On the Margins of the European Community:
Young Adults with Immigrant Background in Seven European Countries

POLICY BRIEF no. 2

Citizenship Regimes:
Consequences for Inclusion and Exclusion of Young Adult Immigrants in Europe

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Executive Summary

**EUMARGINS** second policy brief focuses on the impact of citizenship legislation on inclusion and exclusion processes in seven different countries: Norway, Sweden, Estonia, UK, Italy, France and Spain. We discuss the great variation in citizenship policies from country to country and the core principles these different national naturalisation requirements derive from: the origin principle (jus sanguinis), the territorial principle (jus soli) and the residency principle (jus domicili). After highlighting some of the problematic aspects of the increasingly common citizenship tests, we argue that the European Union (EU) should contribute to a region-wide standardisation of the various citizenship legislations of its member states.

Citizenship, Exclusion and Inclusion – What is at Stake?

**Political and Socioeconomic Rights**

Whereas citizenship may be taken for granted by those who have it, those who do not are keenly aware of its value. Consider Diego, one of our informants. Diego is a 24-year-old man of Ecuadorian descent who immigrated to Italy at the age of 15. He defines himself as both Ecuadorian and Italian, but says he has applied for citizenship only to avoid the constant hassle of presenting documents, obtaining residence permits, and dealing with frequent police abuse. Immigrants and descendants like Diego, who do not have citizenship, tend to lack channels of political influence.¹ Socioeconomically, the citizen is freer than the non-citizen to choose where to work and with what, and to negotiate labour conditions. Therefore the citizen may secure a better position in the labour market and better access to the housing market, as compared to the non-citizen. The latter’s social mobility is also reduced by not being eligible for educational grants and scholarships. In addition to boosting life chances, the bureaucratic practice of granting citizenship is also a symbolic act of inclusion. It is relevant for the social identity of young immigrants and descendants as it separates ‘insiders’ (the community of citizens) from ‘outsiders’ (foreigners) (Ferrera 2005: 37). Bauböck (2006) underlines that excluding long-term immigrants and their children from the community of citizens fosters a perception in the wider society that they are ‘foreigners’ who do not belong and whose

¹ This is not always the case. In Norway and Estonia non-citizens with a long-term residence permit are allowed to vote in local elections. Most rights are allocated on the basis of legal residence rather than citizenship in Norway, Sweden, Italy and Estonia.
loyalties are divided. This kind of existential exclusion can have negative ramifications on the social cohesion of the society as a whole, potentially pushing non-citizens towards the informal economy and fomenting social unrest, thereby complicating the life of the non-citizen, as experienced by Diego.

With that being said, securing citizenship does not directly equal inclusion. Firstly, the impact of formal citizenship on the citizen’s sense of being included is contingent on the national context, and thus varies among the seven countries of our study. Secondly, the possession of full formal citizenship did not prevent the development of multiply disadvantaged ethnic minorities in the United Kingdom (Brubaker 1989:146), nor has it prevented the riots in France of young descendants with French citizenship. Processes of inclusion and exclusion are far too complex to be reduced to a matter of having or not having a national passport. What citizenship can do is to offer a potential starting point for increasing the likelihood of developing a sense of belonging to the society – active citizenship as opposed to a formal one – through granting specific civil, political and social rights, and corresponding responsibilities.

**Citizenship Policies in Europe**

Eurostat (2010) statistics display huge variations in the number of citizenships granted in each country per year until 2008. The general picture for the seven countries in our study is that Norway, Sweden, France and the UK have the most liberal citizenship policies, whereas Spain, Italy and Estonia are the least liberal in this respect. Italy and Spain are among the countries with the lowest ratio of granted citizenship, however granted citizenships in these countries are increasing significantly. When it comes to descendants, however, Spain has a liberal regime. In fact, with the new law of citizenship of 2001, Sweden now has one of the most liberal citizenship laws in Europe (Midtbøen 2008: 5). The required duration of stay in Sweden is only five years, and there is neither a requirement of language fluency nor requirements of knowledge of the Swedish society. Sweden also accepts dual citizenship, a breach with earlier Scandinavian practice (Midtbøen 2008). According to Eurostat (2010), Sweden was in 2008 the country with the highest number of acquisitions per inhabitant in the EU, followed by France and the United Kingdom. Sweden was also the country with the
highest number of new citizenships granted in relation to the size of the resident foreign population.

**Policy Principles**

**Trends in the Origin, Territorial and Residency Principle**
Like border control, citizenship legislation is becoming increasingly Europeanized. The Treaty of Maastricht states that nationals of all EU countries are also citizens of the European community, giving them the right to settle in any country of the Union, take jobs in their country of residence, vote, and run for office in local elections for the European parliament (Benhabib 2002: 456, Faist 2001:39). Except for this common basis, there have been wide variations in European citizenship law and naturalisation practice (Brubaker 1990: 380).

Citizenship legislation around the world is based on one or a combination of the following three basic principles:

<table>
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<tr>
<th>Origin Principle (jus sanguinis)</th>
<th>Child is given the same nationality as the parents.</th>
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<tbody>
<tr>
<td>Territorial Principle (jus soli)</td>
<td>Child is given the nationality of its country of birth.</td>
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<tr>
<td>Residency Principle (jus domicili)</td>
<td>Individual is given the nationality of its country of residence after a defined period of time.</td>
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During the past couple of decades, most European countries have moved towards a mixed type of citizenship regime. Many former *jus sanguinis* countries (including most of our seven countries) have reformed their citizenship laws and included some aspects of *jus soli* and *jus domicili*. This has been seen as a move to a more liberal direction, motivated by the need to integrate the continuously growing immigrant populations (Hansen and Weil 2001).

To a larger extent than Italy and Estonia; Norway, Sweden, UK, France and Spain have citizenship laws with elements of the *jus soli* (by birth) or the *jus domicili* (by residence) principle. None of the countries have a blanket *jus soli* commitment to citizenship, but in the European context France has often been understood as an example of a *jus soli* regime. More
accurate, however, would be to consider it a jus domicile regime. Several European countries have increased the access to citizenship by jus domicili during the past decades.

In Italy, the trend has been more restrictive, with increased residence requirements for immigrants (from five to ten years), while reducing it to three years for those with Italian descent (Hansen and Weil 2001: 7). Currently, there is a new proposition to again reduce the years of residence required from ten to five.²

**Naturalisation Requirements**

For our selected countries, immigrant naturalisation is more difficult in Southern Europe and Estonia than it is in middle and northern Europe. One reason for this is the different residence requirements. The required duration of stay for first generation immigrants is, generally speaking, only five years in Sweden, the UK and France. In Norway it is seven years, in Estonia eight years, and in Spain and Italy it is ten years.³

The requirements for naturalisation also differ in other ways. According to Baldwin-Edwards (1997: 512), the main reasons for the difficulties in accessing citizenship in Southern Europe are the demanding conditions related to, but not limited to, linguistic ability and proof of civic incorporation. In Spain, for example, the applicant must give an oath to the King, declare obedience to the Constitution and its laws, and offer proof of good civic conduct and sufficient integration into Spanish society (Marín and Sobrino 2009). The Italian citizenship legislation has been classified as primarily a ‘familistic model,’ since nationality and citizenship rights are easier accessible to members belonging to the national community by descent (Zincone and Basili 2009). Demanding requirements also limits access to citizenship in Estonia where, similar to the UK citizenship law, all individuals applying for citizenship have to pass an exam testing their knowledge of the Constitution, the Citizenship Act and their proficiency in the Estonian language. The large amount of stateless people in Estonia is largely due to the fact that the Russian-speaking population from the former Soviet regime is unable to pass the language test (Kallas and Kaldur, 2010). Estonian citizenship requirements have become more demanding after the adoption of the Citizenship Act of 1995. In fact, they

³ Note that there are numerous caveats and exceptions to these rules. In Sweden, for instance, the residency requirement differs for Nordic citizens (two years) and stateless people and recognized refugees (four years). In Spain, Sephardic Jews and Latin American nationals only need two years of residence. For Italy, the “ten years” requirement listed here refers to foreigners from non-EU countries, foreigners from EU countries need four years of residence. Requirements also differ from country to country as to whether the period of residency must be uninterrupted or not.
have been urged to discuss the legislation with international partners (including the EU) to align it with their international obligations (Järve and Poleshchuk 2009).

The citizenship requirements of Estonia reflect a general trend in Europe. In many European countries, being granted citizenship is conditioned upon a good knowledge of the host country's language, culture and society, as well as some level of contribution to economic activity (Eurostat 2008). Such employment of civic tests and integration criteria is increasingly used to restrict access to citizenship (Carrera and Guild 2010). In the UK, Estonia and Norway, immigrants must either undergo a certain number of language training sessions or prove language fluency. In Norway, the requirement is 300 hours of language training (or a language test). A new Norwegian citizenship law was implemented in 2005. On the one hand, the new citizenship law is seen as a liberal one as it refers to citizenship as a right when the requirements for it are fulfilled. On the other hand, the new law also made citizenship less accessible by imposing a new requirement of language fluency and an indirect requirement of knowledge of Norwegian society (Midtbøen 2008: 5).

The citizenship tests used by Estonia and the UK are hotly contested. Some argue that ‘to ask for host-society language competence and knowledge of the principles and procedures of liberal democracies is an incontrovertibly legitimate practice’ (Joppke: 1). Others argue that such tests create an additional barrier against naturalisation, obliging applicants to “show allegiance to a constructed national identity understood as a set of principles, historical events and values wrapped up into a liberal democratic package” (Carrera and Guild: 30), and often resulting in the alienation of a large number of immigrants who do not have access to full rights, such as employment, education and social security. Anyway, through the tests, it is the policy makers who define how this national identity should be defined. After our opinion the national identity that are constructed through the tests should include multicultural diversity, if not, the joint history that the tests reveal as the right answer do not open up for immigrants’ possibility of inclusion in the national narrative.

We argue that while cultural orientation and language courses in the country of residence can be useful tools for immigrants, citizenship tests should be critically evaluated from the perspective of diverse immigrant groups, so that they do not indirectly define a narrative that does not open up for others than the natives. There are reasons to question the relevance of some of the citizenship criteria which have been added in recent years. The trend towards stricter requirements seem to be driven partly by widespread anti-immigrant and anti-Muslim
sentiments, as the questions posed sometimes seem to mirror popular perceptions of what presumably constitutes ‘foreign values’.\textsuperscript{4} In this perspective, it is reasonable to ask whether the increased use of citizenship requirements should be seen as tools of inclusion, or exclusion, of immigrants by the policy makers. Alternatively, are the requirements designed to assist states that want to limit the rights of unwanted immigrants on their territories, or are they meant to assist potential citizens to orient themselves to a new society? In addition to not framing questions in a manner that stigmatizes particular segments of the immigrant population, policy makers should be conscious of the relevance of required knowledge. Do the questions test relevant knowledge? Do they test what is considered to be general knowledge in the wider population? Some of the questions immigrants need to prepare for in the UK are obviously more relevant to their day-to-day needs than others. A question about the Queen’s ceremonial duties is arguably less useful, for instance, than “Where can people find information on how to pay for water, gas, electricity and telephone services?”\textsuperscript{5} Policy makers ought to strive to design the citizenship tests with the aim of genuine inclusion rather than implicit exclusion. Furthermore, we suggest that pragmatism should guide the criteria for what is deemed important knowledge by a society.

\textbf{Citizenship and Descendants}

The different naturalisation rules have consequences for the inclusion and exclusion of young immigrants and descendants, as the \textit{jus soli} (or double \textit{jus soli}) rule ensures that second and third generations will not grow up as foreign nationals in their country of birth. All European countries open up for the possibility of citizenship for descendants (Hansen and Weil 2001). If a child is born in the country, and one of the parents is a national citizen (in the UK and in Spain it is sufficient with a permanent residence permit), the child is normally automatically naturalised at birth. However, in some of the countries this only holds if the mother is a citizen or the father who is a citizen is married to the mother. In Spain, the child can, in theory, acquire citizenship after one year of residency if the parents are citizens or have a permanent legal residence permit. However, this can in practice be hard to acquire. In Italy, descendants must demonstrate uninterrupted Italian residence from birth to adulthood. This denies access to citizenship for many descendants, as it is very difficult to prove (Alzetta et al.\textsuperscript{4})

\textsuperscript{4} The infamous German test in the Land of Baden-Württemberg, issued in September 2005 to aid its naturalisation officers, serves as an example. It targeted Muslims only and asked questions such as “Would you allow your daughter to participate in sports and swimming classes at school?”

\textsuperscript{5} Examples taken from the Life in the UK website. Downloadable at: \url{http://www.lifeintheuktest.gov.uk/} (accessed 25 May 2010).
On the one hand, the Italian legislation puts no limit to the transfer of citizenship by *jus sanguinis*, even in the case of descendants of citizens expatriated in the distant past; on the other hand it makes acquiring citizenship difficult for non-EU immigrants and their children (Zincone and Basili 2009).

The UK citizenship law has moved in the opposite direction of many other European countries. Prior to the 1981 UK immigration act, any British-born person with ancestors from the former colonies was entitled to have British Citizenship (*jus soli*). The 1981 act modified the application of *jus soli* by moving towards a combination of *jus sanguinis* and *jus soli* (Hansen and Weil 2001: 7). This meant that the UK adopted the same system as in France. France, for its part, followed the UK in 1993 by restricting to a minimum the privileged status that had been given to former colonial citizens. Following these reforms, naturalisation presupposes similar residence and integration requirements in the UK and France (Hansen and Weil 2001).

**Harmonisation of EU Citizenship Policies**

Citizenship policies in Europe are varied. Differing policies within the EU can appear illogical since an immigrant who has achieved citizenship in one European country automatically becomes an EU citizen and can then move freely to other EU countries as well. This contradiction could be seen as a strong argument for standardizing the rules of residency and citizenship in the EU. Standardised rules and common practices can secure predictability and justice. It seems unreasonable that migrants are given comparatively easy access to citizenship in one state, whereas others have to face huge barriers and many years of waiting in another. As for Norway, which is not an EU state, the same standardisation should be applied, since the country has adapted so many EU legislations that it in matters regarding immigration policies should be considered as part of the same union as other European countries.

It could be said that the EU has no direct legal competence in matters of nationality. However, as Bauböck (2006) argues, the EU could still initiate a process of open coordination in order to promote minimum standards and good practices in the area of citizenship and nationality law. Such a move could do much good, but is also fraught with risks if taken too far. Firstly, a fully streamlined EU-wide policy could end up being based on the lowest common
denominator and actually be less liberal overall, much like happened with the Common European Asylum System. Secondly, standardizing citizenship policies could lead to a less flexible system. However, many cases show that a flexible system often is in disfavour of immigrants and descendants. In Italy, the lack of a coherent corpus of laws and norms to manage migration-related issues (Alzetta et al. 2010) results in ambiguous requirements for citizenship, one of the reasons for the high number of refusals. Thirdly, there are general difficulties connected to harmonisation. The different historical trajectories related to national identity and integration shape immigration and integration policies, and the latter are thus not changed overnight. For instance, Estonia is the youngest nation among the project countries and its net immigration has not yet extended its net emigration. This combined with a history of Soviet suppression makes Estonian politicians favour a rather strict citizenship legislation. In Southern Europe, Italy and Spain have only had net immigration since the 1970s. Before that, they had a long history of emigration to Latin-America. The desire for national unity (defined in ethnic terms) is one main reason for the much more inclusive legislation for people with Spanish or Italian ancestry than for other foreigners. Immigration pressure from the South and the East also contribute to make these countries more restrictive towards foreigners. In the Nordic context, the Swedish citizenship policy is more liberal than the Norwegian policy, which can be explained by the fact that Norway is a much younger nation than Sweden and has a shorter history of net immigration (in Norway, large-scale immigration starting in the late 1960s, whereas it started in the 1930s in Sweden).

For these reasons, the standardisation of EU citizenship policies would be neither risk-free nor an easy undertaking. Maintaining the status quo, however, is not an attractive option either, as we live in an age of increased human mobility which calls for states to cooperate and coordinate their efforts at managing migration. The most realistic way forward could be to aim for a ‘soft law’ type of approach. The EU could develop guidelines and good practices within a non-binding framework that would both recognize the sovereign right of all states to determine their own migration policies, and also suggest mechanisms for increased multilateral coordination and gradual implementation.

Policy Recommendations

In summing up, we advise the policy makers to:

- **Recognize the risk of illiberal citizenship regimes to the country.** High numbers of alienated and politically marginalized migrants hinder integration, feed into informal economies and can lead to social unrest.
- **Regard citizenship as instrumental for political inclusion.** Without citizenship and full political rights, immigrants and their descendants are deprived of channels to influence political decisions about their lives and the societies they live in.
- **Regard citizenship access as a protection for migrants against shifting political opinion on immigrants and their descendants**
- **Recognize that citizenship is not a panacea.** Real inclusion of immigrants and descendants means inclusion in the labour market and education system. Active citizenship, rather than merely formal citizenship, should be one of the aims of naturalisation regimes.
- **Be cautious about connecting citizenship to tests of language and general knowledge of the country of residence.** If such tests are to be implemented they should be reasonable, pragmatic, and target useful general knowledge of the new country, i.e. what is useful from the immigrant’s point-of-view in order to live in the country. In order to find out what kind of information this is, surveys and interviews of immigrants that have been settled for many years, and have become integrated, is needed.
- **Standardize the rules of residency and citizenship in the EU.** A strong argument for regional standardisation is the fact that an individual is free to move around in the EU member states 18 months after having received residence permit in one of them.
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New scientific knowledge produced by EUMARGINS will be published in the form of journal articles, reports, policy briefs and a final book. For the dissemination of policy recommendations, policy workshops will be organised in each participating country at the final stage of the project. An international scientific conference on the research findings will be organised in cooperation with the EU in 2011.