

# **Icelandic Nationality Act**

(No. 100 of 23rd December 1952, as amended by  
the Acts No. 49 of 11th May 1982, No. 62 of 12th June 1998 and No. 82 of 16th June 1998)

## Article 1

[A child shall acquire Icelandic citizenship at birth:

1. if his mother is an Icelandic citizen,
2. if his father is an Icelandic citizen and is married to the mother. This shall not apply, however, if the couple had obtained a judicial separation at the time when the child was conceived.

A child found abandoned in Iceland shall, in the absence of proof to the contrary, be deemed to be an Icelandic citizen.]1)

- 1) Act No. 62/1998, Art. 1.

## Article 2

[If an unmarried woman who is a foreign national has a child in Iceland, he shall acquire Icelandic citizenship if a man who is an Icelandic citizen is his father under the Children's Act.

If an unmarried woman who is a foreign national has a child abroad by a man who is an Icelandic citizen, the father may, before the child reaches the age of 18, apply to the Ministry of Justice for the child to receive Icelandic citizenship, and shall consult the child if he is over the age of 12. If, in the opinion of the ministry, he submits satisfactory evidence concerning the child and his paternity, the child shall acquire Icelandic citizenship on confirmation by the ministry.] 1)

- 1) Act No. 62/1998, Art. 2.

## [Article 2 a

A foreign child who is adopted by an Icelandic national with the permission of the Icelandic authorities shall acquire Icelandic citizenship on adoption if he is under the age of 12.

A foreign child under the age of 12 who is adopted by an Icelandic national according to a foreign decision which is recognized by the Icelandic authorities shall acquire Icelandic citizenship on confirmation by the Ministry of Justice at the request of the adopter.] 1)

- 1) Act No. 62/1998, Art. 3.

## Article 3

[A foreign national who has been domiciled in Iceland continuously since reaching the age of 16, and who furthermore resided in Iceland for a total of not less than 5 years before that time, shall acquire Icelandic citizenship on declaring his desire to do so, in writing, to the Ministry of Justice, after reaching the age of 21 and before reaching the age of 23. If he is stateless, or demonstrates that he will lose his foreign nationality on acquiring Icelandic citizenship, he may make this declaration when he has reached the age of 18, providing that, at the time of making it, he has been domiciled in Iceland for the previous 5 years and also lived in Iceland for a total of not less than 5 years before that.] 1)

If the state is at war, a national of an enemy state may not acquire Icelandic citizenship under this Article. The same shall apply to a stateless person who last held nationality of an enemy state.

- 1) Act No. 49/1982, Art. 3.

## Article 4

If a person who acquired Icelandic citizenship at birth and was domiciled in Iceland until the age of 18 loses Icelandic citizenship, he shall acquire it again, if he has been domiciled in Iceland for the previous 2 years, on declaring his desire to do so, in writing, to the Ministry of Justice. ... 1)

- 1) Act No. 49/1982, Art. 4.

## Article 5

[If a person acquires citizenship under Articles 3 or 4, his unmarried children under the age of 18 shall also acquire citizenship if he has custody of them and they are domiciled in Iceland.] 1)

- 1) Act No. 62/1998, Art. 5.

#### [Article 5 a

The Minister of Justice may, after receiving the comments of the commissioner of police in the applicant's locality, and of the Immigration Service, grant Icelandic citizenship according to an application submitted by the applicant himself, or by his legal guardians if he has not reached the age of 18, providing he meets the following requirements regarding residence, conduct and support:

##### A. Residence requirements.

1. The applicant shall have been domiciled in Iceland for seven years; in the case of a national of one of the other Nordic countries, the requirement shall be only four years.
2. An applicant who is married to, or in a recognized union with, an Icelandic citizen, shall have been domiciled in Iceland for three years since the marriage/establishment of the recognized union, providing the Icelandic spouse or partner has held Icelandic citizenship for not less than five years.
3. An applicant who lives in a registered cohabitational union with an Icelandic national, both being unmarried, shall have been domiciled in Iceland for five years from the registration of the union, providing the Icelandic citizen has held citizenship for not less than five years.
4. An applicant, one of whose parents is an Icelandic citizen, shall have been domiciled in Iceland for two years, providing that the Icelandic parent has held citizenship for not less than five years.
5. An applicant who was an Icelandic citizen, but has become a foreign national, shall have been domiciled in Iceland for one year.
6. A refugee, who meets the definition of the Convention Relating to the Status of Refugees of 28th July 1951, shall have been domiciled in Iceland as such for five years.
7. These rules are based on domicile and continuous residence in Iceland. Exemptions from these conditions may be granted if an applicant's residence in Iceland has been broken for up to one year because of temporary employment, or for unavoidable reasons, such as the illness of a close relative, and for up to three years as a result of study abroad. However, the period during which the applicant shall have been domiciled and resident in Iceland must be at least as long as that which he is required to meet under the above rules.

##### B. Other requirements.

1. The applicant shall, in the opinion of two trustworthy persons, be capable of working and well enjoy a good reputation where he has resided.
  2. The applicant shall, according to the information stated in his application, be capable of supporting himself in Iceland and shall not have received a support grant from a local authority during the past two years.
  3. The applicant shall not have incurred punitive custody or a prison sentence, or be involved in a case in progress in the criminal justice system in which he is suspected or accused of criminal conduct.
- The Minister of Justice may also grant Icelandic citizenship to a child born in Iceland who demonstrably did not acquire another nationality at birth and has not acquired it, or the right to acquire it, when his application for citizenship is submitted. The child shall have been domiciled and continuously resident in Iceland from birth for at least three years.

Article 5 shall apply to the children of persons who acquire citizenship under this Article, unless otherwise provisions are made.] 1)

- 1) Act No. 62/1998, Art. 6.

#### Article 6

[The Althing may grant citizenship by statute.

Before an application for citizenship is submitted to the Althing, the Ministry of Justice shall receive comments on it from the commissioner of police in the applicant's locality, and from the Immigration Service.

If the person who receives citizenship by statute has children, the provisions of Article 5 shall apply to them unless other provisions are made in this Act.] 1)

- 1) Act No. 62/1998, Art. 7.

#### Article 7

The following shall lose Icelandic citizenship:

1. a person who acquires foreign nationality by his own application or unequivocal assent;
2. a person who acquires foreign nationality by entering the public service of a foreign state;
3. an unmarried child under the age of 18 who becomes a foreign national as a result of his parents, who exercise [custody]1) over the child, acquiring foreign nationality under item 1 or 2 of this Article, or because the parent, who exercises [custody]1) of the child, either solely or jointly with the other parent, who is not an Icelandic citizen, acquires foreign nationality in the manner described above.
4. ...2)

- 1) Act No. 62/1998, Art. 8.
- 2) Act No. 49/1982, Art. 5.

#### Article 8

An Icelandic citizen who was born abroad, and has never been domiciled in Iceland or resided there for any purpose which could be interpreted as indicating a desire to be an Icelandic citizen, shall lose his Icelandic citizenship on reaching the age of 22. However, the President may permit him to retain his citizenship if he applies to do so before that time. [He shall not, however, lose Icelandic citizenship if that would result in his becoming stateless.] 1)

[The children of a person who loses Icelandic citizenship under this Article shall also lose Icelandic citizenship which they have acquired on the basis of his citizenship, unless this would result in their becoming stateless.] 2)

- 1) Act No. 62/1998, Art. 9.
- 2) Act No. 49/1982, Art. 6.

#### Article 9

The President may release a person who is already, or wishes to become, a foreign national, from citizenship in Iceland providing that the person demonstrates that within a particular period he will become a foreign national, if he has not already done so.

[A foreign national who is domiciled abroad may not be denied release from citizenship.] 1)

- 1) Act No. 49/1982, Art. 7.

#### [Article 9 a

Agreements may be made with other states allowing for the provisions of paragraphs 2 and 3 of this Article to take effect. The words "Contracting State" in this Article refer to a state with which such an agreement is made. An Icelandic citizen who acquired nationality of a Contracting State at birth shall lose his Icelandic citizenship on attaining the age specified in the agreement, which may not be lower than 19 years or higher than 22 years, if during the past five years he has been domiciled in the Contracting State.

The children of a person who loses Icelandic citizenship under paragraph 2 shall also lose Icelandic citizenship, if they derive it from his citizenship, unless this would result in their becoming stateless.

A person who has lost Icelandic citizenship under this Article and has been a citizen of a Contracting State ever since shall reacquire Icelandic citizenship if he declares his wish to do so, in writing, to the Minister of Justice, providing he has reacquired domicile in Iceland at the time of application. The provisions of sentence 2 of Article 4, and of Article 5, shall apply here correspondingly.] 1)

- 1) Act No. 49/1982, Art. 8.

#### [Article 9 b

Agreements may be made with Denmark, Finland, Norway and Sweden stating that one or more of the provisions of A–C below shall take effect. The words "Nordic Contracting State" in this Article shall refer to a state with which such an agreement is made.

A. When Article 3 is applied, domicile in a Nordic Contracting State up to the age of 16 shall be regarded as the equivalent of domicile in Iceland. Nevertheless, the person concerned shall have been domiciled in Iceland for the previous 5 years at the time the declaration is made.

When Article 4 is applied, domicile in a Nordic Contracting State up to the age of 12 shall be regarded as the equivalent of domicile in Iceland.

When Article 8 is applied, domicile of at least 7 years in a Nordic Contracting State shall be regarded as the equivalent of domicile in Iceland.

B. A citizen of a Nordic Contracting State who

1. has acquired citizenship there otherwise than by statute or corresponding means,
  2. has reached the age of 18,
  3. has been domiciled in Iceland for the past 7 years, and
  4. has not, during that time, been sentenced to [imprisonment]2), subjected to constraint as lacking criminal responsibility or committed to an institution under the provisions of the Criminal Code,
- shall acquire Icelandic citizenship by declaring his wish to do so, in writing, to the Minister of Justice. The provisions of Article 5 shall apply in this case.

C. A person who has lost Icelandic citizenship and has ever since been a citizen of a Nordic Contracting State, shall reacquire Icelandic citizenship by declaring his wish to do so, in writing, to the Ministry of Justice,

providing he has acquired domicile in Iceland at the time of application. The provisions of Article 5 shall apply in this case.] 1)

1) Act No. 49/1982, Art. 9.

2) Act No. 82/1998, Art. 151.

#### Article 10

The Minister of Justice shall rule on disputes as to whether a person has acquired Icelandic citizenship on the passing of this Act or meets the conditions for acquiring Icelandic citizenship by declaring his wish to do so. Rulings on these matters may be referred to the courts for adjudication.

The Minister of Justice may set further rules regarding the application of this Act.

[Declarations of the wish to become an Icelandic citizen under Articles 3, 4, paragraph 4 of Article 9 a and Sections B and C of Article 9 b may only be given by the person himself, and not by a legal guardian.] 1)

Where no other age limit is specified in this Act, those who have reached the age of 18 may make declarations on citizenship under this Act, irrespective of being subject to the [custody] 1) of another person.

1) Act No. 62/1998, Art. 10.

#### Article 11

A child under the age of 18 who would have had Icelandic citizenship if the provisions of item 2 of paragraph 1 of Article 1 had been in force before this Act took effect, and is not or has not been a citizen of another state, shall acquire Icelandic citizenship on the commencement of this Act.

A woman who lost her Icelandic citizenship under previous legislation by marrying a foreign national or by acquiring foreign nationality, either on marriage or because her husband acquired foreign nationality, but would have retained Icelandic citizenship if the provisions of this Act had been in force earlier, may reclaim her Icelandic citizenship by declaring her wish to do so, in writing, to the Ministry of Justice. Such a declaration shall, however, be made before 31st December 1957.

A woman who reaches the age of 22 before 1st January 1956 and has been married, or is married, when she reaches that age, shall not lose Icelandic citizenship under paragraph 1 of Article 8 until the end of 1956.

If a person who has become a national of another state, but retains Icelandic citizenship under the provision of sentence 2 of Article 5 of the Act No. 64 of 28th January 1935, moves from Iceland, he shall not lose Icelandic citizenship unless he still holds citizenship of another state and would lose, or would have lost, Icelandic citizenship under the provisions of Article 7 of this Act, had they been in force earlier.

If, after the commencement of this Act, circumstances obtain which constitute sufficient grounds for the acquisition or loss of Icelandic citizenship, then the provisions of this Act shall be observed as if they had been in force earlier.

#### Article 12

This Act shall enter into force on 1st January 1953.

As of the same date, the Acquisition and Loss of Citizenship Act, No. 64 of 28th January 1935, shall stand repealed.

Act No. 62 of 12th June 1998

#### Article 11

The following interim provisions shall be added to the Act:

A child born after 1st July 1964 and before 1st July 1982, who would have acquired Icelandic citizenship if the provisions of item 1 of paragraph 1 of Article 1 of the Icelandic Nationality Act (cf. the Act No. 49/1982) had been in force at the time of his birth, shall acquire Icelandic citizenship when his mother makes a written declaration to this effect to the Ministry of Justice, providing that she has custody of the child and is an Icelandic citizen and the child is under the age of 18. For the declaration to be valid, the child must declare his consent.

If the child has reached the age of 18, he may declare that he wishes the above provision to apply to him, providing that his mother held Icelandic citizenship from the date of his birth until 1st July 1982 and the child meets the requirements of Article 8 regarding Icelandic citizenship.

#### Article 12

This Act shall enter into force on 1st October 1998.

However, the interim provisions shall enter into force immediately. At the same time, paragraph 2 of Article 10 of the Act No. 49 of 11th May 1982 shall stand repealed.