law.  
105(I) of 2016

**36.**-(1) without prejudice to subsections (2) and (3), this law **[106(I) of 2016]** comes into force one day after the date of commencement of the Refugee (Amendment) Law of 2016.

(2) Section 35 of this Law **[106(I) of 2016]** is deemed to have commenced on 20 July 2015.

(3) Paragraphs (a) and (c) of section 13(6) of the main law, as quoted in section 19(a) of this Law and section 13(7), (8), (9) and 10 of the main law, as quoted in section 19(b) of this Law, come into force on 20 July 2018.



ANNEX  
(section 10)

TABLE I  
(Sections 20G, 20I)

The information referred to in Sections 20G and 20I of this Law includes, to the extent necessary, one or more of the following documents or data:

- (a) personal data of the person concerned (name, nationality, date and place of birth, marital status, family relationship),
- (b) identity documents and travel documents of the person concerned,
- (c) documents concerning evidence of family links (marriage certificate, birth certificate, certificate of adoption),
- (d) other information essential to establish the person's identity or family links,
- (e) residence permits, visas or residence permit rejection decisions issued to the person concerned by the Member State and documents forming the basis of decisions,
- (f) pending residence permit and visa applications submitted by the person concerned in the Member State, as well as the stage reached in the processing procedure of such applications.

TABLE II

(Section 20JA)

Model transit permit for the transfer of persons enjoying temporary protection

PASS

Name of Member State issuing the pass:

Reference Number\*:

Issued under Article 26 of Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of effort between Member States in receiving such persons and bearing the consequences thereof.

Valid only for the transfer

from .....<sup>1</sup> to .....<sup>2</sup>

The person in question must present himself

at .....<sup>3</sup> by .....<sup>4</sup>

Issued at: .....

SURNAME: .....

FORENAMES: .....

PLACE AND DATE OF BIRTH: .....

In case of a minor, name(s) of responsible adult.....GENDER: .....

NATIONALITY: .....

Date issued: .....

PHOTO

STAMP ..... For the competent authorities:.....

Signature of beneficiary:.....

The pass holder has been identified by the authorities.....<sup>5 6</sup>

The identity of the bearer has not been established.....

This document is issued solely pursuant to Article 26 of Directive 2001/55/EC and constitutes in no way a document which can be equated to a travel document authorising the crossing of the external border or a document proving the identity of the individual.

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\* The reference number is allocated by the country from which the transfer to another Member State is made.

<sup>1</sup> Member State from which the transfer is being made.

<sup>2</sup> Member State to which the transfer is being made.

<sup>3</sup> Place where the person must present himself on arrival in the second Member State.

<sup>4</sup> Final date by which the person must present himself on arrival in the second Member State.

<sup>5</sup> On the basis of the following travel or identity documents presented to the authorities.

<sup>6</sup> On the basis of documents other than a travel or identity document.

32 of 105(I) of 2016

ANNEX

(section 32)

TABLE III

[Section 9G(1)]

Applicants of international protection undergo the medical screening below:

- (a) Hepatitis B
- (b) Hepatitis C
- (c) Syphilis
- (d) HIV
- (e) Tuberculosis

Any other test, clinical or laboratory, which the attending doctor deems necessary for public health reasons.

Table IV

(Section 8(1)(b))

**Repealed by 33 of 105(I) of 2016**

Table V

(Section 8(1)(b))

**Repealed by 33 of 105(I) of 2016.**

<p>22 of 59(I) of 2014. Decree repealed. Official Gazette of the Republic, Annex Three (I): 17.8.2007.</p>	<p>22. The Decree issued under section 19(5)(c) of the main law [6(I) of 2000] is repealed.</p>
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