



# Promoting And Establishing Alternatives To Immigration Detention In Cyprus





This work is supported by the European Programme for Integration and Migration (EPIM), a collaborative initiative of the Network of European Foundations (NEF). The sole responsibility for the content of this report lies with the author(s) and the content may not necessarily reflect the positions of NEF, EPIM, or the Partner Foundations.

# Acknowledgments

This research was conducted by Future Worlds Center, Humanitarian Affairs Unit from May to September 2016.

The research was carried out by Josefina Mavrou, Researcher with the support of Corina Drousiotou, Head of the Humanitarian Affairs Unit.

Future Worlds Centre would like to thank the European Programme for Integration and Migration (EPIM), a collaborative initiative of the Network of European Foundations (NEF), for the funding, guidance and support that it provided for this research.

We would also like to thank the Representation of the United Nations High Commissioner for Refugees (UNHCR) in Cyprus and the Commissioner for Children's Rights as well as the Commissioner for Administration and Human Rights (Ombudsman) for their support and contribution during the implementation of the project and their recommendations.

We also express our gratitude to the EU and Police Cooperation Department, the Civil Registry and Migration Department, the Asylum Service for their cooperation.

Finally and most importantly we express our appreciation and gratitude towards the ex and current detainees who participated in the research, for providing us with important information, their perspective and insights.

**The full report 'Promoting and Establishing Alternatives to Immigration Detention in Cyprus' is available in Greek. For a more detailed analysis please see [www.futureworldscenter.com](http://www.futureworldscenter.com).**

# Promoting And Establishing Alternatives To Immigration Detention In Cyprus

---

## Executive summary

The Project “Promoting and Establishing Alternatives to Immigration Detention in Cyprus” <sup>1</sup>, is implemented by the NGO Future Worlds Center, and aims to identify and promote alternatives to detention that can be implemented in the Cypriot context. This report, is prepared as part of the Project with the aim to meet two objectives. First, to map the current situation in Cyprus and to undertake a review of the alternatives that have been implemented in the EU and secondly, to become a useful tool for the identification of alternative measures that can be used in our country.

The report presents the findings of the research which shows that the existing framework needs to be reformed so as to create an effective and functioning mechanism which will primarily safeguard the rights of irregular migrants, protect them from the risk of arbitrary detention and provide less strict but effective alternative measures through a clearly established procedure and specific criteria.

Furthermore, it is shown that the cost of the detention is particularly important. It is expected, therefore, that the implementation of alternatives to detention will contribute in this field and will reduce government expenses. Cost reduction, less administrative burden, respect and compliance of human rights and the promotion of a more humanitarian practice are issues that deserve the immediate attention of the Cyprus Republic.

The examination of alternative measures does not mean the complete exclusion of the use of the detention measure. Conversely, the existence of a clear framework of alternative measures will guarantee the legality of procedures and detention will be only used as a last resort in exceptional cases.

The Projects’ conclusions are based on the field and desk research that analysed the environment in Cyprus as well as international and European experiences on the issue; the positions of the United Nations High Commissioner for Refugees (UNHCR) in Cyprus, the Commissioner for Children’s Rights and the Commissioner for Administration and Human Rights (Ombudsman), as well as the governmental departments responsible of implementing alternatives and the experiences of former detainees and persons at risk of detention. All point to the need of a holistic approach such is the revised Community Assessment and Placement (CAP) model, adapted to the Cypriot context.

---

<sup>1</sup> The full report ‘Promoting and Establishing Alternatives to Immigration Detention in Cyprus’ is available in Greek.

The close cooperation with the International Detention Coalition (IDC) and the use of their handbook "There are Alternatives", which refers to the prevention of unnecessary immigration detention, was of a great importance for the current Project. The need for individual assessment in Cyprus and the urge to implement alternative measures based on examples from other European countries, lead us to the use of the handbook and to the implementation of the CAP model.

Briefly, the revised Community Assessment and Placement (CAP) model combines the main principles of liberty and minimum standards with the key processes of identification and decision making, placement and case management. The model aims to create an individual process of identification and evaluation of each case, a procedure that involves case management, legal advice and other mechanisms that support the person, including the safeguarding of basic needs, with the intention to work towards case resolution. In order to ensure the effectiveness of the alternatives, the individual conditions and needs of each person are taken into consideration, so that the selected measure respects, protects and fulfils the person's human rights, from their right to liberty to their basic needs.

These measures are based on the principles of legality, necessity and proportionality and the principle of non-discrimination. Cyprus should be the next EU member state that will apply alternatives effectively and become a leader on this complicated and sensitive issue.

# Introduction

In the last years the European Union (EU) is experiencing a challenge regarding the migration and refugee flows and the number of people entering Europe, which has increased significantly compared to previous years. Tens of millions of people from Syria, Afghanistan, Iraq, Eritrea and elsewhere have been driven from their countries to seek protection in the EU. At the same time, a significant number of people moved to Europe because of the poverty conditions that have experienced in their home countries. These developments have kept asylum and immigration policy high on the EU agenda <sup>2</sup>.

At political level, several initiatives were taken from the EU - with the most recent in May 2015- when the European Commission adopted an agenda on immigration. The goal is the redefinition of immigration policy for the following years <sup>3</sup>.

As part of the state's efforts to manage irregular migration, it has been observed that the detention of asylum seekers and irregular migrants has been established the last years in many European states as a practice, but also in many countries worldwide, including Australia, U.S.A. and Asian countries <sup>4</sup>.

Many international organizations such as UNHCR and other civil society organizations in various states have expressed their concerns about the increasing number of third country nationals in detention. Meanwhile, the United Nations have increased their efforts to encourage the governments to respect international law and resort the detention of third country nationals only in exceptional cases <sup>5</sup>. EU legislation also stresses that detention must be applied as a "last resort", while it encourages the use of alternatives to detention.

Moreover, many civil society organisations register human rights abuses in detention centers, while several member states such as Malta, Greece and France have been condemned by the European Court of Human Rights for the arbitrary detention and inhumane treatment of migrants in the detention centres <sup>6</sup>.

Additionally, the involvement of social organizations in campaigns against detention has increased significantly in the last years, especially after the establishment of the International Detention Coalition (IDC) in 2006, a unique global network, of over 300 civil society organisations and individuals in more than 70 countries, that advocate for research and provide direct services to refugees,

---

<sup>2</sup> Corina Drousiotou et al, Asylum Information Database AIDA: Cyprus Country Report, NGO Future Worlds Center, (European Council on Refugees and Exiles. November 2015). Ανακτήθηκε στις 10 Ιουνίου 2016 από [www.asylumineurope.org/reports/country/cyprus](http://www.asylumineurope.org/reports/country/cyprus).

<sup>3</sup> Drousiotou et al (2015), Cyprus Country Report, (ECRE. November 2015). Available at [www.asylumineurope.org/reports/country/cyprus](http://www.asylumineurope.org/reports/country/cyprus).

<sup>4</sup> Guy J. Coffeya, Ida Kaplana, Robyn C. Sampson B, Maria Montagna Tucci, "The meaning and mental health consequences of long-term immigration detention for people seeking asylum". *Social Science & Medicine*, 70, (2010): 2070-2079, ανακτήθηκε στις 21 Ιουλίου 2016 από [http://ac.els-cdn.com/S0277953610002339/1-s2.0-S0277953610002339-main.pdf?\\_tid=46395126-4f27-11e6-88a1-00000aabb0f26&acdnt=1469094258\\_be5027c2af425e46b1a52362c7f9178b](http://ac.els-cdn.com/S0277953610002339/1-s2.0-S0277953610002339-main.pdf?_tid=46395126-4f27-11e6-88a1-00000aabb0f26&acdnt=1469094258_be5027c2af425e46b1a52362c7f9178b).

<sup>5</sup> Alice, Bloomfield, «Alternatives to Detention at a Crossroads: Humanisation or Criminalisation?», *Refugee Survey Quarterly*, 0, (2016),: 1-18, ανακτήθηκε στις 3 Μαΐου 2016 από <http://rsq.oxfordjournals.org/content/early/2016/02/02/rsq.hdv018.short?rss=1>

<sup>6</sup> Bloomfield, "Alternatives to Detention", 5.

asylum-seekers and migrants affected by immigration detention <sup>7</sup>.

The UN refugee agency has signed an agreement for the implementation of a 5 years project (2014-2019) with the International Detention Coalition (IDC) in order to join their efforts in addressing detention issues faced by asylum-seekers and stateless people. The partnership seeks to prevent or reduce the use of detention by governments of people seeking international protection <sup>8</sup>.

It is noteworthy that the promotional campaigns on alternative measures have achieved positive changes. First, the legislative framework is constantly growing and the obligation to examine “less coercive measures” was introduced to the European Directive 2008/115/EU on Returns <sup>9</sup>.

Furthermore, in June 2013 the recast Receptions Directive was adopted which obliges member states to incorporate alternative measures in the legislation of the member states. In many countries such as France, Hungary and Slovenia, such measures have been introduced and have positive results <sup>10</sup>.

Furthermore, the increased use of alternative measures in various countries has benefited vulnerable groups of migrants, especially families and children. Several countries like Belgium, England and Austria have introduced measures prohibiting the detention of families, a practice followed in Cyprus <sup>11</sup>.

As far as Cyprus is concerned, it is clear that the use of detention as measure for to control immigration control has increased in the last years. In addition, there are gaps in the legal framework and procedures related to the detention of third country nationals in Cyprus, including a failure to implement alternative measures. In view of the absence of systematic advocacy on the issue, has led to the design and implementation of the Project “Promoting and establishing alternatives to immigration detention in Cyprus”.

The aim of the Project is to identify practical and effective alternatives to detention that will be suitable for the Cypriot society. Additionally, the program aims to promote communication and cooperation between all stakeholders, state and non-state, for the exchange of knowledge and experience on the subject.

The Project is funded by EPIM, an international organization (European Programme for Integration and Migration), an initiative of currently 13 Partner Foundations and 11 associated Foundations, has the goal of strengthening the role played by civil society in advocating for constructive approaches to migration in Europe. This is done through grant-making, capacity development and networking <sup>12</sup>.

---

<sup>7</sup> Bloomfield, “Alternatives to Detention”.

<sup>8</sup> Bloomfield, “Alternatives to Detention”.  
United Nations High Commissioner for Refugees (UNHCR), Greek Representation, «Ενίκαιρα Ζητήματα Προσφυγικής Προστασίας». (UNHCR, 2014), recovered on the 7 July 2016 from [https://www.unhcr.gr/fileadmin/Greece/Extras/WRD\\_2014/2014\\_PROTECTION\\_POSITIONS\\_GR.pdf](https://www.unhcr.gr/fileadmin/Greece/Extras/WRD_2014/2014_PROTECTION_POSITIONS_GR.pdf).

<sup>9</sup> Bloomfield, “Alternatives to Detention”.

<sup>10</sup> Bloomfield, “Alternatives to Detention”, 8.

<sup>11</sup> Bloomfield, “Alternatives to Detention”, 8.

<sup>12</sup> For more information please see <http://www.epim.info/>.

As mentioned above, the Project is implemented by Future Worlds Center in cooperation with the Commissioner for the Rights of the Child and UNHCR in Cyprus and with the support of the Office of the Commissioner for Administration and Human Rights (Ombudsman).

During the implementation of the Project there was also close cooperation with the International Detention Coalition (IDC) <sup>13</sup>, whose experts contributed with their extensive expertise and experience on the subject. More specifically, the revised “Community Assessment and Placement model” (CAP) <sup>14</sup>, which was developed and promoted by the IDC, will be the tool which will be used to identify and promote alternatives measures that are the most appropriate to the Cypriot reality.

The full report, which is available in Greek, aims to outline the current situation in Cyprus, to present the positive changes that have been achieved the last years in this field and to point out the gaps in the legislation. Finally, the ultimate goal is to propose alternatives to detention that could be adopted and implemented in Cyprus.

The report consists of four parts. The first part refers to the current situation in Cyprus, the legal framework, current practices and recent developments <sup>15</sup>. In this chapter the Project is presented as well as the methodology adopted for the purpose of the research <sup>16</sup>.

The second part presents the “Revised Community Assessment and Placement Model” (CAP) <sup>17</sup>. The above model is analysed and examples are given on alternative measures applied in European countries.

The third part presents the positions and views on alternatives to detention, of the Commissioner for Administration and Human Rights (Ombudsman’s Office), the Commissioner for the Rights of the Child and the United Nations High Commissioner for Refugees (UNHCR) Representative in Cyprus <sup>18</sup>. There is also an analysis of the response of the Civil Registry and Migration Department (Ministry of Interior) and the EU and Police Cooperation Department (Cyprus Police). Following is an analysis based on information provided by persons in Cyprus who are or were in detention or are at risk of being detained <sup>19</sup>.

---

**13** For more information please see <http://idcoalition.org/>.

**14** For more information please read the Revised edition of the handbook “There are alternatives” on <http://idcoalition.org/publication/there-are-alternatives-revised-edition/>.

**15** For a more detailed analysis please see chapter 1 of the full report “The current situation in Cyprus”.

**16** For a more detailed analysis please see chapter 2 “Presentation of the Project Promoting and Establishing Alternatives to Immigration Detention in Cyprus”

**17** For a more detailed analysis please see chapter 3 “The need for adoption and implementation of alternative measures”

**18** For a more detailed analysis please see chapter 4 “Positions and views of the authorities and other independent stakeholders”

**19** For a more detailed analysis please see chapter 5 “Research findings on administration policies and third country nationals”



In the fourth and last part, the revised CAP model is adapted and implemented to the Cypriot context with the aim to present realistic and practical alternatives that can be applied in the country. Based on the model placement options in the community without conditions – is proposed as the primary option, whereas placement in the community with conditions such as monitoring and supervision is proposed where necessary. A special emphasis is given on the coverage of basic needs for the measures to be successful <sup>20</sup>.

---

<sup>20</sup> For a more detailed analysis please see chapter 6 “Implementation of alternatives to detention of third country nationals in Cyprus”

## The Situation In Cyprus

Over the last 3 decades Cyprus has been implementing an austere immigration policy that has included the widespread use of detention as the default practice for the removal of third-country nationals (TCN). Although the national law, in line with the relevant European Directive 2008/115/EE, states that detention should only be used as a last resort and when “less coercive measures to detention” are not possible, yet in practice detention is the default procedure used for the removal of third-country nationals and no clear alternatives to detention are mentioned in the national law, in policy or used in practice.

However, in the last two years there have seen some positive developments that are worth mentioning, as the de facto termination of the detention of children or mothers with children, the reduction of instances in which asylum seekers can be detained, as well as reducing the period of time asylum seekers are in detention. Although these practices show an effort to improve the system, they have not been implemented in law or official policies.

It is also worth mentioning that despite the large number of asylum seekers and migrants arriving at the borders of several E.U. member states, Cyprus, has not been affected to a great extent, with the number of persons arriving on the island remaining relatively low. States that receive high numbers of refugees and migrants face more political pressures, which limit their ability to innovate. On the contrary, countries like Cyprus where the numbers are limited there are more opportunities and possibilities to development best practices, which are beneficial for persons at risk of detention but can also be more cost effective and less time consuming for the authorities.

In the framework of the current Project, it has been observed that there is a perception among the state that detention is not a primary issue for review, and therefore there is no need to replace the existing practices with alternative measures. In addition there is no systematic approach in Cyprus on the promotion of alternatives to detention by governmental or non-governmental bodies. However, the Republic of Cyprus has been criticized for its detention practices by the Commissioner for Administration and Human Rights (Ombudsman’s Office), the European Commission, the UN Committee against Torture, the United Nations High Commissioner for Refugees and by non-governmental bodies, such as ECRE (European Council for Refugees and Exiles), Amnesty International and local NGOs. Additionally, as recently as March 2016 the Human Rights Commissioner of the Council of Europe Nils Muiznieks, comments on the lack of alternatives to detention in Cyprus <sup>21</sup>.

---

<sup>21</sup> Nils Muiznieks. Report By Nils Muiznieks Commissioner For Human Rights Of The Council Of Europe Following His Visit To Cyprus From 7 To 11 December 2015. Council Of Europe, 2016, ανακτήθηκε στις 20 Ιουνίου 2016 από <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2913454&SecMode=1&DocId=2372584&Usage=2>.

---

# Conclusions And Recommendations

The main objective of the Project 'Promoting and Establishing Alternatives to Immigration Detention in Cyprus', within the context of which the current report has been drafted, is to identify and recommend alternative measures to detention that could be implemented in the Cyprus context.

The existing practices in Cyprus, which have been analysed extensively and can be found in the full report 'Promoting and Establishing Alternatives to Immigration Detention in Cyprus' <sup>22</sup>, indicate that detention, of third country nationals is often the primary measure implemented by the authorities instead of being the last resort. Such practices increase the risk of arbitrary detention, particularly in cases where less restrictive measures could be applied. Detention restricts the right to liberty and freedom of movement and therefore, is incompatible with the international and European legal framework, particularly with humanitarian values.

The knowledge and experience gained during the implementation of this Project suggest that there is a need to reform the existing framework in order to create an effective and functioning mechanism which will primarily safeguard the rights of third country nationals <sup>23</sup>. The implementation of such mechanism will protect persons against the risk of arbitrary detention and will provide less strict but effective alternative measures through a specific process and clear criteria.

The experience of implementing such measures at an international and European level demonstrates that case management leads to higher levels of compliance and case resolution. Furthermore, it has been shown that the detention of third country nationals does not prevent or reduce irregular entry or stay in the country, while the cost of detention, both financial and humanitarian, is enormous.

The examination of alternative measures does not suggest the complete abolition of the use of detention. On the contrary, the existence of a clear framework of alternative measures guarantees the legality of procedures and ensures that detention will only be applied as a last resort.

---

<sup>22</sup> The full report 'Promoting and Establishing Alternatives to Immigration Detention in Cyprus' is available in Greek.

<sup>23</sup> For a more detailed analysis please see chapter 1 "The current situation in Cyprus" as well as the subsection "Law and practice". The first chapter refers to the situation in Cyprus with the aim to present all the positive steps that have been made the last years as well as to point out the gaps in the legislation. More precisely, there is an analysis of the immigration law and the detention of third country nationals as well as a description of the migration policy and practices used in Cyprus.

# Conclusions

Through the implementation of the current project we have come to the overall conclusion that Cyprus has the potential to promote, support and establish an alternative framework, as well as develop good practices so as to become a good example not only in Europe but also at international level.

In order to do this foremost, the development and implementation of alternative measures should respect the dignity of the person should be guided by the following:

- Governed by the principles of legality, necessity and proportionality and the principle of non-discrimination.
- Respect the principles of “Best Interest of the Child” and the right to family life.
- Create a new coherent framework that will primarily safeguard the rights of migrants and asylum seekers, protect them against the risk of arbitrary detention and provide less strict but effective alternatives to detention through a certain process and clear criteria.
- The alternative measure that will be applied in every individual case must be the least restrictive and must respect the human rights of the person involved, that is, that there is not another less intrusive or restrictive measure which could achieve the same purpose.
- The implementation of the alternative measures must take into consideration the personal situation of migrants and asylum seekers, as well as the vulnerability of certain groups, including gender issues and LGBTI persons, in order to ensure that these measures will be carried out with respect for their human dignity, the right to liberty and meet their basic needs.
- It is necessary to set a framework of individualized evaluation for each case based on predetermined procedures and criteria and identify a range of alternative measures that may be imposed instead of detention.
- Alternatives should be based on the evaluation of existing models and on experience gained in the past, as well as from good practices implemented in other countries. The strengths and weaknesses of previous projects should be used in order to design and implement future alternatives measures to detention.
- Alternatives should be developed and implemented in discussion with all stakeholders governmental and non-governmental, including representatives of migrants and asylum seekers which can provide an insight into measures that will be more effective.

## Recommendations:

In view of the above and based on the findings from the desk and field research, we propose:

- The immediate adoption and implementation of the revised Community, Assessment and Placement (CAP) Model, adjusted to the Cypriot reality <sup>24</sup>.
- The immediate adoption and implementation of alternative measures to detention which will be based on placing the person in a community setting, without conditions or with conditions or limited restrictions.

The CAP model <sup>25</sup> is based on the screening and assessment of each individual case, including case management, legal advice and other mechanisms that support the person, ensuring that they can meet their basic needs and will lead to the resolution of the case.

Case management is a coordinated and integrated approach that aims to facilitate case resolution. The key steps of case management are screening, assessment, case planning, intervention and ongoing review.

Through these steps -screening, assessment, case planning, intervention and ongoing review-, case management centres on understanding and responding to the capacities, unique needs and challenges of individuals and their context, including personal resources, vulnerability, protection and risk factors. Furthermore, the alternative measure will safeguard the persons' human rights and their right to liberty.

Regarding the placements of the individual in the Cyprus community, we propose the following:

1. Placement in the community without conditions, e.g. in private accommodation, living with family members, friends or family, reception centres for asylum seekers, etc <sup>26</sup>.

---

<sup>24</sup> For a more detailed analysis please see chapter 3 "The need for adoption and implementation of alternative measures" and 6 "Implementation of alternatives to detention of third country nationals in Cyprus".

Chapter 3 presents the International Detention Coalition, its work and accomplishments; it analyses the revised CAP model and gives some examples of practical use of alternative measures implemented in European countries.

Chapter 6 adapts the revised CAP model to the Cypriot context and proposes placement options in the community that can be implemented in Cyprus.

<sup>25</sup> Chapter 3, "The need for adoption and implementation of alternative measures".

<sup>26</sup> Chapter 6 "Implementation of alternatives to detention of third country nationals in Cyprus"

2. Placement in the community with conditions or limited restrictions, e.g. monitoring (reporting to the authorities of address declaration, delivery of travel documents, etc.), supervision and surety and other consequences for non-compliance (e.g. more frequent presentation at police station) <sup>27</sup>.

The above placements require, besides accommodation, addressing the individual's basic needs such as identity, health care, social support, food and access to education for children and adolescents. In some cases, placement in the community may include access to work (limited or not) in order to save costs for the state.

The implementation of a pilot program in Cyprus is an effective practice towards forming alternative measures. Such a program would implement the revised CAP model and give priority to placing the person in the community. The pilot program, which will require collaboration among stakeholders, will aim at highlighting the effectiveness of individual assessment of cases, which leads to selecting the most suitable alternative measure and higher possibility of resolving the case.

During the implementation of a pilot project a small number of migrants detained or at risk to be detained will be assessed with the aim to choose the most appropriate alternative measure based on the individual placements in the community, either without conditions or on with conditions.

During the screening and assessment, it is necessary to respect the provisions of all stages of the revised Community Assessment and Placement Model in order to give the best possible solution. The basic principles of the program will be the liberty of the individual, the respect for human rights and meet their basic needs. It is important to state that the alternative measures will be governed by the principles of legality, necessity and proportionality and the principle of non-discrimination.

---

<sup>27</sup> Chapter 6 "Implementation of alternatives to detention of third country nationals in Cyprus"



© **Future Worlds Center**  
October 2016

5 Promitheos Street, 1065 Nicosia  
Telephone: (+357) 22873820  
Fax (+357) 22873821

[Info@Futureworldscenter.org](mailto:Info@Futureworldscenter.org)

[www.futureworldscenter.org](http://www.futureworldscenter.org)

