



28.9.2012

NOTICE TO MEMBERS

Subject: **Petition 1159/2010 by Zana Ivakina (Italian), on dual nationality**

1. Summary of petition

The petitioner, who has dual nationality, Latvian and Italian, indicates that she has been asked to relinquish one of them. She wishes to know whether such a requirement is lawful and in accordance with EU rules.

2. Admissibility

Declared admissible on 14 January 2011. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 6 May 2011.

It is not clear from the information provided by the petitioner in what context she has been confronted with the requirement to relinquish her Italian nationality, and in particular whether it constitutes a pre-condition for her to continue to reside in Latvia or to acquire Latvian nationality.

Article 21 TFEU provides that every EU citizen has the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaty and by the measures adopted to give it effect. The respective limitations are laid down in Directive 2004/38/EC¹ on the right of EU citizens and their family members to move and reside freely within the territory of the Member States. A condition imposed by the host Member State on an EU citizen to renounce the nationality of his/her country of origin for the purposes of acquiring residence rights on its territory should therefore be examined in light of

¹ OJ L 158, 30.4.2004

EU rules on free movement.

According to the law of the European Union, the conditions for obtaining citizenship of the Member States are regulated exclusively under the national law of the individual Member States. Thus any Member State is free to define the conditions for the acquisition of its nationality: a condition of renunciation of the nationality of another Member State to this effect would not therefore fall within the scope of EU law.

Conclusion

In view of the above, the Commission services would suggest to the Committee on Petitions to enquire with the petitioner to clarify in what context she has been asked to relinquish her Italian nationality.

Only if this condition has been imposed for the purposes of acquisition of residence rights in Latvia, it will be possible to assess it in light of EU law, and more specifically in light of EU rules on free movement.

4. Commission reply (REV.), received on 28 September 2012.

The petition concerns the potential loss of a personal identification document, the "Alien's Passport", issued by Latvia to certain persons who are not Latvian citizens and which confers a special status of "non-citizen", mostly to persons of Russian origin.

The loss of such a status and of the "Alien's Passport" does not fall within the scope of EU law, as the latter it is neither a residence document nor a document conferring citizenship upon its holder. It is thus for the Latvian authorities to decide on this matter in accordance with the applicable national law. In case the petitioner believes that an act of these authorities violates her rights, she should seek redress at national level through the competent authorities.

Conclusion

The EU has no competence on the issues raised by the petitioner relating to the loss of her Latvian "Alien's Passport".