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Mobile citizenship, states of exception and (non)border regimes in the pandemic and post-Covid19 Cyprus

Policy Brief

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POLICY BRIEF

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INTRODUCTION

This policy brief draws on the findings of the project *Mobile citizenship, states of exception and (non)border regimes in the pandemic and post-Covid19 Cyprus*.[1] The emergency measures introduced during the Covid19 pandemic impacted on community relations, fundamental and mobility rights, reshaping citizenship, exacerbating old divisions, and configuring new ones. Relationships between the two communities have become more difficult due to the mobility restrictions and imposition of new barriers to contact, hardening the 'border' regimes that divide Cyprus and negatively affect the prospects of a settlement for the Cyprus problem. The impact on rights is more severe on non-citizens (asylum-seekers and migrants) with repressive regulations and restrictions to their mobility, facto incarceration and official discourses which have spread suspicion towards persons arriving irregularly and induced anti-migration/anti-asylum policies and discourses.

Cyprus witnessed a regime of new authoritarian practices (states of exception suspending fundamental rights), which built upon the existing ones. Internal and external borders were mobilised, generating fear and suspicion against groups treated as 'the Other'. Packages were introduced purporting to protect workers during the lockdown excluded vulnerable migrant workers who suffered poverty and deprivation. A hostile environment was generated via Government and media anti-immigrant and anti-refugee discourses.

Whilst some asylum-seekers arrive by sea, the majority enter from the northern part of the country, the unrecognised TRNC, which has no asylum procedures to the south i.e., the RoC which is a member of the EU. Currently, Cyprus has the highest per capita applications for asylum in the EU.
There was no consensus about the measures which were contested in different ways and have generated a hostile environment. The state refusal and/or failure to provide welfare support has produced desperate situation for migrants. With the pandemic, new socialities emerged via various ad hoc solidarity groups.

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[1] Funded by the London School of Economics Hellenic Observatory under its 2019-2020 A.G. Leventis Research Innovation Programme on Cyprus. Also see Reports and Policy Briefs were published by the research team that draw on this research project, Demetriou, C. and Trimikliniotis, N. (2022) *Migration and Asylum during the Age of the COVID-19 Pandemic: A Report on Cyprus*, *Migration and Asylum during the Age of the COVID-19 Pandemic: FES BRIEFING*, *The COVID-19 Pandemic and Fundamental Rights: A Report on Cyprus*, *The COVID-19 Pandemic and Fundamental Rights: A Report on Cyprus: FES BRIEFING*, Friedrich-Ebert-Stiftung (FES), July 2022.

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General Recommendations

- The two sides must cooperate under UN auspices to address pressing needs for migration and asylum.
- A rights-based framework must be established that allows access of asylum, facilitate contact and cooperation, paving the way for reconciliation and reunification.
- A comprehensive migrant integration and migration policy is required to address racism, discrimination and hate speech.
- A statutory multi-actor committee for monitoring to conduct self-initiated investigations on media representation of migrants and asylum-seekers is required.

The key issues and policy recommendations

A. Re-bordering, hardening of the 'Green Line' and the Cyprus problem

- **Checkpoints closure in the wake of the Pandemic**

The unilateral closing of the checkpoints by the Republic of Cyprus triggered 'border hardening' processes on both sides of the buffer zone. The pandemic measures left behind bureaucratic and relentless ID checks on both sides, higher insurance charges, delays at the checkpoints, especially for those crossing with cars. Also, restricted access to health care and to vaccination for Turkish-Cypriots which resulted discrimination. Even after the lifting of the restrictions, administrative obstacles remain which obstruct contact between the communities.

- **Barbed wire, contradictions, and danger of hard border**

There is no recognised border in Cyprus; the 'Green Line' is a ceasefire line. The two sides have failed to heed calls of the Security Council to recognise the UN *Aide Memoire* (1989 updated in 2018) and dispute the buffer zone demarcation zone, preferring an la carte approach to the Memorandum. However, the unilateral delimitation is unstable and dangerous. The increasing tensions has made UN management for peace-keeping difficult, reflecting broader processes in the ever-changing but protracted Cyprus problem. The pandemic has accentuated longer-term processes with "several categories of violation resulted in exacerbating the perception of the buffer zone as a 'hard border,'" as the UN SG noted.[2] Without a substantive dialogue on the Cyprus issue, and the difficult political and economic developments and regional tensions have "reflected and exacerbated the current lack of

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[2] UN (2021) *United Nations operation in Cyprus*, Report of the Secretary-General to the SC of the UN, 31 December 2021, 21-19598 (E) 070122, S/2021/1110, para 14.

political space for finding common ground for formal negotiations, with the positions of the two sides growing further apart", as the UN SG noted in 2023.[3]

Recommendations

- Authoritarian practices and bordering processes must be replaced with a rights-based framework that allows full access of asylum, facilitate contact and cooperation, paving the way for reconciliation and reunification.

- Both sides are advised be recognise the Aide UN *Aide Memoire* on the Green Line to reverse the processes of border hardening and render the Green Line a place for community cooperation.

- At the checkpoints, checks must become fast and automatic, eliminating long queues and tensions that deter people from crossing.

- Push packs must be stopped and access to asylum must be made available.

- New inclusive consultative bicommunal bodies and processes must be established under the auspices of the UN. Experts, activists, trade unionists and journalists can map of the problems generated by the measures to propose solutions.

B. Migration and asylum

Migration and asylum policy is premised on problematic assumptions which must be debunked.

- A common assumption is that new barriers and lower reception conditions will deter asylum-seekers. In recent years however, unprecedented numbers of asylum seekers have arrived despite tougher border regimes and deteriorating reception conditions. In the absence of access to reliable information, people fleeing their homes rely on information provided by smugglers, who have a vested interest to present Europe in general, and Cyprus in particular, as a more attractive option than it actually is. The tougher the border regime, the higher the price for crossing it and the higher the risk of their trafficking and exploitation, deepening their vulnerability and strengthening the criminal networks that traffic and exploit them.

  ➢ Most measures introduced are of questionable legality. Pushbacks amount to refoulement and lowering reception conditions is inhumane, both unlawful.

  ➢ The tougher border regimes have generated a climate of impunity around government actions to appease the xenophobic section of the public. The impunity spills over into other sections of public life with unspecified 'national security' and 'public interest' being

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[3] UN (2023) Report of the Secretary-General on his mission of good offices in Cyprus, 3 January 2023, p.9

invoked to justify governmental actions that would have been unthinkable in the pre-covid period.

➢ Populist politicians generate and enhance anti-immigration sentiments shifting the agenda towards the far right and racism.

▪ Another common assumption is that Türkiye is directing migration flows to the Republic of Cyprus to change the country's demographic composition. However, there is no evidence provided. There are reports of Turkish smugglers being involved in the process, but no evidence to connect them with the Turkish government; in fact, there are credible reports of Turkish coastal guards deterring boats from reaching Cyprus.

➢ Many African countries do not require visa to Türkiye. Also, student visas in one of the numerous universities in the north make access easy. The collapse of the Turkish Lira has made it more attractive for universities, many of questionable quality, to attract students for hard currency, even if they intend to cross to the south for asylum. Smuggling networks there operate for profits.

➢ The authorities in the north could have done more to deter the numbers but have chosen not to do so because they have little incentive. They are not happy with being branded as 'a puppet state' instrument of Ankara. Asylum-seekers interviewed reported that upon arrival at the airport, the authorities expelled persons of student visa ignorant of the course at the university they were registered.

▪ The anti-immigrant rhetoric is also based on the false assumption that Africa is "a continent of massive exodus". The rise of African migration to Europe is due to the intensification of conflicts, environmental problems and hardship resulted from economic crises, the pandemic and knock-on effects of wars in Ukraine and elsewhere.

▪ Societies across the globe are constantly being reshaped by various forces including immigration. For Cyprus, the policies of regional and neighbouring countries in the Middle East and in Africa affect arrival flows. The closure of other routes to the EU and visa policies affects this. The three African countries in the top ten of Cyprus arrivals all have serious problems: DRC and Cameroon have wars and in Nigeria, apart from regional conflicts and a state that does not protect its citizens, there are major trafficking problems.

▪ The border regime and the risks it entails was further aggravated with the hiring of special police officer guards at the Green Line as there is a real risk of denying access to the asylum procedure and unlawfully pushed back.

- With negotiations and prospects for resolution of the Cyprus problem, the de facto division of Cyprus generates attractive migration routes via the unrecognised TRNC.

Recommendations

- Cooperation between the two sides is essential to deal with migration and asylum in rights-based manner under UN auspices.
- A comprehensive migration policy for the RoC is required premised upon:
  - Controlling the activities of the exploiters (employers, and colleges) rather than their victims.

  - Ensuring access to territory for asylum in line with international law.

  - Ensuring access to education and training to avoid marginalisation and reliance on benefits.

  - Addressing the housing problem (especially the increasing of rents), the bottlenecks in accessing housing benefits and the low-quality housing.

  - Provide accessible legal aid and proper advice to applicants; set up an independent, fast, and reliable complaints mechanism to examine complaints for administrative excesses and human rights violations.

  - The routes of legal migration should be strengthened through regular review of the sectors they can work, publication in migrant exporting countries, simplification and digitization of the application process and reduction of visa issuing time, without agents and intermediaries; removing existing obstacles in the legal migration processes and ensuring a dignified standard of living for third country workers, in line with the EU legal migration directives. To facilitate integration of third country nationals and address trafficking and exploitation, both sexual and labour, the government must establish:

    - Legalisation programmes for those living and working in the country for years.
    - Institutionalization of self-employment for all third country nationals.
    - Specialized service to support victims of trafficking, FGM, torture, gender-based violence and easy access to mental health professionals. Access to health services through the national health system.
    - Schemes to encourage workers to set up trade unions and to join trade union confederations.
    - Broadening the sectors that asylum-seekers can work, consistent with their skills and market needs, with a six-monthly review.
    - A housing policy to address shortages in affordable housing, rental scams and problems in access to welfare, with an action plan to resolve them, involving stakeholders and NGOs.

> ➢ Human asylum reception conditions consistent with the cost of living and specific needs of vulnerable populations.
> ➢ A comprehensive policy is required to address racism, discrimination and hate speech through training of police welfare and other front-line officers, media professionals and through school curricula reforms deconstructing stereotypes and perceptions.

C. Media

The role of the media as watchdog, ensuring accountability of authority and its adherence to the rule of law, is fundamental to any democratic society. This is even more the case at times of crisis. Media's responsibility towards citizens and the protection of democratic rights should always be the driving force behind reporting of decisions made for and on behalf of citizens. Reporting on borders and migration needs to be driven by the same journalism ethics that drive reporting of other issues, as well as ethical codes that inform representation of citizens in the media. Often codes of ethical journalism practices are suspended when it comes to migrants (including in the case of refugees and asylum seekers), with individuals being denied privacy protection and their individuality, as they are often and casually represented either as silent abject victims or as masses of threatening Others. This polarising and dehumanising reporting can reduce public's understanding of migration and respect of migrants as humans and instead reproduce hate and fear among communities.

Migrants often appear in news stories to justify media and political agendas unrelated to their claims and rights – e.g. issues relating to borders, security, public health of citizens. This kind of reporting reduces migration to an issue that is only relevant when it comes to matters of security – national, health, economic. Migration is a complex issue that demands knowledgeable reporting that enables the public to understand it and form informed opinions.

Recommendations

- A statutory multi-actor committee that represents the media sectors, the professionals' associations but also migrant and refugee representatives/voices to investigate complaints and issue sanctions against media outlets; the current self-regulation mechanism of the Journalistic Ethics Committee is toothless and entails an inherent conflict of interest.

- Proper media monitoring is required, to conduct self-initiated checks and investigation, identify trends, issue guidelines and recommendations for printed and digital outlets but also at the level of media ownership, transparency, and political influence.