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Citizenship policies: international, state, migrant and democratic perspectives

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Global Commission on International Migration

In his report on the 'Strengthening of the United Nations - an agenda for further change', UN Secretary-General Kofi Annan identified migration as a priority issue for the international community.

Wishing to provide the framework for the formulation of a coherent, comprehensive and global response to migration issues, and acting on the encouragement of the UN Secretary-General, Sweden and Switzerland, together with the governments of Brazil, Morocco, and the Philippines, decided to establish a Global Commission on International Migration (GCIM). Many additional countries subsequently supported this initiative and an open-ended Core Group of Governments established itself to support and follow the work of the Commission.

The Global Commission on International Migration was launched by the United Nations Secretary-General and a number of governments on December 9, 2003 in Geneva. It is comprised of 19 Commissioners.

The mandate of the Commission is to place the issue of international migration on the global policy agenda, to analyze gaps in current approaches to migration, to examine the inter-linkages between migration and other global issues, and to present appropriate recommendations to the Secretary-General and other stakeholders.

The research paper series 'Global Migration Perspectives' is published by the GCIM Secretariat, and is intended to contribute to the current discourse on issues related to international migration. The opinions expressed in these papers are strictly those of the authors and do not represent the views of the Commission or its Secretariat. The series is edited by Dr Jeff Crisp and Dr Khalid Koser and managed by Rebekah Thomas.

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Introduction

Since the last quarter of the 20th century some traditional elements of state sovereignty have been questioned and, to a certain extent, eroded. Economic globalization, external interventions on humanitarian grounds in domestic conflicts, and supranational political integration in Europe, provide three major illustrations of this trend.[1] In this new world, the state's prerogative to define its own citizenship has remained a bulwark of sovereignty that virtually no state seems willing to abandon.

Even in the European Union, where a majority of member states have agreed to abolish internal border controls and national currencies and have put common foreign and security policies on the agenda, member states remain in full control over access to their nationality in spite of formal establishment of a common Union citizenship by the Maastricht Treaty of 1992.

Yet in the same period we have also witnessed the gradual emergence of new citizenship policies that signal a tidal change. These reflect primarily a new attitude towards migration in western receiving countries. Parallel with growing state concerns about controlling immigration, there has been a general shift towards recognizing that those who have settled as legal immigrants need to be offered legal status and rights that do not differ fundamentally from those of native citizens.

This tendency to blur distinctions between citizens and permanent residents goes together with a second and somewhat more uneven trend, towards facilitating access to nationality in receiving countries. This can be done through automatic acquisition for children born in the territory, easier naturalization for immigrants, and toleration of dual nationality. In some of the most important source states there has been a parallel policy change towards encouraging emigrants to take up citizenship in the receiving country while retaining that of the source country.

Apart from such convergence in state practices, there are also efforts to establish new norms for citizenship policy at the international level. These are most pronounced in Europe where the Council of Europe adopted a comprehensive Convention on Nationality in 1997[2]. The Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE) and, to a lesser extent, the European Union Commission have also exercised some pressure on certain member states and accession candidates to change their citizenship laws. Estonia and Latvia were specifically asked to integrate

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[1] This paper was commissioned by the Stockholm Institute for Futures Research and is going to be published in a volume edited by this institute in December 2004. A draft version was presented at the *2nd Workshop on Global Mobility Regimes* held near Stockholm on the 11th and 12th of June 2004 and organised by the Institute for Futures Studies together with the Centre for History and Economics, Kings College (Cambridge University) and the Global Equity Initiative of Harvard University, under the general auspices of the Common Security Forum. I am grateful to Kristof Tamas for his suggestions for revisions and to Harald Waldrauch for compiling data for table 2 in the annex.

[2] European Convention on Nationality (ECN) of 6 November 1997, in force since 1 March 2000. As of June 2004, 25 of the 45 member states of the Council of Europe have signed the Convention and 12 have ratified it.

their Russian minorities, many of whom became stateless after independence, and provide them full citizenship.

This paper will not discuss extensively these legal and political developments.[3] It will instead build on existing analyses[4] and suggest principles for more consistent and inclusive citizenship policies that do not ignore state concerns about self-determination of their own nationals. The need for new principles emerges from two phenomena that are not new in world history but that have been highlighted in dramatic ways in recent decades: moving state borders and moving human populations.

Inclusive citizenship policies could be easily designed for a world with perfectly stable international borders and no international migration. In such a world, everybody could obtain a single citizenship at birth and it would make no difference whether states adopt a *ius sanguinis*[5] or *ius soli*[6] rule for this purpose. There would be no need for regulating the loss of a present citizenship and the acquisition of a new one after birth and there would therefore also be no multiple nationals or stateless persons.

In the real world, however, international migration generates massive numbers of citizens living outside and foreign nationals living inside the territorial jurisdiction of states. Multiple nationality emerges from the combination of ius sanguinis in countries of origin and ius soli in receiving states, from children whose parents have different nationalities, which they both pass on to their offspring, and from the impossibility or unwillingness to enforce the renunciation of a previous nationality in naturalizations.

Finally, refugee movements and problems of state succession in the wake of secession or consensual separation generate substantial numbers of stateless persons. This paper will only deal with migration-related challenges for citizenship policies, although the general principles that it proposes should also apply to state succession.

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[3] See table 2 in the annex for an overview over current legislation on the acquisition of nationality in Western Europe.

[4] For comparative analyses (mostly covering European states) see Aleinikoff and Klusmeyer 2000, 2001, 2002, Çınar 1994, Davy 2001, Groenendijk et al. 2000, Hansen and Weil 2001, Martin and Hailbronner 2003, Nascimbene 1996, Staples 1999, Waldrauch 2001.

[5] *Ius sanguinis* refers to citizenship acquisition by descent from a citizen parent. Internationally, ius sanguinis is the dominant rule for determining citizenship at birth. Even those states that apply ius soli in their territory combine this with ius sanguinis for at least the first generation born abroad to parents who are nationals. In the early 20th century, descent-based citizenship was generally only passed on from the father's side. International conventions on the nationality of married women (1949) and on the elimination of discrimination against women (1979) have since required that ius sanguinis must be applied in a gender-neutral manner from both the father's and the mother's side. This change has become a major cause for the proliferation of dual nationality.

[6] *Ius soli* refers to citizenship acquisition derived from birth in the territory. The purest form of ius soli is today found in the USA where anybody born in the territory automatically acquires U.S. citizenship. In the Irish Republic, a similarly extensive constitutional provision had been overturned by a referendum in June 2004. More often, ius soli is modified by requiring that parents must have legal residence, must have been permanent residents for a specified period, or must themselves have been born in the country.

Why is it important to include principles for citizenship policy in general norms for the regulation of human mobility and international migration? First, because the absence of, or disrespect for, mutually agreed rules on citizenship can generate dangerous conflicts between states. Second, because restrictive and uncoordinated citizenship policies contribute to irregular migration and create major obstacles for legal modes of international migration that benefit both source and receiving states.

Legal migrants need external protection and return options provided by their countries of origin as well as access to rights and citizenship status in the country of long-term settlement. Where the former element is missing, settlement migration is likely to result in a permanent loss of human capital for the source country (brain drain); where they are excluded from citizenship in the host state, migrants often form a segregated ethnic underclass whose exclusion contributes to deteriorating standards in employment, housing, health and education.

While access to citizenship alone is certainly insufficient, it is a necessary condition for fighting these evils. Third, inclusive citizenship is also an important value from a democratic perspective. This is most obviously so in immigrant receiving states, where the legitimacy of democratic rule is undermined if a section of the population remains permanently disenfranchised. However, giving emigrants opportunities to participate in political decisions in their countries of origin may also contribute to democratic developments in source states.

A note on terminology is necessary before starting. Citizenship and nationality are concepts with multiple meanings that overlap in one particular area. Both refer to a legal status that links individuals to states. The term 'nationality' is more often used to describe the international aspects of this linkage, whereas 'citizenship' points towards an internal relation of membership in a polity. In a second, and quite different sense, nationality means membership in a national community of shared history and culture that need not be established as an independent state.

The concept of citizenship is broader than nationality and covers also the legal and moral rights and obligations entailed in being a member of a democratic community and the practices and virtues of 'good citizenship' that help to sustain such communities. This paper will focus on policies regulating the legal status and will therefore use citizenship and nationality as synonyms or two sides of the same coin, but it will also invoke the broader meaning of citizenship as democratic membership when discussing policies that should be adopted in democratic societies.

Interests in citizenship policies

Most normative discussions of citizenship policies suffer from a bias of perspective. They fail to consider the full range of relevant interests that ought to be taken into account and balanced against each other. This paper suggests that there are four interests

of this kind: those of the international community, of individual states, of individual migrants and of democratic societies.

Of course these interests overlap in many ways, which is why it should be possible to reconcile them with each other. However, they are also distinct in certain regards, which makes developing consistent and comprehensive principles for citizenship policies a challenging task.

The international community

The primary interest of the "International Community" and the core task of international law is to establish a legal order that helps to sustain peaceful and friendly relations between states. Only since 1945 has the promotion of individual human rights been added as a secondary interest and normative foundation of this order. These two goals are also reflected in legal norms that relate to questions of citizenship.

Since international law is meant to protect the interests of states in such a way that they can peacefully coexist with each other, its constraints on state powers in matters of citizenship have generally been rather weak. The basic norm is stated in the 1930 Hague Convention Governing Certain Questions Relating to the Conflict of Nationalities, whose first two articles state: (1) "It is for each State to determine under its own law who are its nationals…" (2) "Any question as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of that State."

The 1948 Universal Declaration of Human Rights (UDHR) contains much stronger language. Its article 15 proclaims: "(1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." This article is, however, missing in the 1966 Covenant on Civil and Political Rights (ICCPR) that translated the non-binding Declaration into an international treaty. The ICCPR merely contains a provision that: "[e]very child has the right to acquire a nationality." Even article 15 UDHR cannot be interpreted as implying a right of immigrants to naturalization. What it suggests instead is an individual right not to be turned stateless and a right to be released from a given nationality when acquiring a new one.

Concerns of the international community about statelessness have resulted in two special UN Conventions on the Status of Stateless Persons (1954) and on the Reduction of Statelessness (1961). The 1961 Convention establishes a ius soli right to nationality for persons born in the territory of a state who would otherwise remain stateless, and a subsidiary ius sanguinis right if one parent of a child was a national of a contracting state at the time of birth. It does not, however, regulate the case of mass statelessness resulting from the formation of new nation-states. Problems of state succession, which have created sizeable stateless minorities in Estonia, Latvia and Slovenia, are addressed in chapter VI of the 1997 European Convention on Nationality (ECN).

The other traditional interest of the international community has been the avoidance of multiple nationality. The preamble of The Hague Convention stated "that it is in the general interest of the international community to secure that all its members should recognise that every person should have a nationality and should have one nationality only." In 1963 the Council of Europe adopted a Convention on Reduction of Cases of Multiple Nationality. However, the doctrine that multiple nationality is an evil has since lost ground.

A 1993 protocol to the Convention considerably undermined state obligations to avoid creating multiple nationals and the 1997 ECN effectively abandoned the basic principle by insisting on a right to retain multiple nationality acquired automatically at birth or through marriage (Art. 14), while leaving signatory states free to require the renunciation of a previous nationality in naturalizations (Art. 15). The objection that multiple nationality would generate conflicts between citizenship obligations towards several states was already undermined by the 1963 Convention, which contained provisions for determining in which state dual nationals would have to perform their obligatory military service.

The ECN, the most comprehensive instrument of international law in matters of nationality so far, reflects recent European experiences of international migration as well as of changing international borders. Although it leaves several issues unresolved that could be addressed by international law it provides a new standard for nationality policies also in other regions of the world.

There are, however, limits for the potential of international law to provide sufficiently inclusive and flexible norms in this area. A focus on avoiding conflicts between states and protecting universal human rights cannot fully cover the internal dimensions of citizenship as membership in a particular political community. While, for example, the introduction of ius soli and of naturalization entitlements may be convincingly argued in the domestic contexts of immigrant receiving democracies, it would be wrong to expect the backing of international law for these demands.

States

From a realist perspective in international relations, states are assumed to have a primary interests in maximizing their sovereignty and secondary interests in international norms that prevent other states from interfering with their sovereignty. With regard to citizenship policies, this entails three specific concerns: first, control over the acquisition of nationality, second, territorial jurisdiction over foreign nationals, and, third, control over their own external citizens living abroad.

From an economic perspective the general state interest in controlling access to nationality may be explained by conceiving of citizenship as a "club good" that gives members access to specific benefits provided by public authorities (Jordan and Düvell 2003, Straubhaar 2003). Since all rights of individuals that are guaranteed by states entail

public costs,[7] one can construe a rational interest of states in controlling access of new members who can claim such rights.

This argument is, however, more plausible for immigration control than for naturalization. The need to control access to nationality depends on the relative benefits attached to full citizenship compared to the legal status of foreign nationals. Very large gaps between these two statuses have become less common than they used to be in the past. In authoritarian or semi-democratic states where the rule of law is weak, neither citizens nor foreign nationals enjoy robust public rights and benefits. In democratic countries these rights have been greatly expanded during the second half of the 20th century but the gap between foreign residents and citizens has also narrowed considerably. While new immigrants often have restricted access to employment and social welfare benefits, these barriers are generally removed with permanent residence rather than naturalization. And, in contrast with naturalization, permanent resident status is either granted already at the time of immigration or achieved automatically after some period of legal residence.

In liberal democracies there are three core privileges that generally remain attached to citizenship status: the franchise in general elections, the unconditional right of residence (which includes the permission to freely enter the state territory, to return to it and protection against expulsion), and diplomatic protection. These specific benefits explain why even the most liberal citizenship regimes do not permit easy access to citizenship status from abroad or immediately after immigration – except for special categories who are regarded as co-nationals living outside the state territory.[8] Naturalization requires a minimum period of legal residence that varies broadly between two years in Australia and twelve years in Switzerland. State interests in controlling access to specific privileges of citizenship do not, however, explain or justify why many states insist on extensive discretion in naturalization decisions.

The regulation of access to nationality broadly reflects historic experiences as source or receiving countries and self-conceptions as ethnic or civic nations. In traditional countries of immigration that have promoted civic national identities, naturalization is publicly encouraged and made relatively easy; in countries that have produced net emigration over most of their history we find more often that access to nationality is made difficult and depends on discretionary decisions by administrative authorities.

Such historic trajectories do not, however, fully determine available policy options. This is best illustrated by the German reform of 1999, which introduced ius soli and shorter residence periods for naturalization in a country that had been regarded as the classic example of an ethnic nation based on ius sanguinis.

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[7] This is not only true for redistributive social welfare benefits, but also for so-called negative liberties and rights (Holmes and Sunstein 1999).

[8] The best-known cases are the Law of Return in Israel and the German Basic Law that provide for automatic access to nationality for co-ethnics upon arrival. Policies of facilitated access to citizenship for immigrants who share a cultural or ethnic identity with the native majority population, are however, relatively widespread.

Apart from their desire to control access to nationality immigrant receiving states have a second important interest in unconstrained powers of jurisdiction within their territory. This interest is jeopardized if source states want to exercise jurisdiction over their expatriates. International law recognizes therefore the general primacy of territorial jurisdiction and limits the actions that states of origin may take on behalf of their nationals abroad.

The most important right of source states is to provide their nationals with diplomatic protection. International private law also recognizes that in matters of family law, such as marriage, divorce or child custody, receiving states may, within the certain limits, need to take into account legal norms established in the country of origin. One common objection against tolerating multiple nationality is that it would lead to conflicts between states because of overlapping claims to jurisdictions and that it would deprive migrants of diplomatic protection in their countries of origin. These concerns are, however, overstated. A simple rule for resolving most such disputes is that in case of conflict the jurisdiction of the state of habitual residence will predominate.

Yet concerns about external interference by source states on behalf of their nationals in host countries are clearly not limited to conflicts between legal norms. Governments and politicians in receiving countries frequently worry that immigrants can be politically manipulated by their states of origin. If they engage, on the contrary, in political activities directed against this government, there is a corresponding fear that this may imperil friendly foreign policy relations or may import violent conflicts generated by unstable and undemocratic regimes into the receiving country. There is some evidence for both phenomena.[9]

However, maintaining control over their nationals living in a democratic state is very difficult for source country governments. Social marginalization may breed a potential for ethnic conflict even among long-term and second generation immigrant populations, but this is an endogenous problem of destination states rather than imported violence from source states. Those immigrants who are relatively well-integrated in economic, legal and political terms are much more likely to export democratic values to their countries of origin than to import undemocratic ones from there.

Much of the literature and research on citizenship and migration has focused on receiving states. However, it is equally important to consider the ties of citizenship between countries of origin and their emigrant communities living abroad. Migrants must be regarded both as immigrants and as emigrants, and the policies of receiving and source states should be mutually acceptable for each other.

Receiving states' interest to full jurisdiction and political control over all residents in their territory conflicts in certain respects with interests of source states in maintaining close ties with expatriates. Yet source states have taken very different attitudes towards

[9] For example, the Moroccan government has for a long time tried to exercise tight political control over its emigrants in Europe through a network of associations called 'amicales'. The break-up of Yugoslavia has led to a few incidents of interethnic violence between immigrant communities in Australia.

those who have left. Strongly nationalistic governments tend towards the opposite extremes of regarding them either as traitors who have abandoned their country or as missionaries whose primary duty is to serve this country and to promote its interests. Both these attitudes are ineffective or counterproductive when applied to large contingents of economically motivated migrants. Source states of larger migration flows have therefore developed more rational policy responses to emigration that try to maximize its benefits for the source economy.

In the initial stages of a labour migration flow, source countries are primarily interested in maximizing the return flow of remittances and also in encouraging return migration of successful migrants who invest their savings and skills acquired abroad in the economy of the source country. When a temporary flow results in family reunification and permanent settlement abroad, source governments must adapt their strategies to shifting orientations among their expatriates. They often encourage then emigrant communities to remain connected with their country of origin in the hope that they will be instrumental in forging trade links (e.g. through import and export businesses) or in influencing bilateral political relations. At the final stage of this development the source country may even promote the acquisition of citizenship in the country of immigrant settlement.

This process can be observed in Mexico and Turkey, the two major source countries for immigration in North America and Western Europe. During earlier stages of the emigration both states had generally discouraged integration in the host society and had withdrawn citizenship from those who had acquired another nationality abroad. In the 1990s they have revised their policies and now encourage their expatriates to naturalize in the receiving state while permitting them to retain their home state's nationality.

These policy reversals were partly caused by fears about anti-immigrant mobilizations or legislation. In 1994 California's voters passed Proposition 187 that targeted irregular migrants and the U.S. 1996 Welfare Reform Act deprived legal immigrants of federal welfare benefits; in Germany after unification there was a series of violent racist incidents including arson attacks in 1992 and 1993 that killed several immigrants of Turkish origin in Mölln and Solingen. Such events caused concerns in source countries about unwanted return migration flows and prompted them to campaign for equal rights and full political integration of their expatriates in their new home countries.

Migrants

If individuals are conceived as rational utility maximizers, their interest in citizenship will be to maximize its benefits while minimizing its burdens. Moreover, since states offer different bundles of citizenship rights and duties, rational individuals want to be able to choose a bundle that best satisfies their particular preferences. Economists have suggested a model of local government, in which municipalities compete with each other by offering different bundles of public goods and local taxes. Perfectly mobile individuals would then choose to settle in the municipality that best satisfies their

preferences, and competition for immigrants would maximize the efficiency of local government services (Tiebout 1956).

This model can, however, not easily be applied to international migration. There are today a number of small states that offer their citizenship to wealthy individuals who invest a certain amount of money, sometimes without even requiring that they take up residence there. The main benefits of these citizenships, which are advertised on the internet, are tax evasion and second passports for visa free travel.[10] Even individuals who choose another citizenship for these reasons are, however, rarely willing to give up their original one.

The economic model does not fully capture individual interest in citizenship because this status entails not merely a *specific* bundle of rights and duties provided by a certain political authority, but raises a more fundamental individual claim, directed towards such an authority, for general protection. In the words of U.S. Chief Justice Warren: "Citizenship *is* man's basic right for it is nothing less than the right to have rights. Remove this priceless possession and there remains a stateless person, disgraced and degraded in the eyes of his countrymen. He has no lawful claim to protection from any nation, and no nation may assert rights on his behalf."[11]

The primary interest of individuals who migrate across international borders is not to choose the state that offers them the most attractive citizenship, but to avoid losing the protection of some of their most basic interests, such as security of residence, access to employment, living together with family members, retaining property and inheritance rights in their country of origin as well as an option to return there.

Apart from these interests in security, family life and economic opportunities, migrants have no less important interests in social respect and symbolic recognition. These include a desire that their origins and ethnic or religious identities be respected rather than merely tolerated and that they be recognized as equal members within a host society where they have settled for good, or a society of origin to which they plan to return. This bundle of interests that can be attributed to migrants has specific implications for citizenship policies.

First, although migrants need not be interested in acquiring the citizenship of countries with which they have not already established important social ties, they do have an interest that their citizenship of origin includes mobility rights that enable them to travel freely and to seek protection or better opportunities in other countries. This desire conflicts with contemporary visa regimes and differential restrictions on residence or

[10] see, for example: http://www.escapeartist.com/passports/passports.htm, http://www.goccp.com/ENG/secondcitizen.HTM, http://www.secondpassports.2itb.com/, all last accessed 10-20-2004.
[11] Perez v. Brownell, 356 U.S. 44, 64-65.

access to employment that create a global hierarchy of mobility rights attached to different nationalities.[12]

Second, first generation migrants have an obvious interest in full rights of citizenship in the country where they settle but at the same time an interest in being able to choose whether to acquire this country's nationality through naturalization. Today, this choice is constrained through discretionary decisions by authorities and restrictive conditions for naturalization. Among these are receiving country requirements for renunciation of a previous nationality in naturalizations and source country policies of depriving those who naturalize abroad of their original nationality. A general acceptance of multiple nationality would therefore offer much greater scope for individual choice.[13]

Migrants' choices are, however, also constrained by automatic ius soli citizenship for their children born in the country of residence. Some countries respect individual choice in this regard by making ius soli acquisition dependent on parental registration, or on the child's own declaration at the age of majority. Others make ius soli automatic, which can be argued on grounds that children born in the territory are no longer immigrants and must not be distinguished from other native-born citizens.[14]

While state practices and reasonable views on the extent of choice for the second generation vary to some extent, virtually all states agree that the country of residence must not impose its nationality on first-generation migrants against their will. Historically, state interests in full jurisdiction over the permanent resident population had led some European states in the 19th century to naturalize foreign nationals after several years of residence without asking for their consent.[15] This automatic ius domicili has been abandoned, not so much because it was seen to interfere with individual freedom, but because it infringed upon other states' rights to provide diplomatic protection and to control their nationals abroad.

Ruth Rubio-Marín (2000) suggests that a democratic interest in inclusive citizenship may justify reintroducing automatic ius domicili under the condition that migrants are allowed to retain their nationality of origin. The most obvious objection against this interesting proposal is that satisfying the condition is not within the power of a single receiving country. It requires also compliance by all source states many of which still automatically withdraw nationality from their emigrants who naturalize abroad.

Even if this obstacle could be overcome by establishing an international norm of general acceptance of dual nationality, automatic naturalization might conflict with interests of

[12] Joseph Carens has characterized citizenship as, in this respect, a modern equivalent of feudal privilege: It is assigned at birth, it is not subject to change at the individual's will and efforts, and it has a major impact upon his or her life chances, Carens (1992: 26); see also Dummett (1992), Shachar (2003).

[13] Thomas Franck argues that the increasing toleration of multiple nationality should be interpreted as responding to a general "claim to self-designed identity – to personal self-determination", which includes a more specific claim "to choose one's own nationality, or nationalities" (Franck 1999:63).

[14] See table 2 in the annex.

[15] For example, between 1811 and 1833 foreign nationals automatically acquired Austrian nationality after ten years of residence.

migrants in being able to determine themselves their formal citizenship status. Because of the primacy of the state of habitual residence in case of conflicting rights and duties, multiple nationals can still be deprived of certain rights in their countries of origin that they enjoy as foreign residents. Imposing the host state's nationality on first-generation migrants may also conflict with their orientation to return to their country of origin and with their own perception of their nationality of origin as an identity that cannot be combined with another citizenship.

Transnational migration creates a broad variety of different identities and affiliations to source and receiving states. Migrants need rights to access or retain both countries' nationalities but they must also be able to make their own choices about their legal status. Any regime that imposes a uniform citizenship status on all such migrants will violate some legitimate individual interests. A broader scope for individual choice in this area should therefore constrain traditional interpretations of state sovereignty and national self-determination. This need not, however, result in a license to shop for the most attractive citizenships worldwide, which could undermine the integrity of democratic polities.

Democratic societies

A fourth kind of legitimate interests in citizenship policies, besides those of the international community, of states and of migrants, can be attributed to democratic societies in which citizenship refers not merely to a legal status of formal nationality but also to full and equal membership in a self-governing polity. Democratic interests in citizenship policy reflect the three basic concerns of inclusion, equality and cohesion. These go far beyond international law concerns with human rights and peaceful relations between states, they are not reducible to state interests in sovereign determination of their own nationals, and they conflict with excessive interpretations of migrants' individual self-determination.

Since citizenship in a democratic society is not merely an empty legal status, worries about its devaluation need to be taken seriously. Recent debates about naturalization in the US and several Western European states reveal three different views about the value of citizenship that lead to contrasting policy recommendations. A first view holds that citizenship is devalued through easy access and recommends that naturalization should be made more difficult. The value of citizenship is thus expressed in terms of transaction costs imposed on those who want to acquire this status. The second view sees the value of citizenship in its relative utility, i.e. in the additional rights and other benefits that citizens enjoy compared to non-citizen residents. From this perspective, citizenship is devalued when rights are extended to foreign nationals.

The third view identifies the specific value of citizenship with intrinsic benefits of membership that result from a commitment towards the democratic community. From this perspective, citizenship is devalued if it is chosen for purely instrumental reasons in order to gain additional benefits. In order to decide which of these views is better

compatible with democratic principles one must consider how the three norms of inclusion, equality and cohesion ought to be applied to citizenship policies.

Democratic inclusion requires that all those permanently subjected to the laws of a state should be represented in the making of these laws. From this perspective it is illegitimate to exclude long-term immigrants from access to full citizenship by raising high hurdles for naturalization. Inclusion is, however, also diminished when migrants themselves choose not to naturalize.

A receiving state that wants to maximize inclusion can respond to such reluctance in three different ways. First, it can naturalize them against their will. Second, it can create incentives for naturalization by depriving long-term foreign residents of important rights. Third, it can promote naturalization through public campaigns while accepting the free choice of those who decline this offer. As discussed above, the first strategy may seem attractive but conflicts with individual liberty. The second strategy must be rejected, too, since in a democratic perspective the value of inclusion must be balanced against the value of equality. Depriving long-term immigrants of secure residence, family reunification, access to employment or social welfare benefits may increase their rates of naturalization but will at the same time enhance the legitimacy gap of democratic rule by depriving a disenfranchised class of residents of fundamental rights.

The third strategy of promoting naturalization would entail making it relatively easy to meet the requirements but also making it a truly voluntary choice by reducing the gap between the benefits and rights attached to foreign resident and citizen status respectively. This will generally have a negative impact on immigrants' propensity to naturalize, as can be seen in extremely low naturalization rates of European Union citizens residing in other member states.[16]

While diminishing the transaction costs and the relative benefits of citizenship this strategy maximizes its "commitment value" since naturalizing immigrants are then seen to choose full membership in their host society voluntarily. In the wider society this promotes a civic republican view of citizenship as entailing commitments towards the common good of the polity. Encouraging naturalization under conditions of easy access and equal protection for long-term residents is therefore the most consistent response that addresses all three democratic concerns about inclusion, equality and cohesion.

When it comes to citizenship policies for the second and subsequent generations born in the country of immigrant parents or ancestry, concerns about inclusion must be much stronger than countervailing freedom of choice. As discussed above, ius soli for the

[16] Where applicants have to renounce their former nationality their decision will also depend on the instrumental value of their citizenship of origin. Apart from the cost-benefit calculus in terms of legal privileges there are other factors that influence naturalization patterns. In Canada, where naturalization is easy, multiple nationality is tolerated and where, apart from the franchise, landed immigrants enjoy nearly the same rights as citizens, immigrants from China or India naturalize much earlier and in higher numbers than US Americans and West Europeans (De Voretz and Pivnenko 2004).

second generation may be qualified by respecting parental choice or the children's own choice at the age of majority.

This argument is no longer plausible for the third generation whose parents had themselves been born in the country. Maintaining a regime of pure ius sanguinis in a country of immigration cannot be justified by pointing to the possibility of ordinary or facilitated naturalization procedures for native-born children of foreign descent. The need to apply for membership is no longer defensible for those who have no other country to whom they are linked by birth and primary socialization. Imposing naturalization requirements on a native-born population supports also an ethnic conception of nationhood among the wider population that stigmatizes persons of immigrant descent as outsiders within the political community. This is incompatible with a democratic conception of cohesion in a diverse society.

Any principle of inclusion also implies exclusion at some point. Making birth and residence in the state territory, rather than descent, the primary criterion of inclusion, suggests that citizens who have left for good or who are born abroad should no longer be able to claim full membership in their country of origin. Some states, among them the USA, make sure that only first generation migrants transmit their original nationality to children born abroad,[17] others require that nationals born abroad who want to retain their citizenship must themselves establish residence in their parents' country of origin until a certain age.

Many countries with a strong tradition of ius sanguinis, however, allow their foreign nationals abroad to transmit their citizenship to foreign-born children over several generations. In practical terms, the effect of this policy is quite limited if these countries also withdraw nationality from those who naturalize abroad. However, from a democratic perspective it is preferable to adopt a symmetric policy of automatic ius soli for the third generation in the country and automatic expiry of ius sanguinis for the third generation abroad, with a possibility to reacquire citizenship for those who "return" to their grandparents' country of origin.

How to interpret equality of citizenship depends on the prior question of inclusion and its limits. In the past, it was quite common to distinguish between citizens by birth and by naturalization. The latter were deprived of access to certain high public offices. A well-known example of such political disabilities is the requirement of the U.S. Constitution that "no person except a natural born citizen of the United States shall be eligible to the office of President" (Art. II, section I). More far reaching 'political disabilities' of naturalized citizens have been eliminated from the constitutions of several European countries during the final quarter of the 20th century. Contemporary views of citizenship make it generally illegitimate to have several classes of citizens with distinct individual rights.[18]

[17] Under current law, U.S. citizenship is acquired by a child abroad only if a parent has resided in the U.S. for 5 years, two of which after the age of 14.

[18] In Great Britain there are several special classes of citizens among populations in overseas territories not all of whom have the right to enter Britain.

At the same time, rights of citizenship are clearly limited by the territorial jurisdiction of states. Nationals living abroad cannot enjoy many of the benefits granted to citizens, and also to foreign residents, in the territory. This applies to all three dimensions of citizenship identified by T.H. Marshall in 1949 (Marshall 1965). With regard to *civil citizenship*, it is obvious that foreign nationals' basic liberties, such as private property rights as well as freedom of speech and association, must be primarily protected by the state of residence. However, countries of origin do have a right to provide their nationals abroad with diplomatic protection, and international law does not permit governments to expropriate foreign nationals without compensation or to draft them into military service (Goodin 1988: 668).

Social citizenship rights include provision of public services in education and health care that are obviously tied to residence, but also financial benefits of different kinds that may be transferred to citizens abroad. The general rule adopted by most welfare states is that retirement pensions can be transferred (by citizens as well as by foreign residents returning to their countries of origin), while payments from unemployment insurance and means-tested social assistance are only granted for those living in the country.

The core rights of *political citizenship* are the right to vote and to stand as candidate in democratic elections. Migrants have a dual interest in political participation and representation in their country of origin and the society where they have settled. The extent to which states are willing to accommodate these interests varies widely. From a normative perspective there are also three hard questions to be answered: Should source states extend active voting rights to expatriates? Should receiving states extend voting rights to foreign nationals who have an opportunity to naturalize? And, finally, should migrants enjoy simultaneously voting rights and representation in two countries?

In most contemporary democracies only citizens who are residents can vote in political elections. There is, however, a growing number of countries that allow their expatriates to participate. The most restrictive rule is that they must travel home to vote on election day. Other countries, among them the US and several Latin American and Caribbean states, have widened the inclusion of emigrants by allowing them to cast absentee ballots from abroad (Itzigsohn 2000). The most far-reaching representation was introduced by Italy in 1999. Twenty-four seats in the national parliament are set aside for representation of the expatriate constituency.

From a democratic perspective, two objections can be raised against absentee franchise and representation (Bauböck 2003). First, emigrants are not exposed to election campaigns and may therefore be less well informed about candidates and issues. And, second, they seem to be freeriders who neither pay taxes[19] nor have to bear the consequences of political decisions that they influence through their vote. They might therefore also vote in a less responsible way.

Both objections are convincing to the extent that emigrants have cut their ties to countries of origin. In this case, however, they are also unlikely to cast a vote. Since voting from

[19] Only few countries tax their expatriates' income earned abroad in the same way as the U.S. does.

abroad generally takes a special effort (such as applications for registration, certification through witnesses or trips to embassies), those who care to vote signal a special interest in the outcome. Moreover, many first generation migrants do have a stake in the future of their country of origin because of family ties or return intentions. Finally, modern information technologies allow expatriates to be as well informed about election issues as citizens living in source countries. Candidates sometimes even carry their campaigns abroad to mobilize financial support and votes among larger concentrations of emigrant communities.

These arguments respond to the general concern that absentee voting undermines the integrity of the democratic process. They apply, however, only to first generation emigrants and not to their children and grandchildren, who often inherit their forebears' citizenship through ius sanguinis without maintaining close ties to these countries. Absentee voting should therefore generally be extended only to those who have been born, or have spent some time, in the country of origin.

The second question raised above is about voting rights for foreign nationals. On the one hand, all the objections against involving external citizens in democratic decisions must count as arguments for including immigrants. They pay taxes, they are exposed to elections campaigns and they have a stake in election outcomes since they are deeply affected by the laws of their host states. Yet democratic inclusion of immigrants can be achieved in two ways: by attaching voting rights to residence rather than nationality, or by offering immigrants naturalization.

On the one hand, excluding foreign nationals from the general franchise is not obviously discriminatory if, and only if, naturalization is easy, i.e. is an individual entitlement after no more than five years of legal residence, is not costly and does not require renouncing a previous nationality. On the other hand, it is also not obvious that long-term foreign residents must be excluded from elections under conditions where they could choose to naturalize.

In New Zealand, they can vote in parliamentary elections but cannot run as candidates. In Britain, Commonwealth and Irish citizens can both vote and be elected to the Westminister Parliament. There is little evidence that this extension of the vote undermines democracy in these countries. In comparative perspective, these are, however, exceptions. There is no trend towards granting general voting rights to foreign residents. Even within the European Union citizens living in other member states can vote in their country of residence only in European Parliament and local elections, but not in regional and national ones.

There is, however, a broader trend towards a local franchise for non-citizens. Eight of the fifteen old EU member states currently allow not only EU citizens, but all foreign residents to vote in local elections and some of the new member states are currently reforming their laws in this sense. The European Union Commission has recently

proposed a status of "civic citizenship" for long-term resident foreign nationals in the Union that would entail voting rights in municipal elections.[20]

Outside the EU such a local franchise exists in Norway and some Swiss cantons. In the U.S. a similar reform has recently been debated in New York city.[21] The Council of Europe has adopted a 1992 Convention on the Participation of Foreigners in Public Life at Local Level, which came into force in May 1997. Article 6 (1) provides for the suffrage and eligibility for all foreign residents after five years.

Why is the case for a non-citizen franchise more powerful at the local level than at the national one (Aleinkoff and Klusmeyer 2002: 51-54)? A first argument is that immigrants have specific interests in local politics and develop local identities. Most contemporary migrants are attracted to big cities and the economic and cultural opportunities they offer. In receiving countries immigrants tend to develop an urban identity that can be easily combined with an ongoing national affiliation to their countries of origin. Even those who are not ready to fully join their host country' political community feel that they have a stake in the city.

This sense of belonging to the city can be expressed by participating in local elections. As members of low-income groups immigrants are also particularly affected by policy areas, such as public housing, health services and education, where municipal authorities tend to have strong competencies. Granting them the franchise at local level thus provides political representation in decisions that affect some of their most immediate interests and offers a first step of political participation that better prepares immigrants for naturalization.

Second, some reasons for excluding non-citizens from the national elections do not apply at the local level. In contrast with a national polity, local political communities have no immigration control that distinguishes between citizens and non-citizens. The right of free movement within the territory of a democratic state is in general not tied to nationality. Membership in a municipality or federal province shifts automatically with a change of residence. For nationals of the country the local franchise is based on residence and does not require that they apply for 'naturalization' in the local community. Excluding foreign nationals from the same direct access to local citizenship diminishes local autonomy by imposing a distinction that makes sense only from a nation-state perspective but not from a local one.

The third question is about simultaneous voting and representation in two or more countries. Migrants may enjoy an absentee franchise in their country of origin as well as local voting rights in their city of residence. If they naturalize and retain their previous nationality they may also vote in national elections in both countries. This seems like an unjustified privilege compared to native singular citizens. However, multiple nationality and voting rights for migrants may very well reflect the fact that their personal fate is closely linked to two different states.

[20] Communication on Immigration, Integration and Employment of 3 June 2003 (COM (2003) 336 final).
[21] See New York Times April 8, 2004, 'Push is On to Give Legal Immigrants Vote in New York'.

This argument seems to create a conflict between democratic inclusion and equality. Yet the 'one person–one vote' principle merely implies that people can vote only once in each election and that their votes should be counted equally in calculating the election outcome. Votes cast by dual nationals in two different countries have the same weight as those of other citizens in each of the elections.[22] Concerns about democratic equality are thus no reason to diminish inclusion.

Principles for citizenship policies

The interests of states, of the international community, of migrants and of democratic societies in citizenship policies are partly internally divergent and partly conflict with each other. The task is to distinguish illegitimate from legitimate interests and to develop policies that adequately balance the latter against each other. The following table links these particular interests to principles that should be compatible with each other and could thus form guidelines for inclusive citizenship policies.

Principles of this kind can never fully determine specific policies that must be adapted to particular contexts and circumstances. They define either minimum requirements for legitimate policies or goals for desirable ones. In democratic politics, principles will always be open to conflicting interpretations. The following list of principles is also not meant to be fully exhaustive. It is instead oriented towards resolving conflicts between specific interests in citizenship policies discussed above.

Table 1: Relevant interests and principles for citizenship policies

arenas and agents	relevant interests	principles
international community	conflict avoidance	generalizability of policies
states	self-determination	integrity of territorial jurisdiction
migrants	freedom of choice	voluntary acquisition and renunciation of citizenship
democratic societies	inclusion, equality, cohesion	stakeholdership in access and loss

Generalizability

States should refrain from adopting citizenship laws and policies that would inherently conflict with similar laws and policies adopted by other states. Strongly asymmetric policies towards foreign residents in the country and towards a state's own nationals living abroad violate this condition. For example, a state that refuses to release its own

[22] The objection is, however, to some extent plausible for dual nationals of member states of the European Union. Those who cast their votes in national elections in two member states are in a certain sense represented twice in the European Council and the Councils of Ministers. For the same reason, citizens in a federal state can generally vote only in one constituent unit of the federation.

nationals when they naturalize abroad, or permits them to retain their nationality when acquiring another one, cannot consistently require that immigrants who obtain its nationality must abandon another one they have previously held. Similarly, states ought to agree on rules for multiple citizenship that can be accepted by all.

In the U.S. toleration of dual nationality has emerged from the implicit assumption that anybody who has naturalized and sworn allegiance to the U.S. is deemed to have lost his or her previous nationality. This promotes an attitude that in case of conflict, U.S. citizenship will always take priority, not only within the territory but also abroad. However, conflict is unavoidable if source and receiving states both take this stance. The regulation of conflicts in case of multiple nationality must therefore rely on generalizable rules. In some matters (such as personal status law) the choice of jurisdiction may be left to individuals, while in others where there is a conflict between citizen duties (e.g. tax paying and military service) the nationality of principal residence should prevail.

Not all apparently asymmetric policies fail, however, to satisfy a criterion of generalizability. A ius soli regime inside the state's territory can be consistently combined with ius sanguinis for children born to citizens abroad if, and only if, the state in question accepts that this combination necessarily generates multiple nationality.

Integrity of territorial jurisdiction

The purely formal criterion of generalizability does not explain why territorial jurisdiction over residents should generally predominate over extraterritorial jurisdiction over citizens abroad. The principle that territorial state boundaries must be given greater weight than those of legal nationality emerges from state claims to sovereignty as well as from democratic imperatives of inclusion. It implies that the areas in which foreign nationals are exempted from territorial jurisdiction must be well-defined and the rights of states to intervene on behalf of their nationals abroad must be rather narrowly circumscribed.

Included in this predominance of territorial jurisdiction are receiving state decisions to grant a foreign national asylum or citizenship even if these are not recognized by the source country. Such decisions must, however, rest on the consent of the individual concerned. Imposing a new nationality on first generation immigrants against their will could entitle the source state to intervene on their behalf.

In spite of public anxieties and anti-immigrant political rhetoric, legally admitted refugees, economic and family migrants who retain their citizenship do not pose a threat to the territorial integrity of the receiving country. This may be different in the case of some historic national minorities who try to establish links of citizenship with external kin states.[23] Dual citizenship should be seen as entirely adequate for migrants who have

[23] Currently, there is a debate in Hungary and among Hungarian ethnic minorities in neighbouring countries whether they could claim Hungarian citizenship in addition to a Romanian, Slovakian or Serbian one. Much less attention has been paid to a similar move by Germany, which distributed German passports to

multiple social ties and political stakes in source countries and host states. Secondly, it may also be acceptable for historic ethnic minorities that define themselves as diasporas oriented towards an external homeland and do not aim for self-government in the state where they live. Thirdly, dual citizenship may in some cases be a useful instrument for protecting minorities from persecution and oppression and offering them an escape route of emigration.

However, it is not generally acceptable for national minorities that have been granted extensive territorial autonomy. Claims of multiple citizenship and territorial autonomy should be seen as mutually incompatible. They would create fears in the host society about irredentist threats to its territorial integrity that cannot be easily dismissed as unreasonable. A general toleration for multiple citizenship in contexts of migration may therefore need to be qualified in contexts where national minorities claim collective self-determination.

Voluntary acquisition and renunciation of citizenship

State interests in control over their nationals must be balanced against individual choice. This paper has argued that migrants should be offered an option to acquire the citizenship of their country of long-term residence but should not be coerced to do so either by imposition or by depriving them of fundamental rights as long as they retain their foreign nationality.

In the liberal tradition, states have often been regarded as if they were voluntary associations of their citizens. If this view were accepted, it would follow that immigrants have no individual claim of access to citizenship and that states have no right whatsoever to prevent individuals from renouncing their citizenship. In current international law and democratic state practice the latter right is, however, qualified by a requirement of emigration and by the need to avoid statelessness.

These are reasonable conditions. Statelessness is not only a problem for international relations but conflicts also with fundamental interests of individuals whom it deprives of basic protection. Refusing to release individuals from nationality into statelessness even when the latter appears to be freely chosen can be justified not only on paternalistic grounds, i.e. by claiming better insight into the individuals' long term interests than she herself has, but also as a protection of democratic societies against freeriders. This latter argument applies also to the choice of internal renunciation in case where another citizenship is acquired. The motivations of a migrant who does not want to exchange a present citizenship for that of the host country are different from those of a person who wants to get rid of the citizenship of a country where he or she intends to stay.

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ethnic Germans in the Silesia region of Poland in the early 1990s. Paradoxically, this was a successful attempt to persuade ethnic Germans to stay in Poland by reassuring them that Germany would keep its ethnic immigration door open for them.

With these qualifications, individual freedom of exit from citizenship covers two specific claims: First, the right to be released from citizenship under conditions of residence in the country whose citizenship has been, or will be acquired. Many countries' nationality laws (among them most Arab states) violate this fundamental human right by embracing the ancient doctrine of perpetual allegiance or by deriving their citizenship explicitly from ties of blood that cannot be altered or severed. Second, protection against coercive withdrawal of citizenship.

In this respect one can distinguish different degrees of protection. The strongest one must hold for individuals who would thereby become stateless. Reservations against withdrawing citizenship from legal residents in the territory of the state concerned even if these hold, or can acquire, another state's nationality should not be much weaker. These prohibitions correspond with symmetric restrictions on voluntary renunciation. For multiple nationals, exceptions are justified in case of fraudulent naturalization. However, withdrawal of citizenship should not be used as a punishment in case of criminal convictions, since this would merely imply shifting the burden of dealing with such criminals towards other states to which they have no genuine links.

In 1999 Germany introduced a requirement of choosing before age 23 one of two nationalities acquired at birth. This is less objectionable than automatic withdrawal of German citizenship would be, but it is still a rule that interferes with legitimate individual interests and that is not justified by any reasonable concerns about the dangers of holding two nationalities. Weaker norms of protection apply to withdrawal of citizenship from those living abroad who possess their host states' nationality or would gain immediate access to it when they lose their external citizenship.

Stakeholder citizenship

Democratic concerns about inclusion, equality and cohesion suggest that the rights of foreign residents, their access to citizenship as well as protection against its loss should be generally determined by a stakeholder principle. Providing safeguards for the enjoyment of individual rights is the responsibility of those states in whose territory the interests protected by the respective right are anchored and exercised.

A more extensive claim to full membership arises when the social conditions and circumstances an individual finds herself in, or has chosen to live in, link her individual interests to the common good of a particular political community. Birth or long-term settlement in a state's territory indicate a relevant social tie of this kind that gives an individual a stake in the polity. Similarly, birth or close family links and life plans that include a return option substantiate a claim to retain the citizenship of a country of emigration.

This principle extends the reasoning of the International Court of Justice in the 1955 Nottebohm case in which the court required proof of a "genuine link" between an

individual and a state that naturalizes this individual.[24] A stakeholder principle recognizes therefore limits for individual choice and condemns state practices of selling their citizenship to the best bidders. At the same time, it constrains state discretion in naturalizations and withdrawal by defending individuals' rights of access to a new nationality as well as of retaining a nationality of origin as long as they have significant ties to that country.

Stakeholder citizenship responds also to democratic concerns about cohesion by defining the boundaries of democratic societies in such a way that they reflect the social reality of international mobility without becoming indeterminate. Migration does not dissolve the boundaries of membership but creates increasingly overlapping citizenship between democratic polities.

The principle also sums up the argument for local voting rights for foreign residents who have acquired a stake in the municipality. It may be invoked negatively when denying national voting rights of foreign nationals who are not prepared to commit themselves fully to the host state by applying for naturalization. One can, furthermore, consider limits to the possibility of holding multiple stakes in more than one political community. Multiple nationals who are elected as members of parliament or accept other high public offices may be reasonably expected to renounce their second citizenship.[25]

Active voting in separate elections in two different countries need not violate the democratic principle of one person one vote. In contrast, holding a democratic mandate creates a special accountability towards the larger democratic community (and not merely towards a specific electoral constituency, which may be an immigrant community). It is therefore not easily compatible with simultaneous commitments towards another state. If all citizens are stakeholders in a democratic community, then their representatives are trustees who are exclusively accountable towards them.

Conclusion

The discussion of four types of interests in citizenship has shown that these perspectives can be combined with each other in the search for defensible policies. They also need to be combined, since each of these interests taken separately is inadequate or insufficient. On the one hand, state interests in sovereignty and self-determination are the most important obstacle for harmonizing nationality laws in such a way that they do not conflict with each other. On the other hand, international law does not provide a sufficient basis for inclusive citizenship policies that must be argued from a domestic democratic perspective. Democratic citizenship is, however, torn into different directions by conflicts between inclusion, equality, and cohesion. A stakeholder principle can help to find the right balance.

[24] I.C.J. 4, 1955, WL 1. The ICJ argued that in the absence of a genuine link naturalization may violate another state's claims derived from the individual's previous nationality.

[25] For example, Australia generally permits multiple citizenship but requires that members of parliament must only hold Australian citizenship.

Citizens are stakeholders in a democratic community. This idea should not only be applied to current members but also to decisions which outsiders have a right to become citizens and which citizens no longer have a claim to membership. Yet even a democratic perspective is not fully adequate unless it takes into account migrants' interests in choosing between, or combining, alternative memberships. The migrant experience means that stakes derived from birth, childhood, family ties, present residence and future destination are spread over several countries. Taking this into account leads to a more flexible approach to inclusive citizenship in liberal democracies.

Table 2: Acquisition of nationality at birth and by naturalization in Western Europe (15 old EU states, Norway and Switzerland)

country	regular naturalization		ius soli		acquition after marriage with a citizen	
	minimum residence	toleration of dual nationality	at birth for 2nd or 3rd generation	ius soli entitlement[a] after birth for 2nd generation	minimum residence	minimum duration of marriage
Austria	10 years 4 years for EU/EEA citizens	no	no	no	1 year marriage and 4 years residence, or 2 years marriage and 3 years residence, or 5 years marriage without residence requirement	
Belgium	3 years	yes	3rd gen. if registered by a parent	10 years residence of parents, registration until age 12	3 years	6 months
Denmark	7 years, 2 years for Nordic citizens	no	no	no	6-8 years residence and 1-3 years marriage	
Finland	6 years	yes	no	6 years residence: age 18-22	4 years	3 years
France	5 years	yes	automatic for 3rd gen.	5 years residence after age 11: until age 18	no minimum residence	1 year
Germany	8 years	no; with many exemptions	2nd gen. if a parent has permanent residence title and 8 years of residence[b]	no	3 years	2 years
Greece	8 years	renunciation required in practice	no	no	—	—
Ireland	4 years	yes	2nd gen. except asylum seekers[c]	yes	1 year for marriage before 30 Nov. 2002	3 years for marriage before 30 Nov 2002
Italy	10 years 4 years for EU/EEA citizens	yes	no	continuous residence: age 18	6 months residence or 3 years marriage	
Luxem-bourg	10 years	no	no	5 years: after age 18	3 years	3 years

country	regular naturalization		ius soli		acquition after marriage with a citizen	
	minimum residence	toleration of dual nationality	at birth for 2nd or 3rd generation	ius soli entitlement[a] after birth for 2nd generation	minimum residence	minimum duration of marriage
Nether-lands	5 years	no, but many exemptions	3rd gen. if a parent has main residence in NL and was him/herself born in NL to a parent with main residence	continuous residence: age 18-25	no minimum residence	3 years
Norway	7 years, shorter for Nordic citizens	no	no	no	7 years minimum residence (may be shortened)	—
Portugal	10 years, 6 years for Luso-phone citizens	yes	2nd gen. if parent resident since 10 years, 6 years for Lusophone citizens	no	no minimum residence	3 years
Sweden	5 years	yes	No	no	3 years residence and permanent residence title	2 years
Spain	10 years, 2 years for citizens of Portugal and some Hispanic states	no, except citizens of Portugal and some Hispanic states	no	1 year residence: at age 18 - 20	1 year	1 year
Switzer-land[c]	12 years	yes	no	no	5 years residence und 3 years marriage, or 6 years residence und close ties to Switzerland	
UK	5 years	yes	2nd gen. if a parent has been permanent resident for 4 years	if a parent acquires permanent residence and if continuous residence: until age 10	3 years	no minimum duration

Comments:

a) Ius soli entitlement refers here only to birth in the territory as a relevant ground for citizenship acquisition after birth. Several states have special provisions for acquisition by minors who have not been born in the territory but have lived there for a certain time. These have not been included in the table. For example, in Sweden foreign nationals who have lived there since age 13 are entitled to claim Swedish

citizenship at age 18. In several other countries there are provisions for facilitated naturalization rather than acquisition by declaration.
b) Dual nationals by birth must choose one nationality between age 18 and 23
c) The present Irish ius soli regime will be changed as a result of a referendum in June 2004. The new nationality law has, however, not yet been passed at the time of writing.
Sources: data collected by Harald Waldrauch, Rainer Münz and Rainer Bauböck;
Aleinikoff u. Klusmeyer (2000, 2001), Davy (2001), D'Amato and Wanner 2003, Hansen and Weil (2002), Münz and Ulrich 2003, Waldrauch (2001), Weil (2001), Schweizerischer Bundesrat (2001), various websites.

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