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OF CYPRUS

193(I) of 2020

**THE RIGHT OF EUROPEAN UNION CITIZENS AND CERTAIN
NATIONALS OF THE UNITED KINGDOM AND
THEIR FAMILY MEMBERS TO MOVE AND RESIDE FREELY
WITHIN THE TERRITORY OF THE REPUBLIC OF CYPRUS
(AMENDMENT) LAW OF 2020**

(English translation)

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NOTE FOR THE READER

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However useful the English translation of the Law is in practice, it does not replace the original text of the Law since only the text published in the Official Gazette of the Republic is authentic.

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Number 193(I) of 2020

A LAW TO AMEND THE RIGHT OF EUROPEAN UNION
CITIZENS AND THEIR FAMILY MEMBERS TO MOVE
AND RESIDE FREELY WITHIN THE TERRITORY OF
THE REPUBLIC LAWS OF 2007 TO 2017

Preamble.
Official Journal of
the EU: L 29,
31.1.2020,
p. 7.

For the purposes of better application of articles 9 to 19 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community,

The House of Representatives enacts as follows:

Short title.
7(I) of 2007
181(I) of 2011
8(I) of 2013
67(I) of 2013
77(I) of 2015
28(I) of 2017.

1. This Law may be cited as The Right of European Union Citizens and Certain Nationals of the United Kingdom and their Family Members to Move and Reside Freely within the territory of the Republic of Cyprus (Amendment) Law of 2020 and shall be read together with the Right of European Union Citizens and their Family Members to Move and Reside Freely within the territory of the Republic of Cyprus Laws of 2007 to 2017 (hereinafter referred to as “the principal law”) and the principal law and this Law will be jointly referred to as The Right of European Union Citizens and Certain Nationals of the United Kingdom and their Family Members to Move and Reside Freely within the territory of the Republic of Cyprus Laws of 2007 to 2020.

Amendment of
section 1 of the
principal law.

2. Section 1 of the principal law is amended by the addition, immediately after the word “Citizens” (second line), the words “and Certain Nationals of the United Kingdom”.

3. The principal law is amended by the addition, immediately after Part VII thereof, of the following new Part and the following new sections, and the renumbering, immediately after, of this Part VIII to Part IX:

PART VIII

PROVISIONS FOR THE RIGHT OF RESIDENCE FOR CERTAIN
NATIONALS OF THE UNITED KINGDOM

Interpretative provisions.

35A. For the purposes of this Part-

"Beneficiaries of the Withdrawal Agreement" are nationals of the United Kingdom who, prior to the end of the transition period, exercised their right to reside or work in the Republic in accordance with the provisions of the Withdrawal Agreement and this Law and based on Union law and, following the expiration of said period, continue to reside or work in the Republic and derive the right of residence in the Republic pursuant to Articles 9 to 19 of Part Two of the Withdrawal Agreement.

Official Journal of the EU: L 157, 15.6.2002, p. 1. L 115, 29.4.2008, p. 1.

"Regulation (EC) no. 1030/2002" means the Act of the European Community titled "Council Regulation (EC) no. 1030/2002, of 13th June 2002, laying down a uniform format for residence permits for third-country nationals", as most recently amended by Council Regulation (EC) no. 380/2008, of 18th April 2008, and as further amended from time to time or replaced;

"family member" shall have the meaning assigned to it by the Withdrawal Agreement;

"transition period" shall have the meaning assigned to it by the Withdrawal Agreement;

"Withdrawal Agreement" shall mean the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union, published in the Official Journal of the European Union on 31 January 2020.

Official Journal of the EU: L 29, 31.1.2020, p. 7.

Purpose of this Part.

35B. The purpose of this Part is to define -

- (a) the terms and formalities governing the exercise of the right of free movement and residence in the Republic by the beneficiaries of the Withdrawal Agreement and their family members ·
- (b) the terms and formalities governing the exercise of the right of permanent residence in the Republic by the beneficiaries of the Withdrawal Agreement and their family members · and
- (c) the restrictions that may be imposed on the rights referred to in paragraphs (a) and (b) above, for reasons of public order, public security or public health.

Scope of this Part.

35C. This Part shall apply to the beneficiaries of the Withdrawal Agreement and their family members:

Provided that the beneficiaries of the Withdrawal Agreement who hold documents issued in accordance with the other provisions of this Law are not obliged to replace them, unless those have an expiration date.

Right of entry.

Official Journal of the EU: L 77, 23.3.2016, p. 1.

35D - (1) Subject to the provisions on travel documents of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), which are applicable to national border controls, any beneficiary of the Withdrawal Agreement who holds a valid identity card or passport, as well as his/her respective family members who are not nationals of the United Kingdom, may enter the Republic provided they hold a valid passport.

(2) For beneficiaries of the Withdrawal Agreement and their respective family members who are nationals of the United Kingdom, no entry visa requirement or other equivalent formality may be imposed.

Official Journal of
the EU: L 303,
28.11.2018,
p. 39.

(3) Family members of beneficiaries of the Withdrawal Agreement who are not nationals of the United Kingdom are only required to have an entry visa, in accordance with the provisions of Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as amended from time to time, or as requested in accordance with the provisions of the Aliens and Immigration Law regarding the obligation for an entry visa, as the case may be:

Provided that possession of a residence document by a family member of a beneficiary of the Withdrawal Agreement who is not a United Kingdom national, which has been issued on the basis of the Withdrawal Agreement as provided for in section 35I, exempts the entry visa requirement:

Provided, furthermore, that an equivalent residence document issued by the competent authorities of the United Kingdom does not exempt said family members from the above obligation.

Right of Exit.

35E. Subject to the provisions on travel documents of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), which are applicable to national border controls, as well as subsection (4) of section 5, any beneficiary of the Withdrawal Agreement who holds a valid

identity card or passport, as well as his / her family members who are not nationals of the United Kingdom may leave the country to go to another member state, provided they hold a valid passport.

Residence right not exceeding three months.

35F - (1) The beneficiaries of the Withdrawal Agreement shall have the right to reside in the Republic for a period not exceeding three months without any terms or formalities, provided they arrive before the end of the transition period, apart from the requirement to hold a valid identity card or passport.

(2) The provisions of subsection (1) shall also apply to the family members of the beneficiaries of the Withdrawal Agreement who hold a valid passport, are not nationals of the United Kingdom, and accompany or arrive to meet the beneficiary of the Withdrawal Agreement before the end of the transition period:

Provided that children born after the end of the transition period retain the same rights.

Residence right exceeding three months.

35G - (1) The beneficiaries of the Withdrawal Agreement have the right to reside in the Republic for a period exceeding three months, provided that they entered the Republic before the end of the transition period.

(2) The beneficiaries of the Withdrawal Agreement referred to in subsection (1) are required to fulfil similar conditions as those referred to in section 9 for citizens of the Union.

(3) The right of residence provided for in subsection (1) shall also extend to the family members of the beneficiary of the Withdrawal Agreement, as long as they have entered the Republic before the end of the transition period to meet the beneficiary of the Withdrawal Agreement, and provided they

fulfil similar conditions as those stated in section 9 for family members of a European Union citizen:

Provided that children born after the end of the transition period retain the same rights.

Registration of a beneficiary of the Withdrawal Agreement and respective family members.

35H - (1) Notwithstanding the relevant corresponding provisions for the registration of the Aliens and Immigration Law and the Regulations issued pursuant thereof, as well as the Civil Registry Law, beneficiaries of the Withdrawal Agreement and their respective family members, who have also arrived in the Republic before the end of the transition period, are required to register at the Civil Registry and Migration Department for the duration of their residence in the Republic that exceeds the three months, in accordance with the provisions of this section, within four months from the date of their arrival in the Republic.

(2) The competent authority shall grant a residence document, in a form decided by the said authority, to the beneficiaries of the Withdrawal Agreement, valid for five years, in accordance with Regulation (EC) No. 1030/2002, in which the name of the party concerned, the date of registration and the validity period of the document shall be indicated.

(3) The residence document issued under subsection (2) shall state that it is issued in accordance with paragraph 4 of Article 18 of the Withdrawal Agreement.

(4) For the granting of the residence document referred to in subsection (2), it is required to submit an application in the form decided by the competent authority and to pay a fee of thirty euros (€30), and to provide documents corresponding to those referred to in subsection (4) of section 10, as the case maybe, in accordance with the provisions of section 35G.

(5) For the granting of a residence document to respective family members of the beneficiary of the Withdrawal Agreement, who are nationals of the United Kingdom, it is required to submit an application in the form decided by the competent authority and to pay a fee of thirty euros (€30), and to provide documents corresponding to those stated in subsection (6) of section 10, where appropriate, in accordance with the provisions of section 35G.

Residence document for family members of beneficiaries of the Withdrawal Agreement who are not nationals of the United Kingdom.

35I - (1) For family members of a beneficiary of the Withdrawal Agreement who are not nationals of the United Kingdom, a residence document shall be granted by the competent authority, valid for five years, in accordance with Regulation (EC) 1030/2002, in which the name of the party concerned, the date of registration, the validity of the document and that this is issued in accordance with paragraph 4 of article 18 of the Withdrawal Agreement, are indicated.

(2) The deadline provided for submitting the application for the granting of the residence document is four months from the date of arrival of the family member of the beneficiary of the Withdrawal Agreement in the Republic and the competent authority, upon submission of the application for the granting of a residence document and the payment of thirty euros (€30), immediately issues a certificate of submission of the said application.

Granting residence document.

35J - (1) The right of residence of family members of beneficiaries of the Withdrawal Agreement who are not nationals of the United Kingdom is certified by a document called "residence document of a family member of a beneficiary of the Withdrawal Agreement who is not a national

of the United Kingdom”, which is issued by the competent authority following the submission of an application in accordance with Regulation (EC) no. 1030/2002, and is granted no later than six months from the date of the application’s submission.

(2) For the granting of the residence document referred to in subsection (1), in accordance with Regulation (EC) no. 1030/2002, the respective family members of a beneficiary of the Withdrawal Agreement are required to provide documents corresponding to the documents referred to in subsection (2) of section 12, as the case may be.

Validity of the residence document.

35JA - (1) The period of validity of the residence document provided for in subsection (1) of section 35J shall be five years from the date of issue.

(2) The provisions of subsections (2) to (5) of section 13 are also valid for residence documents of family members of beneficiaries of the Withdrawal Agreement who are not nationals of the United Kingdom.

General rule.

35JB - (1) Beneficiaries of the Withdrawal Agreement, who have legally resided in the Republic for a continuous period of five years before the end of the transitional period, or for a cumulative continuous period of five years before and after the end of the transition period, have the right of permanent residence and this right is not subject to the terms laid down in Parts III and VI.

(2) The provisions of subsection (1) also apply to family members of a beneficiary of the Withdrawal Agreement who are not nationals of the United Kingdom, and who have legally resided in the Republic with the beneficiary of the Withdrawal Agreement for a continuous period of five years before the end

of the transition period, or for a cumulative continuous period of five years before and after the end of the transition period.

(3) When the right of permanent residence is acquired, the loss of this right occurs only in case of absence from the Republic for a period of more than five years.

Derogations for people who no longer work in the Republic and for their family members.

35JC. Any reference to a European Union citizen or family members in section 15 is also valid for the beneficiaries of the Withdrawal Agreement and their family members.

Acquirement of the right of permanent residence by certain family members who are not nationals of the United Kingdom.

35JD. Without prejudice to the provisions of section 35JC, the respective family members of the beneficiary of the Withdrawal Agreement to whom subsection (2) of section 35K and subsection (2) of section 35KA apply, and who fulfil the terms laid down in the said subsections, acquire the right of permanent residence if they reside legally in the Republic for a period of five consecutive years.

Permanent residence document.

35JE. Once the competent authority verifies the period of stay in the Republic of the beneficiaries of the Withdrawal Agreement, who are beneficiaries of permanent residence, upon their application submitted in the form decided by the competent authority and with the payment of a fee of thirty euros (€ 30), they shall be granted a document of permanent residence in the Republic valid for ten years, in accordance with Regulation (EC) No. 1030/2002 and with the indication that it is issued in accordance with paragraph 4 of article 18 of the Withdrawal Agreement. The said document is automatically renewed every ten years from the date of issue, following a relevant application of the party concerned and the payment of a fee of thirty euros (€ 30).

Permanent residence document for family members who are not nationals of the United Kingdom.

35JF - (1) Family members of a beneficiary of the Withdrawal Agreement who are not nationals of the United Kingdom and who are beneficiaries of permanent residence, upon an application submitted in the form decided by the competent authority and with the payment of a fee of thirty euros (€ 30), they shall be granted a document of permanent residence in the Republic, valid for ten years, in accordance with Regulation (EC) No. 1030/2002 and with the indication that it is issued in accordance with paragraph 4 of article 18 of the Withdrawal Agreement, within six months from the submission of the relevant application. This document is automatically renewed every ten years from the date of issue, following a relevant application of the party concerned and the payment of a fee of thirty euros (€30).

(2)(a) The application for a permanent residence document is required to be submitted by the party concerned within one month from the expiration of the validity of the residence document.

(b) Failure to comply with the requirement to submit an application for granting a permanent residence permit in time constitutes an offense punishable to a fine not exceeding two thousand five hundred euros (€2,500).

(3) Interruption of residence, which does not exceed five consecutive years, does not affect the validity of the permanent residence document for nationals of the United Kingdom who are beneficiaries of the Withdrawal Agreement, and their respective family members.

Territorial application.

35JG. The right of residence and the right of permanent residence of the beneficiaries of the Withdrawal Agreement and of their respective family members, to whom this Part

applies, covers the areas under the control of the Government of the Republic.

Related rights. 35JH. Family members of the beneficiary of the Withdrawal Agreement, regardless of nationality, who have the right of residence or the right of permanent residence in the Republic, are entitled to undertake employee or self-employed activity.

Equal treatment of the beneficiary of the Withdrawal Agreement. 35JI - (1) Subject to the special provisions expressly provided in the Withdrawal Agreement, the beneficiaries of the Withdrawal Agreement residing in the Republic under the provisions of this Part shall enjoy equal treatment with the citizens of the Republic in the areas covered by the Treaty. The provisions of this section also apply to respective family members of the beneficiary of the Withdrawal Agreement, who are not nationals of the United Kingdom and who have the right of residence or permanent residence under the Withdrawal Agreement and under the provisions of this Law.

(2) As a derogation from the provisions of subsection (1), there shall be no entitlement to social benefits during the first three months of residence, or, where appropriate, during the longer period in accordance with the provisions of paragraph (b) of subsection (4) of section 35KB, nor will maintenance allowance be provided prior to the acquirement of the right of permanent residence for studies, including vocational training, consisting of scholarships for studies or student loans to persons other than employees, self-employed, to persons retaining this status, and to their respective family members.

(3) The provisions of subsections (1) and (2) concerning any rights other than the right of residence in the Republic shall apply only in relation to the beneficiaries of the Withdrawal

Agreement and to their respective family members residing in areas under the control of the Government of the Republic.

Retention of the right of residence by family members in case of death or departure from the Republic.

35K - (1) The death of a beneficiary of the Withdrawal Agreement or his/her departure from the Republic does not affect the right of residence of his/her respective family members who are nationals of the United Kingdom and beneficiaries of the Withdrawal Agreement:

Provided that, before acquiring the right of permanent residence, the parties concerned are required to fulfil the terms set out in section 35G.

(2) The death of a beneficiary of the Withdrawal Agreement is not be treated as loss of the right of residence for members of his/her family who are not nationals of the United Kingdom and beneficiaries of the Withdrawal Agreement, and who have resided in the Republic as members of his/her family for at least one year prior to the death of the beneficiary of the Withdrawal Agreement:

Provided that, before acquiring the right of permanent residence, the right of residence for the persons concerned is subject to the condition that they can prove they are employees or self- employed or that they have sufficient resources for themselves and their family members, so as not to burden the social welfare system of the Republic during their stay, and that they have full health insurance in the Republic, or that they are members of a family already established in the Republic, of a person who fulfils the above conditions.

(3) The family members referred to in subsections (1) and (2) retain the right of residence exclusively on an individual basis.

(4) The departure of the beneficiary of the Withdrawal Agreement from the Republic or his/her death is not to be treated as loss of the right of residence for his/her children or a parent who has actual custody of the children, regardless of nationality, as long as the children reside in the Republic and are enrolled in an educational institution for the purpose of studying in the Republic, until the completion of their studies.

Retention of the right of residence by family members in case of divorce or annulment of marriage.

35KA - (1) Divorce or the annulment of marriage does not affect the right of residence of the family members of the beneficiary of the Withdrawal Agreement, who are nationals of the United Kingdom and beneficiaries of the Withdrawal Agreement:

Provided that, prior to acquiring the right of permanent residence, the persons concerned are required to fulfil the terms prescribed in section 35G.

(2) Divorce or the annulment of marriage is not to be treated as loss of the right of residence for the family members of the beneficiary of the Withdrawal Agreement, who are not nationals of the United Kingdom and beneficiaries of the Withdrawal Agreement, in the following cases:

- (a) If the marriage lasted at least three years before the beginning of the divorce or annulment procedure, of which one year in the Republic; or
- (b) if the custody of the children of the beneficiary of the Withdrawal Agreement has been entrusted to the spouse who is not a United Kingdom national and a beneficiary of the Withdrawal Agreement, under an

agreement between the spouses duly certified by a competent court or by a court order; or

- (c) if this is dictated by particularly difficult circumstances, including in cases where the family member was a victim of domestic violence, as defined in the Violence in the Family (Prevention and Protection of Victims) Law, while he/she was still married; or
- (d) if the spouse of a beneficiary of the Withdrawal Agreement, who is not a national of the United Kingdom, enjoys, under an agreement between the spouses and duly certified by a competent court or by a court order, the right of access to a minor child, provided that the court has ruled that this communication must take place in the Republic and for as long as necessary:

Provided that before acquiring the right of permanent residence, the right of residence for those concerned is subject to the condition that they can prove they are employees or self-employed or that they have sufficient resources for themselves and their family members, so as not to burden the social welfare system of the Republic during their stay, and that they have full health insurance in the Republic, or that they are members of a family already established in the Republic, of a person who fulfils the above conditions.

- (3) The family members referred to in subsections (1) and (2) retain the right of residence exclusively on a personal basis.

Terms for retaining the right of residence.

35KB - (1) The beneficiaries of the Withdrawal Agreement and their family members retain the right of residence provided

for in section 35F, as long as they do not constitute an excessive burden on the social welfare system of the Republic.

(2) The beneficiaries of the Withdrawal Agreement and their family members have the right of residence provided for in sections 35G, 35K and 35KA, as long as they fulfil the terms set out in those sections, whereas in certain cases when there is reasonable doubt as to whether the beneficiary of the Withdrawal Agreement or his/her family members fulfil the terms set out in those sections, the competent authority may check that these terms are fulfilled:

Provided that, this check may not be made as a matter of routine.

(3) Recourse to the social welfare system of the Republic by a beneficiary of the Withdrawal Agreement or a member of his/her family does not automatically entail the adoption of measures for deportation. In such a case, the competent authority must examine whether this is a case of temporary difficulties and take into account the period of residence of the person concerned in the Republic, his/her personal circumstances and the amount of aid granted to him/her, in order to assess whether the beneficiary is an excessive burden on the social welfare system and, subsequently, to adopt measures for his/her deportation.

(4) As a derogation from subsections (1) and (2) and without prejudice to the provisions of sections 35KD and 35KE, in no case shall a deportation measure be taken by the competent authority against beneficiaries of the Withdrawal Agreement or members of their families, provided that the beneficiaries of the Withdrawal Agreement-

- (a) are employees or self- employed; or
- (b) have entered the territory of the Republic to look for work. In such a case, the beneficiaries of the Withdrawal Agreement and their family members cannot be deported as long as they can provide evidence that they continue to look for work and that they have a real chance of being hired.

Procedural guarantees.

35KC - (1) The procedures provided for in sections 32 and 33 shall apply mutatis mutandis to any decision restricting the free movement of beneficiaries of the Withdrawal Agreement and members of their family for reasons other than public order, public security or public health.

(2) The expiration of the validity of an identity card or passport, with which the person concerned entered the Republic and was granted a residence permit, shall not constitute a reason for deportation from the Republic.

(3) The competent authority shall not impose refusal of entry in conjunction with a decision for deportation for which the provisions of subsection (1) apply.

General principles.

35KD - (1) The competent authority may impose restrictions on the right of free movement and residence of the beneficiaries of the Withdrawal Agreement and of their family members, regardless of nationality, for reasons of public order, public security or public health, and the provisions of subsections (2) and (3) of section 29 shall apply mutatis mutandis.

(2) In order to determine whether the person concerned poses a threat to public order or public security, when issuing a residence document to a beneficiary of the Withdrawal Agreement or a family member of a beneficiary of the Withdrawal Agreement, the competent authority may, if deemed necessary, request from the country of origin of the person concerned or, where appropriate, from other States, to receive information regarding the criminal record that the person concerned may have, within two months at the latest:

Provided that this investigation may not be systematic.

Protection
against
deportation.

35KE. Before taking a decision on deportation for reasons of public order or public security, the competent authority shall take into account the period of residence of the person concerned in the Republic, the age, state of health, family and financial situation, social and cultural integration in the Republic and the extent of ties with the country of origin, and for the purposes of taking the relevant decision, the provisions of subsections (2) and (3) of section 30 shall apply *mutatis mutandis*.

Publicity.

35KF. The competent authority shall publish information on the rights and obligations of the beneficiaries of the Withdrawal Agreement and their family members on matters regulated by this Part, in particular through awareness-raising campaigns conducted through national and local media and other means of communication.

Entry into
force of
this
Law

4. The date of entry into force of this Law is to be fixed by the Council of Ministers, by a Decision published in the Official Gazette of the Republic.