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NATURALISATION PROCEDURES FOR IMMIGRANTS SWEDEN

Hedvig Bernitz

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MIGRATION POLICY GROUP



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Migration Policy Group
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Naturalisation Procedures for Immigrants

Sweden

Hedvig Bernitz

The Symbolic Value of Swedish citizenship and Promotion Activities

In Sweden citizenship has lost more and more of its importance over the years. The symbolic value is rather weak, and most rights equally apply to citizens and foreigners. There are very few rights that apply only for citizens; basically just the right to vote in parliamentary elections, the right to enter the country, and the right to hold some (but very few) employments. The focus, as regards immigration issues, is rather concentrated to questions relating to residence permits etc., i.e. on a much earlier stage than citizenship issues. Therefore there have been no naturalization campaigns or any other state organized activities helping or encouraging people to apply for citizenship.

For those foreigners who are considering applying for citizenship it is, however, easy to get information. There is a written folder available, and the Swedish Migration Board also has a customer service with regular telephone hours (Monday–Friday 08.30–16.00, telephone number +46 771-235 235). This number also connects to the Swedish Migration Board's switchboard, and other units. The Board also has a webpage (www.migrationsverket.se), where the applicant, under the link “Becoming a Swedish citizen” may find all information needed. Information is given in Swedish and English, but there are information leaflets available in other languages as well. On the webpage the applicant may also find a “citizenship guide” where he or she, by answering simple questions, can check whether the naturalization requirements are fulfilled. There is also a possibility for the applicant to check the status of his or her application electronically by entering the case number on the webpage.

Many municipalities organize citizenship ceremonies for new citizens living in the region. Organizing such ceremonies is today voluntary, and there are no guidelines as to the content. The Government has, however, the ambition to strengthen the symbolic value of Swedish citizenship. Therefore a special committee (*Vissa medborgarskapsfrågor*, Dir. 2012:2) is currently investigating whether mandatory citizenship ceremonies with a common content and organisation might be a way to emphasize the importance of citizenship to new Swedish citizens. The result of the committee’s work shall be presented in April 2013.

The Decision Making Process and Required Documentation

The Swedish Migration Board examines matters covered by the Act on Swedish Citizenship (2001:82) except for notification cases concerning Nordic citizens, which are examined by the county administrative board in the county where the person in question is registered as resident (Act on Citizenship, Section 22). An application for naturalization shall, normally, be sent to the Swedish Migration Board either by post or electronically on the webpage of the Board, and the Board is responsible for checking whether the application is complete and correct. For those who are not resident in Sweden the application form shall, however, be submitted to a Swedish embassy or consulate. The authority to which the application is submitted is responsible for the examination of the matter. If the examination is made by an embassy or consulate the matter shall, after the examination, be sent to the Swedish Migration Board and the Board decides whether to accept or to reject the application. Documents that need to be submitted together with the application form are the applicant's national passport, travel document or alien's passport in the original. If the applicant has a previously issued passport he or she must also send the original. If the applicant does not have a national passport, he or she may enclose the originals of other identity documents (foreign driving licenses, birth certificates etc. are normally not accepted). If the applicant includes several documents, they shall be numbered in the same order in which they are entered in the application form. The applicant's residence permit card shall also be submitted together with the application form for those aliens who need one, as well as a civic registration certificate (entitled *Application for Swedish citizenship (Ansökan om svenskt medborgarskap)*) must also be submitted. Civic registration cards are obtained from the Swedish Tax Agency.

The authority responsible for the examination may obtain information that is not classified as secret personal information from other authorities. According to the Official Secrets Act (2012:459), secrecy applies, however, between authorities as regards classified personal information, unless it is laid down in law or other provisions that information shall be supplied on request. For citizenship matters there is such a provision in the Act on Citizenship Section 28, which provides that a municipal social services committee shall, at the request of the Government, the Swedish Migration Board, a migration court or the Migration Court of Appeal, supply information concerning an alien's personal circumstances if the information is needed in a matter concerning Swedish citizenship. When examining the naturalization requirement on good conduct the Migration Board may also check with other authorities (see below).

When someone has acquired Swedish citizenship, the Swedish Migration Board sends the decision to the registered address of the applicant. A copy of the certificate is also sent to the population registry at the Swedish Tax Agency. If the application was submitted to a Swedish embassy or consulate it shall also be notified. The foreign citizen officially becomes Swedish citizen when the decision is made and registered.

Naturalization Requirements and the Discretionary Powers of the Swedish Migration Board

The naturalization requirements are found in section 11 in the Act on Citizenship, and there is discretion as to every requirement. Section 11 states that “An alien can apply for and be granted Swedish citizenship...”. The word “can” is interpreted as giving the authorities full discretion.

As to the *first naturalization requirement*, that the applicant can prove his or her identity, there are rather strict guidelines in practice. The proof of identity requirement has been tightened up over the years. Exceptions are possible, but only in certain situations. The identity may be proven by showing the national passport in the original *or* showing an identity document in the original *or*, if that is not possible, a close relative attesting to the applicant’s identity. The passport or identity document must have been issued by a public authority in the country of origin, be of good quality and not be too rudimentary. There must be a photo on the document, and the Swedish Migration Board must be able to easily see that it is the applicant in the photo. There must be no doubt that the document is genuine and has been properly issued, and the person in question must have applied for the document and/or picked it up in person from the issuing authority. If the applicant has many documents which do not individually fulfill the requirement, the Migration Board may make an assessment of whether they can jointly prove the identity.

According to practice, the applicant’s husband/wife or a close relative (parents, adult children or siblings) may sometimes attest to the identity. In such cases, the relative attesting the identity must have become a Swedish citizen himself or herself, and, on that occasion, have proved his or her own identity by producing a passport or an accepted identity document from the country of origin. In previous reports relating to aliens cases, the applicant and his or her relative must have submitted concordant information regarding identity, relationship, background, family circumstances, etc. In order for the applicant’s husband/wife to attest to the applicant’s identity, the couple must have lived together before coming to Sweden for such a period that the spouse has knowledge of the applicant’s background and life story so that the identity can be attested to without doubt.

The Migration Board may also make exceptions if the applicant cannot prove his or her identity, provided that the person has lived in Sweden for at least eight years *and* the information about his or her identity is credible *and* the person lacks the opportunity to obtain acceptable documents to prove the identity (Act on Citizenship, Section 12). The identity is considered credible if the applicant has lived in Sweden for an uninterrupted period of at least eight years, and has had the same identity throughout this period. If the applicant has changed his or her identity during the time in Sweden, it is more difficult to make an exception to the proof of identity requirement. The time spent in Sweden with an incorrect identity cannot be counted towards the period of residence.

Special requirements relating to identity issues currently exist for Afghanistan, Iraq, Kosovo, Somalia, Eritrea and stateless Palestinians.

The second requirement for naturalization is the age requirement. The applicant must have reached the age of 18. If the applicant has children under the age of 18, they may, however, be included in the application (Act on Citizenship, Section 13). They can then become Swedish citizens together with the applicant. The Migration Board may make exceptions to the age requirement. For example, a child who has a Swedish mother or Swedish father may become a Swedish citizen if its parents submit an application. In some cases, a child may also become a Swedish citizen "independently" through notification (Act on Citizenship, Section 5-7). According to practice, refugee children arriving alone in Sweden may also be naturalized.

The third naturalization requirement concerns the holding of a permanent residence permit. A person will receive a permanent residence permit after five years of continuous legal residence in Sweden. Legal residence in this connection means that the person in question has met the requirements for right of residence during the entire time in Sweden. If the applicant has been a legal resident of Sweden for five years but not requested a certificate of permanent right of residence or applied for a permanent residence card, the Migration Board will determine whether the applicant meets the conditions for it when the application for Swedish citizenship is submitted. Exceptions from this requirement are rare.

Permanent right of residence for citizens of the EU countries and citizens of the EEA countries and members of their families are equivalent to permanent residence permit (Act on Citizenship, Section 20). Provisions concerning the requirement for a permanent residence permit do not apply to citizens of Denmark, Finland, Iceland and Norway.

The fourth naturalization requirement provides that the applicant must have been domiciled in Sweden for the previous five years (two years in the case of Nordic citizens, and four years in the case of stateless persons and refugees). According to the Act on Citizenship, Section 12 and practice, an applicant that has been married to, living in a registered partnership with or cohabiting with a Swedish citizen for at least the past two years, may apply for Swedish citizenship after spending three years in Sweden. If the husband, wife, partner or common law spouse was formerly the citizen of another country (or were stateless), he or she must have been a Swedish citizen for at least two years. If the applicant has lived in Sweden under other identity than the correct one, this time period may not be counted.

According to law and practice, the Migration Board may grant exceptions from the period of residence requirement to emigrants, formerly Swedish citizens, who returns to Sweden, to persons who are employed on a Swedish ship and who is registered in Sweden, and to persons who are in the employ of a Swedish company abroad and who has previously lived in Sweden. Exception may also be granted to a person who has been married to a Swedish citizen abroad for at least ten years and who does not live in his or her country of origin. The person in question must, however, have strong ties with Sweden, e.g. through frequent visits or having a strong need to become a Swedish citizen. Exceptions may also be granted to

person whose uninterrupted period of residence in Sweden is too short, and he or she may be allowed to count previous periods of residence in Sweden, partly or in full. This depends on how long and why the person have been abroad.

Exceptions may, according to practice, also be made for humanitarian, personal, social or other reasons (for example skilled sportsmen). Exceptions from this condition are the most frequent exceptions from the naturalization requirements.

The fifth and last naturalization requirement is the good conduct requirement. The applicant must have “led and be expected to lead a respectable life”. The Migration Board requests information from other authorities in order to check if the applicant has any debts or has committed a crime in Sweden. Information is requested from the Enforcement Authority (debts), The Swedish National Police Board (committed crimes or suspicion of doing so), the Security Service (security checks).

A person who has committed a crime may still become a Swedish citizen, but he or she must, according to national guidelines and practice, wait for a specified period. The length of time depends on the sentence received. The time which must elapse after the crime before the applicant can acquire Swedish citizenship is called the qualifying period. The qualifying period is usually calculated from the date of the crime. A prison sentence must have been served, the probationary period in the event of a conditional release must have been completed and any fines imposed must have been paid, etc. before the applicant can become a Swedish citizen. Example of qualifying periods: If the penalty is a 1-month custodial sentence, the applicant can become Swedish citizen no sooner than four years after the crime. If the penalty is a 4-month custodial sentence, the applicant can become Swedish citizen no sooner than five years after the crime. If the custodial sentence is one year the qualifying period is seven years after sentence is served. The qualifying periods are only guidelines, and an individual examination is always made. If the applicant has committed crimes on more than one occasion, the qualifying period may, for example, sometimes be longer. If the risk of relapse, on the other hand, is considered low the qualifying period may be shorter.

Exceptions from the good conduct requirement are very rare, but has been granted for, for example, humanitarian reasons or to applicants who have lived for a very long time in Sweden (persons born in the country, etc.) .

Fees and Time Limits

People applying for Swedish citizenship through naturalization must pay a fee (1500 SEK). For adopted children the fee is, however, 175 SEK. An applicant who is stateless *and* has been declared a refugee *or* has a Swedish travel document does not have to pay any fee. A receipt must be submitted together with the application. There are no additional costs. The fee for those who are entitled to citizenship through notification is differentiated (0-475 SEK), and depends on which category of entitled persons the person belongs to.

There are no provisions laying down any official time limits for the examination and the decision in citizenship matters. Swedish authorities only have a general obligation to arrive at a decision as soon as possible, according to the Act on Administration (1986:223). In July 2012 the waiting period for naturalization is, according to the Swedish Migration Board, one year from the date of the application. For those who are entitled to citizenship through notification, the waiting period is about 7 months. An application for naturalization may sometimes have to be further checked, or supplementary information or document might be needed. This might cause further delays in the decision procedure.

The Appeal Process

If the Swedish Migration Board rejects an application for naturalization the applicant is given the possibility to appeal the decision. The appeal shall be sent to the Migration Board within three weeks of the date that the applicant was given the decision. The Swedish Migration Board will submit the appeal to the Migration Court, if the Migration Board does not change its decision in the way that the applicant wants. In the appeal the applicant must write which decision he or she wants to appeal and how he or she wants it changed. The applicant's name, personal identity number, address and phone number must also be included. The appeal must be signed either by the applicant himself or herself, or by an attorney given the power to do so. A decision by the Migration Court may be appealed to the Migration Court of Appeal according to the same procedure. Leave to appeal to the Migration Court of Appeal is, however, needed.

