

Act on Swedish Citizenship

Unofficial translation of: Lag om svenskt medborgarskap
Swedish Code of Statutes: SFS 2001:82
(With amendments up to and including SFS 2006:222)

Acquisition of Swedish citizenship by birth

Section 1

A child acquires Swedish citizenship by birth if

1. the mother is a Swedish citizen,
2. the father is a Swedish citizen and the child is born in Sweden,
3. the father is a Swedish citizen and is married to the child's mother,
4. the father is deceased but at the time of his death was a Swedish citizen and the child is born in Sweden, or
5. the father is deceased but at the time of his death was a Swedish citizen and married to the child's mother.

The provisions of the first paragraph concerning a father also apply to a parent under Chapter 1, Section 9 of the Children and Parents Code. *Act (2005:451)*.

Section 2

Any foundling discovered in Sweden shall be considered to be a Swedish citizen until any indication to the contrary is discovered.

Acquisition of Swedish citizenship by adoption

Section 3

A child under twelve years of age who is adopted by a Swedish citizen becomes a Swedish citizen on adoption if

1. the child is adopted in Sweden, Denmark, Finland, Iceland or Norway, or
2. the child is adopted by virtue of a foreign adoption decision which has been approved or is otherwise valid in Sweden under the Act on International Legal Procedures relating to Adoption (1971:796) or which is valid under the Act concerning Sweden's Accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1997:191).

Acquisition of Swedish citizenship by the marriage of the parents

Section 4

When a Swedish man marries a woman who is an alien, any child of theirs that was born before their marriage and has not acquired Swedish citizenship under Section 1 becomes a Swedish citizen if the child is unmarried and under eighteen years of age.

Acquisition of Swedish citizenship by notification

Section 5

A child that was born abroad and has not acquired Swedish citizenship under Sections 1 or 4, but whose father has held Swedish citizenship since the birth of the child, acquires Swedish citizenship on notification by the father of the desire to that effect before the child reaches the age of eighteen. The provisions concerning a father also apply to a parent under Chapter 1, Section 9 of the Children and Parents Code.

If the child has reached the age of twelve and holds foreign citizenship, the child is required to give its consent in order to acquire Swedish citizenship. Consent is not required, however, if the child is prevented from giving his or her consent due to a long-term impediment such as a mental disorder or similar.

The child's guardian or guardians must consent to the acquisition of Swedish citizenship. *Act (2005:451)*.

Section 6

A child that was born in Sweden and has been stateless since birth acquires Swedish citizenship on notification by the guardian or guardians of the child if the child holds a permanent residence permit and is domiciled in Sweden.

Notification must be made before the child reaches the age of five.

Section 7

A child that does not hold Swedish citizenship acquires Swedish citizenship on notification by the guardian or guardians of the child if the child

1. holds a permanent Swedish residence permit, and
2. has been domiciled in Sweden for five years or, if the child is stateless, three years.

Notification must be made before the child reaches the age of eighteen.

If the child has reached the age of twelve and holds foreign citizenship, the child is required to give its consent in order to acquire Swedish citizenship. Consent is not required, however, if the child is prevented from giving his or her consent due to a long-term impediment such as a mental disorder or similar.

Section 8

An alien who has reached the age of eighteen but who is not yet twenty acquires Swedish citizenship on notification if he or she

1. holds a permanent Swedish residence permit, and
2. has been domiciled in Sweden since reaching the age of thirteen or, if the child is stateless, fifteen.

Section 9

A person who has reached the age of eighteen and who has lost or been released from his or her Swedish citizenship may recover it on notification if he or she

1. holds a permanent Swedish residence permit,
2. was domiciled in Sweden for a total of ten years before reaching the age of eighteen, and
3. has been domiciled in Sweden for the past two years.

Section 10

If an alien becomes a Swedish citizen in accordance with Sections 5, 7, 8 or 9, his or her unmarried children who are domiciled in Sweden and who have not yet reached the age of eighteen also acquire Swedish citizenship if the said alien

1. has sole custody of the child, or
2. has joint custody with the other parent, and the other parent is a Swedish citizen.

If the parents of an unmarried child who is domiciled in Sweden and who has not reached the age of eighteen become Swedish citizens at the same time under Sections 5,7,8 or 9, and if they share custody of the child, the child also acquires Swedish citizenship.

Acquisition of Swedish citizenship after application (naturalisation)

Section 11

An alien can apply for and be granted Swedish citizenship (be naturalised) if he or

she

1. has provided proof of his or her identity,
 2. has reached the age of eighteen,
 3. holds a permanent Swedish residence permit,
 4. has been domiciled in Sweden
- a) for the previous two years in the case of Danish, Finnish, Icelandic or Norwegian citizens,
b) for the previous four years in the case of a stateless person or a person who is considered to be a refugee under Chapter 4, Section 1 of the Aliens Act (2005:716),
c) for the previous five years for other aliens,
- and
5. has led and can be expected to lead a respectable life. *Act (2005:722).*

Section 12

If the requirements in Section 11 are not met, and unless paragraph 2 provides otherwise, the applicant may still be naturalised if

1. the applicant has formerly held Swedish citizenship,
2. the applicant is married to or living in conditions resembling marriage with a Swedish citizen, or
3. there are other special reasons for granting citizenship.

An applicant who cannot provide proof of identity in accordance with Section 11, subsection 1 may be naturalised only if he or she has been domiciled in Sweden for at least the previous eight years and can give the authorities reason to believe that the stated identity is correct.

Section 13

In a decision concerning naturalisation it shall also be decided whether the applicant's unmarried children under the age of eighteen shall acquire Swedish citizenship.

Loss of Swedish citizenship

Section 14

A Swedish citizen loses his or her Swedish citizenship on reaching the age of twenty-two if he or she

1. was born abroad,
2. has never been domiciled in Sweden, and
3. has never been here under circumstances that indicate a link with Sweden.

However, permission to retain citizenship may be granted if an application is made before the Swedish citizen has reached the age of twenty-two.

When a person loses his or her Swedish citizenship under the first paragraph, his or her child also loses its Swedish citizenship if the citizenship was acquired as a consequence of the parent's Swedish citizenship. However, the child does not lose its citizenship if the other parent still holds Swedish citizenship and the child also derives its Swedish citizenship from him or her.

The loss of Swedish citizenship does not apply if it would result in the person becoming stateless.

Release from Swedish citizenship

Section 15

A person who is or wishes to become a foreign citizen may on application be released from his or her Swedish citizenship. Release shall be granted if the applicant is not domiciled in Sweden. Release may be denied a person who is domiciled in Sweden only if

special grounds exist.

If the applicant is not already a foreign citizen the release shall be conditional on his or her acquisition of citizenship of another country within a certain period of time.

Certain provisions concerning the Nordic countries and other EEA countries

Section 16

The Government may, following agreement with Denmark, Finland, Iceland or Norway, prescribe the application of one or more of the provisions in Sections 17-19. The term "contracting state" in these provisions means a state with which Sweden has entered into such an agreement.

Section 17

The provisions contained in Section 14, first paragraph do not apply to a person who has been domiciled for a total of at least seven years in a contracting state.

Section 18

A citizen of a contracting state acquires Swedish citizenship on notification if he or she

1. has acquired the citizenship in the contracting state by a means other than application,
2. has reached the age of eighteen,
3. has been domiciled in the country for the previous five years, and
4. has not been sentenced to imprisonment during that period.

When citizenship is acquired in this way, Section 10 applies to the citizen's children.

Section 19

A person who has lost his or her Swedish citizenship and has thereafter without interruption been a citizen of a contracting state may recover his or her Swedish citizenship on notification if he or she has become domiciled in Sweden. When citizenship is acquired in this way, Section 10 applies to the citizen's children.

Section 20

The provisions contained in this act concerning the requirement for a permanent residence permit do not apply to citizens of Denmark, Finland, Iceland or Norway.

When applying this act in cases concerning citizens of other countries in the European Economic Area (EEA) and their family members under Chapter 3 a, Section 2 of the Aliens Act (2005:716), permanent right of residence is equivalent to a permanent residence permit. *Act (2006:222).*

Declaration

Section 21

A declaration of a person's Swedish citizenship may be issued on application if there is a risk that this might be in doubt.

Provisions concerning procedure

Section 22

The Swedish Migration Board examines matters covered by this act except in cases to which the second paragraph relates.

Notifications in accordance with Sections 7-9, 18 or 19, which apply to citizens of Denmark, Finland, Iceland or Norway, are examined by the county administrative board in the county where the person making the notification is registered as resident. *Act (2005:722)*.

Section 23

A person who has reached the age of eighteen may make an application or notification in accordance with this act even if he or she has a legal guardian.

Section 24

The authority to which notification is made shall issue a decision whether or not the notification has resulted in Swedish citizenship.

Section 25 *Repealed by Act (2005:722)*.

Section 26

A decision by the Swedish Migration Board or a county administrative board under this act may be appealed to a migration court except in cases referred to in Section 27.

A decision by a migration court may be appealed to the Migration Court of Appeal according to the provisions in Chapter 16 of the Aliens Act (2005:716). These provisions also apply in other respects where applicable in cases under this Act. *Act (2005:722)*.

Section 27

A decision by the Swedish Migration Board may be appealed to the Government if it concerns a security matter. A decision of this type may also be appealed by the Swedish Security Service.

A security matter is a matter in which the Swedish Security Service has recommended to the Swedish Migration Board that an application be rejected on grounds concerning the safety of the realm or public safety.

In a security matter, the acquisition of Swedish citizenship is valid from the day on which the decision becomes legally binding. *Act (2005:722)*.

Section 28

A municipal social services committee shall, at the request of the Government, the Swedish Migration Board or a migration court, the Migration Court of Appeal or the Swedish Security Service, supply information concerning an alien's personal circumstances if the information is needed in a matter concerning Swedish citizenship. *Act (2005:722)*.

Transitional provisions

2001:82

1. This act enters into force on 1 July 2001, when the Citizenship Act (1950:382) shall cease to apply. Consequent upon this, Section 13, first paragraph of the Act concerning the Acquisition and Loss of Swedish Citizenship (1924:130) shall also cease to apply. Until 1 July 2002, Section 7 of the 1950 Act shall be applied in cases concerning Swedish citizens who become citizens of another country bound by the provisions on reduction of cases of multiple nationality (Chapter I) in the 1963 European Convention on Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality.

2. A child who is born in Sweden before the new act enters into force, and who would have become a Swedish citizen if Section 1 of the new act had been applicable at the time of the child's birth, acquires Swedish citizenship if

- a) the father is still a Swedish citizen,
- b) the father notifies the Swedish Migration Board before 1 July 2003 of his desire for Swedish citizenship for the child, and
- c) the child has not reached eighteen years of age at the time of the notification.

If the child has reached the age of twelve and holds foreign citizenship the child is required to give its consent in order to acquire Swedish citizenship. Consent is not required, however, if the child is prevented from giving his or her consent due to a long-term impediment such as a mental disorder or similar.

The child's guardian or guardians must consent to the acquisition of Swedish citizenship.

3. A child who is adopted before the new act enters into force and who would have become a Swedish citizen if Section 3 of the new act had been applicable at the time of adoption acquires Swedish citizenship if

- a) the adoption was approved on 1 July 1992 or later,
- b) the person or persons who have guardianship of the child notify the Swedish Migration Board before 1 July 2003 of the desire for Swedish citizenship for the child, and
- c) the child has not reached the age of eighteen at the time of notification.

If the child has reached the age of twelve and holds foreign citizenship, the child is required to give its consent in order to acquire Swedish citizenship. Consent is not required, however, if the child is prevented from giving his or her consent due to a long-term impediment such as a mental disorder or similar.

4. A person who has lost his or her Swedish citizenship under Section 7 of the Citizenship Act (1950:382), but who would have retained it if the new act had been applicable at the time of the loss, recovers Swedish citizenship if he or she notifies the Swedish Migration Board before 1 July 2003 of the desire to that effect. This does not apply, however, to persons who have been eligible to recover their Swedish citizenship under transitional regulations contained in the Act (1979:139) amending the Citizenship Act (1950:382).

If at the time of the notification the person is under the guardianship of another, notification is made by the guardian or guardians instead.

If the notification concerns a child that has reached the age of twelve and holds foreign citizenship, the child is required to give its consent in order to acquire Swedish citizenship. Consent is not required, however, if the child is prevented from giving his or her consent due to a long-term impediment such as a mental disorder or similar.

5. Section 24 and Section 26, second paragraph of the new act apply in matters concerning notification under subsections 2-4.

6. Earlier provisions shall be applied in matters concerning notifications in accordance with Section 2 a of the Citizenship Act (1950:382) made before the new act comes into force. The same applies in matters concerning notifications in accordance with Section 3 of the 1950 act made before the new act comes into force, unless the application of the new act is more advantageous for the person. The 1950 act shall also be applied in matters forwarded to the Government under Section 9 a of the act.

7. The supplementary article to the Treaty of Friendship, Trade and Shipping between Sweden and Argentina entered into on 17 July 1885 continues to be applicable notwithstanding this act.

2005:451

This act enters into force on 1 July 2005.

2005:722

1. This act enters into force on 31 March 2006.

2. Cases that have been lodged with a court before 31 March 2006 shall be dealt with under older regulations.

3. Cases that have been turned over to the Government under Section 25 but have not been decided before 31 March 2006 shall be turned over to the Swedish Migration Board if an authority has not taken a decision in the case and otherwise to the migration court in whose court district the case was first examined.

4. Cases that have been lodged with the Aliens Appeals Board but have not been decided before 31 March 2006 shall be turned over to the migration court in whose court district the case was first examined. If the case concerns a declaration under Section 21 the case shall be turned over to the Swedish Migration Board.

2006:222

This act enters into force on 30 April 2006. For citizens of countries within the European Economic Area (EEA), having a time-restricted residence permit of at least five years granted before the entering into force, the older wording of Section 20, second paragraph applies.