

## **Husband refused to give permission for the child's permanent residence and study in Cyprus**

### **Question**

**I am the citizen of Latvia, I have 4-years old daughter and we live together with her in Cyprus. I am officially married to my husband but we are in process of divorce. He is also a citizen of Latvia and he lives there. This year, I want my daughter to go to a state institution of preschool education. Could you please tell me, whether I need under the law a child's father permission for studying at public school? My daughter does not have yellow slip because I'm still in the process of its issuance, and in order to get yellow slip for my daughter needed father's permission for permanent residence. Husband refused to give permission for the child's permanent residence and study in Cyprus. Based on this, I want to claim the right for a private custody, but it is necessary to be sure that under the Cyprus law, I really need all these permissions from the father of the child. Thank you in advance for your help.**

### **Answer**

You were correctly informed, in order to apply for registration and residence of the minor child on the territory of the Republic of Cyprus with a single parent, you must have consent of the other parent. This is the basic term for all the immigration offices of all Districts, provided that the applicant (i.e. one of the two parents, who wish to reside and live in Cyprus) proves that he or she does not violate the rights of the other parent and the child was not forcibly taken away from the place of usual residence.

In addition, you should not have problems in registering your minor child in any school, because the right of minors to study is secured by the precedent in Cyprus, regardless of residence status of parents of the child. However, this is not an excuse for a child residing in the territory of Cyprus without a residence permit or for any other reason.

In your case, it would be right to apply to the district court through a lawyer regarding the custody of your minor child. Your lawyer should explain and prove to the court the reasons why child custody should be transferred to you. Clearly, for the court proceedings no need to have the consent of the other parent, which is the reason for your appeal to the Court. Custody is the financial support and care, upbringing and education of a minor child, as well as the determination of the place of residence.

By its decision the Court takes into account the child's relationship with parents and siblings (if any), but the main criterion is always the interest of the child. It is also important to know that in the case of the court's decision on the transfer of custody of a minor child to you, and, even before the decision of the Court, the parent with whom the child does not reside, has the right to a personal contact with the child.

This parent may submit an application to the Court on the regulation of the right to communicate with a minor child. In the application, the parent may indicate the days and hours in which he or she wishes to exercise the right of communication, and the Court will decide on the basis of each of the cases, the schedule of communication.

A major role in the regulation may be a minor's age, place of residence of the applicant and relationship with the minor child.