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2025.71 AHQ on determining citizenship of third-country nationals

**European Migration Network
Ad-hoc query**

January, 2026

AD-HOC QUERY ON 2025.71 AHQ ON DETERMINING CITIZENSHIP OF THIRD-COUNTRY NATIONALS

REQUESTED BY EMN NCP ESTONIA ON 27 NOVEMBER 2025

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Responses from: EMN NCP Austria, EMN NCP Belgium, EMN NCP Croatia, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden **(20 in total)**

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN National Contact Points (NCPs) in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN Country.

BACKGROUND INFORMATION

Background information: The Estonian Ministry of the Interior is currently reviewing the documentary obligations for person with foreign citizenship residing and being born in Estonia. Hence, the Estonian Ministry of the Interior would like to examine the laws and practices of other Member States to understand how they address the issue of determining the citizenship of foreigners residing in their territory.

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WE WOULD LIKE TO ASK THE FOLLOWING QUESTIONS:

We would very much appreciate your responses by **18 December 2025**.

- 1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.**
- 2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.**
- 3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?**
- 4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?**
- 5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?**
- 6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.**

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RESPONSES

		Unrestricted Dissemination?	
	EMN NCP Austria	Yes	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>Yes, according to Art. 7 para. 1 subpara. 1 Regulation on the Implementation of the Settlement and Residence Act, a valid travel document must be attached to the application for a residence permit. A travel document is valid in accordance with Art. 2 para. 1 subpara. 3 Settlement and Residence Act if it has been issued by an entity authorized to do so under international law, clearly identifies the holder, is valid (in terms of time), and covers the territory of the Republic of Austria; except in the case of convention passports and travel documents issued to stateless persons or persons of unknown nationality, the nationality of the holder must also be clearly stated. According to Art. 20 para. 1 Settlement and Residence Act, temporary residence permits may only be issued for a period shorter than the maximum period of validity provided for in the law if the travel document does not have the corresponding period of validity.</p> <p>---</p> <p>Source: Ministry of the Interior</p>


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			<p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>In principle, citizenship can also be determined by a document other than a passport or another official document issued by the authorities; there are no formal requirements in this regard. However, a valid passport must generally be presented in order to obtain a residence permit under the Settlement and Residence Act (Art. 7 para. 1 subpara 1. Regulation on the Implementation of the Settlement and Residence Act; see answer to question 1).</p> <p>Pursuant to Art. 19 para. 8 Settlement and Residence Act, the authority may, upon reasoned request by third-country nationals, allow a deficiency to be remedied in the event of failure to present a passport if it can be proven that it is not possible or reasonable for the alien to obtain one. Such an application may only be submitted until the decision is issued. The alien must be informed of this circumstance. Art. 13 para. 3 General Administrative Procedures Act 1991 applies.</p> <p>According to Art. 13 para. 3 General Administrative Procedures Act 1991, the authority is not authorized to reject written applications if they contain deficiencies. Instead, the authority must immediately arrange for the deficiencies to be remedied and may instruct the alien to remedy the deficiency (by submitting the passport) within a reasonable period of time, with the effect that the application will be rejected if this period expires without result. If the deficiency is remedied in time, the application shall be deemed to have been submitted correctly in the first place.</p> <p>---</p>
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			<p>Source: Ministry of the Interior</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>No. In the case of a child's first application within six months of birth, if the child does not yet have a valid travel document, the requirement to present a valid travel document does not apply (Art. 7 para. 3 Regulation on the Implementation of the Settlement and Residence Act).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>Yes. According to Art. 9 para. 1 of the Civil Status Act 2013, the birth must be registered no later than one week after the birth. According to Art. 9 para. 3, the notification must contain all the information required for registration. In the case of birth, according to Art. 11 para. 1, this includes, among other things, the child's general civil status data, which also includes citizenship (Art. 2 para. 2 subpara. 8 of the Civil Status Act 2013).</p> <p>A child whose mother is not an Austrian citizen usually has the foreign citizenship of the mother. If, in individual cases, no citizenship is known, "unknown" is entered in the</p>
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			<p>citizenship field.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>5. If you answer NO to Q4 what is the child’s nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>n/a</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. If you answer NO to Q4, within what time after birth must the child’s nationality be registered? Please explain how it is done.</p> <p>n/a</p> <p>---</p> <p>Source: Ministry of the Interior</p>
	<p>EMN NCP Belgium</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>Most residence procedures require a valid passport as one of the conditions for obtaining the residence rights (or a later extension). In most cases, the person concerned will therefore have a valid national passport. However, there are also scenarios where a person can have a valid residence permit for Belgium but does not hold a national passport (e.g. people who have a subsidiary protection status; people who obtained a regularisation but have proven the impossibility to present a national passport, ...).</p>

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			<p>In general, the valid passport will be required for obtaining permanent residence rights, especially when there is a certain doubt around the identity.</p> <p>Source: Myria</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>With respect to the international legal principle of sovereignty in matters of nationality and citizenship, it's the prerogative of each country to determine who possesses its nationality, and how this nationality can be obtained or lost. With this in mind, authorities will consider the applicable legislation and any provided documents in their ascertainment of whether a child born in Belgium from foreign parents obtains their nationality. Authorities will try to rule out statelessness and ascertain to the best extent possible whether a person born in Belgium to foreign parents inherits their parents' nationality or not. Attributing the Belgian nationality to prevent statelessness is the ultimate remedy in these situations.</p> <p>Source: Ministry of Justice</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>No. In that case, the residence card is delivered based on the Belgian birth certificate.</p>
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			<p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child’s nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents’ nationality, according to the parents’ statement etc)?</p> <p>Yes. The civil servant will make an assessment on whether the child is stateless or possesses a nationality. If the child is stateless, the Belgian citizenship will be granted, in accordance with Art. 10 of the Belgian Nationality Code. Authorities will try to rule out statelessness and ascertain to the best extent possible whether a person born in Belgium to foreign parents inherits their parents’ nationality or not. Attributing the Belgian nationality to prevent statelessness is the ultimate remedy in these situations (see answer to Q2).</p> <p>5. If you answer NO to Q4 what is the child’s nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>N/A</p> <p>6. If you answer NO to Q4, within what time after birth must the child’s nationality be registered? Please explain how it is done.</p> <p>N/A</p>
	<p>EMN NCP Croatia</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>YES.</p>

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			<p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>YES. The fact that the TCN no longer has a valid travel document does not mean that the person does not have the citizenship of the country whose travel document he had in earlier residence approval procedures. The party bears the burden of proving that he is no longer a citizen of that country.</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>Yes, there is no prescribed deadline for submitting a valid travel document for the child. However, the Aliens Act stipulates that a child born on the territory of the Republic of Croatia whose parents are third-country nationals will be granted temporary residence without the obligation to submit a travel document, if the parents submit the application by the third month of the child's life. Parents are required to submit the child's travel documents when extending the temporary residence.</p>
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			<p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child’s nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents’ nationality, according to the parents’ statement etc)?</p> <p>YES. In accordance with Article 7 of the Instructions for the Implementation of the Civil Registry Act (Official Gazette, No. 117/21), information on foreign citizenship is entered in the civil registry based on the citizenship information in the relevant foreign document, most often the parent's passport.</p> <p>5. If you answer NO to Q4 what is the child’s nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>N/A.</p> <p>6. If you answer NO to Q4, within what time after birth must the child’s nationality be registered? Please explain how it is done.</p> <p>N/A.</p>
	<p>EMN NCP Czech Republic</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>YES</p>

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			<p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>YES. The Czech Republic considers a person to be a foreign national, no matter of whether he/she holds a valid travel document at the moment. The Supreme Administrative Court has repeatedly decided that nationality is a legal status determined by the legal system of the country concerned, not by whether the person actually holds a document. Czech practice is therefore quite clear: nationality is not lost simply by the absence of a document and continues to be attributed even if the person does not have a valid or any national passport at all.</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>YES. A child of third-country nationals born in the Czech Republic must have their own travel document from their country for the purposes of residence permit procedure. A travel document is a mandatory requirement for every residence application. This obligation also applies to minors.</p>
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			<p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>YES. When registering a birth, the registry office typically records the information necessary for issuing a birth certificate and other registry documents. In practice, the child's nationality is determined based on the documents submitted by the parents, the parents' declaration, and the legal rules of the relevant countries (ius sanguinis, etc.). If the parents submit documents clearly proving the citizenship acquired by the child (e.g., a parent is a citizen of a specific country and the child acquires citizenship under foreign law), this is reflected in the registry entry.</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>N/A</p> <p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>N/A</p>
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	<p>EMN NCP Estonia</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>No, TCN needs to hold a valid travel document issued by their country of nationality for entering and leaving Estonia. However, if the person does not wish to travel while legally residing in Estonia, he or she does not need to hold a valid travel document. As there is no obligation to hold a valid identity/travel document in Estonia, there are no consequences for not holding a valid document from the country of nationality.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>Yes, if a third-country national residing in Estonia does not have a valid travel document issued by their country of citizenship, Estonia will still treat them as a citizen of the specific country in which they are known to hold citizenship.</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>A third-country national child who was born in Estonia and is residing in Estonia does not need to hold a valid travel document from the country of origin if he or she does not</p>
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			<p>travel outside of Estonia.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child’s nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents’ nationality, according to the parents’ statement etc)?</p> <p>Yes, when registering the birth of a third-country national’s child in Estonia, the parents’ citizenship is recorded, and the parents indicate their child’s citizenship in the birth record.</p> <p>5. If you answer NO to Q4 what is the child’s nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>N/A</p> <p>6. If you answer NO to Q4, within what time after birth must the child’s nationality be registered? Please explain how it is done.</p> <p>N/A</p>
+	EMN NCP Finland	Yes	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>As a rule, yes, but there are exceptions.</p> <p>According to section 35 of the Finnish Aliens Act, issuing a residence permit requires that the alien has a valid travel document. However, a residence permit may be issued</p>

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			<p>despite the absence of a valid travel document if the permit is issued under sections 51, 52, 52a, 52d, 52e, 87, 88, 89 or 110.</p> <p>Quick summary of the sections:</p> <p>51: Obstacles to leaving the country.</p> <p>52: Issue of residence permits on a discretionary basis on humanitarian grounds</p> <p>52a: Issue of a residence permit for a victim of trafficking in human beings</p> <p>52d: Issue of a residence permit to a third-country national who has resided and worked in the country illegally</p> <p>52e: Issue of residence permits to aliens in witness protection programmes</p> <p>87: Asylum</p> <p>88: Subsidiary protection</p> <p>89: Issue of residence permits when exception clauses are applied (i.e. obstacles to removal from country due to threat of the death penalty, torture, persecution or other treatment violating human dignity).</p> <p>110: Issue of residence permits on the basis of temporary protection</p> <p>Further information available here: https://www.finlex.fi/api/media/statute-foreign-language-translation/688424/mainPdf/main.pdf?timestamp=2004-04-29T21%3A00%3A00.000Z</p>
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			<p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>If a third-country national residing in Finland does not have a valid travel document issued by their country of citizenship, Finland can still treat them as a citizen of the specific country in which they are known to hold citizenship. This depends on the facts (own report and document evidence) that the person has presented when entering the country, country information and nationality laws.</p> <p>The Finnish Immigration Service can determine person's citizenship status. According to the Finnish Citizenship Act (359/2003 with amendments) Section 36, the Finnish Immigration Service determines citizenship status at the request of a public authority or the party concerned if the matter is of importance with regard to the existence of Finnish citizenship or some right or obligation related to it, the correctness of any entry in public authorities' filing systems, an alien's residence in Finland or some other reason corresponding to these.</p> <p>If the citizenship of a person with a municipality of residence in Finland is unknown, efforts shall be made to determine that person's citizenship status. Citizenship status is, however, not determined if the person's identity has not been established in other respects.</p>
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			<p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>As a rule, yes, but there are exceptions.</p> <p>According to section 35 of the Finnish Aliens Act, issuing a residence permit requires that the alien has a valid travel document.</p> <p>An exception to the requirement for a national travel document in family-based residence permit processes is that, pursuant to Section 35(2) of the Aliens Act, a first temporary residence permit may be granted, despite the lack of a travel document, to a child born in Finland who is granted a residence permit on the basis of family ties.</p> <p>In such a situation, the first permit may be granted to a child born in Finland whose parent or parents reside in Finland on a residence permit and who would be granted a residence permit on the basis of family ties, but whose country of nationality has no representation in Finland and the child is therefore unable to obtain a national travel document for the purpose of granting a residence permit.</p> <p>The first permit is usually valid for one year, or if the family reunification permit is valid for a shorter period, the child's permit cannot exceed the duration of the parent's permit. The child will be issued with an alien's passport for the purpose of obtaining a travel document for their own country.</p> <p>Since the aim is to enable the acquisition of a national travel document, this derogation would only apply to the granting of the first temporary residence permit. As a general rule, the granting of an extension to a child requires that the parents have obtained a</p>
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			<p>national passport for the child.</p> <p>Furthermore, a valid national travel document cannot be required as a condition for granting a family reunification permit to an applicant who has protection status or who will obtain such status as a result of the family reunification permit.</p> <p>With regard to this question, attention should also be paid to Section 185(1)(1) of the Aliens Act, according to which a foreign national who intentionally resides in the country without the required travel document, visa, or residence permit, or who neglects their obligation to register their stay or apply for a residence permit card, residence card, or permanent residence card, shall be sentenced to a fine for a foreigner offense.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>According to the Government Decree amending the Government Decree on Citizenship (1336/2019), in certain cases the Digital and Population Data Services Agency can register the child's citizenship in the Finnish Population Information System. However, in certain cases the Digital and Population Data Services Agency must ask the Finnish Immigration Service to determine the child's citizenship status. The procedure depends on parents' citizenship and marital status. In addition, the mode of passing citizenship matters.</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>In the meantime, the child's nationality will be 'not clarified' in the Finnish Population</p>
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			<p>Information System.</p> <p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>According to the Government Decree amending the Government Decree on Citizenship (1336/2019), the Digital and Population Data Services Agency or the State Department of Åland must request the Finnish Immigration Service to determine the citizenship status of a child born in Finland to be entered in the Population Information System no later than three months after it has been informed of the child's birth.</p>
	<p>EMN NCP France</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>NO. Under French law, the legality of a third-country national's stay is assessed solely on the basis of whether they hold a valid residence permit (Art. L. 411-1 of the Code on the Entry and Stay of Foreigners and the Right of Asylum - CESEDA).</p> <p>The right to remain in the country is not subject to the permanent possession of a valid identity or travel document issued by the country of origin, as this is established by the residence permit itself.</p> <p>A valid passport is required upon entry into the territory, in accordance with the Schengen Borders Code, as well as when applying for or renewing a residence permit, for the purposes of establishing identity and nationality.</p> <p>In France, in a legal migration procedure, establishing the applicant's identity does not depend on the type of residence permit or visa requested. The passport and civil status documents presented by the applicant are the most useful documents. The French</p>


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			<p>authorities consider the passport to be the most reliable document for verifying an applicant's identity, provided that it is considered authentic. However, the Code on the Entry and Stay of Foreigners and the Right of Asylum (CESEDA) stipulates that foreigners must submit 'documents proving their civil status and nationality' in support of their application. Thus, the applicant is legally entitled to produce any document proving their civil status (e.g. a birth certificate), even if these documents are considered by the prefectures to be more easily falsifiable, particularly due to the absence of a photograph of the applicant.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>YES. When applying for an initial or the renewal of a residence permit, the identity and nationality of the applicant are established on the basis of the available information. According to Annex 10 of the CESEDA, when applying for a residence permit (excluding international protection), nationality must be proven by a passport (pages relating to civil status, validity dates, entry stamps and visas) or, failing that, by other supporting documents such as a consular certificate, identity card, consular card, certificate of nationality, etc.</p> <p>France therefore continues to consider a person as a national of the State whose nationality they are recognised as having, even in the absence of any valid identity or travel document issued by that State.</p>
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			<p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>NO. A minor child born to parents who are third-country nationals is not required to hold a valid travel document issued by their country of nationality in order to reside legally in France. The legality of their residence depends on that of their parents. Possession of a travel document is only relevant for travelling outside France or obtaining a travel document for foreign minors (DCEM). A DCEM allows foreign children under the age of 18 residing in France to return to France after travelling abroad without needing a visa. This document must be accompanied by a valid travel document (a passport in most cases) whenever the minor travels outside France.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>NO. The nationality of a child born to foreign parents legally residing in the territory is not recorded at the time of birth registration.</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>When a child is born to parents who are third-country nationals, they automatically acquire the nationality of their parents in accordance with the national law of the latter.</p>
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			<p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>There is no legal deadline for 'registering' the nationality of a child born to parents who are third-country nationals. At birth, the child automatically acquires the nationality of his or her parents in accordance with their national law (jus sanguinis principle). The purpose of registering the birth at the town hall is to record the civil status of the child and that of the parents, but it does not create or register foreign nationality (Articles 57 and 58 of the Civil Code). The absence of administrative registration therefore does not affect the child's nationality, which remains legally that of their parents. For practical purposes, such as obtaining a DCEM, it is possible to proceed at any time after the birth, but these documents have only an administrative function and do not change the legal status of nationality.</p>
	<p>EMN NCP Germany</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>Yes.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>If the foreigner does not have a valid identity document from his/her country the person</p>


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			<p>can still be considered a national of the country whose citizenship they are known to hold. Often times a foreigner's nationality can also be proven by other means of evidence e.g. alternative documents such as birth certificates and/or drivers licenses.</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>Yes, however the passport requirement does not apply immediately after birth. When the passport requirement starts to apply depends on the child's nationality.</p> <p>If at least one parent of the child has been legally and ordinarily resident in Germany for five years and has a permanent right of residence the child acquires German citizenship by birth. For German citizens the requirement to possess an identity card applies after they reach the age of 16.</p> <p>Children who are born in Germany as non-German nationals can receive a temporary residence permit in accordance with Section 33 of the German Residence Act. This residence permit can be issued in derogation from the passport requirement stipulated in Section 5 of the German Residence Act if the child is unable to obtain a passport by reasonable means.</p> <p>However, upon reentry to Germany after a period of absence, or upon application for a subsequent residence permit the passport requirement must be met. The residence permit issued in accordance with Section 33 of the German Residence Act has a validity of at least one year.</p>
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			<p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>Upon birth, the child's nationality is recorded in the birth register if the child acquired the German nationality at birth (Section 21 Civil Status Act). To determine whether a child has acquired German nationality by birth it must be verified that at least one parent meets the requirements of five years of residence and permanent right of residence.</p> <p>If, upon birth the child has a non-German nationality the child's nationality will be recorded in the Central Register for Foreigners upon issuance of the temporary residence permit (in cases where the residence permit is issued ex officio) and upon application for the temporary residence permit (where an application is necessary).</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>Before the German nationality of a newborn child is recorded, the child is already considered German because it acquires the German nationality by birth.</p> <p>Before the non-German nationality of a newborn child is recorded, the child will usually be considered as having the same nationality as its parents.</p> <p>The fact that for a short period of time the child's nationality remains unrecorded does not mean that it is considered to be stateless</p>
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			<p>6. If you answer NO to Q4, within what time after birth must the child’s nationality be registered? Please explain how it is done.</p> <p>If the child is German, its birth must be notified to the birth register within one week after birth. Thereafter, the registry office can record the child’s German nationality.</p> <p>If the child is non-German, its nationality will be registered in the Foreigners Central Register upon decision on the issuance of the temporary residence permit.</p>
	<p>EMN NCP Greece</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>YES.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>According to migration legislation (l.5038/2023, GG A’ 81), the right of residence of third-country nationals who legally enter Greek territory for one of the reasons provided in the above law, is subject, among others, to the following condition:</p> <p>-they must be holders of a valid travel document recognized by Greece, the validity of which extends for at least three (3) months after the last scheduled date of departure, contain at least two (2) blank pages and have been issued within the previous ten years.</p>

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			<p>Also, the legislation provides that for cases in which the third-country national is unable to present a valid passport or other travel document, it is possible, following an opinion of a Special Committee (Article 172 of I.5038/23), to recognize the right of residence of the third-country national as person deprived of passport, provided that the third-country national specifically and justifiedly invokes objective inability due to particular conditions or situations. When examining the data of the file, the Committee must take into account the degree of integration of the person concerned in the country.</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>YES. According to migration legislation (article 92 of I.5038/2023), in cases of marriage or cohabitation in Greece between third-country nationals residing in the country with a residence permit, one of the spouses or partners and their family members, who are already legally residing in the country, may be granted a residence permit for family reunification. In this case, the residence of minor children born in Greece is covered by the residence permit of the custodial parent until an application is submitted for the granting of a residence permit to them. For the application for a residence permit, a valid passport/travel document need to be submitted.</p> <p>Also, the third-country national, during his/her stay in Greece, is obliged to declare, through the electronic services of the Ministry of Migration and Asylum, to the competent services the birth of a child (article 19), which may take place within two (2) years from his birth.</p>
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			<p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>N/A</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>-</p> <p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>-</p>
	<p>EMN NCP Hungary</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>No. As a general rule, applications for residence permits (permanent and long-term) may only be submitted with a valid travel document and permanent permits may only be issued for the period of validity of the travel document. However, in case of long-term residence permits, it is not necessary for the travel document to be valid for the entire period of the permit at the time of application. In justified cases, the aliens policing authority issues travel documents to third-country nationals. An exception is made for beneficiaries of international protection, who are not required to have a valid identity</p>


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			<p>document or travel document neither at the time of application nor after the granting of the status.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>No. During the permit procedure, citizenship can only be proven with a valid travel document or identity document. Children of third-country nationals living in Hungary are also considered to hold an unknown citizenship until their citizenship is proven with a travel document. An exception is made for beneficiaries of international protection, whose citizenship is presumed on the basis of their declaration or on the basis of questions about their country of origin asked during the asylum procedure (until contrary information arises).</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>Yes. If the third-country national has a visa entitling its holder to a stay for up to 90 days, a visa or residence permit entitling its holder to a stay for more than 90 days within 180 days, or if s/he is a holder of a long-term residence status, and his/her third-country national child is born in Hungary, the third-country national is required to report this fact to the regional directorate of the aliens policing authority, providing the following information: personal data of the child (name, place and date of birth, mother's</p>
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			<p>name); the number of the child's travel document; the address of the child's accommodation or place of residence. The birth shall be reported within three months of the child's birth.</p> <p>An exception is made for the children of third-country nationals who are beneficiaries of international protection, born in Hungary.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>No</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>If a person's nationality or statelessness cannot be justified, in the civil registration it must indicated that they are of unknown nationality until proven otherwise.</p> <p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>No deadline is set within the legislation.</p>
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	EMN NCP Italy	Yes	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>Yes, a passport issued by the country of origin is normally required, except in the case of refugees.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>No, in the absence of documents proving the applicant’s original nationality or their status as a stateless person or as a refugee, the application for citizenship is rejected.</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>N/A</p>
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			<p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child’s nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents’ nationality, according to the parents’ statement etc)?</p> <p>Yes, the foreign nationality is recorded in the birth certificate, on the basis of the documentation submitted by the parents to the civil registration officer.</p> <p>5. If you answer NO to Q4 what is the child’s nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>N/A</p> <p>6. If you answer NO to Q4, within what time after birth must the child’s nationality be registered? Please explain how it is done.</p> <p>N/A</p>
<p> EMN NCP Latvia</p>		<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>Yes.</p>

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			<p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>Yes, a third-country national residing in Latvia without a valid travel document issued by their country of citizenship will still be treated as a citizen of the specific country in which they are known to hold citizenship.</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>Yes. Latvian legislation does not specify the period within which a TCN must obtain a valid travel document; however, in accordance with the Immigration Law, an application for a residence permit for a child born in Latvia must be submitted not later than 90 days after his or her birth. To request a residence permit, the child's legal representative must present the child's valid travel document.</p>
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			<p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>No.</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>For a child born to third-country nationals residing legally in Latvia on the basis of a residence permit, the child's nationality is left blank.</p> <p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>The law does not specify a specific time by which a child's citizenship must be registered. The child's citizenship will be registered when, upon presentation of their valid travel document, the child's documents for requesting a residence permit are submitted.</p>
	<p>EMN NCP Lithuania</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>Yes. Under Lithuanian law, a third-country national must hold a valid travel document issued by the competent authorities of their country of nationality (or another valid travel document recognised by the Republic of Lithuania) in addition to a residence permit. A residence permit confirms the right to reside in Lithuania but does not replace the</p>

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			<p>requirement to possess a valid identity/travel document. This requirement follows from the general rules on entry, stay and residence of third-country nationals under the Law on the Legal Status of Foreigners, which presupposes possession of a valid travel document as a condition for lawful stay, unless a specific exception applies (for example, issuance of a foreigner's passport or travel document for a stateless person in accordance with the law).</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>Yes. In Lithuania, the absence of a valid identity or travel document does not in itself affect the determination of a person's nationality. A third-country national is still considered to be a national of the country whose citizenship they are known to hold, even if they do not possess a valid document or have never had one. Nationality is determined on the basis of available evidence and factual circumstances, rather than solely on the possession of a valid passport or identity document. At the same time, the lack of a valid travel document may have consequences for the person's migration status or the exercise of certain rights (e.g. issuance or renewal of a residence permit), unless an alternative travel document is issued in accordance with Lithuanian law, such as a foreigner's passport or a travel document for a stateless person or a beneficiary of international protection.</p>
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			<p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>No. According to Article 31 of the Law on the Legal Status of Foreigners, when a child is born during the period of residence of a foreigner holding a residence permit in the Republic of Lithuania, the parent must apply to the Migration Department for the issuance of a residence permit for the child within three months from the date of birth, and the child is issued a residence permit of the same type and for the same period of validity as that held by one or both parents. A valid travel document is normally required later in the procedure, before the residence permit is issued, but the absence of such a document does not prevent the application from being submitted within the statutory three-month period.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>No. According to Article 12 of the Law on Civil Status Acts, the child's citizenship is recorded in the birth record only where the child has Lithuanian citizenship. The law does not provide a legal basis for recording the citizenship of another state in the birth record. Separately, the law regulates the recording of the child's nationality/ethnicity (tautybė): if both parents are of the same nationality, the child's nationality is recorded accordingly; if the parents are of different nationalities, the nationality is recorded according to the</p>
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			<p>parents' agreement; and if the parents do not reach an agreement, the child's nationality is not recorded at all.</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>Nationality (tautybė) is distinct from citizenship (pilietybė) under Lithuanian law. If the child's nationality (tautybė) is not entered at the time of birth registration, it is left unrecorded (blank) in the birth record. If the child does not acquire Lithuanian citizenship at birth under the Law on Citizenship, the child is not considered a Lithuanian citizen, and Lithuanian law does not assign or record a foreign citizenship in the birth record. In such cases, the child's citizenship is determined under the law of the parents' state(s) of citizenship, not under Lithuanian law. Therefore, from the Lithuanian legal perspective, until the child's citizenship is confirmed or documented under the parents' national law, the child is treated as a third-country national child whose citizenship is not established in Lithuanian civil registration, but this does not automatically mean statelessness. Statelessness arises only if it is established that the child has not acquired any citizenship under the laws of any state.</p> <p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>Lithuanian law does not set a formal deadline for registering a child's foreign citizenship as such. However, in practice, the child's citizenship must be established within three months from birth, because Article 31 of the Law on the Legal Status of Foreigners requires the parents to apply for a residence permit for the child within that period. The residence-permit application requires a valid travel document, and a travel document necessarily indicates the child's citizenship. Therefore, while citizenship is not registered through civil status procedures, it is effectively determined and evidenced at the time of applying for the residence permit.</p>
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	EMN NCP Luxembourg	Yes	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>YES. In Luxembourg a third country national (TCN) requires to have a valid travel document of the country of nationality in accordance with article 38 (1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law).</p> <p>This article states: "Subject to the application of the conditions of Article 34, paragraphs (1) and (2), ..., a TCN has the right to reside on the territory for a period exceeding three months if, ... (1) they hold a temporary residence permit as :</p> <ul style="list-style-type: none">a) salaried worker ..., highly qualified worker, intra-corporate transferee, posted worker, or seasonal worker;b) self-employed worker;c) sportsperson;d) student, pupil, trainee, volunteer, or au pair;e) researcher;f) family member;g) investor;h) or otherwise for private or specific reasons; or <p>(2) they hold a long-term resident residence permit. [...]</p>
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			<p>One of the requirements of article 34 (2) 1 is that the TCN must hold a valid passport and a valid visa or a valid travel authorization. The provision further specifies that a TCN holding a valid residence permit is admitted to the territory solely on the basis of that permit and a travel document.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>NO. The TCN legally residing in Luxembourg has to have a valid travel document issued by their country of origin or hold an alien passport issued in accordance with article 1 of the amended Grand-Ducal Regulation of 26 January 2005 laying down the procedures for obtaining a travel document for foreigners. This article states that this travel document is issued to persons residing on the territory of the Grand Duchy of Luxembourg whose identity and nationality are established, but who are unable to obtain a national passport from the authorities of their country of origin, or for whom it is impossible to request the issuance or extension of a travel document due to exceptional circumstances. In exceptional cases, such a travel document may also be issued when the procedure for issuing a national passport is excessively long or difficult, to the point of exceeding reasonable limits.</p>
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			<p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>NO. In Luxembourg all births must be declared to the civil registrar of the commune where the birth took place within 10 days of the birth (the day of the birth itself does not count).</p> <p>The birth of the child must be declared: a) by the father or mother; or b) in the absence, by the doctor, midwife or any other person who attended the birth (upon presentation of the 'notice of birth' issued by the doctor or midwife). Non-Luxembourgish parents must first declare the child to the commune, then to their consulate or embassy.</p> <p>A travel document for a newborn child is only required when a request for a residence permit is submitted.</p> <p>The child does not need to have a valid passport for being registered. However, the TCN parents should submit the following documents: a) medical birth certificate issued by the hospital; b) valid passports of both parents; c) Luxembourg residence permits of the parents, where applicable; d) marriage certificate, if the parents are married; If the certificate is from abroad, it must be legalised or apostilled, and if not in English, French, German or Luxembourgish, translated by a sworn translator</p> <p>If the parents are not married: In Luxembourg, declaring a new born baby is paternal recognition in the same process. The declarant acknowledges that he is the father of the child. Luxembourg civil code does not foresee the mother's agreement to the father's recognition. The declaration is validated by an authentic act of birth, signed by the</p>
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			<p>father/declarant and the civil officer.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>YES. See answer to Q.3. Once the documents have been verified, the civil registrar issues the Luxembourg birth certificate. The parents generally receive : a) one or more full copies of the certificate; b) extracts of the birth certificate, if requested. No type of birth certificate will include information about the nationality. Initially, the civil registrar will notice the nationality, either for name attribution and statistic purpose. The nationality that will be noticed is the one of her parents. Only in specific cases (i.e. stateless parents), the child will be registered as Luxembourgish. As a general rule, a child born to third-country nationals does not automatically acquire Luxembourg nationality at birth.</p> <p>In a second step, the commune of residence of the child will be in charge to confirm the nationality on the base of an ID card or passport.</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>N/A.</p> <p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>N/A.</p>
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	<p>EMN NCP Netherlands</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>YES. The third-country national residing legally needs to be in possession of a passport from their country. However, this does not apply to people with an asylum permit, as they can identify themselves with their residence document (which is also their identity document) or a Dutch alien/refugee passport. In the case of a stateless person, other rules apply as well.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>YES. If a third-country national residing in the Netherlands does not have a valid travel document issued by their country of citizenship, the Netherlands will still treat them as a citizen of the specific country in which they are known to hold citizenship.</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>YES. The child needs to have a valid travel document[1]. In the case of regular immigration, the child must be added to the parents' (foreign) passport. This does not</p>
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			<p>apply in the case of asylum seekers. In some cases, when a child is born in the Netherlands the Dutch Immigration and Naturalisation Service (IND) will not reject the application on the grounds of not having a valid passport if the foreign national belongs to a certain category. When a foreign national is born in this country as a child and is applying for a regular residence permit for a fixed period to stay with a parent (family member) the IND will not reject because of the absence of having a valid travel document (only if the foreign national meets the other conditions for the granting of a regular residence permit for a fixed period under the restriction "stay as a family member").</p> <p>[1] Residence permit for child born in the Netherlands IND</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>YES. The parents will have to register at the local authorities and apply for residence for the child. A birth certificate is drawn up there, which also includes the child's nationality. In most circumstances, the child's nationality can be determined relatively easily. For children born in the Netherlands whose parents have asylum seeker status, it is less straightforward, but the nationality can be determined based on statements regarding the nationality of the parents. Where applicable, the application of (foreign) nationality law can also help determine the child's nationality.</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>N/A.</p>
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			<p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>N/A.</p>
<p> EMN NCP Poland</p>		<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>Yes, as regulated in art. 288 Act of 12 December 2013 on Foreigners, every foreigner is obliged to have a valid travel document during the whole stay in the territory of Poland.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>Yes, but the citizenship should be confirmed by the Embassy (concerns, among others the obligation to return or international protection). On the other hand, if the foreigner prove his/her statelessness - s/he will be consider to be stateless (with all mechanisms dedicated to that group of foreigners).</p>

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			<p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>Yes, it should be as quick as possible. Parents are obliged to go to registry office to obtain the children's birth certificate. Then parents should go to the consular office of the country of origin and obtain a travel document for the child. Travel document is obligatory to apply for residence permit.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>Yes, it is based on the parent's nationality. They should start the procedure for residence permit and organize all documents which can prove the child's nationality and citizenship (ex. travel document issued by the authorities of the country of origin).</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>n/a</p> <p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>n/a</p>
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	<p>EMN NCP Slovakia</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>Yes.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>If a third-country national does not have a valid identity document or a valid travel document, his/her stay in the Slovak Republic may be cancelled. In principle, the mere fact that a person does not have a valid document of their country of citizenship does not mean that they no longer have citizenship of that country. In the case of persons granted international protection, they have the possibility to apply for a refugee or foreigner's passport issued by the Slovak Republic under certain circumstances and conditions, but this does not mean that they have lost their citizenship.</p>
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			<p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>Yes. Based on Article 62 (3) of the Act on the Residence of Foreigners, if they do not apply within 90 days for residence permit, he must leave the country. In case that circumstances arise due to which they were unable to obtain a valid travel document – these cases are assessed individually.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>A child does not acquire the Slovak citizenship by being born in the territory of the Slovak Republic, but rather on the basis of its parents' citizenship at the time of its birth. The birth certificate issued by the Slovak Republic does not contain information about the child's citizenship.</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>See response to question 4.</p>
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			<p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>At the time of deciding on the granting of residence in the territory of the Slovak Republic, the child must have a valid travel document, i.e. must have registered citizenship. See also response to question 3.</p>
	<p>EMN NCP Slovenia</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>Yes.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>Yes, a residence permit, except for the first temporary residence permit, may also be issued to a foreigner who does not have and cannot obtain a passport from their country of origin, provided that their identity is not disputed.</p> <p>In international protection proceedings, an applicant whose true identity is unknown shall be considered a national of the country he or she claims to be a national of.</p>

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			<p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>No.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>No</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>Unknown</p> <p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>The child's citizenship is recorded in the records when the relevant document issued by the country of which the child is a citizen is submitted and which also proves citizenship, such as:</p> <ul style="list-style-type: none">• the child's passport issued by the country of citizenship,• another identity document issued by the country of citizenship, which also contains
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			<p>information on citizenship,</p> <ul style="list-style-type: none"> • a certificate from the country of origin confirming the child's citizenship, • birth certificate of the country of origin, which also contains information on citizenship. <p>The appropriate document must be submitted to the competent authority in the Republic of Slovenia by the child's parents or guardian.</p>
	<p>EMN NCP Spain</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>YES. A thirdcountry national legally residing in Spain on the basis of a residence permit must hold a valid passport or travel document issued by their country of nationality. Spanish law requires a valid passport as the basis for issuing and renewing their residence permits (Royal Decree 1155/2024, of 19 November, approving the Regulation of Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration).</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>In accordance with the Regulation of Organic Law 4/2000, a valid passport, travel document, or registration certificate ("cédula de inscripción") must be submitted in</p>

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			<p>residence authorisation procedures.</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>YES. Yes, the child must have a valid travel document from the country of nationality of the parents. This requirement derives from Spanish law which make a valid passport the basis for residence permits, including those of minors. While no fixed statutory deadline exists, in practice the document is expected to be obtained within the first months after birth to allow residence procedures for the child.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>No. Article 44 of the Civil Registry Law (Law 20/2011, of 21 July) does not include the nationality of the registered person in the birth and parentage registration.</p> <p>5. If you answer NO to Q4 what is the child's nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>Nationality is determined by the personal law of the parents. Only in the cases provided for in Article 17.1 (c) and (d) of the Spanish Civil Code will individuals be considered Spaniards by origin:</p> <p>(c) Those born in Spain to foreign parents, if both are stateless or if neither parent's</p>
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			<p>legislation grants the child a nationality.</p> <p>(d) Those born in Spain whose parentage is not determined. For these purposes, minors whose first known place of residence is Spanish territory are presumed to have been born in Spain.</p> <p>6. If you answer NO to Q4, within what time after birth must the child's nationality be registered? Please explain how it is done.</p> <p>It is not registered in accordance with Article 44 of the Civil Registry Law, except in cases of subsequent acquisition of Spanish nationality.</p>
	<p>EMN NCP Sweden</p>	<p align="center">Yes</p>	<p>1. Does a third-country national residing legally in your Member State on the basis of a residence permit also need to hold a valid identity document/travel document issued by their country of nationality? YES/NO. If you answer NO, please explain.</p> <p>Yes. The assessment of a person's citizenship is primarily based on the information in his or her passport.</p> <p>2. If the person does not have a valid identity document from his/her country of nationality, does your Member State still consider the person to be a national of the country whose citizenship they are known to hold, even if they do not have a valid document and/or have never had one (e.g., descendants of long-term immigrant families, beneficiaries of international protection, etc.)? YES/NO, please explain.</p> <p>For those who do not have a passport, citizenship may be registered in accordance with other documents or, where the person is in the absence of a document proving citizenship, on the basis of the applicant's own information. In cases where the registration of citizenship is based on information other than that in the individual's</p>

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			<p>passport, the considerations made shall be stated in a service note.</p> <p>3. Does a child born in the territory of a Member State to third-country national parents residing there on the basis of a residence permit need to have a valid travel document from the country of nationality? YES/NO. If you answer yes, within what time must the parents obtain the document for the child after birth?</p> <p>When a child is born in Sweden and the birth is known to Swedish authorities, this means, according to the Swedish Migration Agency's practice in citizenship cases, that the child's identity is confirmed. A corresponding assessment should also be made when it comes to a residence permit. The child's identity is confirmed even if the child's name has not yet been determined. Since the child was born in Sweden, the Swedish authorities know who he or she is. Whether the parents have confirmed their identity or not is irrelevant for the assessment of the child's identity. It is also irrelevant for the assessment of identity if the child's citizenship is unknown. Citizenship, however, becomes important when the Swedish Migration Agency assesses the protection grounds in an asylum case, in order to determine against which country or countries the application should be examined. Citizenship may also become important if it becomes necessary to expel the child from Sweden.</p> <p>4. If a child is born in the territory of your Member State to third-country nationals parents legally residing in your territory on the basis of a residence permit, is the child's nationality recorded immediately upon birth registration? YES/NO. If you answer YES, please explain how it is done (e.g based on the parents' nationality, according to the parents' statement etc)?</p> <p>No. When a child is born and registered in the Swedish population register, the Swedish Tax Agency assesses which citizenship the child has acquired. The Swedish Tax Agency assesses this in accordance with child's homeland citizenship law. Often, a certificate</p>
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			<p>from a homeland is required before the citizenship can be registered.</p> <p>5. If you answer NO to Q4 what is the child’s nationality in the meantime (i.e. unrecorded, blank, stateless, etc.)?</p> <p>The status is “citizenship is under investigation”.</p> <p>6. If you answer NO to Q4, within what time after birth must the child’s nationality be registered? Please explain how it is done.</p> <p>The Swedish Tax Agency assesses and registers the child’s citizenship as soon as possible.</p>
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