

THE REFUGEES ORDINANCE 2003

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**AN ORDINANCE
TO GIVE EFFECT TO A MEMORANDUM OF
UNDERSTANDING BETWEEN THE GOVERNMENTS
OF THE REPUBLIC OF CYPRUS AND OF THE UNITED
KINGDOM RESPECTIVELY CONCERNING THEIR
CONTINUING CO-OPERATION IN RELATION TO
ILLEGAL MIGRANTS AND ASYLUM SEEKERS ON THE
ISLAND OF CYPRUS**

T. W. RIMMER
ADMINISTRATOR

31st March 2003.

Whereas on 20th February 2003 at Nicosia the Governments of the Republic of Cyprus (“the Republic”) and of the United Kingdom respectively signed a Memorandum of Understanding concerning the manner in which they would continue co-operating in relation to illegal migrants and asylum seekers on the Island of Cyprus:

And whereas it is expedient to enable effect to be given to the said Memorandum of Understanding:

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

PART I - PRELIMINARY

1. This Ordinance may be cited as the Refugees Ordinance 2003.

Short title.

2. In this Ordinance, unless the context otherwise requires -

Interpretation

“alien” means a person who is not a citizen of the United Kingdom or of the Republic and who either has no rights under the law of the Areas or of the Republic to reside in, be present in or remain in either the Areas or the Republic or whose right to reside in, be present in or remain in either the Areas or the Republic is subject to any restriction;

“appropriate authorities” means the Refugee Authority and the appropriate officers of the Republic;

“appropriate” in relation to an officer means the officer appointed for the purposes of this Ordinance or of the corresponding Republican law for receiving and processing asylum-seekers’ applications for asylum for examination and determination by the Refugee Authority ;

“asylum-seeker” means an alien who has made an application under this Ordinance for recognition as a refugee and whose application has not been finally determined;

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

“control officer” means a person appointed as a control officer by the Administrator pursuant to section 3(1) of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960;

“Convention” means the Convention relating to the Status of Refugees, done in Geneva on 28th July 1951 and includes the 1967 Protocol thereto;

“corresponding Republican law” means Republican Law No. 6(I)/2000 as it may be amended or substituted from time to time and includes any subordinate legislation made under that Law or under that Law as it may be amended or substituted from time to time;

“country of origin” in relation to any person means the country of which he is a citizen, or in relation to a person who has no citizenship, the country (not being the Republic) where he habitually resides;

“manifestly ill-founded application” has the meaning given to that expression by section 14(1);

“minor” means a person who has not attained the age of eighteen years;

“person under protection” means a person who although not a refugee is treated as such for humanitarian reasons;

“refugee” has the meaning given to that term by section 3(1);

“the Refugee Authority” means the body established under section 26 of the corresponding Republican law for examining and determining applications for asylum in the Republic and which examines and determines such applications on behalf of the Administration under this Ordinance;

“U.N.H.C.R.” means the United Nations High Commission for Refugees.

3. - (1) A refugee is an alien who, as a result of a well-founded fear of persecution for reasons of his race, religion, citizenship, membership of a particular social group or political opinion, is outside his country of origin and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country or who, not having citizenship of any country, and being outside the country of his former habitual residence as a result of such circumstances, is unable or, owing to such fear, is unwilling to return to it.

(2) Where a person is a citizen of more than one country, the

Ordinance 5/1960
as amended by
Ordinances 5/1971,
11/1982, 4/2001,
6/2001.

Meaning of
refugee.

reference in subsection (1) above to his country of origin is to be construed as a reference to each of the countries of which he is a citizen, and he shall not be deemed to be lacking the protection of the country of his origin if, without any valid reason based on a well-founded fear such as is described in subsection (1) above, he has not availed himself of the protection of one of the countries of which he is a citizen.

4. In the application of this Ordinance due regard shall be had to the following principles -

Basic principles for the treatment of refugees and asylum-seekers.

- (a) a refugee or an asylum-seeker shall neither be expelled nor be returned to the frontiers of any territory where his life or freedom would be threatened or where he would be subjected to torture or inhuman or degrading treatment or persecution on the basis of race, religion, sex, citizenship, membership of a particular social group or political opinion;
- (b) a refugee shall not be discriminated against on the basis of his sex, race, religion, citizenship, membership of a particular social group or political opinion;
- (c) a refugee shall have the right to receive fair and proper treatment by the officials of the Areas who are engaged in relief and assistance work for refugees;
- (d) the principle of family unity shall be observed in accordance with section 27.

5. This Ordinance shall not apply to an alien-

Scope of application of this Ordinance.

- (a) who is –
 - (i) receiving international protection from organs or agencies of the United Nations other than the High Commissioner for Refugees, or
 - (ii) accorded by the competent authorities of the country in which he has taken residence as a permanent resident, the same rights and obligations as are accorded to the citizens of that country; or
- (b) against whom there are serious allegations that he –
 - (i) has committed a crime against peace, a war crime, or a crime against humanity as defined in the Convention, or
 - (ii) has committed a serious non-political crime in another country prior to his entry into the Areas, or
 - (iii) has been guilty of acts contrary to the purposes and principles of the United Nations.

6. - (1) A person shall lose his status as a refugee if -

Loss of refugee status.

- (a) he has voluntarily re-availed himself of the protection of his country of origin; or
- (b) having lost his citizenship, he has voluntarily re-acquired it; or
- (c) he has acquired a new citizenship and enjoys the protection of the country of his new citizenship; or
- (d) he has voluntarily re-established himself in the country which he left owing to a fear of persecution as described in section 3(1);

- (e) the circumstances which led to his being recognised as a refugee have ceased to exist so that he can no longer justifiably continue to refuse to avail himself of the protection of his country of origin:

Provided that this paragraph shall not apply to a person who satisfies the appropriate authorities that there are compelling reasons arising out of previous persecution against him for continuing to refuse to avail himself of the protection of his country of origin.

(2) Where the Refugee Authority establishes that any of paragraphs (a) to (e) of subsection (1) above apply to any person, it shall revoke the decision whereby that person had been recognised as a refugee.

(3) Where a decision recognising a person as a refugee is revoked under subsection (2) above, the person concerned shall surrender to the Refugee Authority any identity card or travel document which may have been issued to him under section 24.

PART II

ENTRY OF ASYLUM-SEEKERS INTO THE AREAS

Entry of asylum-seekers into the Areas.

7. - (1) A person who enters the Areas illegally or who has entered the Areas illegally or who is present in the Areas illegally and who intends to apply for asylum shall not be liable to prosecution by reason only of his illegal entry or presence in the Areas provided that he appears without delay at a police station or at the office of a control officer and gives his reasons for his illegal entry into, or his illegal presence in, the Areas.

(2) A person applying for recognition as a refugee shall make his application in accordance with section 13 at the time that he enters the Areas or failing that, without undue delay at any police station or office of a control officer.

(3) An asylum-seeker shall be entitled to contact the representative of the U.N.H.C.R. in the Republic and the U.N.H.C.R. shall be allowed access to the asylum-seeker and to any information regarding him.

(4) An asylum-seeker shall be held in detention only if –

- (a) his identity or his route of entry into the Areas has to be determined; or
- (b) the grounds on which his claim to asylum is based are to be determined; or
- (c) the security of the Areas or the maintenance of public order so requires:

Provided that a minor shall be held in detention only in exceptional circumstances and the place of his detention shall be decided in consultation with the Social Welfare Services Department of the Republic.

(5) An asylum-seeker who is detained by virtue of subsection (4) shall be informed in language which he can understand the reasons for his detention and his rights to contact an U.N.H.C.R. officer and to consult a lawyer.

(6) An asylum-seeker's detention under subsection (4) above may not exceed a period of eight days. His detention may be extended or further extended by order of the Court for another eight days, but the total period of his detention may not exceed thirty two days in any circumstances.

8.- (1) The police officer or control officer concerned shall investigate the applicant's route of entry into the Areas in order to determine whether he falls to be transferred to the Republic under section 9(1) or whether he is liable to be transferred to the Republic under section 9(2). The authorities of the Republic shall be invited to assist in such investigation.

Investigation of asylum-seeker's route of entry into the Areas.

(2) Where such investigation proves inconclusive, the applicant shall be treated as if he had entered the Areas otherwise than through the territory of the Republic, provided always that there is some indication that he had arrived in the Areas by sea or air. If there is no such indication, he shall be treated as if he had entered the Areas through the territory of the Republic.

9. - (1) Where it is determined that an asylum-seeker has entered the Areas through the territory of the Republic, he shall be transferred to the Republic in order that his application may be examined and determined by the appropriate authorities in accordance with the corresponding Republican law, and accordingly the provisions of this Ordinance shall cease to apply to him after he has been so transferred.

Transfer of asylum-seekers to the Republic.

(2) Where it is determined that an asylum-seeker has entered the Areas otherwise than through the territory of the Republic, he may be transferred to the Republic in order that his application may be examined and determined by the appropriate authorities on behalf of the Administration in accordance with the provisions of this Ordinance.

10. - (1) An asylum-seeker shall be granted a temporary residence permit which shall be valid for the period commencing at the time that he entered the Areas and ending at the time when a final decision is taken with respect to his application for asylum.

Permit for temporary residence.

(2) An asylum-seeker to whom a permit for temporary residence has been granted shall reside at the address stated on his permit. If he fails to do so, his application for recognition as a refugee shall lapse and he shall cease to be treated as an asylum-seeker.

11. - (1) Subject to the provisions of subsection (2) below, during the period that his permit for temporary residence remains in force, an asylum-seeker has –

Rights of an asylum-seeker who has a permit for temporary residence.

- (a) the right to move freely within the Island of Cyprus;
- (b) the right to free medical care if he does not have sufficient means of support;
- (c) the right to apply for leave to work or means of support under any relevant legislation;
- (d) access to public educational facilities so far as this is possible.

(2) The rights mentioned in subsection (1) shall be subject to such conditions or restrictions as the appropriate authorities consider reasonable to impose in the public interest.

Unaccompanied
minors.

12. Where a minor who is not accompanied by either of his parents applies for asylum, the Director of Social Welfare Services of the Republic shall be notified of the fact and any other steps as may be necessary to ensure the welfare of the minor shall be taken.

PART III

PROCEDURE FOR THE GRANTING OF ASYLUM

Application for
asylum.

13. - (1) A person applying for recognition as a refugee shall make his application to a police officer or a control officer. If the asylum-seeker is unable to make his application in writing he may make it orally and the police officer, or as the case may be, control officer shall arrange for it to be recorded fully and accurately.

(2) An asylum-seeker shall be provided with –

- (a) the assistance of an interpreter (if required) free of charge; and
- (b) information as to the procedure that he must follow in connection with his application.

(3) An asylum-seeker shall submit to his finger prints being taken.

(4) A police officer or control officer to whom an application for asylum is made shall notify the appropriate officer of the application.

Manifestly
ill-founded
applications.

14. - (1) Where the appropriate officer suspects that an application for asylum may be manifestly ill-founded, he shall investigate the issue as to whether or not it is in fact manifestly ill-founded as a matter of priority. An application is manifestly ill-founded if –

- (a) it does not reveal a prima facie basis for the asylum-seeker to be recognised as a refugee;
- (b) it is based on inadequate information or evidence submitted by the asylum-seeker in order to support his application;
- (c) the appropriate officer is satisfied that the reason that the asylum-seeker left or is unwilling to return to his country of origin is not related to a fear of persecution as described in section 3(1);
- (d) it is based on a false identity or false travel documents, a fact not revealed by the asylum-seeker, although he had no valid cause for such concealment;
- (e) the asylum-seeker has intentionally made in relation to his application a representation which is false in a material particular;
- (f) the asylum-seeker has destroyed documents relating to his identity or concealed information or impeded the examination of his application in any other way;
- (g) the asylum-seeker has intentionally failed to disclose that he had submitted an asylum application to another country;
- (h) it is made by the asylum-seeker only in order to avoid his deportation from the Island of Cyprus;
- (i) prior to its making, the asylum-seeker had made an

application to be recognised as a refugee to a country which is a signatory to the Convention and the appropriate officer is satisfied that that previous application was duly examined and rejected and the asylum-seeker has failed to prove any substantial change in the circumstances of his case;

- (j) it is made by an asylum-seeker who having the citizenship of, or the right to reside in a country which is a signatory to the Convention, had failed to present evidence of his persecution for any of the reasons described in section 3(1), to that country;
- (k) after having made his application, the asylum-seeker has left the Island of Cyprus without reasonable cause and without permission or he has failed to reply to any letter sent to him by the appropriate officer;
- (l) prior to the making of his application the asylum-seeker had been recognised as a refugee by another country and the reason that he has left or is unwilling to return to that country is not related to fear of persecution there.

(2) For the purpose of investigating whether an application is manifestly ill-founded the appropriate officer shall conduct a personal interview of the asylum-seeker at which, unless the asylum-seeker otherwise requests, the only persons present shall be the appropriate officer, the asylum-seeker, the asylum-seeker's lawyer and, if required, an interpreter. Following the personal interview the appropriate officer shall prepare a report containing the facts of the case and stating his opinion as to whether or not the application is manifestly ill-founded, and shall submit his report to the Refugee Authority.

(3) The Refugee Authority shall consider the appropriate officer's report within eight days of receiving it.

(4) Where the report states that in the appropriate officer's opinion the application –

- (a) is manifestly ill-founded, the Refugee Authority –
 - (i) shall reject the application if it agrees with the appropriate officer's opinion, or
 - (ii) shall apply the procedure provided for under section 16 for the examination of the applicant, if it does not agree with the appropriate officer's opinion;
- (b) is not manifestly ill-founded, the Refugee Authority shall apply the procedure provided for under section 16.

15. - (1) Where the appropriate officer does not suspect that an application is manifestly ill-founded and has accordingly not considered it necessary to conduct a personal interview of an asylum-seeker under section 14(2), he shall conduct such an interview of the asylum-seeker under this section in the manner described in that section. Following such interview the appropriate officer shall prepare a report of the facts of the case and submit it to the Refugee Authority.

Applications not manifestly ill-founded.

(2) The Refugee Authority shall consider such a report within fifteen days of receiving it.

Examination of
asylum-seeker by
Refugee Authority.

16. - (1) The Refugee Authority shall invite the asylum-seeker for examination in order to determine whether he can be recognised as a refugee under this Ordinance. During such examination, unless the asylum-seeker otherwise requests, no person other than the Refugee Authority, the asylum-seeker, the appropriate officer, the asylum-seeker's lawyer and, if required, an interpreter, may be present.

(2) At such examination, the Refugee Authority –

- (a) shall assess the credibility of the asylum-seeker and evaluate the evidence produced by him and where necessary give to him the benefit of any doubt;
- (b) shall relate the evidence mentioned in paragraph (a) above, to the elements of the definition of “refugee” in section 3;
- (c) shall ensure that the asylum-seeker presents his case as fully as possible and with all available evidence, and gives a reasonable explanation of each of the grounds upon which his application is based; and
- (d) may make any further investigation it considers necessary.

(3) The examination referred in subsection (1) shall be conducted within a reasonable period not exceeding in any case seventy eight days from the date of submission of the asylum-seeker's application.

(4) Any information relating to the case shall remain confidential during the examination procedure. In any event no information shall be disclosed to the authorities of the asylum-seeker's country of origin, and no information concerning him shall be requested from there.

(5) The Refugee Authority shall notify its decision in writing on any application for asylum to the asylum-seeker concerned.

Examination of
asylum-seeker by a
doctor.

17. - (1) An asylum-seeker who, at the time of declaring his intention to make an application to be recognised as a refugee or who during his interview by the appropriate officer, alleges that he has been subjected to torture in his country of origin, shall be referred to a doctor for examination. If the applicant refuses to subject himself to medical examination his claim of ill-treatment shall be disregarded unless he provides justifiable reasons for his refusal.

(2) Where the appropriate officer who is processing an application for recognition of a person as a refugee suspects that the asylum-seeker has been subjected to torture in his country of origin, the appropriate officer shall arrange for the asylum seeker to be examined by a doctor.

(3) Where there are signs of severe torture, the appropriate officer shall conduct the interview of the asylum-seeker only after consultation and in co-operation with a doctor.

Obligations of
asylum-seeker
during the
examination of his
application.

18. - (1) An asylum-seeker shall, during his examination by the Refugee Authority -

- (a) support his application with all relevant documents and information which he has in his possession;
- (b) where he has no relevant documents or information in his possession, he shall explain the reasons for the absence of

these, describe the efforts he has made to obtain them and produce any other additional information that the Refugee Authority may request or which is useful, and make all reasonable efforts to supply the Refugee Authority with the requested information;

- (c) provide the Refugee Authority with detailed information concerning himself and his past; and
- (d) generally co-operate with the Refugee Authority to the best of his ability in its efforts to establish all the relevant facts of his case.

19. - (1) The Refugee Authority shall recognise an asylum-seeker as a refugee, by issuing a reasoned decision, if the Refugee Authority establishes during its examination of the asylum-seeker that he falls within the meaning of “refugee” as provided for in section 3.

Refugee Authority's decision.

(2) An asylum-seeker recognised as a refugee shall be granted a three-year temporary residence permit, which shall be renewed a month before it expires for a further three years unless the refugee has lost his refugee status by virtue of section 6 or if he has been deported following a recommendation that he be deported made under section 28.

20. - (1) An asylum-seeker whose application for recognition as a refugee has been rejected by the Refugee Authority otherwise than under section 14(4)(a)(i) (a manifestly ill-founded application) may, within twenty days of the Refugee Authority's decision to reject the application, apply to the Administrator to review the Refugee Authority's decision.

Application to the Administrator for a review.

(2) No action shall be taken in furtherance of a decision of the Refugee Authority to reject an application until the expiration of the period during which an application for a review may be made under subsection (1), or, where such an application for a review has been made, until the Administrator makes his decision on that review.

(3) The Administrator shall give his decision on any such review within ninety days of the application for the review.

(4) Until such time as the Administrator gives his decision on an application for a review of the Refugee Authority's decision, the applicant may not be deported.

21. - (1) Where an asylum-seeker is not recognised as a refugee, the Refugee Authority may nevertheless recommend the granting to the asylum-seeker of a residence permit for a limited period, if—

Unsuccessful applicant may be permitted to continue to reside in the Areas for a limited period.

- (a) his deportation is impossible in law or in fact; or
- (b) the situation in his country of origin would, for grave and weighty reasons, render his return there unacceptable; or
- (c) the asylum-seeker has a realistic chance of obtaining a visa from another safe country which may be willing to consider his request for asylum; or
- (d) the asylum-seeker is a person under protection.

(2) A permit to reside for a limited period shall not be granted in any case where the Refugee Authority determines that section 5 or 6 applies to the particular case.

(3) Where a permit to reside for a limited period is granted, the provisions of section 11 shall apply with appropriate modifications.

Temporary protection.

22. - (1) Temporary protection shall be granted to persons who –

- (a) have fled en masse from areas where there is violence and armed conflict, and who have been or may have been subjected to violations of their human rights; or
- (b) for other humanitarian reasons are considered to be in need of protection.

(2) For the purposes of this section “temporary protection” means temporary protection granted to aliens who have fled en masse from their country of residence and whose safe return to that country is impossible due to the circumstances prevailing there.

(3) For the purposes of granting temporary protection, the procedure of individual examination of each case shall not apply. Notwithstanding that, the right of any person to make an individual application to be recognised as a refugee under this Ordinance shall not be affected.

PART IV

RIGHTS AND OBLIGATIONS OF REFUGEES

Rights of refugees.

23. – (1) Any person recognised as a refugee under this Ordinance shall -

- (a) have the right –
 - (i) to fair and proper treatment, without discrimination on grounds of his sex, race, religion, membership of a particular social group, political opinion, or country of origin,
 - (ii) to transfer assets into the Areas, subject to any relevant legislation of the Areas relating to such transfers,
 - (iii) the right to practice his religion freely;
- (b) receive the same protection as that provided to residents of the Areas, subject to relevant legislation in relation to–
 - (i) elementary education,
 - (ii) freedom of access to courts of law and exemption from any requirements concerning security for court costs,
 - (iii) to participation in any rationing system in the case of an emergency situation,
 - (iv) public relief and assistance,
 - (v) social security,
 - (vi) protection of intellectual property rights;
- (c) receive, subject to relevant legislation, the most favourable treatment, that is to say, treatment which is no less favourable than that accorded to aliens who are neither refugees nor applying for asylum but who in all other respects are in the same circumstances as the refugee, with respect to-

- (i) the right to education, other than elementary education, in particular as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, exemption from fees and the granting of scholarships,
- (ii) the right to associate, and
- (iii) the right to engage in paid employment; and
- (d) receive the same treatment as is generally accorded to aliens who are neither refugees nor applying for asylum but who in all other respects are in the same circumstances as the refugee, in relation to –
 - (i) the right to choose his place of residence and to move freely within the Areas,
 - (ii) the right to acquire or possess property and to enjoy other similar rights relating to property, including the right to lease property and to enter into other contracts relating to immovable property,
 - (iii) the right to engage in agriculture, industry, handicrafts and commerce,
 - (iv) the right, if he has the qualifications required by the appropriate professional body, to exercise his liberal profession.

(2) The rights given to a refugee or asylum-seeker under this Ordinance shall be treated as having been properly accorded to him whether they are accorded to him by the relevant authorities of the Areas or the relevant authorities of the Republic and whether they are to be enjoyed in the Areas or in the Republic.

(3) Any restriction or limitation which may be imposed in respect of any right given to a refugee or asylum-seeker under this Ordinance, whether such restriction or limitation may be imposed on the grounds of the security of the Areas, or in the public interest or for the maintenance of public order or on any other grounds, may, if the right in question is accorded to the refugee or asylum-seeker concerned by the relevant authorities of the Republic in order to be enjoyed there, be imposed by those authorities on similar grounds in so far as those grounds are relevant to the Republic, or in or in relation to the Republic.

(4) Any power exercised or duty performed or other thing done by the Refugee Authority or by any officer of the Republic under or for the purposes of this Ordinance may be exercised or performed or done either in the Areas or elsewhere.

(5) Any enactment of the Areas giving protection to officers of the Areas against civil or criminal liability in respect of acts done in the course of their duties, or in any way applying to such acts, shall apply to the Refugee Authority and to any officer of the Republic in their exercise of any power or performance of any duty or their doing of any other thing under or for the purposes of this Ordinance, as it applies to officers of the Areas.

Identity card and travel documents.

24. - (1) A refugee shall be issued with an identity card.

(2) A refugee shall be issued with travel documents, unless compelling reasons concerning the security of the Areas or public order in the Areas otherwise require.

Fiscal charges.

25. No duties, charges or taxes of any description whatsoever, shall be imposed upon refugees, other or higher than those which are or may be levied on residents of the Areas in similar situations.

Obligations of refugees.

26. - (1) A refugee shall comply with the law of the Areas.

(2) A refugee shall not engage in activities which may endanger the security of the Areas, harm the public interest or disrupt public order.

(3) A refugee shall not engage in activities contrary to the principles of the United Nations.

Members of a refugee's family.

27. - (1) Subject to the provisions of this section, the members of the family of a refugee who enter the Areas at the same time that he does or at a later time, shall be granted asylum.

(2) The members of a refugee's family who did not accompany him upon his entry into the Areas and who are not with him due to the circumstances which led to his application for recognition as a refugee, shall be eligible to be reunited with him if the refugee so requests. For this purpose and provided that their respective relationships with him are proved, leave to enter and any documents necessary for their travelling to and entering the Island of Cyprus shall be issued.

(3) A member of a refugee's family who joins him shall be regarded as a refugee and, subject to the provisions of section 6, shall retain such status even if he ceases to be a member of that family by reason of marriage, divorce, death or any other cause.

(4) For the purposes of this section a person is a member of a refugee's family if he is the refugee's –

- (a) spouse;
- (b) child who is under the age of eighteen;
- (c) father or mother who is dependent upon the refugee for support;
- (d) parent, in the case of a refugee who is a minor.

PART V

FINAL PROVISIONS

Recommendation that a refugee be deported.

28. -(1) The Refugee Authority may recommend the making of a deportation order in respect of a refugee if it considers this necessary or desirable on grounds of the security of the Areas or the preservation of public order.

(2) Before making a recommendation under subsection (1), the Refugee Authority shall –

- (a) provide the refugee concerned with the opportunity to submit written or oral representations; and
- (b) inform the representative of the U.N.H.C.R. of its intention to make such a recommendation.

(3) A refugee against whom a deportation order has been made pursuant to a recommendation made under subsection (1) may be allowed to remain in the Areas for a reasonable period of time in order to seek lawful admission into another country.

(4) A refugee shall not be deported or returned to a country where his life or freedom would be threatened or where he would be in danger of being tortured or persecuted, subjected to inhuman or degrading treatment or punishment on account of his sex, race, religion, citizenship, membership of a particular social group or political opinion or where there is armed conflict or environmental destruction.

29. Exceptional measures which may be taken against the person, property or interests of aliens shall not apply in relation to an alien who has been recognised as a refugee under the provisions of this Ordinance.

Refugees to be exempt from exceptional measures against aliens.

30. - (1) In time of war or other grave and exceptional circumstances, the Administrator may take such special measures as he considers necessary for the security of the Areas in relation to any person who has made an application to be recognised as a refugee and whose application is pending before the Refugee Authority, and such special measures may continue to apply even after recognition of the asylum-seeker as a refugee if this is justified for reasons of public order:

Special measures in relation to asylum-seekers in emergency situation.

Provided that any such special measures shall be in conformity with the principles of international law.

31. - (1) The Administrator may make any regulations that he considers necessary or expedient for the more effective application of this Ordinance.

Regulations.

(2) Without prejudice to the generality of subsection (1), regulations under this section may provide for-

- (a) the criteria for determining the status of a person as a refugee;
- (b) the criteria for ascertaining whether there is a well-founded fear of persecution in a particular country;
- (c) supplementing or simplifying the procedures provided for by this Ordinance for persons applying for recognition as refugees.

(3) Until such time as any regulations are made and are in force under this section, regarding the matters mentioned –

- (a) in paragraph (a) of subsection (2) above, the Handbook of Procedures and Criteria for Determining Refugee Status issued by the Office of the High Commissioner of the United Nations for Refugees shall apply, subject to such restrictions, modifications or adaptations as the Administrator may deem necessary to impose by notice published in the Gazette;
- (b) in paragraph (b) of subsection (2) above, the criteria or any of them mentioned in the Guidelines for Joint Reports on Third Countries adopted by the Council of the European

Union on 20th June 1994 shall be applied, subject to appropriate modifications.

Commencement.

32. – (1) Subject to subsection (2) below, this Ordinance shall come into force on the day of its publication in the Gazette.

(2) Section 22 shall come into force on such day as the Administrator may appoint by order published in the Gazette.

31st March 2003
(114/6/1A)

J.C.A. JARVIS CBE,
Chief Officer.

**AN ORDINANCE
TO AMEND THE SHOP ASSISTANTS ORDINANCES**

.....
ADMINISTRATOR

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

1. This Ordinance may be cited as the Shop Assistants (Amendment) Ordinance 2003. Short title.

2. The Shop Assistants Ordinance shall be amended by adding after section 20 the following new section – Amendment of Cap. 185 (Laws of Cyprus) as amended by Ordinances 13/1979, 15/1990 and 21/2001.

“Administator’s power to authorise Sunday opening of N.A.A.F.I. shops.

21. At any time that the Administrator is of the opinion that there is a military need for any shop operated by N.A.A.F.I to be open on a Sunday, then notwithstanding any other provision of this Ordinance, he may, by notice published in the Gazette, authorise the opening of such a shop on a Sunday between the hours of 7 a.m. and 7 p.m. and there shall be no requirement for any shop opened pursuant to such an authorisation to be closed on some other day of the week in lieu of the opening of the shop on Sunday.”.

3. This Ordinance shall come into force on the day that it is published in the Gazette. Commencement.

(107/4/3)

Chief Officer.

