

COUNTRY BRIEFING
AUGUST 2024

Cyprus



INTRODUCTION

The [Statelessness Index](https://index.statelessness.eu/) (<https://index.statelessness.eu/>)¹ is an online comparative tool that assesses European countries' law, policy, and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. The Index was developed and is maintained by the European Network on Statelessness (ENS), a civil society alliance of over 180 organisations and individuals in 41 countries working to promote the right to a nationality and ensure that stateless people in Europe access their rights.

ENS worked with its member, the Cyprus Refugee Council (CyRC), to research and compile comparative information on statelessness in [Cyprus](#).² The CyRC is an independent, non-profit organisation, active in Cyprus that focuses on refugees, asylum seekers, detainees, trafficking victims and survivors of torture. The CyRC envisions a fair and inclusive society that offers protection and support for all and for this purpose provides legal, social and psychological direct support; advocates for positive legislation, policies and practices; undertakes research activities and organises relative trainings, workshops and other capacity building activities.

This briefing summarises the Cypriot legal framework and policy, its conformity with international norms, its practices on the protection of stateless people, and its approach to prevention and reduction of statelessness. Five thematic areas are covered by the Index: International and Regional Instruments, Statelessness Determination and Status, Stateless Population Data, Detention, and Prevention and Reduction. This country briefing also proposes several recommendations to the Cypriot Government to better protect stateless persons' human rights and dignity.

To be stateless is not to be recognised as a national by any State under the operation of its law. It is a legal anomaly that prevents more than 10 million people around the world - and more than half a million in Europe - from accessing fundamental civil, political, economic, cultural, and social rights.

INTERNATIONAL AND REGIONAL INSTRUMENTS

Various international and regional treaties provide for the protection of stateless persons and the prevention and reduction of statelessness.

Cyprus is not State Party to any of the four core statelessness conventions, being one of only three European Union Member States yet to accede to the [1954 Convention on the Status of Stateless Persons](#). In 2011, Cyprus introduced a legislative bill for accession to the 1954 Convention, but this is still pending.

However, Cyprus is State Party to all other relevant regional and international instruments, except for the [Convention on Migrant Workers](#). Therefore, it is bound by a range of specific obligations under international law including to uphold the child's right to a nationality and to protect stateless people from arbitrary detention.

The Government of Cyprus should accede to the [1954 Convention Relating to the Status of Stateless Persons](#) and the [1961 Convention on the Reduction of Statelessness](#), as well as the [European Convention on Nationality \(1997\)](#) and the [European Convention on the Avoidance of Statelessness in Relation to State Succession \(2006\)](#).



STATELESS POPULATION DATA

States should collect reliable quantitative and qualitative data on statelessness and adopt and strengthen measures to count stateless persons on their territory.³ Identification of stateless people remains the first step to protecting their rights, but also leads to a better understanding of the challenges that need to be addressed. The availability of reliable data is linked to whether procedures to identify and determine statelessness exist.

There is very little reliable data on the stateless population in Cyprus. There are no measures in place to count stateless people in the national census, nor in other national statistical databases, and statelessness has never been mapped in Cyprus.

Asylum statistics contain relevant categories to record the number of applications lodged by stateless refugees, but recording is not consistent. There have been discrepancies in how Palestinians are recorded, officials have at times conflated former country of residence with nationality, and reported figures are so low as to suggest significant underreporting.

The lack of key information and data contributes to the problem of statelessness remaining invisible, hinders understanding of the causes and solutions, and results in an underestimation of the challenges.

The Government of Cyprus should identify stateless individuals to protect their rights. It should establish effective policy measures to improve stateless population data, including recording and counting stateless individuals in the census, and creating and maintaining accurate and disaggregated data on stateless people in population registries and immigration databases.



STATELESSNESS DETERMINATION AND STATUS

To be able to provide the protection and rights enshrined in the 1954 Convention, including a residence permit and the right to work, study and facilitated naturalisation, State parties need to be able to identify stateless people on their territory. UNHCR recommends that this is best fulfilled through a dedicated statelessness determination procedure.⁴

Statelessness is referenced in Cypriot law and may be identified through the refugee status determination procedure or in the process of renewal of temporary residence permits. However, statelessness determination is not a specific objective of either of these mechanisms, there is no definition of a stateless person in national law, no dedicated statelessness determination procedure, and no statelessness protection status.

If a stateless person has international protection needs, they may be granted such protection and relevant rights without statelessness being identified or determined. For example, stateless Kurds from Syria may be granted subsidiary protection due to the conflict in Syria without their statelessness being assessed.

Some procedural safeguards exist in the asylum procedure and stateless refugees may be granted international protection if they meet the refugee definition (or threshold for subsidiary protection). Some stateless people refused asylum were previously granted humanitarian protection if they could not return to their countries of former residence, but this status was abolished in 2014. A short-term residence permit may be granted for humanitarian reasons by the Migration Department if a person is refused asylum and referred to them for consideration, but rights in this case are very limited (no access to social security or healthcare and discretionary access to the labour market) and the procedure is not set in law nor consistently applied. Neither stateless people nor beneficiaries of international protection have a right to vote in elections in Cyprus.

Cyprus offers protection under the EU Temporary Protection Directive; however, for stateless people and non-Ukrainians, this is limited to those

living in Ukraine before 24 February 2022 with a permanent residence permit, who are unable to return safely to their country of origin. No stateless people from Ukraine have been recorded in Cyprus.

The Government of Cyprus should establish a dedicated statelessness determination procedure and protection status, integrating safeguards to enable State authorities to initiate a procedure, guaranteeing protection to applicants during the procedure, and providing for procedural safeguards including free legal aid, compulsory interview, a time limit for decisions, and the right to a suspensive appeal.



DETENTION

Stateless people face a heightened risk of arbitrary detention particularly where procedural safeguards to identify and determine statelessness and related barriers to removal are lacking.⁵

There are few protections in Cyprus against the arbitrary detention of stateless people. Powers for detention are set in law and should only ever be applied as a last resort. However, a proposed country of removal is usually not identified before ordering detention. There is a clear obligation in law to release a person when there is no reasonable prospect of removal but in practice this is often not respected. Statelessness is not considered juridically relevant, and an examination of alternatives is rare, despite less coercive measure being established in law. There are some procedural safeguards in law, including an obligation to provide written reasons for detention and information about remedies, a time limit in the case of detention for removal, and access to legal aid. However, in practice, reasons given are often general and not based on individual considerations, monitoring visits have revealed that detainees are unaware of their rights, and access to effective remedies is limited. There is no automatic judicial review of detention, and no consistent access to documentation on release, leaving stateless people at risk of re-detention and destitution.

The Government of Cyprus should implement procedures considering the specific circumstances facing stateless people and those at risk of statelessness when determining removal procedures and making decisions to detain. Strong mechanisms should be implemented to identify a proposed country of removal prior to detention, to identify and refer stateless people to alternative procedures in the absence of a statelessness determination procedure (e.g. asylum, humanitarian visas), and to collect data on stateless people held in detention.



PREVENTION AND REDUCTION

There is no facilitated route to naturalisation for stateless people in Cyprus. The law was recently amended to increase the requirements for naturalisation. There are few safeguards in Cypriot nationality law to prevent statelessness and little evidence of measures to reduce the risk of statelessness. There is no provision in law to prevent children being born stateless in Cyprus, nor to regulate the nationality of foundlings. Adopted children acquire nationality but may face a risk of statelessness during the procedure. Children born to Cypriot parents in Cyprus or abroad automatically acquire nationality, but where a child is born in Cyprus to one Cypriot and one non-Cypriot who entered or remained in

Cyprus irregularly, a discriminatory condition is applied. This was initially applied in cases of mixed marriages between Turkish Cypriots and Turkish settlers (or other non-Cypriots) but has in recent years been applied in cases of marriages between Greek Cypriots and non-Cypriots. This means the child may not acquire nationality without approval from the Ministerial Council and in the last 10 years such approval has only been granted in exceptional cases. .

Problematic birth registration practices including fees for both in-time and late registration, as well as reports of requests for documentation being a barrier to registration, heightens the risk of statelessness among certain groups. The child's nationality is only determined upon birth registration if the child is considered a Cypriot national, there is no procedure to determine a child's nationality or statelessness unless the possible nationality is Cypriot. There is no safeguard to prevent statelessness nor any judicial oversight in cases of deprivation of nationality.

The Government of Cyprus should expedite the naturalisation procedure for stateless people and exempt them from stringent eligibility requirements.

The Government of Cyprus should implement measures to prevent children being born stateless in Cyprus including adopting safeguards in nationality law and addressing barriers to birth registration and facilitating late birth registration.

The Government of Cyprus should collect data and statistics on stateless children, as well as access to birth registration and documentation.

SUMMARY OF RECOMMENDATIONS

The Government of Cyprus should:

- Accede to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the European Convention on Nationality (1997) and the European Convention on the Avoidance of Statelessness in Relation to State Succession (2006).
- Establish effective measures to improve stateless population data, including recording and counting stateless persons in the census, population registries and immigration database.
- Establish a dedicated statelessness determination procedure and protection status, guaranteeing protection to applicants during the procedure, and providing for procedural safeguards including free legal aid, compulsory interview, a time limit for decisions and the right to a suspensive appeal.
- Implement procedures considering the specific circumstances facing stateless persons and those at risk of statelessness to identify and respond to vulnerabilities when determining removal procedures and making decisions to detain, collect data on stateless people in detention and ensure clear referral routes from detention and removal procedures to the statelessness determination procedure.
- Expedite the naturalisation procedure for stateless people and exempt them from stringent eligibility requirements.
- Implement measures to prevent children being born stateless in Cyprus including adopting safeguards in nationality law and addressing barriers to birth registration and facilitating late birth registration.

ENDNOTES

¹ <https://index.statelessness.eu>

² <https://index.statelessness.eu/country/cyprus>

³ Conclusions of the Council of the European Union and the Representatives of the Governments of the Member States on Statelessness, 4 December 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/>.

⁴ UNHCR (2014) Handbook on Protection of Stateless Persons, available at:

<http://www.unhcr.org/uk/protection/statelessness/53b698ab9/handbook/protection-stateless-persons.html>

⁵ ENS (2017) Protecting Stateless Persons from Arbitrary Detention: An Agenda for Change, available at:

<https://www.statelessness.eu/updates/publication/protecting-stateless-persons-arbitrary-detention-agenda-change>

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