

Summary

The Inquiry's remit, assessments and proposals

The Inquiry's remit was to consider and submit proposals on certain issues concerning Swedish citizenship. The Inquiry's terms of reference in their entirety can be found in Annex 1.

The Inquiry's main proposals and assessments are presented in this summary. These can be divided into four overarching areas:

- the meaning of Swedish citizenship;
- citizenship ceremonies for new Swedish citizens;
- better opportunities for children and young people to obtain Swedish citizenship; and
- an opportunity for people who have a command of the Swedish language to obtain Swedish citizenship after a shorter time (language bonus).

Within these areas a number of different issues have been examined. In addition to this, the Inquiry has considered issues and submitted proposals concerning the experiences gained from the Act on Swedish Citizenship (2001:82). Certain other issues have also been examined.

The meaning of Swedish citizenship

The Inquiry was instructed to submit a proposal for a definition of the meaning of Swedish citizenship and, if appropriate, to propose how this definition could be regulated in the Act on Swedish Citizenship.

A preamble

The Inquiry proposes that the Act on Swedish Citizenship begin with a paragraph on the meaning of Swedish citizenship. A preamble of this kind would help to clarify and make accessible the meaning of Swedish citizenship, as well as emphasise its significance. It could also be a basis for the message to be conveyed at citizenship ceremonies. The preamble should express the fundamental meaning of Swedish citizenship. It should also state that the Act on Swedish Citizenship regulates how a person becomes and ceases to be a Swedish citizen.

The meaning of Swedish citizenship

The Inquiry has concluded that Swedish citizenship should be regarded as having the following fundamental meaning.

Swedish citizenship is the most important legal relationship between the citizen and the state. Citizenship involves freedoms, rights and obligations. It is a basis for Swedish democracy and represents a significant link with Sweden.

Swedish citizenship involves freedoms, rights and obligations. There are today relatively few differences in legal status between Swedish citizens and others. The rights and freedoms that are reserved for Swedish citizens are important, however. Only Swedish citizens have the right to vote in elections to, and are eligible to become members of, the Riksdag. The Riksdag is the foremost representative of the people and it is primarily from the citizens that public power derives its legitimacy. Citizenship is therefore a basis for Swedish democracy. Moreover, certain public appointments and functions, e.g. judges and police officers, are reserved for Swedish citizens. In addition, only Swedish citizens enjoy the unconditional right to reside in Sweden. All in all, Swedish citizenship is, from the perspective of the state, the most important legal relationship between the citizen and the state. The meaning and significance that Swedish citizenship has for the individual can vary. However, the results of a survey carried out by Statistics Sweden on behalf of the Inquiry indicate that Swedish citizenship is also seen by many people as significant, and that many of the rights associated with citizenship are felt to be important.

The issue of a person's link with Sweden is a common thread running through the current rules on acquisition and loss of Swedish citizenship. The provisions mainly express the premise that a person who has a sufficiently strong link with Sweden should be – or at least should have the opportunity to become – a Swedish citizen. This is in line with international law on citizenship and seems generally appropriate. As regards Swedish citizenship, the term 'significant link' refers to concrete and objectively verifiable factors, such as the fact that a person has lived in Sweden for a long time or that a child can be expected to grow up in Sweden. In this context, the issue of a significant link with Sweden is therefore not dependent on an individual's subjective relationship with the state or the society around them. However, judging by the results of the aforementioned survey, Swedish citizenship is regarded by many people as important for their feeling of being part of what is happening in society and a sense of community with others in Sweden. This corresponds well with the fundamental idea of Swedish citizenship being based on a significant link with Sweden. In view of this, Swedish citizenship can be said to represent a significant link with Sweden.

Swedish citizenship and the issue of a significant link with Sweden

The proposals submitted by the Inquiry in this report would mean clarifying and strengthening the importance of a person's link with Sweden with respect to the issue of Swedish citizenship. The proposed preamble states that Swedish citizenship represents a significant link with Sweden. The proposal on citizenship ceremonies also involves emphasising the importance of a person's link with Sweden when it comes to Swedish citizenship. In addition to this, the issue of a person's link with Sweden is particularly important to some of the Inquiry's proposals concerning children's acquisition of citizenship and for the proposal on the language bonus.

Citizenship ceremonies for new Swedish citizens

The Inquiry's terms of reference state that citizenship ceremonies that are accessible to all new Swedish citizens should be introduced. The aim of the ceremonies should be to place a greater emphasis on the importance and meaning of Swedish citizenship than is currently

the case. The Inquiry's remit was to propose the content and form of the citizenship ceremonies. This includes proposing who should arrange them. The Inquiry was also instructed to propose general parameters for the message that should be conveyed through a citizenship ceremony. These parameters should be based on the proposed definition of the meaning of Swedish citizenship.

Municipalities to hold citizenship ceremonies

The Inquiry proposes that every municipality should hold an annual citizenship ceremony that emphasises the meaning of Swedish citizenship, and offer new Swedish citizens in the municipality who have acquired citizenship by some other means than by virtue of birth the opportunity to attend.

Citizenship ceremonies are held today by around half of the country's municipalities and many of them have a great deal of experience arranging such ceremonies. Through the contacts the Inquiry has had with municipalities that hold ceremonies, it is evident that many municipalities have considered questions of both a practical and principle nature and developed efficient routines for the ceremonies. Several municipalities have also stressed that they want to continue to hold citizenship ceremonies and that they consider the municipalities to be best suited to the task. One alternative the Inquiry considered was whether a government agency should arrange the ceremonies. The most obvious choice would be the county administrative boards. However, at present only a few county administrative boards arrange ceremonies. What is more, the municipalities are far closer to the new citizens than the county administrative boards are. Taking into account all of the above the Inquiry has concluded that the municipalities should be entrusted with the task of arranging citizenship ceremonies.

The ceremonies should take place once citizenship has been granted and participation in the ceremony should not be a requirement for the acquisition of citizenship. Consequently, participation should be voluntary. The ceremonies should not include any requirement to take an oath of allegiance.

A common message on the meaning of citizenship

The aim of the ceremonies will be to emphasise the importance and meaning of Swedish citizenship. The best way to achieve this is by focusing the ceremonies on welcoming the new citizens as Swedish citizens and celebrating the acquisition of citizenship. This focus also means the new citizen's link with Sweden is emphasised. At the ceremonies, the municipalities should convey the message – on the basis of the new preamble in the Act on Swedish Citizenship – that Swedish citizenship is the most important legal relationship between the citizen and the state, that citizenship involves freedoms, rights and obligations, and that citizenship is a basis for Swedish democracy and represents a significant link with Sweden. Other than this, the municipalities should be free to decide the content and form of the ceremonies.

Information about ceremonies

Many municipalities are interested in receiving information about how various issues concerning ceremonies can be dealt with or have been dealt with by other municipalities. Such information is to some extent included in an annex to this report (see Annex 3). In addition to this, in order for municipalities to receive suitable support, the Inquiry proposes that the county administrative boards be given the task of working to ensure that municipalities receive information about how ceremonies are carried out elsewhere. This includes the county administrative boards compiling and disseminating information providing municipalities with concrete examples of how citizenship ceremonies can be carried out. The information is to be compiled following consultation with the Swedish Association of Local Authorities and Regions. The county administrative boards are to report back on how they have completed this task and describe any need for further support measures to the Government.

A formal certificate of Swedish citizenship

A person who is granted Swedish citizenship on notification or through naturalisation receives a formal certificate from the Swedish Migration Board or the county administrative board. These citizenship certificates have different designs. Through the certificates,

the state can emphasise the importance it attaches to citizenship. The certificates may also carry symbolic meaning for individuals. In light of this, the Inquiry proposes that the Swedish Migration Board and the county administrative boards be instructed to jointly design a single, formal certificate of Swedish citizenship.

Better opportunities for children and young people to obtain Swedish citizenship

The Inquiry was instructed to examine why so few guardians of children who meet the requirements for Swedish citizenship by notification take advantage of this opportunity. The Inquiry was also to propose any amendments to the current regulations that are deemed suitable, e.g. children being granted citizenship automatically. The remit also included taking into account the United Nations Convention on the Rights of the Child, the United Nations Convention on the Reduction of Statelessness and the work of the Council of Europe in this area when determining whether the right of children and young people to citizenship should be strengthened in other respects.

One closely related issue is the very strong impact of *jus sanguinis* on the rules governing acquisition of Swedish citizenship by virtue of birth. The Inquiry's remit included examining how a country such as Sweden, with a great deal of diversity and mobility, is affected by having *jus sanguinis* as a principal rule.

Jus sanguinis and jus soli

Which citizenship a child acquires by virtue of birth depends in general on two fundamental principles. According to the principle of *jus sanguinis*, the parents' nationalities determine which citizenship the child acquires at birth. According to the principle of *jus soli*, citizenship is acquired by virtue of birth within the state's territory. *Jus sanguinis* has a very strong impact on the rules governing acquisition of Swedish citizenship at birth, whereas *jus soli* is reflected in these rules to a very limited extent. The Inquiry has concluded that one consequence of the fact that *jus sanguinis* is the principal rule is that certain children who are born in Sweden do not acquire Swedish citizenship at birth, despite the fact that they can be

expected to grow up in Sweden as part of Swedish society and develop such a significant link with Sweden that they should be Swedish citizens. Proceeding from the fundamental idea that Swedish citizenship is based on a significant link with Sweden the Act on Swedish Citizenship can be regarded as insufficiently inclusive in relation to these children. See below for more information on this issue.

Swedish citizenship should always be transmitted from parents to children

A child with a parent who is a Swedish citizen can often be expected to grow up in Sweden as a part of Swedish society, or at least to have considerable contact with the country. It can therefore be expected that the child will have such a significant link with Sweden that he or she ought to be a Swedish citizen. At present, a child acquires Swedish citizenship at birth if the child's mother is a Swedish citizen. In most cases, a child also becomes a Swedish citizen at birth if only the child's father or another person who is a parent under Chapter 1, Section 9 of the Children and Parents Code is a Swedish citizen. However, this is not the case if the child is born abroad and the child's parents are not married to each other. In the Inquiry's view, the marital status of a child's parents should be irrelevant as regards their possibility of transmitting Swedish citizenship to the child. Nor are there any other substantial reasons for differentiating between parents' possibilities of transmitting Swedish citizenship. For these reasons, among others, the Inquiry proposes that a child should always acquire Swedish citizenship at birth if one of the child's parents is a Swedish citizen. The same should apply if a deceased parent of the child was a Swedish citizen on his or her death.

Children who are born in Sweden and can be expected to grow up in Sweden should become Swedish citizens at birth

At present, a child born in Sweden becomes a Swedish citizen at birth only if he or she has a parent who has Swedish citizenship. A child born in Sweden to parents who are not Swedish citizens does not acquire Swedish citizenship automatically at birth. Children born in Sweden to parents who do not have Swedish citizenship

can, however, often be expected to grow up in Sweden as part of Swedish society and to have such a significant link with Sweden that they should be Swedish citizens. Proceeding from the fundamental idea that Swedish citizenship is based on a significant link with Sweden, the current rules can be regarded as insufficiently inclusive in relation to these children. Moreover, there seem to be little grounds to justify the different treatment that currently prevails of these children and children born to a Swedish parent. A child who is born in Sweden and can be expected to grow up in Sweden ought to acquire Swedish citizenship at birth, irrespective of whether the child's parents are Swedish citizens. The very fact that a child is born in Sweden gives a strong indication that the child will grow up in Sweden. However, this is clearly more likely to be the case if the child has at least one parent who is settled in Sweden. The Inquiry proposes that a child who is born in Sweden should acquire Swedish citizenship automatically at birth if one of the child's parents has been registered as a resident in Sweden for five years and has a permanent residence permit. Since the parents may apply for the child's release from Swedish citizenship, it is unlikely that a child would grow up with Swedish citizenship contrary to the parents' wishes.

Avoiding statelessness is one of the fundamental principles of Swedish citizenship legislation. In light of this, there are even stronger grounds for children who would otherwise be born stateless in Sweden to automatically become Swedish citizens at birth. The Inquiry therefore proposes that a child who is born in Sweden and does not acquire another nationality at birth should acquire Swedish citizenship at birth if one of the child's parents has been registered as a resident in Sweden for three years and has a permanent residence permit.

Children should have the right to Swedish citizenship after a shorter period of domicile than today

Under the current rules, a child who has a permanent residence permit in Sweden may acquire Swedish citizenship on notification if the child has had his or her domicile in Sweden for five years or, if the child is stateless, three years. It can be called into question whether the current requirements concerning the period of domicile are entirely appropriate. In general, children who grow up in Sweden can be expected, after a shorter time than five years, to have such a significant

link with Sweden that it should be possible for them to become Swedish citizens. The current rules and the Inquiry's proposals on the automatic acquisition of Swedish citizenship for certain children born in Sweden may also result in children having widely varying prospects of becoming Swedish citizens. A child will be a Swedish citizen from birth even if the child was born immediately after one of his or her parents met the requirements for the child to automatically acquire citizenship. However, a child who was born in Sweden shortly before the parent met the requirements will generally have to wait five years before he or she can become a citizen on notification. This may be considered particularly unsatisfactory when the differences concern siblings. In light of this, the Inquiry proposes that the period of domicile that is required for acquisition of citizenship on notification be reduced. A two-year period of domicile should apply to stateless children and a three-year period of domicile to other children.

Certain other issues concerning notification of citizenship for children and young people

A person who has reached the age of eighteen but who is not yet twenty may acquire Swedish citizenship on notification if he or she has a permanent residence permit and has had domicile in Sweden since a certain age. Under the United Nations Convention on the Reduction of Statelessness, a contracting state shall – automatically or upon application – grant its nationality to a person born within its territory who would otherwise be stateless. There must be an opportunity to lodge an application during a period beginning not later than at the age of eighteen years and ending not earlier than at the age of twenty-one years. In order for Sweden to meet the requirements of the Convention, the Inquiry proposes that the aforementioned opportunity to acquire Swedish citizenship on notification be available to the individual until he or she has turned twenty-one. This amendment should apply to all those who are currently eligible to lodge notification.

Children who are born in Sweden, who have been stateless since birth and who have their domicile in Sweden and a permanent residence permit may acquire Swedish citizenship on notification. At present, notification must be made before the child turns five. It is important to make it easier for children who are born in Sweden and

who remain stateless to acquire Swedish citizenship on notification. The Inquiry therefore proposes that notification may be made up until the child has turned eighteen.

Information dissemination through the Swedish Migration Board

Currently, only small numbers of guardians of children who meet the requirements for acquiring Swedish citizenship on notification take advantage of this opportunity. The Inquiry proposes that the Swedish Migration Board be instructed to work with the relevant civil society organisations to provide information about the opportunities for children to acquire Swedish citizenship on notification.

Language bonus

The Inquiry was instructed to examine whether citizenship could be used to a greater extent as an incentive to promote integration. The Inquiry proposes that an applicant who has shown that he or she has a certain command of the Swedish language should have the possibility of becoming a Swedish citizen by naturalisation even if his or her period of domicile in Sweden is one year shorter than would otherwise be required (language bonus).

Swedish citizenship and the Swedish language both unite people in Sweden regardless of their background. A language bonus could encourage those wanting to become a Swedish citizen to learn Swedish as quickly as possible. It is important for integration that individuals who live in Sweden have a command of Swedish. Command of the language can also be important when it comes to Swedish citizenship. Having a command of the Swedish language implies that an individual knows about Sweden, is part of Swedish society and has a significant link with Sweden.

The principal rule today is that naturalisation is possible once the applicant has had his or her domicile in Sweden for five years. A four-year period of domicile applies for stateless people and refugees. The period of required domicile for Nordic citizens is two years. An applicant who cannot provide proof of identity 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. The language bonus

should apply to all applicants other than Nordic citizens, for whom a two-year domicile requirement applies. The language bonus means that it will be possible for stateless people and refugees to become Swedish citizens after a three-year period of domicile, and for applicants under the principal rule after a four-year period of domicile. An applicant who is not able to prove their identity but who meets the requirements for the language bonus can be naturalised after having had their domicile in Sweden for seven years.

An applicant should be eligible for the language bonus if he or she has taken Swedish for Immigrants classes or an equivalent course at a folk high school and has achieved a pass for course D. The same applies to those who have taken part in another course, taken an examination or otherwise been tested and thus shown an equivalent command of the Swedish language.

Experiences from the 2001 Citizenship Act, etc.

Period of domicile requirements for naturalisation

The principal rule today is that an applicant may be granted Swedish citizenship by application (naturalisation) once he or she has been domiciled in Sweden for five years. A four-year period of domicile applies for stateless people and refugees. The required period of domicile for Nordic citizens is two years. An applicant who cannot provide proof of identity 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. The Inquiry remit included assessing whether the current domicile requirements are appropriate or whether there are grounds to apply other requirements, e.g. a more uniform system. The Inquiry has concluded that the domicile requirements for naturalisation are appropriate and should not be changed. The aforementioned proposal that it should be possible for an applicant with a certain command of the Swedish language to be naturalised after a shorter period of domicile than would otherwise have been required (language bonus) does not change this assessment.

Requirement for a permanent residence permit for EEA citizens, etc.

Nordic citizens and citizens of other countries within the European Economic Area (EEA), who have right of residence, are not required to have a residence permit to be entitled to reside in Sweden. The same applies to certain family members of these people. The requirements set out in the Act on Swedish Citizenship concerning permanent residence permits do not apply to Nordic citizens. As regards other EEA citizens and certain family members of EEA citizens, permanent right of residence is to be considered equivalent to a permanent residence permit when applying the Act on Swedish Citizenship. As a rule, a person may only be given permanent right of residence after a five-year period of residence in Sweden. This means that in practice these EEA citizens and family members are often not able to acquire Swedish citizenship until after a five-year period of residence in Sweden, even though they meet all the other requirements for the acquisition of citizenship, i.e. the requirement for a period of domicile. The Inquiry therefore proposes that where the abovementioned EEA citizens and family members are concerned, right of residence rather than permanent right of residence is to be considered equivalent to a permanent residence permit when applying the Act on Swedish Citizenship. This means, among other things, that these persons will be able to take advantage of the proposed language bonus and, as regards children, to make use of the proposed reduction in the required period of domicile for citizenship by notification.

Dual citizenship

When the Act on Swedish Citizenship entered into force, the then prevailing principle that dual citizenship should be avoided was abandoned. Many people feel it is important to be able to have another citizenship alongside Swedish citizenship. The Inquiry considers that the reasons given when the Act on Swedish Citizenship entered into force for fully allowing dual citizenship are still valid. No tangible negative consequences other than those that were taken into account at the time have emerged. The interests of the individual in being able to have dual citizenship must therefore continue to be considered to outweigh the disadvantages associated with fully allowing dual citizenship.

Recovery of Swedish citizenship

The Inquiry was instructed to draw up legislative proposals making it possible for former Swedish citizens who lost their citizenship in accordance with the 1950 Citizenship Act when they became citizens of another country to recover their Swedish citizenship. The Inquiry proposes introducing the possibility for these people to recover their Swedish citizenship on notification without time limitations.

Nordic citizens' possibilities of notification

Under Section 18 of the Act on Swedish Citizenship, a citizen of another Nordic country may under certain circumstances acquire Swedish citizenship on notification. However, the current possibility of notifying applies only to those Nordic citizens who have acquired citizenship of the Nordic country in a way other than application (naturalisation). The background of this rule can be found in earlier Nordic agreements on citizenship. Under the current agreement, the contracting states are free to decide whether the possibility of acquiring citizenship on notification should be dependent on the applicant not having acquired citizenship through naturalisation. In the Inquiry's view, there are no grounds for treating naturalised people differently in this context. The Inquiry therefore proposes that the possibility of becoming a Swedish citizen on notification also should apply to those who have acquired citizenship of another Nordic country through naturalisation.

Swedish citizenship and EU membership

The Inquiry was instructed to analyse the consequences for Sweden, in the area of citizenship, of Sweden's EU membership, the Rottman case and other relevant decisions of the Court of Justice of the European Union, and to assess to what extent EU cooperation affects Member States' citizenship legislation and where Sweden should stand with respect to such developments. The Inquiry has made the following assessment. The basic premise is that every Member State is able to determine for itself the conditions for the acquisition and loss of citizenship of that state. However, this authority must be exercised in compliance with EU law. This means that the principle of proportionality must be respected in decisions that affect the rights

granted to EU citizens under EU legislation. There is currently nothing to suggest that Sweden does not meet the requirements that follow from EU law. Therefore, EU cooperation does not require any amendments to Swedish citizenship legislation.

Accession to the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession

The Inquiry's remit included considering whether Sweden should accede to the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession and, if so, drawing up legislative proposals if these are necessary to enable Sweden to accede to the Convention. The Inquiry proposes that Sweden accede to the Convention. Although it is not likely that Sweden will be directly affected by state succession in the foreseeable future, it cannot be ruled out that this will at some point be the case. This possibility and the objective that statelessness must be avoided indicate that Sweden should accede to the Convention. By acceding to the Convention, Sweden will also communicate to other European states that the Convention is an important tool for avoiding future statelessness in relation to state succession. The Inquiry considers that no legislative amendments should be made in connection with accession to the Convention.

Other matters

The Inquiry proposes that the legislative amendments enter into force on April 1, 2015. Certain transitional provisions should apply.

If they are implemented, several of the Inquiry's proposals will involve increased costs primarily for the Swedish Migration Board and the Swedish Tax Agency. These costs should be reimbursed. Moreover, implementing the proposal on citizenship ceremonies will mean costs for Sweden's municipalities. These costs should also be reimbursed. Some proposals will mean increased revenue for the state. Several of the proposals, such as the language bonus proposal, are expected to improve the prospects of achieving the integration policy objective. The proposals on children and young people will mean, among other things, a strengthening of children's right to Swedish citizenship.