



**CIRCULAR 2010/08  
TO ALL MEMBERS**

<b>DATE</b>	<b>16 JULY 2010</b>
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<b>SUBJECT</b>	<b>FAMILY REUNIFICATION PERMIT</b>

The transposition of the EC Directive 2003/86/EC of 22 September 2003 was part of the Aliens and Migration (Amending) Law of 2007.

This law stipulates that a Third Country National employed in Cyprus can submit an application to obtain a Family Reunification Permit upon condition that: (1) his family members reside outside the Republic at the time of application (article 18LA(1)) and (2) the supporter should reside legally in the Republic for at least 2 years (article 18LB(a)).

This posed a serious obstacle to International Business Companies hiring third country national staff because in view of a separation from their family for a period of 2 years, no TCN's would be willing to take up employment in Cyprus.

To solve this problem an amendment to the above mentioned law was voted by the Parliament in the beginning of 2010 and is being implemented since beginning of June, without any previous announcement.

The amendment stipulates that the Director of Migration has discretionary power, in case the sponsor is employed in an international business company, to accept applications for Family Reunification (1) when the family members reside in the Republic already and (2) without demanding a previous residence of minimum 2 years for the sponsor.

We presumed that the problem would be fully settled here, but we have been informed now that the list of documents to be submitted together with an application for Family Reunification has **not** been adjusted to this new situation.

The following documents are now required by the Migration Department:

1. Valid residence/working permit of the supporter.
2. Apostiled copies of the passports of the supporter and the family members.
3. Apostiled copy of the marriage certificate.
4. Apostiled copy of the birth certificates of all family members.
5. Court judgement of adoption (if applicable).
6. Court judgement of parental care (if applicable).
7. Certificate of clean criminal record of family members.
8. Results of medical examinations.
9. Title deeds or rental agreement.
10. Proof of medical insurance covering supporter and family members.

11. Contract of employment of the supporter valid for at least 18 months or of an open duration.
12. Tax returns of the supporter since his arrival and a certificate of any tax obligation payment.
13. Statement of contribution to the Social Insurance Fund.
14. VAT returns (if applicable).
15. Proof of supporter's income from sources other than employment (if applicable).
16. Bank statements.
17. Telephone, electricity or water bills from the supporter.

During a meeting we had with the Director of Civil Registry and Migration on Friday 09 July 2010 we have brought forward our following remarks:

1. We see a first problem in the demand for "apostilled" copies of documents 2, 3 and 4. The Cyprus Aliens and Immigration (Amending) Law states clearly in article 18LA.-(3) that "*all the above documents produced by the supporter's country should be issued by the relevant authority and be duly certified by diplomatic means*". An Apostile is one way of certification by diplomatic means. There are also other ways: a certification by the local Consulate of the issuing country for example.
2. We do not see a point in submitting a certified copy of a passport, if the original is available. This requirement is however explicitly mentioned in the Law and therefore difficult to avoid. A photocopy of the passport however, certified by the local Consulate of the issuing country should be sufficient.
3. The aforementioned Law states in article 18L.-(1)(a) that the marriage between the supporter and the spouse must have been concluded at least one year before the submission of application for the family reunification. This requirement is not found in the relevant EC Directive 2003/86/EC. We have doubts that the Republic of Cyprus can impose this condition.
4. If certified copies of birth certificates or marriage certificates are already present in the files of the applicants, no new ones should be required.

The Director of Civil Registry and Migration agreed immediately with our 1st and 4th remark and informed us that she would issue new instructions to her offices/officers immediately.

Regarding other points raised it was agreed that they will be studied and, if possible, adjusted.

*We reiterate that the above mentioned problems are of a temporary nature: they only apply to TCN's who are already in Cyprus and in possession of the traditional pink forms since they have to switch now to the new procedure of Family Reunification. For TCN's that will be arriving now and in the future, they will be able to bring all the required documents from their homecountry.*



We also have to draw the attention upon the existence of Bilateral Agreements between the Republic of Cyprus and the Russian Federation and Serbia due to which they mutually recognize each others documents without the need for certification. In other words: Russian and Serbian Citizens do not have to apostile or otherwise certify their birth certificates, marriage certificates and/or passports. (More information about the exact contents and clauses of these Bilateral Agreements will follow later on).

However the procedure of applying for a Family Reunification Permit is more complicated and time consuming, there are advantages for the holders of such permits, compared to the previously issued "pink forms":

1. Holders of a Family Reunification Permit are entitled to work in the Republic (after a waiting period of 12 months and, for some professions, subject to other conditions which apply for EU and Cypriot Citizens as well).
2. The supporter's children who reach the age of 18 and his/her spouse who have completed five years of residence in the Republic have the right to obtain a separate residence permit, which shall be independant from the supporter's permit.

We will keep our members informed about any further and expected developments in this matter.

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