

Icelandic Nationality Act

No. 100/1952 (23 December)

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Took effect on 1 January 1953. Amended by the Act No. 49/1982 (which took effect on 1 July 1982), the Act No. 62/1998 (which took effect on 1 Oct. 1998, with the exception of the Interim Provisions, which took effect on 18 June 1988), the Act No. 82/1998 (which took effect on 1 Oct. 1998), the Act No. 96/2002 (which took effect on 1 Jan. 2003), the Act No. 9/2003 (which took effect on 1 July 2003) and the Act No. 81/2007 (which took effect on 17 April 2007, with the exception of item 3 of section c of Article 5, which takes effect on 1 Jan. 2009).

[Section I. Citizenship acquired at birth, etc.]¹⁾

¹⁾ *Act No. 81/2007,*

Article 1

[A child acquires Icelandic citizenship at birth:

1. if its mother is an Icelandic citizen,
2. if its 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 considered 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, it shall acquire Icelandic citizenship if a man who is an Icelandic citizen is its 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; he shall consult the child if it 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 approval by the ministry.]¹⁾

[If the child's parents marry, the child shall acquire Icelandic citizenship from the time of the marriage, providing it has not married and has not attained the age of 18 years.]²⁾

¹⁾ Act No. 62/1998, Art. 2. ²⁾ Act no. 81/2007, Art. 2.

[Article 2 a

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

A foreign child under the age of 12 that is adopted by an Icelandic national according to a foreign decision which is recognized by the Icelandic authorities shall acquire Icelandic citizenship on approval by the Ministry of Justice at the request of the adopter.]¹⁾²⁾

¹⁾ Act No. 62/1998, Art. 3. ²⁾ Act No. 49/1982, Art. 2.

Article 3

[A foreign national who has been domiciled and resided in Iceland continuously since reaching the age of 11, or, in the case of a stateless person, since the age of 13, may acquire Icelandic citizenship by notifying the Ministry of Justice in writing, after reaching the age of 18 and before reaching the age of 20, of his desire to do so.]¹⁾

¹⁾ Act No. 9/2003, Art. 1.

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. 62/1998, 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. ...¹⁾²⁾

¹⁾ Act No. 81/2007, Art. 3. ²⁾ Act No. 62/1998, Art. 6.

[Section II. Citizenship granted by legislation.]¹⁾

¹⁾ Act No. 81/2007, Art. 4.

Article 6.

[The Althingi may grant Icelandic citizenship by legislation.

Before an application for citizenship is submitted to the Althingi, the Ministry of Justice shall receive comments on it from the commissioner of police in the applicant's locality, and from [the Directorate of Immigration].¹⁾

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.]²⁾

¹⁾Act No. 96/2002, Art. 59. ²⁾ Act No. 62/1998, Art. 7.

[Section III. Citizenship granted by executive decision.]¹⁾

¹⁾Act No. 81/2007, Art. 5.

[Article 7.

Notwithstanding the provisions of Article 6, the Minister of Justice may, after receiving the comments of the police and the Directorate of Immigration, grant Icelandic citizenship in response to an application made by the applicant himself or his representatives if he has not reached the age of 18, providing that he meets the conditions of Articles 8 and 9.

The authorisation to the Minister of Justice according to the provisions of this Section shall be restricted to those cases in which there is no doubt that the applicant meets the requirements stated in law. However, the Minister of Justice may at all times submit an application for citizenship for decision by the Althingi, which may, as appropriate, grant the applicant Icelandic citizenship by legislation.

Decisions under the second paragraph shall be exempt from Sections III-V of the Administrative Procedure Act, No. 37/1993 and the Information Act, No. 50/1996.]¹⁾

1)Act No. 81/2007, Article 5.

[Article 8.

The granting of Icelandic citizenship under the first paragraph of Article 7 shall be subject to the following residence requirements:

1. The applicant shall have been resident in Iceland for seven years; in the case of citizens of any of the other Nordic countries, however, the requirement shall be only four years.
2. An applicant who is married to, or living in a registered partnership (same-sex union) with, an Icelandic citizen, shall have been domiciled in Iceland for three years following

the marriage or establishment of the registered partnership, providing that the Icelandic spouse or partner has held Icelandic citizenship for not less than five years.

3. An applicant who is living in a registered cohabitational union with an Icelandic citizen, both being unmarried, shall have been domiciled in Iceland for five years following the registration of the cohabitational union, providing that the Icelandic citizen has held Icelandic 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 Icelandic citizenship for not less than five years.

5. An applicant who has previously been an Icelandic citizen but has become a citizen of another country shall have been domiciled in Iceland for one year.

6. A refugee who meets the conditions of the definition of the term given in the Convention relating to the Status of Refugees of 1951 shall have been domiciled in Iceland as a refugee for five years. the same shall apply to persons who have been granted residence permits in Iceland for humanitarian reasons.

The requirements of the first paragraph are based on permanent residence and domicile and continuous, lawful residence in Iceland during the years immediately preceding the submission of the application. Exemptions may be granted from this requirement if the applicant's period of residence in Iceland has been interrupted for up to one year due to a temporary employment engagement or by circumstances beyond his control, e.g. due to the illness of a close relative, or for up to three years in connection with study abroad. However, the period during which the applicant has been domiciled and resident in Iceland must be at least as long as the time requirements under the rules stated above.

Applicants must meet the requirements for being issued with a permanent residence permit by the Directorate of Immigration. In addition, applicants shall be in possession of such permits at the time of application for Icelandic citizenship unless they are exempted from the obligation to hold a residence permit in Iceland.]¹⁾

¹⁾*Act No. 81/2007, Art. 5.*

[Article 9

Other conditions applying to the granting of Icelandic citizenship under the first paragraph of Article 7 shall be as follows:

1. The applicant shall have demonstrated his identity satisfactorily.

2. The applicant shall be capable of working and have a good reputation, which he shall demonstrate by submitting testimonials from two Icelandic citizens of good standing.

3. The applicant shall have passed a test in Icelandic in accordance with standards set by the Minister of Justice in a regulation. The regulation shall also contain provisions for exemptions from this condition in the case of those persons of whom it would be unfair to make this requirement.¹⁾

4. No unsuccessful attachment shall have been made shall have been made in the applicant's property for the previous three years, his estate shall not have been accepted for liquidation and he may not be in arrears with the payment of taxes.

5. The applicant shall be capable of supporting himself in Iceland and may not have received a support grant from a local authority for the past three years. The applicant shall be required to demonstrate that he has supported himself in a lawful manner in Iceland, and the Ministry of Justice may call for tax returns and materials from the tax authorities in confirmation of this.

6. The applicant may not, either in Iceland or abroad, have been fined or imprisoned or be involved in a case pending in the criminal justice system in which he is suspected of, or charged with, conduct that is criminal according to Icelandic law. Exemptions from this may be made following intervals as prescribed below, providing that the offences are not repeated:

- a. Icelandic citizenship may be granted one year after the commission of the offence if the punishment was a fine of less than ISK 50,000.
- b. Icelandic citizenship may be granted three years after the commission of the offence if the punishment was a fine of less than ISK 50,000 or more.
- c. Icelandic citizenship may be granted six years after the service of a prison sentence of up to 60 days.
- d. Icelandic citizenship may be granted eight years after the service of a prison sentence of up to six months.
- e. Icelandic citizenship may be granted ten years after the service of a prison sentence of up to one year.
- f. Icelandic citizenship may be granted 14 years after the service of a prison sentence of more than one year. The same shall apply in the case of preventive custody.

When punishment is considered as having been undergone in the form of detention in custody, or when the entire sentence is suspended, then the periods specified in this item shall run from the date on which the person involved is released from custody or the suspended sentence was passed. Icelandic citizenship may be granted three years after the announcement of the suspended deferral of an indictment. If the determination of a sentence has been suspended, then the conditions stated in items c-f of this item shall be applied, as appropriate.]^{2) 1)} Under Article 8 of the Act No. 81/2007, item 3 shall take effect on 1 January 2009.

²⁾ Act No. 81/2007, Art. 5.

[Article 10.

The Minister of Justice may also grant Icelandic citizenship to a child born in Iceland that has demonstrably not acquired other citizenship at birth and has not yet acquired Icelandic citizenship or the right to acquire it when the application is made. The child shall have been domiciled and resident in Iceland for at least three years from birth. The provisions of Article 5 shall apply to children who receive Icelandic citizenship under this section unless other arrangements are decided.]¹⁾

1) Act No. 81/2007, Art. 5.

[Article 11

Giving false information to the Icelandic authorities when applying for citizenship shall be punishable by fines or imprisonment of up to one year.]¹⁾

¹⁾ *Act No. 81/2007, Art. 5.*

[Section IV. Other provisions.]¹⁾

¹⁾ *Act No. 81/2007, Art. 6.*

[Article 12]¹⁾

An Icelandic citizen who was born abroad and has never been domiciled in Iceland or resided in Iceland for any purpose that may be interpreted as indicating that he wishes to be an Icelandic citizen, shall lose Icelandic citizenship on reaching the age of 22 years. However, [the Minister of Justice]²⁾ may permit him to retain his Icelandic citizenship if he applies for it before that time. [He shall not, however, lose Icelandic citizenship if this would result in his becoming stateless.]³⁾

[If a person loses Icelandic citizenship under this Article, his children shall also lose Icelandic citizenship which they acquired on the basis of his citizenship, unless this would result in their becoming stateless.]⁴⁾

[The Minister of Justice shall rule on whether the conditions of the first paragraph regarding residence in Iceland have been met in order to retain citizenship, if there is doubt on this point.]²⁾

¹⁾*Act No. 81/2007, Art. 5.* ²⁾*Act No. 9/2003, Art. 3.* ³⁾*Act No. 62/1998, Art. 9.* ⁴⁾*Act No. 49/1982, Art. 6.*

Article 13]¹⁾

[The Minister of Justice may release a person who is resident abroad and has become, or wishes to become, a foreign national from his Icelandic citizenship if the person demonstrates that he will become a foreign citizen within a certain time if he has not already done so. If he is resident in Iceland, he may not be released from Icelandic citizenship unless there are special reasons for this in the view of the Minister of Justice. A person who is a foreign national and is domiciled abroad may not be denied release from Icelandic citizenship.]²⁾

¹⁾*Act No. 81/2007, Art. 5.* ²⁾*Act No. 9/2003, Art. 4.*

...

¹⁾*Act No. 81/2007, Art. 5.*

[[Article 14.]¹⁾

It may be decided by agreement²⁾ with Denmark, Finland, Norway and Sweden, that one or more of the provisions in items A-C below shall acquire validity. The term "Nordic contracting state(s)" in this Article shall refer to the state or states 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 years shall be assessed as the equivalent of domicile in Iceland. However, the person concerned shall have been domiciled in Iceland for the last 5 years before the declaration is made.

When Article 4 is applied, domicile in a Nordic contracting state up to the age of 12 years shall be assessed as the equivalent of domicile in Iceland.

When [Article 12]³⁾ is applied, a minimum of 7 years' domicile in a Nordic contracting state shall be assessed as the equivalent of domicile in Iceland.

B. A citizen of a Nordic contracting state who

1. has acquired citizenship there in a manner other than by legislation or an equivalent manner,
2. has reached the age of 18 years,
3. has been domiciled in Iceland for the past 7 years and
4. has not during this period been sentenced [to prison]⁴⁾ or to be placed under preventive custody or committed to an institution in accordance with the provisions of the General Penal Code, may acquire Icelandic citizenship by informing the Minister of Justice in writing of his desire to do so. The provisions of Article 5 shall apply in this case.

C. A person who has lost Icelandic citizenship and ever since doing so has been a citizen of a Nordic contracting state shall re-acquire Icelandic citizenship by informing the Ministry of his desire to do so, providing he has been granted domicile in Iceland. The provisions of Article 5 shall apply in this case.⁵⁾

¹⁾Act No. 81/2007, Art. 5. ²⁾Advertisement B 468/2000. ³⁾Act No. 81/2007, Art. 7. ⁴⁾Act No. 82/1998, Art. 151. ⁵⁾Act No. 49/1982, Art. 9.

[Article 15]¹⁾

The Minister of Justice shall resolve disputes as to whether a person has acquired Icelandic citizenship on the enactment of this Act or meets the requirements for acquiring Icelandic citizenship by declaring his desire to do so. Rulings on these matters may be referred to the courts for review.

The Minister of Justice may issue further rules on the application of this Act.

[Declarations under Article 3, Article 4 and items B and C of [Article 14]²⁾ to the effect that a person wishes to become an Icelandic citizen may only be made by the person himself, and not by a party exercising custody over him.]³⁾

Where no other specific age requirement is made in this Act, a person who has reached the age of 18 years may make declarations regarding citizenship under this Act, irrespective of being subject to the [custody]⁴⁾ of another person.

¹⁾Act No. 81/2007, Art. 5. ²⁾Act No. 81/2007, Art. 7. ³⁾Act No. 9/2003, Art. 6. ⁴⁾Act No. 62/1998, Art. 10.

[Article 16]¹⁾

[A child born after 1 July 1964 but before 1 July 1982 that would have acquired Icelandic citizenship if the provisions of item 1 of the first paragraph of Article 1 of this Act (cf. the Act No. 49/1982) had been in effect at the time of its birth may acquire Icelandic citizenship by informing the Minister of Justice in writing of its desire to do so, providing its mother was an Icelandic citizen from birth and up to 1 July 1982.

Those wishing to acquire Icelandic citizenship under the first paragraph of this Article shall meet the requirements of [Article 12]²⁾ concerning domicile or residence in Iceland before the age of 22 years.]³⁾

¹⁾Act No. 81/2007, Art. 5. ²⁾Act No. 81/2007, Art. 7. ³⁾Act No. 9/2003, Art. 7.

[Interim provisions.

A child born after 1 July 1964 but before 1 July 1982 that would have acquired Icelandic citizenship if the provisions of item 1 of the first paragraph of Article 1 of this Act (cf. the Act No. 49/1982) had been in effect at the time of its birth shall acquire Icelandic citizenship if its mother makes a written declaration concerning this 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 years. The child must declare its consent for the declaration to be valid.

If the child has reached the age of 18 years it may make a declaration to the effect that it wishes the foregoing provision to apply to it, providing its mother has held Icelandic citizenship from the time of its birth until 1 July 1982 and the child meets the conditions of [Article 12]¹⁾ for being an Icelandic citizen.

[A person who has lost Icelandic citizenship under the original provisions of Article 7 of the Act No. 100/1952 but would have retained it if that Article had ceased to apply at the time when he lost Icelandic citizenship shall re-acquire it by informing the Minister of Justice in writing of his wish to do so by 1 July 2007, providing this announcement is accompanied by satisfactory materials in the view of the ministry.

If the person concerned is subject to the custody of other persons, a person exercising custody shall see to the announcement.

If the person who acquires Icelandic citizenship under this provision has unmarried children under the age of 18 years over whom he exercises custody, they shall also acquire Icelandic citizenship. If the child has reached the age of 12 years and holds foreign nationality, the child shall grant its consent in order to receive Icelandic citizenship. Consent shall not be required if the child is incapable of granting it due to mental disability or other comparable circumstances.]²⁾³⁾

¹⁾Act No. 81/2007, Art. 7. ²⁾Act No. 9/2003, *Interim Provision*. ³⁾Act No. 62/1998, Art. 11.