



European  
Commission

## OPEN Summary of EMN Ad-Hoc Query No. 2017.1169

Terms of residence (and exceptions) for naturalization

18<sup>th</sup> of April 2017, prepared by NL EMN NCP

### 1. KEY POINTS TO NOTE

★ In general, the longest number of years a foreigner should reside in the (Member) States before naturalization can be granted is in **CH** (12-years), followed by **AT, CZ, ES, IT, LV** and **LT** (10-years), **DE, EE, HU, HR** and **SK** (8-years), **NO** (7-years), **PT** (6-years) and the lowest number of years in **FI, FR, LU, NL, SE** and **UK** (5-years). In **BE** two tracks apply (in general) of 5- or 10 years of residence.

★ All (Member) States that answered this ad-hoc query (**AT, BE, CH, CZ, DE, EE, ES, FI, FR, HU, IT, LT, LU, LV, NL, NO, PT, SE, SK** and **UK**) have exceptions to this term, except for **Croatia**, which has no exceptions to any category or group. In all cases when an exception is made for a category, a shorter term of residence applies. Please see **Annex 1** for which exceptions are made by the different (Member) States.

### 2. BACKGROUND AND CONTEXT

On the 18<sup>th</sup> of April, the NL EMN NCP launched an ad-hoc query on the terms (and exceptions) for naturalization in the (Member) States.

According to the Dutch Nationality Law (Rijkswet op het Nederlanderschap, artikel 8) naturalization can in general be granted after 5 years of residence in the Netherlands prior to the application. Currently, an amendment is pending to prolong this term to 7 years. Therefore the Dutch Parliament has requested the Minister for Migration to use the European Migration Network to make an inventory of the situation in other (Member) States.

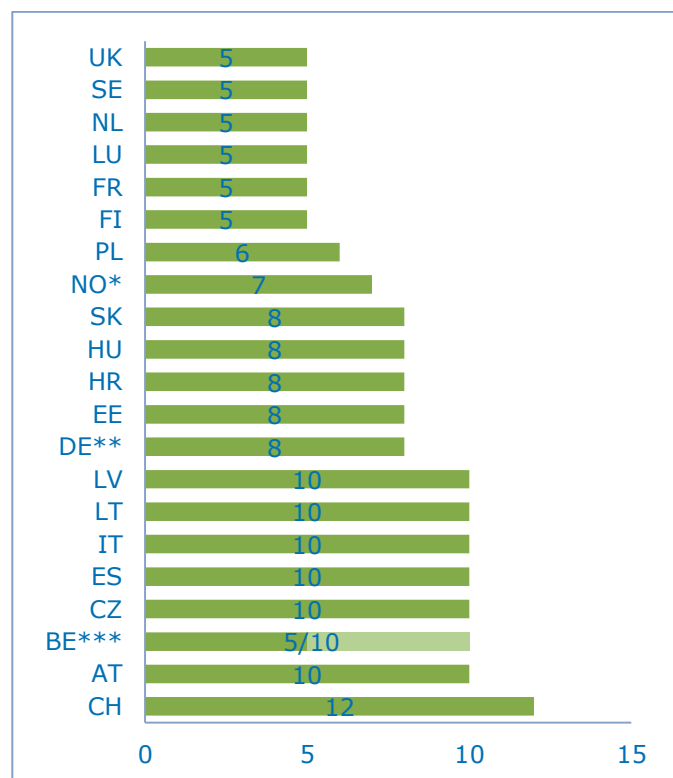
This includes any exceptions on one of the following categories, a. refugees and their family members, b. minors, c. spouses and unmarried partners of a national, d. young-adults with a permanent residence, e. foreign child adopted by a national, f. stateless persons

g. naturalization requests of citizens with residence in your country from countries which have historical links with the respective (Member) State, i. EU-citizens and j. others. The NL EMN NCP wanted to know if the (Member) States apply any exception to one of these categories and if so, how long the applied term is for this group.

### 3. MAIN FINDINGS

*Question 1. In principle, how long should a foreigner legally reside in your MS before naturalization can be granted?*

**Figure 1:** Number of years a foreigner should reside in the different (Member) States before naturalization can be granted.



The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.



\* Several rules apply, please see EMN compilation

\*\* In **DE** opportunities apply to shorten the period to 7 or 6 years

\*\*\* In **BE** a difference is made between a long track of ten years and a short track of five years.

*Question 2. Are there exceptions to the required term of residence, more in particular for the following categories?*

All (Member) States that answered this ad-hoc query (**AT, BE, CH, CZ, DE, EE, ES, FI, FR, HU, IT, LT, LU, LV, NL, NO, PT, SE, SK** and **UK**) have exceptions to this term, except for **Croatia**, which has no exceptions for the required term of residence to any category or group. Please see **Annex 1** for which exceptions are made by the different (Member) States. In this summary, all different categories will be examined separately. In all cases when an exception is made for a category, a shorter term of residence applies. For more information on the requirements regarding the exceptions from the different (Member) States, please see the EMN compilation.

*2a. For refugees and their family members*

**BE, CH, EE<sup>1</sup>, LT, LU, NL, NO, PT** and **UK** do not have shorter terms of required residence for refugees and their family members in their legislation regarding the term of legal residence for naturalization.

However, the following (Member) States have exceptions for this category: **AT, CZ, DE, ES, FI, FR, HU, IT, LV, SE** and **SK**.

*2b. For minors*

**CH, ES**, and **IT** do not have exceptions for minors in their legislation regarding the term of legal residence for naturalization. However, in the case of **Spain** if a minor is born on Spanish territory, a one-year term applies. In **Italy** a reform is currently pending regarding citizenship rules for minors.

The following (Member) States have exceptions for this category: **AT, BE, CZ, DE, EE, FI, FR, HU, LT, LV, NL, NO, PT, SE, SK** and **UK**.

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<sup>1</sup> **Estonia** does not make an exception, however the period of being an asylum applicant is also included when calculating the required period to apply for citizenship.

*2c. For spouses and unmarried partners of a national*

**CH, EE, LU, LV** and **NO** do not have exceptions for spouses and unmarried partners of a national in their legislation regarding the term of legal residence for naturalization.

However, the following (Member) States have exceptions to this category: **AT, BE, CZ, DE, ES, FI, FR, HU, IT, LT, NL, PT, SE, SK<sup>2</sup>** and **UK**.

*2d. For young-adults with a permanent residence in your MS*

**AT, BE, CH, CZ, DE, EE, ES, FR, HU, IT, LT, LV, NL, NO, PT** and **UK** do not have exceptions for young-adults with a permanent residence in their legislation regarding the term of legal residence for naturalization.

Only three (Member) States have exceptions to this category: **FI, LU, SE** and **SK**.

*2e. For a foreign child adopted by a national*

Only **ES** and **PT** do not have an exception for this group. Almost all (Member) States (**AT, BE, CH, CZ, DE, EE, FI, FR, HU, IT, LT, LU, LV, NL, NO, SE, SK** and **UK**) do have exceptions for a foreign child adopted by a national.

*2f. For stateless persons*

Only **ES, FR<sup>3</sup>** and **LU** do not have an exception for stateless persons. The majority of (Member) States (**AT, BE, CH, CZ, DE, EE, FI, IT, LT, LV, NL, NO, SE, SK** and **UK**) have exceptions for this group.

*2g. For naturalization requests of citizens with residence in your country from countries which have historical links with your MS, such as former colonies or neighbouring countries*

**BE, CH, FI, HU, LT, NL, PT** and **UK** do not have exceptions for this group.

However, **AT, CZ, DE, EE, ES, FR, IT, LU, LV, NO, SE** and **SK** have exceptions for naturalization requests by citizens with residence in their country from other countries which have historical links with the MS.

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<sup>2</sup> Only for spouses

<sup>3</sup> The condition related to the knowledge of French language does not apply to statelessness persons (and political refugees) who have been residing regularly and usually in **France** for 15 years at least and who are over 75 years old.

## 2h. Non EU-citizens (third country nationals)

Only **DE** makes an exception for non-EU-citizens (third country nationals). The other (Member) States **AT, BE, CH, CZ, EE, ES, FI, FR, HU, IT, LT, LU, LV, NL, NO, PT, SE, SK** and **UK** do not make an exception. For more information on the requirements regarding the exceptions from the different (Member) States, please see the EMN compilation.

## 2i. EU citizens and if, which countries you favour

Most (Member) States do not make an exception for this group (**BE, CH, EE, FR, HU, LT, LU, LV, NL, NO, PT, SE, SK** and **UK**).

Several (Member) States do make exceptions for EU- or EEA-citizens, namely **AT, CZ, DE, ES, FI** and **IT**.

## 2j. For others, please describe;

The majority of (Member) States that answered this ad-hoc query do not have exceptions for other categories, namely **CH, DE, EE, HU, IT, LU, NL, NO, SE** and **UK**.

However, several (Member) States uphold exceptions for other groups, namely **AT, BE, CZ, ES, FI, FR, LT, LV, PT** and **SK**.

- In **Austria** an exception is made for former citizens and for persons born in Austria.
- In **Belgium**, an exception is made for a foreigner who is a parent of a Belgian child. Additionally, an exception is made for a foreigner when he/she can provide that the person cannot exercise an economic activity since he or she is invalid, disabled or retired.
- According to the legislation of the **Czech Republic**, the fulfilment of the condition of the duration of permanent residence can be waived in cases of an applicant who has permanent residence in the territory and who meets at least one of the following options: if he/she was born in the territory of the Czech Republic or was a citizen of the Czech Republic or of the Czech Socialist Republic, possibly until the year of 1968 a citizen of the Czechoslovak Republic or of the Czechoslovak Socialist Republic. Additionally, the fulfilment can be waived if at least one of the parents is a citizen of the Czech Republic, he/she was adopted after reaching the age of 18 by the citizen of the Czech Republic.
- Additionally to someone whom is allowed to reside permanently in the territory of the Czech Republic for humanitarian reasons or other reasons worthy of special consideration or if the stay of this applicant in the territory is in the interest of the Czech Republic.
- In **Finland** a former citizen may re-acquire Finnish citizenship by declaration without any requirements. However, it is not possible to regain Finnish citizenship by declaration if one lost it because one gave false information in earlier citizenship application and received citizenship on wrongful grounds.
- **France** defines that the 5-year condition can be reduced to a 2-year term for a third country national who successfully completed 2 years of studies in order to obtain a French diploma a French-speaking third country national who participated through his/her distinguished action in France's international prestige and a third country national who has followed an exceptional integration pathway.  
  
Additionally, exceptions can be made for people who have completed a military service in the French army, people who have completed wartime service on a voluntary basis in French or allied armies, if someone has provided exceptional services to France and/if his/her mother tongue is French or has completed school for at least 5 years in an establishment teaching in French in another country whose French is the official or one of the official languages.
- In the case of **Latvia**, a person may be admitted to Latvian citizenship on the basis of special meritorious service for the benefit of Latvia by a decision of the State parliament.
- In **Lithuania** the President can grant citizenship by the way of exception for outstanding merits to the Republic of Lithuania, who have integrated into the Lithuanian society. Then the 10 years residency period does not apply.
- In **Portugal**, exceptions are made for Portuguese Sephardic Jews' descendants.

- In the **Slovak Republic** exceptions are made for a person who represents a significant benefit for the **Slovak Republic** in the field of economy, science, technology, social affairs, culture or sports, or if granting the Slovak citizenship is in the interest of the Slovak Republic; in this event, compliance with the requirement of Slovak language command is not required. Additionally, to a person who has been issued a certificate of a Slovak Living Abroad and has had continuous residence in the territory of the Slovak Republic for at least 3 years directly prior to submitting the application for Slovak citizenship.

Lastly, in specific cases Slovak citizenship may be granted to an applicant in specific cases, to someone who was released from the state union with the **Slovak Republic** and had continuous residence in its territory for at least 2 years directly prior to submitting the application for Slovak citizenship. Whose Slovak or former Czechoslovak citizenship was terminated or who lost such citizenship pursuant to previous legislation.

- **Spain** applies a shorter term (1-year) for those who have not made use of the possibility to opt to Spanish nationality, for widowers of a Spanish national if at the moment of the death there were no legal or factual separation, and lastly for those born outside Spanish territory and whose father or mother were originally Spanish nationals.

**EMN NCPs participating:** Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Portugal, Slovak Republic, Spain, Sweden, Switzerland, United Kingdom (22 in total).

The response from Malta is not for wider dissemination and is therefore not included in this summary.

## ANNEX 1:

**Table 1:** Exceptions to the general term of naturalization for a. refugees and their family members, b. minors, c. spouses and unmarried partners of a national, d. young-adults with a permanent residence and e. foreign child adopted by a national. *If a box contains a **x**, this means that a (Member) State has an exception to their regular term for this group.* When an exception is made for a category, a shorter term of residence applies.

(Member) State	a. Refugees and their family members	b. Minors	c. Spouses and unmarried partners of a national	d. Young-adults with a permanent residence	e. Foreign child adopted by a national
AT	x	x	x		x
BE		x	x		x
CH					x
CZ	x	x	x		x
DE	x	x	x		x
EE		x			x
ES	x		x		
FI	x	x	x	x	x
FR	x	x	x		x
HU	x	x	x		x
IT	x		x		x
LT		x	x		x
LU				x	x
LV	x	x			x
NL		x	x		x
NO		x			x
PT		x	x		
SE	x	x	x	x	x
SK	x	x	x	x	x
UK		x	x		x

**Table 2:** Exceptions to the general term of naturalization for f. stateless persons, g. citizens with residence in your country from countries which have historical links with the MS, h. Non-EU citizens, i. EU-citizens and j. others. *If a box contains a x, this means that a (Member) State has an exception to their regular term for this group. When an exception is made for a category, a shorter term of residence applies.*

(Member) State	f. Stateless persons	g. Naturalization requests of citizens with residence in your country from countries which have historical links with your MS	h. Non-EU citizens	i. EU-citizens	j. Others
AT	x	x		x	x
BE	x				x
CH	x				
CZ	x	x		x	x
DE	x	x	x	x	
EE	x	x			
ES		x		x	x
FI	x			x	x
FR		x			x
HU	x				
IT	x	x		x	
LT	x				x
LU		x			
LV	x	x			x
NL	x				
NO	x	x			
PT					x
SE	x	x			
SK	x	x			x
UK	x				x

## ANNEX 2:

### **Belgium**

[https://diplomatie.belgium.be/en/services/services\\_abroad/nationality/being\\_granted\\_belgian\\_nationality](https://diplomatie.belgium.be/en/services/services_abroad/nationality/being_granted_belgian_nationality)

### **Finland**

[http://www.migri.fi/finnish\\_citizenship/applying\\_for\\_citizenship/requirements/residence\\_period/calculating\\_residential\\_time](http://www.migri.fi/finnish_citizenship/applying_for_citizenship/requirements/residence_period/calculating_residential_time)

[http://www.migri.fi/finnish\\_citizenship/applying\\_for\\_citizenship/requirements/residence\\_period/trips\\_outside\\_finland](http://www.migri.fi/finnish_citizenship/applying_for_citizenship/requirements/residence_period/trips_outside_finland)

### **Norway**

<https://www.udi.no/en/word-definitions/calculating-the-residence-period-in-citizenship-cases-residence-permits/>

### **United Kingdom**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/583385/MN1\\_Guide\\_January\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/583385/MN1_Guide_January_2017.pdf)