

New Swedish Citizenship Act

The Government's *Swedish Citizenship Bill* (1999/2000:147) contains proposed new legislation on Swedish citizenship. The proposal means among other things that it now becomes possible to hold dual citizenship. It is intended that the new Act should enter into force on 1 July 2001.

The current Citizenship Act (1950:382) is 50 years old. Social change and increasing internationalisation have made it necessary to review the existing legislation. Therefore in the spring of 2000 the Government presented a proposal to Riksdagen (the Swedish Parliament) for a modern and up-to-date Citizenship Act more in tune with today's society. The proposal is based on the report *Svenskt medborgarskap* (Swedish Citizenship, SOU 1999:34).

Dual citizenship fully accepted

The Government considers that the disadvantages arising from dual citizenship are relatively limited and that they are outweighed by the advantages to the individual, such as enhanced opportunities to maintain contact with the country of origin. Dual citizenship can also facilitate integration into the new country. The Government proposes, therefore, that dual citizenship be fully accepted.

The proposal means that a Swedish citizen who acquires citizenship of another country does not lose his or her Swedish citizenship. Similarly, a foreign citizen who applies for Swedish citizenship may retain his or her citizenship if the law of the other country permits it.

A person who has lost his or her citizenship through the acquisition of citizenship of another country may regain Swedish citizenship by notification. Such notification can be made during the period 1 July 2001 – 30 June 2003.

Citizenship through a Swedish father

Under the current Citizenship Act a child automatically acquires Swedish citizenship if its mother is a Swedish citizen. If only the father is a Swedish citizen he must have been married to the child's mother at the time of its birth if the child is to acquire Swedish citizenship. In order to achieve greater parity between children of married and unmarried parents and between women and

men, it is now proposed that the child of a Swedish father should automatically acquire Swedish citizenship if the child is born in Sweden. If the child is born abroad the father can make a simple notification of his desire for Swedish citizenship for the child.

Swedish citizenship by adoption

Adopted children should as far as possible have the same legal status as other children. The Government proposes in the Bill that all adoption decisions which are valid in Sweden should be dealt with in the same way. An adoption decision which is approved or is otherwise valid in Sweden thus automatically conveys the acquisition of Swedish citizenship if either of the adopting parents is a Swedish citizen and if the child is under twelve years of age.

Stateless children and young people

The avoidance of statelessness is an important criterion in Swedish citizenship legislation and praxis. It is also the point of departure for several international conventions which Sweden has undertaken to follow. Therefore, the Government proposes in the Bill that it should be easier for stateless children and young people to acquire Swedish citizenship.

The proposals have the following effect. A stateless child born in Sweden should be able to acquire Swedish citizenship by notification if the child holds a permanent Swedish residence permit and is domiciled in Sweden. Such notification must be made before the child reaches the age of five. A stateless child arriving in Sweden during its childhood should be able to acquire Swedish citizenship by notification if the child holds a permanent Swedish residence permit and has been domiciled here for the previous three years. Such notification must be made before the child reaches the age of eighteen. Notification may also be made after the stateless person has reached the age of eighteen but is not yet twenty. In such cases the person is required to have a permanent Swedish residence permit and to have been domiciled in Sweden since reaching the age of fifteen.

Children and young people holding foreign citizenship only

The Government proposes that a child holding foreign citizenship should be able to acquire Swedish citizenship

by notification if the child holds a permanent Swedish residence permit and has been domiciled in Sweden for the previous five years. Such notification must be made before the child reaches the age of eighteen. Notification may also be made after the person holding foreign citizenship has reached the age of eighteen but is not yet twenty. In such cases the person is required to hold a permanent Swedish residence permit and to have been domiciled in Sweden since reaching the age of thirteen.

Security matters

The Bill recommends that the current system under which the Government is the first and only decision-making body in citizenship issues involving a security matter should be abolished. Instead it is proposed that cases concerning the safety of the realm or public safety should be decided by the Swedish Migration Board in the first instance. The decision of the Migration Board in these cases may be appealed to the Government. It is also proposed that both the applicant and the National Police Board shall have the right to appeal such a decision if it goes against them.

Other proposals

A person who previously held Swedish citizenship may regain the citizenship by notification if he or she has reached the age of eighteen, was domiciled in Sweden for a total of ten years before reaching the age of eighteen, and has been domiciled here for the past two years. A consequence of the proposal concerning dual citizenship is that the applicant is not required to relinquish his or her foreign citizenship. The opportunity to regain Swedish citizenship should also be open to those who have acquired Swedish citizenship other than by birth.

Current praxis concerning the requirement for a permanent Swedish residence permit in order to be granted Swedish citizenship, and the fact that four years' domicile are sufficient for stateless persons or refugees will be codified in the new Act. Other conditions concerning naturalisation remain unchanged.

The special provision enabling the granting of dispensation from any of the conditions for naturalisation if it is to Sweden's advantage that the applicant becomes a Swedish citizen is removed. However, it will be possible to grant dispensation if there are special reasons for granting citizenship.

A person who is living with a Swedish citizen in conditions resembling marriage shall have the same rights as a person who is married to a Swedish citizen with respect to the possibility for dispensation. The same applies to homosexual couples living together.

The requirement for a permanent residence permit prescribed in the Act does not apply to citizens of Denmark, Finland, Iceland or Norway. For citizens of other member countries of the European Economic Area (EEA) a time-restricted residence permit for a period of at least five years shall be considered equivalent to a permanent residence permit.

As at present, a person who has reached the age of eighteen may make a notification or application even if he or she has a guardian. The current restrictions concerning the right of the person's representative to make a notification are removed.

The loss of Swedish citizenship by statutory limitation shall continue to take effect when the person reaches the age of twenty-two if he or she has never been domiciled in Sweden. Limitation must not be applied, however, if it would result in the person becoming stateless.

Release from Swedish citizenship for a person who is or becomes a citizen of another country may, if the applicant is domiciled in Sweden, be refused only if special grounds exist. As at present, release may not be denied if the applicant is domiciled abroad.

The Swedish Migration Board or Aliens Appeals Board may only refer a matter to the Government in cases that are of particular importance for guidance on the application of the Citizenship Act.

A knowledge of Swedish or Swedish society should not be a requirement for the acquisition of Swedish citizenship.

Special ceremonies should be held for people acquiring Swedish citizenship. This should, however, be an optional matter for the local authorities as at present.

Sweden will ratify the 1997 European Convention on Nationality and denounce the 1963 Convention on Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality.

The Government will continue to have the power to decide on the application of certain special provisions facilitating the acquisition of citizenship within Nordic countries after entering into agreements with the other Nordic countries.