

DETAILED QUESTIONS ON MODE OF ACQUISITION OF NATIONALITY

A

Version: 2005-01-25

INTRODUCTION

- **One Word-file per mode:** Please answer the questions on the following pages for each of the modes of acquisition of nationality selected (see file “To be described in detail - countries.xls”) separately, i.e. please use a separate Word-file for each mode (here: only A0x) or – if applicable – sub-mode of acquisition (A0xa, A0xb, etc.). When referring to certain modes of acquisition or loss, please use the ID for this mode according to the latest version of the classification of modes sent out on 7th of January 2005!
- **No empty answer fields:** If a certain question is irrelevant or a condition addressed does not apply for the respective mode, please do not leave the room provided empty, but write “Not applicable” or “Condition irrelevant”.
- **Explicit conditions and their interpretation:** Please also try to provide information on conditions for the acquisition of nationality that are not explicitly prescribed by law, but which are introduced in administrative guidelines, decrees, ordinances, or the like, and/or which are generally known to be applied regularly in practice on the basis of some more general condition (e.g. an explicit criterion of “good character” which is interpreted as having no criminal convictions of a certain kind, the ability to support oneself financially, etc.; or a condition of “assimilation” which is interpreted as knowledge of the country’s official language as well as of its history, society and political system). In general, please try to provide information on the interpretation of requirements which are defined in very general or vague terms.
- **Reference date:** Please describe the regulations concerning the respective mode of acquisition in force at the end of December 2004 or – in case of a mode of acquisition not in force anymore – as of the latest point in time it was in force. If a condition for acquisition or some other regulation to be described was different sometime between 1985 and 2004, or if it will change in 2005, then provide additional information on this past/future regulation – including the date when the old regulation went out of force and a new one came/will come into force – after the initial description.
- **Abbreviations:** TP = target person, RP = reference person (parent, grandparent, spouse, or other), A01, A02, A04, A05, A06, A07, A08, A14, A18, A19, A24 = IDs of modes of acquisition of nationality to be described according to the latest version of the matrix (see file “Acquisition - Overview revised.xls”).

1) ID OF MODE OF ACQUISITION OF NATIONALITY

ID: Please enter the ID for the mode of acquisition of nationality to be described (e.g. "A04b").

2) RELEVANT LEGAL AND ADMINISTRATIVE TEXTS

a) Please list the **relevant legal and administrative texts** (laws, decree, ordinances, court decisions, administrative guidelines, etc.) regulating this mode of acquisition of nationality, including abbreviations for further reference.

b) Please list the **most important articles** (sections, paragraphs, points, etc.) in these texts regulating this particular mode of acquisition of nationality.

If certain articles are relevant, which do not concern the main requirements for the acquisition of nationality (e.g. procedural questions), please refer to them in the relevant context below.

3) PERIOD OF EFFECTIVENESS OF REGULATIONS FOR THIS MODE OF ACQUISITION

a) **Since when** are (were) the regulations for this mode of acquisition in force?

b) When were the regulations for this mode of acquisition **amended**?

c) In case of a mode which is not in force anymore: **When** did the regulations for this mode of acquisition come **out of force**?

4) GENERAL PROCEDURAL QUESTIONS

a) **Mechanism of acquisition:** automatic (ex lege) or non-automatic?

b) **Type of acquisition** according to national terminology: acquisition by (e.g. descent, naturalisation, declaration, notification, registration, etc.)

c) If acquisition is non-automatic: Are target persons **entitled** to acquire nationality via this mode if they meet the conditions **or** does acquisition lie within the **discretion** of the authorities?

d) Is nationality acquired retroactively , i.e. are TPs treated as if they had been nationals of C1 already before the actual acquisition (e.g. already since birth)?	
e) Age limits or age: Are there age limits (minimum and/or maximum age) for the application (declaration, etc.) or the acquisition of nationality itself via this mode? Or is nationality via this mode always acquired at a certain age?	
f) Which authority (authorities) is responsible for checking whether the TP meets the conditions for the acquisition of nationality?	
g) Which authority (authorities) is responsible for making the final decision?	
h) Is there a maximum duration of procedure after all documents have been submitted?	
i) Are there any fees for the application/procedure and/or the acquisition itself?	
j) Do authorities have to justify negative decisions ?	
k) Is an appeal against a negative decision possible? If yes, what are the instance(s) of appeal?	
l) Do TPs have to swear an “ oath of loyalty ”? If yes: please enter its text.	
m) Are there any other specificities of the procedure to acquire nationality via this mode that should be mentioned?	

5) ACQUISITION BY TARGET PERSON BASED ON RELATION TO PARENTAL REFERENCE PERSON(S) (BEFORE OR AFTER REACHING MAJORITY) (esp. modes A01-A05, A14, potentially also A07)	
a) If there is an age limit : Are exceptions for TPs above the limit possible?	
b) Do the rules for this mode of acquisition not apply to certain children of the parental RP, e.g. those not under custody of the RP, adopted, non-natural, foster, non-legitimised or married children, major children in need of care?	
c) Sex : Do the regulations for this mode of acquisition treat male and female TPs differently in any way?	
d) Age above which minors have to be heard in procedure:	

e) Age above which minors can act in their own name in procedure (e.g. make applications):	
--	--

6) DOCUMENTS TO BE SUBMITTED

a) Documents: Which documents have to be submitted to the authorities in procedures of acquisition of nationality via this mode of acquisition?	
b) Problems: Are there any generally known problems with respect to certain of these documents that create frequent problems for TPs in procedures to acquire nationality (via this mode of acquisition)?	

7) NATIONALITY, COUNTRY OF BIRTH AND AFFINITY TO C1 OF TARGET AND REFERENCE PERSON(S)

a) TP's country of birth: Do TPs have to be born in C1 or some other country in order to be eligible for acquisition of nationality via this mode?	
b) RP's country of birth: Does some RP (parent, grandparent, spouse, other) have to be born in C1 or some other country in order for the TP to be eligible for acquisition of nationality via this mode?	
c) TP's nationality of C2: Do TPs have to be nationals of a certain country (C2) in order to be eligible for acquisition of nationality via this mode?	
d) Way of TP's acquisition of C2's nationality: Must TPs have acquired nationality of C2 in a certain way (e.g. by descent, not by naturalisation)?	
e) RP's nationality: Does some RP (parent, grandparent, spouse, other) have to be national of C1 or a certain other country (C2) in order for the TP to be eligible for acquisition of nationality via this mode?	
f) Duration of RP being national of C1 (or C2): Must some RP (parent, grandparent, spouse, other) hold or have held nationality of C1 (or C2) already for some time?	

g) Way of RP's acquisition of C1's (or C2's) nationality: Must some RP (parent, grandparent, spouse, other) have acquired nationality of C1 (or C2) in a certain way (e.g. by descent, not by naturalisation)?	
h) TP's cultural affinity to C1: Must TPs have some sort of cultural affinity to C1 (particular ethnicity, mother tongue, colloquial language, religion, or other) in order to be eligible for acquisition of nationality via this mode?	
i) RP's cultural affinity to C1: Must some RP (parent, grandparent, spouse, other) have some sort of cultural affinity to C1 in order for the TP to be eligible for acquisition of nationality via this mode? If yes, please specify the affinity (ethnicity, mother tongue, colloquial language, religion, or other)!	

8) RESIDENCE (COUNTRY, DURATION, STATUS) OF TARGET AND REFERENCE PERSON(S)	
a) TP's country of residence: Does the TP have to be a resident in C1 at present, i.e. the time of application, declaration, or the like, and/or at the time the nationality is to be acquired?	
b) TP's duration of residence: Does the TP need a certain duration of residence in C1? If yes, is it qualified in any way (e.g. in a certain period in the past, after or before a certain age, uninterrupted, absence allowed, etc.)?	
c) TP's residence status: Does the TP need a certain residence status / permit at present (the time of application, declaration, or the like, or the time nationality is to be acquired) and/or also during the required period of residence?	
d) RP's country of residence: Does any RP (parent/s, grandparent/s, spouse, or other) have to be a resident in C1 at present, i.e. the time of application, declaration, or the like, and/or at the time the nationality is to be acquired?	
e) RP's duration of residence: Does any RP need a certain duration of residence in C1? If yes, is it qualified in any way (e.g. in a certain period in the past, after or before a certain age, uninterrupted, absence allowed, etc.)?	

f) RP's residence status: Does any RP need a certain residence status / permit at present (the time of application, declaration, or the like, or the time nationality is to be acquired) and/or also during the required period of residence?	
--	--

9) For modes of acquisition at birth (modes A01-A02): RULES CONCERNING MULTIPLE NATIONALITY	
a) General rule: Is dual nationality resulting from this mode of acquisition of nationality at birth generally accepted?	
b) Special rules: Are there special rules with respect to the (non-)acceptance of dual nationality for this mode of acquisition (e.g. later loss of nationality of C1 may ensue – please refer to ID of mode of loss; dual nationality is accepted for nationals of some countries only)?	

10) For modes of acquisition after birth (modes A04-A24): RULES CONCERNING MULTIPLE NATIONALITY	
a) General rule: Is there a general requirement to renounce the previous nationality for TPs who want to acquire nationality via this mode of acquisition?	
b) Exceptions: If there is a general requirement to renounce the previous nationality for this particular mode of acquisition: Under which conditions is dual nationality accepted? In particular, can TPs retain their previous nationality in the following circumstances (please specify)?	
b01) Release from previous nationality is legally impossible	
b02) Respective state generally refuses to release its nationals from nationality	
b03) Release from previous nationality itself is (would be) too costly	
b04) Persons who would suffer other financial / economic loss	
b05) Release from previous nationality takes (would take) too long	
b06) The conditions for release set by the foreign state are unacceptable	
b07) Nationality of certain, explicitly mentioned states	
b08) TP was born in C1	
b09) TP was raised or went to school in C1	

b10) Elderly TP	
b11) Recognized refugee	
b12) TP can only renounce nationality after military (alternative) service	
b13) TPs with other reasons	
c) Special rules: Are there any special rules with respect to the (non-)acceptance of dual nationality for this mode of acquisition (e.g. renunciation has to become effective before acquisition of nationality of C1; later loss of nationality of C1 may ensue in case of non-renunciation of previous nationality)?	

11) CONDITIONS FOR SPOUSAL TRANSFER OF NATIONALITY (MODE A08)	
a) Duration of marriage: Is a certain duration of marriage (or relationship resembling marriage) a requirement for this mode of acquisition?	
b) Common household: Is a common household at present and/or a certain duration of having a common household of the TP with the RP a condition?	
c) Sex: Do the regulations for this mode of acquisition treat male and female TPs differently in any way?	
d) Non-married partners: Can non-married partners acquire nationality via this mode as well? If yes, under which conditions?	
e) Homosexual spouses/partners: Can homosexual spouses (partners) acquire nationality via this mode as well? If yes, under which conditions?	
f) Polygamy: How are the rules applied to multiple spouses (partners)?	

12) For modes of acquisition A04, A05, A07 and A14: SCHOOL ATTENDANCE / EDUCATION IN C1	
a) Relevance of school attendance / education in C1: Is TP's school attendance or education in C1 a condition for this mode of acquisition? If yes, which schools or other institutions of education are relevant?	

b) Duration of school attendance / education in C1: Is a certain duration of school attendance / education required and is it qualified in any way (e.g. how long, after or before a certain age, uninterrupted, etc.)?	
c) Relevance of graduation: Is graduation from this school or other type of educational institution a requirement as well?	
d) Additional conditions: Are there any additional conditions with respect to the TP's school attendance / education in C1?	

13) For modes of acquisition after birth (modes A04-A24): CRIMINAL RECORD	
a) Relevance of criminal record: Is the absence of a criminal record an explicitly mentioned or indirectly implied (by a more general clause) condition for this mode of acquisition?	
b) Offences prohibiting acquisition permanently: Are there certain criminal offences (type, sentence) which preclude the acquisition of nationality forever (i.e. offences which cannot be deleted)?	
c) Offences prohibiting acquisition temporarily: Which criminal offences (type, sentence) preclude the acquisition of nationality temporarily, i.e. offences which always prohibit the acquisition if they are not yet deleted?	
d) Offences of potential relevance: Which criminal offences (type, sentence) may under certain circumstances preclude the acquisition of nationality but do not always prohibit it?	
e) Other misdemeanours: Do ongoing investigations or any other violations of law (e.g. minor traffic offences) prohibit the acquisition of nationality via this mode or may they be a reason for prohibiting it?	

14) For modes of acquisition after birth (modes A04-A24): FINANCIAL AND/OR EMPLOYMENT SITUATION

- | | |
|--|--|
| a) Relevance of financial situation: Is a stable financial situation of the TP an explicitly mentioned or indirectly implied (by a more general clause) condition for this mode of acquisition? | |
| b) Criteria: Which are the relevant criteria checked by the authorities in this context, esp. level, type, source and/or stability of income, social benefits not taken into account, etc.? | |
| c) Relevance of employment situation: Is a specific employment situation of the TP a condition for this mode of acquisition? | |
| d) Criteria for employment test: What are the criteria checked in this context, esp. length or type of contract, type of job, work permit, etc.? | |

15) For modes of acquisition after birth (modes A04-A24): COMMAND OF C1'S OFFICIAL LANGUAGE(S)

- | | |
|---|--|
| a) Relevance of language skills: Is the command of (one of) the official language(s) of C1 an explicitly mentioned or indirectly implied (by a more general clause) condition for this mode of acquisition? | |
| b) Testing: How is the knowledge / fluency tested – in an oral and/or written test by the authorities, in an informal interview, target persons have to present certificates of passed tests or attended courses, or in another way? | |
| c) Level required: Which level of knowledge / fluency is required? | |
| d) Exemptions: Which groups of persons, for which this mode of acquisition is of relevance, are exempted from this condition of language skills or at least the requirements are eased for them? | |

16) For modes of acquisition after birth (modes A04-A24): KNOWLEDGE ABOUT C1

- | | |
|---|--|
| a) Relevance of knowledge about C1: Is knowledge about C1s society, culture, values or political system an explicitly mentioned or indirectly implied (by a more general clause) condition for this mode of acquisition? | |
| b) Testing: How is the knowledge tested – in an oral and/or written test by the authorities, in an informal interview, target persons have to present certificates of passed tests or attended courses, or in another way? | |
| c) Level required: Which level of knowledge is required? | |
| d) Exemptions: Are certain groups of persons exempted from the condition of language skills or are the requirements at least eased for them? | |

17) For modes of acquisition after birth (modes A04-A24): HEALTH

- | | |
|--|--|
| a) Relevance of TP's health: Is the TP's health status a relevant criterion for this mode of acquisition of nationality? | |
| b) Relevant health problems: If yes to question a): Which health problems, in general terms, prohibit or may prohibit the acquisition of nationality? | |

18) For modes of acquisition after birth (modes A04-A24): GENERAL OR VAGUE CLAUSES

- | | |
|---|--|
| a) Existence of general "integration" clause: Do the legal regulations contain some sort of general clause requiring TP's "integration"? | |
| b) Scope of "integration" clause: Do the concrete conditions implied by this clause go beyond the conditions addressed in the sections above? | |
| c) Existence of general "assimilation" clause: Do the legal regulations contain some sort of general clause requiring TP's "assimilation"? | |
| d) Scope of "assimilation" clause: Do the concrete conditions implied by this clause go beyond the conditions addressed in the sections above? | |

e) Existence of general “good character” clause: Do the legal regulations contain some sort of general clause requiring TP’s “good character”?	
f) Scope of “good character” clause: Do the concrete conditions implied by this clause go beyond the conditions addressed in the sections above?	
g) Existence of other general clause(s): Do the legal regulations contain some other sort of general clause(s) targeted at the TP?	
h) Scope of other general clause(s): Do the concrete conditions implied by this clause go beyond the conditions addressed in the sections above?	

19) ADDITIONAL CONDITIONS FOR ACQUISITION OF NATIONALITY

Are there any additional conditions for the acquisition of nationality via this particular mode of acquisition not addressed above? If yes, please specify them below (if necessary, please add rows):

a)
b)
c)
d)
e)