

PATHWAYS TO CITIZENSHIP FOR THIRD-COUNTRY NATIONALS IN THE EU

EMN INFORM

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KEY POINTS TO NOTE

- 1. Policies on the acquisition of citizenship have evolved over the past five years, with Member States reporting trends that have had the impact of making access to citizenship either more liberal or more restrictive.** Trends in the numbers of individuals granted citizenship of an EU-28 Member States have shown an overall decline in the period of time covered by the study.
- 2. The criteria for granting citizenship and the procedures in place are broadly similar across the Member States but the specific conditions and requirements that apply vary considerably, depending on whether more liberal or restrictive policies are in place.** Processing times, the costs to applicants and available support were found to all vary significantly.
- 3. For many aspiring citizens, naturalisation can be a lengthy and costly process, with limited available support, and a positive outcome is in general not guaranteed, even where all conditions have been met.**
- 4. The majority of Member States now allow for dual citizenship,** which may acknowledge the demographic reality that many migrants have ties to more than one country. Other Member States - in practice - apply exemptions where the renunciation of a previous citizenship cannot reasonably take place. However, dual citizenship brings both benefits and challenges.
- 5. Citizenship is seen by Member States as either the culmination of the integration process or as facilitating the integration process.** However, in most Member States, third-country nationals are not actively encouraged to apply for citizenship, and support is limited.

SCOPE AND AIMS OF THE STUDY

The study provides a comparative overview of the frameworks in place across the Member States of the European Union (EU) for access to national citizenship for new migrants from third countries, through naturalisation. The increase in the number of new migrants who have arrived in the EU in recent years, either as beneficiaries of international protection, for work, or other purposes, has shed light on the importance of their integration. Thus, the acquisition of citizenship, whether as the final step in the integration process, as a means of facilitating integration and/or as an incentive to become part of a new society, is the focus of this EMN Study. Its scope gives priority to the acquisition

of national citizenship through ordinary naturalisation for new migrants, i.e. third-country nationals who do not have pre-existing ties with the Member State, and does not include the situation of the second and third generation (i.e. individuals born in and residing in a country that at least one of their parents or grandparents previously entered as a migrant). The study is based on national information and data collected by the authors, from National Contact Points established in each participating Member State and reflects the situation and developments that have occurred in the last five years.

METHOD AND ANALYSIS

The information used in this Synthesis Report came primarily from secondary sources provided by 25 EU Member States.¹ National contributions were based on desk analysis of existing legislation and policy documents, reports, academic literature, internet resources, reports and information from national

authorities. In some Member States, primary data collection through interviews with national stakeholder was carried out. Statistics were sourced from Eurostat or provided by national authorities.

¹ AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LU, LT, LV, MT, NL, PL, PT, SE, SK, UK. This publication was part of the 2019 EMN Work Programme and therefore includes contributions from the United Kingdom as an EU Member State up to 31 January 2020.



ACQUISITION OF CITIZENSHIP – AN OVERVIEW OF LEGAL AND POLICY FRAMEWORK

Citizenship is a matter of law in all EU Member States, and in almost all Member States, the general principles applicable to the acquisition and/or use of citizenship are laid down in their constitutions, with detailed provisions set out in the relevant national act(s). Member State citizens also enjoy the rights of EU

citizenship, including the right to move and reside freely within the territory of the Member States, subject to limitations and conditions laid down by EU law. Thus, whilst the conditions of acquisition and loss of citizenship fall within the remit of national competence, Member States must have due regard to EU law.



EVOLUTION AND RECENT CHANGES IN CITIZENSHIP LEGISLATION AND POLICY IN THE LAST FIVE YEARS

Policies, procedures and requirements that frame the acquisition of citizenship evolve with time and are shaped by factors such as political considerations, policy priorities and migration flows. The study found that 16 Member States have undergone major policy changes in the past five years, which have had the effect of making access to citizenship either more liberal or more restrictive. Member States adapted their policies on the one hand to facilitate integration and adapt to societal changes, such as the drive to improve gender equality (Sweden, Finland) and social

inclusion (Malta), plus to address issues relating to historical conditions (Austria) and family ties (Germany, Greece, Portugal, Luxembourg). On the other hand, more restrictive measures have been introduced to tackle the risk of terrorism or to protect state security for example in Germany, Finland, Portugal and the United Kingdom. More stringent language requirements have also been adopted by some Member States with a view to facilitate the integration of the applicant.

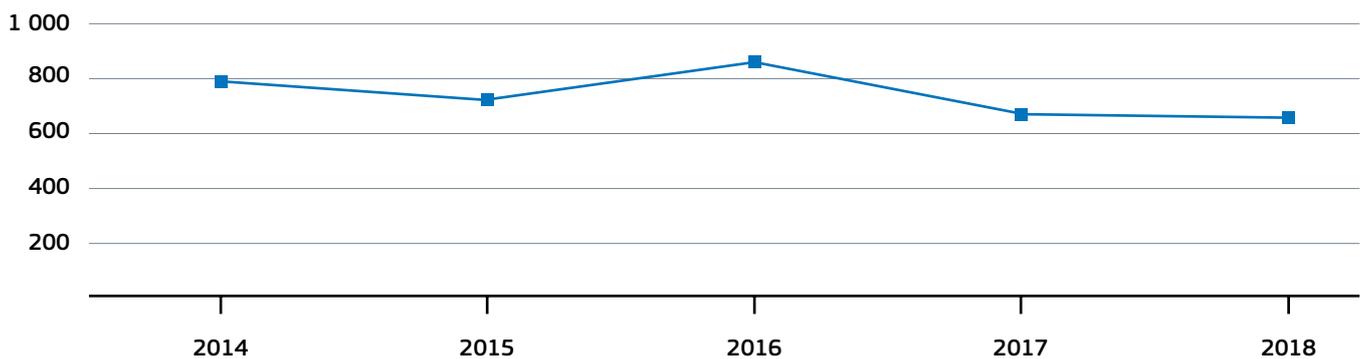


CONFERRAL OF CITIZENSHIP ACROSS THE MEMBER STATES – SCALE AND SCOPE

Some 656 000 third-country nationals were granted the citizenship of an EU Member State in 2018. This represented a decrease of 2.2 % compared to the 2017 figure. In 2018, citizenship was granted mainly to individuals aged between 15 and 49 years old and, in the vast majority of Member States,

the conferral of citizenship was significantly lower for individuals aged 50 years and over. In three countries², the main recipients were children aged under nine years. From a gender perspective, there were no major differences between men and women granted citizenship in 2018.

FIGURE 1: NUMBER OF THIRD-COUNTRY NATIONALS HAVING ACQUIRED THE CITIZENSHIP OF AN EU MEMBER STATE, EU-28, 2014-2018



Source: Eurostat (Source: Eurostat migr_acq, extracted 7 May 2020)

Rights stemming from the acquisition of citizenship included, in all Member States, voting and standing for parliamentary election at the national level (although different rules may be in place at the local level), access to certain professions reserved for citizens, and in some cases, citizens enjoy more preferable

conditions regarding social security. Other rights may include (in some Member States) diplomatic and consular assistance abroad and the right to re-enter the Member State. Duties may include compulsory military service; participation in the judicial system; and the obligation to participate or assist in national defence.

² ES, FI, LV.



ACQUISITION OF CITIZENSHIP BY BIRTH AND OTHER PATHWAYS

The acquisition of citizenship by birth is well established on the *ius sanguinis* /*ius soli* dichotomy. Under the *ius sanguinis* approach, a child will obtain the citizenship of one or both parents regardless of their place of birth. Only one Member State (Austria) follows solely the *ius sanguinis* principle in its approach to citizenship at birth. In some Member States, it is applied in specific situations e.g. no distinction is made between biological and adoptive parents.

No EU Member State currently grants automatic and unconditional citizenship to children born on their territories (the *ius soli* approach) to non-nationals. The vast majority of Member States grant citizenship on a conditional *ius soli* approach, whereby applicants and/or their non-national parents must comply with a minimum residence period in the country (ranging from 1 to 10 years). Three Member States provide for an automatic double *ius soli*, the automatic right for a child, born on the territory of the respective country and to at least one parent born in that same country, to acquire citizenship³. Two Member

States provide citizenship on an unconditional *ius soli* basis for specified groups of individuals, in both cases, born on the territory at predefined times in the past⁴.

In addition to the acquisition of citizenship at birth defined by the *ius soli*/*ius sanguinis* principles, all Member States offer the possibility for third-country nationals to acquire citizenship of their jurisdiction through ordinary naturalisation, although the rules regulating this process differ across countries (see below).

Other pathways to citizenship include special naturalisation procedures which are available in most Member States, and include grounds such as: exceptional merit or benefit for the country; special provisions for children born in the country to parents neither of whom are nationals; recovery of lost citizenship and national origin or cultural heritage. In line with the 1961 United Nations Convention on the Reduction of Statelessness, most Member States provide for the granting of citizenship if an individual would otherwise be stateless.



CONDITIONS AND REQUIREMENTS FOR THE ACQUISITION OF CITIZENSHIP BY ORDINARY NATURALISATION

For a third-country national to be eligible for citizenship, Member States generally require a minimum period of legal residence, usually in the form of permanent residence⁵, although a temporary residence status often also counts towards the required period. Member States accept various forms of proof of the period of residence, most commonly *ex officio* checks of registers and residence permits, but in some cases also certificates related to educational and professional activities undertaken in the country of application. Knowledge of the host country's language is a prerequisite for citizenship in almost all Member States, which needs to be evidenced through language

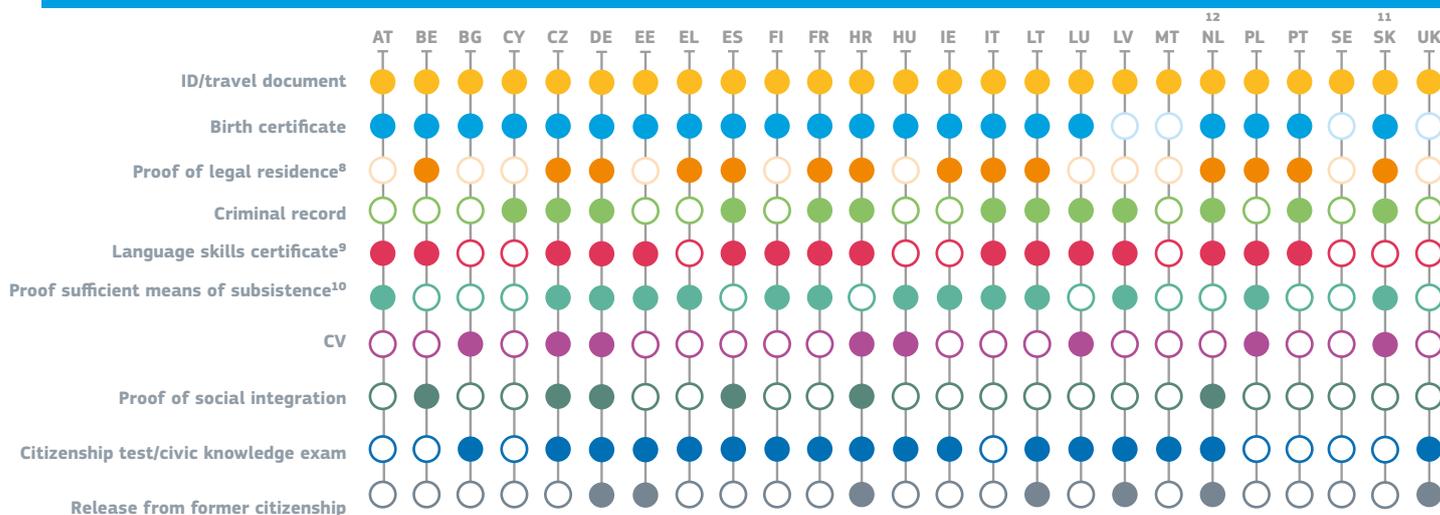
certificates or specific language tests. In thirteen Member States, citizenship applicants also have to pass a citizenship or integration test as part of the application procedure. The fulfilment of requirements regarding good conduct and public order is necessary in all Member States, in addition to the legal or symbolic commitment to certain values in 15 Member States, for example in the form of an oath of allegiance. A final important aspect in 14 Member States is the applicant's economic situation or standard of living, which was used to help authorities assess whether the applicant would be unlikely to have to rely on social assistance.

³ ES, FR and LU

⁴ LU, MT

⁵ of five years in most Member States, more details are provided in Section 3.1 (Table 3).

FIGURE 2: REQUIRED DOCUMENTATION FOR THE SUBMISSION OF A CITIZENSHIP APPLICATION⁶



Source: EMN NCPs' reports



PROCEDURAL ASPECTS FOR THE ACQUISITION OF CITIZENSHIP BY ORDINARY NATURALISATION

A wide variety of actors from all levels of government are involved in the procedure for the acquisition of citizenship through ordinary naturalisation in Member States. These are most commonly municipalities or other local authorities at the application and checking stages, as well as the Ministries of Justice or Interior. The final decision on the application is usually taken at a high level of government, i.e. the president or responsible Minister. The time period for processing applications varies from six to 48 months and the costs related to the application range from no fee to € 1 500 depending on the Member State. In all Member States, the citizenship application has to include an ID/travel document, and in most cases inter alia also a birth certificate and proof of legal residence. Challenges related to the verification of identity were highlighted in nine Member States, which were sometimes addressed by allowing the submission of alternative proof.

In all Member States, the decision for granting citizenship is at least partly based on discretion, i.e. a negative decision can still be issued, even if all legal requirements are fulfilled, except in Belgium and Germany where there is a right to be naturalised

if all legal requirements are fulfilled. However, the majority of Member States apply conditional discretion, and thus a rights-based approach, meaning that if the minimum requirements are met, citizenship will be granted, and refusal will often have to be duly justified. Comparable data on the negative decision rate of citizenship applications falling within the scope of this study is not available. Just four Member States provided data on negative decision rates, most of which were relatively low. The most common ground for a negative decision on a citizenship application was that of insufficient or an unlawful period of residence. The support provided to third-country nationals by national authorities prior to and during the application process was usually limited to information provided via online channels, helpdesks or personal consultations, and third-country nationals were usually not actively encouraged to consider applying for citizenship. Information concerning integration measures to facilitate the acquisition of citizenship (language classes, civics/citizenship education, participation in local activities, etc.) were usually also not available, although three Member States allowed for the reimbursement of costs related to language training.

⁶ This is not an exhaustive list of all required documents but merely presents the most common ones. Other documents, such as marriage certificates, may be required on a case-by-case basis. In Germany, the required documentation can vary across federal states.

⁷ See Section 3.5 for the documents accepted by the respective Member States to prove period of residence

⁸ See Section 3.6 for more details regarding language requirements.

⁹ This entails proof of sufficient means of subsistence, tax statements, work contracts, etc.

¹⁰ No separate language skills certificate is necessary, however a civic integration diploma (or other proof of civic integration) is, which includes a language test.

¹¹ A certificate of being released from the state union with the Czechoslovak Republic, Czechoslovak Socialist Republic or the Slovak Republic, or the Naturalisation Certificate or a confirmation of the acquisition of another state's citizenship if the applicant is a former citizen.



IMPACT OF COVID-19 ON THE PROCESSING OF CITIZENSHIP APPLICATIONS¹²

The Covid-19 pandemic and the containment measures taken across the EU is having a varied impact on the processing of citizenship applications. While 14 Member States did not take any particular measures or note a particular impact on the authorities' ability to process applications, nine Member States reported either a full suspension of services or at least delays. In some

cases, specific courses or exams related to language skills and civic knowledge requirements in the framework of citizenship applications had to be cancelled or postponed. Most Member States cancelled or postponed oral appeal hearings due to the closure of courts. In some cases, appeal proceedings nevertheless continued in the form of written procedures.



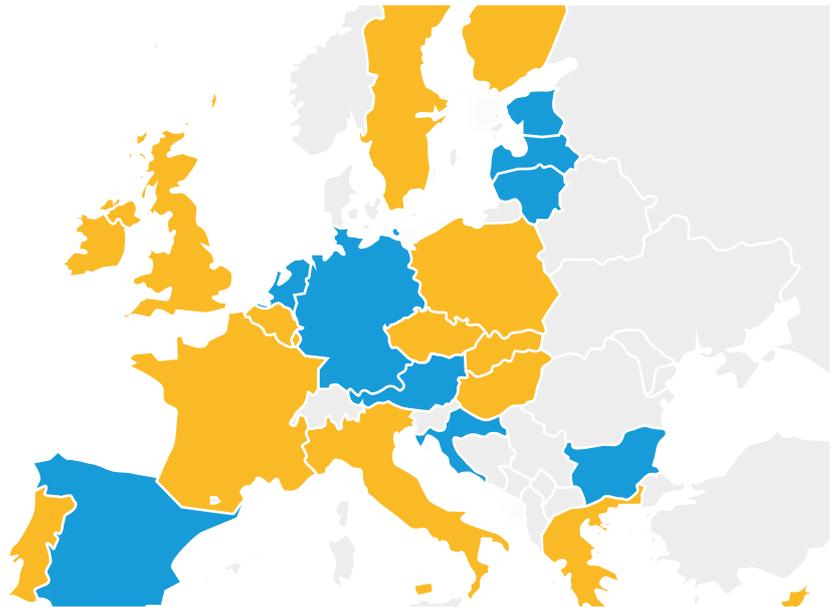
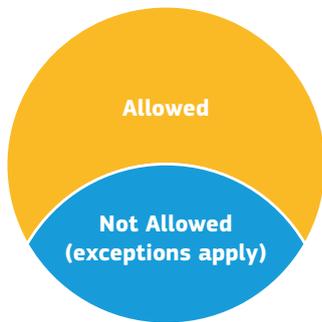
DUAL CITIZENSHIP

In seventeen Member States participating in the study, dual citizenship is possible, meaning there is no requirement to renounce a previous citizenship when acquiring or holding a citizenship of one of these Member States. This approach acknowledges that many migrants remain connected to their home countries and relating features such as identity, traditions and cultural heritage, as well as to their host country. Dual citizenship brings benefits for those individuals acquiring a further citizenship, who are not obliged to renounce their previous nationality, such as retaining rights of entry and residence in

both states of nationality, and may avoid certain restrictions on property ownership, commercial activities etc. Some Member States not permitting dual citizenship did provide exceptions for certain persons, for example, to allow the retention of close connections with diaspora communities abroad.

Related challenges identified by some Member States allowing dual citizenship included public concerns about national security; and in cases where consular assistance was needed in the dual country of citizenship, where opportunities for Member States to act were dependent on what was also possible in that country.

FIGURE 3: MEMBER STATES' APPROACHES TO DUAL CITIZENSHIP



Source: EMN NCPs' reports

¹² The information provided refers to the situation as of 5 May 2020.



CITIZENSHIP AND INTEGRATION

Studies have presented evidence that naturalised immigrants in general tend to have better integration outcomes than non-nationals (e.g. Bloemraad, 2017). However, citizenship acquisition and integration are seen differently from one Member State to another, depending on their approach to citizenship. Whilst in the majority of Member States, citizenship is viewed as linked to national integration policy, in others it is not, either because no overall integration policy exists at the national level, or because the policies in place address third-country nationals before they have acquired citizenship. In some Member States, citizenship was seen as the 'culmination' of the integration process – by acquiring citizenship, new citizens were considered 'integrated' – while in other Member States, citizenship is viewed itself as a key measure to facilitate the integration of migrants into the host society. In some Member States, the link between citizenship and integration is unclear or is the subject of ongoing debate.

Specific support for new citizens were provided in a few Member States. These ranged from: booklets providing information on the rights and obligations of citizens, and free; tickets for museums or other cultural events; to language courses at local level; initiatives that support labour market integration; and support to enhance political participation. Many of these measures were not solely targeting new citizens but often citizens with a migration background in general.

Every citizen in an EU Member State is also a citizen of the European Union; however, little evidence emerged that would suggest that new EU citizens are actively supported to better exercise their rights as EU citizens, such as intra-EU mobility. Rather, naturalisation is generally associated with long-term settlement in the respective Member State and not a planned move to another EU Member State.



FULL STUDY PUBLICATION

European Migration Network (2019). Pathways to citizenship for third-country nationals in the EU. Brussels: European Migration Network

https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/studies_en



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Denmark https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/denmark_en

Estonia www.emn.ee

Finland www.emn.fi

France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM2

Germany www.emn-germany.de

Greece www.emn.immigration.gov.gr/el/

Hungary www.emnhungary.hu

Ireland www.emn.ie

Italy www.emnitalynpc.it

Latvia www.emn.lv

Lithuania www.emn.lt

Luxembourg www.emnluxembourg.lu

Malta <https://homeaffairs.gov.mt/en/mhas-information/emn/pages/european-migration-network.aspx>

Netherlands www.emnetherlands.nl

Poland www.emn.gov.pl

Portugal https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/portugal_en

Romania www.mai.gov.ro

Slovak Republic www.emn.sk

Slovenia www.emm.si

Spain <http://extranjeros.empleo.gob.es/en/redeuropeamigracion>

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