

Stop-list

Question:

I had been put on the stop list. Four years have passed from that moment and my lawyer wrote a letter to the Civil Registry and Migration Department (CRMD) with request to delete my name from the list due to the lapse of time. As far as I know they should reply within one month. They told me that I would receive the answer in 3 month period, however, it has been 5 months and I still haven't received any response. Can I write a letter of complaint to the Ministry? What should I do in this case?

Response:

Article 13.2 of the Cyprus' Constitution guarantees someone's right "to abandon" Cyprus temporarily or permanently. According to the same article however, it is possible for restrictions to be imposed on this right. The article itself implies that it is not possible to restrict someone's right to exit the territory of Cyprus, unless the restriction is provided by Law and according to which Law, the right of free exit is subject to reasonable restrictions.

Moreover, according to article 2 of Protocol number 4 of the European Convention on Human Rights, which has been ratified by the Republic of Cyprus, anyone is free to leave any country, including his own. Any restrictions imposed, must be in accordance with Law and necessary in a democratic society for the benefit of national security or public safety, for the maintenance of public order, for the prevention of crime, for the protection of health or morals or for the protection of the rights and freedoms of others. The restrictions allowed by the Cyprus' Constitution are more general, under the condition that they must be "reasonable". In case the reason you were initially put on the immigration stop list was your unauthorized residence in Cyprus, this inter alia constitutes illegal immigration which according to Council Directive 2002/90/EC must be prevented.

Normally, in a case of complaint, you can send an urgent letter via your lawyer to the Civil Registry and Migration Department (CRMD), asking for the quick examination of your request, explaining the reasons of your request and why the same should be approved. A letter to the Ministry of Interior could also be of help or you can also send your complaint letter to the CRMD and publish the same to the Ministry of Interior or vice versa. What we normally follow as a practice in our Law Firm, is to conduct the officer of the CRMD who is dealing with the client's file, either via telecom or personally, in order to find out as to what stage our client's request stands and to provide them with any additional information and/or documentation that they may require for the approval of the client's request. In order for your lawyer to obtain this information for and on your behalf he will need to have an Authorization of Representative signed by you and certified by a Certifying Officer, copy of which Authorization, he shall send to the said officer of the CRMD. Five months of waiting since your request is a considerable duration of time. My advice to you is first to conduct the Officer who is dealing with your case via your lawyer and persist to your request. As a second step, you can communicate the situation via an additional letter to the Ministry of Interior (it is better also to attach your previous letter sent to the CRMD).

For your further information, this area of immigration law seems to be a vicious circle. For example, if the reason for which your name was included on the stop list, was because you

remained in Cyprus without having a valid residence permit and for which offence you were judged and the court decision was made, your name should be deleted on the same date when the duration that the Court has decided elapsed. However, the paradox here, is that even in such cases where people should be removed from the said stop list, are actually never removed, until they visit the airport for their departure. There, the immigration officers, of course can discover the confusion and request the correction from the responsible authorities immediately. In any case, you will be allowed to depart, however, you will be included on the stop list when you will ultimately leave Cyprus, in order to restrict your return and/or re-entry.

In view of the above and since we do not know the exact reason for which your name was included on the “stop list” you should first conduct the responsible CRMD Officer who is dealing with your case in order to collect all necessary information and to proceed with a letter requesting the quick examination of your request as explained above.