
REFUGEES (AMENDMENT) ORDINANCE 2016

An Ordinance to amend the Refugees Ordinance 2003

P.E. RUSHBROOK
DEPUTY ADMINISTRATOR

9 August 2016

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

Short title and commencement

1. This Ordinance may be cited as the Refugees (Amendment) Ordinance 2016 and comes into force on 12 August 2016.

Amendment of the Refugees Ordinance 2003

2. The Refugees Ordinance 2003(a) is amended as follows.

Amendment of section 8

3. For subsection (1) of section 8 (investigation of asylum-seeker's route of entry into the Areas) substitute—

“(1) The police officer or control officer concerned shall investigate the asylum-seeker's route of entry into the Areas in order to determine whether or not he entered the Areas through the territory of the Republic. Either or both of the Republican authorities and the police force of the Republic may be invited to assist in such investigation.”.

(a) Ordinance 10/2003, as amended by Ordinances 22/2008, 25/2014 and 18/2015.

Amendment of section 9

4. In section 9 (transfer of asylum-seekers to the Republic)—

- (a) in subsection (1) for “shall be transferred” substitute “may be transferred”;
- (b) for subsection (2) substitute—

“(2) Where—

- (a) it is determined that an asylum-seeker has entered the Areas otherwise than through the territory of the Republic, or
- (b) it is determined that an asylum-seeker has entered the Areas through the territory of the Republic but that person is not transferred to the Republic under subsection (1) (and therefore this Ordinance continues to apply to him),

he may be transferred to the Republic and, whether or not he is transferred under this subsection, his application for asylum is to be examined and determined in accordance with section 14.”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Refugees (Amendment) Ordinance 2016 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The Ordinance amends the Refugees Ordinance 2003 (“the 2003 Ordinance”). It amends section 9 of the 2003 Ordinance to provide that where an asylum-seeker is shown to have entered the Areas through the territory of the Republic of Cyprus, the relevant authorities of the Sovereign Base Areas have the power, rather than a duty, to transfer that person to the Republic in order for their asylum application to be determined by the Republic’s authorities in accordance with the law of the Republic. If such a person is not transferred in this way, they may nonetheless be transferred to the Republic, but the application falls to be determined in accordance with section 14 of the 2003 Ordinance.
3. This Ordinance also amends section 8 of the 2003 Ordinance as a consequence.

SBA/AG/2/IA/207