

Citizenship Act

Passed 19 January 1995

(RT¹ I 1995, 12, 122),

entered into force 1 April 1995,

amended by the following Acts:

15.06.2006 entered into force 08.07.2006 - RT I 2006, 29, 224;

19.10.2005 entered into force 01.01.2006 - RT I 2005, 61, 472;

23.11.2004 entered into force 01.04.2005 - RT I 2004, 84, 570;

11.02.2004 entered into force 20.03.2004 - RT I 2004, 12, 80;

10.12.2003 entered into force 01.01.2004 - RT I 2003, 82, 550;

29.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 101;

15.10.2002 entered into force 10.11.2002 - RT I 2002, 90, 518;

19.06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376;

05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336;

14.11.2001 entered into force 01.02.2002 - RT I 2001, 93, 565;

14.06.2000 entered into force 10.07.2000 - RT I 2000, 51, 323;

08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827;

18.10.95 entered into force 20.11.95 - RT I 1995, 83, 1442.

Chapter 1

General Provisions

§ 1. Estonian citizen

(1) An Estonian citizen is a person who holds Estonian citizenship upon the entry into force of this Act or a person who acquires or resumes Estonian citizenship on the basis of this Act.

(2) An Estonian citizen shall not simultaneously hold the citizenship of another state.

§ 2. Acquisition, resumption and loss of Estonian citizenship

(1) Estonian citizenship is:

1) acquired by birth;

- 2) acquired by naturalisation;
- 3) resumed by a person who lost Estonian citizenship as a minor;
- 4) lost through release from or deprivation of Estonian citizenship or upon acceptance of the citizenship of another state.

(2) Estonian citizenship shall be acquired, resumed and or lost under the conditions and pursuant to the procedure provided for in this Act.

(3) The provisions of the Administrative Procedure Act apply to the administrative proceedings provided in this Act, taking into consideration the specifications provided for in this Act.

(15.06.2006 entered into force 08.07.2006 - RT I 2006, 29, 224)

§ 3. Prevention of multiple citizenship

Persons who by birth acquire the citizenship of another state in addition to Estonian citizenship shall renounce either their Estonian citizenship or their citizenship of the other state within three years after attaining the age of 18 years.

§ 4. Certificate of citizenship

Everyone who acquires Estonian citizenship by naturalisation or who resumes Estonian citizenship shall be issued a certificate of citizenship pursuant to the procedure provided for in this Act.

Chapter 2

Conditions for Acquisition of Estonian Citizenship

§ 5. Acquisition of Estonian citizenship by birth

(1) Estonian citizenship is acquired by birth if:

- 1) at least one of the parents of the child holds Estonian citizenship at the time of the birth of the child;
- 2) the child is born after the death of his or her father and if the father held Estonian citizenship at the time of his death.

(2) A child found in Estonia whose parents are unknown is declared, on the application of the guardian of the child or a guardianship authority, by a court proceeding to have acquired Estonian citizenship by birth unless the child is proved to be a citizen of another state.

(2¹) On the written application of an adoptive parent who is an Estonian citizen, the governmental authority authorised by the Government of the Republic shall, by its decision, deem a minor alien child to have acquired Estonian citizenship by birth if the adoptive parent was an Estonian citizen at the time of the birth of the child and if the child is not a citizen of another state or it is proven that the child will be released from the citizenship of another state in connection with his or her acquisition of Estonian citizenship.

(29.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 101)

(2²) On the written application of an adoptive parent who was not an Estonian citizen at the time of the birth of the child, the governmental authority authorised by the Government of the Republic shall, by its decision, deem a minor alien child to have acquired Estonian citizenship as of the date on which Estonian citizenship was granted to the adoptive parent if the child is not a citizen of another state or it is proven that the child will be released from the citizenship of another state in connection with his or her acquisition of Estonian citizenship.

(29.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 101)

(3) No one shall be deprived of Estonian citizenship acquired by birth.

(4) The decision specified in subsections (2¹) and (2²) of this section shall be made within two months as of the submission of an application. The decision shall be communicated to the adoptive parent in writing without delay.

(29.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 101)

§ 6. Conditions for acquisition of Estonian citizenship by naturalisation

An alien who wishes to acquire Estonian citizenship by naturalisation shall:

- 1) be at least 15 years of age;
- 2) have a residence permit of a long-term resident or the right of permanent residence;

(15.06.2006 entered into force 08.07.2006 - RT I 2006, 29, 224)

2¹) have lived in Estonia on the basis of a residence permit or the right of residence for at least eight years prior to the date on which he or she submits an application for Estonian citizenship and permanently at least the last five years;

(15.06.2006 entered into force 08.07.2006 - RT I 2006, 29, 224)

2²) have legally and permanently resided in Estonia on the basis of a residence permit of a long-term resident or the right of permanent residence for six months from the day following the date of registration of the application for Estonian citizenship;

(15.06.2006 entered into force 08.07.2006 - RT I 2006, 29, 224)

2³) have a registered residence in Estonia;

(15.06.2006 entered into force 08.07.2006 - RT I 2006, 29, 224)

3) have knowledge of the Estonian language in accordance with the requirements provided for in § 8 of this Act;

4) have knowledge of the Constitution of the Republic of Estonia and the Citizenship Act in accordance with the requirements provided for in § 9 of this Act;

5) have a permanent legal income which ensures his or her own subsistence and that of his or her dependants;

6) be loyal to the Estonian state;

7) take an oath: "*Taotledes Eesti kodakondsust, tōotan olla ustav Eesti pōhiseaduslikule korrale.*" [In applying for Estonian citizenship, I swear to be loyal to the constitutional order of Estonia.]

§ 7. Permanent legal income

The following are deemed to be permanent legal income:

- 1) legally earned remuneration on the basis of a contract of employment, contract of service, civil law contract or membership;
- 2) income received from legal business activity or property;
- 3) pensions;
- 4) grants;
- 5) support;
- 6) benefits paid on the basis of Acts;

(19.10.2005 entered into force 01.01.2006 - RT I 2005, 61, 472)

7) maintenance by a family member with a permanent legal income in Estonia.

§ 8. Requirements for and assessment of knowledge of Estonian language

(1) For the purposes of this Act, knowledge of the Estonian language means general knowledge of basic Estonian needed in everyday life.

(2) The requirements for knowledge of the Estonian language are as follows:

- 1) listening comprehension (official statements and announcements; danger and warning announcements, news, descriptions of events and explanations of phenomena);
- 2) speech (conversation and narration, use of questions, explanations, assumptions and commands; expressing one's opinion; expressing one's wishes);
- 3) reading comprehension (official statements and announcements; public notices, news, sample forms, journalistic articles, messages, catalogues, user manuals, traffic information, questionnaires, reports, minutes, rules);
- 4) writing (writing applications, authorisation documents, letters of explanation, *curriculum vitae*; completion of forms, standard forms and tests).

(3) Knowledge of the Estonian language is assessed by way of examination. The procedure for the holding of the examinations shall be established by the Government of the Republic.

(4) A person who passes the examination shall be issued a corresponding certificate.

(5) Persons who have acquired basic, secondary or higher education in the Estonian language are not required to pass the examination.

(6) A person specified in subsection 35 (3) of this Act shall take the examination to the extent and in the manner prescribed in the decision of the expert committee specified in subsection 35 (7) of this Act.

(23.11.2004 entered into force 01.04.2005 - RT I 2004, 84, 570)

§ 8¹. Compensation for language training expenses

(1) Up to one hundred per cent of the fee for Estonian language training paid to a private school holding an education licence by a person who has passed the Estonian language

examination provided for in subsection 8 (3) of this Act and the examination on the knowledge of the Constitution of the Republic of Estonia and the Citizenship Act provided for in subsection 9 (2) of this Act shall be reimbursed to the person within the limit established by the Government of the Republic.

(2) The Minister of Education and Research shall appoint an approved body to carry out the reimbursement of language training expenses.

(3) In order to have his or her language training expenses reimbursed, a person who has passed the Estonian language examination and the examination on the knowledge of the Constitution of the Republic of Estonia and the Citizenship Act shall, not later than within three months after passing both of the examinations, submit an application together with a copy of an identity document and a document certifying the payment of the language training expenses or an officially certified transcript thereof to the body approved by the Minister of Education and Research.

(4) The body approved by the Minister of Education and Research shall transfer the compensation for language training expenses to the bank account indicated in the application of a person who has passed the Estonian language examination and the examination on the knowledge of the Constitution of the Republic of Estonia and the Citizenship Act not later than within two months as of the date of the submission of the application.

(10.12.2003 entered into force 01.01.2004 - RT I 2003, 82, 550)

§ 9. Requirements for and assessment of knowledge of the Constitution of the Republic of Estonia and Citizenship Act

(1) A person who wishes to acquire Estonian citizenship by naturalisation shall have knowledge of:

- 1) the general principles of the Estonian public order which is provided for in Chapters I and III of the Constitution of the Republic of Estonia;
- 2) the fundamental rights, freedoms and duties of every person which are provided for in Chapter II of the Constitution of the Republic of Estonia;

- 3) the competence of the Riigikogu², the President of the Republic, the Government of the Republic and the courts in accordance with the Constitution of the Republic of Estonia;
- 4) the conditions and procedure for acquisition, resumption and loss of Estonian citizenship in accordance with the Citizenship Act.
- (2) Knowledge of the Constitution of the Republic of Estonia and the Citizenship Act is assessed by way of examination which shall be held in Estonian. The procedure for the holding of the examinations shall be established by the Government of the Republic.
- (3) A person who passes the examination shall be issued a corresponding certificate.
- (4) A person specified in subsection 35 (3) of this Act shall take the examination to the extent and in the manner prescribed in the decision of the expert committee specified in subsection 35 (7) of this Act.

(23.11.2004 entered into force 01.04.2005 - RT I 2004, 84, 570)

§ 10. Acquisition of Estonian citizenship for achievements of special merit

- (1) Implementation of the requirements provided for in clauses 6 2)-4) of this Act is not mandatory with regard to persons whose achievements are of special merit to the Estonian state.
- (15.06.2006 entered into force 08.07.2006 - RT I 2006, 29, 224)*
- (2) Achievements of special merit are deemed to be achievements in the areas of science, culture, sports or in other areas.
- (15.06.2006 entered into force 08.07.2006 - RT I 2006, 29, 224)*
- (3) Estonian citizenship for achievements of special merit may be granted to not more than ten persons per year.
- (18.10.95 entered into force 20.11.95 - RT I 1995, 83, 1442)*
- (4) Proposals for the grant of citizenship for achievements of special merit may be submitted by members of the Government of the Republic.
- (5) The Government of the Republic shall substantiate the grant of citizenship for achievements of special merit. Refusal to grant of citizenship for achievements of special merit need not be substantiated.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376)

§ 11. Permanent stay in Estonia

For the purposes of this Act, permanent stay in Estonia is legal stay in Estonia for at least 183 days per year, provided that absence from Estonia does not exceed 90 consecutive days per year.

§ 12. Documents submitted for acquisition of Estonian citizenship by naturalisation

(1) In order to acquire Estonian citizenship by naturalisation, a person shall submit a holographic application written in Estonian which sets out the following details concerning him or her:

- 1) given name and surname;
- 2) information concerning any changes to his or her given name or surname;
- 3) date and place of birth;
- 4) mother tongue;
- 5) citizenship;
- 6) residence;
- 7) the oath of allegiance in accordance with clause 6 7) of this Act;
- 8) signature.

(2) In addition to the application, the person shall submit:

- 1) two photographs (4 x 5 cm);
- 2) identification and citizenship documents;
- 3) a document certifying that he or she is staying in Estonia in accordance with the requirements provided for in this Act;
- 4) a holographic *curriculum vitae* written in Estonian which sets out the applicant's career, the time and the circumstances under which he or she settled in Estonia, any persons who arrived in Estonia together with the applicant, the applicant's marital status and any changes therein during his or her residence in Estonia, all previous residences in Estonia, information concerning immediate family, and also any ties with foreign military, intelligence or security organisations; if the applicant was born in Estonia, the time and circumstances under which his or her parents settled in Estonia shall also be set out;

- 5) documents certifying his or her education and career;
 - 6) document certifying permanent legal income;
 - 7) a certificate of his or her knowledge of the Estonian language in accordance with § 8 of this Act or documents certifying that he or she has acquired basic, secondary or higher education in Estonian;
 - 8) a certificate of his or her knowledge of the Constitution of the Republic of Estonia and the Citizenship Act in accordance with § 9 of this Act;
 - 9) *(Repealed - 19. 06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376)*
- (3) Before submission of an application, the person shall pay a state fee.
(19.06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376)

Chapter 3

Conditions for Acquisition of Estonian Citizenship by Naturalisation by Minor

§ 13. Acquisition of Estonian citizenship by naturalisation by minor

(1) A minor under 15 years of age shall acquire Estonian citizenship by naturalisation if Estonian citizenship is applied for the minor by the minor's parents who are Estonian citizens, or by one parent who is an Estonian citizen, with the notarised agreement of the parent who is not an Estonian citizen, or by the minor's single or adoptive parent who is an Estonian citizen.

(14.11.2001 entered into force 01.02.2002 - RT I 2001, 93, 565)

(2) A minor under 15 years of age for whom Estonian citizenship is applied for in accordance with subsection (1) of this section shall be staying in Estonia permanently and be released from his or her current citizenship or be declared to be a stateless person or it shall be proven that the minor will be released from his or her current citizenship in connection with the acquisition of Estonian citizenship.

(3) A minor under 15 years of age whose parents are dead, whose parents are missing or have restricted active legal capacity or whose parents are deprived of their parental rights shall acquire Estonian citizenship by naturalisation on the application of a guardianship authority or the minor's guardian who is an Estonian citizen provided that the minor stays in Estonia permanently, unless it is proven that the minor is a citizen of another state, or

if it is proven that the minor will be released from the citizenship of another state in connection with the acquisition of Estonian citizenship.

(05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)

(4) A minor under 15 years of age who was born in Estonia after 26 February 1992 shall acquire Estonian citizenship by naturalisation if:

- 1) his or her parents apply for Estonian citizenship for him or her and if the parents have legally resided in Estonia for at least five years at the time of submission of the application and are not deemed by any other state to be citizens of that state on the basis of any Act in force;
- 2) single or adoptive parent applies for Estonian citizenship for the minor and if the single or adoptive parent has legally resided in Estonia for at least five years at the time of submission of the application and is not deemed by any other state to be a citizen of that state on the basis of any Act in force.

(08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827)

(5) A minor under 15 years of age for whom Estonian citizenship is applied for in accordance with subsection (4) of this section shall be staying in Estonia permanently and not have been deemed by any other state to be a citizen of that state on the basis of any Act in force.

(08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827)

(6) The specification provided for in subsection (4) of this section concerning persons who are not deemed by any other state to be citizens of that state on the basis of any Act in force also includes persons who, before 20 August 1991, were citizens of the Union of Soviet Socialist Republics and who have not been deemed by any other state to be citizens of that state on the basis of any Act in force.

(08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827)

§ 14. Acquisition of Estonian citizenship by naturalisation by minor together with parent or adoptive parent

A minor under 15 years of age shall acquire Estonian citizenship by naturalisation together with his or her parent or adoptive parent who is applying for Estonian citizenship on the application of the minor's parents or single or adoptive parent if the minor is

staying in Estonia permanently and is released from his or her current citizenship or will be released therefrom in connection with the acquisition of Estonian citizenship or is declared to be a stateless person.

§ 14¹. Single parent

A parent is deemed to be a single parent if:

- 1) no entry is made concerning the other parent in the birth registration of the child or an entry is made on the basis of a statement by the parent;
- 2) the other parent is deprived of his or her parental rights;
- 3) the other parent is declared to be a fugitive pursuant to the procedure established by law and he or she has been a fugitive for one year;
- 4) the other parent has restricted active legal capacity or is missing;
(05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)
- 5) the other parent is dead;
- 6) a contract of marriage is not entered into between the parents, or if the parents divorce and the child remains with the parent residing in Estonia provided that the other parent does not live in Estonia and has lost contact with the child and the parent raising the child.

(08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827)

§ 15. Documents submitted for minors to acquire Estonian citizenship by naturalisation

(1) An application for Estonian citizenship submitted for a minor under 15 years of age in the cases provided for in §§ 13 or 14 of this Act shall set out:

- 1) the minor's given name, surname, and date and place of birth;
- 2) the given names, surnames, and dates and places of birth of the minor's parents, the given name, surname, and date and place of birth of the minor's adoptive parent or guardian, or the name of the guardianship authority;
- 3) the residence of the minor and his or her parents, adoptive parent or guardian, or the location of the guardianship authority;
- 4) the citizenship of the minor and his or her parents, adoptive parent or guardian;

- 5) confirmation from the minor's parents, adoptive parent or guardian or from the head of the guardianship authority that the minor's parents, adoptive parent or guardian comply with the conditions provided for in §§ 13 or 14 of this Act;
 - 6) the signatures of the minor's parents or the signature of the minor's adoptive parent or guardian or of the head of the guardianship authority.
- (2) The following shall be appended to the application:
- 1) two photographs of the minor (4 x 5 cm);
 - 2) the minor's birth certificate or identity and citizenship document;
 - 3) documents certifying the minor's compliance with the conditions provided for in §§ 13 or 14 of this Act;
 - 4) documents certifying the compliance of the minor's parents, adoptive parent or guardian with the conditions provided for in §§ 13 or 14 of this Act;
 - 5) in the case specified in subsection 13 (1) of this Act, an agreement bearing the officially certified signatures of the parents.

(14.11.2001 entered into force 01.02.2002 - RT I 2001, 93, 565)

- (3) In addition to the documents specified in subsection (2) of this section, a single parent shall submit a document certifying the fact provided for in § 14¹ of this Act.

(08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827)

Chapter 4

Conditions for Resumption of Estonian Citizenship

§ 16. Right to resume Estonian citizenship

- (1) Everyone who has lost his or her Estonian citizenship as a minor has the right to its restoration.
- (2) A person who wishes to resume Estonian citizenship shall be staying in Estonia permanently and be released from his or her previous citizenship or prove that he or she will be released therefrom in connection with his or her resumption of Estonian citizenship.

§ 17. Documents submitted for resumption of Estonian citizenship

(1) A person who wishes to resume Estonian citizenship shall submit a holographic application which sets out the following concerning him or her:

- 1) given name and surname;
- 2) information concerning any changes to his or her given name or surname;
- 3) date and place of birth;
- 4) citizenship;
- 5) residence;
- 6) the oath of allegiance in accordance with clause 6 7) of this Act;
- 7) signature.

(2) In addition to the application, the person shall submit:

- 1) two photographs (4 x 5 cm);
- 2) identification and citizenship documents;
- 3) a document certifying that he or she is staying in Estonia permanently;
- 4) documents certifying the loss of his or her Estonian citizenship;
- 5) *(Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376)*

(3) Before submission of an application, the person shall pay a state fee.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376)

Chapter 5

Procedure for Acquisition of Estonian Citizenship by Naturalisation and for Resumption of Estonian Citizenship

§ 18. Submission of documents

(1) A person who wishes to acquire Estonian citizenship by naturalisation or to resume Estonian citizenship shall submit the necessary documents to the governmental authority authorised by the Government of the Republic.

(2) The documents specified in subsection (1) of this section shall be submitted on behalf of a minor under 15 years of age or an adult with restricted active legal capacity by his or her parent, adoptive parent, or guardian who is an Estonian citizen, or by a guardianship authority.

(08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827; 05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)

§ 19. Registration and processing of documents submitted for acquisition of Estonian citizenship by naturalisation or for resumption of Estonian citizenship

(1) An application for the acquisition of Estonian citizenship by naturalisation or for the resumption of Estonian citizenship shall be registered and accepted by the governmental authority authorised by the Government of the Republic if together with the application the applicant submits all the documents which are required for acquisition of citizenship by naturalisation and listed in § 12 or, in the case of a minor under 15 years of age, § 15 of this Act, or all the documents which are required for the resumption of citizenship and listed in § 17 of this Act, and the applicant has paid the state fee.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376)

(2) The governmental authority authorised by the Government of the Republic shall issue a certificate to an applicant concerning the registration and acceptance of his or her application; the standard format for the certificate shall be established by the Government of the Republic.

(3) A person who wishes to acquire Estonian citizenship by naturalisation shall, six months after the date on which his or her application to receive Estonian citizenship is registered, give written confirmation to the governmental authority authorised by the Government of the Republic that he or she still wishes to acquire Estonian citizenship and that he or she complies with the conditions provided for in this Act, and shall submit a certificate which proves that he or she has been released from his or her previous citizenship or will be released therefrom in connection with the acquisition of Estonian citizenship or that he or she has been declared to be a stateless person.

(11.02.2004 entered into force 20.03.2004 - RT I 2004, 12, 80)

(4) If a person who wishes to acquire Estonian citizenship by naturalisation complies with all the conditions provided for in subsection (3) of this section within one month after the expiry of the term of six months, the governmental authority authorised by the Government of the Republic shall submit the person's documents together with its substantiated proposal to the Government of the Republic within three months for a

decision to be taken on the grant of Estonian citizenship. If the person fails to comply with the conditions provided for in subsection (3) of this section within the term provided for in this subsection or does not comply with the conditions provided for in this Act, the processing of his or her application shall be terminated and he or she shall be notified thereof in writing.

(11.02.2004 entered into force 20.03.2004 - RT I 2004, 12, 80)

(4¹) Within three months after registration of an application for the grant of Estonian citizenship to a minor under 15 years of age, the governmental authority authorised by the Government of the Republic shall forward the submitted application together with its substantiated proposal to the Government of the Republic for a decision to be taken on the grant of Estonian citizenship.

(11.02.2004 entered into force 20.03.2004 - RT I 2004, 12, 80)

(5) If a person who wishes to resume Estonian citizenship submits, within six months as of the date on which his or her application to resume Estonian citizenship was registered, a certificate which proves that he or she has been released from his or her previous citizenship or will be released therefrom in connection with his or her resumption of Estonian citizenship or that he or she has been declared to be a stateless person to the governmental authority authorised by the Government of the Republic, the governmental authority authorised by the Government of the Republic shall submit the person's documents together with its substantiated proposal to the Government of the Republic within three months for a decision to be taken on the resumption of Estonian citizenship.

(11.02.2004 entered into force 20.03.2004 - RT I 2004, 12, 80)

(6) If a person who wishes to resume Estonian citizenship fails to submit the certificate specified in subsection (5) of this section within six months after the date on which his or her application to resume Estonian citizenship is registered, the processing of his or her application shall be terminated and he or she shall be notified thereof in writing.

(11.02.2004 entered into force 20.03.2004 - RT I 2004, 12, 80)

§ 20. Decision on grant or resumption of Estonian citizenship

(1) Decisions on the grant or resumption of Estonian citizenship shall be taken by the Government of the Republic.

(2) An order of the Government of the Republic on the grant or resumption of Estonian citizenship enters into force as of the date of signature unless a different date is provided in the order.

(3) In accordance with an order of the Government of the Republic to grant Estonian citizenship to a person who so wishes or for a person to resume Estonian citizenship, the governmental authority authorised by the Government of the Republic shall issue a certificate of citizenship to the person.

§ 21. Refusal to grant or refusal for resumption of Estonian citizenship

(1) Estonian citizenship shall not be granted to or resumed by a person who:

1) submits false information upon application for Estonian citizenship or a document certifying Estonian citizenship, and thereby conceals facts which preclude the grant of Estonian citizenship to him or her, which preclude him or her from resuming Estonian citizenship or which would have precluded the issue of a document certifying to Estonian citizenship to him or her;

(08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827)

2) does not observe the constitutional order and Acts of Estonia;

3) has acted against the Estonian state and its security;

4) has committed a criminal offence for which a punishment of imprisonment of more than one year was imposed and whose criminal record has not expired or who has been repeatedly punished under criminal procedure for intentionally committed criminal offences;

5) has been employed or is currently employed by foreign intelligence or security services;

6) has served as a professional member of the armed forces of a foreign state or who has been assigned to the reserve forces thereof or has retired therefrom, and nor shall Estonian citizenship be granted to or resumed by his or her spouse who entered Estonia due to a member of the armed forces being sent into service, the reserve or into retirement.

(1¹) As an exception, Estonian citizenship may be granted to or resumed by a person who has been repeatedly punished under criminal procedure for intentionally committed

criminal offences and whose criminal record has expired, taking into consideration the circumstances relating to the commission of a criminal offence and the personality of the offender.

(15.06.2006 entered into force 08.07.2006 - RT I 2006, 29, 224)

(2) Estonian citizenship may be resumed by or granted to a person who has retired from the armed forces of a foreign state if the person has been married for at least five years to a person who acquired Estonian citizenship by birth and if the marriage has not been divorced.

(3) Estonian citizenship shall not be granted to a person whose parents, adoptive parent, guardian or guardianship authority submitted, upon application for Estonian citizenship for the person, false information concerning facts which are relevant in the taking of a decision on the grant of Estonian citizenship.

(08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827)

Chapter 6

Conditions and Procedure for Loss of Estonian Citizenship

§ 22. Loss of Estonian citizenship

A person shall cease to be an Estonian citizen:

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

§ 23. Documents submitted for release from Estonian citizenship

(1) A person who wishes to be released from Estonian citizenship shall submit:

- 1) an application which sets out his or her given name and surname, date and place of birth, residence, the citizenship which he or she is applying for, and his or her signature;
- 2) identification and citizenship documents;

3) a certificate which proves that he or she has acquired the citizenship of another state or will acquire the citizenship of another state in connection with his or her release from Estonian citizenship.

4) *(Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376)*

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376)

(2) Before release from Estonian citizenship, the person shall pay a state fee.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376)

§ 24. Submission of documents

(1) Documents for release from Estonian citizenship shall be submitted to the governmental authority authorised by the Government of the Republic, or to an Estonian representation if the person resides permanently in a foreign state.

(2) The documents specified in subsection (1) of this section shall be submitted on behalf of a minor under 15 years of age or of an adult with restricted active legal capacity by his or her parent, adoptive parent or guardian or by a guardianship authority.

(05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)

§ 25. Registration and processing of documents submitted for release from Estonian citizenship

(1) Documents submitted for release from Estonian citizenship shall be registered and accepted in the governmental authority authorised by the Government of the Republic.

(2) The governmental authority authorised by the Government of the Republic shall issue a certificate to a person concerning the registration and acceptance of the documents submitted by him or her; the standard format for the certificate shall be established by the Government of the Republic.

(3) Within one year after the date on which a person's documents were registered, the governmental authority authorised by the Government of the Republic shall submit the documents to the Government of the Republic for a decision to be taken on the release of the person from Estonian citizenship.

§ 26. Restrictions on release from Estonian citizenship

Release from Estonian citizenship may be refused to a person if:

- 1) the person would become stateless as a result;
- 2) he or she has unperformed obligations before the Estonian state;
- 3) he or she is in active service in the Estonian Defence Forces.

§ 27. Decision on release from Estonian citizenship

Decisions on release from Estonian citizenship shall be taken by the Government of the Republic.

§ 28. Deprivation of Estonian citizenship

(1) A person shall be deprived of Estonian citizenship by an order of the Government of the Republic if he or she:

- 1) as an Estonian citizen, enters state public service or military service for a foreign state without permission from the Government of the Republic;
- 2) joins the intelligence or security service of a foreign state or foreign organisation which is armed or militarily organised or which engages in military exercises;
- 3) forcibly attempts to change the constitutional order of Estonia;
- 4) upon acquisition of Estonian citizenship by naturalisation or upon resumption of Estonian citizenship, submits false information and thereby conceals facts which would have precluded the grant of Estonian citizenship to him or her or which would have precluded him or her from resuming Estonian citizenship;

(08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827)

- 5) is a citizen of another state but has not been released from Estonian citizenship.

(2) No one shall be deprived of Estonian citizenship because of his or her beliefs.

(3) Subsection (1) of this section does not apply to persons who acquire Estonian citizenship by birth.

§ 29. Loss of Estonian citizenship upon acceptance of citizenship of other state or renunciation of Estonian citizenship

A person is deemed by the governmental authority authorised by the Government of the Republic to have ceased to be an Estonian citizen upon acceptance of the citizenship of another state or upon renunciation of Estonian citizenship in favour of the citizenship of another state.

(08.12.98 entered into force 12.07.99 - RT I 1998, 111, 1827)

§ 30. Return of documents certifying Estonian citizenship

Persons who cease to be Estonian citizens shall return their documents certifying Estonian citizenship to the governmental authority authorised by the Government of the Republic.

Chapter 7

Final Provisions

§ 31. Consent to grant of Estonian citizenship to minor, resumption of Estonian citizenship by minor or release of minor from Estonian citizenship

Estonian citizenship shall be granted to or resumed by a minor of 15 to 18 years of age or he or she shall be released from Estonian citizenship with the consent of his or her parent, adoptive parent, guardian or guardianship authority.

§ 32. Grant of citizenship to person to whom Estonian passport was issued erroneously

(29.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 101)

(1) Aliens who submitted the documents required for the acquisition of Estonian citizenship by naturalisation pursuant to the procedure in force prior to the entry into force of this Act shall acquire Estonian citizenship under the conditions and pursuant to the procedure which was in force on the date on which the documents were accepted.

(2) Any person who, during the process of the governmental authority authorised by the Government of the Republic deciding on the issue of Estonian passports, was defined

without legal basis as an Estonian citizen by that authority and pursuant to § 3 or 4 of the Citizenship Act which was in force earlier and which was implemented by the Resolution of the Supreme Council of the Republic of Estonia of 26 February 1992 “On Implementation of the Citizenship Act” (RT 1992, 7, 109; 1993, 13, 204) is deemed by the governmental authority authorised by the Government of the Republic to have acquired Estonian citizenship by birth or by a subsequent lawful act, as appropriate, unless it is established that an Estonian passport was issued to him or her as a result of documents which were falsified or which contained false information being submitted or as a result of false information being submitted knowingly.

(29.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 101)

(3) Subsection (2) of this section also applies with regard to any person who was erroneously defined as an Estonian citizen as a result of the grant of Estonian citizenship to a person specified in subsection (2) of this section.

(29.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 101)

(4) Subsections (2) and (3) of this section also apply with regard to persons who acquired Estonian citizenship on the basis of subsections 32 (2) and (3) which were in force prior to the entry into force of this Act.

(29.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 101)

§ 33. Special conditions for acceptance of documents and calculation of time

The requirement for having a residence permit of a long-term resident or the right of permanent residence provided for in clauses 6 2) and 22) of this Act does not apply with regard to persons who settled in Estonia before 1 July 1990 and who apply for Estonian citizenship.

(15.06.2006 entered into force 08.07.2006 - RT I 2006, 29, 224)

§ 34. Special requirements for knowledge of Estonian language

(1) Persons who apply for Estonian citizenship and who were born prior to 1 January 1930 are granted exemption from the requirements provided for in clause 8 (2) 4) of this Act upon taking the language examination.

(2) (Repealed - 14.06.2000 entered into force 10.07.2000 - RT I 2000, 51, 323)

(3) *(Repealed - 14.06.2000 entered into force 10.07.2000 - RT I 2000, 51, 323)*

(4) *(Repealed - 14.06.2000 entered into force 10.07.2000 - RT I 2000, 51, 323)*

§ 35. Special conditions for acquisition of Estonian citizenship

(1) Adults with restricted active legal capacity who apply for Estonian citizenship are granted exemption from compliance with the conditions provided for in clauses 6 3)-7) of this Act.

(2) The persons who are unable to comply with such conditions for health reasons are exempted from compliance with the conditions provided for in clauses 6 3) and 4) of this Act.

(3) The persons who, for health reasons, are unable to fully comply with the requirements provided for in clauses 6 3) and 4) of this Act shall pass the examination specified in §§ 8 and 9 of this Act to such extent and in such manner as his or her state of health allows.

(4) Upon application for Estonian citizenship to a person specified in subsection (1) of this section, the application specified in subsection 12 (1) of this Act and the curriculum vitae specified in clause 12 (2) 4) shall be written by his or her legal representative and the court judgment by which a guardian is appointed to the person due to restricted active legal capacity shall be submitted instead of documents specified in clauses 12 (2) 6)-8).

(5) Instead of a person specified in subsections (2) and (3) of this section, the application specified in subsection 12 (1) and the curriculum vitae specified in clause 12 (2) 4) of this Act may be written and the documents may be submitted by his or her representative authorised on the basis of a notarised authorisation document.

(6) The person specified in subsection (2) of this section shall submit a decision of the expert committee instead of documents specified in clauses 12 7) and 8), which releases the person from compliance with the requirements specified in clauses 6 3) and 4) of this Act.

(7) For the taking of the examination specified in §§ 8 and 9 of this Act, the person specified in subsection (3) of this section shall submit the decision of the expert committee as to in which manner the person is capable of taking the examination and from which part of the examination the person is exempt from.

(8) In order to have recourse to an expert committee, the person specified in subsections (2) and (3) of this section shall submit a statement of the attending physician confirming inability of the person to comply in part or in full, due to his or her state of health, with the requirements provided for in clauses 3) and 4) of this section.

(9) An appeal against a decision of the expert committee specified in subsections (6)–(8) of this section may be filed with an administrative court within thirty days as of the date of receipt of the decision.

(10) Determination of the extent and manner of taking the Estonian language examinations and examinations on the knowledge of the Citizenship Act and the Constitution of the Republic of Estonia for applicants for citizenship or the conditions and procedure for release from taking of the specified examinations shall be established by the Government of the Republic.

(11) The expert committee specified in subsections (6)–(9) of this section shall be formed and the organisation of the work thereof shall be established by a directive of the Minister of Education and Research, in co-ordination with the Minister of Social Affairs.

(23.11.2004 entered into force 01.04.2005 - RT I 2004, 84, 570)

§ 36. *(Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 62, 376)*

§ 36¹. Implementation of compensation for language training expenses

(1) Until 31 December 2005, up to 50 per cent of the fee for Estonian language training paid to a private school holding an education licence by a person who has passed the Estonian language examination and the examination on the knowledge of the Constitution of the Republic of Estonia and the Citizenship Act shall be reimbursed to the person within the limit established by the Government of the Republic.

(2) The fee for Estonian language training paid by a person who has passed the Estonian language examination and the examination on the knowledge of the Constitution of the Republic of Estonia and the Citizenship Act and who commenced the Estonian language training before 1 January 2004 shall be reimbursed to the person even if the educational and training institution conducting the training does not hold an education licence.

(10.12.2003 entered into force 01.01.2004 - RT I 2003, 82, 550)

§ 37. Repeal of earlier legislation

The following are repealed:

- 1) the Citizenship Act (RT 1938, 39, 357; 43, 404 and 405 XVI);
- 2) the Citizenship Act Amendment Act (RT 1939, 114, 882);
- 3) Resolution of the Supreme Council of the Republic of Estonia “On Implementation of Citizenship Act” (RT 1992, 7, 109);
- 4) the Estonian Language Requirements for Citizenship Applicants Act (RT 1993, 11, 171);
- 5) Resolution of the Supreme Council of the Republic of Estonia “On Implementation of Citizenship Act” Amendment Act (RT 1993, 13, 204);
- 6) the Citizenship Act Amendment Act (RT 1993, 17, 272);
- 7) Act on Partial Amendment and Repeal of Legislation on Citizenship (RT I 1994, 88, 1491).

§ 38. Entry into force of Act

This Act enters into force on 1 April 1995.

¹ RT = *Riigi Teataja* = *State Gazette*

² Riigikogu = the parliament of Estonia