Acquisition of nationality by children

A child can acquire nationality at birth either according to the principle of ius sanguinis or the territoriality principle. Nationality can also be conferred on aliens under certain conditions (naturalisation). The provisions governing the acquisition of nationality are laid down in the Citizenship Act of 1985 (StbG 1985). The principle of ius sanguinis – the „right of blood“ – applies in Austria. This means that a child born in Austria becomes an Austrian national at birth if at least one parent is an Austrian citizen.

Nationality can also be granted in a process known as naturalisation following examination of the application by the competent Land government and issue of a legally binding decision. A distinction is made here between three legal principles: a) the entitlement to the granting of nationality, b) discretionary naturalisation, and c) the extension of acquisition of nationality (to spouses and minors). As children are generally naturalised with their parents, the extension of acquisition of nationality to minors is by far the most common way of acquiring nationality, accounting for some three quarters of cases. A good quarter of cases of naturalisation in children under the age of 18 years derives from legal entitlement, and around 1% from discretionary naturalisation (period under review: 2007-2016).

Naturalisation of children under the age of 18 years

Source: Statistics Austria, Acquisition of nationality

Naturalisation rate
Development

The level of naturalisations peaked in 2003 when almost 45,000 or 6.0% of all foreign nationals living in Austria at the time became Austrian citizens. Of this population, over 18,000 minors took Austrian citizenship, with the annual naturalisation rate for this group of aliens climbing to 10.7%. The main factors for this peak and the high values seen around this time were a change to the property and inheritance laws in Turkey ("Pink Card") and the fulfilment of a residence period requirement by a large number of persons from the successor states to the former Yugoslavia. The significance of these factors then waned in the years that followed. The amendment to the Citizenship Act, which came into force in 2006, moreover brought more stringent requirements with it, in addition to dual citizenship on the grounds of child welfare.

Since 2010 the general naturalisation rate has remained fairly constant at just 0.7%, with the figure for minors totalling some 1.4%. As there has been steady growth in the number of foreign children and adolescents in the country, the number of naturalised minors has simultaneously increased, rising from 2,463 in 2010 to 3,141 in 2016. The following data for 2012 offers an insight into the demographic structure of youngsters who have become Austrian citizens. Although the naturalisation rate of 1.4% did not differ by gender, it has varied by age. Citizenship was granted to 1.2% of foreign children under the age of 10 years, to 1.5% of those aged 10 to 13 years and to 1.8% of teenagers from 14 to 17 years. For children and adolescents with Turkish citizenship the naturalisation rate was 2.2%, 1.9% for minors from the former Yugoslavia, and 0.9% for youngsters from elsewhere in the world. It does not come as a surprise that the vast majority (75.6%) of the children and adolescents naturalised in 2012 were born in Austria. For the under 10s this figure was 92.5%, for children between 10 to 13 years 62%, and for teenagers from 14 to 17 years still more than half (55%). In other words, only 24.4% of all naturalised children and adolescents were born outside Austria, i.e. were migrants.