

Issuer:	Riigikogu
Type:	act
In force from:	01.04.2013
In force until:	29.06.2014
Translation published:	30.10.2013

## Citizenship Act

Passed 19.01.1995  
 RT I 1995, 12, 122  
 Entry into force 01.04.1995

Amended by the following acts

Passed	Published	Entry into force
18.10.1995	RT I 1995, 83, 1442	20.11.1995
08.12.1998	RT I 1998, 111, 1827	12.07.1999
14.06.2000	RT I 2000, 51, 323	10.07.2000
14.11.2001	RT I 2001, 93, 565	01.02.2002
05.06.2002	RT I 2002, 53, 336	01.07.2002
19.06.2002	RT I 2002, 62, 376	01.08.2002
15.10.2002	RT I 2002, 90, 518	10.11.2002
29.01.2003	RT I 2003, 18, 101	01.03.2003
10.12.2003	RT I 2003, 82, 550	01.01.2004
11.02.2004	RT I 2004, 12, 80	20.03.2004
23.11.2004	RT I 2004, 84, 570	01.04.2005
10.12.2003	RT III 2004, 1, 1	10.12.2003
19.10.2005	RT I 2005, 61, 472	01.01.2006
15.06.2006	RT I 2006, 29, 224	08.07.2006
07.05.2009	RT I 2009, 27, 166	30.07.2009
20.05.2009	RT I 2009, 30, 177	01.07.2010
10.03.2010	RT I 2010, 12, 65	04.04.2010
12.06.2012	RT I, 02.07.2012, 1	01.08.2012
13.06.2012	RT I, 02.07.2012, 7	01.08.2012
13.06.2012	RT I, 10.07.2012, 3	01.04.2013

## Chapter 1 General provisions

### § 1. Estonian citizen

(1) An Estonian citizen is a person who holds Estonian citizenship at the time of entry into force of this Act or a person who acquires or restores his or her Estonian citizenship on the basis of this Act.

(2) An Estonian citizen may 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) restored to a person who lost his or her Estonian citizenship as a minor;
- 4) lost through release from or deprivation of Estonian citizenship or as a result of the acceptance of the citizenship of another state.

(2) Estonian citizenship is acquired, restored or lost under the conditions and following the procedure provided in this Act.

(3) The provisions of the Administrative Procedure Act apply to administrative proceedings provided in this Act without prejudice to the rules specific to this Act.  
[RT I 2006, 29, 224 - entry into force 08.07.2006]

## **§ 2<sup>1</sup>. Database of persons who have acquired or lost Estonian citizenship, or to whom Estonian citizenship has been restored**

(1) The constitutive regulations for keeping the database of persons who have acquired or lost Estonian citizenship, or to whom Estonian citizenship has been restored (hereinafter, 'the database') are established by a regulation of the Minister of Internal Affairs.

(2) The database is kept in order to process data for the purpose of conducting the proceedings specified in this Act and to keep records of persons who have acquired or lost Estonian citizenship, or to whom Estonian citizenship has been restored, and of their applications.

(3) The data that serve as the basis for an entry in the database have legal significance. The remaining data are for information only.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

## **§ 3. Prevention of multiple citizenships**

A person who by birth acquires the citizenship of another state in addition to Estonian citizenship must renounce either his or her Estonian citizenship or his or her citizenship of the other state within three years after attaining the age of 18 years.

## **§ 4. Certificate of citizenship**

A certificate of citizenship is issued following the procedure provided in this Act to everyone who acquires Estonian citizenship by naturalisation or to whom Estonian citizenship is restored.

# **Chapter 2**

## **Conditions for acquisition of Estonian citizenship**

## **§ 5. Acquisition of Estonian citizenship by birth**

(1) Estonian citizenship is acquired by birth by:

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

(2) Any child who is found in Estonia and whose parents are unknown is declared, in a court proceeding, at the application of the guardian of the child or the guardianship authority, to have acquired Estonian citizenship by birth unless the child is shown to hold the citizenship of another state.

(2<sup>1</sup>) At the written application of an adoptive parent who is an Estonian citizen, by decision of the governmental authority authorised by the Government of the Republic a minor alien child is deemed to have acquired Estonian citizenship by birth, provided the adoptive parent was an Estonian citizen at the time of the birth of the child and provided that the child is not a citizen of another state or that the child will be released from the citizenship of another state as a result of him or her acquiring Estonian citizenship.

(2<sup>2</sup>) At the written application of an adoptive parent who was not an Estonian citizen at the time of the birth of the child, by decision of the governmental authority authorised by the Government of the Republic, a minor alien child is deemed to have acquired Estonian citizenship as of the date on which Estonian citizenship was granted to the adoptive parent, provided that the child is not a citizen of another state or that the child will be released from the citizenship of another state as a result of him or her acquiring Estonian citizenship.

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

(4) The decision specified in subsections 2<sup>1</sup> and 2<sup>2</sup> of this section is made within two months following the submission of an application. The decision is communicated to the adoptive parent in writing without delay.  
[RT I 2003, 18, 101 - entry into force 01.03.2003]

## **§ 6. Conditions for acquiring Estonian citizenship by naturalisation**

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

- 1) be at least 15 years of age;

- 2) hold a long-term residence permit or the right of permanent residence;
- 2<sup>1</sup>) prior to the date on which he or she submits the application for Estonian citizenship, have lived in Estonia for at least eight years on the ground of a residence permit or by right of residence, of which at least the last five years on a permanent basis;
- 2<sup>2</sup>) have lawfully and on a permanent basis resided in Estonia on the ground of a long-term residence permit or by right of permanent residence for six months from the day following the date of registration of the application for Estonian citizenship;
- 2<sup>3</sup>) have a registered place of residence in Estonia;
- 3) be proficient in the Estonian language in accordance with the requirements provided in section 8 of this Act;
- 4) know the Constitution of the Republic of Estonia and the Citizenship Act in accordance with the requirements provided in section 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, tõotan olla ustav Eesti põhiseaduslikule korrale.*" [In applying for Estonian citizenship, I swear to be loyal to the constitutional order of Estonia.]  
[RT I 2006, 29, 224 - entry into force 08.07.2006]

### **§ 7. Permanent legal income**

The following are deemed to be permanent legal income:

- 1) remuneration earned lawfully under a contract of employment, contract of service, civil law contract or membership;
  - 2) income obtained from lawful business activity or property;
  - 3) pensions;
  - 4) grants;
  - 5) maintenance payments;
  - 6) benefits paid under a law;
- [RT I 2005, 61, 472 - entry into force 01.01.2006]
- 7) maintenance provided by a family member with a permanent legal income in Estonia.

### **§ 8. Requirements for and assessment of proficiency in the Estonian language**

(1) For the purposes of this Act, proficiency in the Estonian language means general proficiency in basic Estonian needed in everyday life which corresponds to the proficiency level B-1 specified in the Language Act or to an equivalent level.

[RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(2) The proficiency requirements in the Estonian language for a person who wants to acquire Estonian citizenship are the following:

- 1) the applicant is able to cope in most everyday situations;
- 2) the applicant is able to describe experiences, events, dreams and goals and can briefly give reasons for and explain his or her views and intentions;
- 3) the applicant is able to fully understand the gist on familiar topics such as work, school and leisure;
- 4) the applicant is able to compose a simple text on a topic which he or she is familiar with or takes an interest in.

[RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(3) The applicant's proficiency in the Estonian language is assessed by way of examination. The procedure for holding examinations is established by the Government of the Republic.

(4) An applicant who passes the examination is issued a corresponding certificate.

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

(6) The applicants referred to in section 35(3) of this Act take the examination to the extent and in the manner set out in the decision of the expert committee referred to in section 35(7) of this Act.

[RT I, 02.07.2012, 7 - entry into force 01.08.2012]

### **§ 8<sup>1</sup>. Reimbursement of 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 section 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 section 9(2) of this Act will be reimbursed to the person within the limit established by the Government of the Republic.

(2) The Ministry for Education and Research arranges the reimbursement of language training expenses. The Minister for Education and Research may enter into a regulatory contract with a government foundation to effect reimbursement of language training expenses. Supervision over the performance of the regulatory contract is exercised by the Ministry for Education and Research.  
[RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(3) In order to have his or her language training expenses reimbursed, an applicant who has passed the Estonian language examination and the examination on knowledge of the Constitution of the Republic of Estonia and the Citizenship Act, submits to the Ministry for Education and Research or to the government foundation referred to in subsection 2 of this section, not later than within three months after passing both examinations, the corresponding application together with a copy of an identity document and a document certifying the payment of language training expenses or an officially certified copy thereof.  
[RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(4) The Ministry for Education and Research or the government foundation referred to in subsection 2 of this section reimburses, not later than within two months from the date of the submission of the corresponding application, the language training expenses to the bank account stated in the application of the applicant who has passed the Estonian language examination and the examination on knowledge of the Constitution of the Republic of Estonia and the Citizenship Act.  
[RT I, 02.07.2012, 7 - entry into force 01.08.2012]

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

(1) A person who wishes to acquire Estonian citizenship by naturalisation must know:

- 1) the general principles of the Estonian constitutional order which are provided 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 in Chapter II of the Constitution of the Republic of Estonia;
- 3) the powers of the *Riigikogu*, the President of the Republic, the Government of the Republic and the courts of law as provided in the Constitution of the Republic of Estonia;
- 4) the conditions and procedure for acquisition, restoration and loss of Estonian citizenship as provided in the Citizenship Act.

(2) Knowledge of the Constitution of the Republic of Estonia and the Citizenship Act is assessed by way of examination which is held in Estonian. The procedure for the holding of the examination is established by the Government of the Republic.

(2<sup>1</sup>) The Ministry for Education and Research prepares and arranges the examination, coordinates the preparation of examination materials and issues examination certificates.  
[RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(2<sup>2</sup>) The Minister for Education and Research may enter into a regulatory contract with a government foundation for the purpose of preparing and arranging the examination, coordinating the preparation of the examination materials and issuance of examination certificates. The Ministry of Education and Research exercises supervision over the performance of the public law contract.  
[RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(3) An applicant who passes the examination is issued the corresponding certificate.

(4) Applicants referred to in section 35(3) of this Act take the examination to the extent and in the manner set out in the decision of the expert committee referred to in section 35(7) of this Act.  
[RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(5) The Government of the Republic establishes a database to keep record of the examinations on knowledge of the Constitution of the Republic of Estonia and the Citizenship Act and of the certificates issued (hereinafter, 'the database of examinations and certificates') which is part of the government information system.  
[RT I 2010, 12, 65 - entry into force 04.04.2010]

(6) The constitutive regulations of the database of examinations and certificates are established by the Government of the Republic.  
[RT I 2010, 12, 65 - entry into force 04.04.2010]

(7) With respect to the database of examinations and certificates, the Ministry for Education and Research is the data controller.  
[RT I 2010, 12, 65 - entry into force 04.04.2010]

(8) Persons in whose respect the database of examinations and certificates contains a record have the right to access any data concerning themselves in that database; other persons may access such data if this is required in order to perform a function provided by an Act of the *Riigikogu* or an international agreement.  
[RT I 2010, 12, 65 - entry into force 04.04.2010]

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

(1) The application of the requirements provided in points 2–4 of section 6 of this Act is not mandatory with regard to persons whose achievements are of special merit to the Estonian state.

(2) Achievements of special merit may be achievements in the area of science, culture, sports or in other areas.

(3) Estonian citizenship for achievements of special merit may be granted to not more than ten persons in a year.

(4) Proposals for granting citizenship for achievements of special merit may be made by members of the Government of the Republic.

(5) The Government of the Republic must substantiate its decisions to grant citizenship for achievements of special merit. Refusals to grant citizenship for achievements of special merit are not substantiated.

(6) The name of the member of the Government of the Republic who made the proposal for a grant of citizenship and the reasons for which the citizenship was granted are published in the *Riigi Teataja*.  
[RT I 2006, 29, 224 - entry into force 08.07.2006]

## **§ 11. Staying in Estonia on a permanent basis**

For the purposes of this Act, staying in Estonia on a permanent basis means lawful residence in Estonia for at least 183 days in a year, while any period of absence from Estonia may not exceed 90 consecutive days in a year.

## **§ 12. Documents to be submitted for acquisition of Estonian citizenship by naturalisation**

(1) In order to acquire Estonian citizenship by naturalisation, the applicant must submit a holographic application written in Estonian which sets out the following particulars concerning the applicant:

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

(2) In addition to the application, the applicant must submit:

- 1) two photographs (4 by 5 cm);
- 2) documents proving the applicant's identity and citizenship;
- 3) a document certifying that the applicant is staying in Estonia in compliance with the requirements provided in this Act;
- 4) a holographic *curriculum vitae* written in Estonian which sets out the applicant's professional 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 in that status during his or her residence in Estonia, all previous places of residence 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 must also be set out;
- 5) documents certifying the applicant's education and professional career;
- 6) a document proving the applicant's permanent legal income;
- 7) a certificate of the applicant's proficiency in the Estonian language in accordance with section 8 of this Act or documents certifying the applicant's basic, secondary or higher education acquired in Estonian;
- 8) a certificate of the applicant's knowledge of the Constitution of the Republic of Estonia and the Citizenship Act in accordance with section 9 of this Act.

(3) Before submitting the application, the applicant must pay the state fee.

[RT I 2002, 62, 376 - entry into force 01.08.2002]

# **Chapter 3**

# Conditions for acquisition of Estonian citizenship by naturalisation as a minor

## § 13. Acquisition of Estonian citizenship by naturalisation as a minor

(1) A minor under 15 years of age is granted Estonian citizenship by naturalisation if this is applied for on behalf of the minor by the minor's parents who are Estonian citizens, or by one parent who is an Estonian citizen following an agreement with the parent who is not an Estonian citizen which bears officially certified signatures of the parties, or by the minor's single or adoptive parent who is an Estonian citizen.

(2) A minor under 15 years of age on whose behalf the application for Estonian citizenship is made in accordance with subsection 1 of this section must be staying in Estonia on a permanent basis and be released from his or her current citizenship or be declared to be a stateless person, or it must be proved that the minor will be released from his or her current citizenship in relation to the acquisition of Estonian citizenship.

(3) A minor under 15 years of age whose parents are dead, missing or have restricted active legal capacity or are deprived of their parental rights is granted Estonian citizenship by naturalisation at the application of the guardianship authority or of the minor's guardian who is an Estonian citizen, provided that the minor is staying in Estonia on a permanent basis and it is not proved that the minor is a citizen of another state, or it is proved that the minor will be released from the citizenship of another state in relation to the acquisition of Estonian citizenship.

[RT I 2002, 53, 336 - entry into force 01.07.2002]

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

1) his or her parents apply for Estonian citizenship on his or her behalf, provided the parents have lawfully resided in Estonia for at least five years at the time of submission of the application and are not recognised by any other state to be citizens of that state in accordance with the legislation in force;

2) the single or adoptive parent applies for Estonian citizenship on behalf of the minor, provided the single or adoptive parent has lawfully resided in Estonia for at least five years at the time of submission of the application and is not recognised by any other state to be a citizen of that state in accordance with the legislation in force.

(5) A minor under 15 years of age on whose behalf Estonian citizenship is applied for in accordance with subsection 4 of this section must be staying in Estonia on a permanent basis and must not have been recognised by any other state to be a citizen of that state in accordance with the legislation in force.

(6) The definition provided in subsection 4 of this section concerning persons who are not deemed by any other state to be citizens of that state in accordance with the legislation in force extends to persons who, before 20 August 1991, were citizens of the Union of Soviet Socialist Republics and who have not been recognised by any other state to be citizens of that state in accordance with the legislation in force.

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

A minor under 15 years of age is granted Estonian citizenship by naturalisation together with his or her parent or adoptive parent who is applying for Estonian citizenship at the application of the minor's parents or single or adoptive parent if the minor is staying in Estonia on a permanent basis and is released from his or her current citizenship or will be released from such citizenship in relation to the acquisition of Estonian citizenship or is declared to be a stateless person.

### § 14<sup>1</sup>. Single parent

A parent is deemed to be a single parent if:

1) the population register records no information concerning the child's other parent or the information in the population register has been entered on the basis of statements made by one parent only;

[RT I 2009, 30, 177 - entry into force 01.07.2010]

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;

[RT I 2002, 53, 336 - entry into force 01.07.2002]

5) the other parent is dead;

6) the parents are not married to one another or if the parents divorce and the child remains with the parent residing in Estonia, whilst the other parent does not live in Estonia and has lost contact with the child and the parent raising the child.

## § 15. Documents to be submitted in order for a minor to acquire Estonian citizenship by naturalisation

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

- 1) the minor's given name, surname, and date and place of birth;
- 2) the given names, surnames, and date and place 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 place of residence of the minor and his or her parents, adoptive parent or guardian, or the address 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 in section 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 are to be enclosed with the application:

- 1) two photographs of the minor (4 by 5 cm);
- 2) the minor's birth certificate or a document proving the minor's identity and citizenship;
- 3) documents certifying the minor's compliance with the conditions provided in section 13 or 14 of this Act;
- 4) documents certifying the compliance of the minor's parents, adoptive parent or guardian with the conditions provided in section 13 or 14 of this Act;
- 5) in the case referred to in section 13(1) of this Act, an agreement bearing the officially certified signatures of the parents.

(3) In addition to the documents specified in subsection 2 of this section, a single parent must submit a document proving the fact referred to in section 14<sup>1</sup> of this Act.

## **Chapter 4**

### **Conditions for resumption of Estonian citizenship**

#### **§ 16. Entitlement to restoration of Estonian citizenship**

(1) Anyone who has lost his or her Estonian citizenship as a minor is entitled to its restoration.

(2) A person who wishes his or her Estonian citizenship to be restored must be staying in Estonia on a permanent basis and be released from his or her previous citizenship or prove that he or she will be released from such citizenship in relation to his or her resumption of Estonian citizenship.

#### **§ 17. Documents to be submitted for the restoration of Estonian citizenship**

(1) A person who wishes his or her Estonian citizenship to be restored must submit a holographic application which sets out the following personal particulars:

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

(2) The following are to be enclosed with the application:

- 1) two photographs (4 by 5 cm);
- 2) documents proving the applicant's identity and citizenship;
- 3) a document proving that the applicant is staying in Estonia on a permanent basis;
- 4) documents proving loss of the applicant's Estonian citizenship;
- 5) [repealed – RT I 2002, 62, 376 – entry into force 01.08.2002]

(3) Before submitting the application, the applicant must pay the state fee.  
[RT I 2002, 62, 376 - entry into force 01.08.2002]

## **Chapter 5**

# Procedure for acquisition of Estonian citizenship by naturalisation and for restoration of Estonian citizenship

## § 18. Submission of documents

(1) A person who wishes to acquire Estonian citizenship by naturalisation or to restore his or her Estonian citizenship submits the required documents to the governmental authority authorised by the Government of the Republic.

(2) On behalf of a minor under 15 years of age or an adult with restricted active legal capacity, the documents referred to in subsection 1 of this section must be submitted and the steps specified in this Act are taken by his or her parent, adoptive parent, or guardian who is an Estonian citizen, or by the guardianship authority.  
[RT I 2002, 53, 336 - entry into force 01.07.2002]

## § 19. Registration and consideration of documents submitted for acquiring Estonian citizenship by naturalisation or for restoration of Estonian citizenship

(1) An application for the acquisition of Estonian citizenship by naturalisation or for the restoration of Estonian citizenship is registered and accepted for consideration by the governmental authority authorised by the Government of the Republic provided that, together with the application, the applicant submits all documents which applicants for Estonian citizenship by naturalisation are required to present and which are listed in section 12 or, in the case of a minor under 15 years of age, in section 15 of this Act, or all documents which are required for the restoration of Estonian citizenship and which are listed in section 17 of this Act, and provided the applicant has paid the state fee.

(2) The governmental authority authorised by the Government of the Republic issues a certificate to the applicant regarding the registration and acceptance for consideration of his or her application; the format of the certificate is established by the Government of the Republic.

(3) After six months have passed from the date on which the application to acquire Estonian citizenship by naturalisation was registered, the applicant must provide, at the governmental authority authorised by the Government of the Republic, a written confirmation that he or she still wishes to acquire Estonian citizenship and that he or she complies with the conditions established in this Act, and submit a certificate which proves that he or she has been released from his or her previous citizenship or will be released from such citizenship in relation to the acquisition of Estonian citizenship or that he or she has been declared to be a stateless person.

(4) If the person who wishes to acquire an Estonian citizenship by naturalisation complies with all the conditions provided in subsection 3 of this section within one month after the expiry of the term of six months, within three months the governmental authority authorised by the Government of the Republic submits the person's documents together with its substantiated proposal to the Government of the Republic for taking a decision on the grant of Estonian citizenship. If the person fails to comply with the conditions provided in subsection 3 of this section within the term provided in this subsection or fails to comply with the conditions established in this Act, consideration of his or her application will be terminated and he or she will be notified thereof in writing.

(4<sup>1</sup>) Within three months after registration of the application for the acquisition of Estonian citizenship by a minor under 15 years of age, the governmental authority authorised by the Government of the Republic forwards the submitted application together with its substantiated proposal to the Government of the Republic for taking a decision on the grant of Estonian citizenship.

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

(6) If a person who wishes to restore his or her Estonian citizenship fails to submit the certificate referred to in subsection 5 of this section within six months after the date on which his or her application to resume Estonian citizenship was registered, consideration of his or her application is terminated and he or she is notified thereof in writing.  
[RT I 2004, 12, 80 - entry into force 20.03.2004]

## § 20. Decision on the grant or restoration of Estonian citizenship

(1) Decisions on the grant or restoration of Estonian citizenship are taken by the Government of the Republic.



(2) An order of the Government of the Republic on the grant or restoration of Estonian citizenship enters into force as of the date of its execution, unless a different date is specified in the order.

(3) In accordance with the order of the Government of the Republic to grant or restore an Estonian citizenship to the person who requests it, the governmental authority authorised by the Government of the Republic issues a citizenship certificate to the applicant.

#### **§ 21. Refusal to grant or restore Estonian citizenship**

(1) Estonian citizenship is not granted or restored to an applicant who:

- 1) by submitting false information when applying for Estonian citizenship, has concealed facts which preclude the grant or restoration of Estonian citizenship;  
[RT I, 02.07.2012, 1 - entry into force 01.08.2012]
- 2) does not observe the constitutional order and laws of Estonia;
- 3) has engaged in actions against the Estonian state and Estonian national security;
- 4) has committed a criminal offence for which he or she was sentenced to imprisonment for more than one year and whose conviction has not been spent or who has been repeatedly convicted of intentionally committed criminal offences;
- 5) has been employed or is currently employed by foreign intelligence or security services;
- 6) has served as a commissioned member of the armed forces of a foreign state or who has been assigned to the reserve forces of such state or has retired from such forces, as well as to his or her spouse who entered Estonia due to the member of the armed forces being seconded in relation to service, assignment to the reserve or retirement.

(1<sup>1</sup>) As an exception, Estonian citizenship may be granted or restored to a person who has been repeatedly convicted of intentionally committed criminal offences and whose convictions have been spent, taking into consideration the circumstances related to the commission of the criminal offences and the person of the offender.

[RT I 2006, 29, 224 - entry into force 08.07.2006]

(2) Estonian citizenship may be granted or restored 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, provided the marriage has not been divorced.

(3) Estonian citizenship is not granted to a person whose parents, adoptive parent, guardian or guardianship authority, when applying for Estonian citizenship for the person, submitted false information concerning facts which bear relevance to taking the decision on the grant of Estonian citizenship.

## **Chapter 6**

### **Conditions and procedure for loss of Estonian citizenship**

#### **§ 22. Loss of Estonian citizenship**

A person ceases to be an Estonian citizen:

- 1) when he or she is released from Estonian citizenship;
- 2) when he or she is deprived of Estonian citizenship;
- 3) when he or she accepts the citizenship of another state.

#### **§ 23. Documents to be submitted for release from Estonian citizenship**

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

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

(2) Before being released from Estonian citizenship, the applicant must pay the state fee.

[RT I 2002, 62, 376 - entry into force 01.08.2002]

#### **§ 24. Submission of documents**

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

(2) On behalf of a minor under 15 years of age or an adult with restricted active legal capacity, the documents referred to in subsection 1 of this section are submitted by his or her parent, adoptive parent or guardian or by the guardianship authority.

[RT I 2002, 53, 336 - entry into force 01.07.2002]

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

(1) The documents submitted for release from Estonian citizenship are registered and accepted for consideration in the governmental authority authorised by the Government of the Republic.

(2) The governmental authority authorised by the Government of the Republic issues a certificate to the applicant regarding the registration and acceptance of his or her documents; the format of the certificate is established by the Government of the Republic.

(3) Within one year after the date on which the applicant's documents are registered, the governmental authority authorised by the Government of the Republic submits the documents to the Government of the Republic for taking a decision on the release of the applicant from Estonian citizenship.

#### **§ 26. Restrictions on release from Estonian citizenship**

Release from Estonian citizenship may be refused if:

- 1) the release will render the applicant stateless;
- 2) the applicant has outstanding obligations before the Estonian government;
- 3) [repealed – RT I, 10.07.2012, 3 – entry into force 01.04.2013]

#### **§ 27. Decision on release from Estonian citizenship**

The decision on release from Estonian citizenship is taken by the Government of the Republic.

#### **§ 28. Deprivation of Estonian citizenship**

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

- 1) as an Estonian citizen, enters the public service or military service of a foreign state without the permission of the Government of the Republic;
- 2) joins the intelligence or security service of a foreign state or an armed organisation of such a state, which is set up in accordance with military principles or which engages in military exercises;
- 3) has attempted to change the constitutional order of Estonia by force;
- 4) when acquiring Estonian citizenship by naturalisation or in relation to the restoration to him or her of Estonian citizenship, submits false information or conceals facts which would have precluded the grant or restoration of Estonian citizenship to him or her;
- 5) is a citizen of another state but has not been released from Estonian citizenship.

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

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

#### **§ 29. Loss of Estonian citizenship due to acceptance of the citizenship of another 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 when the person accepts the citizenship of another state or when he or she renounces Estonian citizenship in favour of the citizenship of another state.

#### **§ 30. Return of documents constituting proof of Estonian citizenship**

A person who has lost Estonian citizenship returns the documents which constitute proof of his or her Estonian citizenship to the governmental authority authorised by the Government of the Republic.

## **Chapter 7 Final provisions**

#### **§ 31. Consent to grant or restore Estonian citizenship to a minor, or to release a minor from Estonian citizenship**

A minor of 15 to 18 years of age must have the consent of his or her parent, adoptive parent, guardian or guardianship authority in order to acquire Estonian citizenship, to have his or her Estonian citizenship restored or to be released from Estonian citizenship.

#### **§ 32. Grant of citizenship to a person who has been erroneously defined as an Estonian citizen**

[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

(1) Having regard to subsections 2 and 3 of this section, the governmental authority authorised by the Government of the Republic recognises a person who has been erroneously acknowledged by such authority to be an Estonian citizen in the course of a procedure of issuing an Estonian identity document, to have acquired Estonian citizenship on the legal ground under which he or she was erroneously acknowledged as an Estonian citizen.

(2) The governmental authority authorised by the Government of the Republic may refuse to recognise the acquisition of Estonian citizenship on the grounds specified in subsection 1 of this section by the person whom that authority erroneously acknowledged to be an Estonian citizen in the course of a procedure of issuing an Estonian identity document if, in respect of that person, the circumstances listed under points 2–6 of section 21(1) or points 2 or 3 of section 28(1) of this Act apply.

(3) The governmental authority authorised by the Government of the Republic may refuse to recognise the acquisition of Estonian citizenship on the grounds specified in subsection 1 of this section by a person whom that authority erroneously acknowledged to be an Estonian citizen in the course of a procedure of issuing an Estonian identity document if it is established that he or she was acknowledged to be an Estonian citizen in the course of the procedure of issuing an Estonian identity document as a result of the submission of a forged document or a document containing false information or as a result of a knowing submission of false information.

(4) Subsection 1 of this section applies and subsections 2 and 3 do not apply to any person whom the governmental authority authorised by the Government of the Republic erroneously acknowledged to be an Estonian citizen due to the status of another person whom that authority had erroneously acknowledged to be an Estonian citizen in the course of a procedure of issuing an Estonian identity document.

(5) The governmental authority authorised by the Government of the Republic may choose not to apply subsection 1 of this section in respect of the person concerned if this is requested by the person, provided he or she is at least 15 years of age.

(6) Where the person concerned is under 15 years of age or has restricted active legal capacity, the governmental authority authorised by the Government of the Republic may choose not to apply subsection 1 of this section if this is requested by the statutory representative of the person concerned.

(7) The decision of the governmental authority authorised by the Government of the Republic to recognise, in accordance with subsection 1 of this section, the acquisition of Estonian citizenship by a person who is a citizen of another state, enters into force on the day following the day that person submits to the authority a certificate which shows that the person has been released from the citizenship of the other state.

(8) The decision to grant Estonian citizenship by naturalisation or to grant an Estonian residence permit to the person concerned becomes invalid as of the day the decision to recognise the acquisition of Estonian citizenship in accordance with subsection 1 of this section enters into force.

(9) When subsection 1 of this subsection is applied in respect of a person, until the decision is taken to recognise his or her acquisition of Estonian citizenship on that ground, the rights and obligations deriving from his or her status as an alien or as a person who has acquired Estonian citizenship by naturalisation are deemed to have arisen lawfully.

[RT I, 02.07.2012, 7 - entry into force 01.08.2012]

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

The requirement of holding a long-term residence permit or the right of permanent residence provided in points 2 and 2<sup>2</sup> of section 6 of this Act does not apply in respect of applicants for Estonian citizenship who settled in Estonia before 1 July 1990.

[RT I 2006, 29, 224 - entry into force 08.07.2006]

### **§ 34. Special requirements regarding proficiency in the Estonian language**

(1) Applicants for Estonian citizenship who were born prior to 1 January 1930 are exempt from the requirements provided in section 8(2)(4) of this Act when taking the language examination.

(2) [Repealed – RT I 2000, 51, 323 – entry into force 10.07.2000]

(3) [Repealed – RT I 2000, 51, 323 – entry into force 10.07.2000]

(4) [Repealed – RT I 2000, 51, 323 – entry into force 10.07.2000]

### **§ 35. Special conditions for acquisition of Estonian citizenship**

(1) Adults with restricted active legal capacity who apply for Estonian citizenship are exempt from compliance with the conditions provided in points 3–7 of section 6 of this Act.

(2) Persons who, for health reasons, are unable to comply with the conditions provided in points 3 and 4 of section 6 of this Act, are exempt from complying with these conditions.

(3) Persons who, for health reasons, are unable to fully comply with the requirements provided in points 3 and 4 of section 6 of this Act take the examination specified in sections 8 and 9 of this Act to an extent and in a manner that the state of their health allows.

(4) In order to apply for Estonian citizenship for the persons referred to in subsection 1 of this section, the application specified in section 12(1) of this Act and the *curriculum vitae* specified in section 12(2)(4) of the same Act are written by the person's statutory representative and the court judgment by which a guardian is appointed to the person due to the fact that the person's active legal capacity is restricted is submitted instead of the documents specified in points 6–8 of section 12(2).

(5) On behalf of the persons referred to in subsections 2 and 3 of this section, the application specified in section 12(1) and the *curriculum vitae* specified in section 12(2)(4) of this Act may be written and the relevant documents may be submitted by his or her representative authorised on the basis of a notarised authorisation document.

(6) The persons referred to in subsection 2 of this section submit a decision of the expert committee instead of documents specified in points 7 and 8 of section 12(2), which exempts them from complying with the requirements specified in points 3 and 4 of section 6 of this Act. [RT I, 02.07.2012, 7 – entry into force 01.08.2012]

(7) In order to take the examination specified in sections 8 and 9 of this Act, the person referred to in subsection 3 of this section must submit the decision of the expert committee regarding the manner in which the person is capable of taking the examination and the part of the examination the person is exempted from. [RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(8) In order to have recourse to an expert committee, the persons referred to in subsections 2 and 3 of this section submit a statement of the attending physician which confirms the person's inability, due to his or her state of health, to comply in part or in full with the requirements provided in points 3 and 4 of section 6 of this Act. [RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(9) An appeal against the decision of the expert committee specified in subsections 6–8 of this section may be filed in an administrative court within thirty days as of the date of receiving the decision. [RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(10) The conditions and procedure for determining the extent and manner of taking the Estonian language examination and the examination on knowledge of the Citizenship Act and the Constitution of the Republic of Estonia by the citizenship applicants or for exempting applicants from taking those examinations are established by the Government of the Republic.

(10<sup>1</sup>) The provision of services required by the expert committee referred to in subsections 6–9 of this section is arranged by the Ministry for Education and Research. [RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(10<sup>2</sup>) The Minister for Education and Research may enter into a regulatory contract with a government foundation for the purpose for arranging the provision of services to the expert committee referred to in subsections 6–9 of this section. Supervision over the performance of the regulatory contract is exercised by the Ministry for Education and Research. [RT I, 02.07.2012, 7 - entry into force 01.08.2012]

(11) The expert committee specified in subsections 6–9 of this section is formed and the work arrangements thereof are established by a directive of the Minister for Education and Research in coordination with the Minister for Social Affairs. [RT I, 02.07.2012, 7 - entry into force 01.08.2012]

### **§ 36. [Repealed – RT I 2002, 62, 376 – entry into force 01.08.2002]**

### **§ 36<sup>1</sup>. Implementation of reimbursement for language training expenses**

(1) Until 31 December 2005, up to 50 percent of the tuition fees paid for Estonian language training to a private school holding an education licence by an applicant who has passed the Estonian language examination and the examination on knowledge of the Constitution of the Republic of Estonia and the Citizenship Act are reimbursed to the applicant up to the limit established by the Government of the Republic.

(2) The tuition fees paid for Estonian language training by an applicant who has passed the Estonian language examination and the examination on knowledge of the Constitution of the Republic of Estonia and the Citizenship Act and who commenced the Estonian language training before 1 January 2004 are reimbursed to the applicant even if the educational and training institution which provided the training does not hold an education licence.

[RT I 2003, 82, 550 - entry into force 01.01.2004]

**§ 37. [Omitted from this text.]**

**§ 38. Entry into force of this Act**

This Act enters into force on 1 April 1995.