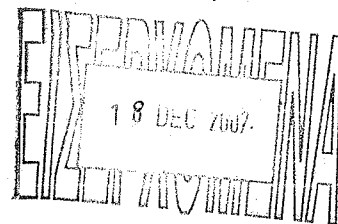


**Memorandum of Understanding
Between the Government of the United Kingdom of
Great Britain and Northern Ireland and the
Government of the Republic of Cyprus concerning
the implementation of the Protocol
on the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus
in so far as it concerns Illegal migrants and Asylum seekers**



Noting that the United Kingdom through the Sovereign Base Areas Administration has the responsibility for illegal migrants and asylum seekers that enter the island of Cyprus by the Sovereign Base Areas;

In view of the full co-operation between the Governments of the Republic of Cyprus and the United Kingdom envisaged in the Exchange of Notes between the Government of the United Kingdom and the Government of the Republic of Cyprus concerning the administration of the Sovereign Base Areas, dated 16 August 1960, and the attached Declaration by the Government of the United Kingdom;

Emphasising the importance of the international obligations of the Governments of the United Kingdom and the Republic of Cyprus with regard to asylum seekers, including the prohibition on indirect refoulement;

Bearing in mind humanitarian considerations, such as those reflected in the 1951 Convention relating to the Status of Refugees, and the need for the Republic of Cyprus and the United Kingdom to work together with a view to devising practical ways and means of respecting the rights and satisfying the needs of asylum seekers and illegal migrants in the Sovereign Base Areas;

In light of the fact that the Government of the United Kingdom has committed itself not to develop the Sovereign Base Areas for other than military purposes and, in particular, not to allow new settlement of people in the Sovereign Base Areas other than for temporary purposes;

Considering the need to avoid the creation of incentives for increased illegal migration in the region;

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The Government of the United Kingdom and the Government of Cyprus ('the Participants'), desiring to elaborate on certain issues relating to illegal migrants and asylum seekers in the Protocol, have reached the following understanding:

1. For the purpose of this Memorandum of Understanding an asylum seeker is any person seeking international protection under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, or the European Convention on Human Rights or the United Nations Convention Against Torture 1984.

2. The authorities of the Republic of Cyprus and the United Kingdom will co-operate and supplement each other's efforts so as to create a common front in preventing persons illegally entering the Sovereign Base Areas and the Republic of Cyprus.

3. The United Kingdom will maintain, and where necessary improve, the surveillance of the Sovereign Base Areas land and sea boundaries with the aim of detecting and intercepting all persons attempting to enter illegally.

4. The authorities of the Republic of Cyprus and the Sovereign Base Areas will improve co-operation on the sharing of information relating to the prospective or actual arrival of asylum seekers and illegal migrants in the Sovereign Base Areas and the Republic of Cyprus.

5. The Republic of Cyprus and the United Kingdom will work together to improve mechanisms for determining whether an asylum seeker first entered the Republic of Cyprus or the Sovereign Base Areas.

6. With the co-operation of the authorities of the Republic of Cyprus where necessary, the Sovereign Base Area Administration will ensure safe departure of those illegal migrants who arrive directly in the Sovereign Base Areas and who either do not seek asylum or any other form of international protection or who it is determined are not entitled to asylum or any other form of international protection.

7. The administrative bodies competent for the examination of asylum applications under the Refugee Law of the Republic of Cyprus will be authorised to examine, under the relevant

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Sovereign Base Areas legislation and on behalf of the Sovereign Base Areas Administration, applications of asylum seekers arriving directly in the Sovereign Base Areas. To this effect the Administrator of the Sovereign Base Areas will ensure that the necessary legislation is enacted and in so doing, will reflect, to the extent possible, the laws applicable to asylum seekers in the Republic of Cyprus.

8. Asylum seekers arriving directly in the Sovereign Base Areas may move freely throughout the island of Cyprus and have the right to opt to stay outside the Sovereign Base Areas, subject to any requirements imposed upon aliens by the relevant laws of the Republic. The Government of the Republic of Cyprus reserves the right to refuse entry to, or return, an asylum seeker for reasons of national security or on grounds of public policy.

9. Subject to paragraph 13, the Government of the Republic of Cyprus will grant the following benefits to asylum seekers arriving directly in the Sovereign Base Areas:

- (a). Free medical care, in case they lack the necessary means;
- (b). Welfare benefits equivalent to those given to the citizens of the Republic of Cyprus;
- (c). The right to apply for a work permit in accordance with the relevant laws of the Republic of Cyprus;
- (d). Access to education.

10. Subject to paragraph 13, during their stay on the island of Cyprus persons recognised as refugees or granted any other form of international protection under the procedures determined in this Memorandum, will be treated so far as the authorities of the Republic of Cyprus are concerned, as if such persons had been recognised as refugees or granted another form of international protection by the Republic of Cyprus.

11. The United Kingdom, through the Sovereign Base Areas Administration, undertakes to repatriate persons recognised as refugees or granted any other form of international protection as soon as it can satisfactorily be determined that the conditions necessitating asylum or international protection have ceased, and as soon as such repatriation is feasible.

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12. The United Kingdom, through the Sovereign Base Areas Administration, will endeavour to resettle persons recognised as refugees or granted any other form of international protection in countries willing to accept those persons, not later than one year after the decision granting the relevant status has been taken. The joint consultative body established in paragraph 16 of this Memorandum will regularly review the progress made with this programme.

13. The United Kingdom will indemnify the Republic of Cyprus for the net costs incurred in giving effect to paragraphs 7, 8, 9 and 10 excluding costs in respect of those who first entered the island of Cyprus other than directly by the Sovereign Base Areas.

14. Any asylum seeker in the Sovereign Base Areas who first entered the island of Cyprus other than by the Sovereign Base Areas will be transferred to the authorities of the Republic of Cyprus.

15. Upon accession of the Republic of Cyprus to the European Union, if an asylum seeker who first arrived in the Sovereign Base Areas is illegally or irregularly in another Member State, the Sovereign Base Areas will take back that asylum seeker if requested to do so by a Member State of the EU.

16. The Government of the Republic of Cyprus and the Government of the United Kingdom, will cooperate in the establishment, as soon as possible, of a joint consultative body to advise the authorities of the Republic of Cyprus and those of the Sovereign Base Areas on such arrangements as may be necessary, from time to time to give effect to the commitments set out in this Memorandum.

17. This Memorandum may be amended at any time by the mutual written consent of the Participants.

18. This Memorandum of Understanding may be terminated at any time by the mutual written consent of both Participants or by either Participant giving not less than three (3) months prior notice in writing to the other Participant.

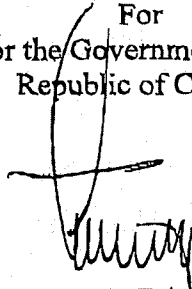
19. Any dispute about the interpretation of this Memorandum will be resolved by consultations between the Participants.

20. This Memorandum will come into effect upon signature except for paragraphs 7, 8, 9, 10, 13 and 14 which will come into effect on the date of the accession of Cyprus to the European Union.

The foregoing represents the understanding reached between the Participants on the matters referred to in this Memorandum.

Signed in duplicate at Nicosia, this 20th day of February, Two Thousand and Three

For
For the Government of the
Republic of Cyprus



Tasos Tzionis
Director Political Affairs Division
(Cyprus Question)
Ministry of Foreign Affairs of the
Republic of Cyprus

For
For the Government of the
United Kingdom



Philip Barton
Deputy High Commissioner
British High Commission, Nicosia



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