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Naturalisation Procedures for Immigrants Cyprus

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Naturalisation Procedures for Immigrants
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Nicoletta Charalambidou

1. Introduction

The implementation of citizenship legislation in naturalisation procedures in Cyprus is largely defined by three factors: first, the administration has too wide a margin of discretion to decide on the procedures to be followed and the necessary documentation accompanying the application. This is in line with the overall philosophy underlying the citizenship law which provides also for wide discretion of the Minister to actually decide on the citizenship application; second, the procedures followed in terms of their length, transparency, competences and accountability of the authorities involved, reflect in themselves the restrictive citizenship policies. At the same time they match the strict migration policies which do not leave much room for access to citizenship by naturalisation (Trimikliniotis 2009, ECRI 2011: 169); third, the lack of effective remedies against negative decisions on citizenship applications.

The lack of any information and support mechanisms to prospective applicants, legal and procedural uncertainty, documentation that does not always correspond to the criteria "assumed" to be taken into account for the granting of citizenship, long waiting periods in limbo and with no access to a safe legal status until the decision is taken, form the background of citizenship procedures. Moreover, institutional discrimination (ENAR 2008: 45) and the questionable effectiveness of available remedies against negative decisions on citizenship applications are of serious concern. The exception to the rule are the foreign investors and entrepreneurs who may be naturalised without fulfilling any residence requirements, on grounds of public interest,[1] as the procedure in those cases is facilitated. A good example to that effect is the fact that the criteria for the naturalisation of foreign investors and entrepreneurs is the only document relevant to naturalisation procedures published on the website of the Ministry of Interior in Greek, English and Russian.

In light of the above, it does not come as a surprise that the number of naturalisations is rather small[2] considering that almost 20% of the population in Cyprus are non Cypriots (Trimikliniotis 2009). In view also of the strict migration model followed by Cyprus, which as a rule does not allow migrants from third countries to reside for more than four years in the country, naturalisation has never been promoted as an integration measure for migrants. There are no promotional webpages or any campaigns promoting naturalisation. Information, material and processes relating to naturalisation are more secretive and cumbersome, rather than openly provided, disseminated and facilitated to prospective applicants. As naturalisation applications are decided at a central level by the Minister of Interior, there is not differentiation at local or regional level and the practices of all districts receiving the applications are uniform.

[1] Council of Ministers Decision dated 10.10.2011, Criteria and Conditions for Naturalisation of Foreign Investors / Entrepreneurs by Exemption on the basis of para. 2(f) of the Third Schedule of the Data Archives Laws of 2002 as amended.

[2] 5,935 persons were naturalised in 2009 out of which some have been persons of Cypriot origin living in the commonwealth before 1960.

2. The relevant legal framework

As reported in the EUDO Citizenship Observatory Country report on Cyprus (Trimikliniotis 2010), the law in Cyprus does not provide for the requirements an applicant has to fulfill in order to be naturalised. The law merely provides for the requirements necessary to apply for naturalisation, the granting of which is based on the discretion of the Minister of Interior[3]. But even the criteria for applying, and particularly the residence criteria may be waived under the discretionary powers of the Council of Ministers. It is not clear however if an application to waive the residence requirements needs to be made concurrently with the main application for naturalisation and how the exceptional process may be triggered. What is apparent from the lack of clear and precise provisions regulating the criteria on the basis of which naturalisation may take place, is that there is no legal certainty as to what exactly is expected from applicants to prove in order to be naturalised.

The same vagueness is to be found in the relevant legal provisions regulating naturalisation procedures which supposedly implement the provisions of the law. Section 117 of the Data Archives Law of 2002 as amended, provides that regulations[4] shall define anything that needs to be regulated in relation to the naturalisation procedure. Despite the above provisions, since the enactment of the Law in 2002, no such regulations have been enacted in order to provide for the implementing provisions. However, the 2002 legislation includes transitional provisions according to which any regulations issued on the basis of the previous legislation in force on citizenship, [5] shall continue to apply until new regulations are enacted on the basis of the new law. [6] As a result, for the implementation of the 2002 provisions one has to revert back to the 1969 Regulations enacted under the previous legislation[7]. Those regulations merely provide the template of the naturalisation application and otherwise provide that *"Any such application [naturalisation application] should include enough evidence, which satisfys the Minister that the applicant possesses the necessary requirements for naturalisation, whereas the applicant is under the obligation to provide any additional information the Minister may demand in order to be able to decide whether that person is competent and suitable to be granted a certificate of naturalisation."* [8]

As evident from the above provisions, the process followed and the necessary documentation to be submitted together with the application are decided on the basis of administrative practice. As nothing has been published or otherwise made available to the public,[9] such practice does not comply with even minimum requirements of transparency. Administrative practice could change from time to time through internal non published circulars without any information provided to prospective applicants. In addition, it may be implemented differently from one civil servant to another.

[3] Data Archives Law of 2002, Section 111, Third Schedule.
[4] Regulations are legally binding as they have the force of secondary legislation enacted by the House of Representatives on submission by the Executive.
[5] The Citizens of the Republic of Cyprus Law of 1967 as amended.
[6] Section 124 of the Data Archives Law of 2002 as amended.
[7] The Citizens of the Republic of Cyprus Regulations of 1969 as amended.
[8] Regulation 11(2) of the Citizens of the Republic of Cyprus Regulations of 1969 as amended.
[9] The only exception to the rule is that they publicize on the website of the Ministry of Interior the application for naturalisation (but not the relevant documents accompanying the application). http://www.moi.gov.cy/moi/crmd/crmd.nsf/DMLInfMaterial_gr/DMLInfMaterial_gr?OpenDocument&Start=1&Count=1000&Expand=2 and the criteria for naturalisation for foreign investors and entrepreneurs http://moi.gov.cy/images/stories/PDF_FILES/TAPM/KatexairesiKritiriaEN.pdf

3. Decision making process on naturalisation applications

Naturalisation applications must be submitted with the District Administration Offices (the Prefect) together with all accompanying documents. If the applicant does not have all the necessary documents the application is simply not accepted. At the stage of the submission of the application the same authority establishes that all necessary documents are submitted, but no examination is made as to whether the residence or other requirements are met by the applicant. This is a matter to be established at a later stage when the Civil Registry and Migration Department will examine the application.

Nothing has been published as to the procedures followed internally at the Ministry of Interior for the examination of the application whereas no information is provided to the applicants as to the various stages of the procedure. Naturalisation procedures are speculative on the basis of the observation of the administrative practices followed rather than legally established processes. It is therefore not obvious and/or known to the applicants when, and how many times, checks are made to the documentation submitted. Moreover, the applicants do not know at what stage of the procedures they will be invited for interviews. It is also not known whether additional documents proving other qualifications, not otherwise obligatory under the law, such as language knowledge, integration requirements etc. could be submitted by the applicants at a later stage and if so, when is the best time to submit them.

Under the law the Minister of Interior decides on naturalisation applications. The Council of Ministers has also discretion to allow, in special circumstances, the waiver of some or all of residence requirements. In these cases, the Council of Ministers does not take a decision on the citizenship application as such but only a decision to waive residence requirements. At the same time, there is a general legislation in force on the delegation of powers of the Council of Ministers and/or any of the Ministers to any other authorised person falling under their jurisdiction.[10] Any delegation of powers is normally published in the Official Gazette of the Government, which is not easily accessible to interested persons and may change from time to time.[11] It is not known currently whether some or all of these powers have been delegated to civil servants of the Ministry of Interior such as the Director of the Civil Registry and Migration Department or the Director General of the Ministry, but if one looks into the ways the administration is functioning in Cyprus, it is more probable than not, that at least some powers must have been delegated. For example, if upon the examination of the application it is obvious that the residence requirements are not fulfilled, then probably the Director of the Civil Registry and Migration Department would be able to reject the application immediately without submitting the file for a decision to the Minister of Interior. Letters of rejection of naturalisation applications do not normally mention the authority taking the decision but only refer to the "Republic of Cyprus, practising its sovereign rights".

According to the observation of the administrative practices followed, one could describe the naturalisation procedures, which last on average from 6-7 years[12], as follows:

[10] The Law on the Delegation of Powers deriving from any law of 1962 (Law No 23/1962).
[11] The Official Gazette of the Government may be purchased from the Government Press Office and only recently it has been made available free of charge on the internet (however only the latest volumes are available). Moreover, the Gazette is in Greek; therefore the majority of interested persons in cases of naturalisation wouldn't be able to find relevant information in the Gazette.
[12] The time length of naturalisation procedures is estimated to an average of 6-7 years on the basis of Reports of the Ombudsman (See Ombudsman's Report 2003, available on http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/84EA7D77BFE66EA9C2256F6900220C56/$f

a. After the submission of the application, the applicant expects to be notified to attend two interviews: one with the District Administration (Prefect) and one with the Aliens and Immigration Police. There is a possibility that if the residency requirements are not fulfilled, the applicant will not be requested to go for an interview and the application will be rejected immediately.

b. Both authorities conducting the interviews submit their reports to the Director of the Civil Registry and Migration Department with their findings and suggestions. The report from the Prefect normally includes the following information:[13]

   i. Residence requirements and information on the documentation provided with the application,

   ii. Persons supporting the application such as if they are citizens of the Republic (naturalised or registered), their good name and character and their relation to the applicant,

   iii. Short description of the history of the residence of the applicant in the Republic, the nationality, ethnic origin and the religion of the applicant, the family situation in Cyprus and in the country of origin, the salary and financial situation of the applicant and language knowledge of the applicant as well as whether the person concerned had "adapted" to the culture and customs of Cyprus,

   iv. Suggestion to the Director of the Civil Registry and Migration Department as to whether the requirements for naturalisation are fulfilled or not by the applicant.

c. The report from the Aliens and Immigration Police based on the second interview normally includes the following:

   i. Information on the nationality, ethnic origin and religion of the applicant,

   ii. Information on the residence history of the applicant in Cyprus, about the family both in Cyprus and in the country of origin, the employment and financial situation of the applicant,

   iii. Whether the applicant is of good character,

   iv. Information on the basis of the interview as to whether the applicant has adapted to the culture and customs of Cyprus,

   v. Whether the requirements for applying are fulfilled and suggestion as to the naturalisation decision.

d. On the basis of the reports from the two authorities and on the basis of information provided separately from the Intelligence Services of the Republic on whether the

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ile/AE.pdf?OpenElement and observation of the practice followed by NGOs offering support and advice services to migrants such as KISA- Action for Equality, Support, Antiracism (www.kisa.org.cy) See also CIBA, Immigration Manual for International Business Companies in Cyprus, 4 January 2012 available at http://www.ciba-cy.org/assets/mainmenu/249/docs/CIBA%20Immigration%20Manual.pdf

[13] It should be noted that these reports are not uniform in practice. It largely depends on the officer dealing with the application on what to include or not to include in the report. But as a minimum the information mentioned above is provided.

applicant has any record with them, the Director of the CRMD prepares a report/suggestion as to the outcome of the application. That report is then submitted, through the Director General of the Ministry of Interior, to the Minister of Interior who takes the final decision. The report of the Director of the CRMD evaluates the reports submitted by the other authorities and concludes on the application by taking normally also other criteria into account such as whether the applicant fulfils the long term residence requirements,[14] the benefit or burden on the state from the naturalisation of the applicant and public interest considerations. Those criteria are normally analysed in a very broad and vague manner in the report.

e. The Minister of Interior then decides on the application. On the vast majority of the cases the Minister follows the suggestion of the Director of the CRMD which again in their vast majority are negative.

Three issues are of serious concern in relation to the procedures followed. Firstly, the civil servants or Immigration Police conducting the interviews on citizenship applications are not specifically trained for that purpose. Citizenship interviews are done amongst many other general duties they have to perform in the context of their work. As a result, there is no uniformity amongst the interview records of the information requested by the applicants, on the questions put to them and no indicators have been developed to support language knowledge or integration in the country, leaving those issues to be judged subjectively from each individual officer of the Prefect, the Immigration Police and the Director of the CRMD. Secondly, given that the average time for the examination of a citizenship application is 6-7 years, the Minister is not presented most of the time with accurate, up to date information on the applicant before a decision is taken. The information put in front of the Minister to decide is based on reports made from one to three or four years ago; in the meantime the situation of the applicant may have changed considerably either to the negative or to the positive. Thirdly, as a matter of policy, applicants for naturalisation are not provided with a secure residence status after the submission of their naturalisation application. In most cases they are not granted any residence permit at all whereas in the best case they are granted with a visitor's permit, which does not allow them access to the labour market, for as long as their application is under examination. That precarious status most of the times affects their citizenship application, as it is used in the reports of the authorities involved and the suggestions of the Director of the CRMD to the Minister, as an indicator proving that these persons have not been "integrated" in the country and that their employment and financial situation does not support any positive decision on the naturalisation application.

The Director of the CRMD is always the authority informing the applicants whether their application has been approved or rejected. If the applicant is successful, a fee of 324,63 Euro has to be paid for the issuance of the Certificate of Naturalisation which has to be delivered to the applicant in person. The applicant is officially considered a citizen of the Republic of Cyprus from the issuance of the Certificate of Naturalisation and is automatically registered as a citizen, which then enables the issuance of a passport.

[14] Those are the criteria established by Council Directive 2003/109/EC on the status of third country nationals who are long term residents in member states of the European Union.

4. Necessary documentation, the authorities providing them and costs

An application for naturalisation should be accompanied with the following documents:

a. Application type M 127 provided by the Civil Registry and Migration Department or through the website of the Ministry of Interior;

b. The Application must be signed in front of a Judge or a Court Registrar of a Cypriot Court – in practice applicants can just appear before the Registrar to sign the applications;

c. The Application must include the details and signatures of three persons who know the applicant and can guarantee his/her good character – normally Cypriots by birth are preferred – the applicant must find these three persons himself/herself;

d. Publication of a standard wording provided in the law of the applicant's intention to apply for citizenship for two consecutive days in a daily newspaper;

e. Certificate of clear criminal record provided by the Police only to those migrants who are in possession of a valid residence permit;

f. Two pictures certified from the local authority (muchtar) of the area of residence of the applicant;

g. Birth certificate and where appropriate marriage certificate of the applicant which must be officially translated either by the Press and Information Office in Cyprus or the Embassy/Consulate of the applicant in Cyprus or from the competent governmental authorities of the country of origin, in Greek and apostille for the 1961 Hague Convention countries – to be provided by the authorities in the country of origin;

h. Details of the residence history of the applicant in Cyprus, provided in a specific manner on the form and in an additional template provided with the form – to be provided by the applicant;

i. Copies of all the pages of the passports of the applicant showing entries and exits from the Republic, for the last seven years immediately before the submission of the application – to be provided by the applicant;

j. Copy of a valid residence permit in the Republic provided by the Department of the Civil Registry and Migration Department.

Despite the fact that language knowledge and integration of the applicant is taken into account by the authorities when exercising their discretion, applicants are not required to document their knowledge of the Greek language or to provide evidence proving their integration in the country. The evaluation of those elements are done during the interview subjectively by the officers responsible for the interview.

The costs for the application amount to 8.54 Euro in stamps to be attached to the application by the Court Registrar and 17,09 Euro in cash at the submission of the application at the Prefect's office. If the application is approved then there is an additional fee of 324,63 Euro for the issuance of the Certificate of Naturalisation. Additional costs include 15 Euro for the Police Criminal Record, the costs of translations that depend on the pages to be translated, something to give to the Local Authority (Muchtar) (it is not a set fee as it depends

on the Muchtar but is normally low) for the certification of the pictures and around 25 Euro (depending on the newspaper) for publication in the newspaper.

5. Exercise of discretionary powers

As previously reported, the Cypriot citizenship laws do not provide the requirements for naturalisation but only the requirements to apply. The naturalisation procedures subsequent to the submission of the application allow for too wide a discretion of every authority involved in the process. There is the discretion of the officer of the Prefect's Office in the context of the first interview and his/her evaluation on the context of the report prepared, the discretion of the Aliens and Immigration Police in relation to their report, the discretion of the Director of the CRMD when making suggestions to the Minister, the discretion of the Minister while taking the decision, and the discretion of the Council of Ministers for waiving residence requirements in exceptional cases for reasons of public interest.

As also mentioned above, the way the law is to be implemented was regulated by secondary legislation which again provides for wide discretion of the authorities on how to implement it. As the main criterion for applying is the years of residence in the country, the law and /or regulations should have at least provided for some certainty as to how this criterion is to be applied, not leaving too much discretion on the authorities on how to implement it. One issue that normally goes unattended because of the way the authorities are implementing the law is that the law provides that **as a rule** one may apply for naturalisation if he/she has been residing in the Republic for a consecutive period of 12 months directly before the submission of the application and previously to the above mentioned 12 months and for a period of seven years, he/she has resided in the Republic for a total period of no less than four years. By way **of exception to the rule**, students, visitors, self-employed persons as well as athletes, trainers, domestic workers, nurses and persons employed in Cypriot or foreign employers or international companies and who reside in Cyprus for the sole purpose of employment as well as their members of their families, must reside in the Republic for at least seven years in the last seven years, out of which one year immediately before the submission of the application.

Despite the relatively clear provisions of the law, the authorities take it at their discretion to decide who falls in the five year rule or in the seven year exception. As a matter of fact, what was originally meant to be the exception became the rule. The vast majority of the applications are examined under the requirement of seven years residence. Even recognised refugees, who do not come to Cyprus for the "sole purpose of employment" and despite the 1951 Geneva Convention provisions requiring signatory states to facilitate naturalisation, are held to fall under the seven year rule.

Another matter pertaining to the residence criterion is the requirement by the authorities that at the time of the application the applicant has a valid residence permit. It is stressed that the law does not provide for "legal residence" but only "residence" in the Republic. The authorities implement it as legal residence and also request that at the time of the application, the applicant has a valid residence permit. This excludes the possibility of asylum seekers and persons with residence permit on humanitarian grounds from ever applying for naturalisation.[15] The right to reside in Cyprus for these categories of persons

[15] It is noted that many asylum seekers are in the asylum refugee determination procedures for periods much longer than seven years.

derives automatically from the Refugee Law and the immigration authorities do not issue residence permits from them.[16] As a result they cannot submit naturalisation applications despite their legal residence in the country, as their applications are not accepted. Finally, the delays in issuing residence permits as a general rule, is another problematic aspect of the naturalisation procedures. Often by the time a person receives their residence permit it is either already expired and therefore he/she would have to apply for a new one so as to apply for naturalisation, or they may have only a couple of months in order to submit a citizenship application. Moreover, without a valid residence permit, the applicants cannot be issued with a criminal record certificate from the Police, therefore they couldn't satisfy that requirement either.

As to the calculation of the periods of residence, the authorities adopted again a restrictive approach as they count the actual days so that these are literally 365 for every year in question and the last 12 months should be consecutive i.e. not even one day should be spent outside of Cyprus. The law does not provide for any periods of absence for holidays or for serving in the army, studying or medical related absences from the country, that could be excluded from the periods in question.

If the applicant is found to fulfil all the requirements for the submission of the application, then the application is decided on the basis of the discretion of the authorities which take into account matters other than those provided in the law for the submission of the application. Matters of good character, that are supposed to be supported from the Police's clear criminal record, are decided also on the basis of the secret intelligence service reports to the Director of the CRMD, language and social integration are examined on the basis of the interviews. Apparently, as they are very often mentioned in the reports of the competent authorities, religion and the financial and employment situation of the applicants are taken into account. Although internal circulars may have been issued on how discretionary powers may be exercised, no guidelines on these matters have ever been published. The applicants cannot know on the basis of which criteria their application will be examined. As a result, the possibility that those discretionary powers are exercised arbitrarily cannot be excluded.

Finally, the procedures followed do not account for the exercise of the discretionary powers of the Council of Ministers to waive some or all of the residence requirements in exceptional cases. The above procedures do not account for those cases where the naturalisation application is made on the basis of the exceptional criteria for the naturalisation of foreign investors or entrepreneurs. It is not clear under which procedures these applications are examined as they not only have to go through the above interview procedures, they also have to be submitted to the Council of Ministers for approval as well as to the House of Representatives which has to give its consent. A recent example is the granting on the basis of the special criteria and irrespective of residence requirements of the Cypriot citizenship to a Syrian tycoon, only to be revoked a few months later because of EU sanctions against him over the crackdown in Syria.[17] According to the press, granting of citizenship to that person was made on the basis of a suggestion by the Ministry of Foreign Affairs, even though the procedures do not involve other ministries, apart from the Ministry of Interior. In relation to those applications there is complete lack of transparency as to the procedures followed.

[16] Previously, the authorities were issuing residence permits to asylum seekers and persons on humanitarian grounds just as for any other person with a right to reside in Cyprus.

[17] http://www.khaleejtimes.com/DisplayArticle08.asp?xfile=data/international/2011/July/international_July1013.xml&section=international (accessed on 13 August 2012)

6. Judicial review of the negative decisions – scope and effect

There is only one remedy against negative decisions of the authorities on citizenship applications: a recourse at the Supreme Court under Article 146 of the Constitution acting in its exclusive jurisdiction as the sole administrative court in the country. A recourse may be submitted within 75 days from the day the applicant was informed of the decision. The citizenship laws do not provide anything specific in relation to the scope of the judicial review particularly on citizenship decisions. Therefore, the general administrative law and principles apply.

In accordance with the general administrative law, any decision of the administration must be given in writing, provide the reasoning and if the reasoning is not included in the decision itself, it suffices that the reasoning may be derived from the file. The scope of judicial review is limited as the Supreme Court does not examine the merits and the substance of the case. Judicial review is limited only to the following aspects of the case when decisions are taken on the basis of discretionary powers – whether the procedures provided in the law have been followed, whether the decision is flawed in fact or in law, whether the administration investigated the case properly before reaching its decision, if the decision is justified and whether discretion was exercised in accordance with the general principles of administrative law i.e. the administration acted in good faith, did not abuse its power in the exercise of its discretion and that the principle of equality is respected.

According to settled case law of the Supreme Court, Section 111 of the Data Archives Law provides for a right to apply for naturalisation and not to an absolute right to naturalisation. The granting of citizenship is at the discretion of the Minister and relates to the exercise of the sovereign rights of the Republic, as a result of which it is very difficult for the Court to interfere in the exercise of discretionary powers. The discretion of the state to exclude any foreigner is very wide, but not absolute as it is subjected to the principle of good faith. When discretion is exercised in good faith, the Court may not question further the decision of the Minister. There is a presumption in favor of the authorities acting in good faith, until this is proven otherwise and the subjective evaluation of the facts from the authorities is not subject to the review of the Court. The Court may only interfere if, after taking all relevant facts into account, it considers that the conclusions of the administration are not reasonable or they are flawed in fact or in law or that the decision was taken without proper investigation.[18]

The above describes in substance the scope of judicial review in citizenship cases in Cyprus. It does not come as a surprise that very few cases on citizenship have been successful before the Supreme Court, taking into account the ample discretion of the authorities and the limited scope of judicial review provided in the context of the Cypriot judicial system. Successful applications relate most often to improper investigation by the authorities or unjustified decisions or cases where not all the facts related to the citizenship applications were taken into account.

One other element of concern is that the submission of a recourse against a negative naturalisation decision does not bear any suspensive effect and many times, applicants who remain for many years in the country on a tolerated status pending the outcome of their citizenship application, are in danger of being deported before the Supreme Court decides on their case.

[18] *Nabil MohamedAdel Fattah Amer v. Republic*, Revisional Appeal No 74/08, 26/1/11 Decision of 26.1.2011

In light of all the above, it may be easily concluded that there is a lack of effective remedy in relation to decisions on naturalisation applications in Cyprus. A successful recourse would only annul the decision of the Minister and oblige the authorities to a reexamination of the case on the basis always of the findings of the Court. This does not prevent the Minister from reaching the same negative decision on other grounds that were not part of the litigation procedure provided that the *res judicata* is respected. This judicial review system often leads to a cycle of decisions of the Minister and subsequently Court decisions that never reach a concrete outcome as to the right of the applicants to naturalisation[19]. What is of a more serious concern however, is that there is not any mechanism for the enforcement of the decisions of the Supreme Court under Article 146 of the Constitution. Although the executive is in theory under obligation to respect Court decisions, there is no enforcement mechanism if the administration simply refuses to reexamine after the annulment of its decision from the Court. The only remedy available in cases such as this is to file a lawsuit for damages against the Government for failure to comply with the decision of the Court under Article 146.4 of the Constitution Although one could eventually compensated for such failure, this procedure will not lead to a final decision on naturalisation as such[20].

Conclusions

Implementation of citizenship laws in naturalisation procedures in Cyprus reflects the restrictive citizenship and migration policies of the country, which do not allow for transparency, promotion or facilitation of naturalisation. Cumbersome, un-transparent and lengthy implementation procedures, which, in the majority of the cases lead to negative decisions, against which the existence of an effective remedy is questionable, have been put in place since the independence of Cyprus. Naturalisation, perceived as being in the core of the sovereign rights of the Republic, is only to be granted in exceptional cases and predominantly when public interest requires so. That perception has been embedded in the long standing administrative practice developed after the independence of Cyprus, in the light of, amongst other reasons, an insufficient and weak legislative framework incapable of regulating all the details of naturalisation procedures, which has never been modernised and updated so as to reflect contemporary understanding and acceptance of naturalisation as a means for integration.

[19] Indicative of the above problems are three cases relating to the same family *DEEPA THANAPPULI HEWAGE v. Republic*, Case No 869/2002, Decision of 31.3.2004, *DEEPA THANAPPULI HEWAGE v. The Republic*, Case No 26/2008, Decision of 18.10.2010, *NIMAL JAYAWEERA v. Republic*, Decision No 27/2008, Decision of 23.2.2010 who have been residing in Cyprus since 1993 and 1995 respectively (as wife and husband). They have applied for naturalisation, been rejected, appealed at the Supreme Court and succeeded in their applications, then the administration reexamined and rejected them again and they appealed to the Supreme Court and succeeded for the second time but their situation is still pending without any specific outcome as the Minister refuses to reexamine after the second recourse.

[20] Indicative of this problem is also the situation of the applicants in the case of *AYOTUNDE A. EDU and JOSEFINA L. EDU v. Republic*, Case No 1492/2006, Decision of 29.10.2008 who despite their successful application at the Supreme Court are still waiting for reexamination of the naturalisation application.

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