

UNOFFICIAL TRANSLATION

(Date of release 1 February 1995)

LAW ON CITIZENSHIP

Adopted by the Riigikogu on 19 January 1995

Proclaimed as Law by the President of Estonia

31 January 1995

CHAPTER I

General Provisions

Article 1.

(1) An Estonian citizen shall be any person who at the time this Law enters into force is an Estonian citizen or any person who has acquired, received or restored Estonian citizenship on the basis of this Law.

(2) An Estonian citizen may not simultaneously be the citizen of another state.

Article 2. Acquisition, Receipt, Restoration and Loss of Estonian Citizenship

(1) Estonian citizenship:

- 1) shall be acquired by birth;
- 2) shall be received through naturalization;
- 3) shall be restored to any person who has lost Estonian citizenship as a minor;
- 4) shall be lost through release from or revocation of Estonian citizenship or upon acceptance of the citizenship of another state.

(2) Estonian citizenship shall be acquired, received, restored and lost under the conditions and according to the procedures established in this Law.

Article 3. Avoidance of Multiple Citizenship

Any person who by birth in addition to Estonian citizenship acquires the citizenship of another state must within three years after attaining the age of eighteen years renounce either Estonian citizenship or the citizenship of another state.

Article 4. Citizenship Certificate

(1) Every person who receives Estonian citizenship or to whom it is restored shall be issued a citizenship certificate in accordance with procedures established in this Law.

CHAPTER II

Conditions for Acquiring and Receiving Estonian Citizenship

Article 5. Acquiring Estonian Citizenship by Birth

(1) Estonian citizenship shall be acquired by birth by:

- 1) any child whose at least one parent is an Estonian citizen at the time of the child's birth;
 - 2) any child who is born after the death of his or her father, if the father at the time of his death was an Estonian citizen.
- (2) Any child found in Estonia, whose parents are unknown, shall, at the request of the child's legal guardian or a guardianship agency, be recognized by a court of law to have acquired Estonian citizenship by birth, if it is not proven that the child is the citizen of another state.
- (3) No person may be deprived of Estonian citizenship acquired by birth.

**Article 6. Conditions for Receiving Estonian
Citizenship**

An alien who wishes to receive Estonian citizenship must:

- 1) be at least fifteen years of age;
- 2) have lived in Estonia on the basis of a permanent residence permit for no less than five years prior to the date on which an application for Estonian citizenship is submitted and for one year from the date following the date of registration of the application;
- 3) have knowledge of the Estonian language in accordance with the requirements established in Article 8 of this Law;
- 4) have knowledge of the Estonian Constitution and the Law on Citizenship, in accordance with the requirements established in Article 9 of this Law;
- 5) have permanent lawful income sufficient to support himself or herself and his or her dependents;

- 6) be loyal to the state of Estonia;
- 7) take an oath: "In applying for Estonian citizenship, I swear to be loyal to the constitutional state system of Estonia".

Article 7. Permanent Lawful Income

The following shall be considered as permanent lawful income:

- 1) lawfully gained income from employment, service or a contract or membership arising from civil law;
- 2) income received from lawful commercial activity or property;
- 3) pension payments;
- 4) stipends;
- 5) living allowance;
- 6) state support payments, including unemployment benefits and child support benefits;
- 7) support from a family member with permanent lawful income in Estonia.

Article 8. Requirements and Assessment of Knowledge of the Estonian Language

- (1) For the purposes of this Law, knowledge of the Estonian language shall be a general knowledge of the Estonian language, required for day to day life.
- (2) The requirements for knowledge of the Estonian language shall be as follows:
 - 1) listening comprehension (official statements and announcements; notices of danger and warnings, news, description of events and

- explanations);
- 2) conversation (conversation and narration, use of questions, explanations, assumptions and commands, expressing one's opinion, expressing one's wishes);
- 3) reading comprehension (public statements and announcements, public notice, news, sample form, journalistic article, message, catalogue, user's instructions, traffic information, questionnaire, report, guidelines);
- 4) writing (applications, letter of authority, letter of explanation, curriculum vitae, questionnaire, standard form, completing a test).
- (3) Knowledge of the Estonian language shall be assessed through an examination. Procedures for holding the examinations shall be established by the Government of the Republic.
- (4) A certificate shall be issued to all persons who successfully complete the examination.
- (5) Any person who has completed basic, secondary or higher education in the Estonian language shall not be required to complete the examination.

Article 9. Requirements for and Assessment of Knowledge of the Constitution and the Law on Citizenship

- 1) Any person who wishes to receive Estonian citizenship must have a knowledge of:

- 1) the general precepts of Estonians state system, as
 - 2) established in Chapters I and III of the Republic of Estonia Constitution;
 - 3) the basic rights, freedoms and duties of all
 - 4) persons as established in Chapter II of the Republic of Estonia Constitution;
 - 5) the authority of the Riigikogu, the President
of the Republic, the Government of the Republic and the Courts as established in the Republic of Estonia Constitution;
 - 6) the conditions and procedures for acquiring,
receiving, restoring and losing Estonian citizenship in accordance with the Law on Citizenship.
- (2) Knowledge of the Constitution and the Law on Citizenship shall be assessed through an examination, which shall be held in the Estonian language. Procedures for holding the examination shall be established by the Government of the Republic.
- (3) A certificate shall be issued to all persons who successfully complete the examination.

Article 10. Receiving Estonian Citizenship for Special Service

- (1) The requirements established in points 2-4, Article 6 of this Law may be disregarded in regard to a person who is

lawfully and permanently in Estonia and who has performed a special service to the state of Estonia.

(2) Special service shall be accomplishments in science, culture, sports or some other sphere, which have contributed to Estonians international reputation.

(3) Estonian citizenship for special service may be given to no more than five persons in any one year.

(4) Any member of the Government of the Republic may make a proposal to grant Estonian citizenship for special service.

(5) The granting of Estonian citizenship for special service must be justified by the Government of the Republic.

Article 11. Permanent Residence in Estonia

For the purposes of this Law, permanent residence in Estonia shall be the lawful stay in Estonia for no less than one hundred and eighty-three days in a year, whereby absence from Estonia may not exceed ninety consecutive days.

Article 12. Documents to be Submitted for Receiving Estonian Citizenship

(1) To receive Estonian citizenship, a person shall submit an application for Estonian citizenship, personally written in Estonian, which shall include the following:

- 1) given name and surname;
- 2) information on any changes to the given name or surname;
- 3) date and place of birth;
- 4) native language;

- 5) citizenship;
 - 6) place of residence;
 - 7) oath, in accordance with point 7, Article 6 of this Law;
 - 8) signature.
- (2) In addition to the application, the person shall submit:
- 1) two photographs (4 x 5 cm);
 - 2) documents attesting to identity and citizenship;
 - 3) a document attesting to the fact that the person is in Estonia in accordance with the conditions established in this Law;
 - 4) a personally written curriculum vitae, in Estonian, which indicates the applicant's employment history, the date and circumstances under which the applicant entered Estonia, persons who entered with the applicant, marital and parental status and any changes therein which occurred during residence in Estonia, all previous places of residence in Estonia, data on immediate family members, the applicant's relations with military, intelligence or security organizations of foreign states; For a person born in Estonia, the date and circumstances under which the person's parents settled in Estonia;
 - 5) documents attesting to education and employment history;
 - 6) proof of lawful permanent income;
 - 7) certificate attesting to knowledge of the Estonian language, in accordance with Article 8 of this Law or proof of completion of basic, secondary or higher Education in Estonian;
 - 8) certificate attesting to knowledge of the Constitution and the Law on Citizenship, in accordance with Article 9 of this Law;
 - 9) receipt of payment of the state fee.

CHAPTER III

Conditions for Receiving Estonian Citizenship as a Minor

Article 13. Receipt of Estonian Citizenship as a Minor

(1) A minor under the age of fifteen years shall receive Estonian citizenship if such application is made by the minor's parents who are Estonian citizens, or on the notarized agreement of a parent who is an Estonian citizen and a parent who is not an Estonian citizen, or by the single parent of a minor or the adoptive parent, who is an Estonian citizen, of a minor.

(2) Any minor under the age of fifteen years for whom an application for Estonian citizenship is made in accordance with paragraph 1 of this Article must reside in Estonia permanently and must be released from his or her current citizenship or be recognized as a stateless person or it must be proven that the minor shall be released from his or her current citizenship upon receipt of Estonian citizenship.

(3) Any minor under the age of fifteen years, whose parents are deceased, have been declared missing persons or declared mentally incompetent, or whose parents have been deprived of their parental rights, shall receive Estonian citizenship on the application of a guardianship agency or the minor's legal guardian, who is an Estonian citizen, if

the minor is in Estonia permanently and it is not proven that the minor is the citizen of another state or it is proven that the minor shall be released from the citizenship of another state upon receipt of Estonian citizenship.

Article 14. Receipt of Estonian Citizenship as a Minor Together with a Parent or Adoptive Parent

Any minor under the age of fifteen years shall receive Estonian citizenship together with a parent or adoptive parent who is applying for Estonian citizenship on the application of the parents or the single parent of the minor or the adoptive parent, if the minor is in Estonia permanently and has been released from his or her current citizenship or shall be released from it upon receipt of Estonian citizenship, or has been recognized as a stateless person.

Article 15. Documents to be Submitted for Receiving Estonian Citizenship as a Minor

(1) The application for Estonian citizenship for a minor under the age of fifteen years in the cases established in Article 13 or 14 of this Law must include:

- 1) the minor's given name and surname, date and place of birth;
- 2) given name and surname, date and place of birth of the parents, adoptive parent or legal guardian;
- 3) place of residence of the minor, the minor's parents, adoptive parent or legal guardian;
- 4) citizenship of the minor, the minor's parents, adoptive parent or legal guardian;

5) signature of the minor's parents, adoptive parent or legal guardian.

(2) The application shall be supplemented with:

1) two photographs of the minor (4 x 5 cm);

2) the minor's birth certificate or document attesting to identity and citizenship.

Chapter IV

Requirements for Restoring Estonian Citizenship

Article 16. The Right to Restore Estonian Citizenship

(1) Every person who as a minor lost Estonian citizenship shall have the right to have it restored.

(2) A person who wishes to restore Estonian citizenship must reside in Estonia permanently and must be released from his or her current citizenship or must prove that he or she shall be released from such citizenship upon receipt of Estonian citizenship.

Article 17. Documents to be Submitted for Restoring Estonian Citizenship

(1) A person who wishes to restore Estonian Citizenship shall submit a personally written application, which shall include:

1) given name and surname;

2) information on any changes to the given name and surname;

3) date and place of birth;

4) citizenship;

- 5) place of residence;
 - 6) oath, in accordance with point 7, Article 6 of this Law;
 - 7) signature.
- (2) In addition to the application, the person shall submit:
- 1) two photographs (4 x 5 cm);
 - 2) documents attesting to identity and citizenship;
 - 3) a document attesting to the fact that the person resides permanently in Estonia;
 - 4) documents attesting to loss of Estonian citizenship.
 - 5) receipt of payment of the state fee.

Chapter V

Procedures for Receiving and Restoring Estonian Citizenship

Article 18. Submission of Documents

(1) Documents necessary to receive or restore Estonian citizenship shall be submitted by the person to the state agency authorized by the Government of the Republic.

(2) Documents stipulated in paragraph 1 of this Article for a minor under the age of fifteen years or for an adult who has been declared mentally incompetent shall be submitted by the parent, adoptive parent, legal guardian or guardianship agency.

Article 19. Registration and Processing of Documents Submitted for Receiving or Restoring Estonian Citizenship

(1) The application for receiving or restoring Estonian citizenship shall be registered and processed by the state agency authorized by the Government of the Republic, if the person submits all documents for receiving citizenship listed in Article 12, all documents listed in Article 15 for a minor under the age of fifteen years, or all documents listed in Article 17 for restoring citizenship together with the application.

(2) The agency authorized by the Government of the Republic shall issue a receipt to the person indicating that the application has been registered and is being processed, for which the standard shall be established by the Government of the Republic.

(3) A person who wishes to receive Estonian citizenship shall reaffirm, one year from the date on which the application to receive Estonian citizenship is registered, to the state agency authorized by the Government of the Republic, that he or she still wishes to receive Estonian citizenship and shall submit proof that he or she is released from his or her current citizenship or shall be released from such citizenship upon receipt of Estonian citizenship, or that he or she has been recognized as a stateless person.

(4) If a person who wishes to receive Estonian citizenship has fulfilled all requirements established in paragraph 3 of this Article within one month from the time the one year period has expired, the state agency authorized by the Government of the Republic shall submit the person's documents together with its justified recommendation to the Government of the Republic for a decision to be adopted regarding the granting of Estonian citizenship. If the person fails to fulfill the requirements established in paragraph 3 of this Article by the due date established in this paragraph, the processing of his or her application shall be terminated, of which he or she shall be

notified in writing.

(5) If a person who wishes to restore Estonian citizenship, within one year from the date of registration of the application to restore Estonian citizenship, has submitted proof to the state agency authorized by the Government of the Republic that he or she is released from his or her current citizenship or shall be released from such citizenship upon restoration of Estonian citizenship, or that he or she has been recognized as a stateless

person, the state agency authorized by the Government of the Republic shall within six months submit the person's documents together with its justified recommendation to the Government of the Republic for a decision to be adopted on restoring Estonian citizenship.

(6) If a person who wishes to restore Estonian citizenship does not submit the proof stipulated in paragraph 5 of this Article within one year from the date of registration of the application to restore Estonian citizenship, the processing of his or her application shall be terminated, of which he or she shall be notified in writing.

**Article 20. Decision to Grant or Restore Estonian
Citizenship**

- (1) The decision to grant or restore Estonian citizenship shall be adopted by the Government of the Republic.
- (2) The order of the Government of the Republic to grant or restore Estonian citizenship shall enter into force on the date of its signature, if no other date is established by the order itself.
- (3) The state agency authorized by the Government of the Republic shall issue a citizenship certificate to an applicant on the basis of the order of the Government of the Republic to grant or restore Estonian citizenship.

**Article 21. Refusal to Grant or Restore Estonian
Citizenship**

- (1) Estonian citizenship shall not be granted or restored to a person:
 - 1) who has knowingly submitted false information in applying for Estonian citizenship or a document attesting to Estonian citizenship;

- 2) who does not observe the constitutional state system of Estonia and does not observe Estonian laws;
- 3) has acted against the state of Estonia and its security;
- 4) who has committed a criminal offence for which he or she has been sentenced to imprisonment for a period exceeding one year and who is not considered as rehabilitated with a spent sentence or who has been punished repeatedly for an intentional criminal offence;
- 5) who has been employed or is currently employed by the intelligence or security service of a foreign state;
- 6) who has served in a career position in the armed forces of a foreign state or has entered the reserve forces or has retired from a career position in the armed forces of a foreign state, nor to his or her spouse, who has entered Estonia in conjunction with the dispatch of military personnel into active service, the reserve forces or retirement.

(2) Estonian citizenship may be granted or restored to a person who has been retired from the armed forces of a foreign state, who has been married to a person who has acquired Estonian citizenship by birth for no less than five years, if such marriage has not been divorced.

Chapter VI

Conditions and Procedures for Loss of Estonian Citizenship

Article 22. Loss of Estonian Citizenship Estonian citizenship shall be lost:

- 1) through release from Estonian citizenship;
- 2) through the revocation of Estonian citizenship;
- 3) upon acceptance of the citizenship of another state.

Article 23. Documents to be Submitted for Release from Estonian Citizenship

Any person who wishes to be released from Estonian citizenship shall submit:

- 1) an application, which shall include the person's given name and surname, date and place of birth, place of residence, the citizenship he or she intends to apply for, and signature;
- 2) documents attesting to identity and citizenship;
- 3) proof that he or she has received the citizenship of another state or will receive such citizenship upon release from Estonian citizenship.

Article 24. Submission of Documents

(1) Documents for release from Estonian citizenship shall be submitted to the state agency authorized by the Government of the Republic or to one of Estonia's foreign representations, if the person resides permanently in another state.

(2) Documents stipulated in paragraph 1 of this Article on behalf of a minor under the age of fifteen years or of a person who has been declared mentally incompetent shall be submitted by the parent, adoptive parent, legal guardian or guardianship agency.

Article 25. Registration and Processing of Documents Submitted for Release from Estonian Citizenship

(1) Documents submitted for release from Estonian

citizenship shall be registered and processed by the state agency authorized by the Government of the Republic.

(2) The state agency authorized by the Government of the Republic shall issue a receipt to the person indicating that the application has been registered and is being processed, for which the standard shall be established by the Government of the Republic.

(3) The state agency authorized by the Government of the Republic shall within one year from the date of registration submit the person's documents together with its justified recommendation to the Government of the Republic for a decision to be adopted regarding release from Estonian citizenship.

Article 26. Restrictions on Release from Estonian Citizenship

Release from citizenship may be refused to a person if:

- 1) this results in the person becoming stateless;
- 2) the person has unfulfilled obligations before the state of Estonia;
- 3) the person is in active service in the Estonian Defense Forces.

Article 27. Decision to Release from Estonian Citizenship

The decision to release a person from Estonian citizenship shall be adopted by the Government of the Republic.

Article 28. Revocation of Estonian Citizenship

(1) Estonian citizenship shall be revoked by an order of

the Government of the Republic from a person who:

- 1) has entered the government or military service of a foreign state as an Estonian citizen without permission from the Government of the Republic;
- 2) has entered the intelligence or security service of a foreign state or an Organization of a foreign state which is armed, militarily organized or engages in military activities;
- 3) has attempted to forcefully change the constitutional state system of Estonia;
- 4) has received or restored Estonian citizenship on the basis of knowingly submitted false information or as the result of the intentional withholding of information regarding circumstances which preclude Estonian citizenship;
- 5) is the citizen of another state, however has not been released from Estonian citizenship.

(2) No person may be deprived of Estonian citizenship due to his or her beliefs.

(3) Paragraph 1 of this Article shall not extend to persons who have acquired Estonian citizenship by birth.

Article 29. Loss of Estonian Citizenship Upon Acceptance of the Citizenship of Another State or Upon Renunciation of Estonian Citizenship.

A person shall be considered to have lost Estonian citizenship upon acceptance of the citizenship of another state or upon renunciation of Estonian citizenship in favor of the citizenship of another state.

**Article 30. Return of Documents Attesting to Estonian
Citizenship**

Any person who has lost Estonian citizenship shall return documents attesting to Estonian citizenship to the state agency authorized by the Government of the Republic.

Chapter VII

Final Provisions

**Article 31. Consent to Grant or Restore Estonian
Citizenship to a Minor or to Release a Minor from Estonian
Citizenship**

The consent of the parent, adoptive parent, legal guardian or guardianship agency must be received to grant or restore Estonian citizenship to a minor between the ages of fifteen and eighteen years or to release such minor from Estonian citizenship.

**Article 32. Receiving Estonian Citizenship Under
Conditions in Force Prior to the Entry into Force of this
Law.**

Any alien who submitted the required documents to receive Estonian citizenship under procedures in force prior to the entry into force of this Law shall receive Estonian citizenship in accordance with conditions and procedures in force at the time such application was accepted for processing.

**Article 33. Special Conditions for Acceptance of
Documents and Calculation of Time Periods**

The requirement for residence on the basis of a permanent residence permit established in point 2, Article 6 of this Law shall not be applied in regard to a person

who settled in Estonia prior to July 1, 1990 and who is applying for Estonian citizenship, if such person is in Estonia permanently under the conditions established in the Law on Aliens (RT 1993, 44, 637; 1994, 41, 658).

Article 34. Special Requirements for Knowledge of the Estonian Language

- (1) Applicants for Estonian citizenship who were born prior to January 1, 1930 shall in the language examination be exempt from the requirements established in point 4, paragraph 2, Article 8 of this Law.
- (2) Applicants for Estonian citizenship who are visually disabled shall for the language examination be exempt from the requirements established in points 3 and 4, paragraph 2, Article 8 of this Law.
- (3) Applicants for Estonian citizenship who are hearing or speech disabled shall for the language examination be exempt from the requirements established in points 1 and 2, paragraph 2, Article 8 of this Law.
- (4) The conditions established in paragraphs 2 and 3 of this Article shall extend to category I disabled and those category II disabled who are considered to be permanently disabled and whose state of health does not allow them to complete the examination in accordance with the conditions established in Article 8 of this Law.

Article 35. Special Conditions for Receipt of Estonian Citizenship by Persons Who are Declared Mentally

Incompetent

Applicants for Estonian citizenship who are mentally incompetent adults shall be exempt from fulfilling the conditions established in points 3 - 7. Article 6 of this Law.

Article 36. Right to Petition an Administrative Court

If any person believes that his or her rights, as established in this Law, have been violated by the legal act or action of the Government of the Republic, or the state agency authorized by the Government of the Republic, or its officials or that his or her freedoms have been restricted, such person may petition an administrative court in accordance with procedures established in the Code of Administrative Court Procedure (RT I 1993, 50, 694; 1994, 16, 290; 28, 425).

Article 37. Voidance of Previous Legal Acts

The following shall be declared void:

- 1) Law on Citizenship (RT 1938, 39, 357; 43, 404 and 405 XVI)
- 2) Law on Amendment to the Law on Citizenship (RT 1939, 114, 882);
- 3) Republic of Estonia Supreme Council Resolution
"On the Application of the Law on Citizenship"
(RT 1992, 7, 109);
- 4) Law on Estonian Language Requirements for
Applicants for Citizenship (RT 1993, 11, 171);
- 5) Law on Estonian Language requirements for
Applicants for Citizenship (RT 1993, 11 171)

- 6) Law on Amendments to the Republic of Estonia
Supreme Council Resolution "On the Application
of the Law on Citizenship" (RT 1993, 13, 204);
- 7) Law on Amendments to the Law on Citizenship (RT
1993, 17, 272);
- 8) Law on the Partial Amendment and Voidance of
Legal Acts on Citizenship (RT I 1994, 88, 1491).

Article 38.

This Law shall enter into force on April 1, 1995.

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