

# Becoming a Swedish citizen

# Citizenship

## History, principles and decision-making authority

The Swedish law of citizenship evolved in the 17th and 18th centuries. A Swedish citizen was a person who had been born in Sweden, whose parents were Swedish citizens and who lived in Sweden. Naturalization was also possible – in other words, a person from another country could apply for and be awarded citizenship by the king of Sweden.

The requirements for becoming a Swedish citizen were not incorporated into the law until 1858. The current citizenship act was passed in 2001.

It is basically up to each country to determine which people are or can become its citizens. But countries are not totally free to act as they please. Certain principles have become part of international conventions and practice.

### Two principles for citizenship

Citizenship laws are based on one of two main principles at birth.

- the principle of descent (lat. *jus sanguinis* = right based on ties of kinship)

or

- the territorial principle (lat. *jus soli* = right based on place of birth)

### FACTS

Citizenship is a legally binding relationship that arises between a government and an individual (citizen) in accordance with the law – either automatically at birth, by adoption, by legitimation, following registration or following application.

The first principle states that the citizenship of a child's parents determines his or her citizenship, while the second principle states that the country of birth determines his or her citizenship.

The Swedish citizenship act is based on the principle of descent.

### Dual or multiple citizenship

One of the fundamental concepts of the Swedish law of citizenship has been to avoid dual citizenship. But Sweden abandoned that principle when it adopted the 2001 Citizenship Act. A Swedish citizen who becomes a citizen of another country may now retain his or her Swedish citizenship unless the other country requires him or her to give up Swedish citizenship. Similarly, a person who becomes a Swedish citizen can retain his or her citizenship of another country if the law of that country so permits.

### **Why dual citizenship?**

By enjoying the security and advantages of becoming a Swedish citizen while retaining citizenship in his/her native country, a person can feel more at home and more quickly integrate into Swedish society. Keeping their original citizenship can make things easier for people who are planning to return to their native countries eventually. For instance, they can visit relatives and friends back home without applying for a visa. But dual citizenship also can involve risks if a person returns to his/her native country.

Citizens of foreign countries who have permanent residence permits (PUT's) and are entered into the Swedish population registry have basically the same rights and obligations as Swedish citizens. But there are certain differences. Only Swedish citizens have an unconditional right to live and work in Sweden, as well as to vote in parliamentary elections. A citizen of a foreign country may not be elected to the Parliament. Certain occupations – including police, professional soldiers and some safety service officers – are restricted to Swedish citizens. An additional benefit of Swedish citizenship is the opportunity to work in another EU country.

### **The Migration Board**

As the central government authority for aliens affairs, the Migration Board has overall responsibility for handling matters covered by Swedish aliens legislation and the Swedish citizenship act. Among the matters that we examine and issue rulings about are applications for Swedish citizenship and exemption from Swedish citizenship.

### **County Administrative Boards**

In certain cases, a County Administrative Board in Sweden can issue rulings about Swedish citizenship for citizens of Nordic countries who live in that particular county.

### **Legal protection abroad**

Only a person who is not a citizen of any country other than Sweden can count on total Swedish legal protection abroad. A person who is a citizen somewhere else is regarded there as a citizen of that country only. As a result, Sweden will probably be unable to help a person who runs into trouble in the other country.

### **What does it mean to be a Swedish citizen?**

The most obvious signs of Swedish citizenship are that a person receives a Swedish passport and has an unconditional right to reside in Sweden. But in a legal sense, citizenship refers to the formal relationship between a citizen and the government with regard to his/her rights and obligations.

### **Aliens Appeals Board**

The Aliens Appeals Board is the highest authority in matters that involve an application for Swedish citizenship (naturalization), the retention of Swedish citizenship and exemption from Swedish citizenship.

The Government can review important cases that the Aliens Appeals Board or Migration Board turns over to it.

### **County Administrative Courts**

The county administrative courts are the superior authority in matters involving notification of Swedish citizenship.

# Swedish citizenship...

## ... by birth

The Swedish citizenship act is based on the origin principle. The principle states that the citizenship of a person's parents determines what country he/she will be a citizen of. The other Nordic countries, and many other European countries, also employ this principle.

According to the Swedish citizenship act, the child of a woman who is a Swedish citizen automatically becomes a Swedish citizen at birth. A child born in Sweden whose father is a Swedish citizen also becomes a Swedish citizen at birth. If the child's father is married to the child's mother and she is the citizen of a foreign country, the child always becomes a Swedish citizen.

Some countries employ the territorial principle. The principle states that a child

becomes the citizen of the country in whose territory he/she is born.

Sometimes the two principles clash and a child becomes a citizen of two or more countries. For instance,

- a child born in the United States of Swedish parents becomes a citizen at birth of both the United States (U.S. law employs the territorial principle) and Sweden (Swedish law employs the origin principle)
- a child born in the United States of a marriage between a Swedish man and a Polish woman becomes a citizen of three different countries: the United States (territorial principle), Sweden (origin principle) and Poland (origin principle).

### **... by adoption**

A child who has not turned 12 and who is adopted by a Swedish citizen automatically becomes a Swedish citizen if

- the adoption takes place in Sweden
- the adoption takes place in another Nordic country,

*or*

- the adoption is approved or valid in Sweden on the basis of the law

### **... by legitimisation**

When a woman who is citizen of a foreign country has a child with a citizen of Sweden, the child does not automatically become a Swedish citizen if his/her parents are not married to each other and he/she is born outside of Sweden. If they get married before the child turns 18, he/she automatically becomes a Swedish citizen. This is called citizenship by legitimation.

### **... by naturalization**

A person who for one reason or another decides to reside in Sweden can apply for Swedish citizenship (naturalization) after a

certain period of time. At the time of applying for citizenship, he/she must

- be able to prove his/her identity (the identity requirement)
- have turned 18 (the age requirement)
- have a permanent residence permit
- have lived in Sweden for at least five years – or four years if he/she is stateless or a refugee. If he/she is a Danish, Finnish, Icelandic or Norwegian citizen, he/she can become a citizen after having lived in Sweden for two years (residence requirement)

*and*

- have conducted himself/herself properly and not committed any crimes.

The requirement of a permanent residence permit does not apply to citizens of Nordic countries. For citizens of other countries in the European Economic Area (EEA), a temporary residence permit for at least five years is equivalent to a permanent residence permit.

We sometimes grant exemptions to these requirements (see page 8).

### **... by notification**

Notification, which is a simplified form of application, can be made by a person who has turned 18 but has still not turned 20. The prerequisite is that he/she holds a permanent residence permit and has resided in Sweden since he/she turned 13 – or 15, if he/she is stateless.

A person who has lost or been exempted from Swedish citizenship can get it back by notification if he/she

- has turned 18
- has a permanent residence permit
- resided in Sweden for a total of ten years before he/she turned 18

*and*

- has been residing in Sweden for the past two years.

A citizen of Denmark, Finland, Iceland or Norway can become a Swedish citizen by notification under special circumstances. The requirements are that he/she became a Danish, Finnish, Icelandic or Norwegian citizen other than by naturalization and that he/she

- has turned 18
- has resided in Sweden for five years

*and*

- has not been sentenced to imprisonment or other custodial sanction during that time.

A person who has lost his/her Swedish citizenship in connection with becoming a citizen of another Nordic country can get it back by notification as soon as he/she takes up residence in Sweden again.

A child under 18 can also become a citizen by notification if he/she was born outside Sweden and has a father with Swedish citizenship who is not married to the child's mother, who in turn is the citizen of a foreign country. The father must have been a Swedish citizen since the child was born.

A person who has custody of a child who was born in Sweden and has been stateless since birth can make notification for the child if the child has a permanent residence permit and resides in Sweden. Notification must be made before the child turns 5.

There are other cases in which a person with custody of a child can make notification of Swedish citizenship for the child. The child must have had a permanent residence permit and been residing in Sweden for five years – or three years, if the child is stateless. Notification must be made before the child turns 18.

A child who has turned 12 and is a citizen of a foreign country must give his/her consent before he/she becomes a Swedish citizen.

# Becoming a Swedish citizen by naturalization

## Identity

A person who is applying for Swedish citizenship must be able to prove his/her identity by producing

- an original of his/her national passport
- or*
- other original photo identification papers issued by an authority in his/her native country.

The papers must be of decent quality and not have too simple a format. There must not be any doubt that the papers are genuine and have been properly issued.

If it becomes known that a person has obtained Swedish citizenship under a false identity, Swedish authorities cannot revoke it.

## An immediate family member can verify a person's identity

If a person has neither a national passport nor identification papers, a spouse or immediate family member can verify his/her identity. The spouse or immediate family member must have become a Swedish citizen by proving his/her identity with a national passport or identification papers from his/her native country. Parents, children and siblings are considered to be immediate family members.

## Exemptions

We can grant an exemption for a person who is unable to prove his/her identity. He/she must have lived uninterruptedly in Sweden for at least ten years, and the information he/she provides about his/her identity must be believable.

If a person has changed his/her identity while staying in Sweden, that can affect his/her chances of obtaining an exemption.

## Age

A person who wishes to become a Swedish citizen by naturalization must have turned 18.

A child under 18 can become a Swedish citizen at the same time as his/her mother or father.

We sometimes grant exemptions from the age requirement.

For instance, a child with either a mother or father who is a Swedish citizen can obtain Swedish citizenship if his/her parents independently apply for it. A child who has turned 12 must give his/her consent before becoming a Swedish citizen.

## Residence

A person who wishes to become a Swedish citizen must have lived in Sweden uninterruptedly for the past five years. A person who is stateless or a refugee can become a Swedish citizen after four years.

A citizen of another Nordic country can become a Swedish citizen after two years.

He/she must have resided in Sweden uninterruptedly. Short-term trips abroad, such as vacations, do not affect the calculation of the period of residence. If a person has been out of the country for a longer period of time, or if he/she moved to another country, the time he/she spent abroad is subtracted from the period of residence. If a person moved away from Sweden, the new period of residence begins the day that he/she returns to Sweden.

## Permanent residence permits

In general, a person's period of residence includes only the time that he has held a permanent residence permit. A person who had a permanent residence permit at the time he/she entered Sweden can calculate his/her period of residence from the time of arrival. Otherwise, the period of residence begins on the day that he/she applied for the permanent residence permit that he/she subsequently received.

People who have been in Sweden as visitors – including visiting students, researchers, teachers, athletes, musicians, artists and certain people with EEA permits – cannot count that time as part of their period of residence. That is also the case for people who work in Sweden for the embassies or consulates of other countries. The reason is that the purpose of their stay was never to take up residence.

Inhabitants of Nordic countries are not entitled to any general exemption from the requirement of a two-year period of residence.

If the citizen of a foreign country has been in Sweden under a false identity, that time is not counted as part of his/her period of residence.

Exemptions are sometimes granted to the residence requirement. For instance, a person who has been the spouse or cohabitant of a Swedish citizen for at least two years can obtain Swedish citizenship after only three years in Sweden

A child under 15 can become a Swedish citizen along with his/her parents after only a short time in Sweden. If the child has

turned 15 but has not yet turned 18, he/she must have lived in Sweden for at least three years.

There are many other circumstances in which we can grant an exemption to the residence requirement. For instance, we can grant exemptions for emigrants who return to Sweden, people employed on Swedish ships, and people who previously lived in Sweden but who are now employed by Swedish companies abroad.

We can also grant exemptions for a person who has been married to a Swedish citizen for at least ten years and who lives abroad. He/she must also have a strong connection to Sweden – for instance, by residing in Sweden, being employed by a Swedish company, or having a pressing need to become a Swedish citizen. An applicant must not be residing in his/her native country.

A person who does not have a sufficiently long uninterrupted period of residence can sometimes count, wholly or in part, previous residence in Sweden. It depends on how long and why he/she has been out of the country.



### Honest lifestyle

A person who has committed a crime can become a Swedish citizen, but only after a certain waiting period. The length of the waiting period depends on the seriousness of the crime and the punishment the person received.

The table to the right shows approximately how we calculate the waiting period. But we judge each case on an individual basis.

In determining whether a person is leading an honest lifestyle, we look at how the person has conducted himself/herself up until the present and how he/she is likely to behave in the future.

### Good conduct requirement

If a person has been sentenced to imprisonment, the waiting period must have expired and the sentence have been served before he/she can obtain Swedish citizenship. The probationary period must have expired after conditional release from a prison sentence and any fines must have been paid.

Marks on a person's record that are not crimes – such as unpaid taxes, fines, or child support – indicating that a person is not doing his/her share can cause an application to be rejected. In such cases, we make a determination as to whether the person is willing and able to pay his/her debts.

We do not ordinarily grant exemptions from the good conduct requirement.

## Waiting period

<b>Sentenced to</b>	<b>Swedish citizen no sooner than</b>
Monetary fines 30 days –	1 year after crime
Monetary fines 60 days –	2 year after crime
Monetary fines 100 days –	3 years after crime
Imprisonment 1 month –	4 years after crime
Imprisonment 4 months –	5 years after crime
Imprisonment 8 months –	6 years after crime
Imprisonment 1 year –	7 years after crime
Imprisonment 2 years –	8 years after serving the sentence
Imprisonment 4 years –	9 years after serving the sentence
Imprisonment 6 years –	10 years after serving the sentence
Suspended sentence –	3 years after sentence has gained legal force (started to run)
Probation –	4 years from the day probation began
Other marks on a person's record –	Each person's waiting period is determined on an individual basis. A person can become a Swedish citizen no sooner than two years after the mark is removed from his record.

The waiting period is longer when a suspended sentence or probation is combined with imprisonment or with monetary fines for 60 days or more.

If the person has committed more than one crime, the waiting period can be longer than shown in the table.

# Losing or obtaining an exemption from Swedish citizenship

## **...after statutory limitation**

A Swedish citizen who

- was born outside of Sweden
- has never lived in Sweden

*and*

- has not been in Sweden under circumstances that demonstrate a connection with Sweden, loses his/her Swedish citizenship when he/she turns 22 (statutory limitation).

The person don't lose his/her citizenship if it makes him or her stateless.

If a person does not wish to lose his/her citizenship, he/she can apply to retain it before turning 22.

## **...by application**

A person who no longer wishes to be a Swedish citizen may apply for an exemption. In order to obtain an exemption, a person must

- be a citizen of another country
- have been offered citizenship by another country

*or*

- plan to become a citizen of another country

A person who is not residing in Sweden will be granted an exemption. A person who is residing in Sweden can be refused an exemption under certain circumstances.

If the applicant is not yet a citizen of another country, a requirement for obtaining an exemption is that he/she will become a citizen of another country within a certain period of time.

# Declaration of citizenship

In some cases it is not clear whether a person became a Swedish citizen when he/she was born.

In other cases it is unclear whether a person lost his/her Swedish citizenship because he/she

- became a citizen of another country

*or*

- was not born in Sweden and has not resided there.

In such cases, the person can request a written declaration that he/she is a Swedish citizen.

Such an declaration can be issued by the Aliens Appeals Board if its review concludes that the person is a Swedish citizen.

An declaration that a person is a Swedish citizen is binding on everyone.

# Application and decision

## **Applying for Swedish citizenship**

The Migration Board in Norrköping examines and rules on applications for Swedish citizenship (naturalization).

If the application is granted, we send the person a certificate that he/she has become a Swedish citizen.

If we reject the application, we send the person a written notice explaining the reason for rejection. The ruling may be appealed to the Aliens Appeals Board.

## **Making notification**

The Migration Board examines and rules on notifications for citizens of countries outside the Nordic region.

Notifications for citizens of Nordic countries are examined and ruled on by the County Administrative Board of the county in which the person is living.

If the application is granted, the person receives a certificate that he/she has become a Swedish citizen. If the application

is rejected, the person receives a written notice explaining the reason for the rejection.

The ruling may be appealed to the ordinary Administrative Court (county administrative court).

## **Application to retain Swedish citizenship or obtain an exemption from Swedish citizenship**

The Migration Board in Norrköping examines and rules on applications for retention of or exemption from Swedish citizenship.

A ruling to reject an application may be appealed to the Aliens Appeals Board.

## **Ceremonies**

Many municipalities have instituted special ceremonies to celebrate and announce that a person has become a Swedish citizen.

## **FACTS**

There is a fee of 1,500 kronor to apply for Swedish citizenship. A person who is stateless and has received a conferral of refugee status or Swedish travel document does not need to pay a fee.

There is a fee of either 175 or 475 kronor for making notification, depending on the type of case. A person who is stateless and has received a conferral of refugee status or Swedish travel document does not need to pay a fee.

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