

1987 November 30

[STYLIANIDES J]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

NADINE PLUMBLEY,

*Applicant,*

v

THE REPUBLIC OF CYPRUS THROUGH  
THE MINISTER OF INTERIOR

*Respondents*

*(Case No 234/87)*

*Constitutional Law — Constitution Art 14 — Decision refusing applicant s entry into the Republic — Applicant, who was a foreigner, celebrated in Cyprus a lawful marriage and thereafter acquired the citizenship of the Republic — Decision contrary to Art 14 of the Constitution which provides that no citizen shall be banished or excluded from the Republic* 5

*Citizenship — The Republic of Cyprus Citizenship Law 43/67 — When a Cypriot citizen ceases to be such — Renunciation under section 7 — Deprivation by order of Council of Ministers*

The facts of this case sufficiently appear in the Judgment of the Court

*Sub judice decision annulled* 10  
*No order as to costs*

**Recourse.**

Recourse against the decision of the respondent to refuse applicant entry into the Republic on grounds of public interest

*N L Clendes, for the applicant* 15

*D Papadopoulou (Mrs), for the respondent*

*Cur adv vult*

STYLIANIDES J read the following judgment The applicant by means of this recourse seeks the annulment of the decision of

the Chief Immigration Officer to refuse the applicant entry into the Republic on grounds of public interest.

5 The applicant, who is not of Cyprus origin, in June 1966 contracted a civil and ecclesiastical marriage with Mr. Constandinos Dellas, a citizen of the Republic of Cyprus. Out of this marriage a child was born on 7/6/67. The marriage was dissolved, but the applicant continued to live in this country.

On 12/7/80 she married to another Cypriot, namely Costakis Kypreos.

10 In 1982 she, in conformity with s. 5(2) of the Republic of Cyprus Citizenship Law, 1967, (Law 43/67), applied and was registered as a citizen of the Republic.

In August 1985 she left for the United Kingdom.

On 25/11/86 she decided to return to Cyprus.

15 On 8/1/87 applicant through her counsel applied to the Chief Immigration Officer on the subject of her return to Cyprus and the latter took the sub judice decision, which he communicated to her counsel on 16/1/87.

20 From the aforesaid citation of the facts it is plain that the applicant, who was a foreigner, celebrated in Cyprus lawful marriage with a Cypriot citizen. She thereafter acquired the citizenship of a Cypriot.

25 A Cypriot citizen may cease to be such either by renunciation as provided in s. 7, or by deprivation of the citizenship by the order of the Council of Ministers.

30 The applicant continues to be a citizen of the Republic, as she neither renounced her Cypriot nationality, nor she was deprived of it by order of the Council of Ministers. It may be noted that an order of the Council of Ministers is subject to judicial control by this Court.

Article 14 of the Constitution provides that no citizen shall be banished or excluded from the Republic under any circumstances.

35 Any Law pre-existing the establishment of the Republic inconsistent with the above constitutional provision has not survived under Article 188 of the Constitution.

The Constitution is the supreme Law and all authorities of the Republic are bound to secure, within the limits of their respective competence, the efficient application of the provisions of Part II - Fundamental Rights and Liberties.

The sub judice decision is plainly contrary to the Constitution and not valid. 5

The sub judice decision is hereby declared null and void and of no effect.

*Recourse succeeds.*

*No order as to costs.*

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