

Acquiring Luxembourgish nationality by option

Case no. 3: in the event of marriage to a Luxembourgish national

Luxembourgish nationality can be assigned to non-Luxembourgish nationals **by option**. This grants the person in question all the rights and obligations associated with being a Luxembourgish national. The option procedure does not have any retroactive effect.

Acquiring Luxembourgish nationality by option is possible in **10 specific cases**.

The forms are to be submitted in person to the commune of residence, together with all other legally required documents. If the applicant lives abroad, the application must be presented to the civil registrar of the City of Luxembourg.

Who is concerned

Any non-Luxembourgish person who **meets the conditions listed below** can acquire Luxembourgish nationality by option.

The option procedure is open:

- ➔ to adults with a parent, adoptive parent or grandparent who is or was Luxembourgish (case no. 1); or
- ➔ to parents of a Luxembourgish minor (case no. 2); or
- ➔ in the event of marriage to a Luxembourgish national (case no. 3); or
- ➔ to persons born in Luxembourg, over the age of 12 (case no. 4); or
- ➔ to adults having completed 7 years of schooling in Luxembourg (case no. 5); or
- ➔ to adults residing legally in Luxembourg for at least 20 years (case no. 6); or
- ➔ to adults having fulfilled the obligations arising from the Welcome and Integration Contract (Contrat d'accueil et d'intégration) (case no. 7); or
- ➔ to adults who settled in Luxembourg before the age of 18 (case no. 8); or
- ➔ to adults with stateless person, refugee or subsidiary protection status (case no. 9); or
- ➔ to volunteer soldiers (case no. 10).

If none of these situations applies to the applicant, they may instead be able to submit an application for [naturalisation](#) or [reclaim](#) their Luxembourgish nationality.

Prerequisites

Case no. 3: in the event of marriage to a Luxembourg

The option is open in the event of **marriage to a Luxembourg**, provided that:

- 1° they have [knowledge of the Luxembourgish language](#), as evidenced by a Luxembourgish language test pass certificate;
- 2° they have taken the “[Vivre ensemble au Grand-Duché de Luxembourg](#)” course or passed the test covering the topics taught in this course.

If the applicant is **not a resident of Luxembourg**, Luxembourgish nationality can only be acquired after **3 years of marriage** immediately preceding the option declaration. This waiting period **does not apply** to applicants living abroad as a result of **their spouse holding a position granted by a Luxembourg public authority** or by an **international organisation**.

Condition of good repute

Acquiring Luxembourgish nationality is subject to a **condition of good repute**, irrespective of the applicant’s circumstances. Consequently, Luxembourgish nationality is **refused**:

- if the applicant has made **false statements, concealed important information** or acted **fraudulently** during the option procedure; **or**
- if the applicant has received, either in the Grand Duchy of Luxembourg or abroad:
 - o a **criminal sentence** or a **custodial sentence** of 12 months or more; **or**
 - o a **suspended sentence** of 24 months or more.

The facts underlying a foreign conviction must also constitute a criminal offence under Luxembourg law and, if applicable and except in the case of rehabilitation, the sentence must have been definitively served less than 15 years before the option declaration.

Costs

The option procedure is **free of charge**.

However, **the preparation of certain documents** to be produced as part of the option procedure may **incur charges**, the amount of which is set by the issuing authority. Example:

- Luxembourg communes may request the payment of a municipal tax in exchange for preparing copies of marital status records;

- foreign authorities may apply a charge for the issuance of marital status records or extracts from the criminal record.

How to proceed

Submitting an option declaration to the civil registrar

Applications to acquire Luxembourgish nationality by option are made to the **civil registrar of the commune of the applicant's usual place of residence**.

If the applicant **does not live in Luxembourg**, the application must be made to the civil registrar of the **City of Luxembourg**.

The applicant must appear in person before the civil registrar. They may be accompanied by a person of their choice.

The option declaration must be signed by the applicant or their legal representative.
If the application is for a **child under the age of 18** (case no. 4), the minor and their legal representatives must appear in person and sign the option declaration jointly.

Signature by proxy is not permitted.

If the legal conditions are met and if the application contains **all the necessary documentation**, the civil registrar will record the option declaration.

If the application submitted is **incomplete**, the civil registrar will request that the applicant produce the **missing documents**. If the documents are not submitted within a period of **3 months**, the application will not be considered.

The civil registrar can **refuse to register the declaration**. In this case, an **appeal** against this decision can be made **to the Minister of Justice** within **one month** of notification of this refusal. If **the appeal is rejected** by the Minister, a **reversal on appeal** [may be petitioned before the administrative tribunal](#).

As a rule, the person in question is **notified of the option declaration** by the civil registrar by **post**. The date on which Luxembourgish nationality was acquired is stated on the option declaration.

Supporting documents to be submitted with the application

Prior to applying for the option declaration, the applicant must submit the following documents to the civil registrar:

- a full copy of their birth certificate and, if necessary, that of their children under 18;
- a copy of their valid passport and, where appropriate, that of their children aged under 18.
If they do not have a passport, another identity or travel document may be provided;

- precise [biographical details](#) signed by the applicant or their legal representative;
- criminal record certificates or similar documents issued by the competent foreign authorities:
 - o in the foreign country or countries of which the applicant is or was a national.
 - o in the foreign country or countries in which the applicant has resided from the age of 18 during the 15 years immediately preceding the submission of the application.
- if applicable, authorisation of the judge supervising guardianship to initiate an option procedure;
- if applicable, the decision of the Minister granting an exemption to submit any of the required documents. This exemption can be obtained upon reasoned request from the Minister of Justice, who has sole authority to grant it;
- a full copy of the marriage certificate;
- a [certificate of Luxembourgish nationality](#) for the spouse;
- a Luxembourgish language test pass certificate;
- a certificate confirming the applicant attended the “[Vivre ensemble au Grand-Duché de Luxembourg](#)” course or passed the test covering the topics taught in this course;
- if applicable, a certificate confirming that the spouse holds a position abroad granted by a Luxembourg public authority or by an international organisation.

If a required document has not been **drafted in French, German, English or Luxembourgish**, the applicant must submit it with a translation in one of these three languages. The translation must be performed by [sworn translator](#) or by a foreign public authority.

The civil registrar will request the issuance of the **record no. 2 of the criminal record** from the public prosecutor's office after having obtained the **applicant's approval**. If applicants **refuse** to give this **authorisation**, the **application will not be considered**.

Record no. 2 of the criminal record is not required where the person applying for the option procedure has not yet reached the age of **18**.

Review of the application by the Ministry of Justice

The civil registrar will send the option declaration and supporting documents to the Ministry of Justice directly and without delay.

If the minister has **no objection** to the option declaration, the applicant will acquire **Luxembourgish nationality** after a **period of 4 months** from receipt of the application by the Ministry of Justice.

If this is not the case, the minister may impose the measures outlined below.

CANCELLATION OF THE OPTION DECLARATION

The option declaration will be **cancelled** by the minister:

- if the civil registrar has recorded the option declaration in violation of the law; or
- if the applicant has made false statements, concealed important information or acted fraudulently.

The option declaration may be cancelled within the period of **4 months** following the receipt of the application by the Ministry of Justice.

Cancellation of the option declaration means that the person in question **does not obtain Luxembourgish nationality**.

The civil registrar who recorded the option declaration will inform the person concerned.

In the case of false statements, concealment of important information or fraud, the cancellation of the option declaration is accompanied by a **ban on initiating** a naturalisation, option or reclamation procedure for a period of **15 years**.

The ministerial decision to cancel the option declaration may be subject to a [reversal on appeal petitioned before the administrative tribunal](#) within a period of **3 months** from notification of the decision. The appeal must be lodged by a court lawyer.

CORRECTION OF THE OPTION DECLARATION

The minister will instruct the civil registrar to correct the option declaration in the event of a purely clerical error or omission, the indication of an inappropriate legal basis or an error regarding the marital status of the applicant.

The correction shall be made through an annotation on the option declaration.

WHO TO CONTACT

Ministère de la Justice

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Opening hours

from Monday to Friday (except on public holidays) from 8.30 to 11.30 and from 14.30 to 16.00 (special opening hours during the summer holidays and the Christmas period).