

Citizenship law of the Republic of Cyprus¹

A law to make provision for the citizenship of the Republic and for matters connected therewith

Source: Cyprus Ministry of Justice compilation and translation (updated to June 2000)

The House of Representatives enacts as follows:

PART I. PRELIMINARY

1. This Law may be cited as the Republic of Cyprus Citizenship Law, 1967.

2.

(1) In this Law, unless the context otherwise requires-

"alien" means a person who is not a citizen of the Republic;

"Annex D" means Annex D to the Treaty of Establishment;

"foreign country" means a country other than the Republic,

"Minister" means the Minister of Interior;

"minor" means a person who has not attained the age of twenty-one years;

"naturalized person" means a person who became a citizen of the Republic by virtue of a certificate of naturalization granted to him under this Law of in which his name was included;

"prescribed" means prescribed by Regulations made under this Law.

(2) Subject to the provisions of section 9, any reference in this Law to a child shall be construed as a reference to a legitimate child, and expressions "parent", "ascended" and "descended" shall be construed accordingly.

(3) For the purposes of this Law, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(4) For the purposes of this Law, a person shall be considered to be of full age if he has completed the age of twenty-one years, and of full capacity if he does not suffer

¹ Source: www.legislationline.org

from mental disorder of a kind and to such a degree which would render him incapable of managing his own affairs.

(5) For the purposes of this Law, a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

PART II. ACQUISITION OF CITIZENSHIP

3. Citizens of the Republic shall be the persons who, on the date of entry into force of this Law, have either acquired or are entitled to acquire citizenship of the Republic under the provisions of Annex D or who acquire thereafter such citizenship under the provisions of this Law.

3.-(1) A person born in Cyprus on or after the 16th day of August 1960 shall be a citizen of the Republic if at the time of this person's birth any one of his parents was a citizen of the Republic or, in case at the time of birth his parents were not alive, any one of them would, but for his or her death, have been entitled to become a citizen of the Republic.

Provided that the provisions of this sub-section do not apply, unless the Council of Ministers otherwise orders, to cases where the entry into or stay in Cyprus of any one of the parents of the said person was illegal.

(2) A person born on or after the 16th day of August 1960 in any foreign country shall be a citizen of the Republic if

(a) at the time of this person's birth any one of his parents was a citizen of the Republic or in case his parents were not alive at the time of birth, any one of them would, but for his death, have been entitled to become a citizen of the Republic either under Annex D or under this Law; and

(b) the person's birth is registered in the prescribed manner within two years from its occurrence or within two years from the entry into force of this Law, whichever is the latest, or within such extended period of time as the Minister may authorize, in any special case and for good cause shown.

(3) The provisions of sub-section (1) and (2) do not apply in the case of a person born alive either in Cyprus or in any other foreign country, in the period between 16th August 1960 and the date of entry into force of the Republic of Cyprus Citizenship (Amendment) Law of 1999, if this person would acquire citizenship by reason of the fact that at the time of his birth his mother was or would have been entitled to become a citizen of the Republic, unless the said person is of full age and capacity and submits an application to the Minister, in the prescribed manner, to be registered as a citizen of the Republic.

(4) For the purposes of sub-section (2), the birth of a person shall be considered as having been registered with the Minister's approval if the Minister so orders, despite the fact that his approval had not been received before the registration.

(5) A person born on or after 16th August 1960 and who is descended from a person who

(a) Became a British national on the basis of the Annexation of Cyprus Orders in Council of 1914 to 1943; or

(b) was born in Cyprus between 5th November 1914 and 16th August 1960, during which time his parents were ordinarily resident in Cyprus, shall be entitled to be registered as a citizen of the Republic, as long as he is of full age and capacity and submits an application to the Minister in the prescribed manner and has given a formal affirmation of faith to the Republic, in accordance with the form set out in the First Schedule.

5.

(1) Subject to the provisions of sub-section (4), a citizen of the United Kingdom and Colonies or of a Commonwealth country, being a person of Cypriot origin and of full age and capacity, shall be entitled, on making application therefor to the Minister in the prescribed manner and on making the affirmation of faith to the Republic in the form specified in the First Schedule, to be registered as a citizen of the Republic if such person satisfies the Minister that

(a) he is ordinarily resident in Cyprus and has been so resident throughout the period of twelve months, or such shorter period as the Minister may accept under the special circumstances of any particular case, immediately preceding the date of his application, or he is in the public service of the Republic; and

(b) he is of good character; and

(c) he intends to continue to reside in the Republic or to continue in the public service of the Republic, as the case may be.

For the purposes of this sub-section-"Commonwealth country" means any country other than the Republic which is, on the date of entry into force of this Law, a member of British Commonwealth and includes the Republic of Ireland and any other country declared, by an Order of the Council of Ministers, to be a Commonwealth country for the purposes of this sub-section.

"person of Cypriot origin" means a person who was born in Cyprus at a time when his parents were ordinarily resident in Cyprus and includes any person descended from such person.

(2) Subject to the provisions of sub-section (4) the Minister may, following the submission of an application in the prescribed manner and the making of an affirmation of faith to the Republic in the form prescribed in the First Schedule, make arrangements for the registration as a citizen of the Republic of a person, whether or not this person is of full age and capacity, who satisfies the Minister that

(a) he or she is the spouse or widower or widow of a citizen of the Republic or was the spouse of a person who, if still alive, would have become or would have the right to become a citizen of the Republic; and

(b) he or she lives with his or her spouse for a period of time which is not shorter than two years;

Provided that the provisions of this sub-section shall not apply where the alien enters or stays illegally in the Republic.

(3) The Minister may cause the minor child of any citizen of the Republic to be registered as a citizen of the Republic upon application made in the prescribed manner by a parent or guardian of the child.

(4) A person who has renounced, or has been deprived of, citizenship of the Republic, shall not be entitled to be registered as a citizen thereof under this section, but may be so registered with the approval of the Minister.

(5) A person registered under this section shall be a citizen of the Republic by registration as from the date on which he is registered.

6. The Minister, if application therefor is made to him in the prescribed manner by any alien of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule for naturalization, may grant to him a certificate of naturalization; and the person to whom the certificate is granted shall, on making the affirmation of faith to the Republic in the form specified in the First Schedule, be a citizen of the Republic by naturalization as from the date on which the certificate is granted:

Provided that the Council of Ministers may, on the recommendation of the Minister in any particular case or class of cases, decide that no certificate of naturalization shall be granted under this section unless the applicant renounces any other citizenship held by him; and in such a case the applicant shall, in such manner as may be prescribed, renounce any other citizenship held by him on being granted a certificate of naturalization under this section.

PART III. RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

7.-(1) If any citizen of the Republic who is of full age and capacity and is also the national of any foreign country makes in the prescribed manner a declaration of citizenship of the Republic, the Minister shall cause the declaration to be registered; and upon such registration, that person shall cease to be a citizen of the Republic:

Provided that the Minister may withhold the registration of any such declaration if the same is made during any war in which the Republic may be engaged, or whenever the Minister is of the opinion that the same is made for the purpose of avoiding any military service for which the person making the declaration is liable or any criminal prosecution for an offence punishable with imprisonment for which the person making the declaration would have been liable.

(2) For the purposes of this section any woman who has been married shall be deemed to be of full age.

8.-(1) A citizen of the Republic who is a citizen by registration or is a naturalized person shall cease to be a citizen of the Republic if he is deprived of his citizenship by an Order of the Council of Ministers made under this section.

(2) Subject to the provisions of this section, the Council of Ministers may by an Order deprive any such citizen of his citizenship if it is satisfied that the registration or certificate of naturalization was obtained by means of fraud, false representation or concealment of any material fact.

(3) Subject to the provisions of this section, the Council of Ministers may by an Order deprive any citizen of the Republic who is a naturalized person of his citizenship if it is satisfied that the citizen

(a) has shown himself by act or speech to be disloyal or disaffected towards the Republic; or

(b) has, in any war in which the Republic was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(c) has, within five years of his becoming naturalized, been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Council of Ministers may by an Order deprive any citizen of the republic who is a naturalized person of his citizenship if it is satisfied that that person has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has neither

(a) been at any time in the service of the Republic or of an international organisation of which the Republic was a member; nor

(b) registered annually in the prescribed manner at a Consulate of the Republic his intention to retain the citizenship of the Republic.

(5) The Council of Ministers shall not deprive a person of his citizenship under this section unless it is satisfied that it is not conducive to the public good that that person should continue to be a citizen of the Republic.

(6) Before making an Order under this section, the Council of Ministers shall give the person against whom the Order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the Order is proposed to be made on any of the grounds specified in sub-sections (2) and (3), of his right to an inquiry under this section.

(7) If the Order is proposed to be made on any of the grounds specified in sub-sections (2) and (3) and that person applies in the prescribed manner for an inquiry, the Council of Ministers shall, and in any other case the Council of Ministers may,

refer the case to a Committee of inquiry consisting of a Chairman, who shall be a person possessing judicial experience and appointed by the Council of Ministers, and of such other members appointed by the Council of Ministers as the Council think proper.

PART IV. MISCELLANEOUS

9.-(1) An illegitimate child legitimated in accordance with the law of personal status pertaining to him shall, as from the date of such legitimation or the date of entry into force of this Law, whichever is the latest, be treated, for the purposes of this Law, as if he had been born legitimate.

(2) A child adopted in accordance with the law of personal status pertaining to him shall, as from the date of such adoption or the date of entry into force of this Law, whichever is the latest, be treated, for the purposes of this Law, as if he were legitimate.

10. The Council of Ministers may, in such cases as it thinks proper, on the application of any person with respect to whom a doubt exists as to whether he is a citizen of the Republic, either on a question of fact or of law, certify that that person is a citizen of the Republic; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

11.-(1) Any person who, in order to procure anything to be done or not to be done under this Law, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and is liable, on conviction, to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred pounds or to both such imprisonment and fine.

(2) Any person who fails to comply with any requirement imposed on him by Regulations made under this Law with respect to the return of certificates of naturalization is guilty of an offence and is liable, on conviction, to a fine not exceeding one hundred pounds.

12.-(1) The Council of Ministers may by Regulations make provision generally for the fulfilment of the purposes of this Law, and in particular

(a) for prescribing anything which under this Law may or is required to be prescribed;

(b) for the registration of anything required or authorized under this Law to be registered;

(c) for the making of an affirmation of faith to the Republic under this Law, for the time within which such affirmation shall be made and for the registration of such affirmation;

(d) for the giving of any notice required or authorized to be given to any person under this Law;

(e) for the cancellation of the registration of persons deprived of citizenship under this Law and the cancellation and amendment of certificates of naturalization relating to such persons, and for requiring such certificates to be returned for these purposes;

(f) for the registration of the births and deaths of persons of any class or description born or dying in a foreign country, by consular officers or other officers in the service of the Republic or, in the case of any foreign country in which the Republic has for the time being no diplomatic or consular representation, by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Republic, has undertaken to represent the Republic's interest in that country, or by a person authorized in that behalf by the Minister;

(g) for the imposition and recovery of fees in respect of any application made under this Law or in respect of any registration, or any declaration, or the grant of any certificate, or the taking of any affirmation, which is authorized to be made, granted or taken by or under this Law, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry, which is given, granted or made as aforesaid.

(2) Regulations made under sub-section (1) of this section shall be laid before the House of Representatives. If within thirty days of such laying the House of Representatives does not by resolution amend or annul, in whole or in part, the Regulations so laid before it, these shall then, immediately after the expiry of the period hereinbefore mentioned, be published in the Official Gazette of the Republic and shall enter into force as from such publication. In the event of amendment, in whole or in part, by the House of Representatives, they shall be published in the Official Gazette of the Republic as so amended by the House and shall enter into force as from such publication.

(3) The Supreme Court may make Rules for the practice and procedure to be followed in connection with references made under this Law to a Committee of Inquiry; and such Rules may, in particular, provide for conferring on any such Committee any powers, rights or privileges of any court, and for enabling any powers so conferred to be exercised by one or more members of the Committee.

13. Where any person whose acquisition of citizenship of the Republic under Annex D depended upon the doing of any act or the making of any application within a time-limit, has not acquired such citizenship by reason of failure or omission to do the required act or make the required application, that person, if he would but for that failure have been a citizen of the Republic immediately before the commencement of this Law, shall be entitled, on doing the required act or on making the required application within two years of the date of entry into force of this Law, to become a citizen of the Republic as if the time-limit specified under the relevant provisions of Annex D had not expired.

14. The Citizenship of the Republic (Renunciation) Law, 1962 is hereby repealed, without prejudice to anything done or left undone thereunder.

15. This Law shall enter into force on a date to be fixed by the Council of Ministers by notification published in the Official Gazette of the Republic.

FIRST SCHEDULE

(section 5(1) and (2) and Section 6)

AFFIRMATION OF FAITH TO THE REPUBLIC

I, do affirm faith to the Republic of Cyprus and respect for its laws.

SECOND SCHEDULE

(section 6)

QUALIFICATIONS FOR NATURALIZATION

1. Subject to the provisions of the preceding paragraph, the conditions for naturalization of an alien who applies therefor are

(a) that he has either resided in the Republic or been in the public service of the Republic, or partly the former and partly the latter, throughout the period of twelve months immediately preceding the date of his application; and

(b) that during the seven years immediately preceding the said period of twelve months he has either resided in the Republic or been in the public service of the Republic, or partly the former and partly the latter, for periods amounting in total to not less than four years; and

Provided that the players of group sports, the coaches, sports technicians, domestic workers, nurses, persons working for Cypriot employees or for offshore companies and residing in the Republic exclusively for the purpose of work as well as their spouses, children or other persons dependent on them, must, during the twelve years which immediately precede the twelve-month period mentioned in sub-paragraph (a) above, have a total of residence in the Republic of at least nine years;

(c) that he is of good character; and

(d) that he intends in the event of a certificate being granted to him

(i) to reside in the Republic; or

(ii) to enter into or continue in the service of an international organisation of which the Republic is a member, or in the service of a society, company or body of persons established in the Republic.

2. The Council of Ministers may, if in the special circumstances of any particular case it things proper,

(a) allow a continuous period of twelve months ending not more than six months before the date of the application to be considered, for the purposes of sub-paragraph (a) of the last foregoing paragraph, as if it had immediately preceded that date;

(b) allow, in the case of a person of Cypriot origin, residence in a foreign country, before the 16th day of August 1960, to be considered for the purposes of sub-paragraph (b) of the last foregoing paragraph as if it had been residence in the Republic;

for the purposes of this sub-paragraph "person of Cypriot origin" has the meaning assigned thereto by sub-section (1) of section 5;

(c) allow residence in, or service under the Government of, the former Colony of Cyprus before the 16th day of August 1960, to be considered for purposes of sub-paragraph (b) of the last foregoing paragraph as if it had been residence in or service under the Republic;

(d) allow periods of residence or service shorter than eight years before the date of the application, including periods of residence which may be allowed under sub-paragraph (b) of this paragraph, to be considered in the estimation of the aggregate mentioned in sub-paragraph (b) of the preceding paragraph;

(e) [Repealed.]