

TRNC FOREIGN NATIONALS AND IMMIGRATION LAW

The BRS became aware of information that was in circulation concentrated around the Iskele and Famagusta areas that resulted in foreign passport holders aged 65 and older, being told that there was a two-year amnesty for applying for a TRNC Residency Visa until 2023, under certain circumstances. This information was apparently based upon an amendment that was issued by the Interior Ministry / Immigration Department earlier this year.

This information did not correspond with any information that the BRS had in its possession. We therefore took a decision to submit a full copy of the amendment for translation into English language. After reviewing the translation, we still could not find information that corresponds to the information which was and is increasingly being passed around between foreign passports holders.

We subsequently requested and have now had a lengthy meeting with the Interior Ministry Immigration Department to go through the amendment in question, to understand the changes that this amendment has introduced. May we also take the opportunity to point out that the amendment still requires some further tidying up, as some of the content and references are open to widely varying different interpretations. We are aware that even legal opinions about what the amendment says differ. We have been told to expect a further amendment sometime around October, which it is hoped will clear up some, if not all of the anomalies that exist in the current amendment. We will clarify further once we have seen the additional amendment.

Because of this, the approach that we have taken is to follow the interpretation that the Immigration Department is following when processing residency visa applications under the entitlements available under the amendment.

We will now identify the options currently available.

Firstly, the key date to identify is **Wednesday 12th May 2021** as this was the date that the amendment in question entered into TRNC Law, as it was published in the TRNC Government Resmi Gazette on this date.

Any entitlement under the amendment will therefore depend upon a foreign passport holder being aged 60 and above, and that foreign passport holder, must have been in the TRNC on the 12th of May 2021. If you arrived in the TRNC after this date, then any entitlement under the amendment is not applicable to you.

OPTION 1

If you were in the TRNC on the 12th of May 2021, and have not yet applied for a Residency Visa, then you may if you wish, not now do so until 12th May 2023.

There are some drawbacks with taking no action, as an example you cannot import into the TRNC a car or personal effects, you cannot apply for a TRNC Driving Licence, as well as a range of other things, which are far too numerous to list here.

In addition, there may be an issue, should you require treatment in one of the TRNC State Hospitals, and are unable to produce a Residency Permit or the State Health Insurance allied to that Residency Permit.

OPTION 2

You now submit an online application for a Residency Permit and apply for an Exemption Category Permit. We are advised that the Immigration Department will process the application at nil payment. This should result in you being issued with a normal Residency Permit document which will show the type of Residency Permit as "Exempted" or words to that effect. This will allow you to proceed with dealing with many of the drawbacks as shown above under option 1.

The Immigration Department were unable to clarify if State Health Insurance will still be required to be paid, as this issue falls under a different Ministry, however the commonly held view is that you would still be required to make your State Health Insurance payment.

You should also be aware that that 3 months has ~~also~~ now passed since the amendment was brought into law, so the maximum amount of time an "Exempted" Residency visa would be issued for, if applied for as of today's date is for 21 months, and this will reduce day by day, from now on.

OPTION 3

Bearing in mind that currently the remaining period of time is 21 months, and reducing daily, ~~so~~ if your existing Residency Permit expires at any time between now and 12th May 2023, you can change the type of residency Permit renewal application from your current category to an "Exemption" Residency Permit, then as that expires, revert back to the previous category upon the following renewal application. But bear in mind that your Residency Permit will only be granted for the remaining period between the date of the application and the 12th of May 2023, and you should presume that TRNC State Health Insurance will continue to have to be paid.

OPTION 4

You take no further action at all, and just continue to renew your existing residency Permit, in the normal way.

We cannot advise you of which is the best or appropriate option that may suite you, it will be very much a matter of individual personal choice.

British Residents Society

Wednesday 11th August 2021