

Cabinet BRAHIN Avocats

Nicolas BRAHIN

Avocat

DESS Droit Bancaire et Financier

Nice · Montpellier · Madrid

Bureau principal :

1, rue Louis Gassin
06300 NICE
Tel. +33 493.83.08.76
Fax +33 493.18.14.37

HYPERLINK

"mailto:contact@brahin-avocat
s.com" contact@brahin-avocats.com

Bureaux secondaires :

14, rue Ernest Michel
34000 MONTPELLIER
Tel. +33 411.75.81.87

Pensiamento, 27 - 3º
28020 MADRID

Izda.

Correspondants organiques :

LEGIPASS

8, rue Auber - 75009 PARIS

HYPERLINK

"http://www.legipass.com"
www.legipass.com

ADVODAN

Algade 43

4000 ROSKILDE (DENMARK)

HYPERLINK "mailto:ficl@advodan.dk"

ficl@advodan.dk

HYPERLINK

"http://www.advodan.com"

www.advodan.com

ADVOKATFIRMAN

CONCILIUM HB

Hamngatan 6, Box 2253,

40314 GÖTEBORG (SWEDEN)

HYPERLINK

"http://www.concilium.se"

www.concilium.se

HORIZONS CHINA CORPORATE

ADVISORY

1801 Lippo Plaza, 222, Huaihai

Middle Road Huangpu

SHANGAI (CHINA)

HYPERLINK

"http://www.horizons-advisory.c

om" www.horizons-advisory.com

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OBJET : CONDITIONS OF ACQUISITION OF FRENCH NATIONALITY

1. Acquisition of French citizenship by naturalization or declaration

- A. Acquisition of French citizenship by naturalization
- B. Acquisition of French citizenship by marriage
- C. Acquisition of French citizenship by the ascendant of a Frenchman
- D. Acquisition of French citizenship by brother or sister of a Frenchman

2. French citizenship of a child

- A. Child born in France from foreign parents
 - a) Acquisition of French citizenship between 13 and 16 years
 - b) Acquisition of French citizenship between 16 and 18 years
 - c) Acquisition of French citizenship between at 18 years
- B. French citizenship by adoption
 - a) Simple adoption
 - b) Plenary adoption

3. Reinstatement of French citizenship by a former French citizen (reintegration)

- A. Marriage with a foreigner
- B. Change of citizenship by parents
- C. Exercise of certain public mandates

1. Acquisition of French citizenship by naturalization or declaration

A. Acquisition of French citizenship by naturalization

On the 25th June 2018

Naturalization is a way of the acquisition of French citizenship which is not automatic. To use it, you have to fulfill all of the following conditions:

Conditions of naturalization

1) Age

You have to be adult (article 21-22 paragraph 1 of the Civil code).

However, you can file a request at the age of 17, but the decree on naturalization will be issued to you on reaching adulthood.

The naturalization of a minor child who remains a foreigner despite the fact that one of his parents has acquired French citizenship may also be requested. The child must have resided in France with this parent for at least 5 years on the date of the request (article 21-22 paragraph 2 of the Civil code).

2) Residence in France

You have to reside in France at the time of signing of the decree on naturalization. The notion of residence is wider than the simple notion of habitation. It implies that you must have the center of your material interests in France (especially professional), as well as your family ties. If you live in France but your spouse and /or your children live abroad, you may be refused in the acquisition of French nationality (article 21-16 of the Civil code).

The minimum required length of residence in France for the acquisition of citizenship by naturalization, depending on your situation:

THE SITUATION	The length of residence
In general (article 21-17 of the Civil code)	5 years
Two years of successful study at a French higher education institution in order to obtain a diploma (article 21-18 paragraph 1 of the Civil code)	2 years
Contribution to the influence and development of France (article 21-21 of the Civil code)	2 years
A special way of integration (activities or actions in the civil, scientific,	2 years

economic, cultural or sports fields...) (article 21-18 § 2 and 3 of the Civil code)	
Military service in the French army (article 21-19 § 4 of the Civil code)	No minimum duration
Voluntary entry into French military forces or alliance forces during the war (article 21-19 § 4 of the Civil code)	No minimum duration
Outstanding services to France (the decree of naturalization is taken after the opinion of the Council of State based on the report of the competent minister) (article 21-19 § 5 of the Civil code)	No minimum duration
Refugee status in France (article 21-19 § 6 of the Civil code)	No minimum duration
Belonging to a state in which at least one of the official languages is French. In this case, the French language should be either your native language or the language of your five-year education at the school (art. 21-20 of the Civil code)	No minimum duration

In case of an exception, even if you live abroad, you can acquire French citizenship through naturalization if one of the following criteria is fulfilled (art. 21-26 of the Civil code) :

- You are engaged in public or private professional activities on behalf of a French state or organization whose activities present particular interest to the French economy or culture;
- You live in Monaco
- You carry out a national service or participate in the regular training of the French army;
- You are a volunteer of the national service.

If you live abroad, the assimilation of a residence that benefits one of the spouses extends to another and to his underage children if they really live together (article 21-26 § 2 of the Civil code).

3) Regularity of residence

At the time of your request, you must have a valid residence permit, unless you are a citizen of one of the countries of the European Union or Switzerland (article 21-27 § 3 of the Civil code).

You should not be subject to the deportation order or the prohibition on entry into French territory which has a legal effect (article 21-23 and 21-27 of the Civil code).

4) Adherence to the values of the Republic

You have to prove your assimilation to the French community, in particular in the following way:

- By your adherence to the fundamental principles and values of the Republic (article 21-24 of the Civil code, Decree n° 93-1362 from the 30th December 1993, Decree n° 2012-127 from the 30th January 2012);
- By proving of your sufficient knowledge of French history, culture and society (article 21-24 of the Civil code, Law n° 2003-1119 from the 26th November 2003).

5) Knowledge of French

You must have sufficient oral knowledge of the French language to cope with everyday situations (article 21-24 and 21-24-1 of the Civil code, article 2 of the Law n° 2011-672 from the 16th June 2011).

6) Occupational integration

Employment is a fundamental condition of assimilation and integration in France (article 21-16 of the Civil code).

Nevertheless, it is appreciated over the entire professional career and not just over your specific situation at the time of your request.

The nature of the contract of employment (fixed-term contract, intermediate contract) is not an obstacle to obtaining citizenship, if the activities carried out under these contract, allows you to have a stable and sufficient income.

7) Morality and absence of criminal convictions

You must be a decent, law-abiding citizen (article 21-23 § 3 of the Civil code).

You should not fall into one of the following situations (article 21-27 of the Civil code):

- To have been sentenced in France to at least 6 months' imprisonment without suspension (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- To have been sentenced for a crime or offense that constitute a violation of the fundamental interests of the Nation (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- To have been convicted of a terrorist act (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).

B. Acquisition of French citizenship by marriage *on the 4th April 2018*

The marriage to a French citizen has no automatic effect on the nationality of the spouse (art. 21-1 of the Civil code).

The acquisition of French citizenship is done according to the procedure of the declaration if a certain number of conditions are fulfilled.

1) French nationality of the spouse

Your spouse must be a citizen of France on the day of your marriage and retain this nationality from that date (art. 21-2 § 2 of the Civil code).

2) Validity of marriage

Only marriages recognized as valid under the French law, whether they were celebrated in France or abroad, permit to acquire French citizenship. Is excluded any marriage in which one of the spouses is in a state of polygamy because of the previous uninterrupted marriage (the Circular of the Minister for Migration Policy on the procedure for acquiring French citizenship through marriage from the 29th December 2009).

3) Duration of marriage

You have to be married to a French citizen within 4 years on the date of the request for a citizenship (art. 21-2 § 1 of the Civil code).

In the following cases, this period is 5 years (art. 21-2 § 2 of the Civil code) :

- You have resided continuously in France less than 3 years since your marriage;
- In case of residence abroad, your partner has not been registered in the consular register during your common life.

4) Place of marriage

If your marriage was concluded abroad, it must be entered in the French civil status register (the Circular of the Minister for Migration Policy on the procedure for acquiring French citizenship through marriage from the 29th December 2009).

3) Regularity of residence

At the time of your request, you must have a valid residence permit, unless you are a citizen of one of the countries of the European Union or Switzerland (article 21-27 § 3 of the Civil code).

You should not be a subject of the deportation order or the prohibition on entry into French territory which has a legal effect (article 21-23 and 21-27 of the Civil code).

6) Common residence

The common residence (emotional and material) with your spouse should not be interrupted from the day of your marriage (the Circular of the Minister for Migration Policy on the procedure for acquiring French citizenship through marriage from the 29th December 2009).

7) Knowledge of French

You must have sufficient oral knowledge of the French language to cope with everyday situations (article 21-2 of the Civil code, article 3 of the Law n° 2011-672 from the 16th June 2011).

Moreover, you have to confirm a sufficient level of knowledge of French culture, history and French society (article 21-24 of the Civil code, Law n° 2003-1119 from the 26th November 2003) and accept the basic principles and values of the Republic (article 21-24 of the Civil code, Decree n° 93-1362 from the 30th December 1993, Decree n° 2012-127 from the 30th January 2012)

8) Absence of criminal convictions

You should not fall into one of the following situations (article 21-27 of the Civil code):

- To have been sentenced in France to at least 6 months' imprisonment without suspension (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- To have been sentenced for a crime or offense that constitute a violation of the fundamental interests of the Nation (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- **To have been convicted of a terrorist act (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).**

C. Acquisition of French citizenship by the ascendant of a Frenchman

On the 30th March 2018

If you are a foreigner over 65 years of age, an ascendant of a Frenchman and you have been living in France during 25 years, you can make a declaration of French citizenship (article 21-13-1 of the Civil code).

To do it, you have to fulfill all of the following conditions:

- To be at least 65 years old;
- To be an ascendant of a Frenchman (parent, grandparent, great-grandfather/grandmother);
 - To reside legally in France (at the time of your request, you must have a valid residence permit,) and to live in its territory for at least 25 years;
- You should not fall into one of the following situations (article 21-27 of the Civil code):
 - To have been sentenced in France to at least 6 months' imprisonment without suspension (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
 - To have been sentenced for a crime or offense that constitute a violation of the fundamental interests of the Nation (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
 - To have been convicted of a terrorist act (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
 - You should not be a subject of the deportation order or the prohibition on entry into French territory which has a legal effect (article 21-23 and 21-27 of the Civil code).

D. Acquisition of French citizenship by brother or sister of a Frenchman *On the 5th April 2018*

If you are a brother or a sister of the person who has obtained French citizenship, you can acquire French citizenship as well on reaching adulthood and in fulfilling all the below-mentioned conditions.

Conditions concerning your brother / sister

Your brother or sister has to:

- To be born in France from the parents who do not have French citizenship
- To acquire French citizenship through the following ways

- 1) on the attainment of adulthood on the basis of his/her habitual residence in France, discontinuous or not, during five years after reaching the age of eleven;
- 2) on the attainment of the age of 16 on the basis of his/her habitual residence in France, discontinuous or not, during five years after reaching the age of eleven;
- 3) on the attainment of the age of 13 on the basis of his/her habitual residence in France, discontinuous or not, during five years after reaching the age of eight.

Conditions concerning yourself

At the moment of the declaration you have to fulfill the following conditions:

- Live regularly in France after reaching the age of six;
- To reside legally in France (at the time of your request, you must have a valid residence permit);
- To have attended compulsory schooling in France in an establishment having signed an agreement with the State;
- You should not fall into one of the following situations (article 21-27 of the Civil code):
 - To have been sentenced in France to at least 6 months' imprisonment without suspension (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
 - To have been sentenced for a crime or offense that constitute a violation of the fundamental interests of the Nation (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
 - To have been convicted of a terrorist act (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- You should not be a subject of the deportation order or the prohibition on entry into French territory which has a legal effect (article 21-23 and 21-27 of the Civil code).

2. French citizenship of a child

A. Child born in France from foreign parents

A child born in France from parents who do not have French citizenship can acquire it. Depending on the age of the child, the conditions and the procedure for obtaining citizenship are different.

a) Acquisition of French citizenship by a child between the ages of 13 and 16

Conditions

Parents who do not have French citizenship of a child between the age of 13 to 16, who was born in France and usually reside there since the age of eight, may request on his behalf the acquisition of French citizenship through the declaration. The consent of the child is compulsory, except the case if his physical or mental abilities do not allow him to express (article 21-11 § 2 of the Civil code).

b) Acquisition of French citizenship by a child between the ages of 16 and 18

Conditions

A child born in France from parents who do not have French citizenship can acquire it before reaching the adulthood. From the age of sixteen he can file a request for the acquisition of French citizenship through the declaration, if at the time of filing the request:

- he resides in France;
- he habitual resides in France, discontinuous or not, at least during five years after reaching the age of eleven.

He can submit a request personally, without parental confirmation, except the case if his physical or mental abilities do not allow him to express (article 21-11 § 1 of the Civil code)

c) Acquisition of French citizenship by a child at the ages of 18 years old

Conditions

Every child born in France from parents who do not have French citizenship acquires French citizenship automatically at the age of 18 years old if at this date:

- he resides in France;
- he habitual resides in France, discontinuous or not, at least during five years after reaching the age of eleven (article 21-7 of the Civil code).

B. Adopted child

a) Simple adoption

The simple adoption does not allow the adopted child to acquire the French citizenship automatically. He has to request his receipt by declaration.

Conditions

- Adopted child has to be under the age of 18 years old;
- He has to reside in France on the moment of the declaration (this condition does not apply to a child adopted by a French citizen who does not have an habitual place of residence in France);
- If the adoption has been pronounced abroad, the act that establishes it must have been the subject of decision of its exequatur in France.
- The adopter must have French citizenship at the moment of the adoption of the child, it does not matter if he became a foreigner afterward.

b) Plenary adoption

A child adopted in plenary order by a Frenchman acquires the citizenship of France automatically through the filiation. He is considered French from his birth and does not have to claim this quality.

It does not matter whether the parents are married or not, since the French parent appears on the child's birth certificate.

The loss of French citizenship by parents has no effect on the citizenship of the child.

3. Reinstatement of French citizenship by a former French citizen

On the 17th April 2018

Reinstatement allows a person, who has owned and then lost French nationality, to find it for the future. If it meets all of the below legal conditions, the reinstatement of citizenship by declaration is a right, and the administration can not resist it.

A. Marriage with a foreigner

You can apply to be reinstated in French nationality if you have lost it because of a marriage with a foreigner whose country does not accept dual nationality. This opportunity is also open to your unmarried minor children with the condition to have the same habitual residence or, in case of separation or divorce, an alternating residence.

Conditions:

1) Connection with the France

You must have kept or acquired obvious links with France, particularly cultural, professional, economic or family.

2) Regularity of residence

You have to reside legally in France (with a temporary document or residence permit).

You should not be a subject of the deportation order or the prohibition on entry into French territory which has a legal effect.

3) Absence of criminal convictions

You should not fall into one of the following situations:

- To have been sentenced in France to at least 6 months' imprisonment without suspension (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- To have been sentenced for a crime or offense that constitute a violation of the fundamental interests of the Nation (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- To have been convicted of a terrorist act (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).

References:

Articles 24 – 24-3, 26 – 26-5 of the Civil code.

Decree No. 93-1362 from 30th December 1993 on declaration of nationality, decisions on naturalization, reinstatement, loss, revocation and withdrawal of French nationality.

B. Change of citizenship by parents

You can apply to be reinstated in French nationality by declaration if you have lost French citizenship during your minority due to the voluntary acquisition by your parents of the citizenship of a country that does not accept dual citizenship. This opportunity is also open to your unmarried minor children with the condition to have the same habitual residence or, in case of separation or divorce, an alternating residence.

Conditions:

1) Age

You have to be adult.

2) Residence in France

You have to reside in France

3) Regularity of residence

You have to reside legally in France (with a temporary document or residence permit).

You should not be a subject of the deportation order or the prohibition on entry into French territory which has a legal effect.

4) Absence of criminal convictions

You should not fall into one of the following situations:

- To have been sentenced in France to at least 6 months' imprisonment without suspension (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- To have been sentenced for a crime or offense that constitute a violation of the fundamental interests of the Nation (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- **To have been convicted of a terrorist act (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).**

References:

Articles 24 – 24-3, 26 – 26-5 of the Civil code.

Decree No. 93-1362 from 30th December 1993 on declaration of nationality, decisions on naturalization, reinstatement, loss, revocation and withdrawal of French nationality.

C. Exercise of certain public mandates

If you have held certain public mandates (former member of the Parliament of the Republic, of the Assembly of the French Union...), you can apply to be reinstated in French nationality by declaration. This opportunity is also open to your unmarried minor children with the condition to have the same habitual residence or, in case of separation or divorce, an alternating residence.

Conditions:

1) Age

You have to be adult.

2) Residence in France

You have to established your home in France.

3) Regularity of residence

You have to reside legally in France (with a temporary document or residence permit).

You should not be a subject of the deportation order or the prohibition on entry into French territory which has a legal effect.

4) Absence of criminal convictions

You should not fall into one of the following situations:

- To have been sentenced in France to at least 6 months' imprisonment without suspension (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- To have been sentenced for a crime or offense that constitute a violation of the fundamental interests of the Nation (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).
- **To have been convicted of a terrorist act (except the case of rehabilitation or erasure of the conviction of the bulletin n° 2 of your criminal record).**

References:

Articles 24 – 24-3, 26 – 26-5 of the Civil code.

Decree No. 93-1362 from 30th December 1993 on declaration of nationality, decisions on naturalization, reinstatement, loss, revocation and withdrawal of French nationality.

Votre bien dévoué,

Nicolas BRAHIN

Avocat au Barreau de NICE
nicolas.brahin@brahin-avocats.com