



SHEPHERD+ WEDDERBURN

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Guide to obtaining an EU passport



# OBTAINING AN EU PASSPORT

Welcome to our guide to getting a European Union (EU) passport. We hope this will be an interesting and practical resource for individuals who want to find out how to obtain citizenship of one of the 28 EU member states, and for immigration lawyers acting on their behalf.

**For many British citizens, the end of EU membership and, as a consequence, free movement following Brexit is of genuine concern. Since the Brexit vote, thousands of British citizens have applied to become nationals of other EU member states so they can continue to enjoy the right to live and work across the EU.**

Given both its proximity and historical ties, the Republic of Ireland has received the most applications from UK citizens. According to official figures released by the Irish Government in December 2018, its department of foreign affairs received almost 100,000 such applications last year (an increase of 22% on the previous year). The Good Friday Agreement has helped as anyone born in Northern Ireland can choose to be a British citizen, an Irish citizen or both.

So what options exist for UK citizens who do not have an Irish connection and for citizens of other countries? The idea for this project arose over six months ago when a colleague told me that he was applying for Portuguese nationality on the basis that he is a descendant of a Sephardic Jew who fled Portugal during a state-led campaign of persecution known as the Portuguese Inquisition, which took place in the 15th century. This conversation was followed by a series of enquiries from clients looking to find out whether or not they could obtain EU nationality based on both lineage and residence.

It is fascinating to see the differences and similarities across the EU. In some countries citizenship can be obtained automatically at birth or by non-nationals by application (some on the basis of financial investment), while in others it is permitted without

residence through marriage to a national of that country or as a “token of honour” to those that have made a significant contribution to that country. Several countries will grant citizenship to those who are descendants of those who fled Communist persecution and, in a similar vein, others will grant citizenship to those who are descendants of those who fled persecution from the Nazi regime.

Despite the uniqueness of these examples, EU member states have more in common around nationality than they have differences. In every EU member state, a child born to one or more parents with citizenship of that country will acquire citizenship at birth, as will a child of unknown parentage found on the territory. Another area of commonality is the process of naturalisation, with every member state requiring a set period of residence, most requiring knowledge of the official language and most requiring demonstration of that country’s customs and culture.

This project would not have been possible had it not been for the enthusiasm of our fellow lawyers from across Europe and their willingness to provide the individual entries for their jurisdictions.

On behalf of everyone who has collaborated on this project, we hope that readers will find it informative, whether they are embarking on a journey to obtain citizenship or are interested in this as a comparative exercise.

**Jacqueline Moore**  
Head of Immigration, Shepherd and Wedderburn LLP



# FRANCE

PARIS ✓ DUAL CITIZENSHIP

Unlike other European countries whose nationality laws rely on lineage (jus sanguinis), France has maintained nationality rights based on a mixture of territorial (jus soli) and lineage ties.

Consequently, French nationality can result from:


- attribution by lineage or by birth in France to at least one parent who was born in France; or
- acquisition by right (for example, birth and residence in France, under some conditions), by declaration (for example, marriage to a French spouse) or by decree of naturalisation.

The attribution of French nationality by lineage may be interrupted and subsequently lost when a French national is absent from France for a protracted period and does not maintain ties with the country.


## AUTOMATIC CITIZENSHIP AT BIRTH







A child will be a French citizen if they:

- have at least one French parent;



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<b>POPULATION</b> 67 million 	<b>SIZE</b> 644,000 km <sup>2</sup> 	<b>CURRENCY</b> Euro 
<b>OFFICIAL LANGUAGE</b> French 	<b>HOURS OF SUNSHINE (DAILY AVERAGE)</b> 5.5 hours 	<b>PDO FOOD PRODUCTS</b> Brie, Champagne 

- were born in France with at least one foreign parent who was born in France; or
- were born in France before January 1994 and have at least one parent born in a former overseas French territory (before its independence).

## CITIZENSHIP OBTAINED BY APPLICATION

### BIRTH AND RESIDENCE IN FRANCE

A child born in France with foreign parents may obtain French nationality. Depending on the child's age, the conditions to be met and the procedure are different, but residence in France is mandatory in all cases.

### DECREE OF NATURALISATION

The main requirements to naturalise are:

- lawful residence – no one can acquire French citizenship if they are residing illegally in France;
- duration of the stay (condition de stage) – an applicant must have resided in France for a minimum period of five years prior to submitting their application (unless an exemption applies; which can reduce the residence requirement to two years);
- domicile of citizenship (domicile de nationalité) – the applicant must have a permanent residence in France. Case-law has established that this means that an applicant must have family and personal ties in France in addition to having their financial assets based in France; and
- good character and integration into the French community – there is a 'good character' assessment. An applicant can be refused if they have a criminal conviction. An applicant must also pass a French language exam, and have a basic understanding of French history, culture and society.

### DECLARATION OF CITIZENSHIP ON THE BASIS OF MARRIAGE TO A FRENCH NATIONAL

Under the 'Loi Sarkozy', a foreigner living in France who has been married to a French citizen for four years can acquire French citizenship by declaration, as long as the couple has resided in France continuously for three years.

If the married couple live outside France and the French spouse has not been registered for at least four years on the French consular registers, a five-year waiting period is required before the declaration can be made.

In addition to the many documents required to prove both the applicant's identity and nationality and the spouse's French nationality, the spouse must speak, read, and write at least basic French. They need to make a "déclaration de nationalité" and go to the Consulate for an interview.

## → IN A ROUNDABOUT WAY

Over half the world's roundabouts (30,000) are in France.



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