

Confirmation of the state-citizenship in the Baltic States based on descent EXPLAINED IN 3 MINUTES

The Baltic states have been part of various empires throughout their history before they each declared their independence. Due to this eventful history of the Baltic States, different constellations arise about the attainment of the citizenships of the respective countries.

1. Estonia

For citizenship based on previous citizenship rights, two dates are important. The first date originates from § 1 of the decree that was issued regarding citizenship in the Estonian democratic Republic and was adopted on 26 November 1918. The descendants of the applicant had to be living in Estonia after the 4th of December 1918 in order to restore citizenship because that is when the decree came into force. Furthermore, citizenship can be established based on previous rights under § 1 of the Citizenship Act of 1922, which was reinstated after the fall of the Soviet Union if family members of the applicant had Estonian citizenship before 16 June 1940.

According to § 2 point (1) 1) of the Citizenship Act, Estonian citizenship can be acquired by birth. In § 5 point (2) 1) of the same act it is stated that Estonian citizenship is acquired by birth if at least of the parents held Estonian citizenship during the child's birth.

If these conditions are met, the applicant must send a request about the Estonian citizenship of his parents or grandparents to the National Archives to check whether they have evidence of descent and whether the descendants lived in Estonia during the first republic. In the absence of archival data or other documentary evidence, such evidence may be proven by the testimony of a witness, unless a particular form of evidence is required by law.

If everything goes according to plan and the National Archives find the relevant information, the applicant can go to the Estonian diplomatic mission in his or her respective country and apply for an Estonian passport.

2. Latvia

Latvia regulates nationality somewhat differently because of previous citizenship rights. In the present case, the applicant is eligible for the restoration of Latvian citizenship if the person or his/her ancestor (i) was a Latvian citizen on 17 June 1940 and (ii) left Latvia from that date until 4 May 1990 (iii) escaping either from Nazi occupation (i.e. during WWII) or Soviet occupation regime or being deported from Latvia. Above facts as well as descendancy must be proved by the archival and vital record statements. Also, the descendants, if born before 1 October 2014, of above persons are eligible for the citizenship, even if the descendant has born abroad. Unlike in other countries, the descendancy levels are not limited, e.g. even great-great grandchildren, born before 1 October 2014 may apply.

Moreover, under recent case law also former citizens or their descendants, who left Latvia between 17 June 1940 to 4 May 1990 to other Soviet countries neither directly escaping from

Soviet, nor Nazi regime, or people who left Latvia after 1990, as well as descendants born after 1 October 2014 have also been able to obtain citizenship depending on certain circumstances. It should be noted that then the applicant's previous citizenship must be revoked, unless a dual citizenship will arise with another EU, EFTA or NATO country or with Australia, New Zealand or Brazil. Furthermore, Latvia may enter into mutual agreements with other countries permitting dual citizenship also for those persons covered by recent case law developments (e.g., the possibility of the agreement with Israel is currently under discussion).

The applicant must submit all required documents to the Office for Citizen and Migration Affairs in Riga.

3. Lithuania

The regulation in Lithuania is similar to that in Latvia. According to the Citizenship Act of 2010, an applicant has the right to restore citizenship of the Republic of Lithuania if that person (or descendants) had Lithuanian nationality before 15 June 1940 and demonstrably left the country before 11 March 1990 and were not re-naturalized before the entry into force of the 2002 Act. This provision applies to three generations of descendants, i.e. children, grandchildren and great-grandchildren.

If the applicant wants to restore his Lithuanian citizenship, it is possible to renounce the citizenship of the other state or choose dual citizenship. The latter is in principle inadmissible in Lithuania under Article 12(2) of the Constitution of Lithuania, but may be defended in exceptional cases. These exceptions are regulated in the Law on Lithuanian Citizenship article 7 subsections 2, 3, and 4, i.e. and applies to persons who was exiled from the occupied Republic of Lithuania prior to 11 March 1990 and has acquired citizenship of a different state; who left Lithuania prior to 11 March 1990 and acquired citizenship of a different state or who is a descendant of a person mentioned above.

Since 15 November 2021, the application for the restoration of citizenship of the Republic of Lithuania can only be submitted via the Lithuanian Migration Information System (MIGRIS).

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