

The legislation on naturalisation

Law of October 2008, entry into force on 1 January 2009

The following persons (automatically) have Luxembourg nationality:

- a child born in Luxembourg of a parent having Luxembourg nationality
- a child born in Luxembourg whose parents are unknown
- a child born in Luxembourg of stateless parents
- a child born in Luxembourg one of whose parents was born in Luxembourg

The following persons acquire Luxembourg nationality:

- a minor child adopted by a Luxembourg national
- a person born in Luxembourg before 1 January 1920 (of Luxembourg origin)

The following persons may acquire Luxembourg nationality:

- a person of 18 years of age who has been lawfully and actually resident in Luxembourg for seven consecutive years. That age and length of residence must have been reached when the application is made.

In the case of persons recognised as refugees, the period of residence runs from the date on which the application for asylum was lodged.

Other conditions (sufficient integration)

Knowledge of one of the three languages of the country and test in Luxembourgish.

The test is carried out at the Centre de Langues Luxembourg (CLL)

Attendance at three Civics classes.

Persons who arrived in Luxembourg before 31 December 1984 and who have resided in Luxembourg since then are exempt from the language test and the Civics classes.

Refusals in the event of

- false declarations or fraud
- a prison sentence of one year or more during the last 15 years.

Exception

Nationality may be conferred or granted without the conditions set out above applying where exceptional services have been rendered to the State.

Procedure

1. **Written application** made personally (addressed to the Ministry of Justice) **at the commune** of residence



The file must include

- birth certificate (together with that of minor children of the applicant)
- an accurate personal record (e.g. a curriculum vitae)
- certificates of residence covering the 7 years
- a certified copy of the passport
- an extract from the 'casier judiciaire' or excerpts therefrom covering the last 15 years
- certificate of successful completion of the test in Luxembourgish
- certificate of attendance at the Civics classes

The documents must be translated into French or German by an accredited translator.

2. The commune **will forward the application to the Ministry of Justice**
3. The Ministry of Justice **will give a positive or negative response** to the application within eight months at the latest.

While the application is being considered and before the Ministry gives its decision, the applicant may not be deported from the country.

4. In the event of a refusal, the applicant may contest that refusal before the Administrative Court.

Transitory measures

Applications made before 1 January 2009 remain subject to the conditions of the former Law.

Comments

The Law lays down, amongst other provisions, conditions governing recovery and removal of nationality.

The new law no longer recognises the choice formula; there is no longer a reduced residence requirement for the spouse of a Luxembourg national.

This is a summary drawn up by ASTI, only the text of the law itself is valid.

Law of 28 October on Luxembourg nationality

Mémorial 158 / October 2008

25.11.2008

Site du Ministère de la Justice www.mj.public.lu/nationalite/index.html

Site du Centre de langues www.restena.lu/centredelangues/Francais/page5/p5frame.htm

