



## Ad-Hoc Query on the Consequences of the Zambrano case (C-34/09)

Requested by Commission on 14<sup>th</sup> April 2011

Compilation produced on 7<sup>th</sup> June 2011

Responses from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway (22 in Total)

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### **1. Background Information**

In a recent case ([Zambrano C-34/09](#)<sup>1</sup>) the European Court of Justice held that an illegally staying third country national in Belgium whose children are Belgian citizens, must be allowed to reside and work in Belgium in order not to deprive the children from the genuine enjoyment of their Union citizenship. The Court has ruled on the legal consequences of the notion of EU citizenship in immigration law, deriving the right of residence and access to the labour market for the parents from the EU citizenship of a minor.

The Commission would like to have an overview on the condition of acquiring citizenship, in order to assess the possible practical implications (if any) in the different Member States. Currently, this information is only available from other sources (<http://eudo-citizenship.eu/modes-of-acquisition/190/?search=1&idmode=A02>). On this basis it seems that no Member State gives automatically and unconditionally citizenship to a person born on their territory irrespective of the immigration status of the parents (unconditional jus soli). There are, however, some (Member) States who

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<sup>1</sup> See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62009C0034:EN:NOT>.

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grant nationality in specific circumstances in the event of a risk of statelessness of the child (<http://eudo-citizenship.eu/modes-of-acquisition/190/?search=1&idmode=A03b>).

In order to verify the available information, please specify the following:

1. Does your (Member) State grant nationality to a child born on its territory unconditionally (jus soli)?
2. Does your (Member) State grant nationality to a child born on its territory in the event that the child becomes stateless? If yes, what are the conditions to fulfil?
3. Does your (Member) State grant nationality to a child born on its territory even if there is no risk of statelessness? If yes, what are the conditions to fulfil?

**Given the urgency of this matter, we would very much appreciate it if you could provide your responses by 28<sup>th</sup> April 2011.**

## **2. Responses**

		<b>Wider Dissemination?</b>	
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Belgium</b>	<b>Yes</b>	<p><b>1. Does your (Member) State grant nationality to a child born on its territory unconditionally (jus soli)?</b> No</p> <p><b>2. Does your (Member) State grant nationality to a child born on its territory in the event that the child becomes stateless? If yes, what are the conditions to fulfil?</b> Yes. Conditions as stipulated in Art. 10, (1) and (2) if the Belgian Nationality Code (amended on 27 December 2006): “Any child born in Belgium who, at any time before reaching the age of 18 or being declared of full age, would be stateless if he or she did not have Belgian nationality, shall be Belgian.”</p> <p>However, the Belgian nationality will not be granted if the legal representative(s) (in general the parents) of the child can register the child at the diplomatic or consular authorities of the country of these (this) legal representative(s) as a result of which the child could obtain the nationality of (one of) them (section 2 of article 10 of the Belgian Nationality Code).</p> <p><b>3. Does your (Member) State grant nationality to a child born on its territory even if there is no risk of statelessness? If yes, what are the conditions to fulfil?</b></p>

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			<p>Yes. Conditions as stipulated in:</p> <p><u>Art. 10, (3) of the Belgian Nationality Code:</u> “Any child, found new-born in Belgium is assumed, if no evidence of the contrary is delivered, to be born in Belgium.”</p> <p><u>Art. 11 (1) and (2):</u> “Any child, born in Belgium shall be Belgian, if one of its parents itself was born in Belgium and has had his/her principal residence for at least five years during a period of ten years before the birth of the child.” “Any child, born in Belgium and adopted by a foreigner, shall be Belgian, if the person who adopted it was born in Belgium and has had his/her principal residence in Belgium for at least five years during a period of ten years before the adoption of the child, unless the child has reached the age of 18 years of age before the adoption came in force.”</p> <p><u>Art. 11 bis, § :</u> Any child, born in Belgium shall be Belgian, if its parents or, in the case of adoption the adoptive parents, declare that the child adjudge the Belgian nationality. The declaration has to be made before the child has reached its 12<sup>th</sup> year of age. The parents or the adoptive parents must have their principal residence in Belgium for at least ten years before the declaration and at least one parent must have a permanent residence permit and the child since its birth.”</p> <p>§2 “This declaration of nationality has to be made by both parents together in the case that the descent of the child from their parenthood is certain. In the case of adoption, the declaration has to be made by both adoptive parents together.”</p> <p>Although the Zambrano-Case obviously directly concerned the Belgian legislation, it is too early to indicate any planned or discussed amendments of the Belgian Nationality Code. However, the case has had direct consequences for a legal opinion of the Belgian Council of State regarding a proposed amendment of the Law of 15 December 1980, concerning family reunification. The legal opinion, published on 4 April 2011 (<i>Avis 49.356/4, du 4 avril 2011 de la section de legislation du Conseil d’Etat</i>), quoted point 39-45 of the Zambrano judgment and concluded : « Un raisonnement analogue peut être tenu en ce qui concerne le regroupement familial. »</p>
	<b>Czech Republic</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. No.</li> <li>2. Yes. Both parents are without citizenship and at least one of them is permanent resident in the Czech Republic.</li> <li>3. No.</li> </ol>
	<b>Estonia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. No, Estonia grants citizenship on the principle of <i>jus sanguinis</i>.</li> <li>2. No, Estonia does not grant nationality to a child born on its territory even if the child becomes stateless. It is not uncommon in Estonia that two persons with undetermined citizenship have a child who by default is born a person with undetermined citizenship. In such a case the parents may apply for Estonian citizenship for their child until the child is 15 years old (after that the person has the right to apply him- or herself), but in that case the child becomes an Estonian national by way of naturalization.</li> </ol>

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			3. No.
	<b>Finland</b>	<b>Yes</b>	<p>1. Finland does not grant automatically Finnish nationality to a child through the place of birth. It is secondary rule. The main rule is to get citizenship by birth from parents.</p> <p>2. A child who is born in Finland acquires Finnish citizenship through the place of birth if his or her parents have refugee status in Finland or if they have otherwise been provided protection against the authorities of their State of nationality. An additional requirement is that the child does not acquire either parent's citizenship except through registration of the child's birth with the authority of the parent's State of nationality, or through another procedure requiring the assistance of the authorities of this State. If the protection referred to above was given to only one of the parents, it is also required that the child does not acquire the other parent's citizenship by birth nor has even a secondary right through birth to acquire it.</p> <p>3. No.</p>
	<b>France</b>	<b>Yes</b>	<p><b>1 and 2</b> Regarding the so-called French nationality of origin (Chapter I of Title I of Book I bis of Civil Code), 2 articles are important:  - As regards the acquisition of the French citizenship by descent, Article 18 indicates that is French the child one of whose parents are French (and therefore regardless of his place of birth);  - In terms of the acquisition by birth in France, Article 19-3 indicates: is French a child born in France when one of his parents at least is himself born in France.</p> <p>Regarding the acquisition of French nationality by children born in France of foreign parents, it should refer to Sections 21-7 (acquired the majority of residence if certain conditions are met in France) and 21-11 Civil Code (declaration made on the one hand, for young people 16 to 18 years also if certain conditions are met residency in France and other hand, under similar conditions on behalf of minors 13 to 16 years).</p> <p>3. Risk of statelessness: If a child (or a person in more general rule), acquires the French nationality, the risk of statelessness is by definition excluded.</p>
	<b>Germany</b>	<b>Yes</b>	<p><b>1. Does your (Member) State grant nationality to a child born on its territory unconditionally (jus soli)?</b>  Section 4 subs. 3 and section 29 of the Nationality Act (StAG)  A child born in Germany after 1 January 2000 whose parents are both foreign is a German if one parent has had his/her habitual, lawful place of residence in Germany for eight years at this point in time and has an unlimited right of residence.</p> <p>The provision contained in section 40b of the Nationality Act opened up to children who were born prior to 1 January 2000 for the duration of one year the possibility to additionally acquire German nationality through naturalisation. This was contingent on the child</p>

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			<p>having had his/her habitual, lawful place of residence in the Federal Republic of Germany on 1 January 2000 and not yet having reached the age of ten, and on the prerequisites of section 4 subs. 3 of the Nationality Act having applied on his/her birth.</p> <p>Children who acquire German nationality, be it by force of law or on the basis of naturalisation in accordance with section 40b of the Nationality Act, have as a rule at least one more nationality. In accordance with section 29 of the Nationality Act, they are obliged to declare to a state agency between the age of 18 and 23 whether they wish to retain their German nationality, so that as a rule they must renounce the other nationality or nationalities, or whether they prefer the other nationality and forego German nationality (obligatory declaration, obligation to opt). Omitting to make this declaration (non-opting) according to this arrangement also leads to the loss of German nationality.</p> <p>In exceptional cases, a retention authorisation may be granted in accordance with section 29 subs. 4 of the Nationality Act which permits both nationalities to be retained. This is to be issued if it is not reasonable or if it is impossible to expect the foreign nationality to be given up or lost or if, in the presumed case of naturalisation, multiple nationality would be acceptable in accordance with the conditions contained in section 12 of the Nationality Act.</p> <p><b>2. Does your (Member) State grant nationality to a child born on its territory in the event that the child becomes stateless? If yes, what are the conditions to fulfil?</b></p> <p>Sections 8 and 10 of the Nationality Act</p> <p>A person is stateless if no state regards him/her as its national in accordance with its own law. It is sufficient as proof to present a stateless persons' travel document to the naturalisation authority. The same applies as a matter of principle to stateless persons with regard to naturalisation based on a right (section 10 of the Nationality Act) and to discretionary naturalisation (section 8 of the Nationality Act) as to other naturalisation applicants. However, stateless persons do not have another nationality. They therefore do not have to give one up. Shorter residence periods are required (six years) when it comes to discretionary naturalisation. There is furthermore a special right of naturalisation for the children of stateless persons who were born in Germany. Naturalisation may not be refused if the prerequisites are met.</p> <p>Prerequisites for a right to naturalisation for the children of stateless persons. A child must</p> <ul style="list-style-type: none"> <li>• have been stateless since birth,</li> <li>• have been born in Germany or on German territory (this includes German ships or aircraft),</li> <li>• have lived lawfully and permanently in Germany for at least five years,</li> <li>• be under the age of 21 at the time of application, and</li> <li>• not have received prison or youth custody sentences of more than five years.</li> </ul> <p>The child of a stateless person may not be refused German nationality if these prerequisites are met.</p> <p><b>3. Does your (Member) State grant nationality to a child born on its territory even if there is no risk of statelessness? If yes, what are the conditions to fulfil?</b></p> <p>cf. question 2</p>
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	Greece	Yes	<p>1. <i>Does your (Member) State grant nationality to a child born on its territory unconditionally (jus soli)?</i> No, not unconditionally, it is respective of the parents' immigration status, <u>except from</u> the case of 3<sup>rd</sup> generation immigrants. In this case, a child born on Greek territory shall acquire the Greek nationality by birth, provided that one of his/her parents was born in Greece as well and permanently resides in the country since birth.</p> <p>2. <i>Does your (Member) State grant nationality to a child born on its territory in the event that the child becomes stateless? If yes, what are the conditions to fulfill?</i> Yes, the Greek State grants nationality <u>by birth</u> to a child born on its territory in 2 particular cases, where the child is in danger of becoming stateless: a) in case the child does not acquire any foreign nationality by birth, nor can it acquire such nationality by declaration of the parents to the relevant foreign authorities, if the law of the parents' nationality requires such a declaration to be submitted (<b>case of statelessness</b>). In this case the parents usually have the nationality of a specific country, but due to its inner state of law, the nationality cannot be granted to the child as well. Nevertheless the failure to establish any foreign nationality should not in any case be due to the parents' ignorance of the required procedures, or their deliberate neglecting or lack of care to follow them b) in case the child is of unknown nationality, provided that the failure to establish any foreign nationality acquired by birth is not due to the parents' refusal to cooperate (<b>case of unknown nationality</b>). This regulation involves mainly children of unknown parents (eg abandoned children) or children whose parents are of undefined nationality.</p> <p>3. <i>Does your (Member) State grant nationality to a child born on its territory even if there is no risk of statelessness? If yes, what are the conditions to fulfill?</i> Yes, Greek citizenship may be acquired by children of foreign citizens who are born in Greece and continue to reside therein, provided that at the time of submission of the application one or both of their parents have been legally residing in Greece for at least five consecutive years.</p>
	Hungary	Yes	<p>1. In Hungary the general principle of acquiring citizenship is the ius sanguinis. This means, that the child of a Hungarian citizen shall become a Hungarian citizen by birth. The Hungarian citizenship of the child of a non-Hungarian citizen parent shall derive with retroactive effect to the date of birth, if the other parent is a Hungarian citizen, on the basis of an acknowledgement of paternity of full force, subsequent marriage, or the establishment by a judge of fatherhood or motherhood. Ius soli is used in Hungary as a complementary principle.</p> <p>2. Until the contrary is proved, the following shall be regarded as Hungarian citizens:</p> <ul style="list-style-type: none"> <li>• children born in Hungary of stateless persons residing in Hungary;</li> <li>• children born of unknown parents and found in Hungary.</li> </ul> <p>3. No. In Hungary the general principle of acquiring citizenship is the ius sanguinis, the complementary principle is the ius soli.</p>
	Italy	Yes	Italy does not grant nationality to a child born on its territory unconditionally. However, nationality can be automatically granted to children born in the Italian territory if any of the following conditions apply:

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			<ol style="list-style-type: none"> <li>1. If both parents are unknown</li> <li>2. If both parents are stateless</li> </ol> <p>If the minor cannot be granted the parents' nationality due to the law in force in their country of origin.</p>
	<b>Latvia</b>	<b>Yes</b>	<p>According to the Citizenship Law Latvian citizens are children born of parents both of whom were citizens of Latvia at the time of such birth, irrespective of the place of birth of such children. If, at the moment of the birth of the child, one of his/her parents is a Latvian citizen, but the other is an alien, the child shall be a Latvian citizen, if the child:</p> <ul style="list-style-type: none"> <li>- was born in Latvia;</li> <li>- was born outside Latvia, but at the moment of the birth of the child, the permanent place of residence of the parents, or that parent with whom the child is living, was in Latvia;</li> <li>- if, at the moment of the birth of the child, one of the parents is a Latvian citizen, but the other is an alien, and the permanent place of residence of both parents is outside Latvia, the parents shall determine the citizenship (nationality) of the child by mutual agreement.</li> </ul> <p>Latvian citizens also are:</p> <ul style="list-style-type: none"> <li>- children who are found in the territory of Latvia and whose parents are unknown;</li> <li>- children who have no parents and who live in an orphanage or a boarding school in Latvia.</li> </ul> <p>Children who were born in Latvia after 21 August, 1991 ( after restoration of Independence ) of parents both of whom were Latvian non-citizens or stateless persons at the time of such birth, shall be acknowledged as a Latvian citizens upon application submitted by parents.</p>
	<b>Lithuania</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. No, the principle of ius sanguinis is generally applied. Exceptions: children of stateless persons permanently residing in Lithuania; children, whose parents are unknown, or dead, or deprived of paternity rights (they acquire Lithuanian citizenship as well, if they don't have any other citizenship).</li> <li>2. Yes. Here are the relevant provisions of the new Law on Citizenship (<a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=395555">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=395555</a>):  <b>Article 15. Acquisition of Citizenship of the Republic of Lithuania by Birth where both or one of the Parents of a Child are Stateless Persons</b> <ol style="list-style-type: none"> <li>1. A child of stateless persons who are legally permanently resident in the Republic of Lithuania shall be a citizen of the Republic of Lithuania, irrespective of whether he was born in or outside the territory of the Republic of Lithuania, provided he has not acquired citizenship of another state at birth.</li> <li>2. A child whose one parent is a stateless person who is legally permanently resident in the Republic of Lithuania and the other parent is unknown shall be a citizen of the Republic of Lithuania, irrespective of whether he was born in or outside the territory of the Republic of Lithuania, provided he has not acquired citizenship of another state at birth.</li> </ol> </li> </ol>

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			<p>3. Citizenship of the Republic of Lithuania held by children referred to in this Article, provided they have not acquired citizenship of another state at birth, shall be entered in a document certifying the fact of birth when registering the birth of a child.</p> <p><b>Article 16. Citizenship of a Child whose Parents are Unknown</b>  A child found or living in the territory of the Republic of Lithuania, both of whose parents are unknown, shall be considered to be born in the territory of the Republic of Lithuania and acquire citizenship of the Republic of Lithuania, unless it transpires that the child has acquired citizenship of another state or other circumstances are discovered, by reason of which the child would acquire citizenship of another state. This provision shall also apply to a child where both of his parents or his only parent are dead or recognised as missing, or both of his parents or his only parent have been recognised as legally incapable in accordance with the established procedure, or where the parental powers of both of his parents or his only parent have been restricted and the child has been placed under permanent guardianship (custody).</p> <p><b>3. No.</b></p>
	<b>Luxembourg</b>	<b>Yes</b>	<p><b>1.</b> No, Luxembourg does not grant nationality to a child born on its territory unconditionally. The Law of 23 October 2008 on Luxembourgish Nationality only accepts to confer the nationality to children born in Luxembourg under the following circumstances:</p> <p>a) Art.1 (2): The child was born to legally unknown parents or the child was found abandoned in the Grand-Duchy in which case it is presumed that he or she was born on the territory of Luxembourg, except if proven otherwise.</p> <p>b) Art. 1 (3): The child was born in Luxembourg to parents who are stateless.</p> <p>c) Art. 1 (4): The child was born in Luxembourg to foreign parents for whom the nationality law of their country/ies of citizenship do/es not allow to transfer the nationality of one parent or the other to the child.</p> <p>d) Art. 1 (5): The child was born in Luxembourg to foreign parents of whom one of the parents was born in Luxembourg himself or herself.</p> <p><b>2.</b> The only cases that the Law of 23 October 2008 on Luxembourgish Nationality foresees to grant the Luxembourgish nationality to a child born in Luxembourg in the event that he or she becomes stateless are:</p> <p>a) The child was abandoned (Art. 1 (2)): A police report is necessary to prove that the child was abandoned upon which a judicial procedure is concluded to declare the child as abandoned.</p> <p>b) The child was born to stateless parents (Art. 1 (3)): The parents must prove that they have been recognized by the Luxembourg authorities as stateless.</p> <p>c) The nationality laws of the country/ies of citizenship of the parents of the child do not allow to transfer the nationality of one parent or the other to the child (Art. 1 (4)): The parents must prove that the laws of their country/ies of citizenship forbid the transmission of the nationality to the child and at least have tried to register the child at the consular authorities of their country/ies of citizenship.</p> <p><b>3.</b> The only case that Luxembourgish nationality is granted to a child born on its territory if there is no risk of statelessness is the one foreseen by Art. 1 (5): Both parents are foreigners but at least one of the parents was born in Luxembourg. In this case, the parent that was born in Luxembourg must prove that he or she was born in Luxembourg (double <i>ius soli</i>).</p>

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	Malta	Yes	<p><b>1. Does your (Member) State grant nationality to a child born on its territory unconditionally (jus soli)?</b> Persons born in Malta after the 31 July 1989 acquire Maltese citizenship automatically at birth only if one of the parents is a citizen of Malta or in the case of a new-born infant found abandoned in any place in Malta.</p> <p><b>2. Does your (Member) State grant nationality to a child born on its territory in the event that the child becomes stateless? If yes, what are the conditions to fulfil?</b> As regards the grant of citizenship to stateless persons born in Malta, the following provisions of sub-articles 10(6), 10(7) of the Maltese Citizenship Act (Cap 188) apply.</p> <p>The person concerned, following the submission of the prescribed application, shall be granted a certificate of naturalization if he satisfies the Minister responsible for Citizenship matters that</p> <p>(a) he is and always has been stateless,- (b) that he was born in Malta;</p> <p>Provided that the said person shall not be entitled to be granted such a certificate if the Minister is satisfied –</p> <p>(a) that he has not been ordinarily resident in Malta throughout the period of five years ending with the date of the application; or (b) that he has either been convicted in any country of an offence against the security of the State or has been sentenced in any country to a punishment restrictive of personal liberty for a term of not less than five years.</p> <p><b>3. Does your (Member) State grant nationality to a child born on its territory even if there is no risk of statelessness? If yes, what are the conditions to fulfil?</b> No</p>
	Netherlands	Yes	<p>1. No</p> <p>2. No</p> <p>3. No</p>
	Portugal	Yes	<p>1. No.</p> <p>2. Yes. Portuguese nationality is granted to e individuals born in Portuguese territory and do not possess any other nationality. When, in separate proceedings, it gets established that the minor is not entitled to another nationality, an endorsement is made on his / her birth registration granting him / her Portuguese citizenship and stating that they do not hold any other nationality.</p> <p>3. Yes. Portuguese nationality (of origin) is granted to individuals who are born in Portuguese territory of foreign parents if at least one of the parents was also born in this Country and here resides, even if not holding a valid title of permanence, on the moment of the birth. Portuguese nationality (of origin) could also be granted to individuals who are born in Portuguese territory of foreign parents (who are not</p>

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			at the service of their respective State), provided they declare their willingness in becoming Portuguese and provided on the moment of birth one of the parents has been living in Portugal for, at least, five years.
	<b>Slovak Republic</b>	<b>Yes</b>	<p>1. No. Slovak citizenship is acquired by a child at birth if</p> <ul style="list-style-type: none"> <li>- at least one parent of the child is a Slovak citizen; the fact that this child was born on the territory of the Slovak Republic or abroad is not decisive;</li> <li>- the child was born on the territory of the Slovak Republic to parents who are stateless;</li> <li>- the child was born on the territory of the Slovak Republic to parents who are foreign nationals and by birth this child does not acquire citizenship of either parent;</li> </ul> <p>2. Yes. If it is not proven that the child is a citizen of another state, the child is considered a citizen of the Slovak Republic if he or she:</p> <ul style="list-style-type: none"> <li>- was born on the territory of the Slovak Republic or</li> <li>- found on the territory of the Slovak Republic and his/her parents are unknown, unless it is proven that this child acquired citizenship of another state by birth.</li> </ul> <p>3. See response above. An exemption from the eight-year uninterrupted permanent residence requirement can be applied in the case of an applicant who has a residence permit in the territory of the Slovak Republic for a period of time shorter than eight years, if he/she for example:</p> <ul style="list-style-type: none"> <li>- was born in the territory of the Slovak Republic and has had a permanent residence in Slovakia for at least three years immediately prior to filing the Citizenship application.</li> </ul> <p>Please note that in the 3 mentioned cases, the person is not granted nationality, but acquires nationality automatically ex lege. This means that no other procedure is needed, just a record in the register that the person acquired the Slovak nationality by birth. The person receives then the certificate of Slovak nationality.</p>
	<b>Slovenia</b>	<b>Yes</b>	<p>1. A child born in Slovenia is granted nationality if at least one of the parents is a Slovene national at the time the child is born.</p> <p>2. If the child is born in Slovenia to parents who have no nationality or whose nationality is unknown the child is granted Slovene nationality by birth itself.</p> <p>3. By being born on the territory of Slovenia a child cannot be granted Slovene nationality, unless the child is a foundling or if the parents have no nationality or their nationality is unknown.</p>
	<b>Spain</b>	<b>Yes</b>	<p>1.- In Spanish law, the rules for attributing nationality to persons are found in Section 17 of the Civil Code. That section provides for attributing the nationality to persons according to the <i>ius sanguinis</i> principle, recognising the children of Spanish nationals as Spaniards irrespectively of their place of birth. Under those provisions children born in Spanish territory are also entitled to the Spanish nationality, yet always under certain conditions.</p>

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			<ul style="list-style-type: none"> <li>• Those born in Spain of foreign parents are entitled provided that at least one of the parents has been born in Spain too. The children of foreign diplomatic or consular officers accredited before the Spanish Government are excepted.</li> <li>• Those born in Spain of foreign parents are entitled if both are stateless or if the legislation applying to either of them does not attribute a nationality to the child.</li> <li>• Those born in Spain whose filiation (i.e., who his parents are) is not determined, are entitled to the Spanish nationality. To that effect, when the first place where a minor is known to have stayed is in Spanish territory, the minor is presumed to have been born in Spain.</li> </ul> <p>2.- As mentioned above, under Spanish law those born in Spain are attributed the Spanish nationality if they would otherwise not have a country in two cases, both of which on the grounds of the provisions of Section 7 of the Convention on the Rights of the Child.</p> <ul style="list-style-type: none"> <li>• Children born in Spain from foreign parents, if both are stateless or if the legislation of their home countries does not attribute a given nationality to the child.</li> </ul> <p>In the case of parents who are stateless, these are required to provide sufficient evidence of the fact through papers issued to them to that effect (as papers for stateless persons).</p> <p>If the reason is that the parents do not convey their nationality to the child, they must submit consular certificates on the legislation in force in their State of origin to prove that it is not possible to attribute their nationality to the child, for example when the personal law of the mother refers to that of the father, or when the child does not automatically acquire the nationality of the parents merely on being born from them, yet such nationality may be acquired through a subsequent act, such as by becoming a resident of, or registering in, such State of origin.</p> <p>In these cases, the situation of the child is that of an originally stateless person on whom the Spanish nationality is imposed based on the "iure soli" principle. It does not matter if the child acquires the nationality of his parents later on under the "iure sanguinis" principle because that alone may not bring about the loss of the original Spanish nationality attributed to the child by law at the time of birth (as no person of Spanish origin may be deprived of his nationality according to the Spanish Constitution).</p> <p>The relevant foreign provisions are evaluated by the Registrar in proceedings conducted to that effect.</p> <ul style="list-style-type: none"> <li>• Those born in Spain whose affiliation is not determined are entitled to the Spanish nationality.</li> </ul> <p>The Registrar must try to clarify the doubts as to the place of birth of the child, if this is in doubt. Besides, the filiation of the person must remain indeterminate after being examined using the different means for doing so according to law. Only if both requirements are met, on being examined in the proceedings conducted to that effect, may the person be declared to be of</p>
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			<p>Spanish nationality, which he or she will not lose even if there is evidence of who his parents are later on.</p> <p>3.- Those born in Spain from foreign parents at least one of whom has also been born in Spain are entitled to the Spanish nationality because of the mere fact of being born in Spain. The children of foreign diplomatic or consular officers accredited before the Spanish Government are excepted.</p> <p>For a person to be attributed the Spanish nationality one of the parents is required to have been born in Spain irrespectively of whether or not such parent conveys his nationality to the person concerned. This method of attribution of the Spanish nationality was introduced for the first time when the law was amended in 1954, so those born before that amendment became effective do not benefit from it.</p>
	Sweden	Yes	<ol style="list-style-type: none"> <li>1. Sweden applies the principle of descent in all cases.</li> <li>2. No.</li> <li>3. No.</li> </ol>
	United Kingdom	Yes	<p>1. UK citizenship law is not based entirely on <i>jus soli</i>. Since 1 January 1983, a child born in the United Kingdom will only be a British citizen if either parent is:</p> <ol style="list-style-type: none"> <li>a) a British citizen or</li> <li>b) settled in the United Kingdom.</li> </ol> <p>"Settled" is defined in the British Nationality Act 1981 as being ordinarily resident in the United Kingdom and not subject to an immigration time restriction on their stay. This effectively excludes those whose parents only have limited leave to remain or are here illegally. Those who are exempt from immigration control because of diplomatic service or as members of visiting forces are also not regarded as settled.</p> <p><u>Definition of "parent":</u> The term "parent" before 1 July 2006 referred only to the mother of a child or the father of a <b>legitimate</b> child (NB a child could be legitimated by the subsequent marriage of the parents).</p> <p>In relation to children born on or after 1 July 2006:</p> <ul style="list-style-type: none"> <li>- The "mother" is the woman who gives birth to the child</li> <li>- The "father" is either: <ol style="list-style-type: none"> <li>(a) the mother's husband, if any, at the time of the child's birth,</li> <li>(b) any person who is treated as the father under s. 28 of the Human Fertilisation and Embryology Act 1990, or</li> <li>(ba) (from 6 April 2009) a person who is treated as a parent of the child under s.42 or 43 of the Human Fertilisation and Embryology Act 2008 (second female parent), or</li> </ol> </li> </ul>

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			<p>(c) (if neither of the above applies), a person who is proven to be the father by the production of either</p> <ul style="list-style-type: none"> <li>(i) a birth certificate identifying him as such, and issued by the competent registration authority within 12 months of the birth of the child to which it relates or</li> <li>(ii) such other evidence (eg a DNA test report or court order) as may satisfy the Secretary of State in this point.</li> </ul> <p><b>2.</b> There are specific provisions for children born in the UK who would otherwise be stateless to acquire citizenship:</p> <ul style="list-style-type: none"> <li>a) If the child is born in the UK to a parent who is a British overseas territories citizen, British Overseas citizen or British subject and would otherwise be stateless, then he or she would acquire the same nationality as the parent.</li> <li>b) If a child born in the UK is and has always been stateless, he can apply to be registered as a British citizen before his 22<sup>nd</sup> birthday, based on a period of 5 years residence. These enable us to meet our obligations under the Convention on the Reduction of Statelessness.</li> </ul> <p><b>3.</b> There are also provisions by which any child (irrespective of whether he or she is stateless) can acquire British citizenship:</p> <ul style="list-style-type: none"> <li>a) A child born in the United Kingdom after 1/1/1983 who was not a British citizen at birth has an entitlement to register as a British citizen if the parent becomes a British citizen or settled in the UK.</li> <li>b) A child born in the United Kingdom after 1/1/1983 who was not a British citizen at birth has an entitlement to register as a British citizen if he or she lives in the UK for the first 10 years of his or her life.</li> <li>c) If a child does not have an entitlement to registration, an application could be made under section 3(1) of the Act, which is at the Home Secretary's discretion. Whilst we would normally expect one of the parents to be a British citizen, the child could be registered if it was deemed to be in his or her best interests.</li> </ul>
	<p><b>Norway</b></p>	<p><b>Yes</b></p>	<p><b>1.</b> A child born on Norwegian territory is not granted Norwegian citizenship unconditionally (jus soli). A child becomes a Norwegian national at birth if his or her father or mother is a Norwegian national. A foundling who is found in the realm is a Norwegian national until it is otherwise established. A child who is adopted by a Norwegian national becomes a Norwegian national by adoption if the child is under the age of 18 at the time of adoption.</p> <p><b>2.</b> No</p> <p><b>3.</b> No</p>

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