



The Mixed Marriage Problem

A Guide

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**Movement for Resolution of Mixed
Marriage Problem**

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CONTENTS



03	Contents
04	Definitions
05	Who are we?
06	A Short History of Cyprus
08	How to Get the Citizenship of Republic of Cyprus?
09	Why and How Did the Problem of Mixed Marriage Arise?
11	Mixed Marriage Problem in Legal and Political Context
18	So How Do We Solve the Problem of Mixed Marriage?
21	Frequently Asked Questions



DEFINITIONS

The following terminology is used in this booklet:

Cyprus: It is used to refer to the whole island of Cyprus.

Republic of Cyprus / RoC: It is used to describe the area controlled by the government, recognized by United Nations , which means the southern part of the island.

Turkish Republic of Northern Cyprus / TRNC: It is used to define the de facto structure, created on the northern part of Cyprus after 1974. It is not recognized by United Nations.



WHO ARE WE?

Movement for Resolution of Mixed Marriage Problem, or '**KESCH**' in short, started as a youth movement in April 2022 and later became an association. It is the *first non-governmental organisation to raise awareness about the mixed marriage problem*. Our association aims to advocate for the rights of victims of the problem, and to solve this problem as soon as possible. It is independent of all political formations, and based on human rights.



OUR MISSION

The mixed marriage problem is the situation in which children born from mixed marriages between Turkish Cypriots, who have the citizenship of the Republic of Cyprus, and foreign nationals who moved to the northern part of the island or settled in the northern part of the island after the 1974 events, cannot acquire the citizenship of the Republic of Cyprus. Our mission is to solve this problem by creating an atmosphere of consensus.



OUR VISION

In order to achieve our mission, our main goals are to be the movement that coordinates the developments that will reach the solution of this humanitarian problem by collaborating with various stakeholders and civil society, to maintain national and international relations in order to keep the problem on the social agenda, and to develop social awareness about the problem.



A SHORT HISTORY OF CYPRUS

In order to evaluate the citizenship problem, it is important to first examine the 'Cyprus problem' in the historical and sociopolitical context of the island. While the conditions created in 1974 continue today, the problem of mixed marriage continues to be one of the problems at the center of 'Cyprus problem'.



Note: It is almost impossible to describe the history of Cyprus in a complete and politically neutral way. However, being able to compile a summary of historical developments that concern the problem of mixed marriage and shape current conditions, will help us understand the subject. Although everyone is familiar with the different narrative of the history of Cyprus in their own way, we think that it is vital for us, who are primarily affected by the "Cyprus problem", to approach history as impartially as possible.

Republic of Cyprus

With the invitation of the UK, Greece and Türkiye were involved in the issue of the independence of Cyprus and they met with representatives of the Greek Cypriot and Turkish Cypriot communities. With the *London-Zurich Agreements*, a state based on the power sharing of Greek Cypriots and Turkish Cypriots was established by giving 'ethnic quotas' under the constitutive structure of the unitary Republic of Cyprus.

As a result of the fact that vital issues for a state, such as the creation of the tax law, could not be finalised due to the veto system based on ethnic quotas, in 1963 the Greek Cypriot President proposed to take measures in line with the principle of more proportional representation in the administration.

This situation increased tensions between Greek Cypriots and Turkish Cypriots. Political cooperation that lasted until December 1963 was now over and all Turkish Cypriot officials, including the Vice President, were no longer under the administration of the Republic of Cyprus. In 1964, the guarantor states, which did not support this decision of the Turkish Cypriot leadership, adopted the United Nations Security Council (UNSC) Resolution 186, which declared that the only legitimate government of Cyprus was the government of the Republic of Cyprus, even if Turkish Cypriots leave the administration.

Important: After the withdrawal of the Turkish Cypriots from the administration, the Republic of Cyprus is governed on the basis of the "**doctrine of necessity**" or "**law of necessity**", accepted by the world states, the international community and intergovernmental organisations, following the decision taken by the Supreme Court in

1964



1974 Events

- Tensions between the communities continued to escalate. For this reason, the United Nations Peacekeeping Force (UNFICYP) was established in 1974. During this period, Turkish Cypriots temporarily established various administrations, which laid the foundations of the TRNC, that would be established ten years later.
- In July 1974, the Republic of Cyprus faced a military coup by supporters of enosis. This development led to a new international crisis. Worried about a possible enosis, the Turkish army claimed that it was acting for the interests of the Turkish Cypriots and came to the island 'to ensure peace and prosperity'; however, the withdrawal of the Turkish army was never carried out. After a series of events, a '**ceasefire line**' was established in August 1974, which marked a ceasefire and partition of the island. The next year, in 1975, both 'sides' agreed to replace the remaining populations. The Turkish Cypriots would be transferred to the north to the newly formed Turkish Federated State of Cyprus, and the Greek Cypriots to the south to the area that remained the Republic of Cyprus.

Turkish Republic of Northern Cyprus (TRNC)

The administration, which was formed on the northern side of the island with the initiatives of Türkiye, took the name '**Turkish Republic of Northern Cyprus**' with the unilateral declaration of independence (UDI) in 1983 after various name changes. Türkiye is the only country that recognizes TRNC, which was declared "*legally invalid*" by the UN Security Council. Still today, Republic of Cyprus and its government are the only internationally recognized government on the island of Cyprus.

Since the structure in the north of Cyprus where most of the Turkish Cypriots live is unrecognized, no official transaction can be made abroad with the identity, passport or other official documents of this structure. *Therefore, all Turkish Cypriots living in the TRNC need a recognized citizenship in order to reach their basic human rights such as travel, education, health and various other rights.*

Today in Cyprus

Negotiations between the sides in order to create a new common state and system for Cyprus have been ongoing since the second half of the 1970s. Greek Cypriots continue to mourn their property lost in the events of 1974 and their missing relatives, which they still cannot find.

In addition to this, Turkish Cypriots living under the TRNC structure in the northern part of Cyprus also face social and cultural problems. The problem of mixed marriage is only one of these problems. Living in an internationally unrecognized structure makes people feel stuck, and this inconsistency causes some of the children born from mixed marriages to not be granted citizenship by the official government of the island where they were born.



HOW TO GET THE CITIZENSHIP OF ROC?

This section examines how a child, of whom at least one of the parents is an RoC citizen, can obtain RoC citizenship. In most states in the world, and especially in the European Union states, the process of obtaining citizenship for spouses takes place as a result of the procedures applied by the various authorities of that state. In this booklet, we will talk about **birth and ancestral citizenship rights**. We will not go into the issue of citizenship with marriage.

RoC Citizenship by Birth

As stated in the law, a citizen of the Republic of Cyprus is a person who was born on the island of Cyprus and acquired the citizenship of the Republic of Cyprus after the establishment of the state, that is, after 16 August 1960. According to the laws of the Republic of Cyprus, a child born in Cyprus or abroad, whose mother or father is an RoC national, has the right to obtain the citizenship of the Republic of Cyprus (**Civil Registry Law of 2002, Republic of Cyprus, Article 109**). In practice, this means that a child of a citizen of the Republic of Cyprus can claim citizenship of the Republic of Cyprus.



IMPORTANT POINT!

However, according to the laws of the Republic of Cyprus, if one of the parents of the child entered Cyprus 'illegally' or resides on the island 'illegally', the child can acquire citizenship only with the approval of the Council of Ministers. (**Civil Registry Law of 2002, Republic of Cyprus, Article 109 (1)**)

What does it mean to enter or stay in Cyprus 'illegally'?

According to the laws of the Republic of Cyprus, every person who is not a citizen of the Republic of Cyprus and who enters or lives on the island from the TRNC is 'illegal' on the island of Cyprus. The ports of the TRNC, which is a de facto structure in the northern part of Cyprus, not recognized by the United Nations and within the framework of international law, are also internationally defined as illegal ports.

Therefore, if a citizen of the Republic of Cyprus marries a person who has entered Cyprus 'illegally', **their children will need the approval of the Council of Ministers in order to obtain the citizenship of the Republic of Cyprus.**



HOW & WHY DID THE MIXED MARRIAGE PROBLEM ARISE?

1960

▶ **Proclamation of independence of the Republic of Cyprus and adoption of its constitution in 1960.**



1964

UN SECURITY COUNCIL RESOLUTION 186

▶ With this decision signed by all the guarantors, it is explained that the only legitimate government of Cyprus is the government of the Republic of Cyprus, even if the Turkish Cypriots leave their duties in the Republic of Cyprus.

DOCTRINE OF NECESSITY

▶ The internationally accepted “Law of Necessity”, which was put into practice with the aim of ensuring the continuation of the state functioning after the Turkish Cypriot administrators withdrew from the authorities of the RoC. The Constitutional Court was abolished with the decisions taken, and it was combined with the High Court under the name of the "Supreme Court".

1964

1974

▶ After the events of 1974, the status of people who settled in the northern part of Cyprus is a 'war crime and crime against humanity' according to international laws such as **Article 49 of the Geneva Convention** and **Article 8 of the Rome Statute**, according to which these people have the status of 'illegal settler'. This status cannot be 'out of date', according to the **United Nations Convention on the Non-Applying of Legal Limitations on War Crimes and Crimes Against Humanity**.

1983

THE ESTABLISHMENT OF 'TRNC'

▶ Since the 'TRNC', which was established as an 'independent' state, is not recognized by the UN, Turkish Cypriots living here can not use their identity or passport abroad and need another recognized citizenship.



2002

CIVIL REGISTRY LAW OF THE REPUBLIC OF CYPRUS IS PUBLISHED

After its publication, this law has been amended 4 times in total.

2003

CROSSING POINTS WERE OPENED

Turkish Cypriots were able to pass to the Republic of Cyprus for the first time after the partition and acquired the citizenship of the Republic of Cyprus, which was their right according to the 1960 Constitution.

2007

DECISION OF ROC COUNCIL OF MINISTERS AND 'MIXED MARRIAGE PROBLEM'

Between 2003-2007, children born from mixed marriages in TRNC, were able to obtain the citizenship of RoC with the approval of the Council of Ministers. In 2007, however, the RoC Council of Ministers determined some criteria, and citizenship applications of children who did not meet these criteria were not accepted by the Council of Ministers. Thus, the so-called '**mixed marriage problem**' came to the fore.

2014

Because of the 'illegal settlement policy', Türkiye was brought to a trial at the International Criminal Court.

2022

On 20 December 2022, **the European Commission** replied to a complaint that the children of Cypriots married to settlers do not have the citizenship of the Republic of Cyprus, as "*it is the duty of the national legislator to decide under what conditions the citizenship of the Republic of Cyprus can be obtained on the basis of origin*".



MIXED MARRIAGE PROBLEM IN LEGAL AND POLITICAL CONTEXT

With the timeline on the previous page, we saw how the 'mixed marriage problem' emerged on the basis of international law, international treaties, developments and laws. Now, let's interpret them and produce a solution together.



Note: The comments here may not reflect your personal political views or ideology. These interpretations and inferences have been made in the light of the discourses accepted by the whole world, taking into account the rules of international law and international treaties. Every effort has been made not to express any political views or make any inferences.

- **The importance of 'recognising' Republic of Cyprus and the 1960 Constitution**

In order to be able to claim the citizenship of the Republic of Cyprus, the Republic of Cyprus and the 1960 Constitution must be recognized by us; those who have mixed marriage problem. This is because the citizenship we will demand is a right based on the "Civil Registry Law" created under the 1960 Constitution. As the European Commission mentioned in its reply on the subject on 20 December 2022, "it is also the duty of the national legislator to decide under which conditions it can be obtained on the basis of origin".

- **Definition of 'occupation' and 'settler policy' in the international arena**

The structure called "TRNC" is not a structure recognized by the United Nations. (The fact that the Republic of Cyprus is the only official and legitimate government recognized on the island by the UNSC Protocol No. 186 signed by all the guarantor states in 1964 is one of the reasons why the TRNC is not recognized. See timeline above.) When all UN resolutions or all 'Cyprus v Türkiye' cases that go to the ECtHR are examined, the northern part of Cyprus is defined as the 'occupied region'. *We must state again that the comments and inferences made here does not necessarily need to reflect your individual political ideology or view on the Cyprus problem; however, it is important to know that it is mentioned in this way in international forums and so we can take appropriate steps accordingly.*



It is also a fact that the cases that went to the ECHR as 'Cyprus v Türkiye' set a precedent on the Cyprus issue for the cases that will go to the court from this point on. (For example, you can examine the case of Loizidou v Türkiye. This case is about the problem of immovable property, which is yet another issue that forms the heart of the Cyprus problem. It says that in this case file, a light is shed on the court's point of view on the next Cyprus cases.) If we want to produce an argument about the mixed marriage problem, we need to produce an appropriate argument without denying the conjuncture that the whole world has accepted for Cyprus. **International law and discourse underline that the problem of mixed marriage is also based on 'occupation' and 'settler policy'**. If one day this case goes to the ECHR and it is said that this problem is due to the occupation, what do we intend to produce as a counter-argument? We need to think these things through. We cannot defend this issue in front of international law for various reasons with an argument such as "No, there is no occupation on this island, I do not accept it". (For example, Türkiye, on the violation of Article 49 (6) of the Geneva Convention, Article 8 (2) (B) (VIII) of the Rome Statute and the UN Convention on the "Non-Applying Legal Limitations on War Crimes and Crimes Against Humanity" is at a trial in the International Crime Court. See chart above.)

- **The Case, the Supreme Court of the Republic of Cyprus and the European Court of Human Rights**

In 2018, there are precedent cases filed with the support of KTÖS, KTOEÖS and DAÜ-SEN unions, and the decision of this case to be issued by the supreme court will set a precedent. The outcome of this case in the supreme court is expected to be announced by the end of 2023 at the latest.

When the precedent is concluded, there will be two paths ahead of us:

(i) *In case of a positive decision:* The citizenship granting system will work again for children born in the TRNC from mixed marriages, **which was stopped by the decision of the Council of Ministers enacted in 2007.**

(ii) *In case of a negative decision:* As soon as a negative decision is made, within 3 months, the way to take this issue to the **European Court of Human Rights** will be opened within the scope of the European Convention on Human Rights. It can take up to 7 years for the cases that go to the ECtHR to be concluded. **However, it is not possible to say that this issue will be solved definitively when it is brought to the ECtHR.**



So, what are these Council of Ministers decisions put into effect in 2007?

The decisions of the Council of Ministers determined in 2007 have never been published in the Official Gazette. However, according to Article 57 of the Constitution of the Republic of Cyprus, not all decisions taken by the Council of Ministers have to be published in the Official Gazette. **However, as KESÇH, we submitted a petition to the Ministry of Interior of the Republic of Cyprus and the Ombudsman in the recent months calling for transparency of this Council of Ministers decision.**

The Ombudsman's report, published in August 2011, provides information on government policies on this issue and the way the cabinet uses its discretion to grant citizenship to this category of people.

In February 2007, the Council of Ministers adopted the following criteria:

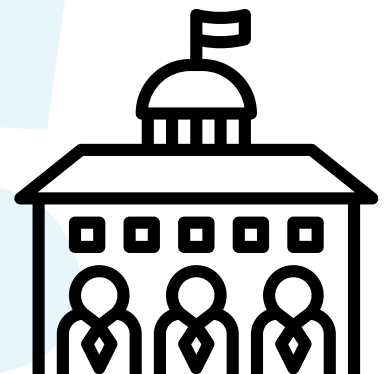
Only the citizenship approval of the following persons will be made by the Council of Ministers:

1. Children born on or before 20 July 1974,
2. Children whose mother or father is not a Turkish citizen but a citizen of another country (The child can acquire citizenship if he/she is an EU citizen or a citizen of a different country where the reciprocity principle applies),
3. Children of people whose parents were married abroad or in Cyprus before 20 July 1974,
4. Children born from the relationship of a Turkish Cypriot father or mother with a Turkish citizen who had nothing to do with the 1974 events,
5. Children whose parents live in the mixed village of Pyla.

IMPORTANT POINT!

The population that settled in the northern part of Cyprus after 1974 is considered to be related to the "1974 events" mentioned in the fourth criteria of the Council of Ministers' decision.

The citizenship application system of the Council of Ministers, which worked for children of mixed marriages born in the TRNC between 2003 and 2007, was stopped due to this decision. **Removal of this decision means that the citizenship application system will work again.**



Many refer to the European Court of Human Rights as the 'definitive solution to the mixed marriage problem'. Well, is the ECHR really the definitive solution?

As you know, our first purpose to publish this booklet is to improve the social awareness of this issue and to teach the advocacy of the mixed marriage problem in the light of facts by correcting the misinformation from hearsay. Unfortunately, people who do not know enough about the problem describe the transfer of this issue to the European Court of Human Rights as a "definitive solution".

But unfortunately, relying only on the judicial process is 'never a definitive solution', as we always say.

As we are trying to create a detailed discussion ground, you may get more confused as you learn about the subject. But we will sum up all the information that we have given at the end.

As you know, in order to apply to the ECHR, domestic remedies must first be exhausted, and then the subject regarding your application must be in violation of one or more of the articles of European Convention on Human Rights.

On the question of the mixed marriage problem, this article comes to mind: **Article 14 – Protection from Discrimination: "The enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."**

We should say that a general article like this that is not related to 'citizenship' will remain a weak argument in a case that will go to the ECHR. On the other hand, in Article 15 of the ECHR, which comes after Article 14, it is stated that "in the event of a war or any other general danger, threatening the existence of the nation, measures contrary to obligations can be taken". The argument that the Republic of Cyprus is still 'under threat and occupation' according to international law and that it is governed by the law of necessity due to the extraordinary condition, will not be an argument that the court will ignore.

Again, as we mentioned before while sharing the answer of the European Commission, **the citizenship law of each country is under the sovereignty of that country.** Citizenship laws, and especially the criteria for citizenship based on origin, are regulated by the legislators of that country. For this reason, the citizenship law of each country is also regulated differently.

The citizenship law of the Republic of Cyprus recognises the right of citizenship to individuals based on jus soli and jus sanguinis.

Jus soli: The right of citizenship acquired by birth on the territory of a state.

Jus sanguinis: The right to citizenship based on origin.

"How about us being without formal identities? So we're stateless after all, right? Isn't that a human rights violation?"

Yes, TRNC is a structure not recognized by the United Nations. But it is also a fact that everyone who has a TRNC citizenship has the right to obtain citizenship of the Republic of Türkiye. On the other hand, even if children of mixed marriages do not have the citizenship of one of their parents, the chance to have the other saves them from the status of being 'stateless'. The concept of a 'stateless person' is defined as a person who is not recognized and granted citizenship by any country in international law. For this reason, if we use arguments like 'being stateless' in front of international law, this will be refuted immediately and it may even damage the legitimacy of our struggle. Whether or not to acquire the citizenship of the Republic of Türkiye is also a choice that depends entirely on our own will.

"We are unable to obtain the only recognized citizenship of our own country, where we were born, where we belong."

If you are going with the argument of "the country we were born in, the land we belong to", you are on the right track. That's why we talked about the importance of recognising the 1960 Constitution in the chart above. Because the only way to proceed with this argument is to recognize the Republic of Cyprus and its Constitution. But as we have said, we cannot say that any article of the ECHR has been violated so far. Since the nationality law is under the sovereignty of each country, this is more of a problem that can be resolved in local legislation.

"But still, Republic of Cyprus is a European Union country, shouldn't its Constitution be regulated within the framework of the European Union and the Council of Europe?"

A very good point and a very good question. Yes, it should. In fact, the 1960 constitution has been regulated 18 times with the 'Law of Necessity' since the day it was first adopted. In fact, the legal regulations made by the "Law of Necessity" upon the request of the Union during the entry process of Republic of Cyprus to the European Union were technically approved with the state's acceptance into the Union in 2004. As we mentioned in the chart above, Republic of Cyprus Civil Registry Law was put into effect in 2002.



"What is this 'Doctrine of Necessity'?"

The Doctrine of Necessity was adopted for the continuation of state operation after the extraordinary situation that occurred when Turkish Cypriots left the administration of Republic of Cyprus and was accepted by the whole world. It enables Republic of Cyprus to fulfill its legislative, executive and judicial functions like a normal state. For this reason, the legitimacy of the state and its decisions after the withdrawal of Turkish Cypriots from the authorities of Republic of Cyprus is not questioned due to the "Doctrine of Necessity".

Although the Doctrine of Necessity is still in effect today, in the post-1974 period, Republic of Cyprus enabled Turkish Cypriots to enjoy certain rights under the constitution of Republic of Cyprus, under the European Convention on Human Rights and other human rights in order to consolidate legitimacy.

At the same time, the European Union and the ECHR have repeatedly encouraged the use of the doctrine of necessity in the Republic of Cyprus during this time. The accession process of the Republic of Cyprus to the European Union or the decision of the ECHR regarding the case of Ibrahim Aziz, who has been living in the Republic of Cyprus since 1974, can be given as an example.

"But we, children suffering as a result of the mixed marriage problem, do not have the right to education or free movement in the European Union like other citizens of Republic of Cyprus. Republic of Cyprus does not give us these rights. These rights are also mentioned in the ECHR. Isn't this a human rights violation?"

The answer to this question is whether we really have these rights. Is Republic of Cyprus really confiscating these rights of ours? Can't we study abroad or travel abroad? *These so-called 'violations of rights' are not actually violated 'rights' of the mixed marriage children by the Republic of Cyprus.*

As we all know and can be argued in whichever court this matter is taken to, we are all able to be the citizens of the Republic of Türkiye. Citizenship of the Republic of Türkiye is also an internationally recognised citizenship. Therefore, even though it is more difficult financially, we all have the right to travel and study abroad with the passport of Republic of Türkiye. In other words, "the situation of the Republic of Cyprus as violating these rights of children with mixed marriage problem" is actually not a convincing argument.

There may be no violation of human rights here; but there is a 'humanitarian' problem because those 'Cypriot children' are not able to receive the only recognized and legitimate citizenship of the island of their origin.



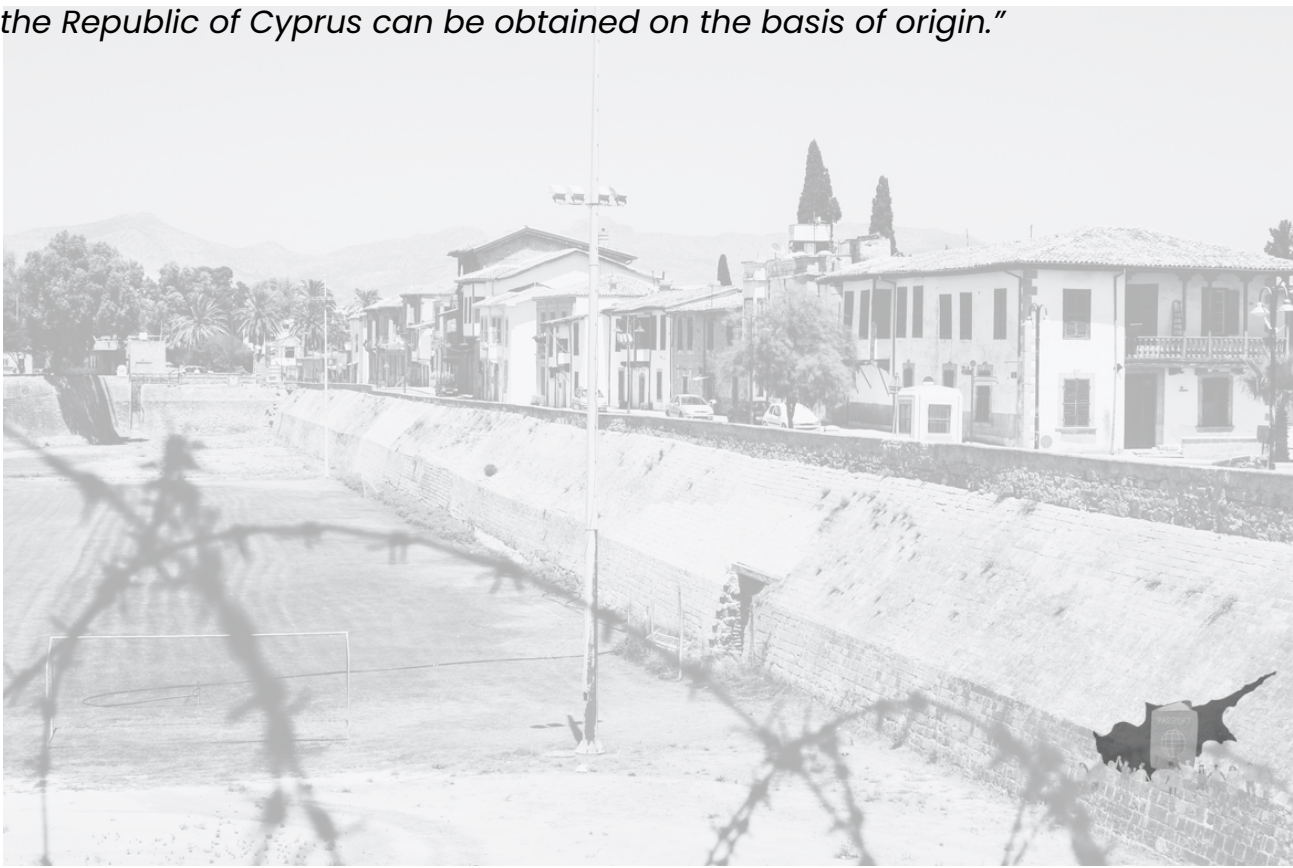
At this point, there is a question we should ask ourselves:

If Republic of Cyprus leaves the European Union one day, will you continue to demand the citizenship of Republic of Cyprus with the same ambition?

We should think about the answer to this question. The rights offered by the European Union should be differentiated from local citizenship. Rights such as education and free movement are additional rights offered to the member states of the European Union. Citizenship of RoC should be demanded with a sincere sense of 'belonging' to Cyprus. It is important to sincerely internalize this perspective in our struggle, for the entire Cypriot public to empathise and support us, and to improve our communication with national legislators and even the international community and institutions.

- **This is not a problem that 'external forces' can solve; it is a problem that can be resolved in local legislation.**

It should be underlined again that it is possible to solve this problem by getting the support of the public and politicians in the Republic of Cyprus. As we were told at our meeting with Andreas Kettis, the Head of the Cyprus Office of the European Parliament, last year: "Contrary to what people think, the EU has no solution for everything, it can only impose sanctions in certain jurisdictions and policy areas. Citizenship and marriage are not within the competence of the EU, but only within the competence of the Member States." Or, as European Justice Commissioner Didier Reynders said in response to the question posed by EU Parliament Member Niyazi Kızılyürek to the European Commission: *"It is also the duty of the national legislator to decide under what conditions the citizenship of the Republic of Cyprus can be obtained on the basis of origin."*



SO HOW DO WE SOLVE THE PROBLEM OF MIXED MARRIAGE?

Let's summarize all the information we have learned until now:

- 1. It is important to recognise Republic of Cyprus and know its laws. This is because citizenship is a right given to us according to the laws of the Republic of Cyprus.**
- 2. Citizenship depends on the sovereignty of each state. This is a problem that can be resolved at the initiative of the authorities in the Republic of Cyprus.**
- 3. Again, since citizenship depends on the sovereignty of each state, the European Union, European Commission or United Nations will not have a coercive power in resolving the problem of mixed marriage.**
- 4. There is no 'human rights violation' regarding the citizenship of the Republic of Cyprus. There is a 'humanitarian' problem there.**
- 5. We should not look at the ECHR as a definitive solution, and we should try to solve the problem of mixed marriage through different alternative means.**
- 6. The rights offered by the European Union should be differentiated from local citizenship. Rights such as education and free movement are additional rights offered to the member states of the European Union. In addition, every individual who is a TRNC citizen -with some exceptions- has the right to access a recognized citizenship. In other words, they can benefit from education and free movement rights, albeit in a more difficult way. Local citizenship should be requested from the authorities of the Republic of Cyprus in order for children of mixed marriages to 'gain a more sense of belonging to this island'. Since the European Union cannot deal directly with the citizenship issue, it would not be very welcome to demand only EU rights from Republic of Cyprus.**



As the Movement for Resolution of Mixed Marriage Problem, what kind of ideology do we aim to follow to solve this problem?

According to international law, our parent may have come here because of 'settler policy'; but we are children who were born on this island and felt this island as our own homeland, even if one of our parents is a citizen of the Republic of Cyprus. According to the RoC Civil Registry Law, we also have the right to citizenship. We think that this problem should be resolved in order to further strengthen our sense of belonging to this island. Most of these children are people who see and define themselves as 'Cypriot' because they were born and raised in Cyprus. Therefore, they feel pushed and excluded by the thoughts of not belonging to the land where they were born. Giving these people the right to citizenship means reintegrating so many people into society and their country.

- With the decision of the Council of Ministers that was put into effect in 2007, the citizenship application of children whose parents were married in the TRNC and born in the TRNC, that is, children whose foreign parents entered the island 'illegally', began to be rejected by the Council of Ministers. The request for the annulment of this Council of Ministers decision can be made only when the sympathy of Greek Cypriot public is won and the decision of the Council of Ministers is changed at the initiative of Republic of Cyprus. **As KESÇH, we will work to change this decision.**
- When the negotiation process started again, we asked the officials both here and in the RoC to be discussed at the negotiation table for the first time, such as 'Confidence Building Measures', and we had most politicians add them to their manifestos.
- As a non-governmental organisation that managed to gather the individuals with mixed marriage problems under one roof and brought this issue to the agenda for the first time, we tried to provide you with the most accurate information, and we will continue to do so, by working on this subject, which has been based on hearsay information for years. We aim to solve this problem together by raising social awareness and awareness of how this citizenship is your legal right.



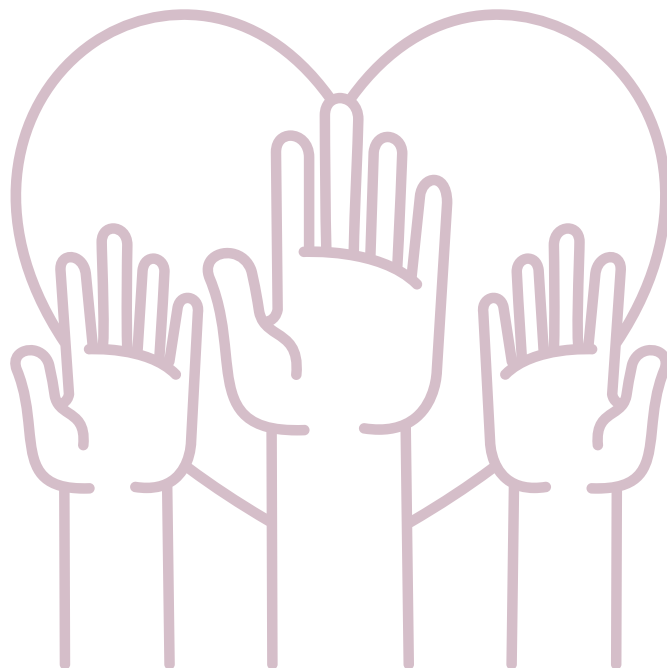
What Can We Do for the Solution?

First of all, as we always say, **this problem is not an individual problem, but a social one.** Acting together and being an organised voice is very important for this issue. There is an ongoing litigation process and it is necessary to include other activities besides the litigation process.

As with most problems, **it is essential to create social awareness and not to put it off the agenda in order to solve this problem.** You can start by telling the people around you what the root of this problem is, and try to prevent misinformation as much as you can.

We will continue to convey **the most accurate information about our struggle through all our communication channels.** You can increase our visibility even more by sharing the information we provide with people around you, sharing what we do about this issue, and joining us as a member. This movement is our voice, our hope.

Let's embrace this movement, get stronger by organizing and reach a permanent solution.



FREQUENTLY ASKED QUESTIONS

1. Is this a problem that can be corrected by filing an individual lawsuit in court in RoC?

This problem is not an individual problem; it is a social problem. Since this problem is not only a legal problem but also a political one, it is not possible to say anything clear. Over the years, individual cases filed by many people in the RoC because of this problem are still pending in the courts. Filing a lawsuit in RoC is entirely at your personal discretion; however, it would not be right to rely solely on the legal process. Already in 2018, there is a precedent lawsuit filed with the support of KTÖS, KTOEÖS and DAU-SEN unions, and the decision of this lawsuit to be issued by the high court will set a precedent. The outcome of this case in the high court is expected to be announced by the end of 2023 at the latest.

2. Can individuals with mixed marriages who obtained citizenship of the Republic of Cyprus before 2007 have their identity and passport renewed?

Officially, before 2007, if you applied for citizenship to the Council of Ministers and got your ID and passport, yes, it can be renewed. However, IDs and passports obtained 'with influence' through 'agents' cannot be renewed. Citizenship is not cancelled out of the blue. Those whose 'passports' have been revoked are the ones who got 'passports' with their 'agents', and not through official means. They have no records inside and passports are therefore not renewed. Passports and citizenships issued by business agents are not the same thing.

3. Will my current Turkish citizenship or other third world citizenship cause any problems in obtaining the RoC citizenship in the future?

No, it won't. Currently, individual cases, including precedent cases, filed by KTÖS-KTOEÖS-DAÜSEN in 2018 are already being examined under four different headings in the courts of the Republic of Cyprus:

- a. Meeting the criteria specified by official authorities but those whose application was not answered for political reasons
- b. Those who do not meet the criteria specified by the official authorities
- c. Those who meet the criteria specified by official authorities, although one of their parents is a citizen of another country
- d. Applicants for the right to citizenship through marriage.



FREQUENTLY ASKED QUESTIONS

4. With my Turkish or other third world citizenship, can I exit using the ports in the RoC?

In order to use the ports and airports in the RoC, you must first obtain a visa and enter the Republic of Cyprus with the citizenship of the country you want to exit outside the land crossings. (For example: If you go to Türkiye from the TRNC with your Turkish citizenship, issue a visa to the Republic of Cyprus from there and enter through Greece, yes, you can exit from the Southern ports with your Turkish citizenship.

5. If I get married in Türkiye, can my future child get citizenship?

As we said before, there is no 'gap' in the law. Therefore, if a person marries a citizen of the Republic of Cyprus in a country recognized under international law with a citizen of Türkiye or a third world country, and the child is born in a country that is also recognized, yes, this child will not have a 'mixed marriage problem' and this child can be a citizen of the Republic of Cyprus. Mixed marriage is a problem that is valid only for the children of parents who were married in the TRNC or for children born in the TRNC. This is because, in the RoC Civil Registry Law, if the foreign parent entered the island from 'illegal ports', the citizenship of the child is subject to the approval of the Council of Ministers. The decision of the Council of Ministers in 2007 also stopped this. There are instances where children whose parents got married in Türkiye and were born in Türkiye still obtain citizenship of the Republic of Cyprus today.

6. Can I get citizenship if I reject my foreign parent?

Unfortunately, doing such a thing will not change this fact if, for example, if you were born in the TRNC or if your foreign parent entered the island from the TRNC. Instead of seeking individual solutions, it is necessary to take social action because this problem is not a problem that can be solved individually by resorting to legal remedies.



FREQUENTLY ASKED QUESTIONS

7. Can I get a birth certificate from the Republic of Cyprus for my child born from mixed marriage?

Yes, if your child is under 18, the parent who is a citizen of the Republic of Cyprus can go and get a birth certificate. If you are over the age of 18 and you are the child, you can issue a birth certificate for yourself again with a penalty. You can access more detailed information through our project on RoC birth certificates and on our social media accounts. But remember: A birth certificate does not imply citizenship. Since the Republic of Cyprus accepts the island as a whole, the parent of the child who is a citizen of the Republic of Cyprus, regardless of where on the island he is born, can obtain the birth certificate for that child. We even recommend that you buy it before the precedent is concluded because we foresee that having an internal transaction in the Republic of Cyprus will provide an advantage in obtaining citizenship in the future.

8. As a mixed marriage citizen, can I find a job in the Republic of Cyprus?

It varies from workplace to workplace, however, it is possible to find a job without social insurance. We also have examples of this. Insurance is not possible because, as you do not have a citizenship of the Republic of Cyprus, an account cannot be opened in your name in banks in the RoC. Do not forget to follow our social media accounts for these examples.

9. How many people in total suffer from this problem? Is there any study done on this subject?

Unfortunately, one of the biggest shortcomings is that to date there has not been a study to determine the number of people who have mixed marriage problems in a comprehensive way. In 2018, 6000 people were reached in the applications made to KTÖS-KTOEÖS-DAÜSEN unions. However, since this call of the union could not reach everyone, it does not represent all the victims. The fact that no census has been carried out in the TRNC since 2011 makes it very difficult to determine the number. For all these reasons, the actual number is thought to be much higher. As KESÇH, our next goal after this booklet is to start such a data analysis study.



FREQUENTLY ASKED QUESTIONS

10. We still hear that some people with mixed marriage issues get citizenship, how do they get it?

We also hear that some people with mixed marriage problems like you still get citizenship. Unfortunately, there are people who have been doing this as a 'profession' for years. Business followers have been getting some people to get passports for years in exchange for large sums of money; but we do not know how the system works. We also know that there are many people who cannot obtain a passport even with intermediaries or who cannot get a passport renewed. By the way, a passport does not replace citizenship. That's why they can't renew it, let's mention that. We cannot help but point out that it is a path that is completely opposite to our ideology and the path that our non-governmental organisation will follow. The problem of mixed marriage is a purely human problem, and situations that will certainly lead to class discrimination, demanding money in exchange for passports should not be in the solution of this problem.

11. Does a birth certificate from the Republic of Cyprus replace citizenship?

Contrary to what our people in the north know, the document called 'birth certificate' has no citizenship meaning. If you noticed on that document, the term 'nationality' should not be written. Since the birth certificate is in the Republic of Cyprus, that is, the whole island of Cyprus is accepted as ROC, it is a document that can be given to all children born on this island, even to the child born here, for example, of a Chinese person who arrived last year. This document is only to show that the child was born here. They also issue this document to children of mixed marriages, even if they are not born in the territory under the control of the Republic of Cyprus because one of the parents is a citizen of the ROC and the crossings can be used and there is access to the authorities of the ROC. But this has nothing to do with citizenship.



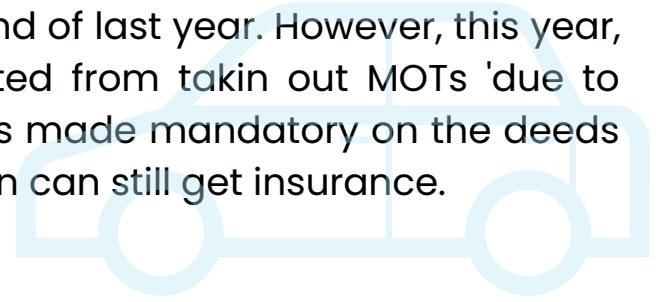
FREQUENTLY ASKED QUESTIONS

12. I cannot navigate the car that is in the name of my wife, who is a foreigner. What is the reason of this?

First of all, we need to separate the concept: 'mixed marriage children' and 'mixed marriage spouses'. Because both are different.

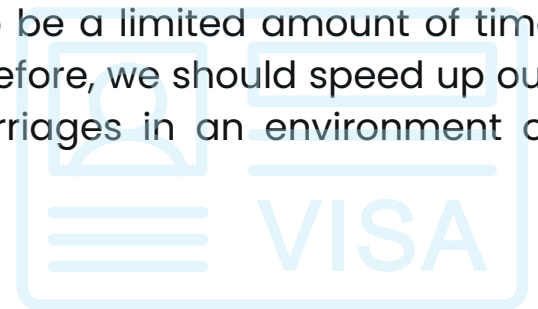
Although we said children first, I would like to clarify the situation. In mixed marriage partners, this happens 'always' when MOT or insurance will be issued. This is not a new thing. People who are Turkish citizens are required to have a Turkish license, not a TRNC driver's license. The foreign spouse always needs his or her spouse or mixed marriage child with him/her in order to be able to process.

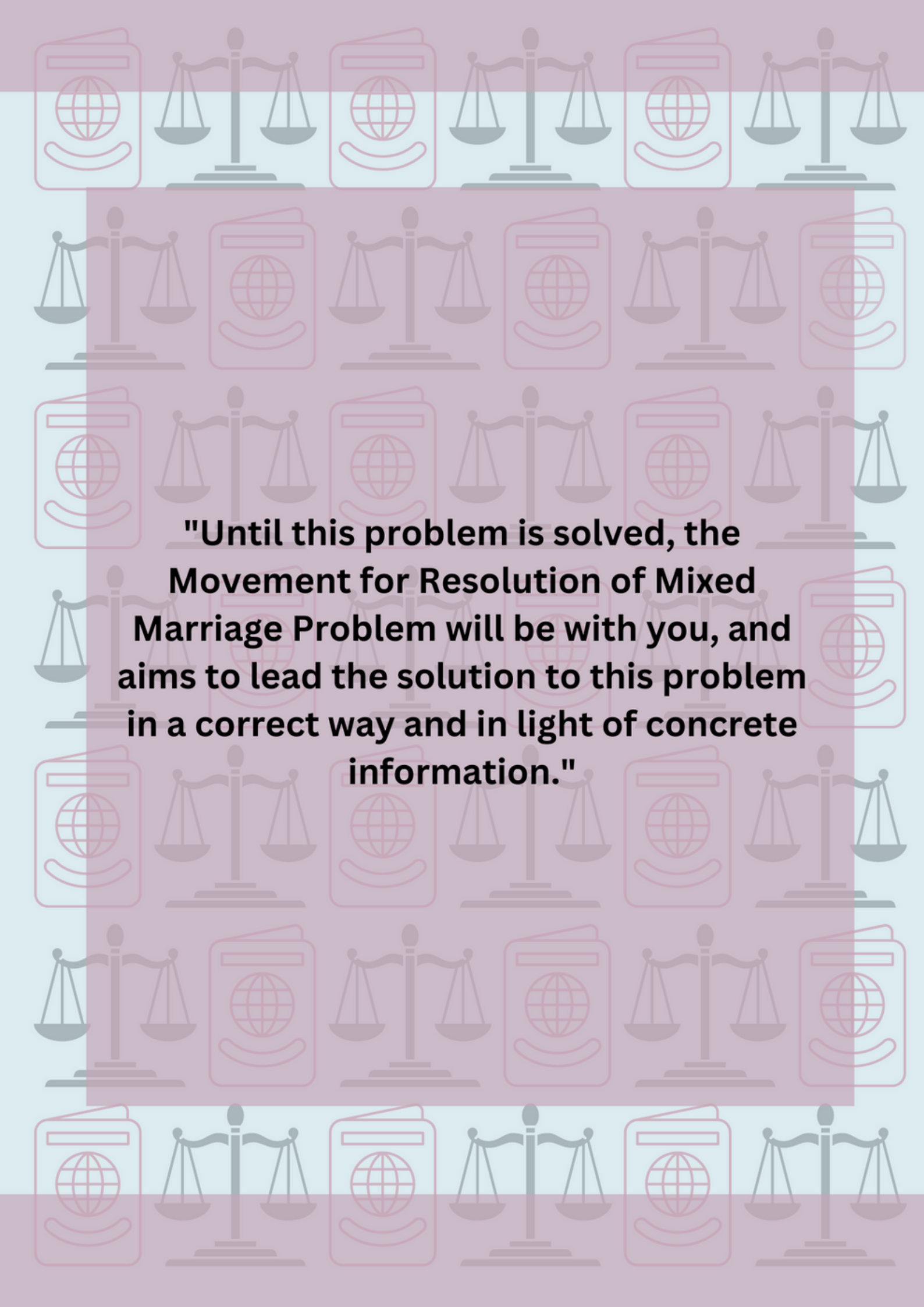
The second point is that 'children of mixed marriages', yes, were able to issue MOT and insurance on their cars until the end of last year. However, this year, children of mixed marriages were prevented from taking out MOTs 'due to various disagreements'. RoC citizenship was made mandatory on the deeds of the car. However, mixed marriage children can still get insurance.



13. How will the status of being a Republic of Cyprus and a Schengen country affect the children of mixed marriages?

Until now, the Republic of Cyprus was one of the 3 countries in the EU that was not Schengen, as it would be difficult for Turkish Cypriots to cross at the checkpoints and children of mixed marriages and spouses would not be able to cross into the RoC using the checkpoints. When Christodoulides became Minister of Foreign Affairs of the RoC in 2019, he took the first step towards RoC becoming a Schengen country. There has been no development since then. However, the escalation of tensions between the two sides accelerated the efforts for the Republic of Cyprus to become a Schengen area when Christodoulides became President of the RoC. Unfortunately, as you can see, there seems to be a limited amount of time left to solve the mixed marriage problem. Therefore, we should speed up our work and resolve the problem of mixed marriages in an environment of peace and reconciliation as soon as possible.





**"Until this problem is solved, the
Movement for Resolution of Mixed
Marriage Problem will be with you, and
aims to lead the solution to this problem
in a correct way and in light of concrete
information."**