

Foundation Agreement
Annex II, Attachment 3

**Constitutional Law on
Internal Constituent
State Citizenship Status and
Constituent State
Residency Rights**

Preamble.

Whereas Article 1.2 of the Foundation Agreement provides that the attached legislation shall apply upon entry into force of the Foundation Agreement, and

Whereas the Constitutional Law on the Internal Constituent State Citizenship Status and Constituent State Residency Rights Annexed to the Foundation Agreement, is forming an integral part thereof, as provided in Article 14 of the Foundation Agreement.

Therefore, it is hereby provided as follows:

Short title.

1. This Law may be cited as the Constitutional Law on Internal Constituent State Citizenship Status and Constituent State Residency Rights.

Interpretation.

2. For the purposes of this Law, unless the context otherwise requires-

"abroad" means any place outside the island of Cyprus;

"Cypriot citizen" means a person holding the Cypriot citizenship under the provisions of the Federal Law on the United Cyprus Republic Citizenship;

"Cyprus" means the United Cyprus Republic;

"minor" means a person who has not reached the age of eighteen years;

"Property Board" means the Cyprus Property Board envisaged by Article 10 of the Foundation Agreement and established under Article 1 of Attachment 2 of Annex VII to the Foundation Agreement;

"relevant date" means the date of entry into force of the Foundation Agreement.

Internal constituent state citizenship status upon the relevant date.

3. (1) Upon the relevant date, Cypriot citizens shall hold the internal constituent state citizenship status of the constituent state which at that time administers the territory where they reside.

(2) Persons residing at the time of the relevant date in the Maronite villages of Agia Marina/Gurpinar, Asomatos/Uzhan, Karpasha/Karpasa and Kormakiti/Korucam the Mesaoria village of Pyla/Pile, Skylloura/ Yilmazkoy and Agios Vasilios/Turkeli, the Tillyria villages of Amadhies/Gunebakan, Limnitis/Yesilyrmak, Selemeni/ Suleymeniye, Xerovounos/ Kyrutepe, Karavostasi/Gemikonagi, Agios Georgios/ Madenlikoy, Kokkina/Erenköy, Agios Georgoudi, Agios Theodoros, Alevga, Mansoura and Selladi tou Appi, and the Karpas villages of Rizokarpaso/Dipkarpaz, Agialousa/Yeni Erenkoy, Agia Trias/Sipahi, Melanarga/Adacay, Agios Andronikos/Yesilkoy, Agios Therisos and Leonarisso/Ziyamet may, within one year of that date, elect to have the internal constituent state citizenship status of the other constituent state.

(3) Cypriot citizens residing abroad shall be afforded the internal constituent state citizenship status of the Greek Cypriot State if they or their forebears belonged to the Greek Cypriot community before 1974, or the internal constituent state citizenship status of the Turkish Cypriot State if they or their forebears belonged to the Turkish Cypriot community before 1974.

Acquisition of internal constituent state citizenship status.

4. (1) Newborn children automatically acquire the internal constituent state citizenship status of their parents. If the parents have different internal constituent state citizenship status, the newborn child shall acquire both internal constituent state citizenship statuses, and shall choose one upon reaching the age of 18:

Provided that, if only one parent possesses Cypriot citizenship, the newborn child acquires the internal citizenship status of such parent.

(2) Persons acquiring Cypriot citizenship by naturalization shall also acquire the internal constituent state citizenship status of the constituent state in which they reside, provided they have resided there for seven years immediately preceding their naturalization. If the requirement of seven years of residence is not fulfilled, they shall acquire the internal constituent state citizenship status of the constituent state in which during the said period of seven years they

have resided longer.

(3) A constituent state may regulate the acquisition of its internal constituent state citizenship status by persons hailing from the other constituent state.

Exercise of political rights at the constituent state level.

5. (1) Cypriot citizens shall exercise political rights at the constituent state level at their place of permanent residence, regardless of their internal constituent state citizenship status.

(2) Cypriot citizens shall be entitled to be included in the electoral rolls of their place of residency, without any discrimination, within six months of establishing permanent residence.

Supreme Court injunctions on entry or residence.

6. (1) A constituent state may apply to the Supreme Court of Cyprus for an injunction barring a person who does not hold its internal constituent state citizenship status from entering or residing in that constituent state.

(2) The Supreme Court shall grant the injunction if the relevant person has been, or is actively engaged, in acts of violence or incitement to violence and the presence of that person in that constituent state would be a danger to public safety or public order.

Permissible limitation on residency of non-Cypriots.

7. The constituent states may, within the limits of International Law, European Union Law and the Constitution, establish rules and regulations on establishment of residence by non-Cypriots more restrictive than federal rules and regulations.

Permissible transitional limitations on establishment of residence and safeguard of constituent state identity.

8. (1) A constituent state may, until Turkey accedes to the European Union, limit, on a non-discriminatory basis, the establishment of residence by Cypriot citizens who do not hold the relevant internal constituent state citizenship status.

(2) Permissible limitations include a moratorium on such residence during the first six years after the relevant date. Thereafter, there may be limitations if the number of such residents has reached 6% of the population of a village or municipality between the 6th and 9th years after the relevant date and 12% between the 10th and 14th years after the relevant date, and 18% until the 19th year or Turkey's accession to the European Union, whichever is sooner.

(3) Within the permissible limit, priority shall be given first to persons to whom properties have been reinstated by order of the Property Board, and their families; second to other persons who were inhabitants of the relevant municipality or village before 1963 or 1974 respectively, and their families; and third to the heirs of either category of persons.

(4) Notwithstanding the above, two years after the relevant date there shall be no limitations on the right of return for:

(a) any former inhabitant over the age of 65 and his spouse or one sibling (alone), regardless of the latter's age; or

(b) any former inhabitant and his/her descendants in the Tillyria villages of Amadhies/Gunbakan, Liminitis/Yesilyirmak, Selemeni/Suleymaniye, Xerovounos/Kurutepe, Karavostasi/Gemikonagi, Agios Georgios/Madenlikoy, Kokkina/Erenköy, Agios Georgoudi, Agios Theodoros, Alevga, Mansoura and Selladi tou Appi, and the Masaoria villages of Pyla/Pile, Skylloura/Yilmazkoy and Agios Vasilios/Turkeli, and the Karpas villages of Rizokarpaso/Dipkarpaz, Agialousa/Yeni Erenkoy, Agia Trias/Sipahi and Melanarga/Adacay.¹

(5) Notwithstanding the above limitations, a constituent state shall favourably consider an application to establish residence based on humanitarian grounds, such as adult children having special needs or otherwise dependent upon their parents.

(6) No later than 20 years after the relevant date the federal government and the constituent states shall review the provisions of this section in light of experience.

(7) Any restrictions on residence shall not prevent the freedom of movement throughout the island of Cyprus, including the right of any Cypriot citizen to temporarily stay or have a holiday in their own properties or any other accommodation anywhere on the island of Cyprus.

Prohibition

9. (1) A constituent state shall not have power to afford its

¹ **Clarification:** Residents who fall within the description in section 8(4) may be counted for the purpose of calculating the number of residents not holding the internal constituent state citizenship status of a constituent state under section 8(2).

*of affording
internal
citizenship
status.*

internal citizenship status to any person who is not a Cypriot citizen.

(2) Notwithstanding the above, with a view to protecting its identity, either constituent state may take safeguard measures to ensure that no less than two-thirds of its Cypriot permanent residents speak its official language as their mother tongues.

*Deprivation of the
internal citizenship
status.*

10. If a Cypriot citizen is deprived of his citizenship, or has otherwise ceased to be a Cypriot citizen, under the provisions of the Federal Law on the United Cyprus Republic Citizenship or any other federal law for the time being in force, he is automatically deprived of his internal citizenship status.