



# 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.

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<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.

## 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

<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)

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.
- **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.

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

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

**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;
- 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

<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>

- 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 Member State\*<sup>22</sup>

***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:*

Latvia has signed and ratified the UN 1961 Convention on the Reduction of Statelessness. Stateless persons in Latvia have the opportunity to naturalise, and in 2018 5 stateless persons acquired citizenship by naturalisation. There are 171 stateless persons in Latvia (data is on July 1<sup>st</sup>, 2019), which is 0.0082% of the total population. Moreover, Latvia has signed the 1997 European Convention on Nationality but has not ratified it.

There are several ways to acquire citizenship in Latvia, including naturalisation. Acquisition of nationality by third-country nationals, including naturalisation, has not been widely discussed in society, in the media or in parliament. In 2018, only 103 third-country nationals acquired Latvian citizenship through naturalisation, mainly Russian citizens.

Any third-country national who has been permanently residing in Latvia for the last 5 years may naturalise. At the same time, there are some restrictions that preclude citizenship, for example, if a person has a criminal record that has not been extinguished, a person poses a threat to national security and public order of Latvia, a person's service in the military or intelligence service of other countries.

In the process of naturalisation the Office of Citizenship and Migration Affairs (hereinafter - the Office) is the institution that examines applications of persons for admission to Latvian citizenship. The person has to pass the knowledge test of Latvian language, history of Latvia, cultural history, basic rules of the *Satversme* (Latvian Constitution), as well as must know the national anthem of Latvia. The language level a person must master is B1. Upon successful completion of the tests, the application for naturalisation is processed within one year from the date on which the person passes the naturalisation tests. If the person meets all the conditions for naturalisation, the Office takes a decision regarding the inclusion of the person in the draft Cabinet of Ministers Order and submits it to the Cabinet of Ministers. The Cabinet of Ministers makes the final decision. The decision of the Office regarding the refusal of naturalisation is subject to appeal in court, while the decision of the Cabinet of Ministers is a political decision and cannot be appealed.

The Citizenship Law was last amended in 2013, which allowed dual citizenship with EU, NATO, EFTA member states, as well as Australia, Brazil and New Zealand. Citizens of other countries must renounce their citizenship in order to become a citizen of Latvia. Latvian dual citizens have no restricted rights to occupy positions or work in other fields, while third-country nationals residing in Latvia with permanent residence permits have no possibility to vote in municipal or parliamentary elections, nor are they entitled to hold certain positions in public administration or the judiciary authorities, such as being a judge, holding positions in national security authorities, serving in the military, etc. Only Latvian citizens are eligible to hold these positions.

In Latvia, integration is the responsibility of the Ministry of Culture, which implements integration measures for third-country nationals within the framework of the "National Identity, Civil Society and Integration Policy Implementation Plan", which is planned until 2020. Integration measures are mainly aimed at third-country nationals staying in Latvia with temporary residence permits and permanent residence permits. The final stage of integration is naturalisation and acquisition of citizenship. Information about naturalisation opportunities is provided by the Office.

<sup>22</sup> Replace highlighted text with your **Member State** name here.

## 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<sup>23</sup>.

No. *Please explain why:*

*If no, please explain why:*

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

Yes.

No. *Please explain why:*

*If no, please explain why:*

Latvia signed the Convention on 30 May 2001, but has not ratified it. In 2006 and 2012, the Latvian Parliament rejected a bill ratifying the Convention because of lack of support from members of parliament. Members of parliament could not agree to ratify certain points of the Convention.

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<sup>23</sup> The Convention was ratified on 13 July 1992.

**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

*Please explain:*

The Latvian *Satversme* (Constitution) forms the framework that defines the rights of the citizen of Latvia. In turn, the ways of acquiring citizenship, as well as other issues of citizenship are regulated by the Citizenship Law. The regulations of the Cabinet of Ministers, in turn, determine the procedure for acquiring citizenship.

- The process of acquiring citizenship, including the naturalisation of third-country nationals, is set out in the Citizenship Law, as well as in related Cabinet of Ministers regulations. (Citizenship Law - <https://likumi.lv/ta/en/en/id/57512-citizenship-law>).
- Cabinet Regulation No.973 "Regulations Regarding Testing the Fluency in the Latvian Language and Knowledge of the Basic Principles of the Constitution of the Republic of Latvia, the Text of the National Anthem, the Basics of the History and Culture of Latvia" (<https://likumi.lv/ta/en/en/id/260430-regulations-regarding-testing-the-fluency-in-the-latvian-language-and-knowledge-of-the-basic-principles-of-the-constitution-of-the-republic-of-latvia-the-text-of-the-national-anthem-the-basics-of-the-history-and-culture-of-latvia>).
- Procedures for Receiving and Examining Applications for Naturalisation (<https://likumi.lv/ta/en/en/id/260437-procedures-for-receiving-and-examining-applications-for-naturalisation>).
- Procedures by which Persons Give and Sign the Pledge of Loyalty to the Republic of Latvia in a Solemn Ceremony (<https://likumi.lv/ta/en/en/id/262218-procedures-by-which-persons-give-and-sign-the-pledge-of-loyalty-to-the-republic-of-latvia-in-a-solemn-ceremony>)

provide references to the main relevant laws and (name and date).

**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>24</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.

*Please elaborate:*

The last amendments to the Citizenship Law came into force on October 1, 2013. For the target group of the study, they influenced the naturalisation of stateless persons and their children. As regards stateless persons, it was stipulated that a child born to a Latvian stateless family may be registered as a Latvian citizen at the same time as the fact of birth is registered with the Registry Office.

In general, the amendments were related to the need to maintain the population of Latvian citizens in the context of increasing mobility in accordance with the political goals and interests of Latvia. Dual nationality was allowed with the EU, NATO, EFTA member states, as well as with Australia, Brazil and New Zealand.

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**

<sup>24</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.



right to protection, etc.)? Please specify in which framework these debates were held (e.g. policy-makers, media, general public).

Yes.

*Please elaborate:*

No.

The possibility for third-country nationals to naturalise has not been a widely discussed topic in recent years. This is due to the fact that the number of third-country nationals who have naturalised in recent years is not high - 104 in 2018; 93 in 2017; 100 in 2016.

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

Yes.

*Please explain:*

X 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.*

**A person is recognized as a citizen of Latvia if one of the following conditions is met:**

- a person who was a Latvian citizen on 17 June 1940, as well as a descendant of such person;
- a person whose both parents at the time of his or her birth are Latvian citizens or one of them is a Latvian citizen;
- a Latvian or Liv who has certified all of the following conditions in Latvia:
  - a) that in 1881 or later his or her ancestor had been permanently living in the territory of Latvia as it existed until 17 June 1940,
  - b) his or her fluency in the Latvian language in accordance with Section 20 of this Law or he or she has been released from the test for fluency in the Latvian language in accordance with Section 21 of this Law;
  - c) his or her belonging to the constituent nation (Latvians) or autochthon population (Livs), by submitting a documentary confirmation on the fact that he or she or at least one of his or her parents or grandparents belongs to the constituent nation or autochthon population, or an explanation why such certification cannot be submitted and why he or she has submitted other certifications instead of the referred to confirmation. Such confirmation may be replaced by a certification regarding belonging to a community of Latvians at his or her place of residence outside Latvia (Section 2, Paragraph one, Clause 3 of the Citizenship Law).
- If a person who was a Latvian citizen on 17 June 1940, or a descendant of such person submits a certification on the fact that, from 17 June 1940 until 4 May 1990, he or she has left Latvia escaping from the U.S.S.R. or German occupation regime or has been deported, and due to the referred to reasons he or she has not returned to Latvia for permanent residence until 4 May 1990, such person and his or her descendant shall retain the right to register as a Latvian citizen;
- If a person who was a Latvian citizen on 17 June 1940, or a descendant of such person submits a certification on the fact that, from 17 June 1940 until 4 May 1990, he or she has left Latvia escaping from the U.S.S.R. or German occupation regime or has been deported, and due to the referred to reasons he or she has not returned to Latvia for permanent residence until 4 May 1990 submits a corroboration on the fact that at least one of his or her ancestors has been the above person, a descendant who was born until 1 October 2014 submits a corroboration on the fact that at least one of his or her ancestors has been the person referred to in Paragraph one of this Section, he or she shall retain the right to register as a Latvian citizenship.

*Ius soli*. Please explain:

Unconditional *ius soli*.

Please explain:

Conditional *ius soli*.<sup>25 26</sup>

A person is recognized as a citizen of Latvia if one of the following conditions is met:

- A child who has been found in the territory of Latvia and whose parents are unknown, or other child left without parental care who is under extra-familial care in Latvia, except a child for whose parents the custody rights have been suspended;
- An orphan who is under extra-familial care in Latvia;
- A child who is born in Latvia after 21 August 1991 shall be recognised as a Latvian citizen concurrently with the registration of the child's birth fact on the basis of the volition expressed by one of the parents, provided that the following conditions exist at the same time:
  - 1) both parents of the child are stateless persons;
  - 2) the permanent place of residence of such parent is in Latvia, but, in case the parent has arrived in Latvia after 1 July 1992, he or she has a permanent residence permit.
- A child who has not been recognised as a Latvian citizen in accordance with the above Paragraph shall be recognised as a Latvian citizen until reaching 15 years of age on the basis of an application by one of the parents, provided that the following conditions exist at the same time:
  - 1) prior to that, the child has been a stateless person for the entire time;
  - 2) the permanent place of residence of the child is in Latvia;
  - 3) both parents of the child are stateless persons;
  - 4) for not less than last five years the permanent place of residence of the parent with whom the child is living has been in Latvia (for a person who has arrived in Latvia after 1 July 1992 the time period of five years shall be counted from the day of receipt of a permanent residence permit).
- A child who has not been recognised as a Latvian citizen in accordance with the above Paragraphs shall be recognised as a Latvian citizen after reaching 15 years of age on the basis of his or her application, provided that the following conditions exist at the same time:
  - 1) both parents of the child are stateless persons;
  - 2) for not less than last five years his or her permanent place of residence has been in Latvia until the submission of the application;
  - 3) the restrictions of naturalisation of this Citizenship Law do not apply to him or her;
  - 4) he or she has not been sentenced for committing a serious crime or an especially serious crime in Latvia or in another country where the committed crime is classified as a serious crime or an especially serious crime also in Latvia. This condition shall not apply to a person who has been sentenced for committing a criminal offence in a foreign country, if it has been recognised in accordance with the procedures specified by the Cabinet of Ministers that in respect of such person a judgment of conviction has been rendered without complying with the principle of fair trial or of proportionality of the punishment;
  - 5) he or she certifies the fluency in the Latvian language in accordance with Section 20 of this Law or submits any of the documents referred to in Section 21 of this Law (Section 3<sup>1</sup>, Paragraph three of the Citizenship Law).

<sup>25</sup> This means that certain conditions have to be fulfilled, e.g. minimum period of residence in the country of the parents.

- Automatic double *ius soli*.<sup>27</sup>

Please explain:

- Conditional double *ius soli*.<sup>28</sup>

Please explain:

- Mixed *ius soli* and *sanguinis*.

According to the Citizenship Law, a woman whose permanent place of residence is in Latvia and who, in accordance with Section 7 of the Law On Nationality of the Republic of Latvia of 23 August 1919 had lost her Latvian nationality, and her descendant, if either of them has registered in accordance with the procedures set out in law.

- Other.

A person who in accordance with the Citizenship Law in the wording that was in force from 10 November 1998 until 1 October 2013 had started acquisition of basic education or general secondary education in the Latvian language, shall retain the right to register as a citizen of Latvia for two years after acquisition of complete basic education, general secondary education or vocational secondary education programme in the Latvian language.

**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.

Anyone can apply for Latvian citizenship by naturalisation as long as he/she meets the naturalisation requirements set out in the Citizenship Law.

- 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:*

A person who does not have the right to naturalise in accordance with the general procedures provided for in the Citizenship Law, but who has rendered special meritorious service for the benefit of Latvia (achievements in sport, science etc.), may be granted Latvian citizenship by a decision of the *Saeima* (Parliament). Dual citizenship may occur for such person.

<sup>26</sup> The answer is based on the norms of the Citizenship Law. Available at: <https://likumi.lv/ta/en/en/id/57512-citizenship-law>

<sup>27</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>28</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.

By declaration/notification.

*Please explain:*

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

Citizens of other countries may obtain Latvian citizenship:

1. whose nationality is Latvian or Liv;
2. persons who were Latvian citizens on 17 June 1940, and their descendants;
3. persons who have lost Latvian citizenship due to the choice of their parents as minors may renew Latvian citizenship up to the age of 25, subject to the conditions of dual citizenship for Latvian citizens;
4. Latvian citizenship can be renewed by persons who renounced Latvian citizenship before 1 October 2013 due to the acquisition of citizenship of the EU, NATO, EFTA member state, Australia, Brazil or New Zealand.

**Q8. What is the most common / frequent way from those mentioned above for third-country nationals to acquire citizenship in your Member State?**<sup>29</sup> *This question links to Statistical Annex 1.2.*

Most often, third-country nationals acquire Latvian citizenship by registration - exiles and Latvians (persons who were Latvian citizens on 17 June 1940), as well as their descendants.

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

According to Sections 11 and 12, the following persons may be granted Latvian citizenship by naturalisation:

- 1) whose permanent place of residence has been in Latvia for not less than the last five years,
- 2) who is fluent in the Latvian language,
- 3) who knows the basic principles of the Constitution of the Republic of Latvia,
- 4) who knows the text of the National Anthem and the basics of the history and culture of Latvia,
- 5) who has a legal source of income,
- 6) who is not a national of a country other than a EU, NATO, EFTA member state, Australia, Brazil or New Zealand,
- 7) who has given a pledge of loyalty to the Republic of Latvia,
- 8) who does not pose a threat to state and public security
- 9) who is not serving in the armed forces of another country,
- 10) who has not chosen the Republic of Latvia as his or her place of residence directly after demobilisation from the armed forces of the U.S.S.R.,
- 11) who has not been the staff employee of the state security service, intelligence service or counter-intelligence service of the U.S.S.R.,
- 12) who has not been convicted for committing criminal offence,
- 13) who has fulfilled tax obligations or obligations of other payments towards the State of Latvia.

<sup>29</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.

**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.

*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). 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**

**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?**

A third-country national must reside for 5 years with a permanent residence permit. This means that a person actually has to reside in Latvia for 10 years, because a permanent residence permit is issued only after having lived in Latvia for 5 years with a temporary residence permit.

**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.

The Population Register must contain information on the person's declared place of residence.

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.

The person must actually be in Latvia and it is necessary to prove the facts of the place of residence by means of documents.

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?

One or more documents (if one document covers the whole 5-year period, one is sufficient), for example, a certificate of employment, a certificate from the State Social Insurance Agency on receipt of benefit, a certificate from an educational institution, a certificate from the State Revenue Service on economic activity, proof of the local government official regarding the actual place of residence of the person, other documents certifying that the person has performed any kind of transactions, economic or financial activities in Latvia within the specified timeframe.

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

Yes.

For a total of 5 years, a 12-month interruption is allowed, which may not be the last year before the submission of application for naturalisation. There shall be no interruptions in the last year.

No

Other:

*Please elaborate:*

### **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:*
- Refugee status. *Number of years:*
- Temporary residence permit. *Number of years:*
- Other protection statuses. *Number of years:*

Latvian citizenship may be granted to a person who has resided in Latvia for the last five years with a permanent residence permit. Persons who have been granted refugee status are granted the right of permanent residence at the same time, therefore a person with refugee status has the right to naturalise after 5 years.

- 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>3031</sup>

- Yes.

Language proficiency must be in line with B1 level.

- 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.)?

The language test takes place after two months of the submission of the documents required for the acquisition of Latvian citizenship to the Office. The language test is conducted at a place and time determined by the Office.

The language test is provided and carried out by the officials specially authorized by the Office and having appropriate education and skills.

**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.

<sup>30</sup> Persons who in the last 5 years before submitting their naturalisation application in Latvia have obtained higher education in Latvian or passed the centralized Latvian language examination at school are exempted from the Latvian language test. Persons who have completed basic education in the Latvian language by acquiring more than half of the basic education curriculum are also exempted from the Latvian language test.

<sup>31</sup> Please indicate the level according to the Common European Framework of References for Languages -CEFR (A1-C2)



The Latvian language proficiency test consists of four parts: reading, listening, writing and speaking (interviews). The test is based on an internationally recognized language test model. In 1998, experts of the Council of Europe recognized that the language proficiency testing model complied with the Council of Europe requirements - the language proficiency level system, task types, tests and skills assessment, and is fully compliant to test the language skills prescribed by the Citizenship Law. In 2007, representatives of the Association of Language Testers in Europe (ALTE), in their analysis of the Latvian language proficiency testing model and related regulatory enactments, noted that the test complies with the threshold set by the Council of Europe and the requirements of the Citizenship Law.

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.

*Please outline the main components of the test.*

Applicants for citizenship must pass the knowledge test of the basic rules of the *Satversme* (Constitution) of the Republic of Latvia, knowledge test of the history of Latvia and cultural grounds and they must know the text of the national anthem, to be answered either orally or in writing.

No.

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

Yes.

The subject of the test questions was developed by a working group of the Office's experts in cooperation with historians. Specialists from other Member States of the European Union were also involved to bring the range of historical issues into line with generally accepted requirements and practices in European countries. The test questions were coordinated with the National Centre for Education.

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.

Every applicant for citizenship must give and sign a pledge of loyalty to the Republic of Latvia. By pledging loyalty to the Republic of Latvia, the applicant for citizenship promises to be faithful and loyal to the state, to obey the law and the Constitution in good faith, to defend the independence of the state, to strengthen the national language and to live honestly. Confirms that action will not be directed against the state as an independent and democratic country.

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.

A person who is granted Latvian citizenship under naturalisation gives a pledge of loyalty in a solemn ceremony before being recognised as a citizen of Latvia. Pledging is a prerequisite for naturalisation.

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 for citizenship shall have no criminal record which has not been extinguished; there shall be no outstanding payment obligations towards the State (in the form of taxes, penalties, maintenance debts). It is also assessed whether the applicant poses a threat to public order and national security.

No.

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

Applicants must provide a statement issued by a competent authority in the country of their citizenship stating that they have no criminal record. The Office itself requests any other necessary information from the competent authorities.

### 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.

In order to naturalise, a person must have a legal source of income. The amount or minimum of financial resources is not specified in regulatory enactments.

No.

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

Applicants for citizenship must present one of the following documents: statement from the employer on employment, statement from the bank on the positive balance of the account, statement on the receipt of benefit from the State Social Insurance Agency, statement on receiving a scholarship.

**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.

Citizens of other countries are also required to submit a document (statement) stating that the person has no criminal record in their country of nationality.

No.

### Section 2.3 Security

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

Yes.

*Please explain:* On the basis of a report received from the State Police and other competent national security authorities regarding each applicant for citizenship, the applicant may be denied naturalisation if, by his or her behaviour or actions, he or she poses a threat to state and public security of Latvia, national independence and territorial integrity.

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

Refugees and stateless persons do not need to submit a document stating that they have no criminal record in their country of nationality, and a person granted refugee status does not have to renounce the citizenship of their country.

**Q20b.** Other beneficiaries of international protection statuses<sup>32</sup>

A person with subsidiary status may naturalise by complying with the requirements of the Citizenship Law, including renouncing their previous citizenship.

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

Persons with disabilities identified in Latvia have a variety of exemptions in the naturalisation process, such as Group I disabled persons are exempted from naturalisation tests and fees. In other cases, the amount of exemptions depends on the disability group and diagnosis. Disability must be granted in Latvia! Persons over the age of 65 are exempt from the writing part of the Latvian language test and only give the interview. Pensioners pay a reduced state fee for naturalisation.

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

N/A

### 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

<sup>32</sup> Subsidiary protection in Latvian law is called as alternative status (Asylum law, available at <https://likumi.lv/ta/en/en/id/278986-asylum-law>)

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.**

- A third-country national must reside in Latvia for **5 years** with a permanent residence permit.
- Proof of residence in Latvia must be **evidenced by documents**.
- The application for naturalisation together with the documents must be submitted personally to one of the Office divisions. A state fee has to be paid (**EUR 28.48, reduced – EUR 4.27**).
- When submitting the documents, a third-country national is ordered to undergo naturalisation tests if he/she has to undergo such tests in accordance with the Citizenship Law. The person can choose any one of the dates offered **within 2 months**. Tests take place every day in Riga, Daugavpils, Liepaja (off-site commissions also in Ventspils, Jekabpils and Valmiera).
- Upon successful completion of the tests, the Office makes requests to the **competent national authorities regarding the applicant's compliance with the requirements set out in the Citizenship Law**. It may take up to 6 months (typically 1 month) for responses. If all the findings are positive, but the applicant has citizenship of another country with which dual citizenship is prohibited, a letter is sent to the country of citizenship guaranteeing admission to Latvian citizenship after the person renounces the previous citizenship.
- Applicants are required to submit a **document of renunciation of their citizenship** if the third-country national is a citizen of a country with which the Citizenship Law does not provide for dual citizenship.
- The applicant is invited to participate in a **ceremony of the solemn pledge**.
- The Office prepares a list of applicants for citizenship – a draft Cabinet of Ministers Order on admission to Latvian citizenship, for sending to the **Cabinet of Ministers, which takes the final decision** on admission to Latvian citizenship. The Cabinet of Ministers Order comes into effect 2 weeks after signing.
- The applicant receives written information on his/her admission to citizenship and **may apply for a Latvian citizen's passport in any of the Office's divisions within two business days**.

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

Yes.

If one of the parents has acquired Latvian citizenship by naturalisation, at the request of this parent children who are under 15 years of age and whose permanent place of residence is in Latvia shall also acquire Latvian citizenship.

In order to apply for Latvian citizenship of a child, a separate application is required and a document on the child's habitual residence in Latvia (e.g. a statement from a school or kindergarten) must be submitted. The child will also need to renounce his/her citizenship if dual citizenship cannot be formed with his/her citizenship.

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.*

The Office – accepts the naturalisation application and examines the documents, ensures the naturalisation tests (examination), as well as the solemn pledge ceremony, prepares the draft

Cabinet of Ministers Order on admission to Latvian citizenship and sends it to the Cabinet of Ministers;

Cabinet of Ministers – adopts decision on admission to Latvian citizenship;

The Office requests information from several competent national authorities (e.g. State Police, Ministry of Interior Information Centre, State Revenue Service) regarding compliance with the requirements of the Citizenship Law for each applicant for citizenship. The information is provided in writing. All authorities are prescribed by Cabinet regulations issued under the delegation of Citizenship Law.

**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, identity card or residence permit.

**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?**

The Citizenship Law stipulates that naturalisation applications shall be processed within 1 year from the moment the naturalisation applicant passes the naturalisation tests. In practice, a decision can also be made faster, but it all depends on how quickly the former citizenship is renounced. If the applicant is unable to obtain a document on the renunciation of his/her citizenship within one year, the application for naturalisation may be extended.

It may take up to 6 months (usually 1 month) for an answer from the competent national authorities for each applicant for citizenship.

The solemn pledge ceremony is usually held once a month. The draft Cabinet of Ministers Order on the admission of Latvian citizenship is usually sent to the Cabinet of Ministers once a month. Accelerated procedure for examination of cases is not provided for in regulatory enactments

**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.**

Basic fee – EUR 28.46; reduced – EUR 4.27 (schoolchildren, students, disabled persons, pensioners, other statutory social groups).

Within the naturalisation process, the fee is paid only once.

**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)?**

Yes.

The following persons are released from testing the fluency in the Latvian language:

1. a person who has acquired basic education in the Latvian language by acquiring more than half of the basic education programme in it.;
2. a person who has acquired higher education in an educational institution where Latvian is the study language;
3. a person who has acquired in the centralised examination in the Latvian language (in the accredited educational programme for Grade 9) a total assessment expressed in per cent that is not less than 50 per cent, or in the centralised examination in the Latvian language (in the accredited educational programme for Grade 12) a total assessment expressed in per cent that is not less than 20 per cent.

**Q28. To what extent is discretion an element of the procedure/decision-making process? Is there absolute discretion or conditional discretion?<sup>33</sup>**

Conditional discretion

Any refusal of naturalisation must be justified by law.

The final decision on admission to Latvian citizenship under naturalisation is made by the Cabinet of Ministers. The decision (order) of the Cabinet of Ministers is political and cannot be challenged or appealed. In its turn, the Office, in accordance with the law, prepares a draft Cabinet of Ministers Order on admission to Latvian citizenship. The limits of the authority's discretion are determined by the Citizenship Law and the Administrative Procedure Law. The decision of the Office – whether or not to include a person in the draft Cabinet of Ministers Order – may be challenged and appealed in court.

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

The good practice is that a person's identity does not need to be verified within the naturalisation procedure, as each applicant must have a passport or identity card, or residence permit, which in turn means that the person is listed in the Population Register, has a valid identity document and his/her identity has been previously verified and determined.

<sup>33</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.

One of the challenges in the naturalisation procedure is the verification of the truthfulness of the information provided by the person. In some cases, for the purpose of verifying the truthfulness of the information provided by the applicant, the Office will contact in writing the embassy of the person's country or the competent migration authority of the applicant's citizenship.

**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.

The applicant has the right to challenge and appeal the decision to include a person in the draft Cabinet of Ministers Order adopted by the Office. Each negative decision sets out the procedure for challenging and appealing it.

The final decision on admission to Latvian citizenship under ordinary naturalisation is made by the Cabinet of Ministers. The decision (order) cannot be challenged or appealed. In its turn, the Office, in accordance with the law, prepares a draft Cabinet of Ministers Order on admission to Latvian citizenship. The limits of the authority's discretion are determined by the Citizenship Law and the Administrative Procedure Law.

No.

**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.

*Please explain, if possible listing the top 5 reasons:*

1. Failure to attend tests;
2. Failure to pass the test;
3. Criminal convictions not extinguished;
4. Permanent residence in Latvia cannot be proved;
5. The person has not renounced his/her previous citizenship.

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

Yes.

One of the conditions for naturalisation of citizenship applicants who acquire Latvian citizenship by naturalisation is the pledge of loyalty to the Republic of Latvia at a solemn ceremony that takes place before they are recognised as citizens. During the ceremony, the applicant gives and signs a pledge of loyalty to the Republic of Latvia. No passports or citizenship certificates are issued during the ceremony, as applicants have not yet become Latvian citizens. Other ceremonies are not provided for by law and are not organized.

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.

The Office regularly (each month) organizes information days for citizenship applicants. During these information days it is possible to receive information on the naturalisation process, take a trial test.

Further information on naturalisation is available on the Office's website in Latvian, English and Russian.

No.

**Q34. Is governmental support provided to applicants during the application process?<sup>34</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.

Local governments such as Riga, Jūrmala and Jelgava organize Latvian language courses aimed at preparing a person for the naturalisation process, but training of applicants is not required by law as a requirement of the state.

No.

## 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.

<sup>34</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.

*Please explain the reasoning and how this is enforced:* If the applicant is not a citizen of an EU, NATO, EFTA member state, Australia, Brazil or New Zealand, he/she is obliged to renounce his/her previous citizenship. Before being granted Latvian citizenship, the applicant must submit a letter of renunciation of his/her citizenship issued by the competent authority of his/her country.

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 ?**

*If yes, please elaborate:* Dual citizenship is allowed if you are a citizen of an EU, NATO, EFTA member state, Australia, Brazil or New Zealand. Also, refugees do not have to renounce their citizenship.

**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.

Certain positions relating to national security matters may require the renunciation of the citizenship of another State.

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<sup>35</sup>.

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

The Ministry of Culture is the leading national institution for integration matters in Latvia. In 2018 "The National Identity, Civil Society and Integration Policy Implementation Plan" was approved for implementation in 2019-2020. The plan is a continuation of the previous period plan that was developed in 2012 and its activities were implemented until 2018. The plan highlights various measures for the integration of third-country nationals, such as participation in civic life, reducing the risk of social exclusion, access to language and cultural space, and a sense of belonging to the Latvian state. The plan also emphasizes the need for the Latvian state to continue providing information on the possibilities of acquiring citizenship, including naturalisation. Although not explicitly stated in the plan, naturalisation is considered to be an important step in the integration process, which means that the third-country national has sufficient language skills, has successfully entered the labour market and participates in civil and cultural life at such level that he/she can easily communicate with Latvian citizens.

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?**

<sup>35</sup>National Identity, Civil Society and Integration Policy implementation plan for 2019-2020, <https://likumi.lv/ta/id/300483-par-nacionalas-identitates-pilsoniskas-sabiedribas-un-integracijas-politikas-istenosanas-planu-2019-2020-gadam> (only LV)

In Latvia, research on the integration of third-country nationals focuses on attitudes towards inclusion in different spheres of life, for example, a focus group study on the situation of third-country nationals in Latvia is updated every two years. The last such study was carried out in 2017 – “Study of the situation of third-country nationals in Latvia in 2017”. However, such research focus on the integration of third-country nationals after the acquisition of citizenship, but before naturalisation.

**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.

Latvian citizens are entitled to vote in parliamentary, municipal and European parliamentary elections.

EU citizens with a permanent residence permit are eligible to vote in municipal elections.

Third-country nationals holding a permanent residence permit may not vote. Citizens of other countries have restrictions on access to certain positions.

There are parliamentary elections, municipal elections and European Parliament elections in Latvia. Third-country nationals are not entitled to vote or to be elected in these institutions.

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

Third-country nationals with permanent residence permits are entitled to work without restrictions, however, there are categories of positions where only Latvian citizens may work: for example, state and municipal police, public administration and security institutions, to perform the functions of a sworn advocate or notary as a sworn advocate or notary, military service positions (soldier, colonel, officer).

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

Third-country nationals with a permanent residence permit and their children have the same rights as a Latvian citizen – to work for any employer (except for the examples in Q43b); receive education, receive state-guaranteed medical services; receive social assistance.

**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?

In Latvia, emphasis is placed on the availability of information specifically on the naturalisation procedure, where the potential citizen of Latvia has the opportunity to ask any question of interest.

**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?

*Please explain:* Naturalised persons are not provided with such separate information.

**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.

*Please explain:*

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:*

The integration of third-country nationals in Latvia has not been a topical issue in recent years, the last time this topic was widely discussed was in 2013, when there were recent changes to the Citizenship Law that allowed dual citizenship with the EU, NATO, EFTA member states, as well as Australia, Brazil and New Zealand. Citizens of other countries must renounce their citizenship in order to become a citizen of Latvia. The number of third-country nationals who naturalise is small, around 100 persons per year.

There are several ways of acquiring citizenship in Latvia, for example, descendants of persons who were Latvian citizens on 17 June 1940, can register as citizens of Latvia by renouncing their citizenship with which dual citizenship cannot be established or maintaining their previous citizenship if it is stipulated by the Citizenship Law. Latvians and Livs can register as Latvian citizens, provided they comply with the conditions stipulated in the Citizenship Law, including Latvian language skills. However, the most popular way of acquiring citizenship is naturalisation.

The challenge for the naturalisation procedure from the Office's point of view is the verification of the truthfulness of the information provided by the person. The Office must contact the competent national embassy or migration authority of the person's citizenship country in writing, which often extends the naturalisation procedure. As a positive practice, the Office points out the fact that there is no need to double-check the identity of the person, as this has already been done once the person has obtained a permanent residence permit.

Changes in the conditions of naturalisation are a matter of political decision and competence of the legislator, therefore, while the existing regulation is in force, the Office believes that the existing naturalisation procedure should be further improved and access to official language courses for those interested in naturalisation, which is one of the key factors for the successful integration of third-country nationals, should be provided. Currently, this is an initiative of individual municipalities within the scope of different projects.

## 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

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