

kisa

Ισότητα, Στήριξη, Αντιρατσισμός
Equality, Support, Antiracism



Cyprus  Trafficking

UNIVERSAL PERIODIC REVIEW OF THE HUMAN RIGHTS COUNCIL

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Submission of KISA – Action for Equality, Support, Antiracism

& Stop Trafficking Cyprus

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Profile of KISA- Action for Equality, Support, Antiracism

KISA – Action for Equality, Support and Antiracism, is a non-governmental organisation, based in Cyprus which has been working intensely in the area of antiracism, antidiscrimination, migration and asylum since 1998. Its activity focuses on two domains: (a) social intervention, with the aim of sensitising the state and the society at large to the above areas, and (b) the operation of migrant and refugee centres offering free advice and information services to refugees, migrants and asylum seekers and victims of trafficking in human beings.

KISA is also a member to European wide networks of NGO's such as PICUM (The International Platform for the Protection of Undocumented Migrants), ECRE (European Council for Refugees and Exiles), ENAR (European Network Against Racism), EMHRN (Euro-Mediterranean Human Rights Network), MIGREUROPE, AEDH (European Association for the Defence of Human Rights) and UNITED (United for Intercultural action), whereas it has developed a very good cooperation with other international organizations and their monitoring bodies, being their established non governmental counterpart when preparing their reports on Cyprus. Examples of these include the Commissioner of Human Rights, the Committee for the Prevention of Torture (CPT) and the European Committee Against Racism and Intolerance (ECRI) of the Council of Europe as well as the OSCE. Moreover, KISA is actively involved in the multi stakeholders Forums of the European Commission such as the European Integration Forum as well as the EU Civil Society Platform against trafficking in human beings..

Profile of Cyprus STOP Trafficking

Cyprus STOP Trafficking is a Cyprus-registered NGO. It is affiliated with ACEES (www.acees.ch) an organisation based in Geneva. We have worked with, and for the benefit of, victims of human trafficking, in particular victims of human trafficking for sexual exploitation, since 2007. We provide material, psychological and practical support to the victims and lobby with the government for their rights. To achieve this we work closely with the police and social services.

During the past two years we have been carrying out an awareness campaign in close collaboration with a local radio station and a weekly newspaper. We have visited dozens of army camps around the island speaking to the soldiers and distributing leaflets and books on trafficking. Visits to secondary schools are also programmed for the coming academic year."

A. Removal Practices

According to the Aliens and Immigration Law, migrants who are considered to stay illegally in the country are detained for the purpose of deportation on the basis of administrative decisions (detention and deportation orders) of the Migration Officer, and not on the basis of any court decision. The Migration Officer can issue arrest and detention orders only for the purpose of deportation and only for those migrants, who are considered to be 'prohibited immigrants.' Yet, the Migration Officer is allowed discretionary powers by the Law to consider migrants as prohibited immigrants. Moreover, any detention decision the Migration Officer issues for the purpose of deportation may be only challenged together with the deportation order and not separately.

The return Directive, which regulates the issues of detention and deportation of undocumented migrants, is transposed into national Law. According to the Directive, detention should be the last resort for the removal of an undocumented migrant. Detention is limited to six months with the possibility to be extended under certain circumstances up to 18 months. The detention and deportation orders should be subject to judicial review.

In Cyprus, detention is not the last, but the only measure Cyprus government takes for the removal of rejected asylum seekers, as well as other migrants, who are considered to be "prohibited migrants."

As a rule, migrants are not informed prior their arrest and detention that they have to leave the country. When they are arrested, they are not informed in writing of the reasons of their arrest and deportation, or of their right to apply for legal aid against detention and deportation orders. In case they are aware of this right, they can not access it, because the detention authorities refuse to give them such access (they are refused to be taken to the court in order to apply for legal aid).

In practice, the Migration Officer in Cyprus has still the power to detain indefinitely a person, for the purpose of deportation. As a result, some migrants are detained for long-term periods. KISA recently deals with the case of a person, who has been detained for almost seven years, after his application for asylum was rejected, and on the sole basis of an administrative decision.

As a result of the excessive discretionary powers of the Migration Officer, arbitrary revocations of residence permits, as well as arbitrary arrests and deportations are not uncommon, and migrants can have no legal certainty of their rights concerning their legal resident status. It is characteristic the fact that lately, members of families of EU citizens (especially from the new member-states) are arrested and detained for the purpose of deportation (some of them have been indeed deported), although they have applied for a residence permit, but the Civil Registry and Migration Department decided to reject their application, often without informing them, or without justifying their decision. It is also important to mention here that unaccompanied minors are often detained in Cyprus, although their detention is prohibited by the law. Often, unaccompanied minors are arrested in their attempt to travel to another EU country using forged travel documents. They are held in custody and when their trial and potential sentence finishes, they are detained as "prohibited migrants" in spite of the fact they are under 18 years old. In case they ask to apply for asylum, in some cases, they continue to be detained during the period of the examination of their asylum application.

A special detention centre (Mennoyia Detention Centre) was recently built for migrant detainees. It's the only detention centre that is declared according to the Law by the Minister of Justice and Public Order as a detention place for undocumented migrants. Despite this, migrants are detained also in Police stations, as well as in block 9 (women), or block 10 (men) of the Central Prison, in conditions that are poor and improper for long-term detention. Of serious concern is the detention of undocumented migrants in Lakatamia detention centre (a high security detention centre for people under trial, without access to daylight and open air space), where recently an unaccompanied minor, who is a recognised refugee, was also detained.

Moreover, since the launching of Mennoyia Detention Centre, KISA has received a number of complaints by detainees concerning denial of access to asylum procedures, as well as inhuman treatment by the staff of the detention centre.

Detention centres are typically overcrowded, and the food provided is mainly dry food, which during long detention periods can be damaging to the detainees' health. Detainees do not have access to adequate health care. KISA receives frequently complaints by detainees concerning their access to proper health care. There have also been reported to KISA cases of physical violence, humiliating treatment, and psychological pressure, as well as of religious discrimination.

Moreover, Cyprus government has never practised any amnesty and has never adopted any regularisation policy, not even on individual basis.

Dublin returnees face a danger of refoulement, in case a) their asylum application had been rejected on all instances before they left Cyprus, b) the time-frame for filing recourse before the Supreme Court has elapsed, c) they had never officially filed an asylum application in Cyprus before they left Cyprus. In the latter case, asylum procedures may be restricted by the Police, so as to allow for an immediate deportation of the person.

B. Access to Social and Economic Rights

Although migrant workers fully contribute to the social insurance schemes, they have de facto no access to any social and economic rights, such as pension, unemployment benefit, social welfare allowance, and free medical care. Moreover, their access to labour market is restricted mainly to house work and farming/agriculture industry, and they have no access to the state employment and job seeking mechanisms.

The only people, who have access to some social and economic rights, apart from Cypriots and European citizens are asylum seekers, who do not have access to all the benefits (only to welfare benefits and free medical care), people with international protection, and persons who have been recognised as 'victims of trafficking.'. Asylum seekers' access to the labour market is restricted mainly to the agricultural/farming sector, and people with international protection, although legally they have full access to employment, the only employment offers they receive by the Labour Department are also mainly in the agriculture/farming industry at a wage of 420 euro. Victims of trafficking are currently denied enrolment at the unemployment lists of the Department of Labour

with the excuse that unemployment rates among Cypriots are already very high and therefore, non-Cypriots should not be enrolled “at the expense of Cypriots.”

Moreover, with the excuse of the current economic crisis in Cyprus, the welfare allowances of asylum seekers and people with international protection, as well as of victims of trafficking have been either revoked, or decreased, or extremely delayed (more details in Section E – Racism & Discrimination).

C. Migrant Women

Migrant women, who are third-country nationals, have access mainly in domestic work, and in the agriculture/farming industry. A lot of migrant women are also employed in the sex industry, but not explicitly, or legally so, although with the tolerance of the authorities. Women, who are EU citizens, as well as women, who are part of the family of an EU/Cypriot citizen, are often employed in sectors such as the hotel and catering industry, retail trade, health and other services.

Migrant women from third countries are around 70% of third-country migrants. The vast majority of domestic workers are women. The significant increase of the participation of Cypriot women in the labour market in the last 20 or so years is directly related to the employment of migrant domestic workers. As the care of children, elderly persons, and people with disabilities/serious diseases is still deemed to be a responsibility of women exclusively, and in the lack of any adequate social structures for the care of the afore-mentioned groups, the participation of Cypriot women in the labour market relies largely upon the employment of domestic workers, who are in their vast majority migrant women.

Migrant domestic workers face various threats and risks and are in a position of multiple discrimination, both direct and indirect. The complaints that reach KISA’s Migrant and Refugee Centre by domestic workers indicate that a great number of migrant domestic workers works and lives in conditions of slavery.

Similar conditions often apply to migrant women, who work in the agriculture/farming sector, as they also have to live in their work place and are completely dependent upon their employers.

A lot of migrant women are also employed in the sex industry, usually under employment contracts as “barmaids,” or “dancers” (after the repeal of the “artiste visa”). In Cyprus, sex work is only legal for sex workers, who obtain special licence (licence “to practise prostitution”). Sex workers having such licence can only be self-employed and are prohibited from employing other persons. Migrant women do not have access to such licenses, having as a result to be additionally exposed to exploitative circumstances by pimps, who have them work illegally and without any labour/social rights, while they often experience trafficking, and/or sexual/physical violence. There have been cases of repeated sexual violence, including rape, by different male members of the same family. Such violence is often not reported for all the obvious reasons. A domestic worker, who experiences sexual violence by her employer and who is finally forced to abandon her employment, loses her legal status with all the consequences this entails, if she does not file a complaint to the authorities within 15 days from the day she leaves her work. KISA has handled a number of such cases.

Migrant women, who are spouses of EU/Cypriot citizens, are also vulnerable to violence, especially domestic violence, as their resident status is completely dependent upon their husbands. Unless they work, they are only given resident permits as “visitors,” given to them in the form of a status of “tolerance.” Those who work, have work permits, which are also dependent upon their husbands. In case they cease living with their husbands, under any circumstances (even when they experience domestic violence), or in case their husbands report to the authorities they “don’t want them anymore,” their resident permits are revoked and they are asked to leave Cyprus under the threat of arrest and deportation.

Moreover, the Migration Officer asks from migrant parents of Cypriot/EU citizen children to undergo DNA tests in order to prove the paternity of the child, and be granted a residence permit as a member of family of a Cypriot/EU citizen. DNA tests are required even in the case children have been recognised by the father. Such a requirement arises of course ethical concerns regarding its arbitrariness, and also creates further complications, as they are expensive examinations that are not covered by the public health system, and usually people cannot afford to have them. Moreover, it creates complications regarding the power a Cypriot/EU citizen parent can have and exercise over a migrant parent. For example, KISA has dealt and deals with cases that the Cypriot father has applied for the custody of the child(ren) and refuses to do the DNA test, in an effort to get the mother out of the scene (without the DNA test she cannot have a residence permit, and therefore is subject to arrest and deportation), and win the custody of the child(ren).

D. Unaccompanied Minors and Children

According to the new amendment of the Refugee Law, the representative of unaccompanied minors is now the Director of Social Welfare Services and not the Commissioner for Children’s Rights. The term ‘representation’ is however unclear, as the Law does not clarify if it means “legal representation.” In practice, unaccompanied minors are accompanied to their interview at the Asylum Service by a welfare officer (social worker with no training/experience in asylum, or legal issues), because according to the Director of the Social Welfare Services, the Attorney General provided them with the legal opinion that the representation does not have to be legal.

KISA has received many complaints from unaccompanied minor asylum seekers concerning violations of their rights in the asylum procedure as these are foreseen in the Refugee Law, and also restriction of their access to social rights, such as education, material reception conditions, housing, social assistance, e.t.c.¹ This situation reveals the lack of any proper guardianship on the behalf of the Social Welfare Services, and serious violations of the rights of unaccompanied minor asylum seekers. KISA has received a number of complaints by unaccompanied minors living in hostels for teenagers run by the Social Welfare Services, concerning racist and discriminatory behaviour by the staff, and inadequate access to health care. It is characteristic the fact that unaccompanied minors running away such hostels and disappearing forever are a common phenomenon, which however does not seem to alarm the relevant authorities in relation to the quality and the efficiency of the guardianship they provide to unaccompanied minors.

¹ Separated, asylum-seeking children in European Union Member States - Comparative Report (Conference edition), European Agency for Fundamental Rights, November 2010

Those unaccompanied minors, who are not sheltered in the afore-mentioned hostels, are trusted by the Social Welfare Services to adults, or families, who come from their country of origin, without any screening, supervision, or any kind of aid, other than in the form of welfare benefit, in the best case.

KISA has dealt and deals with cases of unaccompanied minors, who are unlawfully detained, and receive pressure to consent to their removal, while the authorities responsible for their detention do not inform the Social Welfare Services, as their legal guardian.

Moreover, violations of children's rights in Cyprus occur in regard to migrant children in general, and are not confined to unaccompanied minors. Schools, and especially high schools, lack any efficient integration programmes, having as a result for migrant children to merely attend and not participate in schooling (and therefore being given "attendance certificates" instead of graduation degrees). Moreover, KISA has received reports concerning bullying of children with migrant background in school, which is motivated by racist and xenophobic feelings. A significant number of migrant children, especially teenagers, drop out school, either because they feel they do not gain anything out of it, or because of bullying, or both.

Denial or restriction of access to health care to migrant children, because of their parents' legal/migration status is also a common complaint KISA receives, despite efforts by the Commissioner for Children's Rights to grant children full access to healthcare, irrespectively of their parents' status, and despite an admittedly better policy (which is however exhausted in individual cases and does not constitute a general policy) on the behalf of the Ministry of Health, compared to previous years.

Separation from their families is another violation of children's rights a lot of migrant children face. In case their parent(s) is/are considered to be "(a) prohibited migrant(s)," and is/are arrested and detained for the purpose of deportation, children are given by the Social Welfare Services to foster families while their parent(s) are in detention. In case one of the parents is considered to be a "prohibited migrant," and is arrested and detained for the purpose of deportation, while the other parent is not, then the child(ren) remain in Cyprus with the second parent, while the first is deported.

Children of migrants in Cyprus inherit the legal/migration status of their parent(s), irrespectively of the number of years in the country, or whether they were born in Cyprus. This results to children, who have spend the biggest part of their life, or even their whole life, in Cyprus, who have been schooled in Cyprus, and often with diplomas/BAs/postgraduate titles from Cyprus, finding themselves as adults without any rights, and often without any legal status, and in danger of deportation. Their legal status depends on that of their parent(s), which means that they get access to labour market as third-country nationals (i.e. in domestic work, and in agriculture/farming industry). In case their parents do not have a legal status, then they are undocumented too, and they are considered to be "prohibited migrants," and thus in risk of arrest, detention, and removal. (Additionally, see also detention of minors in an authorised detention places in section A).

E. Discrimination and Racism

Discrimination and racism are evident in the migration policy of the Republic of Cyprus as a whole, as it is evident from this report. It is characteristic the fact that migrants, irrespectively of how many years they live in Cyprus and of legal status, do not have access to social and economic rights. In light of the current economic crisis in Cyprus, racism and discrimination against migrants and refugees have intensified, while the government takes clearly discriminatory measures against migrants and refugees justifying them under the excuse of the economic crisis.

In the context of the revision of the policy of the Republic of Cyprus regarding benefits, asylum seekers and persons with international protection experience new discriminatory policies, and unequal treatment. Asylum seekers and people with international protection and their families face severe surviving difficulties due to the decision of the House of Representatives to individually examine the public allowances of non-Cypriots prior to their payment by the Ministry of Labour and Social Insurances. This decision constitutes a prohibited discrimination, segregating people who receive public allowances into two categories, Cypriots and non-Cypriots, and leading to unequal treatment of non-Cypriots on the basis of their ethnicity. Moreover, there have been long delays (currently, there is a four-month delay) in the process of approving the payments by the Parliament, even after the submission for approval of the relevant funds by the responsible Ministry.

Although the number of asylum applications has significantly decreased during the last years and, due to the economic crisis, a lot of migrants, both with or without legal status, have repatriated, or migrated to other countries, on their own will, far right and nationalistic groups and politicians with an outright racist speech and narratives continue to associate “illegal immigration” with refugees, reproducing xenophobic beliefs, according to which refugees and migrants constitute a danger to the society. Refugees and migrants are rendered responsible for the growing unemployment rates, while they are also depicted as “lazy people,” who make advantage of welfare benefits that should have been granted to Cypriot citizens. The same rhetoric is repeated by mainstream media, and recently, by politicians that are not considered to be racist, or far-right. Mainstream political parties, even those that identify themselves as left, blame all the problems of the Cypriot society, such as unemployment, crime, low standards of living, and others, to the so called “illegal migrants,” amongst which they include refugees and even EU citizens, especially from the new member states (Romania, Poland, Bulgaria).

Amidst the economic crisis that Cyprus faces this period, the existence of a significant number of European citizens, who live and work in Cyprus, has become a major concern that preoccupies the political arena of the island, especially with regards to migration policy. Various decisions taken by the political leadership of Cyprus and various others that could have been taken, but were neglected contributed in having a significant number of European citizens, mainly from the new member states, who live and work in Cyprus. Although the Republic of Cyprus has demonstrated an attitude of acceptance and even promoted this state of affairs, there have been no policies or measures towards the protection of the rights of these people as EU citizens, or for social inclusion. On the contrary, recently, politicians and mainstream media publicly blame EU citizens for a number of

problems, such as unemployment, and the diminution of national treasuries (for which they blame EU citizens' welfare benefits and access to healthcare).

There seems to be a political decision on the behalf of the government of Cyprus to hinder the access of EU citizens to social rights, such as welfare benefits, employment, and even healthcare. The situation is even worse for the members of their families, who are in their majority denied resident permits, and are subsequently considered to be "prohibited migrants," arrested, detained, and, in a lot of cases, deported.

EU citizens are also denied access to welfare benefits under the threat that in case they insist to apply for welfare benefit, their resident permits will be revoked based on the fact that they are not working and they do not have sufficient means to maintain their life expenses. KISA has received a complaint by an EU citizen, who applied for disability benefit for his wife (under the Social Welfare Services) and his application was rejected with the excuse that he had undertaken the responsibility to provide for his family when he applied for their resident permits.

F. Domestic Workers and Workers in the Agriculture/Farming Industry

Introduced in the beginning of the 1990s, in agreement with the social partners (trade unions and employers' unions), so as to meet labour shortages in low-skilled, or unskilled jobs that Cypriots would not engage in, the migration model followed by the Republic of Cyprus, imposes a strict short-term stay (only up to four years) and employment framework, which requires migrants to sign employment contracts with unknown employers, before they come to Cyprus. Their resident permit depends completely on their employer and even in cases of blatant violations of the terms and conditions of the employment contract, permission to find another employer is subject to the administration's discretion. Such a direct dependency gives the employers the power to terminate the employment and in effect the residence status of migrant workers, rendering migrant workers extremely vulnerable to violations of labour rights, and even abuse.

The employment contracts of domestic workers are prepared by the Ministry of Interior, instead of the Ministry of Labour and Social Insurance, and contain many articles that are discriminatory and violate fundamental human and labour rights: "[the employee] Shall obey and comply with all orders and instructions of the Employer", "Shall not be entitled in any way and for any reason to any increase of his² fixed salary", "Shall not engage, contribute or in anyway, directly or indirectly take part in any political action or activity during the course of his stay in Cyprus." Domestic workers have less public holidays than any other group of employees (9 days per year as opposed to the usual 15 or 16 days) and are not entitled to any overtime pay, at least according to the employment contract. The fact that the employment contract for domestic workers has been approved by the competent Ministerial Committee indicates that there is de facto systemic discrimination, which needs to be addressed accordingly.

Not only the employment contracts of migrant workers uphold their exploitation by employers (as shown in the above quotes), but there seems to be no just way for them to claim even the scarce

² another form of discrimination, as the pronouns used in the contract are only male pronouns, while the vast majority of migrant workers are women.

rights they have under the law. When a migrant worker ceases working as specified in their work permit, their residence permit is also revoked. They can submit a complaint for labour dispute and in order to do so they have to present it first at the Aliens & Immigration Department of the Police. The Department of Labour Relations calls both the employee and the employer in a hearing. From KISA's experience, such hearings are highly problematic, as they are carried out in Greek without any interpretation, and the officers, who conduct them usually try to defend the employers. After such a hearing, if the two parties do not reach an agreement, the complaint is forwarded to the Labour Disputes Committee (under the Civil Registry and the Migration Department and constituted by a representative of the Labour Relations Department, a representative of the Director of Civil Registry and Migration Department, and a representative of the Aliens & Immigration Department of the Police), which sits to examine it, taking into consideration the report of the Department of Labour Relations. In a lot of cases, migrant workers, even after they had been unlawfully fired by their employer, or they were forced to leave their job because of the terrible working and living conditions, are not given permission to change employer, and are asked to leave Cyprus. Parallel to this decision, the employer is informed of their responsibility to pay the worker any pending salaries/other rights. In case the migrant worker does not leave Cyprus, they are considered to be "prohibited migrants" and measures are taken for their removal. In case however the employer does not pay the worker their pending rights, there are no consequences, as the decision of the Committee is only of advisory nature for the employer.

Another important discriminatory aspect of the work of domestic workers is their wages (currently at €326 net), which is less than half the minimum wage, which is determined by a ministerial order in relation to unskilled or semi-skilled jobs.

Domestic workers and labourers in the agriculture/farming industry have to live at their place of work. For domestic workers, this entails that they live in their employers' house. The confines of the private home, and the fact that domestic work is exempted from labour inspection and domestic workers are not organised in trade unions, allow the establishment of a feudal relationship between domestic workers and their employers, one of complete subordination and power, respectively. The same holds for labourers in the agriculture/farming, who often live in poor and inhuman conditions, in the premises of farms and are also not organised in trade unions.

As with all third-country migrants, domestic workers and labourers in the agriculture/farming industry are required to have private accident and health insurances, the cost of which is divided equally between the two parties, the employer and the employee. These schemes do not cover even basic medical care, which is vital to women, such as the Pap test and other gynaecological tests and treatments. In cases expensive medical treatment/examinations are required, employers typically refuse to pay the expenses. Thus, medical care for domestic workers and labourers in the agriculture/farming industry is either inadequate, or non-existent.

Even though migrant workers contribute by law to the social insurance schemes, they do not enjoy the benefits provided for by the Social Insurance Fund. More importantly, their contributions are not transferred to their countries of origin, nor are their working years in Cyprus considered to be pensionable.

One of the most serious problems migrant workers often face is that of violence against them, either physical or psychological. A form of psychological violence is intimidation through the threat of deportation and the withholding of their passports and other personal documents.

G. Asylum Seekers and People with International Protection

The Refugee Law restricts asylum seekers' access to employment, allowing them access to employment six months after the submission of their asylum application and only in specific fields of employment limited to unskilled or low skilled sectors of the economy, such as the farming industry.

The Republic of Cyprus considers to materialise its obligation for material reception conditions to asylum seekers through welfare benefits, which entails the problems already discussed in Section E.

The most serious obstacle persons with international protection have to face is the lack of any integration programmes, which leads to their marginalisation and social exclusion.

H. Trafficking Survivors

Persons, who have been recognised as “victims of trafficking” are required to stay in Cyprus, as they are the main witnesses of the police in the court case that has been filed against their trafficker. According to the law, as victims of trafficking, they have access to employment, access to welfare benefits, full access to health care, and they should be granted a resident permit without being charged for it. In reality, however, they find themselves, once again, in poor living conditions, without real access, or without adequate access to any of the above rights. Finding the economic crisis with which Cyprus is currently faced as an excuse, the Labour Department denies helping victims of trafficking to find employment. Therefore, they have to depend upon the welfare benefit. The Social Welfare Services however are proved incompetent in fulfilling their responsibilities, as they usually delay their welfare benefits for long periods. Currently, victims have not received their welfare benefits since December, and they are faced with eviction. Their access to medical care is also problematic, as they are often not informed of their right to apply for a medical card, while KISA also dealt with cases that victims' access to medical care has been hindered by hospital staff. Moreover, KISA deals with cases that victims have been prescribed treatment not available in the government sector, had to pay to get it, and the authorities deny to reimburse these expenses, although the law provides for them full access to medical care, free of charge. The Civil Registry and Migration Department asks victims to pay a 60 euro fee to apply for their residence permit, and they pay for this fee, while they are denied reimbursement by the SWS, although according the law, they should not be charged for the issuance of residence permit. Furthermore, KISA has dealt with cases that the CRMD did not issue a residence permit for the underage children of victims, and it is also typical that the issuance of resident permits is delayed for long periods of time. Cyprus has still a lot of work to do concerning the protection of persons, who have experienced trafficking. Despite marked progress in recent years, the situation on the ground, especially in relation to the protection of victims, is completely different. The fact that the police are responsible for the identification of victims is also problematic. Persons, who have experienced trafficking usually do not trust the police and this is not unjustifiable, as recently KISA dealt with two cases that trafficked persons were

arrested in the shelter for victims and while they were cooperating with the police for their cases. Moreover, they are granted protection only if and for as long as the police need them for their criminal cases. After they testify at the court, they are asked to leave Cyprus and are not granted any kind of protection anymore, nor are they informed of their right to claim compensation by their trafficker(s).

I. Effective Remedies

The asylum procedures in Cyprus have two instances in the administrative level: the first is the examination of an asylum application by the Asylum Service, and the second is the examination of an appeal by the Refugee Reviewing Authority against the decision of the Asylum Service. During these procedures, an asylum seeker is considered to have a residence permit in Cyprus, which ceases to have, in case they file an appeal before the Supreme Court. During the examination of their appeal by the Supreme Court, asylum seekers are considered to be “prohibited migrants” and are subject to arrest and detention. In case they are arrested and detained for the purpose of deportation, they have the right to file an appeal against the arrest and deportation orders. In practice, if they do so, only the deportation order is revoked, while the detention order persists and they are detained until their appeal is examined by the Supreme Court.

Asylum seekers whose applications for asylum have been rejected in the level of the administration have the right to file an appeal before the Supreme Court against the decision of the Asylum Service/Refugee Reviewing Authority. The Court however can only examine whether the decision of the administration has been taken in fair grounds and not the essence of their asylum claim. Asylum seekers, who want to file an appeal at the Supreme Court have the right to apply for legal aid for the purposes of their appeal.

Also, people who are considered to be “prohibited migrants” and detention and deportation orders have been issued against them, have the right to file an appeal at the Supreme Court against such orders. They also have the right to apply for legal aid for the purposes of their appeal.

In both cases, the right to legal aid for the purposes of an appeal at the Supreme Court remains mostly theoretical, as in their majority such applications are rejected by the Court. Moreover, in case the interested party is detained, such access is hindered by the authorities of the detention centres. KISA has received many complaints from detainees, who asked to apply for legal aid in order to file an appeal at the Supreme Court against the detention and deportation orders that have been issued against them, but they were refused access to the relevant procedures. The police of the detention centres claims it's not their responsibility to take detainees to the Court and therefore, the Immigration Police is informed, which asks from detainees to send their request through a lawyer, in order to do so. Therefore, a lot of detainees, who do not have a lawyer to represent them, remain without access to the procedures concerning legal aid and/or appeal at the Supreme Court against detention and deportation orders and/or the decision of the Asylum Service/Refugee Reviewing Authority in regards to their asylum application. Moreover, persons who are detained in Mennoyia detention centre are denied such access even when they are represented by a lawyer.

J. Undocumented Migrants

Undocumented migrants in their majority are migrants whose status changed because of the specific strict and inflexible migration policy and practice of consecutive governments since the beginning of the 1990's. The main cause is the temporality of resident permits (4 years), direct connection of employment and resident permit (losing employment leads to losing resident permit), weak, if any, protection systems, inability to provide justice, etc. These policies often lead migrants to the abandonment of the work place, in order to avoid deportation, or to escape violence, and thus, crossing into irregularity.

Moreover, a great number of undocumented migrants are people who entered the country as students or visitors, hoping that they would be allowed to work (only recently students have been given access to part-time and unskilled employment), only to find out that this is not the case.

Another category is that of rejected asylum seekers, who cannot be deported for factual or legal reasons, so they become undocumented migrants, since the state denies them the right to resident permit.

In many cases undocumented migrants are persons, who have been trafficked and/or smuggled. They pay huge amounts of money to come "to Europe" on false information and promises, only to find themselves in violent and inhuman conditions, and/or without any means of subsistence. What the Republic of Cyprus seems to fail to acknowledge is the fact that a strict migration policy cannot provide an answer to any problem. In contrary, it has as an effect to increase the earnings of the smugglers and traffickers and to cultivate xenophobia and racism in Cypriot society.

Cyprus has never used regularisation policy/process.

Undocumented migrants are denied fair working conditions and working rights in general. It is often that employers refuse to pay salaries to undocumented migrants, exploiting their fear of arrest and deportation, in case they claim their rights. The fact that undocumented migrants are not covered by any insurance, results in human tragedies when accidents occur.

Undocumented migrants are taken advantage by landlords, who demand excessive rent for poor lodgings. Thus, they are forced to live in poor and overcrowded conditions, deficient in basic hygiene standards, with all the resulting consequences for themselves and others.

It is not seldom that undocumented migrants keep their children out of the educational system, in order to remain "invisible" and due to fear of arrest and deportation.

K. Corruption, Lack of Transparency, Accountability

A major problem of the current migration model is that a large part of the entry, residence and employment process of migrants is facilitated not by state structures and mechanisms, but through private, profit-making agencies in the rule operating outside the Law. The state seems to have surrendered to the private sector main aspects of the migration process. A direct result of the operation of private agencies is the extremely high cost of migration, a cost that burdens mainly

migrants. According to the information of KISA, migrants are charged anything between €3000 - €15000 per person.

NGOs working with migrants, as well as migrant and refugee communities, are typically and systematically excluded from every public dialogue and debate concerning the migration model and employment policies, and any of its constituent parameters.

Moreover, the national law does not allow NGOs legally represent their clients. According to national law, lawyers are forbidden from working a pro bono. Lawyers that work for NGOs are deprived of their professional license to practice law, and therefore, NGOs cannot really hire lawyers, even to provide legal advice. Also, a recent amendment of the Refugee Law forbids NGOs from providing any legal services to people with international protection and asylum seekers, as it only gives the right to law firms and self-employed lawyers to provide legal services to them. This is further complicated by the fact that in Cyprus there are no law firms/lawyers specialised in migration/asylum law.

The lack of any state protection mechanisms for migrants, has led to the growth of channels of exploitation that are connected to agents, lawyers, police officers, and migration officers. These channels typically employ migrants from the various communities as their contact persons to establish links with the various communities and attract people. Agents are those, who are responsible to find migrants jobs in costly prices and often in terrible working conditions. In case migrants need to claim their rights, lawyers are employed, who supposedly represent them to claim their rights, but, in reality, exploit them to earn more money, while they either do nothing to help them, or they put them in even worse situations, giving them bad advice, either purposefully, or due to lack of adequate knowledge around migration/refugee issues. In order to facilitate their job, these circuits use corrupted police and migration officers, who are paid back for their “services.”

Corruption appears mostly in relation to the access to entry & employment authorisation for migrants, the submission of Labour dispute complaint, the permission of employer change and the finding of new employer, the access to asylum, the renewal and issuing of resident permits, the revocation of detention and deportation orders / release from detention and the access to marriage procedures and documentation.

The complaints KISA has filed so far on issues of corruption have been covered, underplayed, or have been dealt only superficially, in regards to both relevant actions and consequences.