

Circular Letter No. 61 of 22 September 2008

Circular Letter on Naturalisation

(For all Police Commissioners, the Commissioner of the Copenhagen Police, all Regional State Administrations, the High Commissioner of Greenland and the High Commissioner of the Faroe Islands)

Guidelines for naturalisation

1. On 22 September 2008, the parties in government, the Danish Liberal Party (*Venstre*) and the Conservative People's Party (*Det Konservative Folkeparti*), and the Danish People's Party (*Dansk Folkeparti*) entered into an Agreement on the handling of EU law aspects of the right of free movement following the ruling of the European Court of Justice in the *Metock* case. In that connection, the parties to the Agreement considered it relevant to have a closer look at the conditions for obtaining Danish nationality.

2. The Agreement implies that the requirement of proof of an applicant's skills in the Danish language and knowledge of Danish society, culture and history has been tightened. Applicants thus have to take and pass the Danish 3 Examination of the language centres with an average mark of at least 4, or one of the examinations listed in Schedule 3, which are on a level with the Danish 3 examination, with an average mark of at least 4, and take and pass a citizenship test documenting their knowledge of Danish society, culture and history. The Agreement also implies a tightening of the condition of self-support.

3. The parties to the Agreement also decided that the Agreement of 22 September 2008 will not otherwise revise the guidelines stipulated in the Agreement on Nationality concluded on 8 December 2005 by the Danish Liberal Party and the Conservative People's Party, the two parties in government, and the Danish People's Party. That Agreement laid down the future general guidelines for the preparation of naturalisation bills by the Minister of Refugee, Immigration and Integration Affairs (the Minister of Integration). The Agreement of 8 December 2005, as amended by the Agreement of 22 September 2008, has been printed as a schedule to this Circular Letter.

4. Pursuant to section 30(1) of the guidelines, the Agreement will enter into force on 10 November 2008 and will apply to the examination of all applications for naturalisation submitted after the date of entry into force. It follows from section 30(2) of the guidelines that applicants who passed the citizenship test at the examinations in May 2007, June 2007, December 2007 or June 2008 will still satisfy the condition of proof of knowledge of Danish society, culture and history set out in section 24(2) of the guidelines if they submit their application for Danish nationality to the police before 1 July 2009 in accordance with the relevant provisions of the guidelines, or their request for reopening of an application previously refused to the Ministry of Integration before 1 July 2009.

It also appears from section 30(3) of the guidelines that the provisions of the Agreement set out in Circular Letter No. 9 of 12 January 2006 on new guidelines on naturalisation still apply to applications submitted before 10 November 2008. Moreover, the provisions of the Agreement set out in Circular Letter No. 55 of 12 June 2002 on New Guidelines for Listing in Naturalisation Bills also apply to applications submitted before 12 December 2005, except that Part 5 on offences and section 24(3) on exemption from the conditions of skills in the Danish language, etc., of the Agreement set out in Circular Letter No. 9 of 12 January 2006 apply regardless of the application date.

Finally it appears from section 30(4) of the guidelines that the provisions of the Agreement also apply to the examination of requests for reopening of applications previously refused submitted to the Ministry of Integration after 10 November 2008.

Ministry of Refugee, Immigration and Integration Affairs, 22 September 2008

Birthe Rønn Hornbech

/ Dorit Hørlyck

AGREEMENT ON NATIONALITY:

The Danish Liberal Party (*Venstre*), the Danish People's Party (*Dansk Folkeparti*) and the Danish Conservative Party (*Det Konservative Folkeparti*) hereby agree to lay down the following general guidelines on the preparation of naturalisation bills by the Minister of Integration. The guidelines will be made public. It was also agreed in connection with the drafting of the guidelines in the previous agreement of 8 December 2005 to initiate a study on the scope of the UN Convention on the

Reduction of Statelessness adopted on 30 August 1961 and on the possibilities of adjusting the practice for the purpose of limiting dual nationality. The parties to the Agreement will consider the future regulations in this field in the light of this study.

Part 1

Introduction

Pursuant to section 44 of the Danish Constitution, no alien can obtain Danish nationality other than by an Act of Parliament. Naturalisation is therefore the exclusive prerogative of the Legislature. Bills will be introduced twice a year by the Minister of Integration.

The guidelines describe the requirements to be satisfied for the Government to list an applicant in a naturalisation bill without prior submission to the Naturalisation Committee of the Danish Parliament.

Persons listed in the Government's naturalisation bill will therefore either satisfy the requirements of these guidelines or have been listed in the bill following submission to the Naturalisation Committee of the Danish Parliament.

In connection with the Parliamentary readings of the bills, the parties to this Agreement will therefore vote for the Government's naturalisation bills.

In connection with their examination of applications for naturalisation or when otherwise providing guidance for persons who wish to make such application, the authorities may not seek to cause the persons concerned to abandon their wish to have their applications examined.

The procedure for examination of applications for nationality has two phases. The first phase is handled by the Ministry of Integration according to the guidelines. The second phase consists in the reading of naturalisation bills in the Danish Parliament.

In principle, examination of applications for nationality by the Ministry of Integration does not involve decisions pursuant to law, but the preparation of bills. The examination carried out by the Ministry of Integration to ascertain whether an applicant satisfies the requirements of the guidelines is very similar to the kind of examination normally carried out by the public administration. Therefore, the rules of the Public Administration Act and other principles of public administration should be observed in the examination of the naturalisation cases.

Concerning the second phase, it should be noted that the Ministry of Integration shall supply various surveys on the applicants for the examination of each bill by the Danish Parliament and shall reply to questions from the Committee. Such information may form the basis of private members' amendments to remove individuals from the bill.

Part 2

General provisions

1. Persons who satisfy the conditions of these guidelines with respect to residence, age, renunciation of present nationality, general conduct, overdue debt to public authorities, self-support, command of the Danish language and knowledge of Danish society, culture and history will be listed in the Government's naturalisation bills. It is a condition for listing that the applicant makes the solemn declarations which are necessary for the Danish Parliament to examine the application.

2. It is a condition for listing in a naturalisation bill that the applicant swears allegiance and loyalty to Denmark and the Danish society and declares his or her willingness to observe Danish legislation and respect fundamental Danish principles of law.

3. The requirements concerning period of residence and waiting period following any criminal offences must be satisfied by the end of the month in which it is expected that the relevant naturalisation bill will be passed.

4. (1) It is a precondition for listing in a naturalisation bill that the applicant agrees to renounce his or her present nationality. Unless the applicant loses his or her present nationality automatically by naturalisation, release from his or her present nationality is required as a condition for acquiring Danish nationality.

(2) Persons with refugee status in Denmark or persons from countries where experience shows that it is impossible or implies extreme difficulties to obtain release from nationality are not subject to this requirement. The same applies where an applicant has been denied release, or where it is documented that the applicant has made a serious, but unsuccessful attempt to be released from his or her present nationality.

Part 3

Residence

5. (1) It is a condition for listing in a naturalisation bill that the applicant has been issued with a permanent residence permit for Denmark and is resident in Denmark. This does not apply to persons comprised by the provisions of sections 8(4) and 12, section 14, first sentence, and section 16.

(2) Persons comprised by the provisions of section 7, first sentence, section 13, section 14, third sentence, and sections 15, 17 and 18 may be listed in a naturalisation bill even though they have not been issued with a permanent residence permit.

6. The residence periods referred to in sections 7 and 8 are reckoned from the date when the applicant was first issued with a residence permit.

7. Nationals of the Nordic countries may be listed in a naturalisation bill after two consecutive years of residence. Persons recognised as refugees, persons comparable with these, and stateless persons may be listed in a naturalisation bill after eight consecutive years of residence. Other aliens may be listed after nine consecutive years of residence.

8. (1) A person who lives in marriage with a Danish national may be listed in a naturalisation bill after six consecutive years of residence in Denmark when the marriage has lasted and the spouse has been Danish for not less than three years. Where a marriage is of two years' duration, seven years of residence in Denmark are required, and where a marriage is of one year's duration, eight years of residence are required.

(2) Up to one year's cohabitation prior to the marriage is considered equivalent to marriage during the period in question.

(3) Where the spouses have different residences and it is doubtful for that reason whether they cohabit, the application must be submitted to the Naturalisation Committee of the Danish Parliament.

(4) Where the applicant is resident abroad due to the spouse's work, the applicant may only be listed in a naturalisation bill if the applicant's aggregate previous period of residence in Denmark satisfies the residence requirement of subsection (1) hereof. It is a condition that the spouse's work abroad serves the interests of Denmark.

9. (1) Where the applicant's residence in Denmark has been interrupted by periods of residence abroad, the applicant may only be listed in a naturalisation bill if the applicant's aggregate period of residence in Denmark is not less than the period mentioned in section 7 or 8 and it follows that the applicant intends to remain in Denmark.

It is furthermore a condition that: -

- (i) the aggregate period of residence abroad is not more than one year; or
- (ii) the periods of residence abroad are not more than two years and are exclusively due to education or training, military service in the State where the applicant has been a national so far or visits paid to close family due to serious illness in the family.

(2) Special guidelines for listing in a naturalisation bill in cases where the aggregate period of residence abroad is longer than the periods stated in subsection (1) hereof appear from para. 1 of Schedule 1.

10. Applicants who have entered Denmark prior to attaining the age of 15 may be listed in a naturalisation bill after attaining the age of 18. It is a condition that any education or training which the applicant has received while resident in Denmark is of a Danish nature.

11. Applicants who have undergone a substantial part of their general education or vocational training in Denmark may be listed in a naturalisation bill after four years of residence in Denmark. It is a condition that the education or training is of a Danish nature and of not less than three years' duration unless completed earlier by an examination or a similar test.

12. Applicants who were born to a Danish mother within the period from 1 January 1961 to 31 December 1978 and who could have acquired Danish nationality provided the mother had submitted a declaration to that effect within the period from 1 January 1979 to 31 December 1981, cf. section 2(2) of Act No. 117 of 29 March 1978, may be listed in a naturalisation bill irrespective of residence in Denmark.

13. The general residence requirements may be modified for persons who are former Danish nationals or who are of Danish descent as well as for Danish-minded persons from South Schleswig. Special guidelines for listing in a naturalisation bill in such cases appear from paras. 2, 3 and 4 of Schedule 1.

Part 4

Naturalisation of children

14. Children under the age of 12 who are adopted by Danish nationals, including the adoption of stepchildren, and who do not become Danish nationals pursuant to section 2A of the Danish Nationality Act, may be listed in a naturalisation bill irrespective of residence in Denmark. It is a precondition that the adoption is valid under Danish law. Where the adoption took place between the attainment of 12 and 18 years of age, the child may be listed in a naturalisation bill if, before attaining the age of 18, it has been resident in Denmark for not less than two years.

15. Children who, due exclusively to their parents' separation, have failed to become Danish nationals as dependants in connection with the naturalisation of one of the parents may become listed in a naturalisation bill if it is established that the parents have resumed marital relations and the effects of their separation have thus ceased to exist.

16. Children born out of wedlock of an alien mother and a Danish father may be listed in a naturalisation bill irrespective of residence in Denmark if the father shares the parental authority.

17. In accordance with the 1989 UN Convention on the Rights of the Child, children who were born stateless in Denmark may be listed in a naturalisation bill if they are resident in Denmark.

18. Children may only be listed independently in a naturalisation bill if they have no possibility of listing in a naturalisation bill as dependents of one of the parents. The possibility of listing as a dependant exists where one of the parents who is not a Danish national shares the parental authority and is resident in Denmark.

Part 5

Offences

19. (1) It is a condition for listing in a naturalisation bill that the applicant declares not to have committed any offence comprised by Parts 12 and 13 of the Criminal Code. A person making a false declaration on this point may be deprived of his or her Danish nationality pursuant to section 8A of the Danish Nationality Act.¹⁾

(2) Applicants sentenced to at least 60 days' imprisonment for violation of provisions of Parts 12 and 13 of the Criminal Code and applicants sentenced to permanent expulsion or sentenced to imprisonment for 18 months or more cannot be listed in a naturalisation bill.

(3) Applicants with other sentences cannot be listed in a naturalisation bill until the expiration of a certain waiting period, cf. the list in Schedule 2.

(4) Where the applicant has been convicted several times of offences of a similar nature, the waiting period is prolonged by three years for each time. Offences are considered of a similar nature if they are violations of provisions of the same Act or, in case of violations of the Criminal Code and the Road Traffic Act, violations of provisions in the same Part. Violations of the Criminal Code involving violence or threats of violence are always considered of a similar nature. Only sanctions which involve a waiting period will result in an increase in the waiting period. The aggregate waiting period is reckoned on the basis of the sentence which, when seen in isolation, results in the waiting period that expires last.

(5) Applicants charged with an offence cannot be listed in a naturalisation bill.

20. (1) It is a condition for listing in a naturalisation bill that the applicant provides information, in the form of a solemn declaration, on any criminal offences committed in Denmark or abroad.

(2) If an applicant provides information on criminal offences that do not appear from the Central Criminal Register, the case must be submitted to the Naturalisation Committee of the Danish Parliament.

21. If the Minister of Justice notifies the Ministry of Integration that the National Security Service considers an applicant a danger to national security, the case must be submitted to the Naturalisation Committee of the Danish Parliament with a recommendation for exclusion of the applicant from listing in a naturalisation bill for a specified period.

Part 6

Overdue debt to public authorities

22. An applicant cannot be listed in a naturalisation bill if the applicant has overdue debt to public authorities regarding:

- (i) assistance subject to repayment pursuant to the Social Service Act or the Act on an Active Social Policy;
- (ii) assistance subject to repayment pursuant to the now repealed Social Assistance Act;
- (iii) child support advanced out of public funds pursuant to the Child Allowance Act, and disbursement of child support in advance;
- (iv) day-care centre payment;
- (v) repayment of housing subsidies disbursed in excess of entitlement, cf. section 47 of the Act on Personal Housing Subsidies;
- (vi) repayment of housing deposit loans; or
- (vii) taxes and duties unless the arrears of taxes and duties are caused by circumstances which cannot be held against the applicant.

Self-support

23. (1) It is a condition for listing in a naturalisation bill that the applicant supports himself or herself, that is, that the applicant has not received any assistance under the Act on an Active Social Policy or the Integration Act for one year prior to the introduction of the naturalisation bill. The first sentence hereof does not comprise assistance in the form of isolated benefits of a minor amount that are not directly related to support, or benefits that are comparable with wages or salary or a pension or replace such payment.²⁾

(2) In connection with the introduction of a naturalisation bill, the applicant may not have received the public assistance referred to in subsection (1) hereof for an aggregate period exceeding six months within the last five years.

Part 7

Skills in the Danish language and knowledge of Danish society, culture and history

24. (1) It is a condition for listing in a naturalisation bill that the applicant documents skills in the Danish language by a certificate of the Danish 3 Examination of the Danish language centres or one of the examinations listed in Schedule 3.

(2) It is furthermore a condition for listing in a naturalisation bill that the applicant documents knowledge of Danish society, culture and history by a certificate of a special citizenship test.

(3) Where exceptional circumstances make it appropriate, the question of whether exemption from the conditions of subsections (1) and (2) hereof may be granted will be submitted to the Naturalisation Committee of the Danish Parliament. The question will be submitted if the applicant documents that he or she suffers from a physical or mental illness of a very serious nature and consequently finds himself or herself to be incapable – or to have no reasonable prospects – of satisfying the conditions of subsections (1) and (2) hereof.³⁾

(4) The circumstances referred to in subsection (3) hereof must be documented by a certificate from a medical professional.⁴⁾ The certificate must state whether the treatment options are exhausted and whether the person will become able to acquire skills in the Danish language at the required level in future.

Part 8

Submission and examination of applications for naturalisation

25. (1) An application for naturalisation must be submitted on a special application form to the Police Commissioner of the police district where the applicant lives. Applicants living in the Municipality of Copenhagen shall submit their applications to the Commissioner of the Copenhagen Police.

(2) In connection with the submission of an application for naturalisation, a charge of DKK 1,000 is payable, cf. section 12 of the Naturalisation Act and Executive Order No. 162 of 7 March 1995 of the Ministry of Justice.

26. Upon receipt of the application, the police shall review the information contained in the application form and the enclosures together with the applicant. In that connection, the police shall ensure that the applicant has understood the significance of giving information and making statements by solemn declaration. The police shall then forward the file to the Ministry of Integration.

27. In respect of children under the age of 18 who are adopted by Danish nationals, including the adoption of stepchildren, and who do not become Danish nationals pursuant to section 2A of the Danish Nationality Act, an application for naturalisation may be submitted together with the application for adoption. The adoption authority shall forward the application direct to the Ministry of Integration.

28. (1) The Ministry of Integration shall examine whether the applicant satisfies the conditions laid down in the guidelines and shall, where appropriate, list the applicant in a naturalisation bill.

(2) In addition to the applicant's own information, the examination by the Ministry of Integration is based on information in the Civil Registration System, the Central Register of Claims and the Central Criminal Register. If necessary, information will be procured from other authorities.

29. (1) After the introduction of a naturalisation bill, the Ministry of Integration shall send a survey of persons included in the bill, listed by nationality, to the Naturalisation Committee of the Danish Parliament.

(2) After the first reading of a naturalisation bill, the Ministry of Integration shall send the following surveys to the Naturalisation Committee of the Danish Parliament for use by the Committee in its consideration of the bill and the parties' decisions on any private members' amendments: -

- (i) Survey of persons listed in the bill upon submission to the Naturalisation Committee of the Danish Parliament.
- (i) Survey of persons in the bill sentenced to imprisonment, measures pursuant to Part 9 of the Criminal Code or suspended sentences.

Part 9

Entry into force, etc.

30. (1) This Agreement enters into force on 10 November 2008 and applies to the examination of applications for naturalisation submitted as from that date.

(2) Applicants who passed the citizenship test at the examinations in May 2007, June 2007, December 2007 or June 2008 still satisfy the condition of proof of knowledge of Danish society, culture and history set out in section 24(2) of the guidelines, even though the examination was taken and assessed under Executive Order No. 278 of 22 March 2007 on Citizenship Tests. To apply under the exception scheme, applications for Danish nationality must be submitted to the police before 1 July 2009 in accordance with the relevant provisions of the guidelines, and requests for reopening of an application previously refused must be submitted to the Ministry of Integration before 1 July 2009.

(3) For applications submitted before 10 November 2008, including requests for reopening of applications, the provisions of Circular Letter No. 9 of 12 January 2006 on new guidelines for naturalisation still apply. For applications submitted before 12

December 2005, including requests for reopening of applications, the provisions of the Agreement set out in Circular Letter No. 55 of 12 June 2002 on new guidelines for listing in naturalisation bills apply, except that Part 5 on offences and section 24(3) on exemption from the conditions of skills in the Danish language, etc., of the Agreement set out in Circular Letter No. 9 of 12 January 2006 apply even though the application was submitted before 12 December 2005.

(4) This Agreement also applies to the examination of requests for reopening of applications previously refused submitted to the Ministry of Integration after 10 November 2008.

Schedule 1

Special guidelines concerning residence

The requirements concerning an applicant's residence in Denmark in connection with the examination of an application for naturalisation appear from Part 3 of the guidelines for listing in a naturalisation bill.

The following describes guidelines for listing in a naturalisation bill in cases where there is a basis for deviating from the general residence requirements owing to the applicant's particular situation or background.

In all cases it is a requirement that all other conditions for listing in a naturalisation bill are satisfied.

1. Long periods of residence abroad

If the applicant's aggregate period of residence abroad is longer than the period stated in section 9(1) of the guidelines, but the aggregate period of residence abroad does not exceed five years, listing in a naturalisation bill may be effected in the following cases:

1.1. An applicant who has resided in Denmark for an aggregate period of not less than ten years before attaining the age of 20 may be listed in a naturalisation bill if the applicant attended a Danish school during such residence.

1.2. An applicant who has resided in Denmark for an aggregate period of not less than five years before attaining the age of 20 may be listed in a naturalisation bill if any completed education or training during such residence was of a Danish nature and if merely one of the applicant's parents was a natural-born Danish national.

1.3. An applicant who has resided in Denmark for a consecutive period longer than the aggregate period of residence abroad (but not less than three years) may be listed in a naturalisation bill if the applicant lives in marriage with a Danish national and the marriage has lasted for not less than two years, or if the applicant has resided in Denmark for an aggregate period equalling the required minimum period (cf. sections 7 and 8 of the guidelines) with the addition of one year.

2. Danish-born applicants

Applicants who were born in Denmark and acquired Danish nationality at birth, but who have lost it later, may be listed in a naturalisation bill after one consecutive year of residence in Denmark if the applicant resided in Denmark until attaining the age of 12, and: -

- (i) both parents were Danish nationals at the applicant's birth; or, if only one of the parents was Danish,
- (ii) the applicant, until attaining the age of at least 18, grew up with the parent who has always been a Danish national.

3. Former Danish nationals

Applications for naturalisation from persons who, without being Danish born, have previously had Danish nationality and who do not satisfy the general residence conditions must be submitted to the Naturalisation Committee of the Danish Parliament.

4. Applicants of Danish descent

Applicants of Danish descent may be listed in a naturalisation bill after two consecutive years of residence in Denmark when the following conditions are all satisfied: -

- (i) either or both the applicant's parents were Danish nationals at birth;
- (ii) the applicant entered Denmark before attaining the age of 20; and
- (iii) the applicant has attained the age of 18 at the submission of the application.

5. Danish-minded persons from South Schleswig

Danish-minded persons from South Schleswig may be listed in a naturalisation bill after two consecutive years of residence.

A Danish-minded person from South Schleswig is a person who was born in South Schleswig, who has attended a Danish school in full or in part, and who, as an adult, has demonstrated ties with Danish affairs during his or her residence in South Schleswig.

Schedule 2

Guidelines for convicted persons

Fines

- (1) A fine of DKK 3,000 or more (or 20 "day fines" or more for violation of the Criminal Code) is a bar to listing in a naturalisation bill for three years from the date of the offence.
- (2) A fine for driving while the proportion of alcohol in the blood exceeds the prescribed limit, irrespective of the amount of the fine, is a bar to listing in a naturalisation bill for three years from the date of the offence.
- (3) A fine for violation of the Act on Euphoriants, irrespective of the amount of the fine, is a bar to listing in a naturalisation bill for four years from the date of the offence.
- (4) A fine for violation of provisions of Parts 12 and 13 of the Criminal Code is a bar to listing in a naturalisation bill for six years from the date of the offence.

Custodial sentences and suspended sentences

- (5) A sentence of imprisonment for up to 60 days is a bar to listing in a naturalisation bill for eight years from the expiration of the term of imprisonment (the date of release on parole).
- (6) A sentence of imprisonment for up to 60 days for violation of provisions of Parts 12 and 13 of the Criminal Code is a bar to listing in a naturalisation bill for 12 years from the expiration of the term of imprisonment (the date of release on parole).
- (7) A sentence of imprisonment from 60 days and up to six months is a bar to listing in a naturalisation bill for 10 years from the expiration of the term of imprisonment (the date of release on parole).
- (8) A sentence of imprisonment from six months and up to one year is a bar to listing in a naturalisation bill for 12 years from the expiration of the term of imprisonment (the date of release on parole).
- (9) A sentence of imprisonment from one year and up to 18 months is a bar to listing in a naturalisation bill for 18 years from the expiration of the term of imprisonment (the date of release on parole).
- (10) If a sentence of imprisonment is considered served by the pre-trial detention, the waiting period, cf. paras. 5 to 9, is reckoned from the release from pre-trial detention.
- (11) A sentence partially remitted by pardon is a bar to listing in a naturalisation bill for the period to which the part of the sentence to be served would give rise when seen in isolation, cf. paras. 5 to 9. A sentence fully remitted by pardon is a bar to listing in a naturalisation bill for three years after the expiration of the probation period determined as a condition for the remission.
- (12) A suspended sentence with a condition of community service is a bar to listing in a naturalisation bill for five years from the date of the final judgment. Other suspended sentences are a bar to listing in a naturalisation bill for four years from the date of the final judgment, but always until the expiration of the probation period determined in the judgment.
- (13) A partially suspended sentence is a bar to listing in a naturalisation bill for the period to which the non-suspended part of the custodial sentence would give rise when seen in isolation, cf. paras. 5 to 9.

Measures pursuant to Part 9 of the Criminal Code

- (14) A sentence of placement in safe custody, cf. section 70 of the Criminal Code, is a bar to listing in a naturalisation bill for 20 years from the revocation of the measure.
- (15) A sentence of placement in an institution is a bar to listing in a naturalisation bill for eight years from the revocation of the measure, but not less than 10 years from the date of the final judgment.
- (16) A sentence of probation with a condition of psychiatric treatment is a bar to listing in a naturalisation bill for six years from the revocation of the measure, but not less than eight years from the date of the final judgment.
- (17) A sentence of probation with a condition of outpatient treatment is a bar to listing in a naturalisation bill for four years from the revocation of the measure, but not less than six years from the date of the final judgment.
- (18) A sentence of youth sanction, cf. section 74a of the Criminal Code, is a bar to listing in a naturalisation bill for four years from the revocation of the measure.

Other sanctions

- (19) A conditional discharge, cf. section 723 of the Danish Administration of Justice Act, is a bar to listing in a naturalisation bill for three years from the granting of the conditional discharge, but not more than two years in connection with a condition of a youth contract.
 - (20) A caution for violation of the Act on Euphoriants is a bar to listing in a naturalisation bill for two years from the date of the offence.
 - (21) Where the applicant has been given a sentence of expulsion which has not been enforced, the period of residence required, cf. Part 3 of the guidelines, is reckoned from the date that the entry prohibition imposed would have expired. In that situation, the entry prohibition is reckoned from the date of the final judgment.
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Schedule 3

The following examinations, etc., are considered adequate proof of an applicant's skills in the Danish language, cf. section 24(1) of the guidelines.

- Pass in the Danish 3 Examination (*Prøve i Dansk 3*) of the Danish language centres with an average mark of at least 7 (at the 13-point scale) or 4 (at the 7-step scale), or the Higher Education Examination (*Studieprøve*) with a mark of at least 6 (at the 13-point scale) or 02 (at the 7-step scale) in each of the four disciplines. (For calculation of an average mark for the Danish 3 Examination, the oral communication mark has double weight).
- (1) Lower secondary school leaving examinations, 9th or 10th grade, with an average mark of at least 6 (at the 13-point scale) or 02 (at the 7-step scale) in the Danish disciplines other than neatness.
 - (2) Certificates of general and vocational upper secondary education (general upper secondary examination and higher preparatory examination (*HF*) and upper secondary commercial (*HHX*) and technical examination (*HTX*)).
 - (3) Adult lower secondary school leaving examinations, 9th and 10th grade (*AVU*): Danish as a second language, Danish level 1, Danish level 2 and Higher Preparatory Examination in Danish with an average mark of at least 6 (at the 13-point scale) or 02 (at the 7-step scale).
 - (4) Certificate of Proficiency in Danish (*Danskprøve 3*) passed at Studieskolen in Copenhagen and Odense and at Aarhus Language Center.
 - (5) Pass in the Preparatory Adult Education (*FVU*) reading level 4.
 - (6) Vocational and short-cycle higher education programmes and the like (such as Basic Course of the Commercial College (*Handelsskolens Grunduddannelse/Grundforløb*), Certificate of the Basic Course of Vocational Schools (*Bevis for Erhvervsuddannelsernes Grundforløb*), Certificate of Basic Subjects in Vocational Training (*Eksamensbevis for Grundfag i Erhvervsuddannelsen*)) with passes in at least one Danish discipline at levels A to G and an average of coursework and examination marks of at least 6 (at the 13-point scale) or 02 (at the 7-step scale).
 - (7) Basic course of the social and health service training programmes with an examination in at least one Danish discipline and an average of coursework and examination marks in Danish of at least 6 (at the 13-point scale) or 02 (at the 7-step scale).
 - (8) Social and health service worker training programmes, programmes for assistant nursery nurses, assistant kindergarten teachers and assistant recreation centre teachers (*PGU*), social and health service assistant programmes with an average of coursework or examination marks in Danish of at least 6 (at the 13-point scale) or 02 (at the 7-step scale).
 - (9) Diplomas of medium and long-cycle higher education programmes at universities, business schools, university colleges, etc., unless the programme is taught in a foreign language.
 - (10) General Examination 2 (*Almenprøve 2*) of the language centres with an average mark of at least 7 (at the 13-point scale).
 - (11) Pass in Danish 2 Examination (*Danskprøve 2*) of the language centres.
 - (12) Profile test (*Profiltest*) of the language centres with an average of 3 or more.
 - (13) Occupational Preparatory Examination (*ERH*) of the language centres, passed with an average mark of at least 7 (at the 13-point scale) or B.
 - (14) Adult Educational Preparatory Examination (*VUF*) of the language centres, passed with an average mark of at least 7 (at the 13-point scale) or B.

Particularly concerning children

- (16) No proof of skills in the Danish language, etc., is required for children under the age of 12.
- (17) Concerning children over the age of 12 who have not yet taken the lower secondary school leaving examinations, 9th or 10th grade, an opinion from the applicant's school affirming that the applicant's skills in the Danish language and knowledge of Danish society, culture and history are at the level to be expected from a child of the applicant's age will be considered adequate.

Particularly concerning applicants residing on the Faroe Islands or in Greenland

- Concerning applicants residing on the Faroe Islands or in Greenland, an assessment by the police affirming that the applicant can
- (18) take part in a conversation in Danish or Faroese/Greenlandic without difficulty and without the use of paraphrasing or other languages and with the natural accent will be considered adequate.

Particularly concerning Swedish or Norwegian speaking applicants

- (19) Concerning Swedish or Norwegian speaking applicants, a pass in a school leaving examination from a Swedish or Norwegian language lower secondary school will be considered adequate.

Particularly concerning Danish-minded applicants from South Schleswig

- (20) Persons born in South Schleswig who have attended a Danish school in full or in part and who have demonstrated ties with Danish affairs during their residence in South Schleswig need no further proof of their skills in the Danish language, etc.

Particularly concerning applicants comprised by section 12 of the guidelines

- Concerning applicants comprised by section 12 of the guidelines (the so-called princess rule), an assessment from a Danish
- (21) diplomatic mission abroad to the effect that the applicant can take part in a conversation in Danish without difficulty and without the use of paraphrasing or other languages and with the natural accent will be considered adequate.

Official notes

⁽¹⁾ Reference is made to the Danish Nationality Act, cf. Consolidation Act No. 422 of 7 June 2004 on Danish Nationality. It will be impressed on the applicant for nationality when he or she makes the declaration that a false declaration may result in the applicant being deprived of his or her Danish nationality.

⁽²⁾ Persons in receipt of, for example, State education grants and loans, anticipatory pension or old-age pension or who are supported by their spouse will not be excluded from obtaining nationality.

⁽³⁾ Accordingly, the Ministry of Integration is assumed to submit the question of exemption from the requirement of skills in the Danish language, etc., to the Naturalisation Committee in cases where the applicant, for example, suffers from a severe physical disability (such as Down's syndrome), is brain damaged, blind or deaf or suffers from a severe mental disorder such as (paranoid) schizophrenia, a psychosis or a severe depression. The Ministry of Integration is further assumed to refuse the application of applicants who suffer from PTSD, also where the condition is chronic and this is documented by a certificate from a medical professional.

⁽⁴⁾ As in the case of residence permits issued on humanitarian grounds, a certificate may be disregarded if the medical professional in question requests on his **or her** own initiative that naturalisation be granted and has become personally involved in the case in such manner that it may be considered doubtful whether the certificate reflects an impartial assessment of the applicant's health. In such cases, the applicant for naturalisation is requested to submit a certificate from another medical professional.