

Information note

Proposal for Constitutional amendment and legislation concerning the issue of the Irish citizenship of children of non-national parents

Background to Proposal

1. The Programme for Government contains the following statement:

"We will keep under review the number of applications from non-nationals to remain in the State on the basis of parentage of an Irish-born child and initiate all-party discussions on the issue of such constitutional or other measures which might be required."

This document outlines the results of the Government's review of this matter and the details of the current proposals to address this issue.

2. The Minister and the Government has been keeping this issue under review, in particular in relation to the outcome of the Supreme Court judgement of 23 January 2003 in the cases of L&O which clarified the position of the non-national parents of Irish born children. The Government's strategy for the handling of claims for leave to remain in the State on the basis of an Irish born child in the light of the Supreme Court judgement was announced on 17 July 2003. This followed detailed consideration of the issues in the Minister's Department, discussions with the Attorney General on the legal issues and discussions with the Department of Finance on the resources issues arising.

3. The strategy confirmed that there would no longer be a separate process for considering claims from non-national parents for leave to remain in the State on the basis of the birth of a child in Ireland. Such claims would not be considered where they came from parents (including asylum seekers) who had an alternative legal basis for remaining in the State. Claims from persons who did not have a legal basis for remaining in the State would only be considered in the context of representations on a Ministerial proposal to deport them. On 18 July 2003 a notice was published setting out the details of this policy as regards those persons whose claims had not been processed to finality.

Action on foot of Government strategy

4. Following the announcement of the Government's policy and the publication of the notice on 18 July 2003, the Department began an initial processing of claims. Between 18 July and the end of December 1108 letters were sent to persons with an alternative legal basis for remaining in the State informing them that there was no longer an "Irish born child" status and that their claims would not be considered. Some 358 letters were sent to persons without such a legal basis for residence informing them that the Minister was considering deporting them.

5. Additional staff are being provided for the implementation of the Government's strategy - 150 additional staff sanctioned by the Department of Finance are gradually being assigned by way of a levy on other Government Departments. These staff will use

accommodation in Lower Grand Canal Street.

6. The Department has also agreed a new voluntary return programme with the International Organisation for Migration (IOM) which aims to assist families where non-national parents have claims for leave to remain in the State on the basis of their parentage of an Irish born child. It will operate for a period of 6 months commencing on 1 November and there is an incentive in the form of assistance for reintegration of the families into the parents' countries of origin. This will not be a cash payment, but rather training and other assistance.

Asylum Reapplications

7. As most of the applicants for leave to remain on the basis of an Irish born child are persons who have withdrawn from the asylum system, there was an expectation that a significant number of these would seek to reapply for asylum so as to prolong their stay in the State. Between 18 July and the end of December 2003, 203 persons had reapplied for asylum having previously withdrawn because of the birth of a child in Ireland. Of these 62 were persons who had been the subject of a letter informing them that the Minister was considering deporting them. The monthly breakdown is as follows :

| July (18/7 to 31/7 incl) | August | September | October | November | December |
|--------------------------|--------|-----------|---------|----------|----------|
| 56 | 96 | 28 | 12 | 9 | 2 |

8. It is likely that, as the new staff commence processing cases, the number of reapplications will increase. Applications for leave to remain from persons with current asylum claims will not be dealt with until the asylum claim has been determined. Where refugee status is not granted, the issue of the Irish born child will be a factor in considering whether the person should be deported or granted leave to remain based on humanitarian factors.

What effect has the strategy had in reducing the attraction for illegal migration?

9. It is now over twelve months since the Supreme Court Judgement in L&O. The Minister ceased accepting new applications for leave to remain from the parents of Irish born children over eleven months ago. The strategy for the handling of the outstanding cases has been operating since the announcement of the Government decision in July. There has been a reduction in asylum applications in the period since January 2003 as set out below (figures including reapplications) :

| Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|
| 988 | 961 | 903 | 671 | 604 | 661 | 647 | 655 | 611 | 496 | 395 | 347 |

10. While the outcome of the Supreme Court judgement and the implementation of the Government strategy published in July have been a significant factor in this reduction, there were several other key developments this year which also impacted on the overall reduction in asylum applicants (with a consequent carry through to the Irish born child issue). These included :

- the elimination of rent supplement for asylum seekers,

- the introduction of sanctions for the employment of illegal immigrants in the Employment Permits Act 2003 in April 2003,
- the introduction of carriers liability in September 2003,
- changes in asylum legislation such as the introduction of the "safe country of origin" concept in September 2003, and
- ongoing operational strategies in relation to illegal immigration.

The reduction in asylum numbers attributable solely to the developments on the Irish born child issue is therefore impossible to determine.

Current situation

11. As regards the number of asylum applicants who arrive in the State while pregnant, the data available from the Office of the Refugee Applications Commissioner show that over the past year, the number of asylum seekers pregnant at the time of application was almost 60% of the number of female asylum seekers aged 16 years and over. Details are set out in appendix 1. The figures in relation to new applications only (excluding reapplications from persons who had withdrawn from the asylum system and subsequently reapplied) are available for only 6 months (July to December 2003). While the total number of asylum seekers has dropped, the proportion of women who are pregnant remains very high. The rate of pregnancy is largely unchanged, averaging 57% of women aged over 16 years for the 6-month period. This compares with averages of 58% in the period March-December 2002 and 61% in January-June 2003. It is clear from these figures that there has been no significant change in the situation since the Supreme Court judgement and the implementation of the Government strategy on foot of it.

12. However, recent trends have indicated that the scale of the problem is even greater outside of the asylum seeker framework, with very large numbers of non-EEA nationals now coming to Ireland to give birth. The Minister has been informed of the growing concern among health care professionals about the rate of non-nationals coming to Ireland to give birth and the strains which this is placing on services. Data supplied by the Masters of the three Dublin Maternity Hospitals show that those hospitals alone have had 2,816 births to non-nationals in the first six months of last year. The total figure for births to non-nationals for the three Dublin Maternity Hospitals for 2003 was 4,824. The percentage of such births was between 20% and 25% of the total number of births in public hospitals in the Dublin area. The Minister has been informed that this trend has not substantially abated since the Supreme Court decision in the L&O cases. When births in other hospitals, in particular, Drogheda, are taken into account, the national figures are likely to be even higher. The Dublin maternity hospitals estimate that two thirds of the births to non-nationals last year will have been to persons other than asylum seekers, many of whom follow the pattern of a very late arrival in the State to give birth.

13. There are broader, and indeed profound, implications for health and social policy in the figures mentioned above—both in terms of short-term pressure on maternity services and medical services generally and in medium- and long-term patterns of social provision and expenditure. There are also very obvious implications for the future of Irish immigration policy and for the maintenance of the integrity of Irish law on immigration and residence.

14. The Supreme Court judgement in the cases of L&O brought a valuable clarification

of the position as regards the entitlements of non-national parents of an Irish born child to remain in the State. The actions undertaken on foot of it have had some effect in lessening the attraction of illegal migration to Ireland. However, expectations that the number of non-national births in Ireland would drop significantly after L&O have not been fulfilled. Two out of three non-nationals births are to persons other than asylum seekers. The prospect of Irish citizenship (and thus EU citizenship) for children born here seems to have an attraction independent of possible parental residence.

The situation internationally

15. The feature of Irish citizenship law which grants an entitlement to citizenship to all persons born on the island of Ireland is unique in the European Union, and unusual world-wide. Most other countries have laws whereby citizenship is acquired by descent from an existing citizen, with place of birth either wholly or largely irrelevant. This makes Ireland an attractive target destination for persons wishing to establish residence in the EU and with no other basis, or a less certain basis, for doing so elsewhere. All other Member States of the EU either provide citizenship to the child of a citizen or permanent resident only or else provide citizenship to a child born on its territory only after a period of residence in the state concerned and / or after attaining a certain age.

16. The most recent survey of the situation in a range of other states is contained in the recent IOM Report of an International Comparative Study of Migration Legislation and Practice, which was commissioned by this Department as part of the development of comprehensive new immigration legislation and was published in August 2002. The relevant extract from the IOM report is attached in appendix 2. It should also be noted that a number of other states have amended their law to exclude the possibility of the children of illegal immigrants obtaining citizenship by birth on the territory of the state (UK 1981, Australia 1986). It is clear from the report that within the European Union, Ireland is the only State where citizenship can be achieved primarily through birth within the State.

17. The fact remains that a non-national becoming the parent of a child born in Ireland attracts greater entitlements than would be the case if they were present in any other Member State of the European Union - in terms of the child's entitlement to Irish and European citizenship and the perceived benefits of this for the parents now or in the future. This will inevitably remain an attraction for non-nationals to come to Ireland to give birth, placing strains on our hospital services, attracting illegal immigration and creating long-term commitments for the State.

Options for change

18. The Government has considered two broad strategic options for changing the current situation to discourage non-nationals from having children here in the expectation of Irish citizenship (and EU citizenship) for their children : to legislate based on the current constitutional provisions; or, alternatively, to promote a constitutional referendum to allow for a significant legislative change.

The legislative option

19. This option would attempt to legislate as far as possible in a manner which would exclude from automatic Irish nationality and citizenship any person who was born in Ireland to parents neither of whom was or was entitled to be an Irish citizen at the time of

the persons birth, subject to such exceptions as might be provided for in the statute (including the obligation to avoid statelessness). In view of the current constitutional provisions this option is not considered viable.

The Constitutional amendment option

20. It is considered that an amendment to the Constitution is capable of addressing this issue. A range of possibilities for such change has been considered. It has been borne in mind that it would be desirable that such change should not involve a direct amendment to Article 2. The proposal therefore is to amend Article 9 of the Constitution to provide that the entitlement to Irish citizenship of children born in Ireland to non-national parents neither of whom are entitled to citizenship would be a matter to be determined in accordance with law. This would provide a firm constitutional basis for the necessary legislation.

Legislation to accompany constitutional change

21. The legislation to accompany constitutional change will be carefully drafted to achieve the following aims :

- (1) restriction of the right to Irish citizenship to Irish born children whose parents are non-nationals to cases where one parent has been legally resident in Ireland for a substantial period,
- (2) entitlement to citizenship where that is necessary under international law to avoid statelessness,
- (3) to set out the manner in which the "substantial residence" period of relevant British, EU national and non EU national parents could be verified,
- (4) a partial curtailment of the existing citizenship provisions at s. 13 of the 1956 Act in relation to persons born on Irish registered vessels or aircraft wherever they may be (though a change of this nature could be brought about even in the current constitutional context)
- (5) to take the opportunity to address the substance of Senator Feargal Quinn's Private Member's Bill, the principle of which has already been accepted by Government, to address the issue of investment based naturalisation (no constitutional change needed)

Parents may of course, acting on behalf of a minor Irish born child who is not entitled to citizenship under these provisions, continue to apply for naturalisation on behalf of that child under the existing legislation.

It is intended to outline such legislative changes in the context of the referendum as has been done on other occasions.

Appendix 1

Data in relation to permission to remain in the State on the basis of an Irish born child

1) Applications for leave to remain on the basis of having an Irish born child from current and former asylum seekers

1.1 Applications received by month:

A table of applications received from current and former asylum seekers on a monthly basis since January 2001 is shown below.

| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec | Total |
|-------------|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-------|
| 2001 | 416 | 161 | 354 | 316 | 517 | 403 | 500 | 655 | 634 | 547 | 744 | 677 | 5924 |
| 2002 | 936 | 625 | 421 | 577 | 621 | 429 | 419 | 594 | 409 | 559 | 542 | 417 | 6549 |
| 2003 | 721 | 261 | 0* | 0* | 0* | 0* | 0* | 0* | 0* | 0* | 0* | 0* | 982 |

* none accepted

At 31 December 2003, there were 8,655 applications on hand from current and former asylum seekers.

1.2 Comparison of asylum applications with asylum Irish born child applications:

In the year 2002, 6,549 applications for leave to remain were received - over 545 per month. When compared with the figure for all asylum applications in the same period, 11,634, Irish born child applications from current or former asylum seekers were running at 56% of the level of asylum applications.

The trend in asylum applications in 2003 was downwards with a 32% reduction in the number of applications in 2003 (7,939) compared to 2002 (11,634). Since January 2003, the month of the decision of the Supreme Court in the cases of L & O, there has been a steady decrease in the number of asylum applications received. While it is not possible to say that this decrease is as a direct result of the Supreme Court decision, it is reasonable to assume that it has had some impact.

1.3 Withdrawals from the asylum system:

The number of withdrawals from the asylum process on the basis of having a claim for leave to remain as the parent of an Irish born child averaged 332 cases per month during 2001. This rose to an average of 469 cases per month in 2002 with 5,622 persons withdrawing. This represented almost half of the average number of applications per month.

In 2003, the number of withdrawals from the asylum process dropped sharply, from 491 persons withdrawing in January to only 3 persons in December.

1.4 Re-entry to the asylum system:

Since the Supreme Court decision of 23 January 2003 in the case of *L and O*, persons who had previously withdrawn their application for asylum in order to apply for permission to remain as a

parent of an Irish born child have sought to re enter the asylum system and figures are set out below.

| Jan (23/1 - 31/1) | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec |
|-------------------------|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|
| 2 | 14 | 58 | 32 | 28 | 11 | 66 | 96 | 28 | 12 | 9 | 2 |

2) Applications for leave to remain on the basis of having an Irish born child from persons other than asylum seekers

2.1 Applications received by month:

A table of applications received from persons other than asylum seekers on a monthly basis since January 2001 is shown below.

| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec | Total |
|-------------|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-------|
| 2001 | - | - | 92 | 54 | 76 | 55 | 62 | 85 | 17 | 65 | 70 | 70 | 646 |
| 2002 | 165 | 140 | 138 | 150 | 201 | 149 | 162 | 219 | 166 | 217 | 218 | 146 | 2071 |
| 2003 | 324 | 127 | 0* | 0* | 0* | 0* | 0* | 0* | 0* | 0* | 0* | 0* | 451 |

* none accepted

The increase in applications over the last year reflects the increasing numbers of non-nationals legally resident in the State. At 31 December 2003, there were 916 such applications on hand.

3) Miscellaneous information

3.1 Pregnant asylum applicants

Information made available to the Office of the Refugee Applications Commissioner indicates that over the past year the number of asylum seekers pregnant at the time of application was around 58% of the number of female asylum seekers aged 16 years and over. See figures below.

Figures for Pregnant Female Asylum Seekers

All Applications - new applications and applications from persons who had withdrawn from the asylum system and subsequently reapplied

| | Total applications | Total female applications | Applications from females over 16 years | Number stated pregnancy | % total females pregnant | % females over 16 pregnant |
|--------------|--------------------|---------------------------|---|-------------------------|--------------------------|----------------------------|
| 2002: | | | | | | |
| March | 932 | 476 | 384 | 179 | 38% | 47% |
| April | 888 | 464 | 384 | 224 | 48% | 58% |
| May | 795 | 411 | 346 | 203 | 49% | 59% |
| June | 869 | 423 | 339 | 198 | 47% | 58% |
| July | 1133 | 557 | 454 | 249 | 45% | 55% |
| August | 995 | 523 | 414 | 254 | 49% | 61% |
| September | 1199 | 603 | 483 | 243 | 40% | 50% |
| October | 1148 | 582 | 466 | 280 | 48% | 60% |
| November | 984 | 515 | 403 | 261 | 51% | 65% |

| | | | | | | |
|----------------------------|-------|------|-------------|------|-----|------------|
| December | 1090 | 563 | 457 | 312 | 55% | 68% |
| Total - Mar/Dec '02 | 10033 | 5117 | 4130 | 2403 | 47% | 58% |
| 2003: | | | | | | |
| January | 979 | 502 | 433 | 282 | 56% | 65% |
| February | 947 | 481 | 393 | 257 | 53% | 65% |
| March | 892 | 477 | 390 | 225 | 47% | 58% |
| April | 667 | 340 | 286 | 180 | 53% | 63% |
| May | 604 | 299 | 251 | 147 | 49% | 59% |
| June | 661 | 335 | 275 | 155 | 46% | 56% |
| July | 647 | 322 | 256 | 135 | 42% | 53% |
| August | 655 | 331 | 271 | 130 | 39% | 48% |
| September | 611 | 295 | 234 | 119 | 40% | 51% |
| October | 496 | 246 | 194 | 103 | 42% | 53% |
| November | 395 | 181 | 152 | 81 | 45% | 53% |
| December | 347 | 151 | 135 | 79 | 52% | 59% |
| Total - Jan/Dec '03 | 7901 | 3960 | 3270 | 1893 | 48% | 58% |

New Applications only

| | Total applications | Total female applications | Applications from females over 16 years | Number stated pregnancy | % total females pregnant | % females over 16 pregnant |
|-----------------------------|--------------------|---------------------------|--|-------------------------|--------------------------|-----------------------------------|
| 2003: | | | | | | |
| July | 754 | 271 | 213 | 133 | 49% | 62% |
| August | 550 | 265 | 217 | 128 | 48% | 59% |
| September | 580 | 277 | 218 | 117 | 42% | 54% |
| October | 478 | 236 | 186 | 102 | 43% | 55% |
| November | 385 | 176 | 148 | 80 | 46% | 54% |
| December | 341 | 148 | 132 | 78 | 53% | 59% |
| Total - July/Dec '03 | 2908 | 1373 | 1114 | 638 | 46% | 57% |

3.2 Births to non-nationals in the State

Statistics on the nationality of mothers of children born in the State have not been collected in a systematic way in the past. However, maternity hospitals have begun to collect such data. Data collected by the Reception and Integration Agency from the Dublin maternity hospitals recently showed that an average of **1 out of every 5 children now born in Dublin has a non-EU national mother**. It is clear that the citizenship entitlements of children born in Ireland and the resulting claims to residence by their parents has been the single most important factor in bringing non-EU nationals to Ireland to give birth.

3.3 Situation in maternity hospitals

The situation is a cause of serious concern to the maternity hospitals, in Dublin in particular. The Masters of the Dublin maternity hospitals have repeatedly expressed their concerns at the numbers of non-national mothers giving birth in Dublin. Figures quoted for the period January to June 2003 show that of the total number of births in the Dublin maternity hospitals (11,601) some 2,816 or 24.3% were to non-national mothers. At present their major concern is the rise in births to non-national mothers other than those in the asylum system. Anecdotal evidence suggests that many women are travelling from the UK in the later stages of pregnancy. This creates difficulties for hospital staff, in particular in terms of an unpredictable workload and dealing with persons with no medical history in the State. The situation outlined by the Masters was also the subject of a report undertaken by the Reception and Integration Agency in conjunction with the Northern Area Health Board. This report cited difficulties for the Dublin maternity hospitals in relation to—

- having to deal with unpredictable workloads—many arrive as late bookings;
- dealing with persons with no medical history in the State and who arrive in late stages of pregnancy, including dealing with relatively high levels of HIV and other illnesses;
- dealing with patients with little knowledge of English and where there may also be cultural issues causing practical difficulties.

As well as the additional stress on hospital staff, these cases were also very resource intensive and were a significant additional burden on hospital resources—the National Maternity Hospital alone estimated additional costs of almost €0.5m for 2002.

Appendix 2

NATIONALITY

| | Rights of a child born to non-nationals | Marriage between a citizen and a non-national |
|------------------|--|--|
| <i>Australia</i> | A child acquires Australian citizenship if one of the parents is either an Australia citizen or a permanent resident. A child born to parents illegally in the country has no claim to citizenship and may be removed with the parent/s in accordance with normal removal procedures. | A Spouse Temporary Visa is issued to a spouse of an Australian citizen/resident. Required conditions for acquiring this visa include minimum 12 months spouse relationship and the proof of a genuine relationship. No preferential provision for the spouses of Australian citizen/residents for acquiring citizenship. |
| <i>UK</i> | Prior to 1 January 1983, almost every child born in the United Kingdom was a citizen of the United Kingdom and Colonies. Under the British Nationality Act 1981, a child born in the United Kingdom on or after 1 January 1983 will be a British citizen if either the father or the mother is a British citizen or is legally settled in the UK ²⁰ . If neither parent is a British citizen or legally settled in the UK the child will not be a British citizen at birth. | A Settlement Visa is available for non-UK national marrying a British citizen or a person with permanent residency in the UK. The visa is valid for one year and candidates are usually interviewed. If the marriage is subsisting at the end of that year, then an application can be made to the Home Office for permanent residency. An application for British citizenship can be made after having been in the UK for three years if married to a British citizen (or five years if married to a non-British citizen). |
| <i>USA</i> | A child born in the US is entitled to | The spouse is given 90 days entry status and |

| | | |
|--------------------|--|--|
| | <p>US citizenship. The parents do not get citizenship unless they have some legal basis for obtaining legal permanent resident status/otherwise meet the naturalisation eligibility requirements. The parents can take the child with them when they leave the country or arrange for someone to take care of the child in the US²¹</p> | <p>given conditional permanent residence status based on marriage. The condition can be removed when re-interviewed two years later to make sure that the marriage is valid.</p> <p>The US offers naturalisation to spouses of US citizens three, rather than the more typical five, years after admission as a permanent resident. The US has marriage fraud provisions that help deter marriages made solely for immigration purposes.</p> |
| <i>New Zealand</i> | | <p>Visitor visa can be issued to fiancée/ fiancé of a New Zealand citizen and resident. If foreign nationals are married to a New Zealand citizen or resident, a New Zealand spouse can apply for a permanent visa provided that his/her foreign spouse meets HYPERLINK "/migration/home.html" \l "do-i-need-a-medical-certificat"health and character requirements. New Zealand citizens and residents who have sponsored two or more spouses, have applied for spouse sponsoring within the last 5 years, or have a record of domestic violence are not eligible to apply for visa for spouses. After two years residency, the spouse is eligible for NZ citizenship.</p> |
| <i>France</i> | <p>A child born in France to foreign parents automatically becomes a French national at the age of majority (18). If a child is over 13, he/she can also attain citizenship with the parent's consent. If over 16, a request can be made for nationality. A third generation immigrant born in France is automatically entitled to French nationality.</p> | <p>Resident permit is given to foreigners married for at least one year rather than the usually 3 years to a French national, provided that the marriage is still subsisting, and that the spouse has maintained French nationality. An undocumented foreigner marrying a French national can not acquire French citizenship.²² Foreign spouse may acquire naturalisation papers after two years. Within a year, the authority has the right to oppose the naturalisation process. France maintains strict measures against marriage of convenience.</p> |
| <i>Germany</i> | <p>If one parent has been a legal resident in Germany for at least 8 years permanently and has a permanent resident permit, children acquire German citizenship at the parent's request.²³</p> | <p>Aliens fulfilling the following requirements can be naturalised on request with the requirement of legal permanent residence for at least eight years.²⁴</p> |
| <i>Denmark</i> | <p>A child of non -Denmark citizen will not receive nationality at birth. Since 1999, young foreigners aged 18-23 with minimum 10 years of residence in Denmark (5 years within the last 6 years) can request naturalisation.</p> | <p>While seven years consecutive residency is required for a foreigner applying for naturalisation, a foreign spouse married to a Danish citizen can do so after 4-6 years of residence (depending on the length of marriage). Renunciation of previous nationality is required. More relaxed provisions for Nordic, or EU citizens are available.</p> |
| <i>Sweden</i> | <p>A child born to non-Swedish parents</p> | <p>Five consecutive years of residency for a</p> |

| | | |
|---------------|---|--|
| | does not acquire nationality at birth. It is accessible by making a declaration when a child is between 21-23 years old. ²⁵ | foreigner, but exception can be made for applicants marrying to Swedish citizen. More relaxed provisions for a Nordic or EU citizen. Previous citizenship will be lost. |
| <i>Spain</i> | Spain does not grant Spanish citizenship to a child born to non-Spanish citizens. A child can gain citizenship during the age of 18-20 by declaration. Residence requirement is a minimum of 1 year. A third generation foreigner is granted citizenship if one of the parents also is born in Spain. | A spouse of a Spanish national can acquire Spanish nationality after a one-year preferential period. In order to avoid marriage of convenience, applicants are requested to prove the authenticity of the marriage (no <i>de facto/de juri</i> separation). |
| <i>Greece</i> | No entitlement to nationality on birth. When a child reaches 18, he/she can apply for naturalisation. The requirement that the applicant must lodge their naturalisation application 5 years prior does not apply to a Greece-born child. Naturalisation is not a right, but based on discretion. | There is a relaxed naturalisation requirement for spouses. |
| <i>Italy</i> | With continuous residence since birth, a child can apply for Italian citizenship at the age of 21. | Since 1992, spouses married to an Italian no longer receive automatic citizenship, however the spouse is entitled to apply for citizenship after six months residency in Italy, or three years of marriage. |

20 Special consideration applies where a child's parents are EEA nationals who are exercising Treaty rights under European Community law.

21 Further, immigration judges have held that having a US citizen child is no bar to deportation. It may be a basis for obtaining a waiver of deportation only if the deportable alien has been in the US for more than 10 years and the deportation would cause extraordinary harm to the US citizen child. The US citizen child does not have the right to sponsor the parent until the child is 21 years of age.

22 When a couple applies to get married and one of them is an undocumented foreigner, the marriage can be postponed and investigated. The undocumented foreigner may be asked to leave France or be deported.

23 These children usually acquire the citizenship of their parents. Between ages 18-23, they have to opt for one or the other citizenship, dual citizenship is accepted only in exceptional circumstances and requires special procedures

24 However, spouses and children under age meeting extra requirements may be naturalised without fulfilling the minimum residence time, such as possession of a resident permit, no conviction of a major crime.

25 Requirements are 5 years of residency before the age of 16, and additional permanent residence between the age of 16-21. By the provision of Nordic Agreement of 1969, the period of residency in other Nordic countries is recognized by any Nordic countries at the acquisition of nationality (valid only the period spent before reaching 16 years old)