# ALIENS AND IMMIGRATION (AMENDING) LAW

For the purpose of harmonization with the acts of the EC with title-

| | |
|---|---|
| O.J. L 251, 03.10.2003 p.12 | "Council Directive 2003/86/EC of 22 September 2003 according to the right of family reunification." |
| O.J. L 016, 23.01.2004 p.44 | "Council Directive 2003/109/EC of 25 November 2003 according the status of third-country nationals." |
| O.J. L 328, 05.12.2002 p.17 | "Council Directive 2003/90/EC of 28 November 2002 for the definition of abetting the illegal entrance, transit and residence." |
| O.J. L 321, 06.12.2003 p.26 | "Council Directive 2003/110/EC of 25 November 2003, related to the contribution during the transit in the case of expulsion through the airway and with the act of EU with title -" |
| O.J. L 328, 05.12.2002 p.1 | "Council Framework Decision of 28 November 2002 for the enforcement of the criminal framework for the prevention of the abetting the illegal entrance, transit and residence." |

The House of Representatives votes as followed:

Concise Title

1. The present Law shall be referred as the Aliens and Migration (Amending) Law of 2007 and shall be read with the Aliens and Immigration (which will be referred as the “basic law” henceforward).

Ch.105
2 of 1972
54 of 1976
50 of 1983
197 of 1939
100(1) of 1996
43(1) of 1997
14(1) of 1998
22(1) of 2001
164(1) of 2001
88(1) of 2002
220(1) of 2002
66(1) of 2003
178 (1) of 2004

Amendment of article 2 of the basic law.

2. Article 2 of the basic law is amended as followed:

(a) By the replacement of the term “alien” with the following term:

“alien” shall mean the person who is not Cypriot national

(b) By the insetting of the following new terms and their definition in the appropriate alphabetical order –

“regions controlled by the government of Republic” shall mean those regions of the Republic of Cyprus in

which the government of the Republic exercises efficient control;

“Committee” shall mean the Committee of European Communities;

“EU national” shall mean every person who has the citizenship of any Member State of the European Union and includes persons who have the citizenship of any conducting state undersigned the agreement the European Economic Area signed in Oporto on the 2nd of May 1992 and ratified by the Association Agreement of the Czech Republic, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Republic of Slovakia to participate in the European Economic Area and the Final Act (Ratifying Law) of 2004.

“community” shall mean the European Community;

“Member State” shall mean every Member State of the European Union;

“third-country national” shall mean every person who is not a EU national” and

(c) by the abolition of the term “Cypriot national” and its definition.

Amendment of the basic law by the addition of new articles

3. The basic law is amended by addition to it articles 18A up to 18 LH, following article 18:

Interpretation for the application of articles 18A to 18D.

18A. For the purposes of article18B up to 18D unless a different meaning is resulted from the text -

“applicant state” shall mean the Schengen Member States which is enforcing an expulsion judgment against a third-country national and which demands his transit via the transit airport of another Schengen Member State.”

“transit through the airway” shall mean the transit of the third-country national and his attendants if necessary, via the airport of the state to which the application is addressed, with the purpose of transit through the airway.”

“Schengen Member States” shall mean the Member States of the European Union, with the exemption of the United Kingdom, Ireland and Denmark and the inclusion of the Republic of Iceland, the Kingdom of Norway and the Confederation of Switzerland;”

“state to which the application is addressed” or “state of transit” shall mean the Schengen Member State whose airport shall be used for the realization of the transit ;

“Directive 2003/110/EC” shall mean the Council Directive 2003/110/EC of 25 November 2003, according to the contribution during the transit in case of expulsion through the airway.”

Expulsion from the Republic of a third-country national through the airway and via another Schengen Member State.

18B. – (1) When the Director requests the expulsion of a third-country national under the article 14 of the present Law and the return of such a national shall be realized through the airway, he shall examine if a direct flight to the state of destination is available.

(2) In the case that the return of the third-country national is not possible with a direct flight to the state of destination, for reasonable and practical reasons, the Director may ask a transit via another Schengen Member State with an application to the central authority of the state in question.

It is evident that the Director should not apply for transit through the airway of another Schengen Member State, if the expulsion measure requests an airport change within the Member State to which the application is addressed.

(3) The transit application through the airway requested by the Director to the central authority of the state, to which the application is addressed, shall be submitted through the form, shown at the Appendix I of the present Law.

Appendix I

(4) The Director shall not request the transit through the airway without the approval of the central authority of the state to which the application is addressed.

(5) Independently from the provision of section (4) of the present article, in the case that the central authority of the state to which the application is addressed, does not announce its decision to the Director within two days, a period which can be extended for other 48 hours in duly justified cases, according to the judgment of the Member State to which the application is addressed, the Director may request the beginning of the transit operation by a notification to the state to which the application is addressed.

(6) For the accomplishment of the application under section (2) of the present article, the Director shall transit to the central authority of the state to which the application is addressed, the information included in the application form shown in Appendix I of the present Law and the approval of the transit through the airway, according to the Appendix I

Appendix I

Appendix I

(7) The Republic is obliged to accept immediately the third-country national if:

(a) the central authority of the state to which the application is addressed has rejected the application or has revoked the transit permit;

(b) during the transit, the third-country national entered the state to which the application is addressed without permit;

(c) the expulsion of the third-country national to another state of transit or to the state of destination or the boarding to the transit flight failed; or

(d) the transit through the airway was not possible due to other reasons.

(8) The expenses resulting during the expulsion reentrance of a third-country national shall devolve the Republic.

(9) In the case that the central authority of the state to which the application is addressed approves the application or in the case of a transit through the airway by a notification, the Director shall proceed to all the duly regulations in order to ensure that the transit operation shall be realizing as sooner as possible and in anyway no later than within twenty-four hours.

It is evident that the above deadline may be extended for other 48 hours maximum, in the case that the transit operation cannot be completed and the central authority of the state to which the application is addressed, after the Director's application and a consultation between them, takes all the necessary contribution measures for the continuation of the transit operation.

(10) The expenses resulting from the rendering of the services of the central authority of the state to which the application is addressed related to –

(a) the rendering of emergency medical care from the relevant authorities of the state to which the application is addressed, to a third-country national and his attendant if it is necessary,

(b) the nutrition of a third-country national and his attendant if it is necessary and

(c) whatever services provided by the state to which the application is addressed under article 5 of the Directive 2003/110/EC, in the degree that these services are real and measurable,

shall devolve the Republic.

(11) In the case that the third-country national shall be expelled with the attendant, the powers of his attendants during the transit operation through the airway shall be limited to the self-defense and in the case of absence of a member of the police force in the state of transit, the attendants may take a reasonable and proportional action for the confrontation of a direct and severe danger in order to prevent the escapement of the third-country national, or the cause of bodily harm to himself or to others or whatever damages.

(12) Under any circumstances, attendants shall abide with the legislation of the state of transit.

(13) Attendants shall not carry weapons during the transit through the airway and are obliged to wear civil attire and demonstrate means in order to prove their identity, including the transit permit provided by the state of transit or, depending on the case, the notification which is referred to section (5) of the present article, after an application by the relevant authorities of the state of transit.

Application submission for transit through the airway via a non-Schengen Member State to the Republic.

18C – (1) The central authority for the collection of applications from non-Schengen Member States for transit via the Republic through the airway shall be the Director.

(2) Subject to obligations of Article 18D, the Director may refuse to the applicant Member State the transit through the airway, in the case that –

(a) criminal proceedings may be exercised against the third-country national due to offenses committed in the Republic, or in the case that the national in question is wanted in the Republic in order to serve a sentence,

(b) the transit of the third-country national through other Member States or his acceptance by the state of destination are not possible.

(c) the expulsion measure requests the change of airport within the Republic.

(d) the necessary contribution is not possible during the particular period for practical reasons, or

(e) the third-country national is regarded as a threat to the public order, the public security, the public health or the international relations of the Republic.

(3) In the case of paragraph (d) of section (2) of the present article, the Director shall appoint a date to the central authority of the applicant state, as sooner as possible and as

closer as possible to the firstly requested date during which a contribution to a transit through the airway can be provided given the fact that the rest conditions shall be fulfilled.

(4) The transit permit through the airway which has already issued by the Director may be revoked as long as facts are a posteriori signified, in the meaning of section (2) of the present article, and these facts justify the refusal for transit.

(5) The Director shall notify immediately the central authority of the applicant state for the application's rejection or the revocation of the permit of transit through the airway according to sections (2) and (4) of the present article or for any other reasons which make the transit impossible and shall explain the reasons.

(6) The Director shall notify immediately the central authority of the applicant state for his decision an in anyway, in two days time, period which may be extended for other 48 hours maximum in duly justified cases.

(7) No transit through the airway shall begin without the Director's approval:

It is evident that in the case that the Director shall fail to answer within the provided by section (6) deadline to the central authority of the applicant state, the applicant state may begin the transit operation by a notification to the Director.

(8) Subject to any provisions of section (13) of the present article, the transit operation shall be realized within twenty-four hours.

(9) Independently from the provisions of article 18B and the present article, the Republic may establish bilateral or multilateral agreements or regulations with other Schengen Member States on the basis of which the beginning of the transit operation shall be permitted, only by the notification from the applicant state and in such a case it shall notify the relevant agreements or regulations to the Commission.

(10) The Director shall define contact points for all the airports of the Republic with which a contact with the contact points of the another Schengen Member States may achieved, for the whole duration of the transit operation through the airway and he shall notify these contact points to the central authorities of the other Schengen Member States.

(11) The Director, subject to any mutual consultation with the central authority of the applicant state, in the framework of the available means and according to the relevant international standards, shall take any necessary contribution measures from the landing and the opening of the airplane's door and until the departure of the third-country national is ensured and more specifically he shall take the following measures:

(a) the reception of the third-country national and his attendance from the airplane within the transit airport, especially in order to be boarded on the connection flight;

(b) the provision of emergency medical care to the third-country national and its attendant if it is necessary

It is evident that no mutual consultations between the central authorities of the two countries shall be needed in this case;

(c) the nutrition of the third-country national and his attendant if it is necessary;

(d) the collection, saving and transmission of travel documents, especially in the case of expulsion without attendance.

(e) in the cases of expulsion without attendance, notifying the central authority of the applicant state according to the place and the time of departure of the third-country national from the territory of the Republic;

(f) the informing of the central authority of the applicant state according to severe serious events during the transit of the third-country national.

(12) The Director, when the provisions of the present Law or any other legislation, which is in force in the Republic, are observed may request:

(a) the guidance and the arrangement of the third-country national in a safe settlement,

(b) the utilization of legal means in order to prevent or cease any attempt of the third-country national to resist to the transit.

(c) Subject to the provision of article 6 of the Directive 2003/110/EC, in the case that the completion of the transit operation cannot be obtained, despite the

contribution of the Republic, the Director after an application of the applicant state and after relevant consultation with it, may request the taking of all the necessary contribution measures for the continuation of the transit operation through the airway and in such a case the deadline of section (8) of the present article may be extended for other 48 hours maximum.

(14) The Director, who shall be responsible for all the taken measures, shall decide according to the nature and the degree of the provided contribution under section (11), (12), 13) of the present article.

(15) The provision of sections (11), (12) and (13) of article 18B of the present Law, shall be applied pro rata, in the cases where the state of transit is the Republic.

Subject to the application of Articles 18B and 18C.

18D. - The provisions of Articles 18B and 18C and the present Law, shall not offend the application of the obligations resulted by the Geneva Convention, which regards the Legal Status of Refugees, taken place on the 28 July 1951 in Geneva and is binding the Republic of Cyprus and includes the Protocol, which was ratified by the Protocol on the Legal Status of Refugees (Ratified) Law of 1968, by the Refugee's Law, by international conventions for the human rights and international convention for the extradition of persons in which the Republic is a contract member.

73 of 1968

6 (1) of 2000
6 (1) of 2002
53 (1) of 2003
67(I) of 2003
9 (1) of 2004
241(1) of 2004
154(1) of 2005

General subject to the application of Articles 18 F up to 18 LH.

18E. – The provisions of Articles 18F and 18LH shall be applied independently from any contrary provisions of the present Law or under its issued Regulations.

Interpretation for the purpose of the application of articles 18G to 18KH.

18F. – For the purpose of the application of articles 18G to 18KH, unless a different sense is concluded from the text. –

"second Member State" shall mean every Member State where the Directive 2003/109/EC is applied and it differs from the first Member State and in which the long reside exercise its right of residence;

O.J. of the Republic, Third Appendix.
22.12.1972
23.11.1984
27.12.1986
30.01.1987
11.11.1988
18.05.1990
08.11.1991
17.04.1991
15.04.1994
06.12.1996
21.07.2000
31.12.2001
26.07.2002
30.04.2004

"Immigration Control Committee" shall mean the provided by the Regulation 4 of the Aliens and Immigration Regulations, Committee;

"Member State where the Directive 2003/109/EC is applied" shall mean the Member States except the United Kingdom, Ireland and Denmark;

family members" shall mean the nationals of a third country who are defined in article 18KL;

"Directive 2003/109/EC" shall mean the Council Directive 2003/109/EC, of 25 November 2003, according to the status of the third-country nationals who are long-term residents;

"first Member State" shall mean the Member State where the Directive 2003/109/EC is applied which provided for the first time the status of the long-term resident to the third-country national;

40 of 1968

"Vienna Convention of 1961 on Diplomatic Relations" shall mean the Convention ratified by the Vienna Convention on Diplomatic Relations (Ratifying) Law of 1968;

7 of 1976

"Vienna Convention of 1963 on Consular Relations" shall mean the Convention ratified by the Vienna Convention on Consular Relations (Ratifying) Law of 1976;

9 of 1978

"Vienna Convention of 1975 on the Representations of Member States in their Relations with the International Organisation of Universal Nature" shall mean the Convention ratified by the Vienna Convention on the Representations of Member States in their Relations with the International Organisation of Universal Nature (Ratifying) Law of 1978;

"Minister" shall mean the Minister of Interior.

Scope of the provisions for the long-term residents third-country nationals.

18G. – (1) Articles 18H to 18JH shall be applied to third-country nationals who reside legally in the regions controlled by the government of the Republic.

(2) Independently from the provisions of section (1), articles 18H to 18JH shall not applied to third-country nationals who –

(a) reside in the regions controlled by the government of the Republic under a student residence permit or residence permit for vocational training;

(b) reside in the regions controlled by the government of the Republic under legal status ruled by the Refugees Law, as this is amended or replaced each time;

(c) reside in the regions controlled by the government of the Republic for temporary reasons exclusively, like unsalaried assistants seasonal employees working in the sector of services rendering or in the sector of inter frontier services rendering or in the cases where their residence permit has been officially limited as regards its time duration;

(d) enjoy legal status subject to the Vienna Convention of 1961 on Diplomatic Relations, to the Vienna Convention of 1963 on Consular Relations or to the Vienna Convention of 1975 on the representation of Member States in their relations with the international organisation of universal nature.

(3) The provisions of articles 18H to 18KF shall be applied with subject to any more favourable provisions –

(a) bilateral and multilateral agreements between the community or the community and its Member States on the one hand and third countries on the other hand;

64 of 1967

27(III) of 2000

(b) the European Social Charter of 18 October 1961, ratified by the Ratifying European Social Chapter Law of 1967 and the Revised European Social Chapter of 3 May 1987 ratified by the Revised European Social Chapter of 1996 (Ratifying) Law of 2000.

Duration of Residence

18H – (1) The Immigration Control Committee provided the long-term resident status to third-country nationals who reside legally and uninterruptedly during the five years before the relevant application submission in the regions controlled by the government of the Republic.

(2) For the calculation of the period of the legal and consecutive residence referred in section (1) –

(a) the periods residing in the regions controlled by the government of the Republic, for the reasons referred in the paragraphs (a), (b) (c) and (d) of section (2) shall not be taken into consideration.

(b) the periods of absence from the regions controlled by the government of the Republic are not interrupting the period referred in section (1) and shall be taken into consideration in the calculation of the period, supposing

that they are less than six consecutive months and do not exceed the period of ten months in total, within the period referred to in section (1):

It is evident that the Immigration Control Committee may consider that the periods of absence, exceeding 10 months in total within the period mention in section (1) do not interrupt the period mentioned in section (1), if the absence is taken place for important reasons such as medical reasons or professional duties abroad in behalf of an employer whose headquarters are in the Republic and does not exceed the period of 24 months in total.

Conditions for the obtainment of the long-term resident status.

18I. The third-country national who resides legally in the regions controlled by the government of the Republic during the five years before the relevant application submission, in the meaning of articles 18G and 18H may obtain the long-term resident status. The respective status shall have a personal nature. For the obtainment of the above referred status, the following conditions may concur accumulatively. -

(a) To have fixed and regular economic resources, sufficient for the subsistence of himself and the dependent member of his family, without benefiting by the social welfare system of the Republic. For the evaluation of these resources, the following shall be taken into consideration -

(i) Income obtained by a full – time employment;

(ii) Income obtained by other sources of fixed and legal

nature;

(iii) The cost of living, including the renting cost in the spot market;

(iv) Contract of employment valid for at least 18 months or having an open duration;

(v) The disposal of a dwelling for himself and the dependent members of his family, where this is applicable, which shall be considered suitable for the respective family in the same area, shall fulfil the general security and health conditions and shall ensure a decent living in general;

(vi) In the case that an intention for self-employment exists, the financial viability of the business or the relevant economic activity, including the skills and experience in the relevant sector of self – employment.

(b)To have a medical insurance, which covers all the dangers usually covered by the insurance associations for the Cypriot nationals;

(c) Not to consist a threat for the public order or the public security in the meaning of article 18JA;

(d) His residence in the regions controlled by the government of the Republic should not be obtained by fraud or untruthful appearances.

Procedure to obtain the long-term resident status.
Appendix II
Table
Appendix II

18J. – (1) The interested third-country national, in order to obtain the long-term resident status shall submit to the Director an application form which is shown in the Appendix II and shall defray the relevant amount shown on the Table at Appendix II of the present Law.

(2) The application shall be accompanied by the following official documents which substantiate by proof that the conditions of article 18I are fulfilled, as it is required according to each case –

(a) Valid passport or other travel document valid for two years at least and attested copies of the above documents, including the relevant data pages with the departures from the regions controlled by the government and the arrivals at them.

(b) Valid residence permit in the Republic with residence address in the regions controlled by the government of the Republic,

(c) Contract of employment, valid at least for 18 months or of an open duration

(d) Academic and vocational qualifications and experience certificates, including any professional permits,

(e) Tax returns of the last five years and a certificate of tax obligations payments.

(f) Statement of contribution to the Social Insurance Fund of the last five years, in the cases where

contributions to the Fund in question are obligatory, according to the provisions of the Social Insurance Law.

41 of 1980
48 of 1982
11 0f 1983
7 of 1984
10 of 1985
116 of 1985
4 of 1987
199 of 1987
214 of 1987
68 of 1988
96 0f 1989
136 of 1989
17 of 1990
218 of 1991
98(I) of 1992
64(I) of 1993
18 (I) of 1995
55(I) of1996
87(I) of 1997
80(I) of 1998
84(I) of 1998
55(I) of 1999
98(I) of 2000
99(I) of 2000
2(I) of 2001
51(I) of 2001
135(I) of 2001
143(I) of 2001
71(I) 2002
132(I) of 2002
10(I) of 2005
142(I) of 2005
53(I) of 2006
161(I) of 2006

95(I) of 2000
93(I) of 2002
27(I) of 2003
95(I) of 2004
88(I) of 2005
100(I) of 2005
131(i) of 2005
148(I) of 2005
87(I) of 2006

(g) Returns to V.A.T. for the last five years and a certificate of any tax obligations payments, in the cases where the applicant is subject to the tax in question, according to the provisions of the Law on Value Added Tax.

(h) Statement of bank deposits.

(i) Proofs of income from sources other than the employment.

(j) Title deed of residence or a renting contract with a dwelling description and telephone, water or current bills.

(ja) Medical Insurance Contract.

(jb) Certificate of criminal record.

(3) The Director shall transfer the applications for the obtainment of the long-term resident status to the Immigration Control Committee, which shall be the relevant authority for the examination of the applications submitted under the present article.

(4) The Immigration Control Committee shall notify in written its decision to the interested third-country national within six months after the application submission.

(5) In exceptional cases related to the complex nature of the application, the deadline referred in section (4) of the present article may be extended for other six months and the Immigration Control Committee shall notify the interested person accordingly.

Additionally, the Director shall notify the interested person on his rights and obligations under article 18G up to 18 JH of the present Law.

(6) In the case that a decision shall not be taken until the above designated deadline and its extension, for purposes for which the applicant shall not be responsible, the first residence permit of the third-country national shall be extended and shall be noted on it that its holder has submitted an application for the long-term resident status and that he has all the rights of provided in article 18JG.

Public order and public security

18JA – (1) The Immigration Control Committee may refuse to provide of the long-term resident status for public order or public security reasons.

(2) In the course of the above decision, the Immigration Control Committee shall examine the severity or the sort of crime against the public security or the danger caused by the third-country national in question, taking duly into consideration the duration the person in question resided in the regions controlled by the government of the Republic and the existence of bounds with these regions.

(3) The refusal provided in section (1) shall not be justified by financial reasons.

Residence permit of the long-term resident EC

18JB. - (1) Subject to provisions of articles 18JC and 18JD, the long-term resident status shall be permanent.

(2) To long-term residents third-country nationals shall be provided a residence permit of the long-term resident EC by the Director and shall be valid for five years; it shall be renewed by rights after an application of the interested person, which is shown in Appendix II, submitted to the Director no later than three months after the expiry of the permit in force with the defrayal of the respective fee, shown on the Table in Appendix II of the present Law.

Appendix II

Table Appendix II

(3) With the submission of the application for the renewal of the residence permit of the long-term resident EC, the long-term resident shall produce the following documents-

(a) valid passport or other travel documents valid for al least two years and attested copies of the above documents, including the relevant data pages with the departures from the regions controlled by the government of the Republic and the arrivals at them.

(b) the residence permit of the long-term resident EC which is expiring,

(c) certificate of criminal record;

(4) The long-term resident EC residence permit is issued according to the regulations and the common document of the Council Regulation (EC) No.1030/2002 of 13 June 2002 for the establishment of resident permits of a common type for third-country nationals.

O.J.
EU: L157,
15.6.2002, p.1

Loss of the long-term resident status and recession

18JC.-(1) The long-term residents third-country nationals may deprived the right to have the long-term resident status by the Director's decision and their long-residence permit EC is annulled in the case of –

(a) absence from the territory of the Republic for a period of twelve consecutive months,

(b) absence from the territory of the Republic for six consecutive years,

(c) residence in a second Member State and in the case that the long residence status is provided to them in that second Member State.

(2) The long-term resident status is resumed by the third-country national, in the case of its loss under the provision of the present article, provided that the conditions of article 18I are fulfilled pro rata by submission of the application shown in Appendix II with the defrayal of the respective fee, shown on the Table in Appendix II, accompanied with the followed documents, depending on the case –

Appendix II

Table
Appendix II

(a) valid passport or other travel document valid for at least two years and attested copies of the above documents, including the relevant data pages with the departures from the regions controlled by the government of the Republic and the arrivals at them.

(b) Contract of employment, valid for at least 18 months or of an open duration,

(c) Statement of bank deposits,

(d) Proofs of income by sources other than the employment.

(e) Deed title of residence or renting contract with description of the dwelling and telephone, current or water bills.

(f) Medical Insurance Contract.

(g) Certificate of criminal record.

(3) The procedure of resumption of the long-term resident status shall be in force mainly in the cases of third-country nationals who have resided in a second Member States for studies.

Revocation of the long-term resident status

18JD – (1) The long-term resident status of a third-country national shall be revoked in the case of -

(a) Verification that it was obtained with fraud,

(b) adoption of expulsion measures under the terms provided by article 18JF of the present Law,

(c) the fact that the long-term resident, taking into consideration the graveness of offences he committed, constitutes a threat for the public order, even if this threat shall not justify the expulsion according to the meaning of article 18JF.

(2) The permit shall be revoked by the Director in the cases of paragraph (a) of section (1) and by the Minister in the cases of paragraphs (b) and (c) of section (1).

(3) When the revocation of the long-term resident status shall not justify an expulsion according to the meaning of article 18JF of the present Law, the Director shall allow to the interested person to stay in the Republic and he shall provide him a residence permit of another kind under the present Law or under its issued Regulations.

(4) The expiry of the long-term resident EC residence permit shall not produce the revocation or the loss in anyway, according to the meaning of the present article and article 18JC respectively, of the status in question.

Procedural safeguards and right for recourse

18JE. Any decision of the Immigration Control Committee for the rejection of an application for the providing of a long-term resident status and any decision for the revocation or loss or not resumption of this status or not renewal of the resident permit shall-

(a) be justified;

(b) be notified in written to the interested third-country national and

(c) mention the right for recourse the interested has and the deadline for submitting this recourse ;

Protection from the expulsion

18JF. – (1) The Minister may decide the expulsion of a long-term resident third-country national, exclusively when the later consists a present and adequately serious threat against the public order or the public security.

(2) The decision referred to in section (1) shall not be based on financial reasons.

(3) The Minister, before taking any decision for an expulsion of a long-term resident, shall take into consideration the following elements –

(a) residence duration in the Republic;

(b) the age of the interested person

(c) the consequences on the interested person and the members of its family;

(d) his bonds with the Republic or the absence of bonds with his country of origin.

(4) To a long-term resident third-country national who does not dispose sufficient resources, legal aid shall be provided to him under the same conditions valid for the Cypriot nationals.

Rights of the long-term residents and equal treatment

18JG. – (1) The long-term residents third-country nationals shall enjoy equal treatment with the citizens of the Republic, according to –

(a) the access to a paid employment and to an independent professional activity, provided that these activities do not concern, not even for a period of time the exercise of public power and the working and the employment conditions, including the terms of payment and termination of employment.

It is evident that, the equal treatment with the citizens of the Republic shall be limited according to the access to a paid employment or to an independent professional activity in the case that the Law of the Republic in force or the Community legislation specify that these activities can be exercised exclusively by the citizens of the Republic or other European citizens.

(b) the education and the vocational training, including the scholarships for studies, according to the relevant legislation of the Republic.

It is evident that for the access to the education and the vocational training, a proof of the adequate knowledge of the language shall be required.

Further, it is evident that for the access to higher and education institutions and universities, the candidates shall be subject to the fulfilment of specific educational requirements, specified by the institutions.

(c) the recognition of vocational diplomas, certificates and other evidence of formal qualifications according to the provided procedures, in the relevant laws;

(d) the basic profits derived from the social insurance and social security and also the basic profits resulting by the public assistance according to the provisions of the relevant laws;

(e) the tax concessions;

(f) the access to the goods and services and the rendering of goods and services which are in the disposal of the public and to the procedures and programmes for acquisition of dwelling.

(g) the right of association and the registration and participation in employees' or employers' organisations or in any other organisation whose members exercise a specific activity, including the benefits provided by such organisations, unless a law provides differently, for public order and public security purposes..

(h) the free access to the entire territory of the Republic, unless to the regions not controlled by the

government of the Republic for habitation and employment purposes.

(2) The provisions of paragraphs (b), (d), (e), (f) and (g) of section (1) of the present law shall be applied only in the cases that the holder of the long-term resident status keeps its usual place of residence for him and his family members for whom he demands benefits rendering, in the regions controlled by the government of the Republic.

Obligation for Readmission

18JH. – (1) The Republic shall accept immediately and without any formalities the third-country national with a long-term resident status, provided to him by the government of the Republic, who exercised his right of residence in a second Member State, in the case that the second Member State takes one of the measures referred to in article 22 of the Directive 2003/109/EC. His family members shall be also accepted.

(2) The above obligation for readmission, shall not offend the possibility of the long-term resident and his family members to be removed to a third Member State.

Conditions and right of residence in the Republic for third-country nationals who acquired the long-term resident status in a first state.

18JI – (1) A third-country national to whom a long-term resident status has been provided by the first Member State other than the Republic, shall have the right to reside in the regions controlled by the government of the Republic for a period which exceeds the three months, provided that the conditions of the present

article and articles 18KB and KC are fulfilled.

(2) Persons mentioned in section (1) of the present article may reside in the regions controlled by the government of the Republic, for one of the following reasons –

(a) for the exercise of a economic activity in the frame of paid or independent employment,

(b) for studies or vocational training,

(c) for other reasons.

(3) In the cases of paragraph (a) of section (2) of the present article, the economic activity may be exercised under the conditions and terms of the national procedures and policy decisions in force at each time, according to the employment of third-country nationals.

(4) To persons who fall under the scope of the present article, an immigration permit shall be provided, a permit which shall be of the provided categories in the Regulations on Aliens and Immigration, provided that they shall fulfill the terms and conditions of paragraphs (a), (b) and (c) of article 18I and articles 18KB and 18KC.

(5) The right referred to in section (1) of the present article shall not apply in the case of the long-term residents in the territory of Member States where the Directive 2003/109/EC is applied –

(a) with the capacity of a salaried employee who is employed in the sector of services rendering in the framework of inter frontier services rendering.

(b) with the capacity of the sector of inter frontier services rendering.

(6) The present article and also articles 18K to 18KG shall be applied with subject to the relevant community legislation on social insurance for the third-country nationals.

Procedures for the provision of immigration permit in the Republic of the long-term resident in a first Member State other than the Republic.

18K. – (1) The long-term resident in a first Member State other than the Republic, shall be obliged to submit an application to the Director for the provision of immigration permit either within three months from his arrival in the regions controlled by the government of the Republic or before he abandons the first Member State.

Appendix II

Table Appendix II

(2) The application shall be submitted on the form shown in Appendix II of the present Law with the defrayal of the respective fees shown on the Table in Appendix II and shall be accompanied by the following documents, according to the case –

(a) the proofs referred to in paragraph (a) except the attested copies with the arrivals and departures from the Republic and in paragraphs (c), (d), (h), (i), (j), (ja) and (jb) of section (2) of the article 18J.

(b) the long-term resident EC residence permit of the first Member State or a certified copy on it;

(c) certification of registration at an approved according to the relevant legislation in force educational institution, in the case that the interested pursue his residence in the regions controlled by the government of the Republic for studies or for vocational training;

(3) The Director shall transfer the application forms to the Immigration Control Committee, which shall be the relevant authority for the examination of the applications submitted under the present article.

(4) The Immigration Control Committee shall notify its decision in written to the interested third-country national within four months since the application submission.

(5) In the case that the application shall not be accompanied by the necessary documents under the present article or in an exceptional occasion related to the complex nature of the application examination, the deadline referred to in section (4) of the present article may be extended for a period not longer than three months and the Immigration Control Committee shall notify the interested person accordingly.

(6) In the case that a decision shall not be taken until the above designated deadline and its extension, for purposes for which the applicant is not responsible, a temporary residence permit shall be provided on which is noted that its holder has submitted an application for

an immigration permit and that he has all the rights of article 18KD.

(7) The Director shall notify the contact point for the implementation of the Directive 2003/109/EC, of the first Member State for the decision of the Immigration Control Committee.

Family members

18KA – (1) When a long-term resident in a first Member State other than the Republic exercises his right of residence in the Republic and his family had already constituted in the first Member State, the family members shall be allowed to accompany or to join the long-term resident of the first Member State in the regions controlled by the government of the Republic, in accordance with the provisions of the present Law.

(2) When the family of the long-term resident in a first Member State other that the Republic, who exercises his right of residence in the regions controlled by the government of the Republic has not been constituted in the first Member State, the provisions of articles 18KI to 18H of the present Law shall be applied pro rata.

(3) An immigration permit shall be provided to the family members of the long-term resident in a first Member State other than the Republic, provided that the conditions of the present article are fulfilled and subject to the provisions of articles 18KB and 18KC, and according to the application submission for the provision of the permit in question, the provisions of section (1) of article 18K shall be applied pro rata.

(4) The family members of the long-term resident in a first Member State other than the Republic, shall produce with the application submission the following documents where these are necessary depending on the case –

(a) the residence permit of the long-term resident EC which they dispose, or any other type of residence permit in the first Member State and passport or other travel document valid for two years at least and an attested copy of them;

(b) a certified residence declaration by an official relevant authority of the first Member State with the capacity of a family member of a long-term resident in a first Member State;

(c) the provided in paragraphs (c), (h), (i), (j) and (ja) of section (2) of article 18J of the present Law in order to prove that they have fixed and regular resources, sufficient for their subsistence without benefiting by the social welfare system of the Republic, unless the long-term resident has already approved that he has such resources and insurance for them.

(d) certificate of criminal record

(5) With the obtainment of the immigration permit, the family members of the long-term resident in a first Member State other than the Republic shall enjoy the rights of article 18LD of the present Law.

Public Health

18KB. – (1) The Immigration Control Committee may reject the application of a long-term resident in first Member State other than the Republic or the application of his family members, when the interested person consist a threat for the public health according to the meaning of the present article.

(2) The only diseases which may justify the refusal of entrance or the right of residence of the long-term resident in a first Member State in the Republic are the diseases specified by the relevant regulations in force of the World Health Organization and also other pestiferous or infections parasitic diseases which impose the taking of measures for the protection of the public health in the Republic under the relevant legislation.

(3) The infection by diseases after the providing of the immigration permit in the regions controlled by the government of the Republic shall not justify the refusal of renewal of the permit or the expulsion of the third-country national from the Republic.

(4) The Director may demand the submission of the third-country national to a medical examination within three months since his arrival in the regions controlled by the government of the Republic in order to ensure that he does not suffer by any from the diseases referred to in section (2) of the present article. The medical examinations in question shall not be carried out systemically.

(5) The results of the examination of section (4) of the present article shall be notified to the Director by the

doctor who carried out the examination and the Director shall transfer them to the Immigration Control Committee.

Public order and public security

18KC. – (1) The Immigration Control Committee may reject the application for immigration permit of the long-term resident in the first Member State other than the Republic or of his family members, when the interested person consists a threat for the public order or the public security.

(2) In the course of the relevant decision, the Immigration Control Committee shall examine with severity the type of crime that the long-term resident or his family members have committed against the public order or the public security or the danger provoked by this person.

(3) The above decision of the Immigration Control Committee shall not be based on financial reasons.

Rights of the long-term resident in first Member State in the Republic

18KD. – (1) The long-term resident in a first Member State other than the Republic with immigration permit to the Republic, shall also enjoy equivalent treatment with the citizens of the Republic in the sectors and under the conditions referred to in article 18JG of the present Law.

(2) Independently from the provisions of section (1), according to the access in the labor market

of the regions controlled by the government of the Republic, the provisions of sector (3) of article 18JI of the present Law shall be applied.

Obtainment of the long-term resident status in the Republic from the holder of the same status in a first Member State

18KE. - (1) The Immigration Control Committee shall provide the long-term resident status in the Republic, subject to the provision of articles 18G, 18H, 18I and 18JA to the third-country national with a long-term resident status in a first Member State other than the Republic.

(2) The Director shall notify the above decision to the contact point for the implementation of the Directive 2003/109/EC of the first Member State.

(3) The provisions of articles 18J, 18JB and 18JE of the present Law shall be applied pro rata in relation with issues regulated by them and in the cases of the present article.

Revocation of the residence permit and obligation for readmission.

18KF. – (1) Until the third-country national with the long-term resident status in a first Member State other than the Republic is not obtaining the long-term resident status in the Republic, the immigration permit may be revoked and the interested person and his family members may be obliged to abandon the Republic, in the case:

(a) that the interested person consists a threat for the public order or the public security in the meaning of article 18KC,

(b) that the terms provided by articles 18JI are no longer fulfilled,

(c) that the third-country national does not reside permanently in the Republic.

(2) The immigration permit shall be revoked by the Minister in cases of paragraph (a) of section (1) and by the Director in the cases of paragraphs (b) and (c) of the same section.

(3) The Director shall notify the contact point of the first Member State according to any decision taken under section (1), which has the obligation to accept the third-country national immediately and without any formalities.

It is evident that the above obligation of the first Member State shall not impede the long-term resident and his family members to remove to a third Member State where the Directive 2003/110/EC is applied.

(4) Until the third-country national with a long-term resident status in the first Member State is not obtaining the long-term resident status in the Republic and subject to the obligation of the first Member State referred to in section (3), the Minister may decide the expulsion of the third-country national from the territory of the Community according to article 18JF of the present Law and under the safeguards of article therein, for serious reasons of public order of public security.

(5) The above decision of the Minister shall be taken after a consultation with the relevant authorities of the first Member State to which all the necessary information shall be provided, according to the implementation of the decision for expulsion of the person in question.

(6) Decisions taken by the Director under the paragraph (b) and (c) of section (1) shall not be allowed to be accompanied by a permanent denial of access and residence in the Republic.

Procedural safeguards

18KG. The provisions of article 18JE shall be applied pro rata, in the case of any decision taken by the Immigration Control Committee for rejected of the application submitted under articles 18K and 18KA of any decision for revocation of the immigration permit or for expulsion of the long-term resident in a first Member State or his family members.

Contract point

18KH. The Director or his representative shall be appointed as the contact point of the Republic for the implementation of article 18G up to 18KF of the present Law.

Interpretation for the implementation of articles 18KI up to 18LH

18KI. For the purpose of articles 18KI up to 18LH –

“application” shall mean the application for the family unification.

“unaccompanied minor” shall mean the third-country national or stateless persons below the age of 13, who arrives at the regions controlled by the government of the Republic unaccompanied by an adult responsible for them either by the law or custom as long as they are not effectively taken into the care of such a person; it includes minors who are left unaccompanied after they have entered the regions controlled by the government of the Republic.

“Family reunification” shall mean the entrance and residence in the regions controlled by the government of the Republic of the family members of the third-country national who resides legally in the regions

controlled by the government of the Republic, in order to be maintained the family unity, irregardless if the family bonds were created before or after the entrance of the resident;

“supporter” shall mean the third-country national who resides legally in the regions controlled by the government of the Republic and submits an application of family reunification in order all his family members to be reunified.

Scope and saving clauses

18KJ– (1) The provisions of articles 18L up to 18KH of the present Law, shall be applied in the cases that the supporter is a holder of a residence permit issued under the present Law or under its issued regulations, of a duration of at least one year, who has a reasonable perspective to obtain the right of permanent residence in the Republic, provided that his family members are third-country nationals, regardless of their status.

(2) The provisions of articles 18L up to 18LH of the present Law shall not be applied when the supporter:

(a) has submitted an application for recognition of his refugee status under the Refugees´ Law, whereon no final decision has pronounced yet;

(b) has obtained a residence permit in the Republic under temporary protection on the grounds of the provisions of the Refugees´ Law or requests a permit to remain at this basis and expect the decision pronouncement related to his status;

(c) has obtained a residence permit in the Republic under additional protection or for humanitarian reasons, on the grounds of the provisions of the Refugees´ Laws or requests a permit to remain at this basis and expect the decision pronouncement related to his status.

(d) has recognized as a refugee under the Refugees' Law.

(3) The provisions of articles 18L up to 18LH of the present Law shall not be applied on the family members of an EU national.

(4) The provisions of articles 18L up to 18LH shall applied subject to any more favorable provisions including –

(a) bilateral or multilateral agreements between the Community or the Community and its Member States on the one hand, and one or more third countries on the other hand, or

(b) bilateral agreements between the Republic and one or more third countries or international organizations, or

(c) the European Social Charter of 18 October 1961 as ratified by the Ratifying Law of 1967 on the European Social Charter and the Revised European Social Charter of 3 May 1987 as ratified by the (ratifying) Law of 2000 on the Revised European Social Charter of 1996.

Family members

18L.- (1) The Director shall allow the entrance to the Republic and the residence in the regions controlled by the government of the Republic for purposes of family reunification, subject to the observance of the conditions defined in articles 18LB, 18LC and 18LG of the present Law, of the following family members;

(a) the spouse of the supporter subject to the fact that the couple was married at least one year before the submission of application for the family reunification;

(b) the minor children of the supporter and his/ her spouse, including adopted children in accordance with a decision taken by the relevant authority in the Republic or with a decision of an adoption recognition taken by other country or with an enforceable by rights decision under the international obligations of the Republic.

(c) the minor children , including the adopted children of the supporter as they are defined in paragraph (b) above, when the supporter has the exclusive custody and responsibility for their subsistence;

(d) the minor children, including the adopted children of the spouse as they are defined in paragraph (b) above, when the spouse has the exclusive custody and responsibility for their subsistence.

(2) The minor children referred in the present Law should be under the age of 18 and singles.

(3) The minor children referred to in the present article, who are of the ages between 15 and 18 should not live

separately from the supporter. In the case that an application is submitted for a child of this category, the Director shall allow the entrance and residence to these children for other reasons not related to the family reunification.

(4) In the case of a polygamic marriage, if the supporter already lives with spouse or/and children in the Republic, the Director shall not authorize the entrance and residence of other spouse and her and the supporter's minor children.

(5) The Director shall not allow the entrance in the Republic of a spouse for the purpose of the family reunification if the latter has not completed yet the age of 21.

Submission of the application for the exercise of the right for the family reunification

18LA. – (1) The application shall be submitted by the supporter and shall be examined when the family members reside outside the Republic.

(2) The application for entrance and residence for the purpose of the family reunification shall be submitted to the Director, on the form shown in

Appendix III

Appendix III with the defrayal of a fee equivalent to CYP100 and shall be accompanied by the following documents, proving the family relations and the fulfillment of conditions referred to in articles 18LB and 18LG, as these are necessary according to the case –

(a) A valid supporter's residence permit in the Republic with a residence address in the regions controlled by the government of the Republic,

(b) An attested copy of a valid passport of the supporter and his family member/members valid at least for two years,

(c) Marriage certificate

(d) Birth certificate of family members,

(e) Court judgment of adoption.

(f) Court judgment of parental care.

(g) Certificate of criminal record of family members.

(h) The results of the medical examinations of family members referred to in section (2) of article 18KB of the present Law,

(i) Deed title or a dwelling-renting contract of the supporter,

(j) Medical insurance contract of the supporter and his family members,

(ja) Contract of employment of the supporter, valid for at least 18 months or of an open duration

(jb) Tax returns of the supporter since his arrival at the Republic and a certificate of any tax obligations payment.

(jc) Statement of contribution to the Social Insurance Fund during the years the supporter was residing in the regions controlled by the government of the Republic, in the cases where contributions to the Fund in question are obligatory, according to the provisions of the Social Insurance Law.

(jd) Supporter's returns to V.A.T. during the years of residence in the regions controlled by the government of the Republic and tax obligations payment, in the cases where the applicant is subject to the tax in question, according to the provisions of the Law on Value Added Tax.

(je) Proofs of supporter's income from sources other than employment.

(jf) Statement of bank deposits.

(jg) Telephone, current or water bills of the supporter.

(3) All the above documents produced by the supporter's country should be issued by the relevant authority and be duly attested by diplomatic means.

(4) In order to testify the family relation, provided that it is considered necessary, the Director may interview the supporter and his family members, if they are already in the Republic and he may undertake any other necessary research is considered necessary.

(5) The decision of the Director for the application shall be notified in written to the supporter the sooner the possible and in any way not later than nine months since the application submission and in the case of refusal, this should be duly justified.

(6) In exceptional cases related to the complex nature of the application examination, the deadline referred to in section (5) of the present article may be extended up to three more months and in such a case the supporter shall be notified accordingly.

(7) During the examination of the application, the Director shall take duly into consideration the major interest of the minor children.

Conditions for the exercise of the right of family reunification.

18LB. For the exercise of the right of the family reunification, the supporter should:

(a) reside legally in the regions controlled by the government of the Republic for a period of at least two years;

(b) dispose dwelling considered suitable for the respective family in the same region which fulfils the general conditions of security and health and ensures a

decent living in general;

(c) have a medical insurance for himself and his family members which covers all the dangers covered usually by the insurance contracts for the Cypriot nationals;

(d) have fixed and regular resources, sufficient for him and his family members, so that him or/and his family members not to be burden to Social Insurance Fund of the Republic. For the evaluation of these resources the provisions of article 18I of the present Law shall be applied pro rata.

Entrance, Residence and obligation of compliance with the incorporation measures of the family members.

18LC. – (1) After the approval of the application for family reunification, the Director shall allow to the family member or members to entry and shall notify the relevant consular authorities of the Republic to provide any facilitation to these persons in order to obtain any necessary visas.

(2) The Director shall provide to family members a temporary resident permit valid for one year, which shall be renewable.

(3) Independently from the provisions of the above section, the residence permit provided to a family member shall not, by rule, exceed the expiry date of the supporter’s residence permit.

Family members rights

18LD. – (1) The family members of the supporter shall have equally to the supporter the right of access–

(a) to education;

(b) to a paid employment and to an independent professional activity;

(c) to vocational guidance, on the basic and further training and re-training.

(2) Independently from the provisions of the above section, the exercise of a paid employment or an independent professional activity shall be subject to the employment terms and conditions in force for third-country nationals in the Republic, as these are defined under the present Law and to the national policies and procedures in force.

(3) Independently from the provisions of section (1) and (2) of the present law, the access of the family members to a paid employment or to an independent professional activity shall be limited only for a period of twelve months for purposes of search in the Republic's market. By the course of this period, the exercise of a paid employment or an independent professional activity shall be only allowed after the submission of a relevant application.

Separate permit for a family member.

18LE. – (1) Supporter's children who come at adult age and his/her spouse who have completed five years of residence in the Republic and given the fact that they did not obtain any other type of residence permit under the present Law or the under its issued Regulations, shall have the right to obtain after their application, a separate residence permit, which shall be independent from the supporter's permit.

(2) In the case of a divorce, the Director may provide the separate residence permit referred to in section (1), only to the supporter's spouse.

(3) In the case of particular difficult circumstances, up to the Director's judgment, and specifically in the case of the supporter's death or when the family members are victims of violence in the family as these are defined by the Law on Violence in Family (Prevention and Protection of Victims) or victims of trafficking and inurnment under the Protocol on Prevention, Suppression and Punishment for Persons Trafficking, especially Women and Children, ratified by the (Ratifying) Law of 2003 on the United Nations Convention against the International Organized Crime and Protocols and the Law on the Suppression of Persons' Trafficking and Minors' Sexual Harassments, the Director may provide a separate residence permit to the family member or members in question.

119(1) of 2000
212(1) of 2004
11 (II) of 2003
3(1) of 2000

(3) The separate residence permit provided to family members under the present article is one of the types of residence permits provided by the present Law or under its issued Regulations.

Refusal, Revocation or not renewal of the application

18LF. – (1) The Director may reject the application, revoke or refuse the renewal of a family member residence permit when –

(a) the conditions for the exercise of the right of family reunification of articles 18LB, 18LC and 18LG are not fulfilled or are not fulfilled anymore:

It is evident that during the renewal of family members residence permit, the Director shall take into consideration the family members contribution to the household income, when the supporter does not have sufficient resources, without benefiting by the social welfare system of the Republic.

(b) in compliance with the provisions of articles 18LE the supporter or his family members do not actually live, or do not live anymore, together;

(c) it is ascertained that the supporter is married or has a stable durable relationship with another person;

(d) it is proved that were used deceptive or persuasive information, forged or persuasive documents or a fraud was committed in any other way or other illegal means were used;

(e) it is proved that the marriage or the adoption, where these are applied, was of convenience in the meaning of the present Law or the adoption had the exclusive purpose of the entrance or residence in the Republic of the familiar person:

It is evident that during the evaluation of the marriage or the adoption shall be taken into consideration whether this marriage or adoption have taken place after the issue of the supporter's residence permit.

(2) The Director may carry out special investigations and inspections when serious doubt exist about a possible fraud or marriages or adoptions of convenience, including special investigations carried out in the framework of the application examination for the renewal of the family members residence permit.

(3) The Director may revoke or not renew a family member residence permit, in the case that the supporter's residence permit has ended and the family member has not yet the separate residence right under article 18LE.

(4) The Director in the case of application rejection, revocation or refusal of residence permit renewal or in the case of expulsion measure against the supporter or against any of his family members, shall take duly into consideration the nature and stability of the relations of the family of the person in question, the residence duration in the Republic and also the existence of familiar, cultural and social bonds with the country of origin of the person in question.

Public order, Public security and Public Health

18LG. – (1) The Director may reject a residence and entrance application, or revoke or not renew the family members residence permit for purposes of public order, public security or public health.

(2) During the taking of any decision under section (1), the Director except from the elements of section (4) of article LF, shall examine the graveness or the kind of offense committed by the family member against the public order, or public security or the dangers caused by such a person.

(3) The Director neither shall refuse the residence permit renewal, nor shall order the expulsion of a family member, only due to the reason of a disease or disability emerging after the issue of the first residence permit.

Bringing Recourse

18LH. Any decision of the Director for rejection of the application, revocation or not renewal of the family members residence permit may by brought in recourse before the Supreme Court, under article 146 of the Constitution.

Amendment of the basic law with addition of new article

4. The basic Law is amended with addition to it, of the following new articles 19A up to 19D, following article 19.

Contribution to illegal entrance, transit and residence

19A. – (1) A person who assists on purpose a third-country national to enter or pass through the Republic's territory or through any other Member State, in breach of the present Law or the legislation of the Member State in question respectively, shall commit a criminal offense and in the case of penalty, this may be the penalty of imprisonment not exceeding the period of eight years or pecuniary penalty not exceeding the amount of CYP20.000, or both of these penalties.

(2) A person who assists on purpose a third-country national to reside in the Republic or in other Member State to gain a profit in breach of the provisions of the present Law or the legislation of the Member State in question respectively, shall commit a criminal offense and in the case of penalty, this may be the penalty of imprisonment not exceeding the period of eight years or pecuniary penalty not exceeding the amount CYP20.000, of both of these penalties.

(3) During the judgment of the offenses referred to in sections (1) and (2) and during the penalty imposition, the Court shall consider as aggrieving the following circumstances related to the offense committed:

(a) the offense was committed in the framework of the criminal organization action in the meaning of article 63B of the Civil Code;

(b) the offense commitment put in danger the life of third-country nationals against whom this was committed.

Instigation, Accessory act, Attempt

19B. – (1) Penalties provided in section (1) and (2) of article 19A for the commitment of the offenses in question, shall be imposed also to the instigator and accessory of the commitment of these offenses.

(2) In the case of an attempt of commitment the offenses provided in sections (1) and (2) of article 19A, the person who attempts to commit them, commits a criminal offense and in the case of penalty, this may be the penalty of imprisonment not exceeding the period of three years or a pecuniary penalty not exceeding the amount of CYP5.000.

Other penalties

19C. – (1) In the case of a person's sentence for the commitment of the offenses referred to in articles 19A and 19B of the present Law, the Court may, additionally with any other penalty, order –

(a) the confiscation of the means of transportation with which the offense was committed.

(b) the interdiction of the direct or piggy-back exercise of the professional activity for which the offense was committed, either permanently or as long as it is considered necessary.

(2) Breach of a Court's decree pronounced under section (1) (b) shall consist a criminal offense and is penalized by the penalty of imprisonment not exceeding the period of three years or pecuniary penalty

not exceeding the amount of CYP10.000, or both of these penalties.

Legal persons Responsibility

19D. – (1) A legal person is responsible for the commitment of offenses under articles 19A and 19B of the present law, when the persons acting for the legal person, either individually or as members of an institution of this legal person possess leading position in this legal person, based on:

(a) a representative power of the legal person, or

(b) a power to take decisions for the legal person, or

(c) a power of administration control throughout the legal person.

(2) A legal person shall be considered responsible for the commitment of offenses under articles 19A and 19B, in the case that incomplete supervision or inadequate control on behalf of the persons defined by the above section made possible the commitment of the offenses in question on behalf of the legal person by a person who is under its authority.

(3) The responsibility of a legal person under the above sections, shall not exclude the criminal proceedings against the natural persons acting as perpetrators, instigators or accessories in the offenses of article 19A.

Penalties against legal persons

19E. – (1) A legal person who is considered responsible for the commitment of the offenses of articles 19A and 19B under section (1) of article 19D shall be subject to pecuniary penalty not exceeding the amount of CYP200.000 and the Court may, additionally with any other penalty, order –

(a) measures of temporary or permanent exclusion from the social benefits or supports

(b) measures of temporary or permanent interdiction of the exercise of any commercial activity.

(c) judicial surveillance imposition

(d) the pronouncement of a Court decision for a dissolution of a legal person.

(2) A legal person who is considered responsible for the commitment of the offenses of articles 19A and 19B, under section (2) of article 19D shall be subject to a pecuniary penalty not exceeding the amount of CYP100.000.

Extension of the Court Jurisdiction

19F. Without inducing the provisions of article 5 of Civil Code and regardless of the provisions of article 6 of the Civil Code, the Courts of the Republic shall have the jurisdiction to judge the offenses of articles 19A and 19B, provided that the offenses were committed –

(a) in the whole or in a part of the territory of the Republic;

(b) by a Cypriot national;

(c) on behalf of a legal person who resides in the Republic.

(d) on a boat with the flag of the Republic of Cyprus or in an airplane registered under the relevant legislation of the Republic during the period of the offense commitment.

International Law for refugees

19G. The provisions of articles 19A up to 19F, shall be applied with subject to the protection provided to refugees and to asylum seekers, in accordance with the international law for refugees or with other international acts related to human rights, particularly taking into consideration of the fulfillment of the international obligations of the Republic under articles 31 and 33 of the Convention, which regards the Legal Status of Refugees, taken place on the 28 July 1951 in Geneva and is binding the Republic of Cyprus and includes the Protocol, which was ratified by the Protocol on the Legal Status of Refugees (Ratified) Law of 1968.

Information change between the Member States

19H. – (1) In the case that the relevant authorities of the Republic realize an infringement of articles 19A and 19B related to other Member State, the relevant authorities shall notify the respective relevant authorities of the other Member State accordingly.

(2) In the case that the relevant authorities of the Republic request from the relevant authorities of other Member State to make proceedings against any person, due to breach of the provisions of articles 19A and 19B of the present Law, shall notify the provisions of the present law that has been broken to the relevant authorities of the other Member State with an official report

Interpretation in relation to application of articles 19A up to 19H

19 I. For the purpose of implementation of articles 19A up to 19H –

“Member State” shall include Iceland, Norway and Gibraltar.

**APPENDIX I**

**(Article 18B)**

Transit application for the purpose of a expulsion through the airway according to article 4 of the Council Directive 2003/110/EC of 25 November 2003, related to the contribution during the transit in the case of expulsion through the airway (EU L321 of 6.12.2003, p.26)

| | |
|---|---|
| (Applicant service)<br>Authority: | Place/Date: |
| Address: | Telephone/Fax/E-mail: |
| | Full name of employee: |
| | Signature: |
| | |

| | |
|---|---|
| | |
| Authority: (Addressee Service) | |
| Address: | |
| | |
| | |
| | |

General personal details for the national of third country who is the interested for the transit application

| Application Number | Surname Name | Gender | Date of birth | Place of birth | Nationality | Travel document/ No/ Type/ Valid duration | No of Visa Provided by a third country (if required) |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| 1 | | | | | | | |
| 2 | | | | | | | |

Flight details

| Flight Number | Departure Place | Departure Date | Departure Time | Arrival Place | Arrival date | Arrival time |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

Specific Information

| | | | |
|---|---|---|---|
| The third-country national is accompanied: | ☐ Yes | ☐ No | Names and Duties: …… |
| The police presence at the airport is recommended: | ☐ Yes | ☐ No | |
| Medical care required: | ☐ Yes | ☐ No | If yes which one: …… |
| Diseases (*): Infections: | ☐ Yes | ☐ No | If yes which ones: …… |
| Other previous attempts of expulsion: | ☐ Yes | ☐ No | If yes reasons: …….. |

Other Observations

| |
|---|
| |
| |
| |

| |
|---|
| Note: When the application submitted, none of refusal reasons was known according to article 3, paragraph 3 and 5 of the Directive 2003/110/EC. |

Decision of the service of the state to which the application is addressed

Transit permitted ☐

Transit not permitted ☐

Reasons: ----------

---

(full name/signature/date)

(*) information is provided according to the national or international law.

**MINISTRY OF INTERIOR**

CIVIL REGISTRY OF MIGRATION DEPARTMENT

The Aliens and Immigration Law

APPENDIX II
(Articles 18J, 18IB, 18JC, 18K)

**Application Form to Obtain/ Resume/ Renew the Status of the Long-term Resident in the Republic and Immigration Permit for the Long-term Resident in a first Member State.**

You are kindly requested to read the guidance for the filling of the application before completing the present application

## PART I: APPLICANT'S PARTICULARS

| | | | | |
|---|---|---|---|---|
| Surname | | Maiden name | | Sex Male ☐ Female ☐ |
| Name | | Passport No./ Expiry Date | | |
| Nationality | Date of Birth | | Place of Birth | |
| Residence Address in Cyprus | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| Postal Code | | Home telephone no | | Social Insurance Number | | Fax |

## PART II: APPLICANT'S MARITAL STATUS

Marital status

Single ☐ Married ☐ Divorced ☐ Widowed ☐ Separated ☐

In the case of a polygamic marriage, the number of marriages in force ☐

If you are single, you are requested to fill your spouse's particulars below

| | | | |
|---|---|---|---|
| Surname | | Name/s | |
| Maiden name | | Nationality | |
| Date of birth | | Place of birth | |

Passport No./ Expiry date ☐ Residence Country ☐

You are requested to submit a passport copy, valid at least for two years

If your spouse is residing in Cyprus with you, you are requested to fill his/ her particulars below

File No ☐ Certificate No. ☐ Residence Permit expiry date ☐

Information according the children of applicant, including those who are not in Cyprus

| Name and Surname | Nationality | Date of Birth | Passport No | Sex | Residence Country | Marital status |
|---|---|---|---|---|---|---|
| | | | | | | |

In the case that any of your children is in Cyprus, fill the particulars below for each one separately. You are requested to submit attested copies of birth certificate or court decision in the case of adoption or parental care, and also a copy of their residence permit, allowing him to reside in the Republic.

| Name and Surname | File No./ ARS | Residence Status | Residence Permit Expiry Date | Last Date of arrival in Cyprus |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

## PART III: APPLICANT'S RESIDENCE STATUS IN THE REPUBLIC, ACCORDING TO THE PASSPORT

You are requested to submit copies of the relevant pages of the passport

| ARRIVALS IN CYPRUS | | DEPARTURES FROM CYPRUS | | DURATION OF RESIDENCE IN CYPRUS | | |
|---|---|---|---|---|---|---|
| DATE | PAGE | DATE | PAGE | YEARS | MONTHS | DAYS |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

## PART IV: APPLICANT'S ACCOMMODATION

You are requested to declare the kind of dwelling you have and attach to this part the most recent telephone, current and water bill you have paid:

| | | | |
|---|---|---|---|
| Privately owned house/ apartment (submit a residence title deed) | ☐ | House/ Apartment rent (submit a rental contract) | ☐ |
| Dwelling provided by the employer (submit a residence description, attested by a president of a community council) | ☐ | Residence in the employer's residence (submit appropriateness certificate, attested by a president of a community council) | ☐ |

## PART V: APPLICANT'S RESIDENCE PERMIT IN THE REPUBLIC OR IN ANOTHER MEMBER STATE:

You are requested to fill the below particulars according to the last residence permit issued for you by the Republic and present a copy of it.

(1) File Number.

(2) Number of Alien Registration Certificate

(3) Date of last arrival in Cyprus

(4) Expiry date Residence permit in Cyprus

(5) Residence Status in Cyprus

If you are a holder of a residence permit in another Member State (present a copy)

(1) Residence permit issue date

(2) residence permit expiry date

(3) Residence status

(4) Issuing country

## PART VI: ACADEMIC/ VOCATIONAL QUALIFICATION AND VOCATIONAL PERMITS OF THE APPLICANT

You are requested to submit attested certification for the below)

**(1) Education (Primary, Secondary, Higher and University)**

| Schools in which you have studied at, in line beginning with the most recent | Years of studies | | Baccalaureate/ Diploma/ title/ certificate acquired |
|---|---|---|---|
| | From | To | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**(2) Vocational Qualification (including computer acknowledgement certificates)**

| Qualification | Institute | Year of qualification acquirement |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

**(3) Vocational Permits**

| Permit | Institute/ Association | Year of permit acquirement |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

**(4) Languages (use the adjectives: Excellent, Very Good, Good, Moderate)**

| LANGUAGES | | | | |
|---|---|---|---|---|
| | 1. | 2. | 3. | 4. |
| Read | | | | |
| Write | | | | |
| Speak | | | | |

## PART VII: APPLICANT'S WORK EXPERIENCE ACQUIRED INSIDE OR OUTSIDE THE REPUBLIC

Submit certifications for work experience acquired in the Republic and for that acquired outside the Republic, where it is possible.

| Employer | Position | Country | Duration (from/ to) | Income |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

## PART VIII: APPLICANT'S INCOME IN THE REPUBLIC

You are requested to fill your particulars in the category of employment you are fall into and in all the cases to submit tax returns since your arrival to the Republic and a certificate of payment of tax obligations, Social Insurance Contribution report for all the time of your employment in Cyprus and a bank deposits report.

1) Employment Activity (in this case you should submit a stamped contract of open duration or of at least eighteen months)

   Employer's Name: …….

   Company's Name: ……Phone No/ Fax: …….

   Company's Address: …….

   Employer's Registration Number: …….

   Area of Economic Activity: …….

   Position offered to the applicant: …….

   Employment duration: ……Salary (monthly): ……...

2) Self-employment Activity ( in the case of employment in a self-owned company, you are requested to submit relevant documents for company's formation and registration in Cyprus, study for the viability of the company and also V.A.T. payment certificates of the last five years of residence in the Republic. In the case of self-employment, you are requested to submit a self-employment declaration).

   Company's Name: …….

   Company's Address: ……Phone No./ Fax: ……...

   Employer's Registration Number: …….

   Area of Economic Activity: …….

   Number of Registration in V.A.T.: ……....Salary (Monthly): ……

3) Declaration of incomes of other resources other than the employment i.e. bank accounts, bonus, interests, rents (submit relevant documents).

| Bank/ Company/ Investment/ Dwelling | Country | Amount |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

**TABLE**
**OF RIGHTS PAYABLE TO THE REPUBLIC**

| | £ |
|---|---|
| 1. For application submission to obtain a long-resident status. | 250.00 |
| 2. For application submission to renew the residence permit of a long resident | 100.00 |
| 3. For application submission to resume a long-resident status | 200.00 |
| 4. For application submission to obtain an Immigration Permit of the long resident of other Member State of the EU, in the Republic | 150.00 |

**Guidance to complete the application**

1. For all the cases you should present the below:

    a) 2 recent photographs,
    b) Medical insurance contact,
    c) Certificate of criminal report,
    d) Passport valid for at least 2 years

2. In the case you are applying for resumption of the long-resident status in the Republic, you should present only the additional particulars which were not presented in your previous application, in Parts VI and VII of the application form.

3. In the case you are applying for an Immigration Permit, your application should be submitted within three months after your arrival in the Republic or before you abandon the Member State you reside in.

If the purpose of your residence is the attendance of studies or vocational training, you should present proofs of registration in an accredited establishment, on the basis of the legislation each time in force, for this purpose.

Additionally, note:

    a) Part III: It is not necessary to be completed,
    b) Part VIII: It is not necessary to provide tax returns, certificate of payment of tax obligations, Social Insurance contribution report and V.A.T. payment documents,

4. This Form should be accompanied by payment receipts of the fee mentioned in TABLE, according to the kind of permit you have applied for.

5. A residence permit is provided, which has duration of five years and is renewed by rights after your application, the later within three months before the expiry date of the permit in force.

6. The long-resident status is revoked and the permit is annulled in the case when:

    a) It is found out that the long-term status was obtained by fraud, including the marriage of convenience.
    b) An adoption of an expulsion measure is taken.
    c) The holder's absence from the territory of the Community was for a period of twelve consecutive months
    d) The third-country national consists a threat for the public order or public security.
    e) The long-resident status is provided to him in other Member State
    f) His absence from the territory of the Republic for six consecutive years.

……..

RECEIPT OF APPLICATION SUBMISSION

(To be completed by the application)

Full name……

Nationality……Identity Card/ Passport No……

Date……..Signature……

**MINISTRY OF INTERIOR**

CIVIL REGISTRY OF MIGRATION DEPARTMENT

The Aliens and Immigration Law

APPENDIX III
(Articles 18LA)

**Application Form for Family Unification**

You are kindly requested to read the guidance for the filling of the application before completing the present application

## PART I: PARTICULARS OF THE APPLICANT (SUPPORTER)

You are requested to submit the original of the criminal record certificate, the medical examination certificate for the disease mentioned in the Guidance for filling the application form and a full medical insurance contract with the present application form.

| | | | | | |
|---|---|---|---|---|---|
| Surname | | Maiden name | | Sex Male ☐ Female ☐ | |
| Name/s | | Passport No./ Expiry date | | | |
| Nationality | | Date of birth | | Place of birth | |
| Residence Country | | Social Insurance Number | | | |

**PART II: MARITAL STATUS OF APPLICANT (SUPPORTER)**

Marital status

Single ☐ Married ☐ Divorced ☐ Widowed ☐ Separated ☐

In the case of a polygamic marriage, the number of marriages in force ☐

If you are single, you are requested to fill your spouse's particulars below

| | | | |
|---|---|---|---|
| Surname | | Name/s | |
| Maiden name | | Nationality | |
| Date of birth | | Place of birth | |

Passport No./ Expiry date ☐ Residence Country ☐

You are requested to submit a passport copy, valid at least for two years

Information according to applicant's children. You are requested to submit attested copies of birth certificate or court decision in the case of adoption or parental care and a passport valid for at least two years.

| Name and Surname | Nationality | Date of Birth | Passport No. | Sex | Residence Country | Marital Status |
|---|---|---|---|---|---|---|
| | | | | | | |

## PART III: APPLICANT'S ACCOMMODATION

You are requested to declare the kind of dwelling you have and attach to this part the most recent telephone, current or water bill you have paid:

| | | | |
|---|---|---|---|
| Privately owned house/ apartment (submit a residence title deed) | ☐ | House/ Apartment rent (submit a rental contract) | ☐ |
| Dwelling provided by the employer (submit a residence description, attested by a president of a community council) | ☐ | Residence in the employer's residence (submit appropriateness certificate, attested by a president of a community council) | ☐ |

## PART IV: APPLICANT'S RESIDENCE PERMIT IN THE REPUBLIC OR IN OTHER MEMBER STATE:

You are requested to fill the below particulars according to the last residence permit issued for you by the Republic and present a copy of it.

| | |
|---|---|
| (1) File Number. | |
| (2) Number of Alien Registration Certificate | |
| (3) Date of last arrival in Cyprus | |
| (4) Expiry date of Residence permit in Cyprus | |
| (5) Residence Status in Cyprus | |

## PART V: APPLICANT'S INCOME IN THE REPUBLIC

You are requested to fill your particulars in the category of employment you are fall into and in all the cases to submit tax returns since your arrival to the Republic and a certificate of payment of tax obligations, Social Insurance Contribution report for all the time of your employment in Cyprus and a bank deposits report.

4) Employment Activity (in this case you should submit a stamped contract of open duration or of at least eighteen months)

   Employer's Name: …….

   Company's Name: ……Phone No/ Fax: ……

   Company's Address: …….

   Employer's Registration Number: …….

   Area of Economic Activity: …….

   Position offered to the applicant: …….

   Employment duration: ……Salary (monthly): ……...

5) Self-employment Activity ( in the case of employment in a self-owned company, you are requested to submit relevant documents for company's formation and registration in Cyprus, study for the viability of the company and also V.A.T. payment certificates of the last five years of residence in the Republic. In the case of self-employment, you are requested to submit a self-employment declaration).

   Company's Name: …….

   Company's Address: ……Phone No./ Fax: ……...

   Employer's Registration Number: …….

   Area of Economic Activity: …….

   Number of Registration in V.A.T.: ……....Salary (Monthly): ……

6) Declaration of incomes of other resources other than the employment i.e. bank accounts, bonus, interests, rents (submit relevant documents).

| Bank/ Company/ Investment/ Dwelling | Country | Amount |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

**Guidance to complete the application**

1. The application form should be accompanied by the below:

    a) 2 recent photographs of the family members mentioned in the application,
    b) medical insurance contract for the supporter and the family members, mentioned in the application
    c) criminal record certificate of the family members mentioned in the application,
    d) certificate with the medical examinations results of persons mentioned in the application for the diseases included in article 18 LA(2) (h) of the Aliens and Immigration Law.

2. Conditions for the application submission:

    a) Family members included in the application should not be in Cyprus,
    b) The marriage has taken place one year before the application submission,
    c) The supporter is required to hold a residence permit in the Republic, valid at least for one year and to have a reasonable chance to obtain the right of permanent residence in the Republic,
    d) The spouse of the supporter should be at the age of 21 and below,
    e) The Supporter's children, for who the application for residence permit shall be submitted for purpose of family unification, should be younger than 18 years old, singles and the application should be submitted before the children complete the age of 15, unless they do not live independently from the supporter.

3. The certificates of family members of the supporter, which are requested to accompany the present application form, should be duly attested by diplomatic means.

4. The application form should be accompanied by the receipts of payment the fee of £100.

5. A first residence permit is provided to the family members, which is valid for one year. The permit is renewable and cannot be valid after the expiry date of validity of the supporter's residence permit

……..

RECEIPT OF APPLICATION SUBMISSION

(To be completed by the application)

Full name……

Nationality……Identity Card/ Passport No……

Date……..Signature……