



European  
Commission

# Pathways to citizenship for third-country nationals in the EU Member States

## Common Template for EMN Study 2019

Final version: 5 August 2019

**Subject:** Pathways to citizenship for third-country nationals in the EU Member States

**Action:** EMN NCPs are invited to complete this template and submit their national report by 2 December 2019.

If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at [emn@icf.com](mailto:emn@icf.com).

### 1 STUDY AIMS AND RATIONALE

The European Convention on Nationality, signed in 1997, establishes principles and rules relating to the acquisition and loss of nationality and issue of multiple nationality. To date, 20 Member States have signed the Convention,<sup>1</sup> while 13 EU Member States have ratified it.<sup>2</sup> Although awarding citizenship is a prerogative of the Member States, national regulations have to be implemented with due regard to EU law. This is particularly important as the establishment of Union citizenship by the Maastricht Treaty in 1992 conferred a number of rights and privileges to all persons who are citizens of an EU Member State. Examining and comparing the different rules and regulations in place in Member States is relevant, as the right to free movement for Union citizens means that the decision of one country over who to accept or reject as citizens can impact all other Member States as well. The acquisition of citizenship has been a topic of debate in many Member States in recent years, with the need to integrate migrants.

This EMN study aims at mapping and comparing the various approaches of EU Member States regarding third-country nationals' acquisition of citizenship in a Member State. It will focus in particular on the ordinary naturalisation for new migrants<sup>3</sup> to the EU and therefore largely excludes the acquisition of citizenship through special naturalisation<sup>4</sup>. Ordinary naturalisation is considered to be "any acquisition after birth of a citizenship not previously held by the person concerned that requires an application to public authorities and a decision by these."<sup>5</sup> This study will include a review of the conditions and requirements for naturalisation (e.g. length of legal stay, definition of legal stay, knowledge of language, economic and housing situation) and the administrative processes used by the Member States to determine whether a person is eligible to acquire citizenship or not. The study will examine whether Member States' permit dual citizenships and, if so, under which conditions. The study will also aim to explore how the acquisition of citizenship links to integration policies in the Member States, and whether naturalisation is considered the end-point of an integration process or whether acquisition of citizenship is intended to facilitate integration.

#### 1.1 TARGET GROUPS / AUDIENCES

This study targets policy-makers at EU level (e.g. in the area of integration and intra-EU free movement) as well as broader target groups at national level, such as national policy-makers (migration/integration), researchers, and experts at those national authorities that are responsible for citizenship-related administrative procedures. This study would also be of interest to the wider public because of its topicality and due to the growing number of individuals becoming citizens of a Member State of the EU or acquiring a second (dual) citizenship.

<sup>1</sup> AT, BG, CZ, DE, DK, EL, FI, FR, HR, HU, IT, LU, LV, MT, NL, PL, PT, RO, SK, SE

<sup>2</sup> AT, BG, CZ, DE, DK, FI, HU, LU, NL, PT, RO, SK, SE

<sup>3</sup> For the purpose of this study, 'new migrants' refer to third-country nationals who do not have a pre-existing historical tie with the Member State (ethnic, family, historical).

<sup>4</sup> *i.e.* acquisition of citizenship through automatic acquisition, by marriage, through investor scheme and for political and/or discretionary reasons are excluded from the scope of this study

<sup>5</sup> R. Baubock and S. Wallace Goodman (2011), EUDO Citizenship Policy Brief n°2, Naturalisation, available at: [http://eudo-citizenship.eu/docs/policy\\_brief\\_naturalisation.pdf](http://eudo-citizenship.eu/docs/policy_brief_naturalisation.pdf)

## 2 SCOPE OF THE STUDY

The study focuses on citizenship matters as defined in the EMN glossary or otherwise commonly used. It shall cover the acquisition, by a third-country national, of the citizenship of an EU Member State. The study covers the broad category of third-country nationals who immigrated to the EU as first generation ('new migrants') and thus excludes second-and third generation migrants. If it is difficult to make the distinction in your Member State, please mention this throughout the template wherever relevant. EU citizens acquiring the citizenship of another EU Member State are not covered. The acquisition of citizenship of an EU Member State by persons living in a third country is also outside of the scope of this study.

As far as policies and legislation regarding the acquisition of citizenship is concerned, this study shall reflect the most recent situation and developments in the Member States, therefore focusing on 2019. Regarding policy and legal developments, it also appears useful to trace any such developments over the past five years. If reasonable, contributing EMN NCPs may also include planned legal or policy developments that have not yet come into effect at the time of writing.

As regards statistics, the study shall cover a five-year period, from 2014 to 2018.

## 3 EU LEGAL AND POLICY CONTEXT

The integration of third-country nationals has become an important policy topic in many Member States, not least as a result of the large number of new migrants who arrived in the EU in 2014-2016 and received international protection. When, how and under which circumstances a third-country national can acquire the citizenship of an EU Member State is an essential dimension of integration processes. The acquisition of citizenship can be seen as the final step of an individual's successful integration process, as an incentive for individuals to become part of a new society or both. According to Eurostat, roughly 825 000 individuals became citizens of a Member State of the EU in 2017, most of them in Italy, the United Kingdom, Germany and France. As the EMN has not previously conducted a comparative study on the acquisition of citizenship, the proposed topic will fill a significant gap in the thematic activities of the network.

Awarding citizenship is a prerogative of the Member States, which they must exercise having due regard to EU law.<sup>6</sup> Indeed, Member States solely are responsible for laying down the conditions for the acquisition of citizenship.<sup>7</sup> However, citizens of a Member State also enjoy the rights of EU citizenship, including that of mobility and free movement across all Member States. As such, the determination of citizenship by one Member State implies a responsibility to all others. In this sense, citizenship has an important EU dimension. As pointed out by the Court of Justice of the EU, while laying down the conditions of acquisition and loss of citizenship falls within the remit of national competence, in doing so Member States must have due regard to EU law.

Three main modes of naturalisation exist:<sup>8</sup>

- Ordinary naturalisation – residence-based naturalisation, which does not foresee any waivers of conditions normally envisaged for applicants;
- Discretionary naturalisation on grounds of national interest – fully discretionary naturalisation, where authorities waive all or almost all naturalisation conditions;
- Discretionary facilitated naturalisation on grounds of national interest – discretionary naturalisation, where authorities waive some but not all naturalisation conditions.

Furthermore, as noted by the European Commission, 24 additional types of acquisition of citizenship are found in the EU, including the facilitation of conditions for certain ethnic groups, on grounds of socialisation or family links.<sup>9</sup> This hints at the complexity of the legal provisions surrounding the acquisition of citizenship.

The study will also seek to examine how the Member States support third-country nationals in applying for citizenship and inform them about their rights and duties as national and EU citizens.

The study also presents an opportunity for Member States to cooperate and share good practices on matters relating to citizenship and integration by comparing and analysing the various national rules and procedures used at national level.

<sup>6</sup> See Judgment of 7 July 1992, *Micheletti and Others v Delegación del Gobierno en Cantabria*, C-369/90, EU:C:1992:295, paragraph 10; Judgment of 11 November 1999, *Belgian State v Mesbah*, C-179/98, EU:C:1999:549, paragraph 29; Judgment of 20 February 2001, *Kaur*, C-192/99, EU:C:2001:106, paragraph 19; Judgment of 19 October 2004, *Zhu and Chen*, C-200/02, EU:C:2004:639, paragraph 37; Judgment of 2 March 2010, *Rottmann*, C-135/08, EU:C:2010:104, paragraph 39

<sup>7</sup> See [Case Tjebbes and others C-221/17](#), Judgment of the Court of 12 March 2019, and [Case Rottmann C-135/08](#), Judgment of the Court of 2 March 2010

<sup>8</sup> European Commission (2019). Part A Study Investor Citizenship and Residence Schemes, Notes accompanying Deliverable A. Available at: [https://ec.europa.eu/info/files/part-study-investor-citizenship-and-residence-schemes\\_en](https://ec.europa.eu/info/files/part-study-investor-citizenship-and-residence-schemes_en). This study focuses on ordinary naturalisation

<sup>9</sup> European Commission (2019). Part A Study Investor Citizenship and Residence Schemes, Notes accompanying Deliverable A. Available at: [https://ec.europa.eu/info/files/part-study-investor-citizenship-and-residence-schemes\\_en](https://ec.europa.eu/info/files/part-study-investor-citizenship-and-residence-schemes_en)

## 4 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

- Under what conditions can first generation migrants obtain the citizenship of the countries participating in this study? This includes, among other conditions/requirements, the length of legal stay in the country (with temporary/permanent residence status), the definition of legal stay or residence, knowledge of the language, economic situation, suitable housing, good conduct, or any legal or symbolic commitments to adhere to societal rules and norms.
- Are conditions different for different groups of third-country nationals, such as refugees or other groups significantly represented in the respective Member State (e.g. children, citizens of neighbouring third-countries, stateless people, investors)?
- Are there different procedures to acquiring citizenship (such as ordinary naturalisation by registration or by application)? How do these procedures work and how long do they take? To what extent are these procedures digitalised and applications submitted electronically?
- Is dual citizenship possible, and if so, under what conditions?
- What is the role of citizenship, including dual or multiple citizenships, in immigrant integration?

## 5 RELEVANT SOURCES AND LITERATURE

Comparable EU statistics on the acquisition of citizenship in the Member States are available at Eurostat. Additional statistical material should be available, in each country, at national level. It should be noted that although this study focuses on first-generation migrants, statistics extracted from Eurostat and provided by Member States will generally include all third-country nationals, including children/persons with a migrant family background ('second- and third-generation').

Many reports, analyses and comparisons regarding citizenship are available at the Global Citizenship Observatory [GLOBALCIT](#), the successor of EUDO CITIZENSHIP, which started in 2009 with a focus on citizenship laws in the EU Member States and then gradually expanded its scope. The [MACIMIDE Global Expatriate Dual Citizenship Dataset](#) charts the rules that existed in near all states of the world since 1960 with regard to the loss or renunciation of citizenship after a citizen of a respective state voluntarily acquires the citizenship of another state. The [Quality of Nationality Index](#) is relevant in that provides information on citizenship by investment.

Recent reports and EMN Ad-hoc queries are worth considering for this study, such as:

- European Commission, [Report on Investor Citizenship and Residence Schemes in the European Union](#), January 2019, accompanied by its Staff Working Document
- Milieu Study on "[Factual analysis of Member States Investors' Schemes granting citizenship or residence to third-country nationals investing in the said Member State](#)"
- European Parliament, [Briefing on Acquisition and loss of citizenship in EU Member States](#), July 2018
- 'Settling In' 2018, Indicators of Immigrant Integration, OECD
- EMN Ad-hoc query 2019.23 on investor schemes (golden passports)
- [Migrant integration policy index](#)<sup>10</sup>
- EMN Ad-hoc query 2015.709 on [Fees for Citizenship Application](#) (2015)
- EMN Ad-Hoc Query 2015.669 on [Exceptions to an obligation to be released from the old citizenship before acquiring a new one](#) (2015)
- EMN Ad-hoc query 2012.399 on [Citizenship Tests](#) (2012)
- EMN Ad-hoc query 2012.402 on [Dual Citizenship](#) (2012)
- OECD study on Naturalisation and the Labour Market - Integration of Immigrants<sup>11</sup>
- Fundamental Rights Agency, [Second European Union Minorities and Discrimination Survey – main results](#), December 2017
- EMN Ad-hoc query 2015.719 on the [establishment of identity in connection with naturalisation](#) (2015)

To draft their contributions to this study, EMN NCPs should describe and analyse the respective national laws and policy documents regarding the acquisition of citizenship. Administrative handbooks as well as enquiry and research reports should also be used.

## 6 AVAILABLE STATISTICS

As far as comparable statistics are concerned, Eurostat provides the following data sets for each EU Member State:

- **Residents who acquired citizenship as a share of resident non-citizens by former citizenship (EU / non-EU) and sex** – annual data [migr\_acqs].  
**Note:** This type of data can provide an indication of how easy or difficult it is in the various Member States to acquire the citizenship of the country of residence.

<sup>10</sup> <http://www.mipex.eu/access-nationality>

<sup>11</sup> <https://www.oecd.org/els/mig/48328760.pdf>

- **Acquisition of citizenship by age group, sex and former citizenship** (all former EU and non-EU citizenships) – annual data [migr\_acq]
  - Note:** This dataset is the most important one regarding quantitative analyses of the acquisition of citizenship in the Member States.
- **Acquisition of citizenship by age group, sex and level of human development of former citizenship** – annual data [migr\_acq1ctz]
  - Note:** In this data set, former citizenships are grouped in accordance with position in human development index.
  - Note:** These data are not available for all EU Member States.

## 7 DEFINITIONS

According to the European Convention on Nationality, "**nationality**" means the legal bond between a person and a State and does not indicate the person's ethnic origin.<sup>12</sup> A case of the Court of Justice of the EU further defined nationality as "the special relationship of solidarity and good faith between [a Member State] and its nationals and also the reciprocity of rights and duties, which form the bedrock of the bond of nationality".<sup>13</sup>

"**Multiple nationality**" means the simultaneous possession of two or more nationalities by the same person.<sup>14</sup> For the purpose of this study, the term "dual citizenship" is used.

According to the EMN glossary,<sup>15</sup> the term "**citizenship**" is defined as "the particular legal bond between an individual and their State, acquired by birth or naturalisation, whether by declaration, choice, marriage or other means according to national legislation."

It is noted that, as per the EMN Glossary, in some Member States, a distinction is made between citizenship and nationality, whereas in the EU context, no distinction is made, and the two terms are considered interchangeable. Those countries which distinguish between citizenship and nationality, the term citizenship refers specifically to the legal rights and duties of nationals.

"**Acquisition of citizenship**" refers to "Any mode of becoming a national, i.e. by birth or at any time after birth, automatic or non-automatic, based on attribution, declaration, option or application".<sup>16</sup>

This study explores the acquisition of citizenship through naturalisation. "**Naturalisation**" means "any mode of acquisition after birth of a nationality not previously held by the target person that requires an application by this person or their legal agent as well as an act of granting nationality by a public authority".<sup>17</sup> As per a recent report published by the European Parliament, a distinction is made 'between ordinary naturalisation – when the primary grounds of acquisition of citizenship is a certain period of residence in the country, and special naturalisation – when the acquisition of citizenship is based on other considerations, such as family links, ethno-cultural connections or special contributions'.<sup>18</sup> The first definition will be used for the purpose of this study, meaning that the emphasis is on the third-country nationals acquiring citizenship on the basis of an application process following a minimum legal residing period.

**Ius sanguinis** refers to "the determination of a person's nationality on the basis of the nationality of their parents (or one parent or one particular parent) at the time of the target person's birth and at the time of acquisition of nationality by the target person (the two points in time are different in cases of acquisition after birth).<sup>19</sup>

In contrast to this, **ius soli** refers to "the principle that the nationality of a person is determined on the basis of their country of birth".<sup>20</sup> The different categories of ius soli are defined as follows:<sup>21</sup>

- Unconditional ius soli: on the basis of birth. Citizenship is automatically granted to those born in the country, regardless of any other conditions;
- Conditional ius soli: on the basis of certain conditions, e.g. minimum period of residence in the country of the parents;
- Automatic double ius soli: on the basis of parental birth in the country. Children born in the country to foreign citizens can automatically acquire citizenship at birth if at least one of their parents was also born in the country;

<sup>12</sup> Article 2(a), European Convention on Nationality, available at: <https://rm.coe.int/168007f2c8>

<sup>13</sup> Judgment of 2 March 2010, Rottmann, C-135/08, available at: <http://curia.europa.eu/juris/liste.jsf?num=C-135/08>

<sup>14</sup> Article 2(b), European Convention on Nationality, available at: <https://rm.coe.int/168007f2c8>

<sup>15</sup> EMN Glossary 6.0, available at: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en)

<sup>16</sup> EMN Glossary 6.0, available at: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en)

<sup>17</sup> EMN Glossary 6.0, available at: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en)

<sup>18</sup> European Parliament (2018). Acquisition and loss of citizenship in EU Member States – Key trends and issues, available at: [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS\\_BRI\(2018\)625116](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2018)625116)

<sup>19</sup> EMN Glossary 6.0, available at: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en)

<sup>20</sup> EMN Glossary 6.0, available at: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en)

<sup>21</sup> <http://eudo-citizenship.eu/docs/ius-soli-policy-brief.pdf>

- Conditional double ius soli: on the basis of certain conditions and parental birth in the country. Children born in the country to foreign citizens can acquire citizenship at birth if at least one of their parents was also born in the country under certain conditions, e.g. minimum period of residence for parents.

## 8 ADVISORY GROUP

- SE EMN NCP (Chair)
- COM (DG Migration & Home Affairs)
- AT EMN NCP
- BE EMN NCP
- CY EMN NCP
- EE EMN NCP
- EL EMN NCP
- FI EMN NCP
- FR EMN NCP
- HU EMN NCP
- IE EMN NCP
- LT EMN NCP
- LU EMN NCP
- LV EMN NCP
- SI EMN NCP
- SK EMN NCP
- Odysseus network expert
- ICF (EMN Service Provider)
- Fundamental Rights Agency (FRA)

## 9 TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	Action
5 August	Launch
2 December	Submission of national reports by EMN NCPs
10 January	First synthesis report to COM
17 January	Deadline for comments
22 January	Circulation of the first SR to all NCPs
5 February	Deadline for comments
March 2020	Publication

## 10 Template for national contributions

The template provided below outlines the information that should be included in the national contributions of EMN NCPs to this Study. For national contributions, the total number of pages should not exceed **35-40 pages**, including questions and excluding the Statistical Annex. A limit of **25-30 pages** will also apply to the synthesis report, in order to ensure that it remains concise and accessible.

## Common Template of EMN Study 2019

# Pathways to citizenship for third-country nationals in EU Member States

### National Contribution from SPAIN

*Disclaimer:* The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

### Top-line factsheet [max. 1 page]

The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.

Please provide a concise summary of the main findings of Sections 1-7:

The acquisition of Spanish nationality is based on the principle of "ius sanguinis", with the exception of children without determined affiliation and those who, if not granted Spanish nationality, would be stateless.

The acquisition of Spanish nationality through ordinary naturalization is conditioned to three requirements: residence, good conduct and integration. The Integration exam has been modified, which now consists of a Spanish language exam and an exam of Spanish customs and culture, conducted by the Cervantes Institute.

Spanish nationality is acquired by citizens of third countries mainly on the basis of continued legal residence for 10 years. There are exceptions for citizens of Latin American countries or those who have had or have special links with Spain and for people of origin Sephardic (2 years), as well as for the spouses of Spanish citizens, for the descendants of a Spanish father or mother or grandfather or grandmother of origin, for those who were born in Spain and for those under the guardianship or foster care of a citizen or Spanish institution (1 year). Refugees may acquire Spanish nationality with 5 years of residence.

It is also possible to acquire Spanish nationality by discretionary grant of the Council of Ministers by Royal Decree.

The citizens of third countries that acquire Spanish nationality have the same rights as any Spanish citizen of origin.

## Section 1: Legal and policy overview

**Q1. With reference to international law, is your Member State a party to the:**

**a) 1961 UN Convention on the Reduction of Statelessness?**

Yes.

No. *Please explain why:*

*If no, please explain why:*

**b) 1997 European Convention on Nationality?**

Yes.

No. *Please explain why:*

**Q2. Which are the main legal instruments covering the acquisition of citizenship for third-country nationals in your Member State? For example, is the acquisition of citizenship laid out in the constitution?**

Please explain in the form of a short, succinct narrative, starting from general principles to application rules. Please provide references to the main relevant laws and (name and date).

*The main legal instrument that regulates the acquisition of the Spanish nationality is the Civil Code. Additionally, the Spanish Constitution establishes the right of Latin-American countries or those that have had or have a particular relationship with Spain to maintain their original nationality after acquiring the Spanish nationality.*

**Q3. Have the laws and policies regarding third-country nationals' acquisition of citizenship in your country undergone any major changes in recent years which significantly changed the procedures or requirements of the acquisition of citizenship <sup>22</sup>? If yes, what have been the main drivers for the change? (e.g. EU /national case law, changes in other aspects of (national) migration law or policy etc.) Kindly note that the response should refer to the target group of the study only.**

Yes.

<sup>22</sup> In the framework of this study, the aim is to identify and assess potential changes that may have occurred in the past five years. Please limit your analysis to the 2014-2019 period. However, should important changes occurred in 2013, you can still mention those and explain the impact on the current rules in place.



*An electronic procedure has been implemented which allows the applicants lodging their nationality applications on line. Additionally, the integration exam, which was in the past conducted at the civil registers, has been replaced by a language exam and an exam on knowledge of the Spanish customs and culture conducted at the Cervantes Institute.*

No.

**Q4. Have there been any major debates or national issues about third-country nationals holding or acquiring the citizenship of your Member State in recent years? If so, have these debates included the acquisition also of EU citizenship rights (such as right to vote, right to free movement including labour mobility, consular protection and right to protection, etc.)? Please specify in which framework these debates were held (e.g. policy-makers, media, general public).**

Yes.

No.

*Please elaborate:  
There are not any specific debates about acquisition of nationality*

**Q5. From a legal perspective, is there a distinction between nationality and citizenship in your Member State? If so, what are the differences?**

Yes.

No

No.

**Q6. Is the acquisition of citizenship in your Member State based on the *ius sanguinis* or the *ius soli* principle, on a mixture of these principles, or on other principles? Please check the appropriate box and explain.**

***ius sanguinis***.

*Please explain:  
General rule is ius sanguinis, but foundlings and children who would otherwise be stateless are granted the Spanish nationality at birth.*

***ius soli***. Please explain:



Unconditional *ius soli*.

Please explain:

Conditional *ius soli*.<sup>23</sup>

Please explain:

Automatic double *ius soli*.<sup>24</sup>

Please explain:

Conditional double *ius soli*.<sup>25</sup>

Please explain:

Mixed *ius soli* and *sanguinis*.

Please explain:

Other.

**Q7. In which modes can third-country nationals acquire the citizenship of your Member State?** Please check all boxes that apply and briefly describe the main modalities). *Kindly note that the response should refer to the target group of the study only. This question links to Statistical Annex 1.2.*

By ordinary naturalisation.

*Nationality is a right after a period of 10 years of legal residence.*

By special naturalisation (e.g. based on considerations such as historical / ethno-cultural considerations, for political or other discretionary reasons, investment scheme). *Please explain, briefly outlining the different types of special naturalisation available in your Member State:*

<sup>23</sup> This means that certain conditions have to be fulfilled, e.g. minimum period of residence in the country of the parents.

<sup>24</sup> This means that children born in the country to foreign citizens can automatically acquire citizenship at birth if at least one of their parents was also born in the country

<sup>25</sup> This means that children born in the country to foreign citizens can acquire citizenship at birth if at least one of their parents was also born in the country under certain conditions, e.g. minimum period of residence for parents.

## Pathways to citizenship third-country nationals in the EU Member States

The legal residence requirement is reduced to 1 year for those married to Spanish nationals, among others. There is also a time reduction, 2 years, for citizens of Latin-American countries, Andorra, Philippines, Equatorial Guinea and people of Sephardic origin. Refugees can acquire the Spanish nationality after 5 years of legal residence.

By declaration/notification.

Please explain:

Other (e.g. reinstatement of former citizenship). Please explain, briefly outlining any other modes of naturalisation not covered above:

Nationality can also be granted through a decision of the Council of Ministers due to special circumstances.

**Q8. What is the most common / frequent way from those mentioned above for third-country nationals to acquire citizenship in your Member State?**<sup>26</sup> This question links to Statistical Annex 1.2.

Legal residence.

## Section 2: Conditions and requirements for the acquisition of citizenship after birth through ordinary naturalisation

**In cases where citizenship is not acquired at birth, what are the requirements and conditions that third-country nationals have to fulfil to obtain citizenship of your Member State?** Please provide a brief overview of the conditions and requirements. Further details are to be provided in the subsequent questions.

Acquisition of the Spanish nationality is conditioned to the fulfilment of three requirements: a residence period, good conduct, and integration, which includes sufficient knowledge of the Spanish language and the Spanish customs, institutions, and society.

Please note that the questions below only refer to cases when the primary grounds of acquisition of citizenship is through ordinary naturalisation (i.e. the legal process whereby a third-country national who is legally present on the territory of a Member State may acquire citizenship of an EU Member State. A new migrant is described as a third country national who does not have a pre-existing historical tie with the Member State (ethnic, family, historical).<sup>7</sup> The conditions and requirements in place for second- or third-generation migrants and those migrants with special (e.g. ethnical or linguistic) ties to the country are not covered.

### Section 2.1 Eligibility

#### Period of residence

<sup>26</sup> Please note that statistics on the number of third-country nationals who have acquired the citizenship of your country each year between 2014-2018, differentiated by the grounds of acquiring citizenship are requested in the Statistical Annex.

**Q9. After how many years or months of (interrupted/continuous) residence in your country can a third-country national acquire the citizenship of your Member State?**

*General rule is 10 years, but there is a reduced time period of 2 years for citizens of Latin-american countries, , Andorra, Equatorial Guinea, and persons of Sephardic origin. There is also a reduced period of 1 year for persons married to Spanish citizens, persons who were born in Spanish territory or those whose parents or grandparents were originary Spanish. Also for persons who are under the legal guardianship of a Spanish citizen or a Spanish institution. Residence must be continuous. Refugees have a reduced period of 5 years.*

**Q9a:** Is this period of residence based on legal residence (i.e. registration at the city hall or in a population registry) or is habitual residence (e.g. proved by house rental, school attendance, tax reports) in the Member State also counted?

Legal residence required.

Presence in the country sufficient

No residence / presence in the Member State is required and citizenship is granted upon entry (e.g. investor schemes).

*Please elaborate:*

Other.

*Please elaborate:*

**Q9b:** Is this period of residence based on effective residence (i.e. physical presence for a regular and extended period in the territory) or is holding a residence permit for the required timeframe sufficient?

Yes, physical presence necessary.

*Please elaborate:*

No, holding a permit is sufficient.

Please elaborate:

Other:

Please elaborate:

**Q9c:** What proof (e.g. documentary evidence) is required to demonstrate that the minimum period of residence has been met?

*Upon receipt of the application, a report is requested from the Spanish police department which includes residence status.*

**Q9d:** Can the period of residence be interrupted? If yes, how long can this interruption last?

Yes.

Please elaborate:

No

Other:

*Residence permit must not be interrupted, but physical absence of the Spanish territory is allowed if no longer than 6 months for those required 10 years and 3 months for those required 2 year.*

### **Pre-existing legal residence status**

**Q10. What pre-existing legal residence status of the citizenship applicant is accepted?**

*Please also indicate for how long each of the given legal statuses has to be held in order for the third-country national to be able to acquire the citizenship of your country. For temporary permits, please indicate to what extent the number of years the third-country national possesses such a permit count towards being granted access to citizenship.*

- Permanent residence permit. *Number of years to get this permanent status and number of years necessary to hold it for citizenship acquisition: 10*
- Refugee status. *Number of years: 5*
- Temporary residence permit. *Number of years:*
- Other protection statuses. *Number of years:*

*If the residence period required is met, no difference is made based on the legal residence status of the applicant.*

Other status:

## **Section 2.2 Conditions**

### **Language**

**Q11. Is knowledge of the national language(s) required for all naturalisation grounds, and if so, what is the required level?<sup>27</sup>**

Yes.

*A2 level is required*

No.

**Q11a.** If yes, how is this proven or evaluated? What evidence is required, and which authority is responsible for assessment (e.g. ministry officials, language experts, private language institutions contracted by state, etc.)?

*Applicant must pass an exam at the Institute Cervantes or official institution and provide this certificate together with the application or consent that the nationality officers contact Instituto Cervantes electronically.*

**Q11b.** If your Member State uses a language test, has this test ever been evaluated, e.g. has the test led to better knowledge of the national language(s)?

Yes.

*Please explain:*

No.

### **Citizenship tests and commitments**

**Q12. Are citizenship applicants required to pass a citizenship or integration test for all naturalisation grounds? Please note that this could also include oral interviews.**

Yes.

<sup>27</sup> Please indicate the level according to the Common European Framework of References for Languages -CEFR (A1-C2)

*There are two modules: 1) government, laws, and citizen participation in Spain, 2) Culture, history, and Spanish society*

No.

**Q12a.** If yes, has the citizenship test ever been evaluated?

Yes.

*Instituto Cervantes is a public institution and member of the main international language associations. Accreditations can be checked at their web page.*

No.

**Q13.** Is the applicant required to legally or symbolically commit to certain values or norms (such as human rights, democracy, quality and the rule of law) for all naturalisation grounds and if so, which ones?

Yes.

*After being granted the Spanish citizenship, the applicant must swear the Spanish Constitution and commit to comply with the Spanish laws.*

No.

**Q14.** Are applicants required to pledge formally allegiance to your Member State (e.g. oath of allegiance?) If yes, does this apply to all naturalisation grounds? Please explain the differences.

Yes.

*No difference.*

No.

*Please explain:*

**Good conduct**

**Q15.** Is the third-country national expected to fulfil any requirements regarding good conduct (e.g. clean criminal record, fulfilment of civic requirements such as payment of taxes), public order, public health and if so, which ones?

Yes.

*Applicants must have a clean criminal record.*

No.

**Q15a.** If yes, what proof (e.g. documentary evidence) is required to demonstrate that the criteria for good conduct has been met?

*Reports from the police department and the General Judiciary Register are requested and included in the case file.*

#### **Economic resources**

**Q16.** Is the applicant's economic/financial situation or standard of living taken into account and if so, how (e.g. a minimum income level and assets)? Does this apply to all naturalisation grounds? Please explain the differences.

Yes.

*Please explain:*

No.

**Q16a.** If yes, what proof (e.g. documentary evidence) is required to demonstrate that the minimum income level / assets have been met?

*Please explain:*

**Q17.** Is the third-country national's housing situation taken into account?

Yes.



Please explain:

No.

**Q17a:** If yes, what proof (e.g. documentary evidence) is required to demonstrate that any housing requirements have been met?

Please explain:

### Others

**Q18.** Are there any other requirements not listed above?

Yes.

Please explain:

No.

### Section 2.3 Security

**Q19.** Are there any specific exclusion criteria (e.g. threats to national security and public order)?

Yes.

*The CNI (Intelligence Department) may report that the applicant meets a threat to national security, which would be the grounds for a denial.*

No.

### Section 2.4 Specific groups of third-country nationals

**Q20.** Are the above-mentioned requirements different for specific groups of third-country nationals, such as the groups listed below. For each group, please briefly explain the main differences that apply:

- a. Refugees
- b. Other beneficiaries of international protection statuses
- c. Specific categories of legal migrants
- d. Other groups that are significantly represented in your Member State, incl. stateless persons

**Q20a. Refugees**

*Please explain:*

**Q20b. Other beneficiaries of international protection statuses**

*Please explain:*

**Q20c. Specific categories of legal migrants e.g. people with disabilities or people in old age.**

*Please explain:*

**Q20d. Other groups that are **significantly represented** in your Member State (e.g. stateless persons, minors, investors, citizens of neighbouring countries).**

*Please explain:*

### Section 3: Procedural aspects for the acquisition of citizenship in the Member State

*Please note that, consistent with Section 2, the questions below again only refer to cases when the primary grounds of acquisition of citizenship is through naturalisation based on a minimum period of residence in the country (i.e. 'ordinary naturalisation', not the conditions and requirements in place for second- or third-generation migrants and those migrants with special (e.g. ethnical or linguistic) ties to the country).*

**Q21. Please briefly describe the procedure in place for third-country nationals to obtain citizenship through ordinary naturalisation.**

*Applicants must fill in a form and facilitate their passport, birth certificate, criminal record issued by their countries of origin, payment of tax, and proof that they have passed the language and sociocultural test. Reports are then required by the Nationality Area from the police department, General Judiciary Register, and CNI (only for certain nationalities).*

*Upon examination of the documents facilitated by the applicant and the reports obtained, a decision is made.*

**Q21a. Are children automatically naturalised once their parents are granted citizenship?**

Yes.

*Please explain:*

No.

**Q22. What public authorities/agencies are involved in procedures for third-country nationals' acquisition of the citizenship of your Member State?**

*Please mention and describe their roles at each step of the process in order to identify the authorities by which the application is introduced and those taking the decisions.*

*Application is lodged at the "Dirección General de los Registros y del Notariado" and the General Director is the authority that grants nationality.*

**Q23. Are these procedures digitised? Can applications for citizenship be made online?**

Yes.

*Please explain:*

No.

**Q24. What documentation is required in order to submit the application (e.g. passport, birth certificate) (in addition to the evidence reported to meet the conditions set out in Section 2)?**

*Passport, birth certificate, criminal record issued by their countries of origin, payment of tax, and proof that they have passed the language and sociocultural test.*

**Q25. What is the legally prescribed maximum time period for the procedure, if applicable, and how long do procedures take in practice? If the different stages of the procedure have maximum time periods (e.g., registration, application, etc.) please differentiate. Are certain types of cases prioritised or fast-tracked, and if so, which ones?**

*Time limit to make a decision is 1 year. In practice, general time is of approximately 3 years.*

- Q26. What are the costs for the application for citizenship (in €)? Please note that this excludes costs for the translation of documents, trainings for language proficiency, etc. Please specify whether different costs apply to different grounds.**

*Tax is 102 €. Language test is 55€ and sociocultural test is 85€.*

- Q27. Are there any other evidence requirements to be fulfilled for a final decision to be taken on the citizenship application (in addition to those set out above, e.g. language certificate)?**

*Please explain:*

- Q28. To what extent is discretion an element of the procedure/decision-making process? Is there absolute discretion or conditional discretion?<sup>28</sup>**

*To a minimum extent, good conduct would be a discretionary element in that elements like what type of offense should be considered bad conduct can be discretionary or even how back in time offenses should be considered.*

---

<sup>28</sup> Absolute discretion means that the state may leave authorities absolute discretion to grant naturalisation to applicants, whether or not they meet the legal requirements. Conditional discretion means authorities only have limited grounds to reject applicants who meet the legal requirements.

**Q29.** What challenges if any have been experienced regarding the verification of the identity of naturalisation applicants?

**Q30.** Is there a right of appeal or basis for legal challenge if citizenship is refused? If yes, do the authorities have to provide information about the grounds for refusal?

Yes.

*There is an administrative appeal at the disposal of the applicant and they also have the right to a judicial appeal.*

No.

*Please explain:*

**Q31.** What are the most common grounds for a negative citizenship application decision? If possible, please list the top 5 reasons. Grounds could include insufficient language skills, insufficient period of residence, criminal record, unestablished identity.

*Bad conduct.*

**Q32.** Does your Member State organise a citizenship ceremony? If yes, is participation in such a ceremony mandatory or voluntary?

Yes.

Please explain:

No.

**Support provided during the application process**

**Q33. Does your Member States provide information and/ or encourages third-country nationals to consider applying for citizenship?**

Yes.

Please explain (incl. good practice example if available):

No.

**Q34. Is governmental support provided to applicants during the application process?<sup>29</sup> Have any good practices been identified in your Member State?**

Yes.

Please explain (incl. good practice example if available):

No.

**Q35. Does your Member State organise, support or finance integration measures (classes, training, etc.) to facilitate the acquisition of citizenship? If yes, please specify whether these are prescribed by law.**

Yes.

Please explain (incl. good practice example if available): The Secretariat of State for Migration (Ministry of Labour, Migration and Social Security) supports and finances programs intended to facilitate the integration of immigrants such as: training programs on constitutional rights and duties, training in the political and social environment, introduction programs to the host society, classes to learn Spanish and improve the language skills.

No.

<sup>29</sup> For the purpose of this study, only support under the control of the state should be included here (e.g. websites, telephone hotline), i.e. support by NGOs or private service providers is excluded unless contracted by the state.

## Section 4: Dual citizenship

**Q36. Is the third-country national required to renounce his/her other citizenship in order to acquire or hold citizenship in your Member State?** *This question links to Statistical Annex 1.4. If your answer is 'no' (i.e. dual citizenship is possible), kindly provide national data on dual citizenship as requested.*

Yes.

*As a general rule, if awarded the Spanish nationality, third-country national must renounce their original citizenship. However, the Spanish Constitution establishes the right of Latin-American, Andorra, Philippines and Equatorial Guinea citizens to maintain it together with the Spanish nationality.*

No.

*Please explain the reasoning if possible:*

Other.

*Please explain:*

**Q37. Is the requirement to renounce dependent on the person's other citizenship and are there exemptions from this requirement, for example for third-country nationals from third countries that do not allow a renunciation of citizenship ?**

*As explained above.*

**Q38. Are there any particular requirements that third-country nationals have to fulfil if they want to acquire or hold the citizenship of your Member State while keeping their other one(s)? If so, which requirements?**

Yes.



*Please explain:*

No.

**Q39. Are there any particular restrictions placed on third-country nationals who hold dual citizenship? Does dual citizenship confer fewer rights? (e.g. access to specific types of employment)**

Yes.

*Please explain:*

No.

**Q40. If your Member State allows dual /multiple citizenships, have there been any particular benefits or challenges that this policy has brought?**

Yes.

*Please explain.*

No.

## Section 5: Citizenship and integration

**Q41. How does the integration policy of your Member State address the acquisition of citizenship? Is citizenship addressed in your national integration strategy/action plan?**

Yes.

*Please explain (e.g. is naturalisation considered the end point of an integration process or is the acquisition of citizenship intended to facilitate integration)?*

Throughout the year 2019, the Secretariat of State for Migration has been working in a new Strategic Plan, which will be released in the year 2020. The Plan will foresee integration programs such as listed above and also to strength units responsible for processing nationality applications.

In addition, the State Fund for the integration of Immigrants will be reactivated allowing to support integration policies implemented by regions and municipalities. The Fund will allow the strength of integration programs some of them with a positive effect for people in the process of requesting/acquiring nationality.

No.

**Q42.** Is there any evidence, e.g., from research or evaluation, indicating that the acquisition of citizenship facilitates integration, in particular on the labour market?

*Unknown*

**Q43.** What are the main differences and new rights and duties between being a citizen of your country compared to holding a permanent or long-term residence permit? Please elaborate on the following aspects:

**Q43a:** Participation in regional or national elections.

*A Spanish citizen can vote in all elections.*

**Q43b:** Access to certain types of employment (jobs that are only open to citizens of your country).

*A Spanish citizen can be civil servant, But also third countries nationals who are the spouses of a Spanish or EU citizen*

**Q43c:** Other differences / advantages, such as social and economic rights (social security, benefits, allowances, etc.)?

*Please explain:*

*No differences*

- Q44.** What support is given once citizenship has been granted to support the new citizen in their role as a citizen (e.g. information sessions organised at a local level, other information material)? Are there good practices in place in your Member State?

*None*

- Q45.** With the acquisition of national citizenship there is also the acquisition of EU citizenship which confers rights such as the freedom to move or reside within the territory of the EU or the right to vote for and stand as a candidate in the European Parliament and municipal elections. What information or other support measures (if any) are given in your country to allow new citizens to enact their role as EU citizens (e.g. signposting to information material on the rights and responsibilities of EU citizens or specific, tailored information)? Is this different / additional to information provided to all citizens on their rights and responsibilities as EU citizens?

*There is no difference, information is available to all Spanish nationals.*

- Q46.** Are there any indications (e.g. in reports, studies or statistics) that acquisition of citizenship facilitates mobility to other Member States and/or mobility or longer-term migration to non-EU countries?

Yes.

*Information not available.*

No.

## Section 6: Conclusions and lessons learned

*Please comment on the findings of your national report by drawing conclusions, identifying any key challenges and lessons learned, as well as outlining any planned policy developments in the upcoming years:*

*In 2018, 93.183 citizens of third countries acquired Spanish nationality. Most nationalizations occur on the basis of the ordinary procedure, that is, after the period of legal residence required according to the cases.*

*The nationality acquisition procedures has been changed very recently (2015) to an electronic procedure. A huge backload generated in the previous years has not made it possible to appreciate the advantage of this procedure yet, but an improvement in the decision-making process is expected in the near future.*

*Spain considers that the acquisition of Spanish nationality by third country nationals is the culmination of their integration process.*

## Annex 1 National statistics

Please fill in the attached excel sheet with the respective statistics for your Member State. Due to the limitations of Eurostat data and national data, statistics provided in this annex shall include all third-country nationals.

N.B. All Eurostat data will be extracted centrally by the EMN Service Provider. National data will be provided to the extent possible by each EMN NCP. In their national reports, NCPs should briefly describe and comment on the data.

The Statistical Annex consists of the following:

**Annex 1.1:** Number of third-country nationals that have acquired the citizenship of your Member State in 2018, differentiated by the 10 main former citizenships of the persons concerned and by sex and age groups. N.B. Data for 2014-2017 will be extracted centrally from Eurostat (migr\_acq).

**Annex 1.2:** Number third-country nationals that have acquired citizenship between 2014-2018, differentiated by the mode of acquiring citizenship and disaggregated by sex, if possible.

**Annex 1.3:** Share of third-country nationals who acquired the citizenship of your Member State among all resident non-citizens in 2018. N.B. Data for 2014-2017 will be extracted centrally from Eurostat (migr\_acqs).

**Annex 1.4:** Number of third-country nationals that have acquired dual citizenship between 2014-2018, differentiated by the mode of acquiring citizenship and disaggregated by sex, if possible. N.B. This annex 1.4 is optional for those Member States which collect such data.



statistical  
annex\_final.xlsx

---