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## **CARIM INDIA – DEVELOPING A KNOWLEDGE BASE FOR POLICYMAKING ON INDIA-EU MIGRATION**

Co-financed by the European Union

### ***The relationship between citizenship and residence in the citizenship laws of the Member States of the European Union***

**Gerard-René de Groot**

**Maarten Peter Vink**

CARIM-India Research Report 2013/25



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**CARIM-India**  
**Developing a knowledge base for policymaking on India-EU migration**

**Research Report**  
**Thematic Report**  
**CARIM-India RR2013/25**

**The relationship between citizenship and residence in the citizenship laws of  
the Member States of the European Union**

**Gerard-René de Groot<sup>(1)</sup>; Maarten Peter Vink<sup>(2)</sup>**

Professor in Comparative law and International Private Law, Maastricht University (1); Associate  
Professor, Maastricht University, and Part-Time Professor, RSCAS, EUI, Florence (2)

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European University Institute  
Badia Fiesolana  
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## **CARIM-India – Developing a knowledge base for policymaking on India-EU migration**

This project is co-financed by the European Union and carried out by the EUI in partnership with the Indian Council of Overseas Employment, (ICOE), the Indian Institute of Management Bangalore Association, (IIMB), and Maastricht University (Faculty of Law).

The proposed action is aimed at consolidating a constructive dialogue between the EU and India on migration covering all migration-related aspects. The objectives of the proposed action are aimed at:

- Assembling high-level Indian-EU expertise in major disciplines that deal with migration (demography, economics, law, sociology and politics) with a view to building up migration studies in India. This is an inherently international exercise in which experts will use standardised concepts and instruments that allow for aggregation and comparison. These experts will belong to all major disciplines that deal with migration, ranging from demography to law and from economics to sociology and political science.
- Providing the Government of India as well as the European Union, its Member States, the academia and civil society, with:
  1. Reliable, updated and comparative information on migration
  2. In-depth analyses on India-EU highly-skilled and circular migration, but also on low-skilled and irregular migration.
- Making research serve action by connecting experts with both policy-makers and the wider public through respectively policy-oriented research, training courses, and outreach programmes.

These three objectives will be pursued with a view to developing a knowledge base addressed to policy-makers and migration stakeholders in both the EU and India.

Results of the above activities are made available for public consultation through the website of the project: <http://www.india-eu-migration.eu/>

*For more information:*

CARIM-India

Robert Schuman Centre for Advanced Studies (EUI)

Convento

Via delle Fontanelle 19

50014 San Domenico di Fiesole

Italy

Tel: +39 055 46 85 817

Fax: + 39 055 46 85 770

Email: [India-EU.Migration@eui.eu](mailto:India-EU.Migration@eui.eu)

**Robert Schuman Centre for Advanced Studies**

<http://www.eui.eu/RSCAS/>

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## **Abstract**

This paper addresses various aspects of the link between residence and citizenship in EU Member States. The first concerns the length or type of residence required for acquisition of citizenship by naturalization. All Member States impose residence requirements for this purpose, but differences between national laws are considerable. Second, the paper surveys whether, or under which conditions, citizenship acquired by naturalization can be lost by a certain period of residence abroad. Third the paper describes and analyzes national laws that make an exception to the general rule citizenship can be transmitted by (a) parent(s) to their children, even if the parent(s) reside(s) outside of the country of citizenship and their children are therefore born outside that country. The content of this paper is based on several comparative studies conducted on grounds for acquisition and loss of nationality, in particular of the Member States of the European Union.

## 1. Introduction

One of the most basic requirements for the acquisition of citizenship by naturalization is a residence requirement. In par. 2 comparative remarks will be made on the acquisition of European citizenship via naturalization in a Member State of the European Union. All Member States require in principle a certain period of residence in that Member State before a foreigner can apply for naturalization. The length of the required residence varies considerably, whereas also the type of residence required differs from Member State to Member State.

In par. 3 another relationship between citizenship and residence will be discussed. In some States citizenship may be lost by continuous residence abroad. In some of those States in particular a citizenship acquired by naturalization can be lost by a certain period of residence abroad. A survey will be given of which Member States where such loss of citizenship may occur and under which circumstances.

Finally, par. 4 is devoted to again another link between citizenship and residence. In most States citizenship can also be transmitted by (a) parent(s) to their children, if the parent(s) has/have residence outside of the country of citizenship and their children are therefore born outside that country, but some States, including Member States of the European Union provide for exceptions. These limitations of the acquisition of citizenship by descent (*iure sanguinis*) will be described and analyzed.

The content of this paper is based on several comparative studies conducted on grounds for acquisition and loss of nationality, in particular of the Member States of the European Union.<sup>1</sup> I.a. on the basis of these studies detailed data are collected on the grounds of acquisition and loss of the citizenship of Member States of the European Union and presented in the databases of the European Union Democracy Observatory on Citizenship (EUDO Citizenship).<sup>2</sup> Three very relevant tables of those databases are included as annexes to this paper.

## 2. Residence requirements as condition for naturalization

In principle, all States require that a foreigner who wants to acquire citizenship by naturalization has resided during a certain period on the territory of that State before he can successfully apply for the acquisition of citizenship. For some categories of foreigners the possibility of a waiver of this requirement may exist, e.g. for spouses of nationals<sup>3</sup> or for persons who rendered very exceptional services to the State.

Although the nationals of the Member States of the European Union possess European citizenship, the grounds for acquisition and loss of the citizenship of the Member States are determined by the Member States. Consequently, in the European Union it is also up to the Member States to determine the residence requirement for naturalization. The European Union does not have the legislative power to legislate on this issue.

Article 20 (1) of the Treaty on the Functioning of the European Union provides in accordance with the text of Article 17 (1) ECT introduced in 1992 by the Treaty of Maastricht on the European Union:<sup>4, 5</sup>

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<sup>1</sup> Goodman 2010; De Groot 1989; De Groot and Vink 2010; Vink and De Groot 2010.

<sup>2</sup> See [www.eudo-citizenship.eu](http://www.eudo-citizenship.eu) (last visited on 28 April 2013). The Eudo Observatory is a co-operation project between the European University Institute in Florence, Edinburgh University, UCD Dublin University, Maastricht University and the Migration Policy Group.

<sup>3</sup> See De Groot 2005b.

<sup>4</sup> O.J. C 224 of 31 August 1992.

“Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union.”

And since the Treaty of Amsterdam<sup>6</sup> Article 17 ECT continued as follows:

“Citizenship of the Union shall complement and not replace national citizenship.”

In Article 20 (1) TFEU provides –slightly differently –

“Citizenship of the Union shall be additional to and not replace national citizenship.”

In a special ‘Declaration (no 2) on nationality of a Member State’, which is attached to the Maastricht Treaty the autonomy of Member States in citizenship matters is underpinned. The Declaration reads as follows:

‘The Conference declares that, wherever in the Treaty establishing the European Community reference is made to nationals of the Member States, the question whether an individual possesses the nationality of a Member State shall be settled solely by reference to the national law of the Member State concerned. Member States may declare, for information, who are to be considered their nationals for Community purposes by way of a declaration lodged with the Presidency and may amend any such declaration when necessary.’<sup>7</sup>

However, within Europe an international convention, realized in the framework of the Council of Europe, the European Convention on Nationality<sup>8</sup> (hereinafter abbreviated as ECN), concluded in Strasbourg in 1997 contains a provision on the residence requirement for naturalization. Art. 6(3) prescribes:

“Each State Party shall provide in its internal law for the possibility of naturalisation of persons lawfully and habitually resident on its territory. In establishing the conditions for naturalisation, it shall not provide for a period of residence exceeding ten years before the lodging of an application.”

This principle can be considered as an important standard for the legislators of Member States of the European Union. However, it has to be admitted that only those Member States which ratified the ECN are under international law bound by the provision as such. The ECN is now ratified by 20 States, whereas 9 other States signed the Convention but did not ratify yet. Of the Member States of the European Union 12 States ratified the ECN, whereas 7 other Member States signed the Convention.

Studying the texts of the citizenship acts of the Member States, at first sight, all Member States<sup>9</sup> seem to comply with the standard of the ECN in respect with the maximum residence requirement for acquisition of citizenship through naturalization. However, we can observe a significant variation with respect to the duration of the required residency period, the extent to which interruptions are tolerated and whether the applicant needs to hold a certain residence status or permit at the time of application or even throughout the required residence period.<sup>10</sup>

The duration of residence required as a condition for naturalization varies enormously, ranging from three (Poland; POL 30) to ten (Austria (AUS 10), Italy (IT 9) and Lithuania (LIT 18)). However, in Poland the requirement is three years residence in possession of a permanent residence permit or a long

(Contd.) \_\_\_\_\_

<sup>5</sup> Effective as of 1 November 1993. Before the Treaty of Amsterdam came into force, Article 17 used to be Article 8.

<sup>6</sup> O. J. C 340 of 10 November 1997, in force since 1 May 1999.

<sup>7</sup> Although this declaration is not attached anymore to the consolidated European Treaties after the Lisbon Treaty it is still generally accepted that Member States are in principle autonomous in citizenship matters. Compare De Groot 2005b.

<sup>8</sup> CETS 166.

<sup>9</sup> In this paper Croatia, which will accede the European Union on 1 July 2013, is included.

<sup>10</sup> Goodman 2010.



term EU residence permit. These permits can normally only be acquired after a temporary residence permit of five years. Therefore the real residence requirement in Poland is eight years. See Annex 1.

Twelve Member States require five years residence before the person involved can apply for naturalization: Belgium (BEL 12bis), Bulgaria (BUL 12), Cyprus (CYP 111), Czech Republic (CZE 7), Finland (FIN 13), France (FRA 21-16), Ireland (IRE 9(5) and 15), Latvia (LAT 10), Malta (MAL 10), Netherlands (NET 8), Sweden (SWE 11) and the UK (UK 6). In Portugal (POR 6) a residence of 6 years is required. But again a caveat has to be made. In Bulgaria, Latvia and Sweden the residence of five years must be in possession of a permanent residence permit, which implies factually a residence requirement of ten years. If we take this into account, only ten Member States have a residence requirement of 5 years. Moreover, in the Netherlands the applicant for naturalization needs in fact a permanent residence permit at the moment of application for naturalization, because another requirement is that there are no objections against indefinite residence in the country. Also in the Czech Republic a permanent residence permit is necessary before an application for naturalization can be submitted. In most Member States the required period of residence must be immediately and uninterrupted before lodging the application for naturalization. Three countries are more liberal in this respect: Cyprus, Ireland and Malta. In Cyprus the applicant must have been resident in the country during five years within a period of seven years preceding the application for naturalization, of which the year immediately prior to the submission of the application has to be continuous. Ireland has a similar rule, but requires five years residence within the nine years before the application, including the year preceding the application. Malta requires five years residence within the period of seven years before the application. In two other countries we find provisions which allow for a shorter period of residence prior to the application if the total, but interrupted period of residence was longer. In Finland a two years residence period immediately prior to the application suffices, if the total period of residence was at least seven years. A similar rule exists in the Netherlands where also two years of uninterrupted residence are required, if the total period of residence was at least ten years. It is not always clear from the data which we used, whether the required period of residence must be in possession of a (temporary) residence permit, with other words, whether the whole required period must have been a *legal* residence. E.g. in the Netherlands until 2003, proof of factual residence of five years in the country was enough, provided the applicant had a residence permit at the moment of application. Since 2003 this is different: only periods of residence with a residence permit count for the calculation of the required period of five years.

Remarkable is the fact, that the residence requirement of Finland is shortened to four years uninterrupted or six years interrupted residence, if the applicant meets certain language requirements.

Until 2013 Belgium only required three years of residence, but now requires five years. In 2009 Luxembourg has raised the minimum residence requirement from five to seven years, but in 2013 the proposal is made to reduce this requirement again to five years.<sup>11</sup> Portugal lowered its requirement from ten to six years in 2006. Greece has also shortened its residence condition in 2010 from ten to seven years. However, in 2011 Croatia raised the residence requirement from five to eight years.

Two Member States, Greece (GRE 5) and Luxembourg (LUX 6) require seven years of residence, although it has to be admitted, that it is not completely clear whether Greece requires seven years of “permanent residence” or seven years “continuous residence”<sup>12</sup>. If the Greek requirement implies that

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<sup>11</sup> Wort.lu: “The current clause of seven consecutive years of residency in the Grand Duchy will be lowered to five years, and the time no longer needs to be spent in Luxembourg consecutively. Applicants born in Luxembourg or resident in Luxembourg before their 18th birthday can apply after three years of residency in the country. A complete waiver of the residency clause will be possible under certain conditions.” See <http://www.wort.lu/en/view/proposals-for-nationality-law-change-presented-51419925e4b066c05a373ea7>.

<sup>12</sup> The English translation of the Greek citizenship act on the eudo-observatory website mentions: “have lawfully resided in Greece for seven continuous years before the submission of the application for naturalisation” (see: <http://eudo-citizenship.eu/admin/?p=file&appl=currentCitizenshipLaws&f=GRE%20Citizenship%20Code%20%28as%20of%20201>

the applicant must be in possession of a permanent residence requirement during the whole required residence period, this would imply an ordinary residence requirement of around twelve years, which would be contrary to the ten years standard of the European Convention on Nationality.

Six Member States, Croatia (CRO 8), Estonia (EST 6), Germany (GERM 10 and 12), Hungary (HUN 4), Romania (ROM 8) and Slovakia (SLK 7) require eight years of residence.

However, Estonia requires additionally five years of residence with a permanent residence permit, which implies that the residence requirement as a whole can normally only be fulfilled after ten years of residence. It is not completely clear whether Hungary requires eight years with a settlement permit. If that would mean that the applicant must be in possession of a permanent residence requirement during eight years,<sup>13</sup> this would imply an ordinary residence requirement of around thirteen years, which would be contrary to the ten years standard of the European Convention on Nationality. However, the English translation of the Hungarian citizenship act mentions: “the applicant resided in Hungary continuously over a period of eight years

preceding the submission of the application”.<sup>14</sup> This would not be a residence with permanent residence permit, but an uninterrupted residence of eight years. Furthermore, it has to be underlined that Poland (if our interpretation of the Polish rules as given above was correct) in fact also requires at least eight years of ordinary residence. Croatia and Germany require at the moment of submission of the application for naturalization, that the applicant has a permanent residence permit.

Denmark (DEN 6) requires a residence period of nine years and furthermore at the moment of submission of the application for naturalization a permanent residence permit.

As already mentioned above, five MSs (Austria, Italy, Lithuania, Slovenia and Spain) require ten years of residence before an application for naturalization can be submitted.

Of these Member States Austria and Slovenia require that five years of residence were in possession of a permanent residence permit.

We noticed already that a number of states have a specific stipulation that the potential applicant must hold a permanent residence status at the time an application for citizenship is made.<sup>15</sup> Some states have an even more demanding requirement that only years with a permanent residence status count towards naturalization. However, a number of other countries do not require permanent resident status at the point of application, including Belgium, Cyprus, Finland, France, Ireland, Italy, Luxembourg, Malta, Portugal, Romania, Slovakia, Slovenia, and Spain.

In this paragraph we focused on residence as requirement for naturalization. We could already observe that this requirement can be indirectly influenced by other requirements which may exist in a State as condition for naturalization, e.g. the requirement of a permanent residence permit. At the end of this paragraph we want to underpin again, that next to the residence requirement several other conditions for naturalization may exist, like language requirements, the absence of a criminal record, finances, the obligation to renounce a previous citizenship.

(Contd.) \_\_\_\_\_

0%2C%20English%29.pdf), whereas the survey on Acquisition of citizenship via Mode A06: ordinary residence mentions as condition: “Person has been resident in Hungary for 8 years with a settlement permit” (see <http://eudo-citizenship.eu/databases/modes-of-acquisition?p=&application=&search=1&modeby=idmode&idmode=A06>).

<sup>13</sup> See the survey on Acquisition of citizenship via Mode A06: ordinary residence mentions as condition: “Person has been permanently resident in Greece for 7 years” (see <http://eudo-citizenship.eu/databases/modes-of-acquisition?p=&application=&search=1&modeby=idmode&idmode=A06>).

<sup>14</sup> <http://eudo-citizenship.eu/admin/?p=file&appl=currentCitizenshipLaws&f=HUN%20Act%20LV%20of%201993%20as%20of%20Jan%202009%2C%20English%29.pdf>

<sup>15</sup> Goodman 2010.

### 3. Residence abroad as ground for loss of citizenship

The idea that citizenship should express a genuine link between a person and a state and that the loss of this link should also imply the loss of the status, is arguably expressed most clearly in provisions in citizenship laws that provide for the loss of citizenship for those citizens who permanently reside in another state.<sup>16</sup> The European Convention on Nationality explicitly allows for the loss of citizenship because of a ‘lack of a genuine link between the State Party and a national habitually residing abroad’ (ECN 7(1)(e)). The explanatory report on the ECN underscores that:

Possible evidence of the lack of a genuine link may in particular be the omission of one of the following steps taken with the competent authorities of the State Party concerned:

- i. registration;
- ii. application for identity or travel documents
- iii. declaration expressing the desire to conserve the nationality of the State Party.

The explanatory report stresses that “[i]t is presumed that the state concerned will have taken all reasonable measures to ensure that this information is communicated to the persons concerned.”

The right to an administrative or judicial review (ECN 12) is underlined with regard to this ground for loss. This arguably also implies that a judge could come to the conclusion that, although formal criteria for the loss of citizenship may be fulfilled, there still is a genuine link between the respective state and the target person. Statelessness is obviously one of the issues that may arise in such a case and the European Convention (Article 7(3)) indicates that loss of citizenship based on continued residence abroad, failure to register or similar grounds, may not occur if this would lead to statelessness. The 1961 Convention on the Reduction of Statelessness indicates, moreover, that a naturalized person may not lose her or his citizenship based on this ground on account of residence abroad for a period of less than seven consecutive years (Article 7(4)). The European Convention does not specify such a minimum period of residence abroad and also does not restrict this ground to naturalized persons.

In ten of the Member States of the European Union persons may lose citizenship due to continuous residence abroad (see Annex 2). The details of these regulations vary considerably and important differences between regulations across these countries relate to the procedure of loss (lapse versus withdrawal), the personal scope (only applicable to persons born abroad versus applicable to all citizens), statelessness (only applicable to dual citizens versus applicable to all citizens), age (whether or not there is an age limit), and the actions that target persons can undertake to prevent the loss of citizenship.

Danish law provides that any person who is born abroad and has never lived in Denmark, nor stayed there under conditions indicating a special tie with Denmark, shall lose her or his Danish citizenship on attaining the age of twenty-two (DEN 8(1)). The Minister of the Interior, or anyone authorized by the Minister, may on application submitted before this time, permit the citizenship to be retained. One year of residence is sufficient to establish the special tie or *samhørighed*<sup>17</sup>, but it can also be manifested by a long term study program in Denmark, frequent vacations, or military service. Since 1999 this mode of loss only becomes effective if the target person does not become stateless.

Similar provisions can be found in the Finland and Sweden (see FIN 34, and SWE 14). In all these cases the loss of citizenship occurs automatically (‘lapse’) at the age of 22 when the target person has been born abroad, has another citizenship as well, and has not been granted permission to retain

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<sup>16</sup> De Groot 1989, 290-295.

<sup>17</sup> Zahle 1996, 194.

citizenship before the age of 22. In Sweden the consent is normally granted.<sup>18</sup> Differently from Denmark and Sweden lapse of citizenship can in Finland also apply to persons born in the country. However, residence for seven or more years outside of Finland and the other Nordic countries leads to the lapse of citizenship before the age of 22 for persons who also possess the citizenship of another country. In Finland having been issued with a Finnish passport or completing military or civil service in Finland are sufficient conditions for retaining Finnish citizenship (FIN 34).

In Belgium, Cyprus, Malta and Spain a different procedure exists for the prevention of loss of citizenship due to residence abroad: the target person has to make a declaration stating the wish to continue being a citizen.<sup>19</sup> In Belgium, inspired by Denmark and the Netherlands, the provision was introduced as late as 1985.<sup>20</sup> Since 1987 Luxembourg had a provision very similar to the Belgian one, but required permanent residence abroad for twenty years (LUX 25(8) old) and abolished this ground for loss in 2006 before it could have an effect.

In Malta the loss does not occur automatically, but by withdrawal, and the scope of the provisions is restricted – as in Ireland – to naturalized citizens. Public service abroad, or giving notice in writing to the Minister of the intention to retain citizenship of Malta, suffice to retain Maltese citizenship (MAL 14(2)(d)). The Spanish procedure only applies to persons who have been born abroad and who have acquired Spanish citizenship from a parent who was also born abroad (SPA 24(3)).

In the Netherlands, remarkably, between 1985 and 2003 no preventive action existed other than taking up residence outside the country of birth, even if the target person evidently still had ties with the Netherlands. Moreover, there was also no possibility for the authorities to correct the loss in cases where the person involved still has evident ties with the Netherlands. The loss of Dutch citizenship happened *ex lege*. This situation was arguably not in conformity the European Convention (ECN 7(1)(e), explanatory report) and also led to much protest from the emigrant community. Since 2003, loss of citizenship no longer exists when the target person is in possession of a Netherlands passport not older than ten years or a certificate of possession of Netherlands nationality, which is not older than ten years. A remarkable aspect of the current Dutch provision is that the Netherlands do not apply this ground for loss to citizens living permanently in other member states of the European Union. These persons are deemed to maintain relevant ties with the Netherlands. Moreover, when introducing the EU amendment in 2003, the Dutch government legitimized this explicitly by referring to the possibility that a loss of citizenship by Dutch citizens residing in another member state, if they would not have the citizenship of another member state, might well be perceived as an obstruction of the free movement of persons.<sup>21</sup>

In France and Ireland, as in Cyprus and Malta, loss of citizenship caused by residence abroad does not occur automatically, but only as a result of a specific administrative act (FRA 23-6). In general, one could say loss of citizenship by these types of ‘withdrawal’ procedures is far less likely to occur than if this happened automatically. The loss of French citizenship can be established (*constatée*) by a judgment, if persons who acquired French citizenship by descent never possessed the ‘apparent status of a French national’ (*possession d’état*) and never had their habitual residence in France. Additional conditions are that the ancestors of the target person did also not have the ‘apparent status of a French national’ or lived in France for the last fifty years. The judgment also has to indicate at which moment French citizenship was lost. A decision on the loss of citizenship of a parent may lead to the conclusion that the target person never possessed French citizenship.<sup>22</sup>

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<sup>18</sup> Bellander 1996, 658, footnote 38.

<sup>19</sup> See the recent decision of the Court of Appeal of Brussels 11 April 2013, R.G. No. 2011/AR/1433; No. rép. 2013/ 2481 (not yet reported).

<sup>20</sup> Carlier and Goffin 1996, 146.

<sup>21</sup> De Groot 2005, 25-34; Vink 2005, 151.

<sup>22</sup> Lagarde 1996, 323, 324.

In Ireland, as in Cyprus and Malta, loss provisions for residence abroad apply only to naturalized citizens. Even though at least the Irish provision is of little or no practical relevance, as no systematic checks are being carried out by the authorities,<sup>23</sup> this restricted personal scope is at odds with the European Convention (ECN 5(2)), which provides that original citizens and naturalized citizens should be treated equally. The Irish provision, moreover, has an ethnically restricted scope as well, as it does not apply to a “person of Irish descent or associations”, which is problematic in relation to the Convention’s ban on discrimination based on sex, religion, race, colour, or national or ethnic descent (ECN 5(1)).

#### 4. Non-transmission of citizenship to children because of residence and birth abroad

A substantial number of European states limit the transmission of citizenship in the case of birth abroad. This limitation is highly relevant if a (naturalized) citizen decides to move his residence abroad. The reason to limit the transmission of citizenship in case of birth abroad is linked to the function of the institution of citizenship as such. As was already mentioned above, citizenship should be a manifestation of a genuine link between a person and a state. If several generations have already been born abroad, it becomes less likely that the next generations will develop a link which justifies the possession of the citizenship of the country of their ancestors’ origin. From this perspective the European Convention also explicitly accepts in Article 6(1) – in principle – limiting the transmission of citizenship in the case of birth outside the country is acceptable.<sup>24</sup>

States which do use the possibility to limit the acquisition of citizenship by descent, can do this on various ways.

With regard to the descent-based attribution of citizenship to children born abroad, Belgium (1985) and Germany (2000) have introduced a limitation of the application of *ius sanguinis* to the first generation born abroad, in a somewhat similar fashion to the limitation already applied more traditionally by Cyprus, Ireland, Malta, Portugal and the United Kingdom. Not surprisingly, the latter countries are traditional *ius soli* regimes where birth *in the territory* of a country has a symbolically higher value than in *ius sanguinis* regimes, where intergenerational transmission plays a more significant role. The second generation born abroad only acquires citizenship if children are registered within one year (Germany, United Kingdom), two years (Cyprus) or five years (Belgium). The Irish, Maltese and Portuguese citizenship laws do not state a registration period and Portugal does not limit the extension of *ius sanguinis* to the second generation born abroad. Children born abroad to Belgian and German parents—of any emigrant generation—will also obtain Belgian or German citizenship, if they otherwise would be stateless.<sup>25</sup>

Let us take a closer look at some of these limiting provisions. In Belgium, citizenship is acquired by every child of a Belgian parent born in Belgium, but by a child of a Belgian parent who was born abroad only if one of three different conditions is fulfilled:

- a) the parent was born in Belgium or in territories under Belgian administration (Congo, Rwanda and Burundi);

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<sup>23</sup> O’Leary 1996, nr. 436.

<sup>24</sup> See Explanatory report on ECN 6, nos 65 and 66. See also Recommendation R 99(18) of the Committee of Ministers of the Council of Europe on the avoidance and the reduction of statelessness, adopted on 15 September 1999 (rule II A, sub a): “Exceptions made with regard to children born abroad should not lead to situations of statelessness.” This exception is repeated in Recommendation 2009/13 of the Committee of Ministers of the Council of Europe on the position of children in nationality law, Principle 1. This is an important addition to the Convention, which ideally should be added to the actual text of the Convention, preferably in an additional protocol.

<sup>25</sup> De Groot 2005a, 191-195.

- b) the Belgian parent registers the child as a Belgian national within five years after the child's birth;
- c) the child is otherwise born stateless or loses his (other) citizenship before his eighteenth birthday or an earlier judicial declaration of majority (BEL 8(1)(2)).

In Germany, since 1 January 2000, German citizenship will no longer be acquired by descent if a child of German parent(s) is born abroad and the parent was also born abroad after 31 December 1999 and the parent has his habitual residence outside of Germany (GER 4(4)). German citizenship is nevertheless acquired if the child would otherwise be stateless. If the child does not acquire German citizenship of the parent(s) *ex lege* because of the 'double' birth abroad, a parent can register the child as a German citizen within one year after the child's birth. This limitation on the transmission of German citizenship is completely new in German citizenship law, and it will take a considerable amount of time before this modification will have concrete results. The first children who will not acquire German citizenship because of this limitation are the children of the German children born outside of Germany in the year 2000.

British citizenship law also contains a limitation of the transmission by descent in the case of birth abroad. The relevant British provisions are quite complicated. Section 2 UK states, *inter alia*, that a person born outside the United Kingdom shall be a British citizen if at the time of the birth his father or mother

- a) is a British citizen otherwise than by descent (e.g. British because of birth in the UK or British by naturalization); or
- b) is a British citizen and is outside the United Kingdom in British service, his or her recruitment for that service having taken place in the United Kingdom; or
- c) is a British citizen and is outside the United Kingdom in service under a Community institution, his or her recruitment for that service having taken place in a country which at the time of the recruitment was a member of the European Community.

Section 3 UK deals with the citizenship status of – in brief – the second generation born abroad. A person born outside the United Kingdom shall be entitled, on an application for his registration as a British citizen made within a period of twelve months from the date of the birth, to be registered as such a citizen if the requirements specified in UK 3(3) or, in the case of a person born stateless, the requirements specified in paragraphs (a) and (b) of that subsection, are fulfilled in the case of either that person's father or his mother ('the parent in question'). These requirements are:

- a) that the parent in question was a British citizen by descent at the time of the birth;
- b) that the father or mother of the parent in question
  - i. was a British citizen otherwise than by descent at the time of the birth of the parent in question; or
  - ii. became a British citizen otherwise than by descent at commencement of the British Nationality Act on 1 January 1983, or would have become such a citizen otherwise than by descent at commencement but for his or her death; and
- c) that, as regards some period of three years ending with a date not later than the date of the birth
  - i. the parent in question was in the United Kingdom at the beginning of that period; and
  - ii. the number of days on which the parent in question was absent from the United Kingdom in that period does not exceed 270.

The Secretary of State has the possibility to allow a later registration than within the twelve months immediately after the child's birth by providing that 'if in the special circumstances of any particular case the Secretary of State think s fit, he may treat subsection (2) as if the reference to twelve months were a reference to six years' (UK 3(4)). If a person is born abroad as a child of a British parent

without acquiring British citizenship, he may nevertheless acquire a right to registration if the following conditions are fulfilled (UK 3(5)): (5) A person born outside the United Kingdom shall be entitled, on an application for his registration as a British citizen made while he is a minor, to be registered as such a citizen if the following requirements are satisfied, namely

- a) that at the time of that person's birth his father or mother was a British citizen by descent; and
- b) subject to subsection (6), that that person and his father and mother were in the United Kingdom at the beginning of the period of three years ending with the date of the application and that, in the case of each of them, the number of days on which the person in question was absent from the United Kingdom in that period does not exceed 270; and
- c) subject to subsection (6), that the consent of his father and mother to the registration has been signified in the prescribed manner.

In Ireland, citizenship is not acquired *ex lege* in case of birth outside of Ireland if the father or mother through whom the child can derive Irish citizenship was also born outside of Ireland, unless the relevant parent was at the time of the child's birth in Irish public service. The child acquires Irish citizenship by registration as an Irish citizen on application of the parent or of the person himself (IRE 7(3) juncto 27).

A comparable approach can be found in Malta (MAL 5(2)(b)) and in Cyprus (CYP 109 (1) and (2), registration within two years).

Another country with a limitation on the transmission of citizenship *iure sanguinis* in case of birth abroad is Portugal. Children of a Portuguese father or a Portuguese mother born abroad acquire Portuguese citizenship by birth if they declare that they want to be Portuguese, or if they register the birth in a Portuguese civil register. If the parents reside abroad in the service of Portugal, their children acquire Portuguese citizenship *ex lege* (POR 1(1)).

A completely different approach exists in Slovenia. According to Slovenian citizenship law, a child born abroad acquires Slovenian citizenship, if *both* parents possess Slovenian citizenship (SLN 4(1)). If only *one* parent is Slovenian this citizenship is in principle only transmitted if the child is born in Slovenia (SLN 4(2)). In the case of birth abroad of one Slovenian parent, the child acquires Slovenian citizenship by registration as such before the age of 18 or by settling in Slovenia together with the Slovenian parent. If the child already reached the age of 14 his consent is required (SLN 8). If the child would be stateless if he does not acquire Slovenian citizenship registration is not necessary: in that case, the citizenship is acquired *ex lege* (SLN 5). Between the age of 18 and 36 (until 2002: 23) a child of one Slovenian parent who did not acquire Slovenian citizenship can acquire this citizenship by lodging a declaration of option (SLN 6).

A similar approach can be found in the Croatian and Latvian citizenship laws (CRO 4(10) and 5; LAT 2(5) and 3).

The Danish situation, finally, is remarkable: in case of birth abroad outside of Denmark, Danish citizenship is not acquired by the child born out of wedlock of a Danish father and a non-Danish mother. Danish law does not provide for the possibility to register this child as Danish citizen on application of her or his father or mother (DEN 2).

To conclude this section, limiting the transmission of citizenship for children born abroad is, as such, legitimate, in light of the genuine link principle underlying international citizenship law. However, we would raise a caveat. The limitations are justified, but should not cause statelessness. For that reason, and also in line with the recent Recommendation 2009/13 on the nationality of children, from the Council of Europe, it would be desirable for Cyprus, Ireland, Malta, Portugal and the United Kingdom to provide for an acquisition *ex lege* if the child born abroad would otherwise be stateless.

## **Concluding remarks**

If a non-European, e.g. an Indian citizen would like to acquire European citizenship via residence based naturalization in a Member State of the European Union, the most liberal residence requirements exist in Belgium, Cyprus, Finland, France, Ireland, Malta, and the UK.

However, in some of these countries a citizenship acquired by naturalization may be lost again by withdrawal in case of more than seven years residence abroad. This applies for Cyprus, Ireland and Malta.

In Belgium, Finland and France children of a national born abroad may be confronted with loss of nationality because of permanent residence abroad. In Belgium and the UK there are limitations on the transmission of nationality to descendant born outside of the country.

All these countries are also liberal in respect of the attitude towards dual nationality (no requirement of renunciation of the previous citizenship and no loss of citizenship in case of (re)acquisition of a foreign citizenship).



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**Annex 1: Residence requirement and other conditions for ordinary naturalization in Europe**

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Austria	AUT 10(1), 20(3), 20(4)	Naturalisation (discretionary)	Person has been resident in Austria for 10 years, of which 5 years with a permanent resident permit immediately before the application. Other conditions: no criminal convictions, positive attitude towards Austria, no danger to public peace, order and security, secure income, no relations to other states that would harm the interests of the country, renunciation or automatic loss of citizenship of another country (unless legally impossible or unreasonable due to high fees), proficiency in language of the country (certification), knowledge of Austrian democratic order and history and of the federal province responsible for the administration of naturalisation (citizenship test).	1985, 1999, 2006, 2010
Belgium	BEL 12bis(1)(2)	Declaration	Person has been resident in Belgium for at least 5 years. Other conditions: proficiency in language of the country, no convictions for serious criminal offence, adequate social integration and work participation	2000, 2006, 2012
	BEL 12bis(1)(4)	Declaration	Person has been resident in Belgium for at least 5 years. Other conditions: no convictions for serious criminal offence and demonstration that he/she cannot work or is retired	
	BEL 12bis(1)(5)	Declaration	Persons has been resident in Belgium for at least 10 years. Other conditions: proficiency in language of the country (certification), no convictions for serious criminal offence, and adequate participation in local community.	

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Bulgaria	BUL 12, 13	Naturalisation (discretionary)	Person has had permanent residence in Bulgaria for at least 5 years prior to the application. Other conditions: no convictions of intentional crime and no criminal proceedings initiatives against the person, source of income and occupation sufficient for support, command of language of Bulgaria, and renunciation of another citizenship.	2001
Croatia	CRO 8	Naturalisation (entitlement)	Person has been resident in Croatia for 5 years immediately before the application. Other conditions: renunciation or automatic loss of another citizenship, unless the person is stateless (a statement is sufficient if the other country does not allow renouncing citizenship, or places conditions which cannot be fulfilled), proficient in language of Croatia, respect for the legal order, customs and culture of the country.	1991
Cyprus	CYP 111, Schedule 3 Article 1	Naturalisation (discretionary)	Person was resident in Cyprus for a total period of 5 years within a period of 7 years, of which the year immediately prior to the submission of the application must be continuous. By way of exception, certain categories of persons (e.g. domestic workers, students) must have been resident in Cyprus for a total period of 7 years before the submission of the application, of which the last 12 months should be continuous. Other conditions: good character, intention to remain in Cyprus or at service of Cyprus, mental capacity written and published loyalty oath to the country.	No major changes

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Czech Republic	CZE 7	Naturalisation (discretionary)	Person has been resident in the Czech Republic for 5 years and has a permanent residence permit. Other conditions: renunciation or automatic loss of citizenship of another country, clear criminal record for 5 years, proficiency in language of the Czech Republic, fulfilment of obligations under immigration law and other laws (e.g. payment of health and social security insurance, taxes etc).	1993, 1996, 1999, 2003
Denmark	DEN 6	Naturalisation (discretionary)	Person has been resident in Denmark for 9 years with a permanent residence permit at the time of application. Other conditions: no receipt of social assistance within the last 10 years, no due debts to the state, no criminal indictments or convictions, language certification, knowledge of society (citizenship test), renunciation or automatic loss of prior citizenship, and oath of loyalty to society, laws and legal principles of Denmark.	1991, 1997, 1999, 2002, 2006, 2008
Estonia	EST 6	Naturalisation (discretionary)	Person has been resident in Estonia for 8 years, of which the last 5 years permanently. Other conditions: permanent legal income, knowledge of the language of Estonia, knowledge of the Constitution and the Citizenship Act (citizenship test), and loyalty to the country.	1995
Finland	FIN 13	Naturalisation (discretionary)	Person has been resident in Finland for 5 years uninterrupted, or 7 years since the age of 15 with the last 2 years uninterrupted. (In both cases the residence requirement can be shortened with 1 year if applicant	2003, 2011

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
			meets language requirements.) Other conditions: not committed for a punishable act, no restraining order has been issued, has not materially failed to provide maintenance or meet pecuniary obligations under public law, provide reliable account of livelihood, proficient in one of the languages of Finland (language test).	
France	FRA 21-16, 21-17	Naturalisation (discretionary)	Person has been resident in France for 5 years. (Residence requirement may be waived for certain categories including refugees.) Other conditions: good character, no criminal convictions of a certain kind, assimilation (especially language skills and knowledge of the rights and duties attached to French citizenship).	1993, 2003
Germany	GER 10, 12	Naturalisation (entitlement)	Person has been resident in Germany for 8 years and is entitled to permanent residence. Other conditions: express commitment to the Constitution (declaration of loyalty), no activities hostile to the Constitution, ability to support oneself and one's family without social security or unemployment benefit, no criminal convictions (minor offenses excepted), renunciation or automatic loss of citizenship of another country (unless this is legally impossible or unreasonable), proficient in German language, and knowledge of the German legal and societal system.	1991, 1993, 2000, 2005
Greece	GRE 5, 5A, 5B	Naturalisation (discretionary)	Person has been permanently resident in Greece for 7 years. Other conditions: no criminal record of certain crimes, stable income, sufficient knowledge of the language, history and culture of Greece.	1993, 2004, 2010

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Hungary	HUN 4(1)	Naturalisation (discretionary)	Person has been resident in Hungary for 8 years with a settlement permit. Other conditions: clean criminal record, self-subsistence, knowledge of constitutional issues (citizenship test), and no threat to Hungarian interests.	1993
Iceland	ICE 7	Naturalisation (discretionary)	Person has been resident in Iceland for 7 years. Other conditions: no criminal convictions, capable of working and have a good reputation, proficiency in Icelandic language (language test), property not subject to encumbrance or liens, capable of self-support, and has not received a support grant from a local authority for the past 3 years.	1998, 2009
	ICE 9(5)			
Ireland	IRE 15	Naturalisation (discretionary)	Person is an adult, or minor who was born in Ireland, and was resident in Ireland for 5 out of the last 9 years, including the year preceding the application. Other conditions: good character, intention to continue to reside in Ireland, declaration of fidelity and loyalty to the country.	1986, 2004
Italy	ITA 9(1)f	Naturalisation (discretionary)	Person has been resident in Italy for 10 years. Other conditions: no problematic criminal record and sufficient income in the last 3 years.	1992
Latvia	LAT 10, 11, 12	Naturalisation (discretionary)	Person has been permanently resident in Latvia for 5 years. Other conditions: proficiency in language of Latvia, knowledge of basic principles of the Constitution, national anthem and history of the country, legal income and no due taxes, pledge of loyalty to Latvia, renunciation or automatic loss of citizenship of another country, no further restrictions (see LAT 11).	1994, 1998

Lithuania	LIT 18	Naturalisation (discretionary)	Person has legally resided in Lithuania for the last 10 years and has the right of permanent residence. Other conditions: proficiency in language of Lithuania, legal source of support, knowledge of basic provisions of the Constitution, renunciation or automatic loss of citizenship of another country, no circumstances by reason of which citizenship shall not be granted, e.g. person committed international crimes such as aggression, genocide, crimes against humanity and war crime.	1991, 2002, 2010
Luxembourg	LUX 6	Naturalisation (discretionary)	Person has been resident in Luxembourg for 7 years before the application. Other conditions: proof of sufficient active and passive knowledge of at least 1 of 3 national languages in addition to spoken knowledge of the Luxembourg language, follow at least 3 citizenship courses, absence of a criminal record of a certain kind.	1986, 2001, 2008
Macedonia	MAC 7	Naturalisation (entitlement)	Person has been permanently resident in Macedonia for at least 8 years. Other conditions: housing and permanent source of income, no convictions in Macedonia or another country of which the person is a national for committing a crime that carries a prison sentence of 1 year or more, no criminal procedure initiated in either of those countries, not sentenced to a measure prohibiting residence in Macedonia, no threat to national security or defense, knowledge of language of Macedonia and oath of loyalty, renunciation or automatic loss of citizenship of another country.	1992, 2004



<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Malta	MAL 10(1)	Naturalisation (discretionary)	Person has been resident in Malta for at least 5 of the past 7 years preceding the application. Other conditions: adequate knowledge of Maltese or English language, good character and deemed suitable to be a citizen.	1989, 2000
Moldova	MOL 17(1)(b)	Naturalisation (discretionary)	Person has been resident in Moldova for 10 years. Other conditions: knowledge of the official language and the provisions of the Constitution of Moldova (citizenship test), legal sources of income, and automatic loss or renunciation of citizenship of another country (unless this is impossible or cannot reasonably be requested).	1991, 1994, 1996, 2000
Montenegro	MON 8	Naturalisation (discretionary)	Person has been resident in Montenegro for 10 years uninterrupted immediately before the application. Other conditions: renunciation or automatic loss of citizenship of another country, no convictions for committing a crime that carries a prison sentence of 1 year or more, housing and source of income sufficient for material and social welfare, command of language of Montenegro, no threat to the security of the country, fulfilled tax and other legal obligations.	2008, 2010
Netherlands	NET 8(1)	Naturalisation (entitlement)	Person has been resident in the Netherlands for 5 years immediately before the application and there are no objections against indefinite residence in the country. Other conditions: no threat to public order, public decency or safety, proficiency in Dutch language (certification), knowledge of Dutch society (citizenship test), renunciation or automatic loss of citizenship of another country (with substantial exceptions).	1985, 2003, 2009

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Norway	NOR 7	Naturalisation (discretionary)	Person is at least 12 years of age, has resided in Norway for a total of 7 years in the last 10 years with a residence or work permit of at least 1 year's duration, and naturalisation is not deemed contrary to the interests of national security or to foreign policy considerations. Other conditions: training in language of Norway, not sentenced to a penalty or special criminal sanction, and release from another citizenship (unless legally or practically impossible or for other reasons seems unreasonable).	2005
Poland	POL 30(1)(1), 30(2), 31(2)	Naturalisation (entitlement)	Person has been resident in Poland for 3 years with a permanent residence permit (or a long term EU residence permit) and has a stable and regular source of income and a 'legal title to inhabitable premises'. Other conditions: language certification and no threat to the external security or defense of the state or to the public security and order	2012; 1997, 2005, 2006, 2012
	POL 18, 19	Naturalisation (discretionary)	No specific requirements can be found in the law. Pursuant to POL 21(1), residence in Poland is not required.	
Portugal	POR 6(1)	Naturalisation (entitlement)	Person has been resident in Portugal for 6 years. Other conditions: sufficient knowledge of Portuguese language, existence of an effective link with the national community, no convictions for committing a crime that carries a prison sentence of 3 years or more.	2006

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Romania	ROM 8(1), 8(3)	Naturalisation (discretionary)	Person has been resident in Romania for 8 years. Other conditions: good behaviour and loyalty to Romania, no threat to national security, sufficient resources to support him/herself, proficiency in Romanian language and knowledge of the country's culture, history, Constitution and national anthem.	1991, 2003, 2008
Serbia	SER 14, 15	Naturalisation (discretionary)	Person has been uninterruptedly resident in Serbia for at least 3 years. Other conditions: legal capacity, renunciation or automatic loss of citizenship of another country (unless legally impossible or unreasonable), written statement of loyalty.	2004, 2007
Slovakia	SLK 7(1)	Naturalisation (discretionary)	Person has been resident in Slovakia for 8 consecutive years immediately prior to the application or 10 years with a permanent residence permit. Other conditions (not exhaustive): good character, no criminal procedure initiated against the person, reasonable knowledge of language and culture of Slovakia, fulfilled tax and other legal obligations.	2007
Slovenia	SLN 10-15	Naturalisation (discretionary)	Person has been resident in Slovenia for 10 years, of which 5 were continuous, and with a 'settled status' immediately before the application. Other conditions: evidence of renunciation of citizenship of another country (unless the person is stateless or when renunciation is legally impossible or unreasonable), means of subsistence and settled tax obligations, no criminal record, does not pose a threat to public order, security or national defence, knowledge of Slovenian language and oath to respect the free democratic constitutional order of Slovenia.	1994, 2002, 2006

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Spain	SPA 21(2), 22(104), 23	Naturalisation (entitlement)	Person has been resident in Spain for 10 years immediately prior to the application. Other conditions: good conduct, adequate social integration, oath of loyalty to the King and obedience to the constitution and the laws, renunciation of another citizenship (except for citizens of Latin American countries, Andorra, Philippines, Equatorial Guinea or Portugal) and inscription in the Civil Registry. Denial of citizenship must be based on reasons of public order and national interest.	1990
Sweden	SWE 11	Naturalisation (discretionary)	Person has been resident in Sweden for 5 years with a permanent residence permit. Other conditions: proof of identity and has led and can be expected to lead a respectable life.	1985, 1992, 1995, 1999, 2000, 2001
Switzerland	SWI 12, 14	Naturalisation (discretionary)	Person has resided in Switzerland for 12 years (3 of these must have been in the 5 years preceding the application). Other conditions: absence of a criminal record, integration into the Swiss way of life and familiar with Swiss customs and traditions, and good character on cantonal level. Various cantons also require an oath of allegiance at the citizenship ceremony.	1990, 2004, 2007
Turkey	TUR 11	Naturalisation (discretionary)	Person has been resident in Turkey for 5 years with intent to settle. Other conditions: good morals, not have a health condition that is dangerous to the person's surrounding, sufficient knowledge of the Turkish language, income requirement, not pose a threat to national security and public order.	2009

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
United Kingdom	UK 6(1), 40-42B	Naturalisation (discretionary)	Person has been resident in the UK for 5 years. Other conditions: good character, sufficient knowledge of one of the languages of the country, sufficient knowledge about life in the UK, intention to have principal home in the country and to continue residence in or service for the UK, oath of allegiance at citizenship ceremony.	2002, 2009

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Source: <http://eudo-citizenship.eu/databases/modes-of-acquisition?p=&application=&search=1&modeby=idmode&idmode=A06>

**Annex 2: Residence abroad as ground for loss of citizenship in 36 European countries**

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Austria	no provision	n.a.	n.a.	No major changes
Belgium	BEL 22(1)(5), 22(3)	Lapse	Person was born abroad, is a citizen of another country and has resided uninterruptedly abroad from the age of 18 until 28. Loss can be prevented by making a declaration expressing the wish to remain a citizen before reaching the age of 28. Does not apply to persons holding an office and residing abroad on behalf of the government or who are staff members of an organisation/company governed by Belgian law.	2006
Bulgaria	no provision	n.a.	n.a.	No major changes
Croatia	no provision	n.a.	n.a.	No major changes
Cyprus	CYP 113(4)	Withdrawal	Person acquired citizenship by naturalisation and has been resident abroad for 7 continuous years and (a) person was not in the service of Cyprus or an international organisation of which Cyprus is a member or (b) person failed to notify his/her continued interest to retain citizenship on an annual basis.	No major changes
Czech Republic	no provision	n.a.	n.a.	No major changes

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Denmark	DEN 8	Lapse	Person is 22 years of age, born abroad, never resided in Denmark and never stayed in Denmark under circumstances indicating a special tie to the country, nor has he/she resided more than 7 years in a different Nordic country. Provision does not apply if person submits a request for retention before reaching the age of 22 years (discretionary).	1998
Estonia	no provision	n.a.	n.a.	No major changes
Finland	FIN 34	Lapse	Person is 22 years of age, born abroad, and currently residing abroad. Provision does not apply if person has resided at least 7 years in Finland or in other Nordic states before the age of 22, or submits a request to retain citizenship between the age of 18 and 22, or has been issued with a Finnish passport, or completed military or civil service in Finland.	2003
France	FRA 23-6	Withdrawal	Person has never possessed the 'status of French national' (i.e. has never applied for a passport, registered at the consulate or for the elections of the country), has never had habitual residence in France and his/her ancestors also did not have the status of French national, have not resided in France for 50 years and lack the 'status of French national'.	No major changes
Germany	no provision	n.a.	n.a.	No major changes
Greece	no provision	n.a.	n.a.	No major changes

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Hungary	no provision	n.a.	n.a.	No major changes
Iceland	ICE 12	Lapse	Person is 22 years of age, born abroad and never resided in Iceland. Person can submit a request to retain citizenship before reaching the age of 22 years (discretionary). Provision does not apply if person would thereby become stateless.	1998, 2003
Ireland	IRE 19(1)(c)	Withdrawal	Person acquired citizenship by naturalisation and has been ordinarily resident abroad for a continuous period of 7 years, otherwise than in public service, and has not declared annually his/her intention to retain citizenship. Provision does not apply to persons naturalised on the basis of cultural affinity to Ireland.	2001
Italy	no provision	n.a.	n.a.	No major changes
Latvia	no provision	n.a.	n.a.	No major changes
Lithuania	no provision	n.a.	n.a.	No major changes
Luxembourg	no provision	n.a.	n.a.	No major changes
Macedonia	no provision	n.a.	n.a.	No major changes
Malta	MAL 14(2)(d)	Withdrawal	Person acquired citizenship by registration or naturalisation and has been resident abroad for at least 7 years, other than in diplomatic service, and has not declared an intention to remain a citizen.	2000, 2007



<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Moldova	no provision	n.a.	n.a.	No major changes
Montenegro	no provision	n.a.	n.a.	No major changes
Netherlands	NET 15(1)(c), 15(3), 15(4), 14(6)	Lapse	Person has been resident outside the European Union (EU) for an uninterrupted period of 10 years for other than diplomatic purposes or work in an international organisation. Period is interrupted when the person resides in the EU for more than 1 year, or when the person obtains a certificate of possession of citizenship or a passport-like document (period recommences upon acquisition of document). Provision does not apply if person would thereby become stateless.	1985, 2003
Norway	NOR 24	Lapse	Person is 22 years of age and has not resided in Norway for at least 2 years, or in Norway and other Nordic states for at least 7 years. Person can submit request for retention before reaching the age of 22 and needs to demonstrate sufficient ties to Norway (discretionary). Provision does not apply if person would thereby become stateless.	2006
Poland	no provision	n.a.	n.a.	No major changes
Portugal	no provision	n.a.	n.a.	No major changes
Romania	no provision	n.a.	n.a.	No major changes
Serbia	no provision	n.a.	n.a.	No major changes

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Slovakia	no provision	n.a.	n.a.	No major changes
Slovenia	no provision	n.a.	n.a.	1991
Spain	SPA 24(3)	Lapse	Person is 21 years of age (or 19 in exceptional cases), born abroad to a citizen who was also born abroad, and resident abroad. Loss can be prevented by making a declaration expressing the desire to retain citizenship within 3 years of attaining majority or emancipation. Provision does not apply if person would thereby become stateless and in time of war.	2002
Sweden	SWE 14(1), 17	Lapse	Person is 22 years of age, born abroad, never resided in Sweden (or at least seven years in Sweden or another Nordic state), and never stayed in Sweden under circumstances indicating a special tie to the country. Person can submit a request for retention before reaching the age of 22 (discretionary). Provision does not apply if person would thereby become stateless.	1985, 2000, 2001
Switzerland	SWI 10	Lapse	Person is born abroad, resides abroad and did not register with Switzerland before the age of 22. Provision does not apply if person would thereby become stateless.	No major changes
Turkey	no provision	n.a.	n.a.	No major changes
United Kingdom	no provision	n.a.	n.a.	No major changes

Source: <http://eudo-citizenship.eu/databases/modes-of-loss?p=&application=&search=1&modeby=idmode&idmode=L02>

### Annex 3: Limitation of acquisition of citizenship *iure sanguinis* in case of birth abroad, rules in 36 European countries

Country	Article in law	Procedure	Conditions	Changes since 1985
Austria	AUT 7	Automatic	Person is born abroad and in wedlock to a citizen, or out of wedlock to a mother who is a citizen.	No major changes
Belgium	BEL 8(1)(2)(a)	Automatic	Person is born abroad to a citizen who was born in Belgium	1984
	BEL 8(1)(2)(b), 8(1)(2)(c)	Declaration	Person is born abroad to a citizen who was born abroad (by declaration within five years after birth). (Automatic acquisition if person has not acquired citizenship of another country at the age of 18.)	
Bulgaria	BUL 8	Automatic	Person is born abroad to a citizen.	1986
Croatia	CRO 4(1)	Automatic	Person is born abroad to a parent who is a citizen and another parent who is stateless or of unknown citizenship	1991, 1992
	CRO 5	Registration	Person is born abroad to a parent who is a citizen and another parent who has another citizenship. But automatic if the person starts residing in Croatia before the age of 18 (acquisition retroactive to birth), or after 18 if the person would otherwise be stateless.	
Cyprus	CYP 109(2)	Automatic	Person is born on or after 16 August 1960 abroad to a citizen or to parents entitled to citizenship (in case of death). If person is permanently resident abroad, the birth must also be registered in Cyprus.	1999, 2002

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Czech Republic	CZE 3(a)	Automatic	Person is born abroad to a citizen.	1993
Denmark	DEN 1(1)	Automatic	Person is born abroad and in wedlock to a citizen, or out of wedlock to a mother who is a citizen.	1998, 2002
Estonia	EST 5(1)	Automatic	Person is born abroad to a citizen.	1995
Finland	FIN 9(1)	Automatic	Person is born abroad and in wedlock to a citizen, or out of wedlock to a mother who is a citizen.	2003
France	FRA 18	Automatic	Person is born abroad to a citizen.	No major changes
Germany	GER 4(1)	Automatic	Person is born abroad to a citizen	1993, 1998; 2000
	GER 4(4)	Registration	Person is born abroad to a citizen who was born abroad after December 31, 1999 and is resident abroad (by registration within one year of person's birth).	
Greece	GRE 1(1)	Automatic	Person is born abroad to a citizen.	No major changes
Hungary	HUN 3(1)	Automatic	Person is born abroad to a citizen.	No major changes
Iceland	ICE 1(1), 2(3)	Automatic	Person is born abroad and out of wedlock to a mother who is a citizen, or to a father who is a citizen and a mother who is a citizen of another country and the parents marry while the person is a minor	1998, 2007

	ICE 2(2)	Declaration	Person is a minor, born abroad and out of wedlock to a father who is a citizen and a mother who is a citizen of another country, and father submits a declaration for the child to acquire citizenship (with consultation of the child from the age of 12).	
Ireland	IRE 7(1)	Automatic	Person is born abroad to a citizen	2001
	IRE 7(3), 27	Registration	Person and parent are both born abroad (which includes Northern Ireland), unless the parent is abroad in public service.	
Italy	ITA 1(1)(a)	Automatic	Person is born abroad to a citizen.	1992
Latvia	LAT 2(5), 3(4), 3(2)	Automatic	Person is born abroad to two citizens, or to a citizen and a stateless person, or to a citizen who resides in Latvia	1994
	LAT 3(3)	Registration	Person is born abroad to parents who reside abroad and only one parent is a citizen.	
Lithuania	LIT 14	Automatic	Person is born abroad to a citizen.	1991, 2002, 2006, 2008, 2010
Luxembourg	LUX 1(1)	Automatic	Person is born abroad to a citizen.	1986
Macedonia	MAC 4, 5	Automatic	Person is born abroad to two citizens, or to one parent who is a citizen and the other parent is unknown, stateless or of unknown citizenship	1992
	MAC 5	Registration	Person is born abroad to a citizen (registration by parent before the age of 18), or the person starts residing in Macedonia before the age of 18	
	MAC 5	Declaration	Person is born abroad to a citizen (declaration between the age of 18 and 23).	

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Malta	MAL 5(1)	Automatic	Person is born abroad and in wedlock to a citizen who has acquired citizenship otherwise than by descent, or out of wedlock to a mother who is a citizen.	1989, 2000, 2007
Moldova	MOL 11(1)(a)	Automatic	Person is born abroad to a citizen.	1991, 2000
Montenegro	MON 5	Automatic	Person is born abroad to two citizens, or to one parent who is a citizen and another parent who is unknown, stateless or of unknown citizenship, or to one parent who is a citizen and the person would otherwise be stateless	2008
	MON 6(1)	Registration	Person is born abroad to a citizen and the person does not hold citizenship of another country (by registration by parent before the age of 18)	
	MON 6(2)	Declaration	Person is born abroad to a citizen (by declaration by person between the age of 18 and 23).	
Netherlands	NET 3(1)	Automatic	Person is born abroad to a citizen.	1985
Norway	NOR 4(1)	Automatic	Person is born abroad to a citizen.	1999, 2005
Poland	POL 14(1)	Automatic	Person is born abroad to a citizen.	2012
Portugal	POR 1(1)(b)	Automatic	Person is born abroad to a citizen who resides abroad in the service of Portugal	2006; 2006
	POR 1(1)(c)	Registration or declaration	Person is born abroad to a citizen who resides abroad other than in the service of Portugal.	

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Romania	ROM 5(1), 5(2)	Automatic	Person is born abroad to a citizen.	1991
Serbia	SER 7	Automatic	Person is born abroad to two citizens, or to one parent who is a citizen another parent who is unknown, of unknown citizenship, or stateless, or to a citizen and the person would otherwise be stateless	2004; 2007
	SER 9	Registration	Person is born abroad to a citizen (registration by parent before the age of 18)	
	SER 10	Declaration	Person is born abroad to a citizen (declaration by person between the age of 18 and 23).	
Slovakia	SLK 5(1)(a)	Automatic	Person is born abroad to a citizen.	1990, 1993, 1997, 2005, 2007
Slovenia	SLN 4	Automatic	Person is born abroad to a citizen and a parent who is unknown, of unknown citizenship or without citizenship, or when the child would otherwise be stateless	1991, 1994, 2002, 2006
	SLN 6	Declaration	Person is born abroad to a citizen and a citizen of another country, is between 18 and 36 years of age, and has not previously lost citizenship due to release, renunciation or deprivation.	
Spain	SPA 17(1)(a)	Automatic	Person is born abroad to a citizen.	No major changes
Sweden	SWE 1	Automatic	Person is born abroad and in wedlock to a citizen, or out of wedlock to a mother who is a citizen.	2001

<i>Country</i>	<i>Article in law</i>	<i>Procedure</i>	<i>Conditions</i>	<i>Changes since 1985</i>
Switzerland	SWI 1(1)(a), 1(1)(b)	Automatic	Person is born abroad to a citizen.	1990, 2003
Turkey	TUR 7(1), 7(2)	Automatic	Person is born abroad to two citizens, or to a father or mother who is a citizen (birth in wedlock), or to a mother who is a citizen (birth out of wedlock).	2009
United Kingdom	UK 2	Automatic	Person is born abroad to a citizen who acquired citizenship otherwise than by descent or is in the public service	2002, 2009; 2009
	UK 3(2), 3(5), 41A	Registration	Person is a minor whose parent acquired citizenship by descent and has resided at any time in the UK for 3 years: entitlement while child is minor. The parent's own British parent must have acquired citizenship otherwise than by descent. Other conditions: good character if person is over 10 years old. OR person is a minor whose parent is a citizen by descent and the child and both parents (unless one is dead or divorced) live in the UK for a period of three years and both parents consent (unless one parent has died). Other conditions: good character if person is over 10 years old.	

Source: <http://eudo-citizenship.eu/databases/modes-of-acquisition?p=&application=&search=1&modeby=idmode&idmode=A01b>