

Presented at the Conference  
'BREXIT and its Implications for  
Cyprus', Nicosia, Cyprus

# THE RIGHTS OF CYPRIOT NATIONALS IN THE UK AFTER BREXIT

# CYPRUS & THE UK: A BIT OF HISTORY

- 1878-1914: Cyprus was a British protectorate (informally integrated into the British Empire)
- 1914-1925: Cyprus was unilaterally annexed into the British Empire (but under military administration status)
- 1925-1960: Cyprus was a British Crown colony
- 16 August 1960: Cyprus became an independent state, forming the Republic of Cyprus
- Since then, there has been a close relationship between the 2 countries:
  - UK: Sovereign Base Areas in Akrotiri and Dhekelia
  - UK: signatory to the Treaty of Guarantee and the Treaty of Establishment
  - UK is Cyprus's second largest trading partner & over 1/3 of tourists in Cyprus come from the UK

# MEMBERSHIP IN INTERNATIONAL ORGANISATIONS

|              | CY   | GB   |
|--------------|------|------|
| UN           | 1960 | 1945 |
| COMMONWEALTH | 1961 | 1931 |
| CoE          | 1961 | 1949 |
| EU           | 2004 | 1973 |
| WTO          | 1995 | 1995 |

# CYPRIOTS & CITIZENSHIP

- 1878-1914: British Protected Persons
- 1914-1960: Citizens of the UK and Colonies
- 1960-onwards: Citizens of the Republic of Cyprus
  - but some could maintain status of UK citizen and/or acquire other types of British nationality, provided they satisfied certain conditions/requirements
- 2004-onwards: Citizens of the Republic of Cyprus & EU citizens

## CYPRIOTS IN THE UK: BEFORE THE EU ACCESSION OF CYPRUS

- Cypriots started emigrating to the UK and other countries after World War I
- Since 1914, as citizens of the UK and Colonies, Cypriots were allowed to enter, reside and work in the UK without restrictions
  - Some measures to restrict numbers of Cypriot immigrants in the 1930s (proof of employment in the UK; language requirements)
  - Drop in numbers during World War II but migration restarted after the war and by the late 1950s, Cyprus was the third largest country of Commonwealth immigrants in the UK
- Commonwealth Immigrant Act 1962 (in response to a perceived heavy influx of immigrants from the Commonwealth): it ended the automatic right of citizens of the Commonwealth and Colonies to settle in the UK
  - The Act specified that all Commonwealth citizens without a connection to the UK (including Citizens of the UK and Colonies who were not born in the UK and did not hold a UK passport issued by the UK government) were subject to immigration control; only those with government-issued employment vouchers could settle in the UK
  - Hence, Cypriots have been subject to immigration controls in the UK since 1962
- As citizens of a country which is a member of the Commonwealth, Cypriots have had full voting rights in the UK

# CYPRIOTS IN THE UK: THE EU ERA

- Cyprus joined the EU in 2004
  - Citizens of the Republic of Cyprus, therefore, automatically became EU citizens on 1 May 2004 (Art. 20 TFEU)
- The UK is an EU Member State since 1973
- All EU citizens can move, reside, and pursue an economic activity in a Member State other than that of their nationality. They can also be joined in the Member State to which they move by their family members and they are entitled to a number of additional rights (e.g. non-discrimination on the ground of nationality as regards social assistance benefits; non-discrimination on the ground of nationality as regards access to higher education)
  - EU-law derived obligations and entitlements regarding the free movement and residence rights of EU citizens are transposed into UK law via the Immigration (European Economic Area) Regulations 2016
  - Thus, since 2004, Cypriots are not subject to immigration control in the UK (by virtue of EU law) and they are entitled to all the rights that EU citizens are entitled under EU law when they move to another Member State
  - Cypriots continue to enjoy full voting rights in the UK (as citizens of a Commonwealth country), but they also acquired a number of political rights under EU law as EU citizens (e.g. right to vote and to stand in European Parliament elections in the UK)

|                  | ECONOMICALLY INACTIVE (Art. 21 TFEU & Dir. 2004/38)   | STUDENTS (Art. 21 TFEU & Dir. 2004/38)   | WORKERS (Art. 45 TFEU & Dir. 2004/38)             | SELF-EMPLOYED (Art. 49 TFEU & Dir. 2004/38)       | SERVICE-PROVIDERS/RECIPIENTS (Art. 56 TFEU & Dir. 2004/38) |
|------------------|---|--|---|---|--|
| <3 months        | Right to enter the UK and stay for up to 3 months   | Right to enter the UK and stay for up to 3 months  | Right to enter the UK and stay for up to 3 months | Right to enter the UK and stay for up to 3 months | Right to enter the UK and stay for up to 3 months          |
| 3 months-5 years | Right to reside provided a) comprehensive health insurance b) sufficient resources + other rights | Right to reside provided a) comprehensive health insurance b) sufficient resources c) enrolled in an educational course + other rights | Right to reside + other rights                    | Right to reside + other rights                    | Right to reside + other rights                             |
| >5 years         | Right of permanent residence +  | Right of permanent residence +   | Right of permanent residence +                    | Right of permanent residence +                    | Right of permanent residence +                             |

## SOME NUMBERS: RESIDENCE

| CY IN GB   | GB IN CY   |
|--|--|
|  | <b>24,046 (2011)*</b>  |
|  | *Cyprus Statistical Service (2015) – persons holding British citizenship |
| <b>64,000 (2017)*</b>  | <b>31,495 (2011)*</b>  |
| *UK Office for National Statistics (May 2018) – persons born in the Republic of Cyprus | *Cyprus Statistical Service (2015) – persons born in the UK              |

# CYPRLOTS IN THE UK POST-BREXIT

- Currently, **no full clarity regarding the post-Brexit position of EU citizens in the UK**
- There has been a [draft Withdrawal Agreement](#) between the UK and the EU (published in March 2018). Part two of the agreement (citizens' rights), sets out in legal terms the common understanding contained in the December 2017 joint report between the EU and the UK regarding this matter. This part of the draft Withdrawal Agreement has been fully agreed by the negotiators.
  - NB. The **draft** Withdrawal Agreement needs to come into force before any new legislation (which will incorporate the agreement into UK law) can be passed. If the UK and the EU reach a deal and it is approved and concluded by both the EU and the UK, the Withdrawal Agreement will come into force on 30 March 2019. The EU has noted that **'nothing is agreed until everything is agreed'**. Hence, even though the negotiators have reached full agreement regarding citizens' rights, the legal guarantees for citizens continue to depend on the success of the outcome of the overall negotiation process, which covers other issues which are more difficult to solve (e.g. NI issue).
- On the basis of the **draft** Withdrawal Agreement, the UK Government published in June 2018 the ['EU Settlement Scheme: Statement of Intent'](#) document. The Scheme – to open fully in 2019 – will ensure that EU citizens currently living in the UK, along with their family members, will be able to stay and continue their lives there, with the same access to work, study, **benefits and public services** that they now enjoy.

# CYPRLOTS IN THE UK POST-BREXIT

- The EU Settlement Scheme:
  - Brexit day: 29/3/2019; Implementation (aka transition) period: 30/3/2019-31/12/2020 (status quo to be preserved); Deadline for applications to the scheme for those resident in the UK by end of 2020: 30/6/2021
  - Cost: £65/adult; £32.50/child
  - Process particularly straightforward for those who already hold a valid permanent residence/indefinite leave to remain document, which they will be able to swap for settled status free of charge
  - EU citizens' rights will not change until the end of the Brexit transition period (31/12/2020), so they can apply for settled status any time by the end of the transition period (deadline for applications will be 30/6/2021)

# THE EU SETTLEMENT SCHEME

|   |  |
|---|--|
| <p>EU citizens &amp; family members who have been continuously resident in the UK for 5 years by 31 December 2020</p>   | <p>Settled Status<br/>(they can stay indefinitely)<br/>Same access as they currently have to work, study, healthcare, pensions and other benefits in the UK</p>  |
| <p>EU citizens &amp; family members who arrive in the UK by 31 December 2020, but will not yet have been continuously resident here for 5 years</p>   | <p>Pre-settled Status<br/>(they can stay until they have reached the 5-year threshold, and then apply for settled status)<br/>Same access as they currently have to work, study, healthcare, pensions and other benefits in the UK</p> |
| <p>Close family members living overseas will still be able to join an EU citizen resident in the UK after the end of the implementation period, where the relationship existed on 31/12/2020 and continues to exist when the person wishes to come to the UK. Future children will also be protected.</p> |  |

# CYPRIOTS IN THE UK POST-BREXIT

- After Brexit, there will be negotiation, finalisation and conclusion of an agreement on the future EU-UK relationship ('future-relations' agreement)
  - This agreement may make provision for the rights of EU citizens in the UK and UK nationals in EU Member States who have not exercised free movement prior to the end of the transition period (i.e. those not covered by the EU Settlement Scheme)
  - If not, the UK will be free to determine in isolation its future approach towards migration from EU Member States, including Cyprus
  - At the moment, lack of clarity (emphasis on reciprocity prevents an early legally binding outcome & 'nothing is agreed until everything is agreed')
- UK Migration Advisory Committee 'EEA migration in the UK: Final report' (September 2018) : if immigration is not to be part of the negotiations with the EU, and the UK is deciding its future migration system in isolation, the recommendation is to move to a system in which all migration is managed with no preferential access to EU citizens; less restrictive regime for higher-skilled workers than for lower-skilled workers
  - UK Government: White Paper on immigration to be published later this year
  - Government gave some indications as to future direction in Conservative Party conference (October 2018)
  - Legislative bill possibly next year
  - Focus on 'workers' – nothing/very little said for tourists, students, and other categories of persons who may wish to be admitted to the UK post-Brexit
- Cypriot nationals will maintain their full voting rights in the UK as Commonwealth citizens.
- If there is no EU-UK agreement - possibility of a Cyprus-UK agreement (provided it is compliant with EU law, given that Cyprus will continue to be an EU Member State)

THANK YOU!

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