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**Permanent Mission of the Republic of Cyprus
Geneva**

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The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, further to the latter's Telegram dated 24 April 2014 with respect to a joint allegation letter sent by the Special Rapporteur on freedom of religion and belief, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, wishes to hereby attach the responses of the pertinent Authorities of the Republic of Cyprus to the questions posed by the three Special Rapporteurs.

The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland kindly requests the Office of the United Nations High Commissioner for Human Rights to convey the aforesaid responses to the Special Rapporteur on freedom of religion and belief; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 01 July 2014

To:
Office of the United Nations
High Commissioner for Human Rights
(Attn: Jane Connors, Chief,
Special Procedures Branch)
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CH-1201 GENEVA

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Situation of Mr. [REDACTED]**1) Are the facts described in the case accurate?**

Based on the information contained in the file of Mr. [REDACTED] the facts of his case are the following:

- On 18/10/2000, Mr [REDACTED] and his family entered legally the Republic of Cyprus through Larnaca airport as visitors.
- On 31/10/2000, they submitted an application for international protection through the UNHCR Representation office in Cyprus.
- On 24/01/2001, their application was rejected by the UNHCR office.
- On 22/3/2001, their appeal was rejected by the UNHCR office.
- On 26/6/2001, his wife submitted a separate application to the UNHCR office
- On 6/2/2004, his wife application was rejected as well by the UNHCR office. The UNHCR Representation in Cyprus informed Mr [REDACTED] on 6/2/2004, about his request to re-open his file, which was received in June 2001, that they regret to inform him that, after having re-interviewed him on 17/6/2002 and after carefully examining his application during the second review, they have concluded that the reasons he stated do not warrant a change of their first decision. His application did not contain any new elements, which might have altered the decision. UNHCR Office decided to close his file and no more review was possible by them.
- On 19/7/2004, they submitted a new application for international protection, this time through the Republic of Cyprus.
- On 26/5/2005, their application was examined after an interview was conducted.
- On 16/1/2006, their application was rejected as concerned refugee status or subsidiary protection status.
- On 27/1/2006, the rejection letter was issued and it was sent by post on 6/2/2006.
- On 20/2/2006, they appealed to the Reviewing Authority of Refugees against the decision of the Asylum Service.

- On 17/11/2006, their administrative appeal was rejected.
- On 11/12/2012, they submitted a new application which is under examination by the Reviewing Authority of Refugees as competent authority.

2) Please provide details including the legal basis, for denying asylum to Mr. [REDACTED] who has reportedly been persecuted in the Islamic Republic of Iran for beliefs critical of Islam, and explain how these measures are compatible with the aforementioned international human rights standards.

According to the report of the facts of the case, Mr. [REDACTED] and his wife submitted a total of three applications for international protection, two through the UNHCR Representation office in Cyprus and one through the Republic. All three applications were based on the same argumentation of Mr. [REDACTED], namely his Anti-Islamic beliefs. All three applications were rejected as well as rejected and the two appeals, one by the UNHCR and one by the Reviewing Authority of Refugees. The Asylum Service rejected their application on 16/1/2006 because it was not found to fulfill the requirements of Section 3 of the Refugee law of 2000-2004 as well as of Article 1(A) of the Geneva Convention of 1951 on the recognition of refugee status. Additionally, it was not possible to recognize the status of subsidiary protection under Article 19(1) because the conditions of Article 19(2) were not met regarding the risk that the applicants might suffer serious and unjustified harm. Since their fear of persecution and/ or inhuman or degrading treatment was not confirmed, it was decided that there is no case of application of Article 3 of the European Convention on Human Rights or Article 3 of the Convention Against Torture.

3) Please provide details on whether any risk assessment was carried out by the Cypriot authorities to ascertain whether Mr. [REDACTED] and his family would be subjected to torture or other cruel, inhuman or degrading treatment or punishment or even the death penalty in case of deportation to the Islamic Republic of Iran.

The Asylum Service proceeded to risk assessment. Relevant is the answer on question 2. During the period between 17/11/2006 - 12/11/2012, ie for a period of more than 6 years and despite their irregular status, the Reviewing authority of Refugees received their new application which is under examination.

4) Please provide detailed information on the measures taken to provide the support to which Mr. [REDACTED] and his family are entitled as asylum seekers.

Mr. [REDACTED] and his family, as well as all applicants for international protection, enjoy the same rights as they referred to in Article 9 of the Refugee laws of 2000-2014. Mr [REDACTED] and his family enjoy the following rights as asylum seekers:

- legal stay in the Republic of Cyprus
- freedom of movement in the Republic of Cyprus
- To apply for a job as any third country national in Cyprus. Asylum seekers are referred to available jobs in agriculture and farming, based on current guidelines. Only in case there are no available jobs in these sectors, asylum seekers can have a contract approved by the Labor office, for jobs in other sectors.
- public assistance through the social Welfare Office by showing their confirmation letter. As first step the Welfare Office might give them an amount to cover their immediate needs, until their application for welfare benefits is examined. The Welfare Office's decision will be based on their willingness to work in a job provided by the labor Office.
- free medical care, on basis of their annual income just like Cypriot citizens.
- public education institutions for minor asylum seekers and/or asylum seekers' children.

These rights are subject to limitations or conditions that the Authorities might seem reasonable to enforce, for public well purposes.

In Mr. [REDACTED]'s file of the Asylum Service, there is no letter or any complaint to whether measures were not taken to support himself and his family as asylum seekers.

Our opinion is that, the joint allegation letter sent by the Special Rapporteurs of the UN, primarily should have been addressed to the Representation Office of UNHCR in Cyprus. The same questions should have been submitted to UNHCR, taken into account that UNHCR Office rejected both applications of Mr. [REDACTED] and his wife when originally submitted to them. All allegations mentioned in the joint letter were also examined by the UNHCR.

It is noted that before the Cyprus Authorities and namely in front of the Reviewing Authority of Refugees, there is a new application / or new elements pending for examination in substance to ascertain whether, they may be granted the status of international protection under the provisions of the refugee Laws of 2000-2014.