



ICLG

The International Comparative Legal Guide to:

Corporate Immigration 2018

5th Edition

A practical cross-border insight into corporate immigration law

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Cyprus



Christodoulos G. Vassiliades



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1 Introduction

1.1 What are the main sources of immigration law in your jurisdiction?

The main sources of immigration law in Cyprus are the domestic laws and regulations, European law, decisions of the Council of Ministers and guidelines from domestic authorities. More particularly, Aliens and Immigration Law (CAP. 105), European law and Directives. In particular, Directive 2003/109/EC as amended by Directive 2011/51/EE, in relation to long-stay residents from third countries, Directive 2014/66/EE regarding the entry and residence of third-country nationals in Cyprus in the context of intragroup transposition and Directive 2001/86/EC, the right to family reunification. Also, Aliens Immigration Regulations and Law No.7(I)/20117, covering the rights of Union Citizens and their family members to move and reside freely within the territory of the Republic of Cyprus.

1.2 What authorities administer the corporate immigration system in your jurisdiction?

The corporate immigration system in Cyprus is governed and administered by the Civil Registry and Migration Department which falls under the jurisdiction of the Ministry of Interior, as well as, the Department of Labour which falls under the jurisdiction of the Ministry of Labour, Welfare and Social Insurance.

1.3 Is your jurisdiction part of a multilateral agreement between countries (EU/NAFTA/MERCOSUR) which facilitates the movement of people between countries for employment purposes?

Cyprus is a member of the European Union and the European Economic Area since 2004. The implementation of the Directive 2004/38/EC via Law 7(I)/2017, facilitates the right of citizens who reside in countries within the European Union to move freely within Europe and Cyprus.

2 Business Visitors

2.1 Can business visitors enter your jurisdiction under a relevant visa waiver programme?

Individuals from certain countries can travel to Cyprus without

a visa. Citizens of all EU Member states, Switzerland, Iceland, Liechtenstein and Norway, as well as holders of valid double- or multiple-entry Schengen visas, and Bulgarians, Croatians and Romanians, are able to travel to Cyprus with their Schengen visa. Cyprus has adopted the visa waiver programme with several countries, with the latest visa waiver programme being Ukraine.

2.2 What is the maximum period for which business visitors can enter your jurisdiction?

Business visitors are permitted to enter Cyprus for a period of 90 days in any 180-day period.

2.3 What activities are business visitors able to undertake?

Business visitors are allowed to temporarily stay in the country without undertaking any work which generates income during their stay. The visitor permit is granted to enable its holder to remain in the country temporarily as a visitor, and it may be revoked at any time with 14 days' notice given to its holder.

2.4 Are there any special visitor categories which will enable business visitors to undertake work or provide services for a temporary period?

Currently, there are no such special visitor categories. Holders of a visitor visa are strictly prohibited to undertake any work or provide services for a temporary period.

2.5 Can business visitors receive short-term training?

This is not applicable in our jurisdiction.

3 Immigration Compliance and Illegal Working

3.1 Do the national authorities in your jurisdiction operate a system of compliance inspections of employers who regularly employ foreign nationals?

A group of officers from the Department of Labour, Social Insurance Services, the Department of inspection of Labour with the cooperation of the Civil Registry and Migration Department and

Aliens and Immigration District Units of the Cyprus Police, carry out inspections on business premises that employ third-country nationals in order to inspect compliance with immigration law.

3.2 What are the rules on the prevention of illegal working?

The prevention of illegal work is covered by the Aliens and Immigration Law (CAP. 105). Specifically, the law sets out the procedures which must be followed in order to prevent the illegal employment of third-country nationals, as well as any sanctions that are imposed in case of illegal employment.

3.3 What are the penalties for organisations found to be employing foreign nationals without permission to work?

The following list of sanctions can be imposed on employers in the event that they illegally employ third-country nationals:

- Administrative sanctions and/or fines.
- Prohibition from participating in tenders for public contracts.
- Creation of a register of employers at the Department of Labour and prohibition from employing third-country nationals in the future by the employer or cancellation of already provided approvals to third-country nationals employed illegally by the employer.
- Payment of repatriation expenses of third-country nationals.
- Imposition of extrajudicial penalties for any third-country national employed illegally as imposed by Aliens Immigration Law (CAP. 105).

Employment of a third-country national without prior approval as per the Employment and Aliens and Immigration Laws, employment against the terms is considered a criminal offence and is punished with an imprisonment for up to three years and/or a fine of the amount of 5,000 Cyprus pounds, approximately 8,000 Euros.

4 Corporate Immigration – General

4.1 Is there a system for registration of employers who wish to hire foreign nationals?

It is essential that all employers wishing to hire foreign individuals must register the employee and the company acting as the employer at the Civil Registry and Migration Department, otherwise employment of the third-country national will not be considered legal and valid.

4.2 Do employers who hire foreign nationals have ongoing duties to ensure immigration compliance?

Employers who hire foreign nationals have the obligation to ensure immigration compliance. More specifically, employers are obliged to facilitate the attendance of third-country nationals at language training programmes and programmes that inform them about their rights and obligations.

4.3 Are employers who hire foreign nationals required to show a commitment to train or up-skill local workers?

An employer wishing to hire third-country nationals must first make every possible attempt in order to find either a domestic national or

an EU national that can fulfil the position in question. This includes a domestic national or EU national that can qualify for the position in question after short-term training and education.

4.4 Are employers who hire foreign nationals required to pay government charges and fees which contribute towards the training or up-skilling of local workers?

No, there are no government charges or fees which must be paid towards the training or up-skilling of local workers.

4.5 Do the immigration authorities undertake routine inspections of employers who sponsor foreign nationals, to verify immigration compliance?

Yes, immigration authorities undertake routine inspections of employers who sponsor foreign nationals. More specifically, a group of officers from the Department of Labour, Social Insurance Services, the Department of Inspection of Labour with the cooperation of the Civil Registry and Migration Department and the Aliens and Immigration District Units of the Cyprus Police, carry out inspections on the business premises of employers that employ third-country nationals, in order to inspect compliance with immigration law.

4.6 Do the immigration authorities maintain a list of skilled occupations which may be filled by foreign nationals?

In Cyprus there is no list of skilled occupations which may be filled by foreigners, however, even though there is no such list, the Department of Labour might provide approval for a limited number of chefs from certain cuisines for seasonal working.

4.7 Is there a recognition that some occupations may be in short supply and do special exemptions apply to certain sectors and occupations?

There are some occupations which may be in short supply, and the Ministry of Labour is more reluctant on examining and providing approval for a foreign work force to join that sector, more specifically in agriculture.

4.8 Are there annual quotas for different types of employment-related work permits or visas?

Yes, annual quotas are announced by a special committee formed by the domestic authorities of Cyprus, including the Ministry of Interior, the Department of Statistics and Human Resources, as well as Ministry of Commerce and Tourism. The special committee reviews and announces on an annual basis the percentage of employment of third-country nationals based on the total employment percentage ratio. The percentage is based on the expected demand of the work force, depending on the development and the possibility to be covered by the local or EU work force. An exception to the rule is the category of high skilled persons as per question 5.1. Asylum seekers are entitled to employment in the agriculture sector, and also third-country national students are eligible for specific part time jobs.

4.9 Are there restrictions on the number of foreign workers an employer may sponsor, in relation to a maximum percentage of foreign workers in the employer's workforce?

In general, for an employer to be able to employ a foreign national, he/she must first prove that the business/company is suitably staffed with nationals or EU personnel, and depending on the activities of the company, the number of the foreign personnel must not exceed 30% of the personnel of the company/business. On the other hand, in cases where Cyprus Companies have foreign interests, different rules apply. The personnel of a Cyprus company with foreign interest is divided into three categories, executive directors, middle management key personnel and supporting staff. The first two categories are limited to 15 employees, however, there are exceptional cases where approval may be granted for more than 15 employees. In respect of the last category, the supporting staff totally depends on the Ministry of Labour and whether the terms and conditions are met in order for the approval to be granted.

A Cyprus company with foreign interests can employ a maximum of five executive directors, however, the Civil Registry and Migration Department might lift this cap in the event that the company proves that more directors are required for the operations of the company.

Executive staff/middle management and key personnel belong to the second category. The maximum number that the company can employ in this case is 10 employees, unless a formal request is submitted to the relevant authority to increase the number of executive staff due to the more needed and fluent operation of the company/business.

Last but not least, in terms of supporting staff, approval from the Department of Labour must be obtained first, and then the company will be eligible to proceed with the employment of the potential employee.

4.10 Are employees who are sponsored to work in your jurisdiction required to demonstrate language proficiency?

There is a requirement for third-country nationals to demonstrate language proficiency in certain categories. Third-country nationals who wish to obtain a long-term residence permit, must provide a certificate of knowledge of Greek language for foreigners, (level A2). Moreover, domestic workers must provide a certificate of knowledge of the Greek or English language. Lastly, on the 15th of February 2017, the start-up visa police introduced a policy whereby the applicant must prove that they have an adequate knowledge of the Greek and/or English language.

4.11 Are employees who are sponsored to work in your jurisdiction required to undergo medical examinations before being admitted?

Yes, foreign nationals who will be employed in Cyprus must provide a blood test examination showing that the third-country national does not bear HIV, AIDS, Syphilis, Hepatitis B and C and a chest X-ray confirming the absence of tuberculosis.

4.12 Are employees who are sponsored to work in your jurisdiction required to have medical insurance or are they entitled to any free public medical services?

Employees who are sponsored to work in Cyprus are required to have medical insurance, covering the inpatient and outpatient transportation of the corpus, as well as, its validity to cover the employment period.

4.13 Does the work permit system allow employees who hold work permits to be seconded to a client site?

The work permit system allows employees who hold a long-term residence permit to be seconded to a client site. Long Term is a special type of permit which is granted to individuals who have been in Cyprus for a least five continuous years under the same status, i.e. employment. Basic requirements should be fulfilled, which are among others, permanent residency, sufficient funds to support the holder of the permit, requirement of Greek language level A2, as well as an 18-month employment contract.

5 Highly Skilled Visas

5.1 Is there an immigration category which covers highly skilled individuals?

Yes, there is an immigration category which covers highly skilled individuals. This category includes individuals who are distinguished by their high academic and professional qualifications and who receive total annual earnings of 35,000 Euros, excluding benefits such as a bonus.

6 Investment or Establishment Work Permits

6.1 Is there an immigration category which permits employees to be authorised to work based on investment into your jurisdiction?

In February 2017, the scheme of the start-up visa was introduced and will operate on a pilot basis for two years. During those two years, only 150 visas will be issued, which will allow talented entrepreneurs from third countries to establish, operate and develop a start-up with a high growth potential. This new scheme focuses on the creation of new jobs, the promotion of innovation and research, and the development of the country.

7 Temporary Work Permits

7.1 Is there an immigration category permitting the hiring of temporary workers for exchanges, career development, internships or other non-economic purposes?

Third-country nationals who are working on a volunteer or trainee basis without remuneration are permitted to stay in the country for a period of up to three months, without obtaining any work permit.

7.2 Are there sector-specific temporary work permit categories which enable foreign workers to perform temporary work?

The Ministry of Labour may issue specific rules and regulations in relation to certain areas of the economy where a temporary work permit may be granted based on the seasonal needs of the country. The majority of cases will fall under the tourism and agriculture sectors. More specifically, the Ministry of Labour may grant approval of the employment of chefs for specific cuisines on a seasonal basis.

8 Group or Intra-Company Transfer Work Permits

8.1 Does a specific immigration category exist for inter-company transfers within international groups of companies?

No, there is no such immigration category, however, an employer can base a request for special approval for employment on the basis that the individual has experience from the related company, knowledge and skills which will be difficult to find within the domestic market. This is also confirmed by the employer to the competent authority after providing proof that no local candidate can fulfil the employment position.

8.2 What conditions must an employing company or organisation fulfil in order to qualify as part of a group of companies?

The Authority will request documentation confirming the connection of the companies via submission of the corporate documents confirming this connection.

8.3 What conditions must the employer fulfil in order to obtain a work permit for an intra-company group employee?

In case the employment permit does not fall under the terms and conditions for granting an employment permit to a third-country national, the conditions are set up by the responsible authority, the Ministry of Labour in the majority of the cases, and is based on special terms and conditions since there is no specific scheme covering intra-company group employment permits.

8.4 What is the process for obtaining a work permit for an intra-company group employee?

As per question 8.3 above, the process is set up by the responsible authority based on special terms and conditions, since there is no specific scheme covering intra-company group employment permits.

8.5 What is the process for the employee to obtain a visa under the intra-company group transfer category?

Under special terms and conditions, the request should be in a letter form, accompanied with supporting documents that should be submitted to the responsible authority.

8.6 How long does the process of obtaining the work permit and initial visa take?

Based on Constitution, Authorities are obliged to reply to the applicant in written form within the period of 30 days, however, their powers are not strictly limited to this, depending on the case.

8.7 How long are visas under the "initial" category valid for, and can they be extended?

Visas are granted for a period of one year with a right to renewal for up to four years in the majority of cases. Exceptions to the rule apply and the visa may obtain approval for renewal for a few more consecutive years.

8.8 Can employees coming under the intra-company transfer route apply for permanent residence?

As a general rule, this will be possible only if the employee is a holder of an employment permit for a period of five continuous years and thereafter the individual may proceed and apply under a long-term visa permit, as per question 4.13.

8.9 What are the main government fees associated with this type of visa?

The application for a visa and the issuance of an Alien Registration Certificate, which is also known as foreign identity number.

9 New Hire Work Permits

9.1 What is the main immigration category used for employers who wish to obtain work permits for new hires?

In order for a Cyprus company to be eligible to employ a foreign national, the majority of the shareholders must be third-country nationals, and in case the ultimate beneficial owner/s are foreign companies, all relevant information must be declared in order to confirm to the Civil Registry and Migration Department that the company acting as the employer is a Cyprus company with Foreign Interests (BCS). In cases where the percentage of the foreign participation to the share capital of a company is equal or below 50% of the total share capital, this percentage should be representative of an amount equal or higher than 170,860 Euros in order for a company to be considered eligible. Applications by companies which deal with offering services or consulting services and invest capital lower than 170,860 Euros will be examined, given the fact that the nature of their work does not require a higher capital investment.

9.2 Is there a requirement for labour market testing, to demonstrate that there are no suitable resident workers, before a work permit can be issued to new hires?

No, under this category there is no requirement for labour market testing. It attracts many Cyprus companies with foreign interests to transfer workers to the country and continue the operation of their work with many benefits.

9.3 Are there any exemptions to carrying out a resident labour market test?

Labour market tests are requested only in case the employer will exceed the limitation of the employment permits allowed, which are 15 in total and request to employ more third-country nationals. In such case, the employer will be requested to perform a labour market test and to confirm that no local employees are capable of covering that particular employment position.

9.4 What is the process for obtaining a work permit for a new hire?

Both the company, acting as the employer and the individual, and also the employee, should be registered with the Authorities. Among the list of documents, the company should prove that it has adequate capital coming from abroad to the country, as well as a local bank account, employer's liability insurance and is incorporated under Cyprus company law.

9.5 What is the process for the employee to obtain a visa as a new hire?

For all types of work permit there are certain criteria to be fulfilled and specific documentation to be submitted to the Civil Registry and Migration Department. Depending on the type of work permit registration, relevant approvals, application forms, personal documentation and corporate documents are required to be part of the examination of the application. On the day of submission, the applicant, the new hire employee, should be present in the relevant department, and upon submission of the application it is essential for them to provide biometric information, including a photo, digital signature and finger prints.

9.6 How long does the process of obtaining the work permit and initial visa for a new hire take?

Cyprus Companies with Foreign and International Interests, known also as BCS Companies, may take up to two to four weeks, since registration of the company takes place for the first time, however, after the first registration, employment renewals and family reunification will be completed in less time. General employment may take one to four months, and the employment registration of Europeans may take two to three weeks from the submission date.

9.7 How long are initial visas for new hires granted for and can they be extended?

The BCS first time registration visa is valid for one year, subject to renewal, for up to two years without any limitation as to the total number of years which will be extended.

For the general employment visa, one year is granted with the limitation of four years.

Europeans receive a registration permit without any expiration and limitation.

9.8 Is labour market testing required when the employee extends their residence?

No, under the BCS category no labour market testing is required

when the employee extends their residence. This applies only to general employment.

9.9 Can employees coming as new hires apply for permanent residence?

No, it will only be possible for the Family Reunification and Long Term Residency Permit, where special criteria should be met, as outlined under article 18 CAP. 105.

9.10 What are the main government fees associated with this type of visa?

Registration fees of the Family Reunification is 200 Euros and additionally 70 Euros for the issuance of each Alien Registration Certificate, also known as a foreign identity number. Long-term registration fees are amounted to 30 Euros per application.

10 Conditions of Stay for Work Permit Holders

10.1 What are the conditions of stay of those who obtain work permits and are resident on this basis?

The holder of the work permit is allowed to be employed only by the registered employer and is not allowed to use the permit for any work or services rendered to any other employer. Validity of the working permit is provided by the responsible authority and renewal should take place two months prior to expiry of the current valid permit. The holder of such permit should maintain a residency in the country, as well as, a bank account.

10.2 Are work permit holders required to register with municipal authorities or the police after their arrival?

Yes, it's essential to be registered to the nearest municipality and the police station of your residency, as well as to social insurance services and the tax authority.

11 Dependants

11.1 Who qualifies as a dependant of a person coming to work on a sponsored basis?

Spouses, civil union partners and children up to the age of 18 year's old are eligible to apply under a family reunification scheme, as dependants of the holder of the work permit. This is regulated under article 18 of CAP. 105.

11.2 Do civil/unmarried or same-sex partners qualify as family members?

Civil union allows same-sex partners to qualify as family members. Civil Union is covered by Civil Union Law 2015 which entered into force 09/12/2015. Unmarried partners do not qualify; however, the partners have the right to apply individually for a temporary residency permit either as a visitor or employee.

11.3 Do spouses and partners have access to the labour market when they are admitted as dependants?

It may only be possible in cases where spouses and partners are eligible to apply and obtain a work permit.

11.4 Do children have access to the labour market?

Employment is permitted from the age of 18 years old and it will depend on the applicant's eligibility to apply for a work permit.

12 Permanent Residence

12.1 What are the conditions for obtaining permanent residence?

There are two categories applicable for an individual to obtain permanent residency in Cyprus.

Regulation 6(2) is a fast track procedure allowing the obtainment of a permanent residency within a period of two months. The applicant should own a property of at least 300,000 Euros + VAT bought from the primary market, maintain a bank deposit of 30,000 Euros for three years, have a clean criminal record, medical insurance and a valid passport.

Immigration permit F requires a longer examination time of up to 12 months and substantial intention that the applicant intends to live in Cyprus permanently by owning or renting a property, owns income from abroad: i.e., pension; rent; salary; as well as clean criminal record; medical insurance; and a valid passport.

In both categories, the holder of a permanent residence is not eligible to undertake any service or employment in the country.

12.2 Is it possible to switch from a temporary work visa to a work visa which leads to permanent residence?

Yes, it's possible. A long-term visa is a type of visa which allows an applicant to switch from a temporary work visa to permanent residence. This is governed by article 18 of CAP. 105. In order to be eligible, the applicant should be a holder of a temporary work permit for a minimum period of five years and then apply for the long-term visa, as well as possess a Certificate of Knowledge of Greek language, level A2.

13 Bars to Admission

13.1 What are the main bars to admission for work?

Cyprus has certain professional bodies for specific professions, which are responsible for examining and granting work permit licences. Depending on the profession and the position of the employee, there may be certain specific conditions to be fulfilled. For example, with accountants it is required to be registered at The Institute of Certified Public Accountants of Cyprus, obtain special approval from the Ministry of Labour and then proceed with registration of the work permit to the Civil Registry and Migration Department. Also, advocates are required to register at the Cyprus Bar Association and perform their training for a period of one year on the condition of passing the Cyprus Bar Association exams.

13.2 Are criminal convictions a bar to obtaining work permission or a visa?

The Government requires a clean criminal record for the majority of permit applications, and it is totally at their discretion to examine and refuse the issuance of permits due to any criminal convictions.



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Christodoulos G. Vassiliades is the founder and Managing Director of Christodoulos G. Vassiliades & Co. LLC.

Mr. Vassiliades established the Firm in 1984 in Nicosia, after completing his training as a Pupil Advocate.

With over 30 years' experience in the industry and many international clients, Mr. Vassiliades is acknowledged as one of the leading advocates in Cyprus and has extensive experience in advising clients on both their legal and business matters, relating to domestic and international law.

Mr. Vassiliades is among advocates recommended for key practice areas by international legal organisations.

The Legal 500 specifically recommends Mr. Vassiliades for Corporate and M&A.

He is cited as having: "excellent understanding of the commercial environment, thus providing rapid, accurate and personalised advice".

Mr. Vassiliades, who is appointed Deputy Registrar of the International Merchant Marine Registry of Belize (IMMARBE) for Cyprus and Greece, also acts as Honorary Consul of Belize in Cyprus since 1999.

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Marianna Pavlides joined the Law Firm of Christodoulos G. Vassiliades & Co. LLC in 2011 and currently heads the Migration Department in the firm. Marianna's career has included providing expertise and assistance to many high-net-worth individuals as well as companies. She has specialised in all aspects of Cypriot immigration and nationality law and has, over the past seven years, developed a significant amount of experience in assisting individuals with the process of obtaining Cyprus Citizenship, either by investment or based on the years of residence in Cyprus.

In addition to the above, she deals with a full range of migration matters ranging from the issuance permanent residency permits, visitor visas, employment and family reunification procedures. Furthermore, Marianna deals with property transactions, both commercial and residential. Marianna demonstrates the ability to help clients to avoid any potential legal issues related to their relocation to the Republic of Cyprus by assisting on getting the necessary visa for their legal stay to the Republic, medical insurance, driving licence, Schengen and American Visas for travelling, as well as, any general assistance required for the comfort settlement in Cyprus.

The Legal 500: Europe, Middle East & Africa, specifically recommends Marianna Pavlides for Real Estate and Construction.

Marianna received her Bachelor of Laws degree at Sheffield Hallam University, and she earned her Master of Laws (LL.M.) degree in European business and Trade Law at the University of Manchester. Marianna has been a member of the Cyprus Bar Association and Nicosia Bar Association since 2010.



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