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Abstract

The legal provisions for ordinary naturalisation determine which foreign residents may apply for naturalisation. However, these legal provisions are not the only opportunities and obstacles that immigrants face on the path to citizenship. Administrative procedures are crucially important for the implementation of these legal provisions and guarantee access in practice. Based on existing literature on the implementation of naturalisation policies, the ACIT project calculated 38 'Implementation Indicators' (CITIMP), which measure the formal steps of the ordinary naturalisation procedures in 35 European countries.

The CITIMP results suggest that most countries' procedures contain as many obstacles as opportunities for ordinary naturalisation with many clear patterns across Europe. Promotional measures are often missing or poor quality. Legal exemptions for documentation rarely exist on humanitarian or vulnerability grounds. Documentation from countries of origin is especially complicated for applicants. Not only are most ordinary naturalisation procedures discretionary, but so are many language, integration and economic resource requirements. Most procedures involve potentially long processing times and some amount of bureaucracy, especially when the deciding authority is the executive or legislature. Judicial review is often not guaranteed for language or integration requirements or on specific issues such as discrimination within the procedure. Moreover, this paper finds that European countries that facilitate their ordinary naturalisation law do not necessarily facilitate the procedure. Whatever the interpretation of the meaning of these results, the descriptive analysis confirms the importance of measuring administrative practices

Keywords

Ordinary naturalisation, procedure, administrative practice, implementation, discretion, promotion, documentation, bureaucracy, review.

1. Measuring implementation: the missing link

Among national integration policies, European countries demonstrate the greatest variation and variability in their policies on access to nationality. It is thus not surprising that, according to Eurostat, citizenship acquisition rates diverge significantly across countries and over time (Sartori 2011). The growing immigrant populations in most European countries should increase the number of naturalisations, unless policymakers put significant obstacles in their path. Qualitative studies have identified a range of obstacles to naturalisation and their intended and unintended consequences (e.g CJD Eutin 2009 and Strik et al. 2010). Several national quantitative studies have measured the impact of naturalisation policies through descriptive or multivariate analysis of naturalisation rates before and after a major policy change, for example in Germany (Anil 2007 and Street forthcoming), The Netherlands (van Oers et al. 2010), Portugal (Healy 2011) and the United States (van Hook 2003, Balistreri et al. 2006). The creation of citizenship policy indicators and indexes has enabled researchers to measure national policies cross-nationallyas one factor alongside other mostly individual-level factors (see Baubock et al. 2013, MIPEX 2007, 2010, Koopmans et al. 2012, Goodman 2010, Howard 2009). Using these indexes, researchers conclude that policies have a significant impact on the acquisition of national citizenship among immigrants, particularly among those most interested in naturalisation (Dronkers and Vink 2012; Vink et al, forthcoming).

The next step from national policies is their implementation in procedures. Fleischmann and Dronkers (2010) hypothesize that integration policies may be poorly implemented in practice, inconsistent with their stated aims, and incompatible with the needs of different immigrant groups. In one country, the same naturalisation law may work out differently for different people (In the US, see North 1987). Eligible foreign residents must be informed about the law and encouraged to apply. Furthermore, applicants must be able to prove that they meet the requirements in the law. Various authorities must be willing and able to check the application and come to a final decision. Their final decision must be based on the requirements in the law, but in several cases authorities retain wider discretion. The ways that laws are implemented can lead to significant variation in naturalisation rates between groups of applicants, and over time.

While the implementation of citizenship policy is rarely measured, let alone quantified, several studies measuring policy implementation can be found in a small number of countries. For example, some European countries report statistics on what's known as acceptance and rejection rates (EUDO Citizenship Statistics). Such rates measure the percentage of applications for citizenship that are, respectively, accepted or rejected by the authorities. Local implementation data is scarce, while analysis is inconclusive across countries (see Bultmann 2002, Hagedorn 2002, 2003, Thraenhardt 2008, Helbling 2008 and Manatschal 2012, and Street forthcoming). Hardly any surveys capture immigrants' experiences of naturalisation (e.g. Huddleston and Tjaden 2012). In the absence of quantitative statistics on implementation, most researchers collect qualitative assessments through stakeholder interviews (e.g. Bloemraad 2006, Healy 2011, Tjaden 2013)—or, in rare cases, observation (Spire 2008). Immigration authorities and stakeholders may disagree about whether differences exist between the law 'on paper' and the law 'in practice.' Praxis-based knowledge about the naturalisation process is gathered by NGOs, immigrant leaders, courts, politicians, and the press. Stakeholders often use these individual cases to generalise about what they perceive as systemic problems with implementation. Among the EU-15 countries, NGOs serving naturalisation applicants have made subjective expert assessments through a comparative questionnaire coordinated and analysed by MPG (Chopin 2007). From these qualitative reports, common procedural strengths and weaknesses were identified (Bauböck et al. 2007) and practical standards distilled (Niessen and Huddleston 2007). The European Commission Handbook on Integration 2010 went further to define practical standards. For example, the chapter on naturalisation formulated conclusions on re-evaluating fees and language/citizenship tests, welcoming applicants as citizens-to-be, limiting discretion, citizenship ceremonies, and developing communications strategies, and active citizenship

initiatives. Overall, the modest literature on citizenship implementation has identified the wide range of possible administrative opportunities and obstacles that await applicants for naturalisation across Europe.

The project on "Access to Citizenship and Immigrant Integration" (ACIT) developed 'Citizenship Implementation indicators' (CITIMP) to measure the formal administrative opportunities and obstacles within the ordinary naturalisation procedures. The CITIMP implementation indicators describe how people formally apply for naturalisation and how authorities decide who to accept and who to reject. They thus make the link between two other sets of indicators of the ACIT project. The citizenship law indicators (CITLAW) describe the legal requirements for citizenship acquisition, while the citizenship acquisition indicators (CITACQ) that measure how many applicants are successful and how common is it for immigrants to become citizens. As a result, CITIMP indicators can be combined with the CITLAW indicators and the CITACQ indicators in order to analyse the impact of countries' laws and procedures on the rates of citizenship acquisition among the foreign-born.

2. Methodology behind the Citizenship Implementation Indicators

The CITIMP indicators allow researchers and the public to compare policies across countries, to the EU and regional averages, and, eventually, over time. These indicators were designed to capture the relevant administrative practices, activities, and policies within five dimensions of implementation. Each indicator measures the range of range of policy options and choices facing policymakers on a specific element of administrative practice.

The CITIMP indicators build on the CITLAW ordinary naturalisation law indicators and the Migrant Integration Policy Index (MIPEX). The CITLAW indicators on ordinary naturalisation aim to capture the legal requirements in terms of the difficulty of the requirements themselves. For example, the CITLAW indicator on residence requirements measures the minimum required duration of residence, the tolerated periods of interruption, and the types of residence required. Another example is the indicator on language requirements, which includes the existence of such a requirement, the level required, and the general entitlement to support. These CITLAW indicators on ordinary naturalisation were the starting point for the development of the CITIMP indicators that look more deeply into the administrative practices. Continuing with these examples, CITIMP indicators on residence requirements capture the specific type of documentation required to prove identity and residence as well as the degree of discretion left to authorities in the interpretation of the requirement and to assess the documentation. CITIMP indicators on the language assessment examine the types, quality, and cost of language support and assessments, the documentation required to prove language knowledge, the legal exceptions, authorities' discretion in the assessment, and the strength of judicial review of the language assessment.

The CITIMP indicators also drew from the MIPEX indicators on Access to Nationality, which were largely used as the basis for the CITLAW indicators on ordinary naturalisation. The MIPEX generally focuses on the law and policy as well as several procedural aspects, such as the official processing times and fees, enforcement mechanisms, and measures to limit administrative discretion. For instance, the MIPEX indicators on Access to Nationality capture the types, quality, and cost of language support and assessments, the processing times and fees. In addition, 'Access to Nationality' contains one dimension of indicators entitled 'Security of Status.' This set of indicators examines the overall discretionary nature of the naturalisation procedure, additional discretionary grounds for rejection, the right to a reasoned decision and judicial review, and the protections against loss of citizenship. Within the ACIT project, these procedural indicators were placed under CITIMP instead of CITLAW.

Five Dimensions of Implementation

Drawing on the scant literature on naturalisation procedures, indicators were designed and classified under five dimensions of implementation, which cover all stages of the procedure, from efforts by public authorities to inform applicants to the options for appeal a negative decision:

1. *Promotion: how do authorities help applicants to meet the legal requirements?*
2. *Documentation: how do applicants to prove that they meet the legal requirements?*
3. *Discretion: how much room do authorities have to interpret the legal requirements?*
4. *Bureaucracy: how do authorities to come to a decision?*
5. *Review: how strong is judicial oversight of the procedure?*

1. Promotion: how do authorities help applicants to meet the legal requirements?

State promotional measures help eligible foreigners to apply for naturalisation. A lack of information and public encouragement are two reasons why eligible foreigners do not naturalise; they do not know or do not feel that they are welcome as new citizens (Bauböck et al. 2005). Most Europeans have seen ordinary naturalisation as being only in the interest of immigrants and not society at large. Information and support have traditionally been the responsibility of immigrants themselves or civil society, but not the role for the state. Measures such as citizenship ceremonies are many times inspired by traditional countries of immigration like Canada and the United States, where naturalisation is a tool to promote integration. As European countries recognise themselves as countries of immigration, national, regional, and local politicians have introduced promotion measures for naturalisation, often as part of major reforms of citizenship legislation, for example in several German federal states after the 1999 reform. While European countries have hardly ever run naturalisation campaigns as such, several countries have policies and materials intended to inform and assist eligible applicants. Promotional measures are regularly presented as 'good practices' (European Web Site on Integration 2012). The European Commission's Handbook on Integration proposes that an active communications strategy should assist and encourage applicants, while informing the public about society's interest in naturalisation and its benefits for integration. Naturalisation promotional measures are also featured on the European Commission's European Website on Integration. Taken together, the CITIMP promotion indicators can serve as an indicator of the state's willingness to promote naturalisation. Strong promotional measures may raise application rates and lower rejection rates, though these effects may depend on whether the country's legal requirements are – or are perceived to be – too restrictive.

2. Documentation: how do applicants to prove that they meet the legal requirements?

The requirements in the law must be translated into documentation as part of the application and assessment. Applicants must prove in one way or another that they have the required period of residence, language knowledge, clear criminal record, and so on. Indeed, the legal requirements and the required documentation are often amalgamated together. Legislation may express the legal condition in terms of the documentation required. For example, the law may simply state that an applicant must pass a naturalisation test, provide an official language certificate, or have a clean criminal record.

The documentation required may make it harder or easier for applicants to prove that they meet the legal requirements. The type of documentation required can lead to additional administrative obstacles unrelated to legal requirements themselves. Countries with restrictive legal requirements may actually make it easy to applicants to document this. Likewise, countries with inclusive laws may still create many practical obstacles for applicants to obtain the documentation necessary to prove that they meet the few legal requirements. Two countries with the same legal requirements may require completely different documentation. These differences in documentation can mean that applicants in one country

have an easier time proving that they meet the legal requirements than in the other. For instance, five years of legal residence may be proven by simply submitting their current ID or residence permit or by having to obtain copies of all IDs from every municipality where they lived in the country.

Difficult documentation is presumably one reason why eligible applicants do not apply for naturalisation. It is expected that facilitating documentation will raise the application rate. It may also depress the rejection rate. The existence and extent of exemptions from these requirements make it important to measure the 'exemption rate,' that is, how many successful applicants are annually exempt from specific requirements. The presence or absence of exemptions may also affect the 'pass rate' for assessments within the procedure (e.g. language or integration tests). The complexity of the documentation could lead to incomplete or inaccurate applications or high failure rates on assessments.

3. Discretion: how much room do authorities have to interpret the legal requirements?

State discretion structures the naturalisation procedure itself and affects the interpretation of the legal requirements. Whether an ordinary foreign resident should become a citizen is a traditionally discretionary question. Without any special link to the country through birth, ancestry, family, or history, an ordinary foreign resident must prove their link to the country based on other requirements. Policymakers settle this question by making laws that set out the requirements and by making decisions themselves on individual cases. In some countries, the state may leave authorities absolute discretion to grant naturalisation to applicants, whether or not they meet the legal requirements. In this case, the state has the power to reject applicants who meet all the legal requirements or even accept applicants who do not. In other countries, authorities may have conditional discretion, in that they only have limited grounds to reject applicants who meet the legal requirements. Applicants who meet the legal requirements can still be rejected on vague grounds of public security, policy, or health.

The discretionary power of authorities is regulated through the creation of a conditional right to naturalisation (*droit subjectif*).[1] In this case, applicants have the right to naturalisation if they meet the legal requirements. The role of authorities is simply to assess whether the applicant meets these requirements. The transformation of naturalisation into a conditional right has been a central shift in the nationality law as part of recent reforms in Europe. Symbolically, the conditional right aims to build trust in the new legal requirements among the public and among new citizens. Reform tries to forge a new consensus about what should be the requirements for becoming a citizen. These legal requirements recognise immigrants' integration and effective links to the country. An entitlement demonstrates that the parliament 'believes' in these requirements as meaningful for immigrants and the public. As a consequence, the state cedes some of its discretion and promises to naturalise all applicants based on this political consensus. Practically-speaking, this conditional right aims to eliminate arbitrary decision-making and the unequal treatment of applicants, as authorities promise to base their decisions solely on the legal requirements.

At the same time as countries are creating a conditional right to naturalisation, another trend is the reinforcement or reintroduction of subjective legal requirements. While these requirements are traditionally found in most countries' naturalisation laws, several Western European countries dropped them over the past few decades (e.g. Austria, Belgium, Norway, or Sweden). Whether applicant has a 'sufficient' level or type of language knowledge and social integration is inherently discretionary. While these requirements are traditionally found in most countries' naturalisation laws, several

[1] Arguably, there is no such thing as an 'unconditional' right to naturalisation for ordinary foreign residents, since all foreign residents do not have the autonomic right to citizenship. Recently, the 'least conditional' right to naturalisation for ordinary foreign residents existed in Sweden (after five years' residence) and in Belgium (after seven years). Even in these cases, applicants must still meet the residence and good character requirements, which may lead to differences in interpretation of the legal requirement and discretion for authorities.

Western European countries dropped them over the past few decades (e.g. Austria, Belgium, or Sweden). This trend on language and integration assessments has also affected countries with a conditional right to naturalisation (e.g. Belgium, Germany, Netherlands, and Norway). This qualification of the conditional right to naturalisation means that authorities retain the discretionary power to decide whether an applicant is sufficiently integrated in society. The main point of debate is whether authorities can actually create to assess integration in a way that is seen as meaningful for either immigrants or the general public.

Discretion within the naturalisation procedure has been little researched. A very discretionary procedure may lead to low application and naturalisation rates or, alternatively, to a wide variation in rates. In decentralised procedures, rates could vary between municipalities and regions. Over time, rates could vary depending on the bureaucratic or political position of the deciding authority. It would be expected that the stronger the conditional right to naturalisation, the higher the naturalisation rate and the higher the 'pass rate' on specific requirements, such as language or integration assessments.

4. Bureaucracy: how do authorities to come to a decision?

Bureaucracy is a key element in the implementation of any law or policy directed at the public. Across the public sector, dedicated public administrations with professional service standards are established for important routine services for the public. In the past, nationality issues have often functioned as a discretionary decision from the executive (such as the President or King), the Legislature, or a Minister him or herself. Such an 'exceptional' procedure for the acquisition of nationality no longer works in your average country of immigration. Every year, thousands of people are eligible for naturalisation and applying for the nationality. Naturalisation is a normal part of the integration process. In countries of immigration, the acquisition of nationality qualifies as a regular important service that deserves a dedicated and professional public administration. Citizenship reform often transforms naturalisation from a legislative or executive act into an administrative or judicial act. The procedure is then conducted by a single specialised decision-making body, such as a citizenship unit, commission, or judge.

Across Europe today, the differences in the bureaucratic structures mean that some authorities have a much harder time than others to make correct, consistent, and quick decisions on naturalisation. The level of bureaucracy within a country's naturalisation procedure may influence the length of the procedure, application rate, rejection rate, and grounds for rejection. The bureaucratic structure may further explain variations in rates across the country, especially in decentralised procedures, and over time, depending on changes in political leadership, the responsible ministry, and its financial and personnel resources. It is presumed that reducing the bureaucracy encourages applicants, makes it easier for authorities to come to a decision, and reduces the variation in processing times and naturalisation rates across the country. Most importantly, reducing the bureaucracy helps ensure that authorities do not reject people who actually meet the legal requirements. The bigger is the bureaucracy, the more authorities are involved, the more complicated becomes the documentation, the greater is the risk of discretion, and the greater are the risk of error in the procedures, misinterpretation of the requirements, and duplication of decision-making.

5. Review: how strong is judicial oversight of the procedure?

Judicial review is possible in most normal administrative procedures grounded in fundamental rights, the rule of law, and the separation of powers. The right to a reasoned decision requires that rejections of applications stick to the requirements in the law and stand on solid evidence. Legal and factual reasons must be given in all cases. With a clear understanding of the decision, applicants can better understand and trust the decision and avoid unsuccessful appeals or re-applications. If rejected applicants do believe that they meet the legal requirements, the right to judicial and administrative review strengthens the rule of law and equal treatment of all applicants. The judge can clarify what is

the proper and uniform interpretation of the law and what are authorities' proper roles in the procedure. The presence and strength of judicial review may influence the rejection rate, the reasons for rejection, and the equal treatment of applicants.

Construction of the CITIMP Indicators

To measure the different administrative options, each CITIMP indicator was based on a question with three answer options. This three-option model was adopted and used for the MIPEX because the three options capture in a standardised way the observed variance in policy options and choices across countries of immigration informed by the available research on national laws and practices. Option 1 reflects the most favourable requirements in the sense that the policy either removes a given obstacle (e.g. reduces bureaucracy or discretion) or facilitates a given opportunity (e.g. strengthens promotional measures or judicial review). Option 2 corresponds to more limited or restrictive policies, while Option 3 represents the most restrictive obstacles (e.g. increases bureaucracy or discretion) or the absence of a given opportunity (e.g. no promotional measure or no judicial review). Where countries have no policies (e.g. no guarantee, protection or entitlement), the indicator is given a default score of Option 3. Where countries have no given requirement for naturalisation (i.e. no language assessment, integration assessment, or renunciation requirement), the related indicators are skipped and not scored.

In total, 38 CITIMP indicators were calculated for 35 European states. The CITIMP questionnaire (see Annex) was answered by independent national citizenship experts in each country who analysed their country's ordinary naturalisation procedure as of 31 December 2011. These experts were identified through the EUDO-Citizenship network as highly knowledgeable experts independent from government. This country-based method of data collection removes any concerns about knowledge of the country's language or legal context, which often plagues centralised codings of immigration policy by individual or groups of comparative researchers. The experts' information had to be supported with publically-available data sources, specifically official documents (e.g. laws, policy statements, or guidelines) or, where available and reliable, reports by researchers or non-governmental organisations. Experts also provided comments about new legal or administrative regulations passed after January 2012. The experts' research produced a completed comparative questionnaire, an in-depth narrative report, and tentative scores for the indicators. If procedures strongly varied between regional or local administrations, separate questionnaires were completed for administrations with the greatest differences in naturalisation rates and procedures. Scores were calculated for three German federal states (Bavaria, Hamburg and Hesse) and two Swiss cantons (Geneva and Solothurn). Sufficient information was available on the naturalisation practices in the Austrian federal states to score the indicators based on the most common practices. Areas of wide divergence between practices or the lack of guidelines and standards often leads to a scope of Option 1.

The validity of the experts' answers was checked centrally by the author for their clarity, internal consistency, and external consistency with other authoritative sources, namely EUDO-Citizenship and MIPEX. The internal consistency check is an additional check of the quality of the experts' answers as well as of their correct interpretation of the various concepts and terms used within the questionnaire. The experts' answers and explanatory comments were compared within the questionnaire and between the questionnaire and the in-depth narrative report. The external consistency check compared the experts' answers to the EUDO-Citizenship modes database (A06), country profiles, English translations of the citizenship law, as well as the 2010 MIPEX scores and comments. Where necessary, the author also checked links to government websites and official publically-available information. These central-level checks guaranteed that the questionnaire was properly interpreted and answered by the national experts. Any cases of lack of clarity and consistency were resolved directly with the national expert on the basis of evidence collected from these sources. The double-checked data was then used to calculate the final CITIMP scores for each country.

Scores were calculated for each indicator as well as for averages of related indicators that measure the same underlying concept of implementation. Based on the three-option model, each indicator receives one of the three possible scores according to a 0.0-1.0 scale: 1.0 for Option 1, 0.50 for Option 2, 0.0 for Option 3. The scale is thus comparable to the scale for the CITLAW indicators. For the descriptive analysis for this report, the means were also compared to the median and mode scores on each indicator. The report also expresses the meaning of CITIMP scores in terms of the favourability of the dimension or the procedure. This scale is presented in the table below. These descriptions are used throughout the text as a 'key' to the assessment of the country's performance—they give indications of what a country's formal administrative practices look like within the ordinary naturalisation procedure:

The score key for the Citizenship Implementation Indicators

0.0	= Critically unfavourable
0,01-.2	= Unfavourable
0.21-.4	= Slightly unfavourable
0.41-.59	= Halfway favourable
0.6-.79	= Slightly favourable
0.8-.99	= Favourable
1.0	= Fully favourable

The author calculated the final score for all of the indicators, dimensions, and overall set of indicators. Certain indicators are compared of simple averages of sub-indicators that capture several qualitative aspects of the given opportunity or obstacle (e.g. one type of promotional measure, documentation for a specific requirement, strength of judicial review). The individual indicator scores are averaged together into one dimension in order to capture one aspect of implementation (i.e. promotion, documentation, discretion, bureaucracy, and review). The score for the dimension captures the overall pattern of strength (opportunities) or weakness (obstacles) of the given aspect of implementation (i.e. generally strong promotional measures, facilitated documentation, limited discretion, limited bureaucracy, strong review). Procedures that score closer to 0 on one of the five dimensions involve respectively little promotion, difficult documentation, wide discretion, greater bureaucracy, and/or weak review. Procedures that score closer to 1 on one of the five dimensions involve respectively greater promotion, easier documentation, less discretion, less bureaucracy, and/or stronger review. A simple average is then taken of the five dimensions to calculate a score for the procedure. This overall CITIMP score captures the overall pattern of opportunities or obstacles in a country's ordinary naturalisation procedure. Using a 0 to 1 scale for all indicators, countries with scores closer to 1 create fewer obstacles in the procedures implementing the naturalisation law. Countries with scores closer to 0 create more obstacles in the implementation of the naturalisation law.

This report provides a comparative analysis of the CITIMP results, driven by the main research question of what the major procedural obstacles and opportunities are for ordinary naturalisation. The analysis covers all countries and European regions (Baltic countries, Central Europe, Northwest Europe, the Nordics, and Southern Europe). The following international averages were calculated: EU 27 for all 2012 member states of the EU, EU 15 for the pre-2004 EU member states and EU 12 for the post-2004 accession states. The quantitative results from the indicators are complemented with more in-depth information from the experts' questionnaires and implementation reports. Each section corresponds to one of the five dimensions measuring implementation. Each section explains the indicators used and compares them to previous citizenship policy indicators as well as standards behind the evaluation framework, including a 'best case scenario' based on these indicators. The analysis in each section identifies the major similarities, differences, and trends across countries and regions as well as the outlier countries that buck these trends. The report's final section explores the relationship between procedural obstacles (CITIMP) and legal obstacles (CITLAW).

The CITIMP indicators are available for further exploration in an online database at the website of the EUDO-Citizenship Observatory at: http://eudo-citizenship.eu/indicators/citimpindicators. The CITIMP in-depth narrative reports are also available on each EUDO-Citizenship country profile.

3. Promotion: how much do authorities help applicants to meet the legal requirements?

In the past, MIPEX indicators have been developed on the available support and costs as well as on the existence of citizenship ceremonies. Ten CITIMP indicators reflect the strengths and weaknesses in state promotional measures:

1) **Official naturalisation campaign**
    a. *Existence in last 10 years (state-run or funded)*
    b. *Focus on procedure, benefits, and the general public*
2) **Promotional services**
    a. *Information services/sessions and counseling/application-checking*
    b. *Cost of these services*
3) **Promotional materials**
    a. *Existence of webpage and printed materials (e.g. leaflets, brochures)*
    b. *Quality and content of printed materials*
    c. *Quality and content of web materials*
4) **Availability of forms**
    a. *Availability in several types of government and non-governmental offices*
    b. *Availability and application on the web*
5) **Cost of any language assessment**
6) **Cost of any integration assessment**
7) **Support to pass any language assessment**
    a. *Availability of publically-available course and questions*
    b. *Cost of support*
8) **Support to pass any integration assessment**
    a. *Availability of publically-available course and questions*
    b. *Cost of support*
9) **Fee for application and issuance of nationality title**
    a. *Level of fees*
    b. *Exemptions from humanitarian or financial grounds*
10) **Quality of any citizenship ceremony**

State promotional activities may be conducted or funded by the state depending, on its approach to service-delivery. The existence and quality of preparatory courses, promotional services, websites, and printed materials are important for informing potential applicants. These targeted measures also make the procedure more accessible for the public. The physical and online availability of naturalisation forms and collaboration with non-governmental partners are additional indicators of government's commitment to good governance on naturalisation. Public information campaigns are a traditional and very visible means of promotion. Campaigns bring naturalisation into the public and political spheres in order to raise interest, awareness, and public support. Citizenship ceremonies can also promote naturalisation in the public and political spheres. This indicator looked for official state naturalisation campaigns within the past ten years. Promotional measures may come and go, depending on project funding and the adoption of new legislation.[2] It should be noted that these indicators do not account for local, regional, or privately-funded promotional measures because these type of initiatives are not expected to have a nationwide effect on the country's naturalisation policy or naturalisation rate.

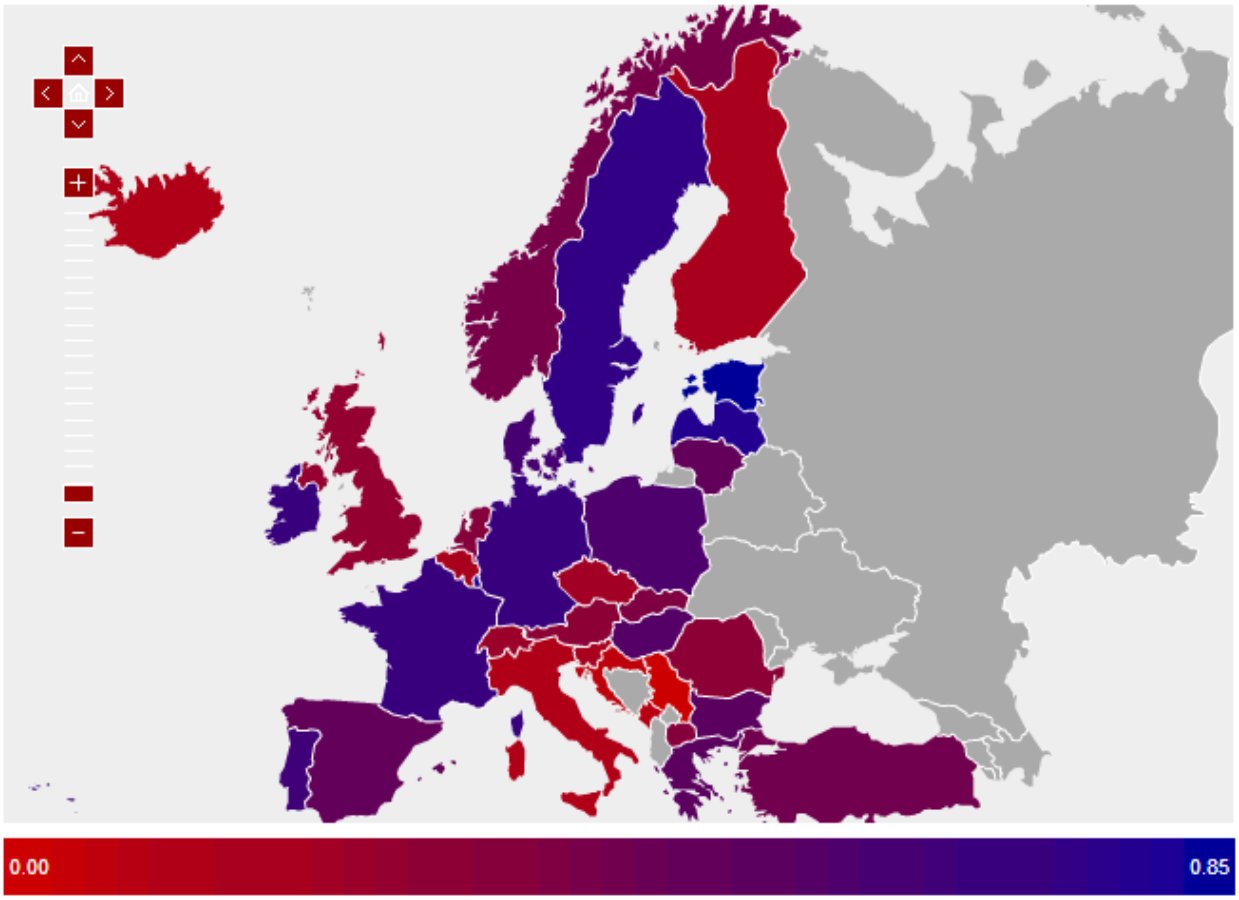
[2] For examples of the transient nature of some country's naturalisation promotional activities, read the CITIMP narrative reports on Ireland, Luxembourg, and Portugal.

The official costs of naturalisation are another important indicator of the state's willingness to promote naturalisation among all eligible applicants. The major official costs of naturalisation are generally limited to the fee for the application and the issuance of the nationality title, the cost of any language or integration assessment, and the cost of any language or integration preparatory courses. Governments can approach these costs from different perspectives. The costs for the procedures may be high to be cost-covering—or even profit-making for the state. Alternatively, the state can lower or remove these costs for both practical and normative reasons. High costs create major obstacles with a dissuasive effect on certain eligible applicants, particularly low-income or and families requiring multiple applications. The presence of fees have a particular connotation in the realm of citizenship, since property/income requirements were abolished for voting as part of the universal suffrage movement in the nineteenth century.

Overall, the promotion indicators follow recommendations of best practice established through European and international information exchange (Chopin 2007, Bauböck et al. 2007, Huddleston and Niessen 2010). These recommendations are often modeled on practices in traditional countries of immigration around the world as well as recent reformers of citizenship law in Europe. As of the publication of this report, there were no relevant European or international standards on the promotion of naturalisation. The only relevant article of the Council of Europe's Convention on Nationality, Article 13, states that any fees for the acquisition and certification of nationality should be 'reasonable.'

Based on all of these promotion indicators, the country that best promotes naturalisation would have the following promotional measures. Official naturalisation campaigns would be regularly conducted nationwide. These campaigns would assist and encourage immigrants to apply, while informing immigrants and the general public about the benefits of naturalisation. State-run or funded entities would advise and inform applicants about their eligibility for naturalisation. They would distribute applications, double-check, and receive them. These services would be free and accessible. The government would sponsor free preparatory classes, study guides, online and written materials, and information sessions for all interested applicants in order to pass the requirements. If fees for naturalisation are present, they would be no more than the cost of a passport and waived for applicants with a certain income level. Citizenship ceremonies would involve public dignitaries and the media in order to raise public awareness. All together, these measures would inform immigrants and the public, encourage eligible applicants to apply, and help them to prepare and meet the legal requirements.

Figure 1. Strength of promotion measures for ordinary naturalisation (strand average)



Key: Promotional measures are stronger in bluer countries and weaker in redder countries.

The CITIMP results show that most of the European countries studied take a limited role in promoting naturalisation. The average score for the EU-27 is relatively low (0.38) because most countries only provide courses at 'normal' costs and 'basic' online and printed materials. The EU-15 countries (scoring 0.44) usually have more information and counseling services and higher quality materials. Few countries go beyond the 'basic' measures. Measures were only deemed 'favourable' for promoting naturalisation (score≥0.80) in Estonia and Luxembourg and just 'slightly favourable' (score≥0.60) in Latvia and Sweden.

Promotion averages		**EU-27**	**EU-15**	**EU-12**
1	Naturalisation campaign (average)	0.06	0.00	0.15
2	Promotion service (average)	0.30	0.46	0.15
3	Promotional materials (average)	0.41	0.50	0.32
4	Forms (average)	0.40	0.44	0.40
5	Cost of language assessment	0.64	0.56	0.69
6	Cost of civic/integration assessment	0.71	0.64	0.75
7	Support for language assessment (average)	0.47	0.48	0.53
8	Support for civic/integration assessment (average)	0.47	0.44	0.46
9	Fees and exemption (average)	0.35	0.40	0.33
10	Citizenship ceremonies	0.56	0.56	0.56

Only of the three European countries studied have run an official national naturalisation campaign over the past ten years:

- Estonia through the Integration and Migration Foundation 'Our People'
- Latvia through the Naturalisation Board (now Office of Citizenship and Migration Affairs OCMA)
- Macedonia in 2005 through the Ministry of Interior and UNHCR

Smaller-scale actions and campaigns pop up in cities and regions in a few countries. In Germany, examples include Berlin's '*Passt mir*!' campaign, "Hamburg, My Harbour; Germany, My Home" and naturalisation pilots *(Einbürgerungslotsen)* in several cities[3]. Recently, Italian cities and regions have organised information sessions, ceremonies, and advocacy actions as part of the nationwide advocacy campaign '*L'Italia Sono Anch'Io'*.[4]

A small number of national governments, mostly in Northwest Europe, support dedicated counseling or application-checking services for naturalisation:

- Estonia (Integration and Migration Foundation 'Our People')
- France (Prefecture naturalisation offices)
- Germany (depending on the region)
- Ireland (New Communities Partnership)
- Latvia (Office of Citizenship and Migration Affairs)
- Montenegro (Interior Ministry information desk)
- The Netherlands (municipal services)
- Portugal (One Stop Shops and Nationality Desks)[5]
- Sweden (Swedish Migration Board)
- United Kingdom (fee-based Nationality Checking Service)[6]

Official printed and web materials are generally available in Western Europe (except Austria) but missing or inadequate in Central Europe and the Baltics. Just a few countries have a comprehensive information policy with both easy-to-read written materials and interactive websites: Estonia, Latvia, Germany, Luxembourg, Netherlands, Portugal, and Sweden. Few countries allow for e-applications (Estonia, Hamburg, Norway, and Sweden) or collaborate with NGOs to distribute applications (Finland, Ireland, and Portugal). Citizenship ceremonies have now proliferated across 22 of the 35 countries studied, but few would qualify as 'promotional activities'. Public dignitaries and media are involved heavily in Denmark, Hungary, Ireland, Lithuania, Norway, and the UK, but rarely in Austria, Germany, and Latvia.

The only countries with no official costs of ordinary naturalisation (application or issuance of nationality) were Belgium (until 2013), Luxembourg, Hungary, Poland, and Spain. In the majority of European countries (19), the official costs are often higher than the normal administrative costs in the country, for instance for the issuance of a passport. Furthermore, waivers of the fee are only provided in 12 countries on humanitarian or economic grounds (mostly for refugees). The following graph presents these fees (or range of fees in the cases of Austria and Switzerland, see CITIMP narrative reports):

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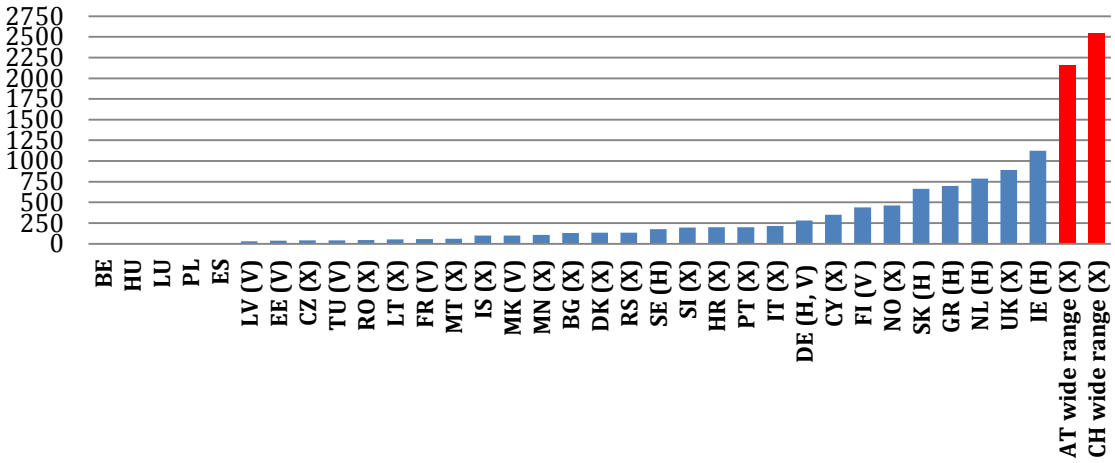
3 For more on promotional activities in Germany, see http://www.berlin.de/lb/intmig/passt_mir.html and www.demographiekonkret.de/Einbuergerungskampagne_und_Lotsenprojekt_Ich_bin_Hamburger.982.0.html.

4 For more information on the campaign, see www.litaliasonoanchio.it/index.php?id=549

5 For more, see Healy, C (2011). Portuguese Citizenship: The New Nationality Law of 2006. Lisbon: ACIDI. and Oliveira, K. et al (2009) Handbook on how to implement a one-stop-shop for immigrant integration. Lisbon: ACIDI.

6 The naturalisation promotional measures are discussed extensively in the CITIMP in-depth narrative reports.

Figure 2. Official fee for application/issuance of nationality title and legal exemptions



X = No exemptions
H = Exemptions on humanitarian grounds (e.g. refugees)
V = Exemptions on vulnerability grounds (i.e. poverty, income)

Countries with language or integration requirements often charge 'normal' administrative or market costs for the assessment and preparatory courses. Both types of assessments usually involve the same level of costs and support. The exceptions are France (higher cost of language test), Denmark (higher cost of citizenship test), Greece (less support for language test), and Lithuania (less support for citizenship test). In France, a language diploma is now required in addition to the free 'assimilation interview.' In contrast, in Denmark, free language diplomas are issued and then used in the naturalisation procedure, which includes a fee-based citizenship test. In Greece, no funds are available for the language certification needed for EC long-term residence or naturalisation, while, in Lithuania, courses are not guaranteed for applicants to prepare for the examination on the Constitution. Interestingly, there is no relationship between the assessment's cost and the cost/availability of support to pass it. Free tests may come with little-to-no support, while costly tests come with free support:

Figure 3. Language/integration assessment(s) for ordinary naturalisation

	Free assessment	**Costly assessment**
Free courses/support	Estonia, Latvia, Luxembourg	Denmark, France, Germany, Hungary, Lithuania, Norway, Slovenia
Limited or costly support	Austria, Czech Republic, Greece, Romania, Slovakia, Spain, Turkey	Finland, Netherlands, United Kingdom

4. Documentation: how easy is it for applicants to prove that they meet the legal requirements?

While other citizenship policy indexes have examined the difficulty of the legal requirements, none have gone deeper in the difficulty of the documentation required. None look beyond the legal requirements to basic problems with proof of identity or residence. The exemptions on humanitarian grounds are to some extent reflected in the CITLAW indicators on refugees and stateless persons. The MIPEX contains two sub-indicators on the type of proof accepted for language or civic knowledge. Eight new CITIMP indicators were designed to capture the ease or difficulty of the documentation required:

11) Proof of identity
   a. *Type of proof required (e.g. ID, birth certificate, passport)*
   b. *Legalisation and/or translation of documentation from third countries*

12) Alternative means to prove identity

13) Proof of residence

14) Assessment of language knowledge
   a. *Type(s) of proof accepted*
   b. *Exemptions from assessment*

15) Assessment of integration or civic knowledge
   a. *Type(s) of proof accepted*
   b. *Exemptions from assessment*

16) Assessment of economic resources
   a. *Type(s) of proof accepted*
   b. *Exemptions from assessment*

17) Assessment of criminal record
   a. *Type(s) of proof accepted*
   b. *Exemptions from assessment*

18) Requirement of renunciation of foreign citizenship
   a. *Type(s) of proof accepted*
   b. *Exemptions from assessment*

Each legal requirement for ordinary naturalisation has its corresponding CITIMP indicator on the documentation required for that requirement.[7] Where a country does not have a certain legal requirement, then the indicator is skipped and not scored. As a result, countries with a few difficult-to-document requirements obtain a similar CITIMP documentation score as countries with many difficult-to-document requirements. The first three indicators cover the identity and residence documents as well as alternatives available. The remaining indicators concern the major legal requirements and follow the same format. Countries receive higher scores when the authorities obtain the relevant information from their own data sources or require from applicants only basic, current, and generally-available pieces of documentation. Countries receive lower scores when authorities require several pieces of documentation, more specific documentation, or documentation over several years.

An additional element captured by these indicators is documentation required from the country of origin or other third countries. Additional documentation from the country of origin can be complicated, expensive, and missing. For these reasons, documentation from the country of origin can be a significant obstacle to naturalisation for applicants in vulnerable situations. Travel may be difficult, expensive, or impossible. Their country of origin may be unable to provide internationally recognised documentation. These requirements may not be necessary. Authorities have already confirmed the applicants' identity through the immigration or asylum procedure. The applicant's identity card or residence permit in the country should be sufficient proof of their identity. The role of documentation from the country of origin is overlooked in research on the naturalisation procedure. Requiring documentation from third countries results in lower scores on the indicators about proof of identity, criminal record, and renunciation. The indicators also capture whether applicants are legally exempt if the documentation is too difficult to obtain, for example for humanitarian reasons (e.g. refugee or stateless) or vulnerability reasons (e.g. physical or mental disability, age, cost, personal circumstances). Countries obtain low scores when exemptions are impossible or discretionary.

These indicators do not take into account the cost of documentation other than the cost of the language or integration assessment. The cost of additional official documentation from the state

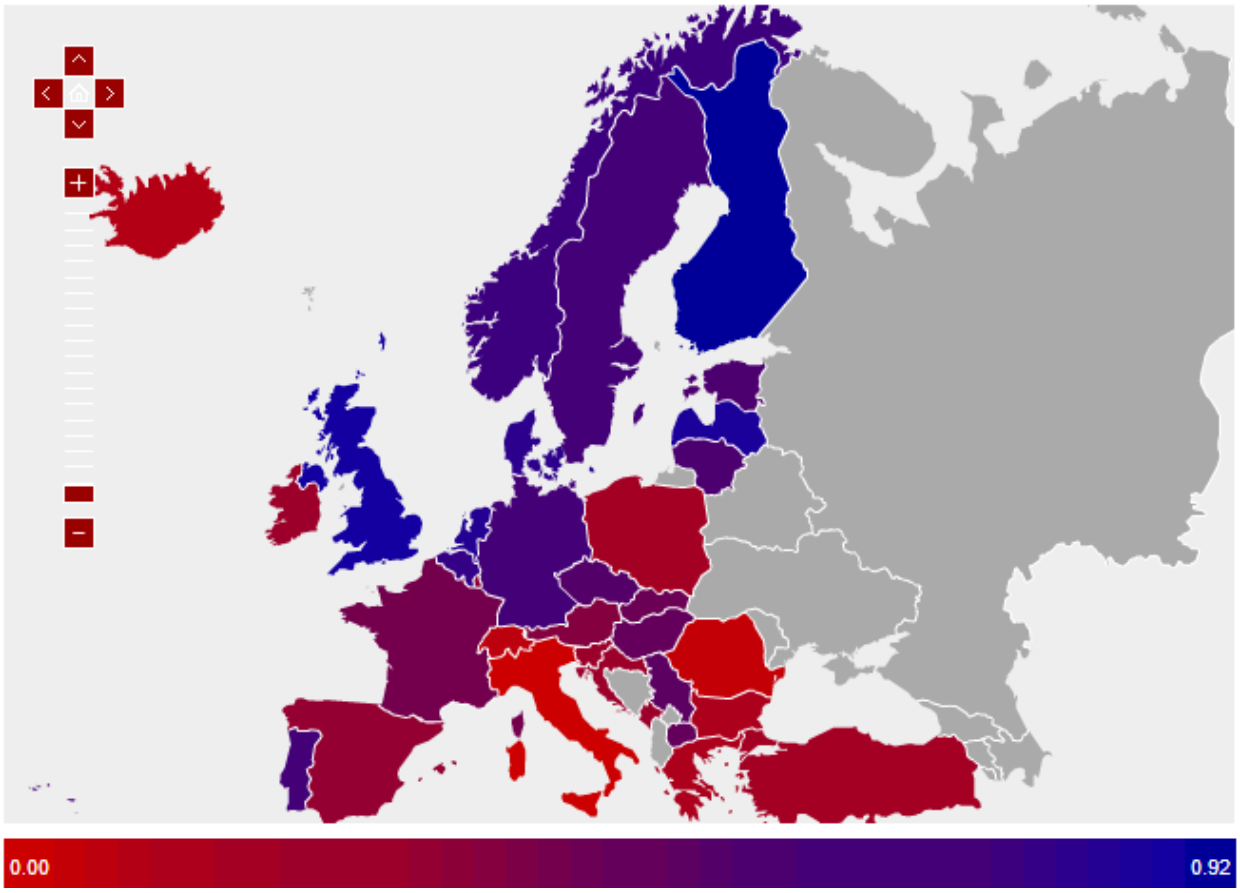
[7] The CITIMP indicators only assess the major standard legal requirements as measured in the CITLAW indicators. They do not assess the difficulty of documentation for other possible requirements (e.g. proof of housing, letters of recommendation) which only exist in a handful of the countries studied.

concerned is often small in comparison to the overall fee for the application or nationality title, which is measured in the promotion indicators. The cost of documentation from third countries, legalisation, and translation often varies between applicants, depending on their personal or family circumstances and their country of origin. This is why CITIMP indicators give lower scores for requiring this additional documentation and bureaucracy that create greater practical obstacles and costs for applicants.

As of the publication of this report, no international standards on the acquisition of nationality specifically address the issue of documentation, other than the general commitments to 'facilitate' the procedure for refugees, according to the 1951 UN Geneva Convention, and for groups with special links to the country, according to the 1997 European Convention on Nationality. The European Convention on Nationality's explanatory report defines facilitation in terms of a general and non-exhaustive list: shorter residence requirements, less stringent language requirements, an easier procedure, and lower procedural fees. In lieu of specific standards, facilitating documentation falls within general standards on good governance within public administration. This project's indicators therefore set a benchmark standard for the facilitation of documentation, building on recommendations from previous European-wide research (Chopin 2007 and Bauböck et al. 2007).

Based on all of these documentation indicators, the country that best facilitates the naturalisation procedure would require no more than the following pieces of documentation. The documents to submit would be clearly stated from the start of the procedure. All documents would be requested only once upon submission of the application. Applicants would not have to provide documents already in the possession of state services. Authorities would use internal systems to request documents issued or registered by other services. Any language or integration requirement would be flexible and professional. As few documents as possible would be required from the country of origin or other countries. Any foreign documents would not require legalisation or translation. In case documents abroad are lost, inaccessible, or prohibitively expensive, applicants would have the right to an exemption from the documentation or to a right-based procedure to prove their identity. Overall, applicants who met the legal requirements for ordinary naturalisation could easily prove this through documentation.

Figure 4. Ease of documentation required for ordinary naturalisation (strand average)



Key: The documentation is easier in bluer countries and harder in redder countries.

The documentation required is another slight area of weakness for ordinary naturalisation across Europe. Similar to the scores on promotion, the average of the CITIMP documentation indicators leads to relatively low scores for the EU-27 (0.39). Most countries have few legal exemptions, complicated requirements for documentation from countries of origin, and few alternatives for proving identity. These weaknesses exist across most countries, particularly in the EU-12 (averaging 0.33) in comparison to the EU-15 (0.46). The documentation was found to be most demanding in Central and Southern Europe as well as countries, such as Austria, France, Ireland, Luxembourg, and Switzerland. The documentation was most facilitated in the Baltics, Nordics, Northwest Europe, and the UK. The only countries with a score of 'favourable' (≥0.80) were Finland and the UK.

Documentation averages		**EU-27**	**EU-15**	**EU-12**
11	Proof of identity (average)	0.34	0.35	0.35
12	Alternative means to prove identity (grounds)	0.48	0.62	0.35
13	Proof of residence	0.66	0.65	0.70
14	Assessment of language knowledge (average)	0.49	0.64	0.34
15	Integration assessment (average)	0.39	0.46	0.33
16	Proof of economic resources (average)	0.19	0.18	0.19
17	Criminal record requirement (average)	0.28	0.31	0.25
18	Renunciation requirement (average)	0.36	0.50	0.29

A copy of the applicant's national ID or permit is included in the naturalisation application in all countries. Nothing more is required to assess the residence requirement in 15 countries surveyed,

including Denmark, Estonia, Finland, France, Latvia, Netherlands, Norway, Portugal, Spain, or UK. 13 other countries also require an official record of the applicant's addresses or residence duration (e.g. Cyprus, Germany, Hungary, Sweden). Only seven countries require applicants to provide copies of their past IDs/permits in the country (i.e. Austria, Greece, Ireland, Italy, Malta, Montenegro, and Switzerland).

Documentation from the country of origin is required in most ordinary naturalisation procedures, with just a few exceptions (i.e. Denmark, Estonia, Finland, Latvia, Lithuania and the UK). Most countries require that applicants must provide a copy of their birth certificate (i.e. Belgium, Bulgaria, Croatia, Germany, Macedonia, Norway, Portugal, and Slovakia) and, in addition, their ID or passport from the country of origin (21 countries studied). Most countries also require that applicants obtain a copy of their criminal record from their country of origin (16 countries, e.g. Austria, France, Hungary, Italy, Lithuania, Luxembourg, Portugal, and Spain). Of these countries, just half-a-dozen provide a legal right to exemption for the criminal record requirement. Most exemptions are for humanitarian reasons for refugees and/or stateless persons (Hungary, Luxembourg, Macedonia, and Spain). Exemptions are also available in Sweden on a discretionary basis, in France for long-settled residents of 10+ years, or in Hungary in case of impossibility (missing criminal record cannot be sole ground for rejection; authorities use country of origin legal databases and consular authorities). Furthermore, most countries require translation and legalisation (e.g. by embassies abroad) for documentation from third countries. Only Serbia and Sweden allow applicants to submit documents without translation or legislation. As a result, a naturalisation procedure that is conditional upon documentation from the country of origin is often burdensome and unnecessary.

Applicants unable to obtain documents from third countries have is no alternative means to prove their identity within the naturalisation procedures of 15 countries studied, e.g. France, Italy, Malta, Norway and several Central European countries. Where these alternatives do exist, the procedure is often reserved for specific groups (e.g. refugees and stateless), highly discretionary, and conducted by state authorities. Slightly more favourable practices were identified in Belgium, Finland, Germany, and Sweden. In Germany, affidavits are accepted in very exceptional humanitarian circumstances for nationals of certain countries of origin on the so-called 'Cologne List.' In Belgium, a local Justice of the Peace can issue a replacement document if an applicant can prove that it is impossible to obtain their birth certificate from their country of origin. In Finland and Sweden, long-settled residents have special entitlements to verify their identity.

Language assessments are slightly more flexible with than for the other requirements for ordinary naturalisation in most countries studied. Applicants can use several legal means to prove their language knowledge (e.g. test, course, or diploma) in 12 countries, including Austria, Denmark, France, Germany, Netherlands, Norway, Portugal, and the UK. In most other countries, applicants only have one option—a specific language test for naturalisation. Additional proof is required in countries with very discretionary interviews in Cyprus, Malta, Romania, Slovakia, Spain, and Turkey. Flexibility on the language assessment is much greater in established countries of immigration in the EU-15 than the EU-12.

Around half the countries studied require an integration or civic knowledge assessment. In contrast to the language requirement, applicants can only use several legal means to prove their integration in Germany and the Netherlands (integration test or school diploma) as well as the UK (ESOL course with citizenship component).[8] Most countries either impose a single method of assessment (e.g.

[8] For more on the different means for proving integration in these countries, see van Oers, R. (2010) pgs. 51-105 and Strik et al. (2010) pgs. 77-108. Unfortunately the current UK government is making it much more difficult for applicants to document that they speak English, as part of the many new restrictions aimed to close down 'pathways to settlement' and clamp down on supposed fraud. As of October 2013, applicants for settlement or naturalisation cannot opt for the ESOL citizenship course route and must also provide an accepted English language qualification at B1 level in addition to passing the 'Life in the UK' Test, which, incidentally, was designed at a level to serve as proof of B1 level

Austria, Denmark, Estonia, Greece, Hungary, Latvia, and Luxembourg) or a subjective interview (e.g. Cyprus, Romania, Slovakia, Spain, Switzerland, and Turkey).[9]

Documentation of the criminal record in the country of residence is not a significant obstacle in around half the countries studied. The assessment of the criminal record requires documentation from applicants in these countries. In the other half, authorities obtain the information themselves from their own data sources (i.e. Belgium, Czech Republic, Denmark, Estonia, Finland, Germany, Ireland, Latvia, Netherlands, Norway, Poland, Sweden, Turkey, and UK). Instead, the obstacle may be documentation of the criminal record in the country of origin, which, as noted, exists in 16 countries.

Economic resources requirement generally require additional documentation from the applicant. Authorities either cannot or do not obtain this information from their own databases. Only Finland and Poland do not require additional documentation. In the other countries, authorities usually accept a wide list of possible documentation, such as job contracts, pay slips, bank statements, tax declarations, property records, scholarships, income support. A few countries require that applicants provide several years of documentation from employers or the state: Austria, Denmark, France, Iceland, Ireland, Italy, Romania, Slovakia, Slovenia, Spain, and Switzerland.[10]

Most countries with renunciation requirements force applicants to prove that they have renounced their foreign nationality, either before their application or after their initial approval. Applicants are not required to prove renunciation in Cyprus and Turkey (renunciation only asked at discretion of Council of Ministers) as well as Spain (signed oath). Poland (until 2012) and Croatia asked applicants to state that they are able to renounce their foreign citizenship, but only asked for proof of renunciation on a discretionary basis. Ordinary naturalisation procedures tend to make few clear legal exemptions for humanitarian or vulnerability reasons, mostly for renunciation requirements and, to some extent, for language and integration assessments. The legal exemptions are presented in the following table:

(Contd.)

comprehension of English. www.gov.uk/government/uploads/system/uploads/attachment_data/file/182545/statement-of-intent-koll.pdf

For more on the UK's ESOL course with citizenship component route, see Cooke, M. (2009) 'Barrier or Entitlement? The Language and Citizenship Agenda in the United Kingdom,' Language Assessment Quarterly, Vol. 6, 1, pgs. 71-77 as well as Han, C. et al. "The Politics of ESOL (English for speakers of other languages): implications for citizenship and social justice (2010), *International Journal of Lifelong Education*, Vol. 29, 1, pgs. 63-76.

9 For more on discretionary language and integration interviews, read the relevant CITIMP narrative reports.

10 For an example of complicated documentation on the economic resource requirement, see McFayden, C. (2011) "Living in Limbo: Migrants' experiences of applying for naturalisation in Ireland" Dublin, Immigrant Council of Ireland. www.immigrantcouncil.ie/images/stories/documents/Living_in_Limbo_-_full_document_pdf.pdf.

Figure 5. Exemptions to ordinary naturalisation requirements

Country	Language	Integration/ Civics	Economic resources	Criminal record	Renunciation
Austria	V	V (same)		H (discretion)	H,V
Belgium					
Bulgaria					
Croatia					H
Cyprus					
Czech Rep.	discretion				H,V, discretion
Denmark	discretion	discretion (same)			H,V
Estonia	V	V (same)			
Finland	H,V		H,V		
France	H,V	H,V (same)			
Germany	V	V (same)			H,V
Greece	V (discretion)				
Hungary	V	V (same)		H,V	
Iceland	discretion				
Ireland			H (discretion)		
Italy					
Latvia	V	V (same)			
Lithuania	V	V (same)			H
Luxembourg	V (discretion)			H	
Malta					
Macedonia				H	H,V
Montenegro	H		H (same)		H (same)
Netherlands	V	V (same)			H,V
Norway	V				H,V
Poland					
Portugal	V				
Romania					
Serbia					V
Slovakia					
Slovenia					H,V
Spain				H	
Sweden				discretion	
Switzerland	V				
Turkey					
UK	V	V (same)			

Grey = No requirement in ordinary naturalisation law; H = Exemptions on humanitarian grounds (e.g. refugees)

V = Exemptions on vulnerability grounds (e.g. cost/distance/impossibility for renunciation, age, illiteracy, disability)

Most renunciation requirements tend to come with several legal exemptions. The justification for these exemptions is that authorities cannot possibly or reasonably expect certain applicants to provide proof of renunciation from their country of origin. Of the 16 countries requiring proof of renunciation, 11 exempt refugees and/or stateless persons. Nine countries exempt applicants on vulnerability grounds,

usually when the loss of foreign nationality is automatic, impossible, or unreasonable in terms of costs or security. The list of grounds for exemption can be long and complicated, as in Austria, Germany, and The Netherlands.[11] Germany and the Netherlands include exemptions in cases of economic or proprietary disadvantage from loss of citizenship. Germany also spells out exemptions in cases of hardship for elderly persons. The only countries without clear legal exemptions from their renunciation requirements are Bulgaria, Estonia, Latvia, Poland (dual nationality since 2012) and Turkey (by discretion). Nevertheless, exemptions to renunciation requirements are currently up for parliamentary debate in Bulgaria, Estonia, and Latvia, as domestic pressure grows for greater tolerance of multiple nationality.[12]

Fewer legal exemptions are generally allowed from the language and integration assessment, mostly on one ground, such as age or disability.[13] Of the 29 countries with language assessments, 14 have legal exemptions on vulnerability grounds, mostly for minors, the elderly, or persons with severe mental or physical disabilities. Legal exemptions are only made on humanitarian grounds in France and Montenegro for refugees and stateless persons and in Finland for beneficiaries of international protection. Generally, the same legal exemptions apply for any integration or civic knowledge assessment. No legal right to exemption from the language or integration assessment exists in 15 countries, mostly Southeastern and Central European countries as well as Denmark, Iceland, Luxembourg, and Spain.

Hardly any legal exemptions are allowed from the economic resource requirements. Montenegro extends the exemptions for refugees and stateless persons to this requirement. Ireland applies a discretionary administrative waiver for refugees. Finland exempts not only refugees and stateless persons, but also persons who fall under social welfare benefits because the main objective of their requirement is to determine that a person's income does not come from illegal sources. Overall, it seems difficult for policymakers to reconcile the idea of legal exemptions for vulnerable groups with the stated objectives of language, integration, and economic resource requirements, which aim to act either as an incentive to promote integration or as a means of selection of the most integrated applicants.

5. Discretion: how much power do authorities have to interpret the legal requirements?

To a limited extent, citizenship policy indicators have taken into account discretion within the ordinary naturalisation procedure. The CITLAW combined indicator on ordinary naturalisation applies a weighting to account for whether naturalisation is a favour or an entitlement. The MIPEX 'Access to Nationality' indicators go further under the heading of 'Security of Status' with two indicators, one on the question of favour vs. entitlement and another on additional discretionary grounds for rejection. Neither the CITLAW nor MIPEX indicators capture authorities' discretion within the assessment of the various legal requirements. Since the CITLAW indicators intend to capture the strength of purpose behind the law, the CITLAW indicators on the legal requirements give a middle score to cases of discretion. The general legal requirement exists (e.g. language knowledge), but the legislation has

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[11] For more on evolutions in the dual nationality exceptions in Germany and the Netherlands, see Böcker, A. and Thränhardt, D. (2006) 'Multiple citizenship and naturalisation: An evaluation of German and Dutch policies, *Journal of International Migration and Integration*, Vol. 7, Issue 1, pgs. 71-94.

[12] See ongoing news items on the EUDO-Citizenship website about proposed exceptions to renunciation requirements in these countries.

[13] For an overview of exemptions for refugees from the ordinary naturalisation procedure, see EUDO-Citizenship's modes of acquisition database (A22 for refugees and A23 for stateless persons). For a brief overview on exemptions for persons with a disability, see Abbadessa, I. "No citizenship for immigrants with disabilities: What is the situation across Europe?" West-Info. February 19, 2013. www.west-info.eu/no-citizenship-for-immigrants-with-disabilities-what-is-the-situation-across-europe/. For more on these and other exemptions, please read the CITIMP in-depth narrative reports, which can be found on the EUDO-Citizenship page for each country.

given placed less importance to this criterion by leaving undefined the minimum level or proof required. Authorities may use their discretion against or in favour of the applicant. Since the MIPEX indicators argue that legal certainty contributes to immigrants' integration, the MIPEX indicators on 'Requirements for Acquisition' give the lowest score to cases of discretion, alongside the most restrictive legal requirements. Authorities have the power to adopt as restrictive a legal interpretation as desired. Naturalisation applicants do not know what level or proof is required and how authorities will use their discretion.

The nine CITIMP indicators adopt the two MIPEX indicators on the general discretionary nature and grounds of the ordinary naturalisation procedure and the MIPEX approach to discretion:

19) Discretionary powers in refusal
20) Discretionary grounds for refusal
21) Discretion in assessment of residence
22) Discretion in alternative procedure to prove identity
23) Assessment of language knowledge
- *a. Discretion in assessment*
- *b. Conductor of assessment*

24) Assessment of integration or civic knowledge
- *a. Discretion in assessment*
- *b. Conductor of assessment*

25) Discretion in assessment of economic resources
26) Discretion in assessment of criminal record
27) Discretion in exemption from renunciation requirement

These CITIMP indicators measure authorities' discretion within the procedure and the assessment of the various legal requirements. The first two indicators evaluate whether ordinary naturalisation is an inherently discretionary procedure. In the case of a legal entitlement to naturalisation, the law specifies that an applicant *becomes* a citizen if they meet the legal requirements. In the case of discretionary procedures, the law state that applicants who meet the legal requirements *can apply* for naturalisation. In this case, authorities have the discretion to reject applicants who meet all the legal requirements based on various discretionary grounds (e.g. threat to public policy, health, potential fraud).[14] The seven other indicators assess the degree of discretion in the assessment of the legal requirements. They examine the existence of binding legal guidelines on the interpretation of the law and on the documents used to make the decision. The same structure is used for six of the seven. The exception to this indicator structure is the alternative procedure to prove one's identity, which is generally a separate procedure from the naturalisation procedure. This indicator measures whether this identity procedure is rights-based and independent from government. Similarly, the indicators on integration/civic and language knowledge contain sub-indicators on the entities conducting these assessments. These sub-indicators measure whether the assessments are conducted by experts (e.g. in language or adult education) who are independent from government.

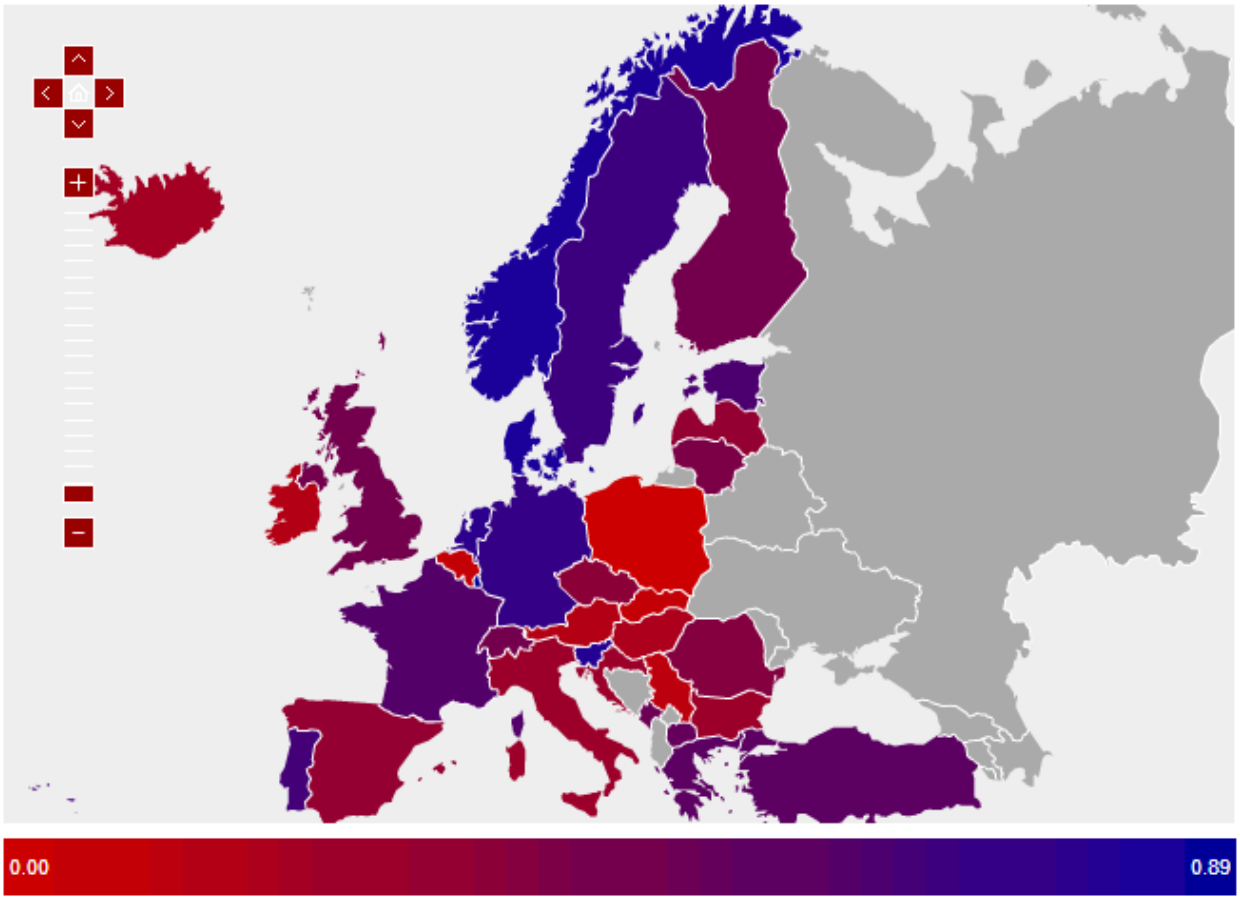
Note that these indicators measure how authorities *can* use their discretion; they cannot measure how authorities *actually* use their discretion, either against or in favour of applicants. Instead, these indicators locate where authorities have discretion, which may lead to lower or more variable naturalisation rates, due to differences in rejection or exemption rates. In discretionary procedures, authorities have even broader discretion at their disposal across the procedure. In rights-based procedures, authorities can only use their discretion on specific elements of the procedure (i.e. the language, integration, economic resources, criminal record, and/or renunciation requirement).

[14] For example, the discretionary naturalisation procedure in the Czech Republic often leads the Interior Ministry to require applicants to meet criteria not stipulated by law, such as sufficient integration into Czech society in terms of their social, family, and working life, the 'unity' of citizenship of the entire family, or the transparency of income. For more, see CITIMP narrative report on the Czech Republic. For more, see the Czech CITIMP report.

As of the publication of this report, no European or international standards exist on the use of discretion within naturalisation procedures. Indeed, the European Convention on Nationality's explanatory report states that 'facilitation' does not create an entitlement to naturalisation for facilitated groups: *'State parties still retain their discretion to decide whether to grant their nationality to such applicants.'* Instead, the discretion indicators follow the rights-based approach established in EU law for family reunion and long-term residence and recommended for naturalisation in Bauböck et al. 2007.

Based on all of these discretion indicators, the least discretionary naturalisation procedure would create an entitlement to naturalisation for all applicants who meet the clearly defined legal requirements. Each requirement would have one possible interpretation based on binding nationwide guidelines for deciding authorities. Purely subjective forms of assessment would be replaced by more objective forms (e.g. diplomas and knowledge tests). Each requirement would be assessed only on the basis of documents required. Applicants would have the right to be informed about the progress of their application and the outcome of their application.

Figure 6. Limits on discretion in the ordinary naturalisation procedure (strand average)



Key: The procedure and requirements are more rights-based and clear in bluer countries and more discretionary in redder countries.

Discretion appears to be a major problem within the ordinary naturalisation procedures in half of the European countries studied. Compared to promotion and documentation, the EU-27 average on discretion is only slightly higher (0.40). This relatively low average is due to the wide divergences between countries. Divergences are not only wide between the EU-12 countries (averaging 0.30) and the EU-15 countries (0.50), but also within these groups of countries. Procedures and requirements are

generally more discretionary in Central Europe (except Estonia, Macedonia, Montenegro, and Slovenia) and in Southern Europe (except Greece, Portugal, and Turkey).[15] Procedures are more rights-based and clear in Northwest Europe, except for Austria, Belgium (only for three-year-procedure), Ireland, and the UK. Procedures are generally less discretionary in recent citizenship reformers, such as Germany, Norway, Greece, Portugal, and Luxembourg.

Discretion averages		**EU-27**	**EU-15**	**EU-12**
19	Discretionary powers in refusal	0.20	0.35	0.05
20	Discretionary grounds for refusing status	0.14	0.15	0.10
21	Discretion in assessment of residence requirement	0.74	0.81	0.65
22	Discretion in alternative procedure to prove identity (structure)	0.24	0.32	0.00
23	Discretion in assessment of language knowledge (average)	0.49	0.66	0.30
24	Discretion in assessment of integration or country knowledge (average)	0.41	0.50	0.29
25	Discretion in assessment of economic requirement	0.42	0.31	0.50
26	Discretion in assessment of criminal record requirement	0.56	0.62	0.50
27	Discretion in exemption from renunciation requirement	0.57	0.67	0.50

So far, only twelve of the 35 countries studied have a conditional right to ordinary naturalisation:[16] Belgium (seven-year-procedure), Denmark, Finland, Germany, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden as well as Macedonia and Romania. This entitlement eliminates the possibility for the state to reject applicants who meet the legal requirements. For instance, Portugal in 2006 reversed the burden of proof underlying ordinary naturalisation through the creation of a conditional right. Before, anyone who met the legal requirements still had to prove his or her links with the Portuguese community. Under the 2006 law, anyone who meets the legal requirements proves their links to the Portuguese community. In cases of rejection, the burden of proof is upon the authorities to prove that the applicant lacks these effective links.[17] A few of these rights-based procedures still contain discretion-based requirements, such as the integration assessment in Spain. These countries also limit the state's additional discretionary grounds for rejection, often to proven cases of fraud and threat to public security. A rights-based procedure does not necessarily eliminate the possibility of discrimination in favour of applicants who do not meet all the legal requirements (e.g. Norway).

The existence of a rights-based ordinary naturalisation procedure is mostly due to recent liberalisations: Germany (1999), Belgium (2000), Sweden (2001), Finland (2003), Norway (2005), Portugal (2006), and Luxembourg (2008).[18] Since this research, Poland (2012) also established a rights-based 'acknowledgement' procedure (*uznanie za obywatela*) in order to create a new 'open vision of nationality' in preparation for the country's ratification of the 1997 European Convention on Nationality.[19] In contrast to these recent reformers, rights-based procedures already existed in

[15] For more on the norms behind state policies on the acquisition of nationality in Central Europe, see Bauböck, R. et al. (2007) *Citizenship* policies *in the new Europe*, Amsterdam University Press: Amsterdam, The Netherlands. For more details on the most discretionary ordinary naturalisation procedures, see the CITIMP narrative reports for countries such as Austria, Belgium, Cyprus, Hungary, Ireland, Poland, Serbia, and the Slovak Republic.

[16] For more on the distinction between discretionary vs. entitlement-based naturalisation, see Loegaard, S. (2012) 'Naturalisation, Desert, and the Symbolic Meaning of Citizenship' In: Beckman, L. et al. eds. (2012) *Territories of Citizenship*, Palgrave, Basingstoke, UK.

[17] For more on the logic behind the Portuguese 2006 reform of the Nationality Law, see Healy, C (2011).

[18] The process and debates behind recent citizenship reforms have been traced by Howard, M. (2011) *The Politics of Citizenship in Europe*, Cambridge University Press, Cambridge, UK.

[19] For more on the new Polish Law on Citizenship, see the EUDO-Citizenship country report on Poland, http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=2013-26-Poland.pdf.

Romania, with some discretion within the Commission for Citizenship, and in Macedonia, due to its 2004 law based on ratification of the European Convention on Nationality. An entitlement is simply part of the legal tradition on naturalisation in Spain, where authorities must base any rejection on the legal requirements in view of the general public interest.

The mix of entitlement and discretion is most striking in Denmark, where the naturalisation procedure is at the same time an entitlement and a favour. The Ministry of Justice must place within the naturalisation bill all applicants who meet the requirements specified in the naturalisation circular based on parliamentary-approved guidelines. The bill is then submitted to the Parliament's Naturalisation Committee, which has full discretionary power to make the final decision. The Committee can decide on dispensations and possible threats to Danish security without any legal reasoning or appeal options.[20]

In contrast to this handful of countries, ordinary naturalisation remains a favour of the state in most corners of Europe. The majority of countries have discretionary procedures with several discretionary grounds for rejection. The Justice Minister in Ireland retains 'absolute discretion' over ordinary naturalisation, as do many of the executive- or parliamentary-led naturalisation procedures, which are mostly in Central Europe. Serbia has one of the most discretionary and surprising naturalisation procedures. The only formal requirements are legal capacity, uninterrupted residence for three years, renunciation of foreign nationality, and a written statement of loyalty. Essentially, the legal requirements are not important within an entirely discretionary procedure. The legal requirements are no guarantee for applicants, who can be rejected by the state for any 'reason of interest' for Serbia.

Beyond the discretionary nature of the procedure, discretion also exists within the assessment of specific legal requirements. Most countries tend to have more clear and objective requirements on residence and, to a lesser extent, on the criminal record, and on exemptions to renounce foreign citizenship. In the best of cases, legally-binding guidelines instruct deciding authorities about how to interpret the requirement and what documents to take into account. Both aspects are covered for residence requirements in a majority of countries, mostly in Western and Southern Europe. The only highly discretionary residence requirements appear in Belgium (three-year-procedure), Poland, and Slovakia. Binding guidelines on the legal interpretation of the requirements are missing in several other countries, including Austria, Cyprus, Hungary, and Ireland. Criminal record and 'good character' requirements are slightly more discretionary across Europe, particularly in Southern and Central Europe. Highly discretionary requirements appear in ten countries, such as Austria, Cyprus, Ireland, Malta, and the United Kingdom.[21] Binding guidelines on both the documentation and legal interpretation exist in only 13 countries, such as the Czech Republic, Estonia, France, Luxembourg, Netherlands, and Portugal. Among these, the Nordic countries have clear criminal record requirements due to the use of 'waiting periods.'[22] The length of a waiting period is calculated based on the severity of the crime and sentence. Counting begins from the date of the crime or, in cases of lengthy sentencing, from the date of release. This period allows authorities to consider an individual applicant's present conduct. Among the countries with renunciation requirements, the exemptions are usually clearly prescribed in law and implemented with binding interpretative guidelines. These exemptions are the least discretionary in Denmark, Netherlands, Norway, and Slovenia and most discretionary in Bulgaria, Cyprus, Macedonia, and Turkey. These limits on discretion in the residence,

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[20] For more on the Danish parliamentary procedure, see the EUDO-Citizenship country profile and CITIMP report.

[21] For more on highly discretionary criminal record and good character requirements, see the CITIMP reports for Austria, Ireland, and the United Kingdom. See also *Ius Immaculationis oder die Rückkehr des Banalen. Versagung der Staatsbürgerschaft wegen strafrechtlicher Vergangenheit, Gefährdungsprognosen und Verdachtsmomenten* in Böllinger et al Hg. (2012), Einheitliches Recht für die Vielfalt der Kulturen? Strafrecht und Kriminologie in Zeiten transkultureller Gesellschaften und transnationalen Rechts, LIT-Verlag, Berlin, Germany, pgs. 331-353.

[22] For more information on the calculation of waiting periods, see the detailed explanation in English on the website of the Swedish Migration Board, www.migrationsverket.se/info/500_en.html.

criminal record, and renunciation requirements should improve the clarity and consistency of the interpretation of these requirements.

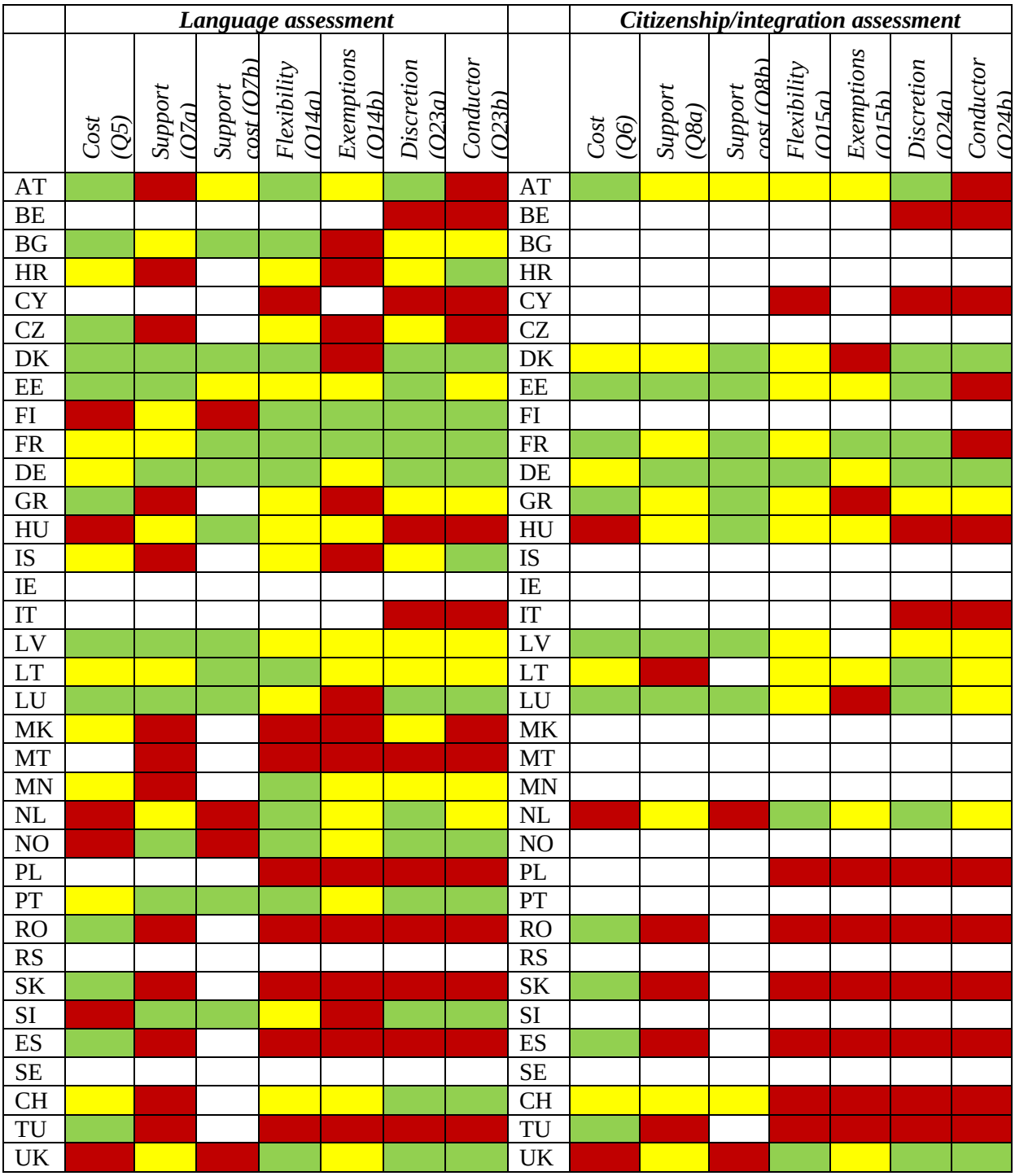
Economic resource requirements are one of most discretionary naturalisation requirements in Europe.[23] Binding guidelines on the documentation and legal interpretation exist in only Denmark, Estonia, Greece, and half-a-dozen Southeastern European countries. At least most countries with this requirement specify the list of documents accepted for the assessment, which is usually rather exhaustive. More importantly, few countries have clear binding guidelines on how authorities should calculate the level required for naturalisation. Without publically-available binding guidelines, this assessment is very discretionary in nearly a dozen countries, such as Austria, Cyprus, Czech Republic, Finland, and Ireland. This widespread discretion may be due to the very nature of the vague wording of economic resource requirements in most national laws (e.g. self-sufficiency, 'sufficient' or 'basic' income, no recourse to public social assistance). Without a clear benchmark for this legal requirement, authorities have wide room for maneuvre and unequal treatment in the interpretation of an economic resource requirement.

The language and integration assessments are also often the most discretionary requirements in the ordinary naturalisation procedure. All of the CITIMP indicators on language and integration assessments are presented in a table below. Some type of language assessment is required in nearly all countries, except Ireland, Serbia, and Sweden. An integration or civic knowledge assessment exists in a smaller number of countries (around half of those studied). This analysis looked all the CITIMP indicators related to language and integration assessments: six promotion indicators, four documentation indicators, and four discretion indicators. This analysis shows that the ways that language and integration assessments are implemented are related across countries. Strong statistical correlations emerge across nearly all the implementation indicators for language and integration assessment. Overall, the more a country facilitates its language assessment, the more it tends to facilitate the integration assessment. Strong correlations emerge between the support, flexibility of the documentation, discretion, and the conductor of the assessment. In other words, for both the language and integration assessment, countries tend to provide similar support, similar flexibility, similar discretion, and similar professionals.

Across countries, language assessments tend to create slightly fewer procedural obstacles than integration assessments. 12 out of the 32 countries come out with slightly favourable scores across all the implementation indicators on the language assessment: Northwest European countries (except Belgium and UK), Bulgaria, the Baltics, Portugal, and Slovenia. Of these, fewer (six) obtained favourable or slightly favourable across the board on both the language and integration assessment: Germany, France, Denmark, Luxembourg, Estonia, and Latvia. Fewer procedural obstacles tend to appear on language than integration assessments because countries tend to offer more ways for applicants to prove their language knowledge and more support to learn the language than to pass the integration assessment. Whereas applicants can often use professional language courses and various certificates to prove their language knowledge, they often can only use study guides and one state-approved test or interview to prove their integration or civic knowledge.

[23] For more on the implications of economic resource requirements, see 'Ius Pecuniae – Staatsbürgerschaft zwischen ausreichendem Lebensunterhalt, Mindestsicherung und Menschenwürde'in Dahlvik et al, eds. (2012), Migration und Integration – wissenschaftliche Perspektiven aus Österreich. Jahrbuch 1/2011, v&r unipress, Vienna, Austria, pgs. 55-74.

Figure 7. All CITIMP indicators on language and integration assessments for ordinary naturalisation



Green = High score (1); Yellow = Medium score (0.5); Red = Low Score (0). Blank = Not applicable. For the answer options corresponding to each question, see CITIMP questionnaire.

The main difference in the type of language/integration assessments is between 'tests' vs. 'interviews.' The CITIMP indicators show that language or integration interviews are often discretionary assessments by state authorities themselves, without professionals, support, or clear requirements and documentation. Interview-based assessments mostly occur in Central and Southern Europe. These discretionary interviews are also used in countries where authorities make language and integration

assessments in the absence of a clear legal requirement (i.e. Belgium, Cyprus, Italy, and Poland). For example, no guidelines restrict the discretion of Slovakia's District Authority committees or Spain's local Civil Registry judges, who assess applicants' knowledge of the language, culture, history and social and political life. The language requirement in Belgium was abolished in the 2000 reform but maintained in the Chamber of Representatives' 'general guidelines.' The Committee could reject an applicant assessed by the police as lacking 'sufficient knowledge' of one of the three official languages or, alternatively, delay the decision for two years if the applicant indicated a willingness to learn the language. In Italy, knowledge of Italian and civic integration are assessed during an interview by the police (*Questura*) and used as grounds for rejection by the Ministry of Interior, even though neither are mentioned in the law, application forms, or informational materials for applicants. The same extra-legal interview and grounds for rejection are used in Cyprus. In contrast, in Poland under the previous law, applicants had to provide information on their language knowledge and integration as part of the application form, but without any indication of the criteria against which they would be judged.

In comparison, tests or more flexible requirements (e.g. certificates from courses or school system) are often less discretionary and more transparent, organised, and professional, according to the results on the CITIMP indicators. Tests in Estonia, Germany, Latvia, Luxembourg, Norway, and until recently, the UK better support applicant to succeed with free courses and publically available test questions as well as more objective and professional assessment means. For example, the German citizenship test, adopted in 2008, aimed to standardise and harmonise the naturalisation requirements, which were leading to unequal treatment and accusations of discrimination in certain lander (for more, see Hanschmann 2008). Harmonisation of the divergent integration requirements across the country was also a stated goal behind the creation of the Austrian citizenship test after the 2005/06 law decreased the margin of discretion by authorities and the degree of variation in naturalisation rates between the federal states. In France, assimilation was evaluated between 1927 and 2011 by a 5-to-20 minute non-transparent interview with a civil servant. Since 2012, applicants present a language diploma from an accredited educational institution at the same B1 level, which is supposed to match the language course offer through the French Integration and Welcoming Contract. The civic knowledge content of the assimilation interview was temporarily replaced with a multiple-choice questionnaire, but the current content of the interview is undecided. Similarly, in the Czech Republic, knowledge of the language has traditionally been checked by municipal authorities through a non-standardised 30 minute oral interview. The new Czech law will standardise the level and professionalise the test. The current Spanish government is using the same argument to propose a common test to replace the discretionary language and integration interviews that diverge across the country.[24]

These implementation indicator results cast language and integration assessments in a new light as either potential obstacles or facilitators of the naturalisation procedure. Tests are the latest form of legal requirements on language and integration, which have been (re)introduced in several European countries, such as Austria, Belgium, the Netherlands, and the UK. Many legal scholars have criticised tests from a normative or consequentialist perspective (Carrera 2009, van Oers 2010, for the debate see Bauböck and Joppke 2010). This analysis of the different types of assessments suggests that tests often create fewer procedural obstacles than other forms of assessment. Historically, vague and discretionary interviews were the traditional method for vague integration and assimilation requirements. These interviews were replaced by tests in many of Europe's established countries of immigration as part of recent citizenship reforms (e.g. Belgium, France, Germany, and Luxembourg). These tests may be a practical improvement in the procedure by providing greater clarity, support, and exemptions. Indeed, the use of more flexible and 'objective' tests is easier to reconcile with the conditional right to naturalisation based on the law.

[24] For more, see "Spain: government introduces language and integration tests," EUDO-Citizenship News, 31 March 2013. http://eudo-citizenship.eu/news/citizenship-news/832-spain-government-bill-introduces-language-and-integration-tests

This project's legal and implementation indicators contribute to the ongoing debate on language and integration assessments. While the creation of a language or integration requirement certainly constitutes a new legal obstacle to naturalisation, the way they are implemented may or may not set the requirements for applicants to succeed. These results are not to say that tests are always easier than interviews. They do not measure the level of difficulty for specific applicants. Analysis of these indicators should be complemented with national implementation statistics. The best measures are the pass or rejection rate for the assessment and the application rate. The former captures the actual difficulty for applicants, while the latter may indicate the dissuasive effect of tests due to the perceived difficulty of the assessment among eligible immigrants. Nevertheless, the type of assessment must be taken into account in any evaluation of language and civic/integration requirements.

6. Bureaucracy: how easy is it for authorities to come to a decision?

No previous set of citizenship policy indicators has examined the bureaucracy or decision-making structure. The only related MIPEX indicator, the maximum legal time limit for the procedure, was incorporated into this research. The eight CITIMP bureaucracy indicators therefore represent a major innovation in measuring the level of bureaucracy within the ordinary naturalisation procedure:

28) Power of authority to confirm, check, and decide on application
29) Number of times that documentation is checked in procedure
30) Existence of inter-agency systems for document-checking
31) Number of deciding authorities for naturalisation
32) Type of deciding authority
33) Expertise of deciding authority
34) Maximum legal time limit for procedure
35) Scope and sanctions for time limits

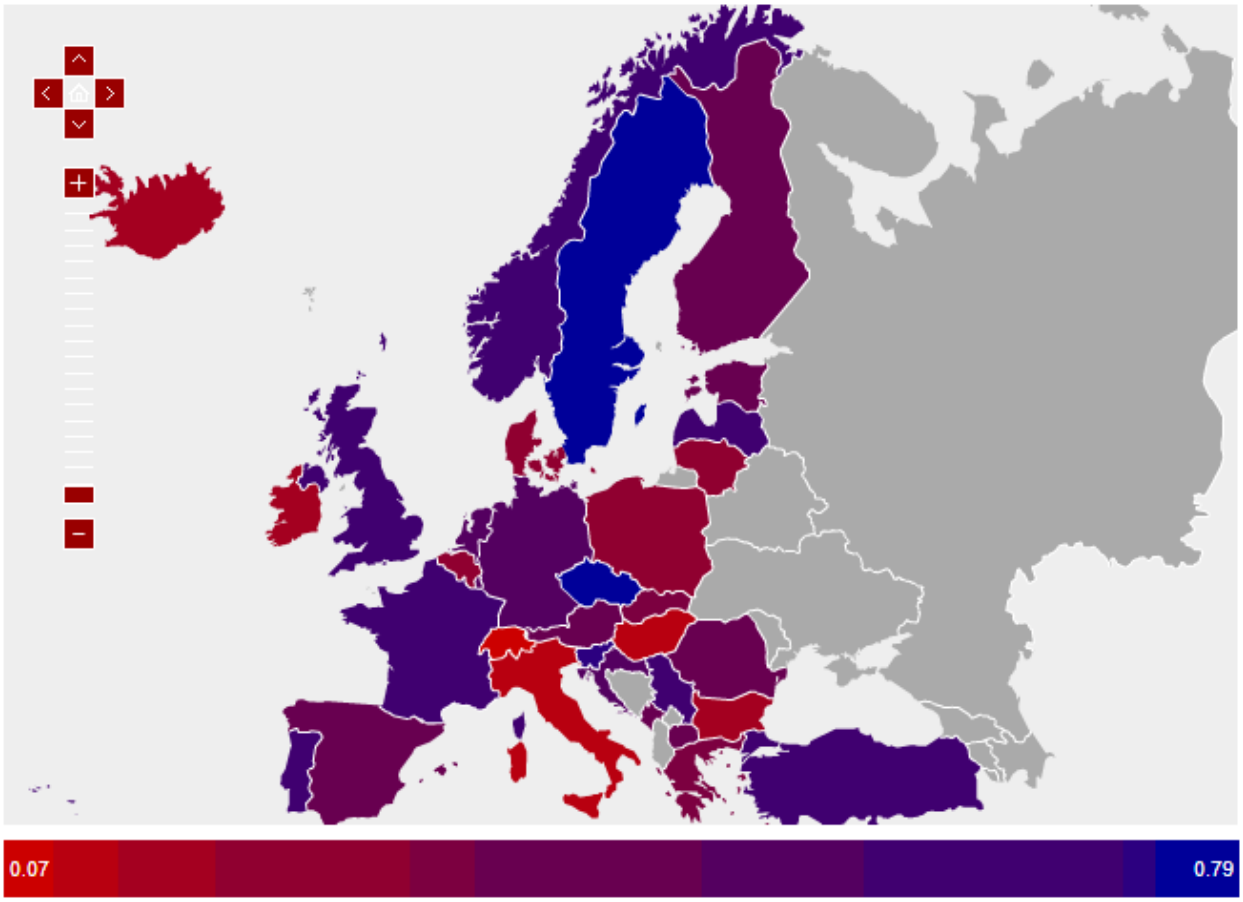
As of the publication of this report, no European or international standards exist on decision-making for ordinary naturalisation. Article 10 of the European Convention on Nationality says only that applications shall be 'processed within a reasonable time.' The bureaucracy indicators were therefore designed based on principles of good governance within public administration. Good governance indicators address the manner in which policymakers exercise their authority to shape the law and provide goods and services to the public served (World Bank 2008, Kaufman and Kraay 2008). They cover issues such as level of professionalism, the rule of law, accountability, transparency, responsiveness, efficiency, and effectiveness. Elements of good governance have been incorporated into international and European legal standards on the residence rights of foreigners. For example, the EU directives on family reunification 2003/86/EC and long-term residence 2003/109/EC require legal time limits, the specification of the documentation required, and the provision of information to applicants.

Based on these good governance principles, the least bureaucratic naturalisation procedures would have one specialised and highly-trained unit that receives applications, checks the documentation, accesses the related data, and makes the final decision. The deciding authority would be a specialised unit at national level. For decentralised procedures, deciding authorities at regional or local level must follow national guidelines and national-level authorities must check each decision. An inter-agency system would facilitate information exchange for the authorities who check and decide on the application. Maximum legal time limits and accompanying sanctions would exist at each step, including for identity checks and security checks. A decision must be provided within six to twelve months. Possibilities to extend this period would be limited in time and frequency. Non-respect of the time limit would lead to automatic sanctions or actions such as tacit approval of the application.

These bureaucracy indicators do not measure the actual administrative capacity of the bureaucracy in terms of the size of the staff or the budget. The different decision-making structures and competences in countries make it difficult to quantify these amounts or match them with the number

of applications. Both figures would be necessary to estimate processing efficiency. Administrative capacity can have a significant impact on backlogs and, by extension, naturalisation rates, as demonstrated by the CITIMP reports from Greece, Ireland, Italy, and Spain.[25] The Greek CITIMP expert attributes much of the failed implementation of the 2010 Nationality Reform to government budget austerity. Attitudes may also matter. Returning to the Greek example, the 2010 reform faced major opposition within the administration due to administrative rigidity and uncertainty about the law's future created by changing government coalitions and a constitutional challenge before the Council of State.

Figure 8. Level of bureaucracy within the ordinary naturalisation procedure (strand average)



Key: The procedure is least bureaucratic in bluer countries and most bureaucratic in redder countries.

Across Europe, no clear pattern emerges on the level of bureaucracy within the ordinary naturalisation procedure. Countries' scores were generally lower and clustered around the average for the EU-27 (0.49), with little differences between the EU-12 (0.46) and the EU-15 (0.50). No clear regional patterns emerge. Procedures are 'slightly favourable' (≥0.6) for reducing bureaucracy in a diverse group of countries: Sweden, Czech Republic, Slovenia, France, Latvia, Norway, Portugal, Serbia, Turkey, and the UK. The level of bureaucracy was unfavourable (≤0.2) or slightly unfavourable (≤0.4) in Bulgaria, Belgium, Cyprus, Denmark, Hungary, Iceland, Ireland, Italy, Lithuania, Poland, and Switzerland.

[25] For example, the UK Home Office statistics directorate attributed the rise in naturalisations between 2008 and 2009 to an increase in staff allocation at the responsible national authority: www.gov.uk/government/uploads/system/uploads/attachment_data/file/116022/hosb0910.pdf

Bureaucracy averages		**EU-27**	**EU-15**	**EU-12**
28	Authority that checks documentation	0.62	0.58	0.65
29	How often authorities check documentation	0.64	0.65	0.60
30	Inter-agency systems for document-checking	0.32	0.23	0.35
31	Deciding authority on naturalisation	0.80	0.73	0.85
32	Type of main deciding authority	0.30	0.31	0.30
33	Expertise of main deciding authority	0.52	0.73	0.35
34	Maximum length for procedure	0.32	0.31	0.35
35	Respect of time limits	0.20	0.15	0.25

The major pattern across naturalisation bureaucracies is that a correct, consistent, and quick decision is harder to make when the decision-making authority is a political appointment (legislature, executive, minister). Legislatures decide on ordinary naturalisation applications in Denmark, Iceland, some Swiss cantons. The executive or a political appointment is technically responsible for ordinary naturalisation decisions in several new countries of immigration. Specifically, the final decision lays with the government minister in Cyprus, Greece, Ireland and Malta, the Government in Estonia, and the President in Bulgaria, Hungary, Italy, Lithuania, and, until 2012, Poland. Procedures headed by executives or legislatures tend to involve more authorities, less expertise on citizenship, and dispersed responsibilities for receiving, checking, and deciding on the application.[26] In other words, the authority that receives and checks the application is not the one that decides on it. The decision is made by one or more authorities, often with a general competence and without expertise on citizenship.

Looking to the future, executives and parliaments may – or may not – jealously hold onto their privileges over ordinary naturalisation. The Polish President brought a (failed) challenge to the Constitutional Court against the 2009 Act on Polish Citizenship transferring his competence for 'ordinary' naturalisation to the regions. Whereas the Belgian Naturalisation Committee gladly voted itself out of business with the 2012 Nationality Reform that eliminated the parliament's role in 'ordinary' naturalisation. The inefficient, secretive, and politically motivated decision-making process within the Naturalisation Committee has been denounced by many politicians, first and foremost the Committee's own members. The constitutional roles of both the Polish President and Belgian Naturalisation Committee have now been reduced to 'exceptional' naturalisations. Bureaucratic reform may largely depend on the current constellation of bureaucratic and political interests.

Overall, the ordinary naturalisation procedure is usually less bureaucratic when the deciding authority is an independent judicial body (e.g. Public Prosecutor's Office in Belgium or Citizenship judges in Canada) or civil servants (all other countries). According to the CITIMP indicators, one highly specialised citizenship unit is charge of the entire procedure in the Czech Republic, several German länder, Sweden, Turkey, the UK, and, to some extent, France (prefectures), Luxembourg, and Slovenia. In comparison, the countries with the least specialised or regulated decision-making procedures are Bulgaria, Hungary, Iceland, Ireland, Italy, and Switzerland.

Decisions on naturalisation are taken at the national level in almost all countries. Since naturalisation determines who is and is not a national citizen, national authorities have an innate interest in naturalisation decisions and the equal treatment and interpretation of the law across the territory. In Europe, the only countries with decentralised naturalisation procedures are Austria, France, Germany, and Switzerland. Among these, only Switzerland has different legal requirements for naturalisation between regions and cantons notwithstanding repeated attempts to set federal

[26] The slight exception to this pattern of bureaucratic executive-led decision-making is Luxembourg, where the Justice Minister takes the final decision at the end of a centralised, specialised, and time-limited procedure through the *Service de l'Indigenat* (Office in charge of Luxembourg Nationality).

standards.[27] In Germany, the Länder and federal level have internally binding agreements on the implementation of the Nationality Law and structural cooperation mechanisms to discuss current problems in the naturalisation procedure (Bultmann 2002). The federal level has tried to get the Länder to agree to a preliminary implementation guide for the Nationality Act (*vorläufige Anwendungshinweise*). This guide is a legally non-binding standard for a more uniform and appropriate implementation in the 16 Länder. In response, most Länder have created their own guides building extensively on the national guide, while Schleswig-Holstein, Hamburg, Niedersachsen and Hessen use a common '4-Länder-paper.' A similar division of competence and set of cooperation mechanisms exist in Austria. The recent change was in France in 2010, when the process of *déconcentration* gave prefectures the power to reject applicants without prior approval from the Interior Ministry. While the stated aim was to improve services and shorten waiting times for decisions, the reform has led to greater political discretion and unequal treatment. In 2011 and 2012, many prefectures used their discretion to restrict naturalisation on orders from the previous Interior Minister through internal emails and unsigned letters. The combined drop in naturalisations and rise in negative decisions was unprecedented in France.[28]

The CITIMP results indicate that most ordinary naturalisation procedures involve some level of bureaucracy. In the majority of countries, the authority that receives the application usually checks whether the documentation is complete. But in a few others (Cyprus, Finland, Hungary, Ireland, and Italy), one authority receive the application, another authority checks the documentation, and still another makes the final decision. For example, in Italy, the Prefect checks with the Police office (*Questura*), sends the application to the Interior Ministry, at which point the application is cross-checked by the Foreign Affairs Ministry and Justice Ministry, assessed by the Council of State, decided upon first by the Interior Ministry and then, based on this recommendation, by the President of the Republic.[29] Even if the same authority receives and checks the application, the final decision on the application may be up to a different authority. This is the case when the final decision-maker is the minister, legislature, or executive. This extra level of bureaucracy can also arise when the final decision-maker is a civil servant. For example, in Italy, the Netherlands, Norway, Spain, and Belgium (since 2013), local authorities have the power to check the application before sending it to the deciding authority. The inclusion of local and regional authorities may delay or derail the process. For instance, the decentralisation of application-checking in Greece under the 2010 Law required 13 citizenship committees and directorates at regional level, a level of governance in Greece with limited resources and very limited experience with migration and citizenship law.

Checking the documentation often requires potentially time-consuming requests for data or advice from other authorities. Most ordinary naturalisation procedures require information or advice from one (five of the countries studied) or more other authorities (23). In contrast, authorities have direct access to the information they need in Estonia, Finland, Norway, Slovenia, and Sweden—countries with some of the least discretionary and bureaucratic naturalisation procedure—as well as in Malta and Serbia—two countries with highly discretionary procedures. In most countries, the requirements are assessed during the procedure, either once (17 countries) or twice (12). Only Austria, Denmark, Lithuania, Netherlands, and Slovenia require that authorities also check compliance with the requirements *after* the applicant is informed of the positive decision but before their official

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[27] Wichmann, N. (2013) "Reforming the Swiss Citizenship Act – Mission Impossible, SFM Discussion Paper 29 http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=policy%20brief_Switzerland_Nicole%20Wichmann.pdf

[28] See Huddleston, T. (2013) Paving the way for integration: The pathways to citizenship in France and the United States, Migrant Integration Policy Index, Migration Policy Group, Brussels, Belgium. www.france-terre-asile.org/images/stories/publications/mipex-france-usa-2013.pdf

[29] For more on highly bureaucratic procedures, please read the CITIMP reports for Belgium, Cyprus, Ireland, and Italy. For example, the description of the naturalisation procedure in Cyprus is purely speculative because the Ministry of Interior provides no legally established process and even no publically available information.

naturalisation. This second check is required to guarantee an effective renunciation requirement for applicants who had not already renounced their foreign citizenship. This second check is not simply limited to the renunciation requirement in Slovenia (second criminal record check) and Austria (check of all criteria), a situation which can lead to the statelessness of the applicant. A 2011 Austrian Constitutional Court decision led to the removal of the economic resource requirement from this second check since an applicant's economic situation could change through no fault of their own.[30]

A legal time limit for processing ordinary naturalisation exists in only 15 European countries. No clear pattern emerges across Europe. Time limits exist in most citizenship reformers and Western European countries (except Germany, Ireland, Spain, Switzerland, UK), several Central and Southeastern European countries, and no Nordic countries. Most recently, Greece's 2010 Nationality reform instituted legal times to 'stop unacceptable sources of continuous and systematic maladministration.' In a few countries without legal time limits, voluntary targets are set within the administration in a few others (e.g. Nordic countries). In response to mounting external pressure, the Irish Justice Minister recently adopted new measures to process all new standard i.e. non-complex cases within six months and significantly increased the number of decisions in 2012. Similarly in Spain, huge backlogs in excess of two years (and 400,000 unresolved cases by 2012) caused the Justice Minister as of June 2012 to increase budget for processing and sign agreements with more than 1,000 commercial and property registrars.[31]

Where they exist, legal time limits are usually too long and ineffectual. The required time-limit is six months or less in only five countries: Austria, Croatia, Czech Republic, Portugal, and Slovenia. Regardless of the length, most time limits are not backed up with measures or sanctions that would make them effective. Few countries have set internal time limits for potentially time-consuming steps in the procedure, such as the identity check (Hungary, Latvia, and Portugal) or the security check (Belgium, Hungary, Greece, Latvia, and Slovenia). Only France, Hungary, Latvia and the Netherlands specify that any extension of the time limit must be shorter than the initial time limit. Across Europe, there are no automatic effective sanctions or actions if authorities do not respect the legal time limit. The only option for applicants awaiting an overdue decision is to initiate a separate administrative procedure under general administrative law for non-respect of the legal time limit (e.g. Austria, Latvia, Montenegro, and Slovenia). Still the courts may be likely to defer to the administration in cases of delays in naturalisation cases, as has generally held in Ireland.

Horror stories about long delays in naturalisation abound across Europe. Despite the existence of an 18-month legal time limit in Bulgaria, the Ministry of Justice has refused to take a decision in several cases, which, in other procedures, would be treated as a tacit rejection subject to appeal. In Belgium, the (mal)functioning of the Naturalisation Committee created a backlog of 50.000 applications and delays of 18 months to three years. When the application is finally examined, the documentation could have passed their validity date and cause additional delays. Greek authorities are still dealing with the backlog of pre-2010-law applicants, where approximately 8,000 cases submitted over the past ten years are still pending. In Italy, simplification measures have failed to speed up the exceedingly bureaucratic procedure, which regularly exceeds the lengthy legal time limit of two years and currently averages around five years. In Cyprus, the Ombudsman has estimated the average time length of naturalisation procedures as six-to-seven years. Because of this excessive delay, applicants are granted an interim insecure residence status, such as visitors' permits without the right to work. This insecure status can eventually lead to the rejection of their application, since their long-term unemployment can be interpreted as an indicator of a lack of 'integration' into Cypriot society.

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30 For more, see Bauböck, R. "Austrian Parliament adopts citizenship law reform," EUDO-Citizenship News, 06 July 2013. http://eudo-citizenship.eu/news/citizenship-news/922-austrian-parliament-adopts-citizenship-law-reform

31 See Pérez, A.M. "Spain: Ministry of Justice adopts exceptional measures to accelerate naturalisation procedures," EUDO-Citizenship News, 15 July 2013 http://eudo-citizenship.eu/news/citizenship-news/924-spain-ministry-of-justice-adopts-exceptional-measures-to-accelerate-naturalisation-procedures

Without effective enforcement measures, authorities across Europe regularly exceed the legal time limit, create backlogs, and create delays and uncertainty for applicants.

7. Review: how strong is judicial oversight of the procedure?

Judicial review was first measured in MIPEX as part of the indicators on 'Security of Status.' One indicator measures whether naturalisation applicants have the right to a reasoned written decision, the right to an independent review, and the right to representation. CITIMP builds on this primary indicator and examines in greater detail the strength of this right to legal remedy for the naturalisation procedure and for any language or integration assessment:

36) Existence of legal guarantee and remedy in case of rejection
37) Right to legal remedy
- *a. Type of remedy*
- *b. Scope of remedy*
- *c. Time limit for applicant to launch appeal after notification*

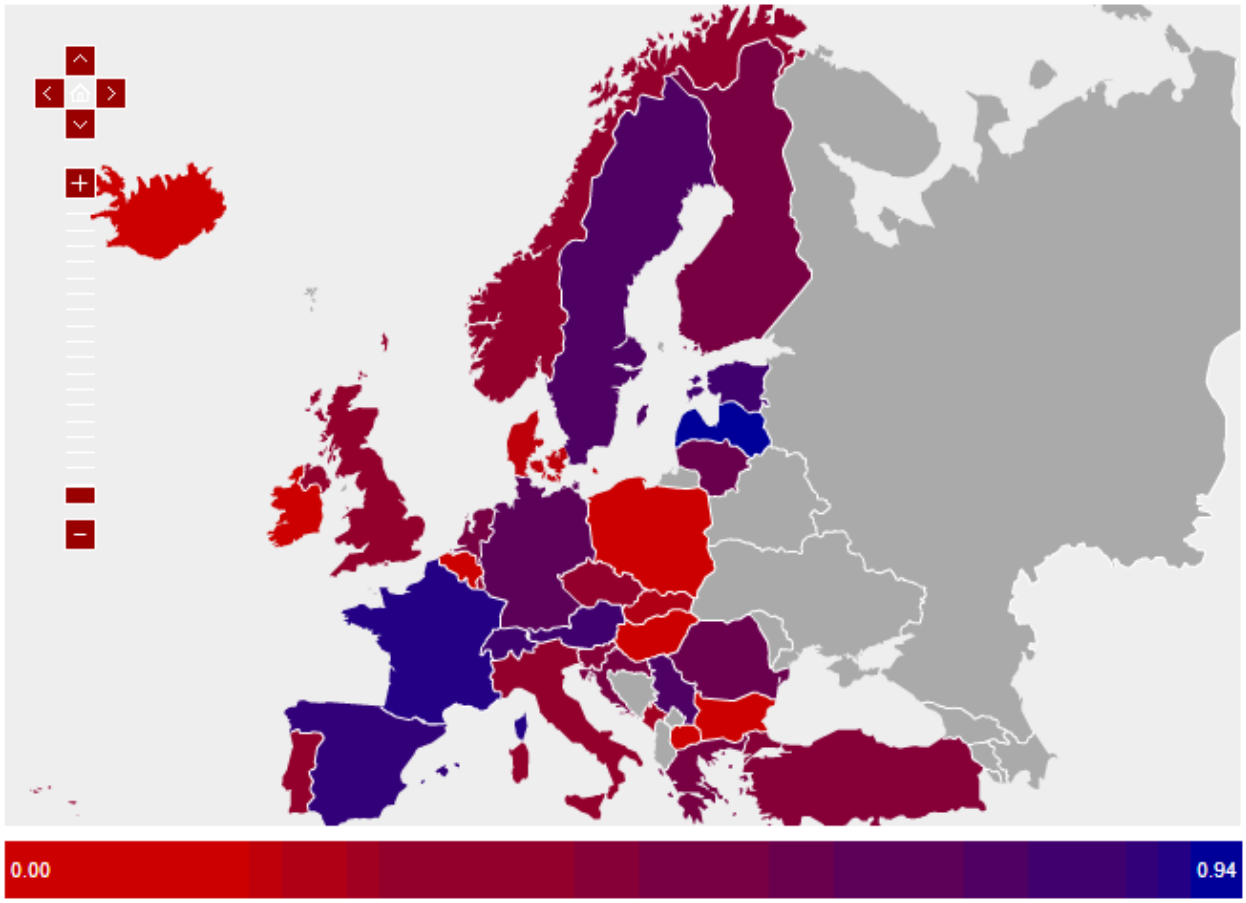
38) Legal remedy to challenge the results of any integration and/or language assessment
- *a. Existence of legal guarantee and remedy in case of rejection*
- *b. Type of remedy*
- *c. Scope of remedy*

The norms of judicial review are increasingly applied to national and European immigration law, including nationality law. Articles 11 and 12 of the European Convention on Nationality guarantee the right to a reasoned written decision and the right to review of all naturalisation decisions, including decisions by parliamentary or executive act. In terms of details, Article 13, paragraph 2, simply states that fees for administrative or judicial review should not be obstacles for applicants, grounded in Article 6 of the ECHR on the right to a fair trial. Beyond this issue of legal aid, the Convention's explanatory report states that the procedural aspects of the administrative or judicial review are left to the internal law of each State Party. These judicial review indicators build from these standards based on the range of national practices. The research design was informed by a review of the EUDO-Citizenship content about the scope, powers, and obstacles within judicial review for ordinary naturalisation.

Based on all of the judicial review indicators, ordinary naturalisation procedures with strong judicial oversight would grant rejected applicants the right to a reasoned decision and appeal of both the procedure and the results of any language or integration assessment. Any negative decision would have a written justification. Rejected applicants would have the right to appeal within a reasonable delay (greater than one month) to an independent ombudsman or judicial authority, up to the highest instance. Applicants would be able to challenge a decision as well as a specific aspect of the procedure, including the results of a language or integration test. Courts would have the capacity to overturn the decision and grant nationality themselves, instead of simply referring the case back to authorities.

In addition to these indicators, the project collected information on whether ethnic, racial, religious, or nationality discrimination is explicitly prohibited in the ordinary naturalisation procedure under national law and within the mandate of Ombudsman/Equality body. All EU Member States, as signatories to the International Convention for the Elimination of all Forms of Racism (1965), agree in Article 1, paragraph 3, that their citizenship laws will not discriminate against any particular nationality. Article 5, paragraph 1 of the European Convention on Nationality also prohibits any distinctions or any practice amounting to discrimination on the grounds of sex, religion, race, colour or national or ethnic origin. Discrimination is one overlooked aspect in research on the ordinary naturalisation procedure.

Figure 9. Strength of judicial review of the ordinary naturalisation procedure (strand average)



Key: Judicial review is stronger in bluer countries and weaker or absent in redder countries.

Most ordinary naturalisation procedures across Europe include the basic right to a reasoned decision and the right of appeal before national courts. The EU-27 average of these CITIMP indicators leads to relatively higher scores on judicial review (scoring 0.46), because most countries have the right to a reasoned decision and review for the naturalisation procedure, but, to a lesser extent, for the language and integration assessment. The one clear pattern that emerges across Europe is stronger judicial review in EU-15 countries (0.54) than EU-12 countries (0.37), with a few exceptions, notably the Baltic countries. No other clear patterns emerge within regions. Judicial review is unfavourable in eight countries[32] (≤0.2), and fully favourable (≥0.8) in just Latvia, France, and Spain, with relatively high scores in Estonia, Germany, Lithuania, Macedonia, Romania, Serbia, Sweden, and Switzerland.

Review averages		EU-27	EU-15	EU-12
36	Legal guarantees and remedy in case of rejection:	0.74	0.77	0.65
37	Strength of legal guarantees (average)	0.47	0.53	0.37
38	Strength of legal guarantees for language/integration assessment (average)	0.29	0.30	0.30

Most ordinary naturalisation procedures grant the right to a reasoned decision and review before national courts. These rights are often incorporated into citizenship reforms. Greece's 2010 Nationality

[32] Since the CITIMP research, the right to reasoned decisions & appeal have been instituted in Poland (as of 15 August 2012) and in Belgium (as of 1 January 2013).

Law justified the introduction of the right to a reasoned decision as constitutionally necessary and common practice in Europe. Without a reasoned decision, judicial oversight was very limited in Greece. In practice, the State Council had never managed to issue a negative decision against the administration on a naturalisation case. With the 2008 Luxembourg Nationality Reform and the 2012 Belgian Nationality Reform, ordinary naturalisation was transformed from a parliamentary to an administrative act and subsequently fell under normal rules for judicial review, which do not apply to parliamentary acts. Similarly, the 2009 Polish Citizenship Law moved the competence for ordinary naturalisation from the President to the regions (*Voivods*) under the 'Acknowledgement' procedure (*uznanie za obywatela*) which involves judicial review and much less discretion. Perhaps the most significant recent example is Switzerland. Two 2003 Federal High Court judgments guaranteed applicants the right to procedural guarantees, including reasoned decisions based on the right to be heard and non-discrimination. As a result, 'ballot box' naturalisations became illegal because voters cannot give a proper justification for the decision. Article 50 of the BüG law further obliged cantons to create a right to appeal with a judicial authority at cantonal level, and not simply with the political authorities. The abolition of ballot box elections and introduction of reasoned decisions has effectively reduced discrimination within the naturalisation procedure and boosted naturalisation rates (Hainmueller and Hangartner 2011 and 2012).

Most countries grant the right to a judicial review, usually in addition to a hierarchical or administrative review. Most countries give rejected applicants the right to appeal at several levels, including the court of last instance (e.g. Supreme Court). Norway and Sweden only allow appeals of naturalisation decisions to appear before special immigration courts (Norwegian Immigration Appeals Board and Swedish Migration Court and Migration Court of Appeals). In the other countries, rejected applicants can appeal to the administrative courts at first or second instance, but not last instance. In only seven countries do rejected applicants have no right to appeal at the court of last instance: Greece, Italy, Lithuania, Macedonia, Montenegro, Norway, Portugal, and Sweden. For example in Portugal, appeals to the Supreme Administrative court are only possible for naturalisation on an 'exceptional' basis. In a few countries such as Austria and the UK, the administrative court of last instance is the only court of appeal for naturalisation cases.

Currently only seven countries do not grant a clear legal right to a reasoned decision or judicial review: Bulgaria, Cyprus, Denmark, Hungary, Iceland, Ireland, and Malta. In Ireland, rejected applicants have no right to appeal but only to judicial review by the High Court.[33] Cyprus only offers the option of review by the Supreme Court of the legality of the decision and the respect for the general principles of administrative law. In addition to these countries, Slovakia guarantees the right to a reasoned decision but vague provisions for administrative review. The absence of these rights is usually justified with the argument that the country's constitutional order does not allow for any judicial review of the decisions made by the executive or legislature: the President in Bulgaria, Hungary, and, until 2012, Poland, the Minister in Cyprus, Ireland, and Malta, and the Parliament in Denmark, Iceland, and, until 2013, Belgium. Notwithstanding this claim, it should be noted that the right to a reasoned decision and judicial review is granted for naturalisation decisions by executives in other countries: the Interior Minister in Greece, the Government in Estonia and the Presidents in Italy and Lithuania.

Appeal decisions can cover substantive aspects as well as procedural aspects in nearly all countries with the right to appeal. This scope means that judges guarantee that the authorities followed the correct procedures and correctly interpreted the legal requirements. The two exceptions are Portugal and the UK. Appeals to Portuguese administrative courts cover acts or omissions in the procedural aspects or, in exceptional cases before the Supreme Administrative Court, the refusal decision itself.

[33] For more on the rationale for and consequences of the lack of judicial review, please read the CITIMP narrative report on Ireland, which also provides an excellent overview of the relevant case-law.

The UK High Court's judicial review of naturalisation decisions can only address grounds of illegality, irrationality, procedural impropriety or breach of human rights and/or proportionality.

In terms of powers, appeal courts rarely have the power to change the decision in merit (e.g. granting of nationality). In most countries, the decision on naturalisation rests solely with the designated deciding authority. If the appeal is successful, authorities must make a new decision on the application, taking into the account the court's decision; a second rejection of the applicant cannot be based on the same grounds or reasoning as before. Judges do have the power to modify the decision in merit in ten countries: Finland, France, Greece, Lithuania, Luxembourg, Macedonia, Norway, Romania, Slovenia, Spain, and Latvia (depending on the ground of rejection). In Finland, the court's decision to grant nationality can also be appealed by the Finnish Immigration Services.

Language and integration assessments are one neglected area of judicial review, especially in the context of the recent resurgence of subjective requirements within the naturalisation procedure. The INTEC study (Strik et al. 2010) found in nine EU Member States that appeals are not usually guaranteed for language or integration tests. Without an explicit right to a reasoned decision and judicial review, these assessments may be difficult or impossible to challenge either before or after the procedure. These assessments may lay outside the formal procedure and thus outside the normal scope of judicial review. In these cases, the results of the assessment are a required piece of documentation, without which an application may not be successful or even submitted. Even when these assessments take place during the procedure, the results may lie outside the scope of judicial review of the ordinary procedure.

The same judicial review guarantees hardly ever apply to language or integration assessments in the 35 European countries studied. In most countries, judicial review of these assessments is either absent or significantly weaker than the normal judicial review for ordinary naturalisation. A right to a reasoned decision and judicial review are missing for these assessments in ten countries: Czech Republic, Italy, Luxembourg, Macedonia, Netherlands, Norway, Portugal, Slovakia, Slovenia, Turkey, and the UK. In these countries, immigrants who cannot pass the assessment must either retake it or try to arrange a review informally. For example, the Netherlands informs applicants of the parts that they failed on integration exam, without any possibility to appeal. Another example is the UK, which simply offers a complaints form for its 'Life in the UK' Test. Legal guarantees and review are present but significantly weaker in Croatia, Finland, Greece, Lithuania, the Netherlands. The type of this review is limited to administrative or hierarchical review. For example, Finland offers a very limited type and scope of the review of language tests based on the Law on General Language Exams. Applicants have the right to a reasoned decision and a written plea for a reevaluation check by the administration. In terms of scope, this administrative or hierarchical review can only cover procedural aspects (except in Croatia and Lithuania) and cannot change the decision in merit (except for Lithuania's Citizenship Commission). In Romania, the language and knowledge interview is covered by the appeals court, but only for procedural aspects.

The highest-scoring countries on judicial review all grant a right to a reasoned decision and judicial review of procedural and substantive aspects of both the final naturalisation decision and any language or integration assessment. For example, in France, applicants can first ask the prefecture for a second instruction of the application (*'recours gracieux'*) and then appeal to the Administrative Court and then the State Council, both of which have the power to overturn the ministerial decision. Since the 1980s, the rise in number of appeals and the growing State Council jurisprudence has restricted the discretion of the naturalisation service. In 2011, eight per cent of refusals went to court, of which only 2.56% resulted in a modification of the decision (e.g. granting of nationality). Most cases concern the assessment of the 'level of assimilation.' Similarly in Spain, review first consists of an appeal for reversal (*Recurso de reposición*) before the deciding authority (*Dirección General de Registros y del Notariado),* and later the option of appeal before the National Court (*Audiencia Nacional*) and then the Supreme Court (*Recurso de casación*). Each instance has the power to modify the decision in merit based on procedural and substantive aspects, including the language and integration assessment. The

National Court makes frequent judgments about refusal due to insufficient integration or knowledge of Spanish.

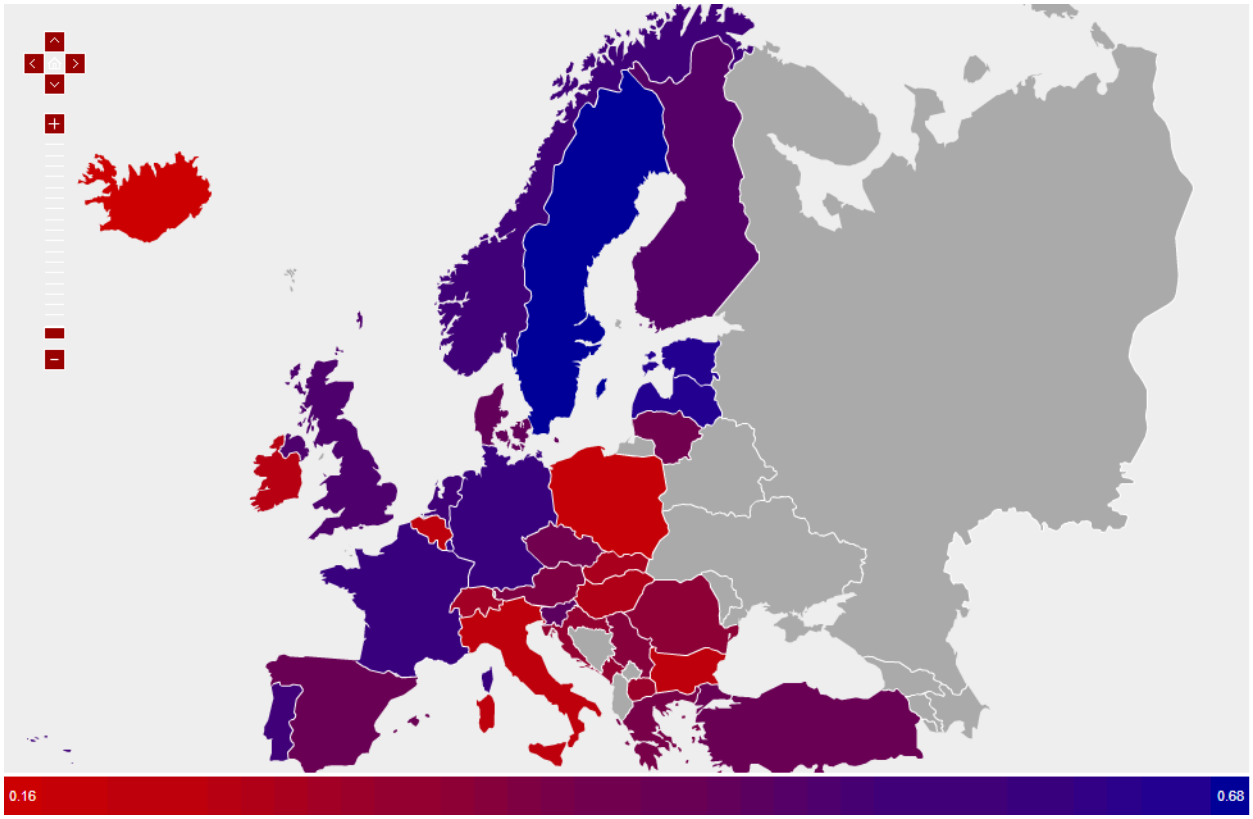
The one outlier country with 'stronger' judicial review of the assessment than the overall procedure is Denmark, where the right to administrative review of procedural and substantive aspects exists for the Danish language and knowledge test, but not for the final naturalisation decision. Students may complain about the conduct of the tests, their individual results, or the validity of specific questions to the Ministry of Children and Education. The normal judicial review procedures apply to the integration assessment in Austria, France, Germany, and Spain. In Estonia and Latvia, specific and equally strong judicial review procedures apply to these assessments as to the final naturalisation decision. Switzerland also has a strong but separate judicial review procedure for the integration assessment. While it is impossible for applicants to challenge the language requirement, judges at all levels can hear challenges of and even change the authorities' initial decision about the applicant's degree of integration and/or familiarity with Swiss customs and habits.

One practical obstacle to access judicial review across Europe is the short time limit for naturalisation applicants to lodge an appeal after notification of the rejection. Applicants have a month or less to lodge an appeal in 15 countries (mostly EU-12 countries). The time limits are slightly longer in Austria, France, Greece, Italy, Latvia, Luxembourg, Netherlands, Sweden, Turkey, and the UK. Portugal is the only country without time limits for lodging an appeal. Other practical obstacles listed by CITIMP experts were the long duration of the appeal process, the costs associated, and the lack of legal aid. For example, the CITIMP expert in Austria noted that authorities regularly convince applicants not to ask for an appeal since the appeal is subject to fees.

Very few European countries explicitly prohibit racial, ethnic, religious, or nationality discrimination within the ordinary naturalisation procedure. The nationality law refers to the non-discrimination acts in only Finland, Hungary, and Slovakia. For example, the Hungarian Act on Hungarian and the Fundamental Law of Hungary prohibit discrimination against applicants who meet the legal requirements. Similarly, Slovakia's Act on Nationality states in Article 19a that *"Rights in exercising this Act shall be guaranteed equally to all persons irrespective of their gender, race, skin color, language, faith and belief, political and/or other thinking, national or social origin, membership in national minority or ethnic group according to the equal treatment rule regulated by a special Act."* Equality Body or Ombudsman have the power to investigate complaints of discrimination submitted by naturalisation applicants in Croatia, France (*Défenseur des droits*), Hungary, Macedonia, Romania (National Council for Combating Discrimination), Slovakia (Ombudsman or National Center for Human Rights), Sweden, and the UK. Interestingly, the countries with these explicit prohibitions of discrimination also often have the strongest overall anti-discrimination legal frameworks, according to the 2010 MIPEX study.

8. Naturalisation: fine on paper, but in practice?

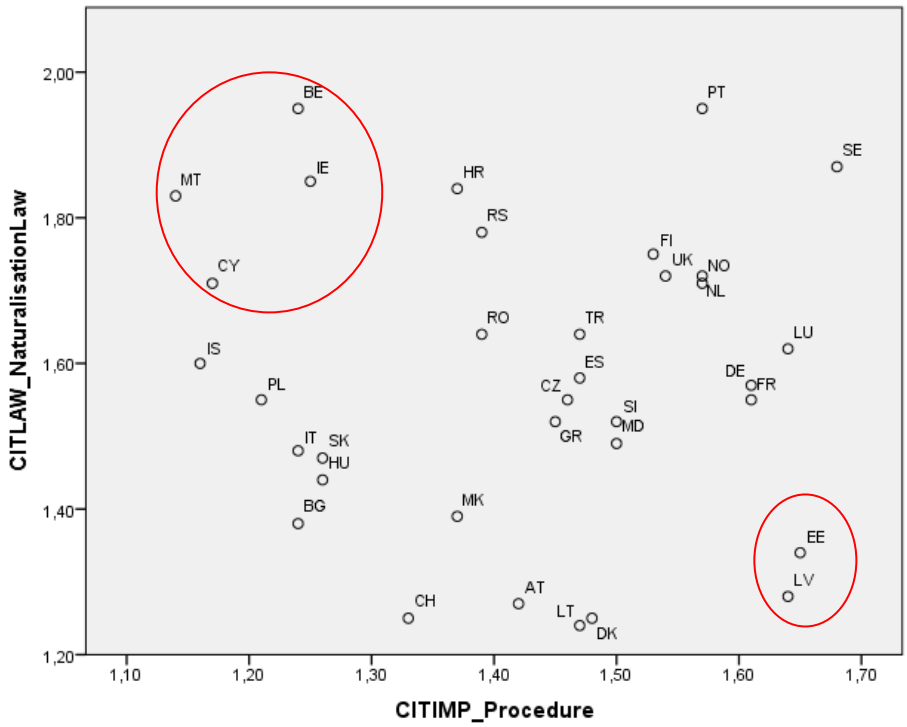
Figure 10. Inclusiveness of ordinary naturalisation procedures (CITIMP overall average)



Across Europe, ordinary naturalisation procedures involve as many obstacles as opportunities for immigrants to become citizens. Figure 2 presents the overall score for the inclusiveness of the naturalisation procedure, which is the simple average of the five dimensions measured (promotion, documentation, discretion, bureaucracy, and review). The overall scores are relatively low (only 0.42 out of 1.00 for the EU-27 as well as for all European countries studied). Only 13 European countries received a score of 0.5 or higher. The procedure is only 'slightly' favourable (score ≥0.60) for naturalisation in Sweden (the highest score, only 0.68), Estonia, Latvia, Luxembourg, Germany, and France. The ordinary naturalisation procedure contains slightly fewer administrative obstacles on average in the EU-15 (0.49) than in the EU-12 (0.37).

Bivariate correlation analysis reveals that the European countries that facilitate the legal requirements for ordinary naturalisation do not necessarily facilitate the procedure. Figure 2 reveals that the overall trend is so far not statistically significant across European countries between the inclusiveness of their ordinary naturalisation law (labelled 'CITLAW') and the procedure (labelled 'CITIMP'):

Figure 11. No link between ordinary naturalisation laws (CITLAW) and procedures (CITIMP)



Outliers on both ends of the scale mean that no positive correlation emerges across European countries between the ordinary naturalisation law and the procedure (Spearman Rho: -,003). Generally, procedural obstacles are fewer in countries with more inclusive laws than in the countries with restrictive laws. The most procedural obstacles are often found in the countries with many legal obstacles, mostly in new countries of immigration in Southern and Central Europe (Bulgaria, Hungary, Italy, Slovakia, and Switzerland). In contrast, more established countries of Immigration that have facilitated the naturalisation law also tend to facilitate the procedure (Portugal, Sweden and, to a certain extent, Finland, Netherlands, Norway, and the UK). In the middle are countries with a variety of opportunities and obstacles in the law and procedure (Czech Republic, Greece, Slovenia, and Spain). Slightly bucking this trend, Austria, Denmark, France, Germany, Lithuania, and Luxembourg have slightly more legal than procedural obstacles, partly due to their strong judicial review mechanisms.

Outliers on one end of the scale are two countries with significant legal obstacles but few procedural obstacles: Estonia and Latvia. Only Sweden obtained a higher CITIMP score than these two Baltic states. Both have strong judicial review mechanisms, limited bureaucracy, and the strongest promotion measures. Due to the exceptional situation of the many stateless Russophones, Estonia and Latvia have non-EU and non-EU-born populations that are even larger than most established countries of immigration in Western Europe. Foreigners (specifically non-EU nationals) make up a larger share of the population in Estonia and Latvia than in any other EU country, while the uptake of citizenship among the foreign-born is lower there than in any other EU-12 country (see Vink and Prokic-Breuer 2012). Like most other countries with large non-EU-born populations, Estonia and Latvia create few procedural obstacles for naturalisation. But unlike these countries, Estonia and Latvia create many legal obstacles, including the strictest renunciation requirements and some of the most demanding language and integration tests. The country's first post-independence nationality laws have largely remained unchanged, apart from a few technical simplifications and exceptions, for example for the elderly, stateless children, and emigrants abroad. Beyond that, there is no political will to alter the legal requirements and tests for Estonian and Latvian citizenship. Probably nowhere in Europe is

citizenship law so politically important and sensitive, both for citizens and for the foreign population concerned. Faced with the immensity of the problem and the tense political climate, the Estonian and Latvian governments have so far focused on simple and rapid procedures, naturalisation campaigns, and language courses. Domestic and international pressure (Kochenov 2004) has led the two countries to facilitate the procedure and promote naturalisation, but not to reform their restrictive legislation.

On the other end of the scale in Europe, the inclusive legislation on the islands of Cyprus, Ireland, and Malta are undermined by significant discretion and obstacles in the procedure. All three countries have a Commonwealth legal tradition with the origins of their nationality laws in pre-independence British nationality law. The legal requirements in the three countries are rather similar to one another and to the UK's former naturalisation requirements. For some time, Cyprus and Malta even retained more favourable naturalisation provisions for Commonwealth citizens. After their first post-independence nationality laws, these three countries have hardly reformed them in response to new immigration, except for restrictions of unconditional *ius soli* and spousal transfer in all three countries. Cyprus and Malta opened to dual citizenship for all, but their rationale was focused on their own emigrants abroad. Even now that Cyprus, Ireland, and Malta have transformed into countries of immigration, these countries' naturalisation authorities continue to operate under a veil of total state discretion, without a nationality reform promoting immigrant integration. Within this system, secondary legislation, internal guidelines, and even heads of department themselves are far more important than the law for determining the real criteria behind naturalisation decisions. A change in the political leadership or a change in personnel can easily lead to a change in the interpretation of the law. Opportunities that exist in the law may disappear in practice. Provisions that were meant to be exceptions can become the rule. Discretion can be used against the applicant or in favour of the applicant, depending on political or individual interests. This discretionary approach applies not only to naturalisation policy, but also to the three countries' legal migration and residence policies. All three rank far below most other countries on MIPEX indicators on residence rights and access to nationality. Malta and Cyprus may violate several key points of the EU family reunification and long-term residence directives, while Ireland has no policies on either due to its EU opt-out on Justice and Home Affairs.

Few other outlier procedures emerge with many procedural obstacles but few legal obstacles. Belgium's parliamentary procedure and Poland's executive procedure have been turned into 'exceptional' naturalisation procedures, with new ordinary naturalisation procedures likely to score higher on CITIMP. Iceland's parliamentary procedure creates similar obstacles as Belgium's former procedure in terms of discretion, bureaucracy, and review. In the Balkans, Croatia and Serbia have similar procedural obstacles and more inclusive laws than fellow former Yugoslav republics Macedonia and Montenegro. Whatever the reasons behind these approaches to naturalisation, all three outlier countries of Croatia, Iceland, and Serbia are not countries of immigration, which indeed makes them outliers compared to most European countries studied, including Cyprus, Ireland, and Malta.

Overall, the coherence of ordinary naturalisation laws and procedures may improve over time, as the few outlier countries undertake citizenship reforms, as occurred recently in Belgium and Poland. A retrospective CITIMP scoring would be necessary to evaluate whether recent citizenship reforms in these and other countries led to similar changes in both the law and the procedure (e.g. Austria, Denmark, Finland, Germany, Greece, Luxembourg, Netherlands, Norway, Portugal, and Sweden). Excluding the six circled outliers, a positive correlation emerges in the 29 remaining countries between the law and procedure (Spearman Rho: .435, $P<0.05$). Whatever the prospects for citizenship reform, this analysis confirms the importance of measuring implementation. The law creates significant legal obstacles and opportunities for immigrants to become citizens. Looking only at the legal requirements does not indicate what or how many obstacles exist in the naturalisation procedure.

Bivariate correlation analysis also reveals the hidden links between the ordinary naturalisation law and procedures and within the procedure between different dimensions of implementation. These correlations are presented in figure 10 below:

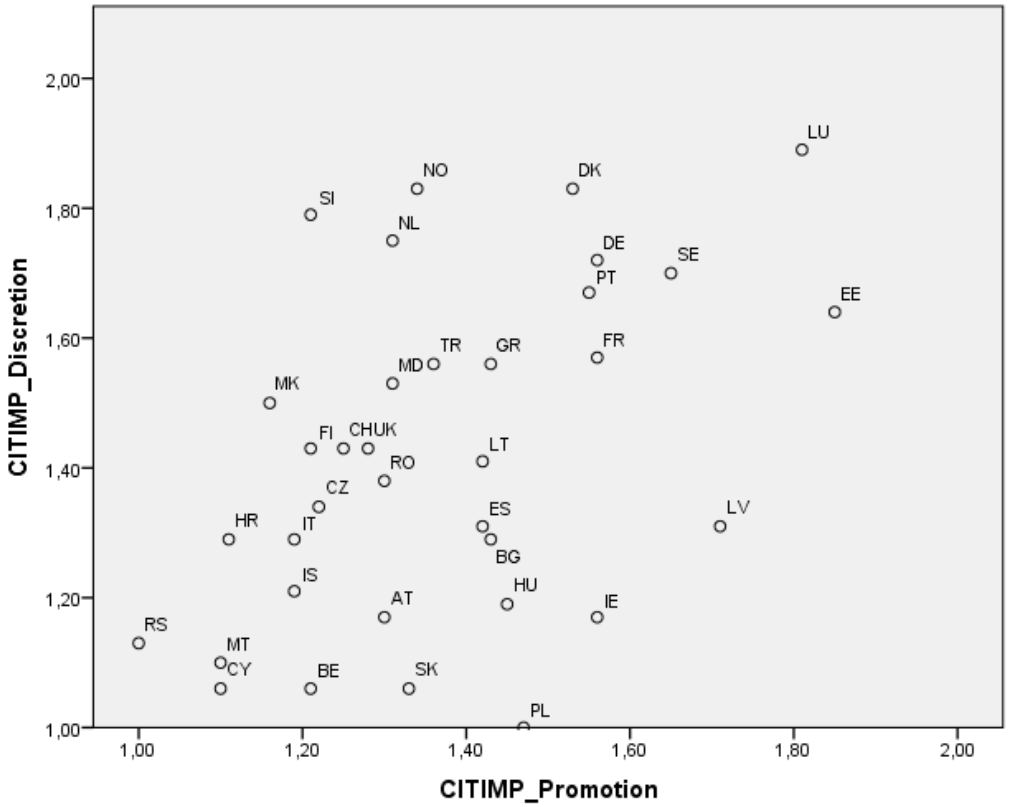
Figure 12: Correlations between dimensions of Citizenship Implementation Indicators

	Promotion	Documentation	Discretion	Bureaucracy	Review	CITLAW Ord. Naturalisation
Promotion	--	--	.429*	--	--	--
Documentation	--	--	.345*	.434**	--	--
Discretion	.429*	.345*	--	.498**	.384*	--
Bureaucracy	--	.434**	.498**	--	.451**	.336*
Review	--	--	.384*	.451**	--	--
**. Correlation is significant at the 0.01 level (2-tailed).						
*. Correlation is significant at the 0.05 level (2-tailed).						

Surprisingly, promotional measures are not related to ordinary naturalisation laws. There is no significant relationship between the inclusiveness of its requirements (CITLAW) and the strength of promotional measures (Spearman Rho: -.210). As expected, some countries have restrictive laws and little state support (e.g. Austria and Italy). Countries with inclusive laws may have strong promotion measures, including most recent reformers (e.g. Germany, Luxembourg, Portugal, and Sweden). Unexpectedly, inclusive laws are not always underpinned by strong promotional measures. Applicants cannot count on much state support to meet the relatively liberal legal requirements in Croatia and Serbia in Balkans, the islands of Cyprus and Malta, and some Northern European countries such as Belgium, Finland, Netherlands, Norway, and the UK. In a similar vein, the European countries with the strongest promotion policies do not necessarily have inclusive naturalisation laws. Estonia and Latvia have some of the most restrictive naturalisation law, but also the strongest promotional policies in the EU. Denmark and Lithuania also combine relatively strong promotion policies with restrictive laws. The CITIMP results find little coherence between a country's willingness to facilitate naturalisation through the law and its willingness to promote naturalisation through proactive state measures.

A moderately strong relationship does emerge between promotion measures and the level of discretion within the procedure. This bivariate correlation (Spearman Rho: 0.429, $p<0.05$) is visualised below. The state is more likely to encourage eligible foreigners to apply in countries where naturalisation is a legal entitlement for foreigners who meet clear legal requirements. For example, promotional measures are stronger and procedures are less discretionary in Denmark, Estonia, Germany, Luxembourg, and Sweden. Applicants receive little state support in countries with very discretionary naturalisation procedures, such as Austria, Belgium, Croatia, Cyprus, Italy, Malta, and Serbia. In other words, the more clearly that the law defines who can become a citizen, the more active is the state in informing and assisting potential citizens. Authorities tend to have a greater role to promote naturalisation when they have less influence over the outcomes of the procedure. In contrast, authorities are less likely to encourage foreigners to apply in countries where they have wide discretion to interpret the law and decide who can become a citizen. Therefore, a link emerges across Europe between the role of the state in ordinary naturalisation and the legal certainty for both applicants and the state.

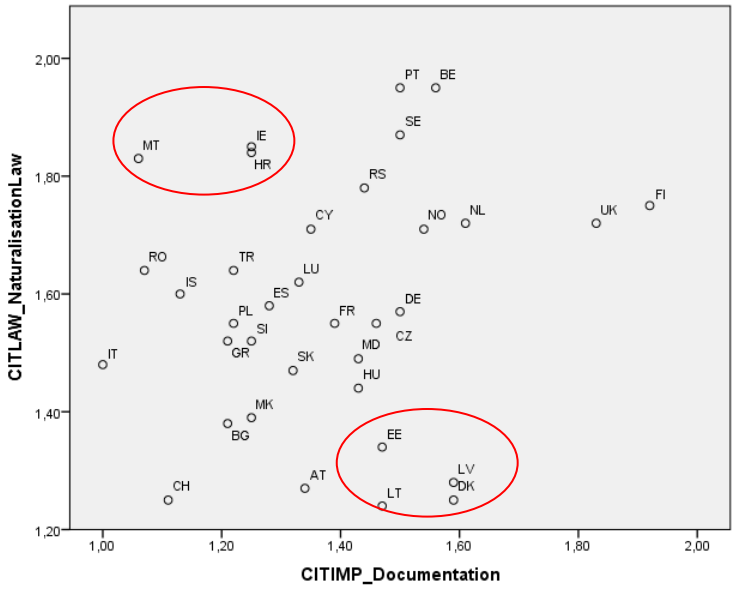
Figure 13. Link between promotion and discretion in ordinary naturalisation procedure



No significant relationship emerges between the difficulty of the legal requirements for ordinary naturalisation (CITLAW) and the documentation required (Spearman Rho: .157). In at least half of the countries studied, the documentation is linked to the legal requirements: the more difficult the requirements, the more complex the documentation. The legal requirements and required documentation are generally least complicated in Nordic and Northwest Europe and most complicated in Central and Southern Europe, Austria, and Switzerland. Bucking these trend are several countries with major differences in the law vs. documentation. Denmark and the Baltic countries have facilitated the documentation, but not the legal requirements, which are among the most restrictive in Europe; if an applicant can meet the restrictive criteria, then it is relatively straightforward for them to document it.

In contrast, applicants must provide complicated documentation to meet the relatively inclusive legal requirements in countries such as Croatia, Ireland, and Malta. To a certain extent, even the relatively few legal requirements in Belgium, Portugal, and Sweden may be difficult to document for some applicants, depending on their country of origin. These results confirm that documentation raises distinct administrative obstacles that are not necessarily related to the restrictiveness of the legal requirements.

Figure 14. No link between ordinary naturalisation laws (CITLAW) and documentation (CITIMP)



Looking at the bureaucracy indicators in comparison to the other CITIMP indicators, bivariate analysis confirms that the level of bureaucracy, documentation, and discretion are significantly linked to each other across European countries. Firstly, countries that require more complicated documentation tend to have more bureaucratic procedures, whereas countries with more flexible documentation tend to have less bureaucratic procedures (Spearman Rho: 0.434, $p<0.01$). Secondly, more bureaucratic procedures tend to be highly discretionary procedures (Spearman Rho: 0.498, $p<0.01$), whereas less bureaucratic procedures tend to emerge in countries with a conditional right to naturalisation. The strength of judicial review is also related to the level of the bureaucracy in the procedure (Spearman Rho: 0.451, $p<0.01$) and, to a certain extent, the level of discretion procedure (Spearman Rho: 0.384, $p<0.05$). More bureaucratic and discretionary procedures are less often subject to judicial review. For example, the level of documentation, discretion, and bureaucracy is generally the greatest and the level of judicial review the lowest in countries such as Bulgaria, Cyprus, Hungary, Iceland, Italy, and Poland. In comparison, the procedure tends to involve less discretion, bureaucracy, and less complicated documentation and greater judicial review in Czech Republic, Estonia, France, Germany, Latvia, Norway, the Netherlands, Portugal, Sweden, and the UK.

Figure 15. Link between bureaucracy and documentation

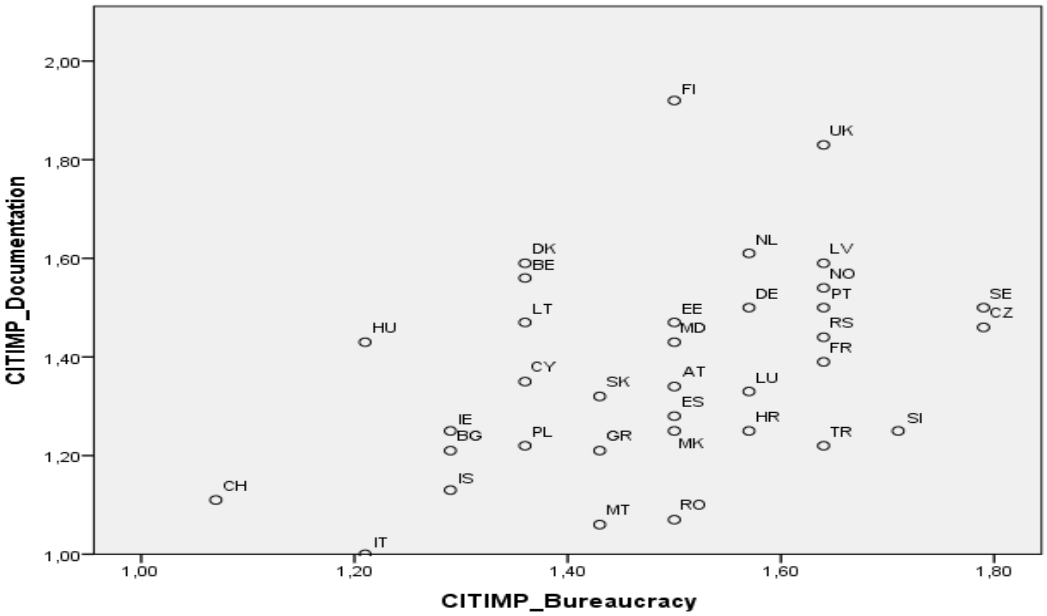


Figure 16. Link between bureaucracy and discretion

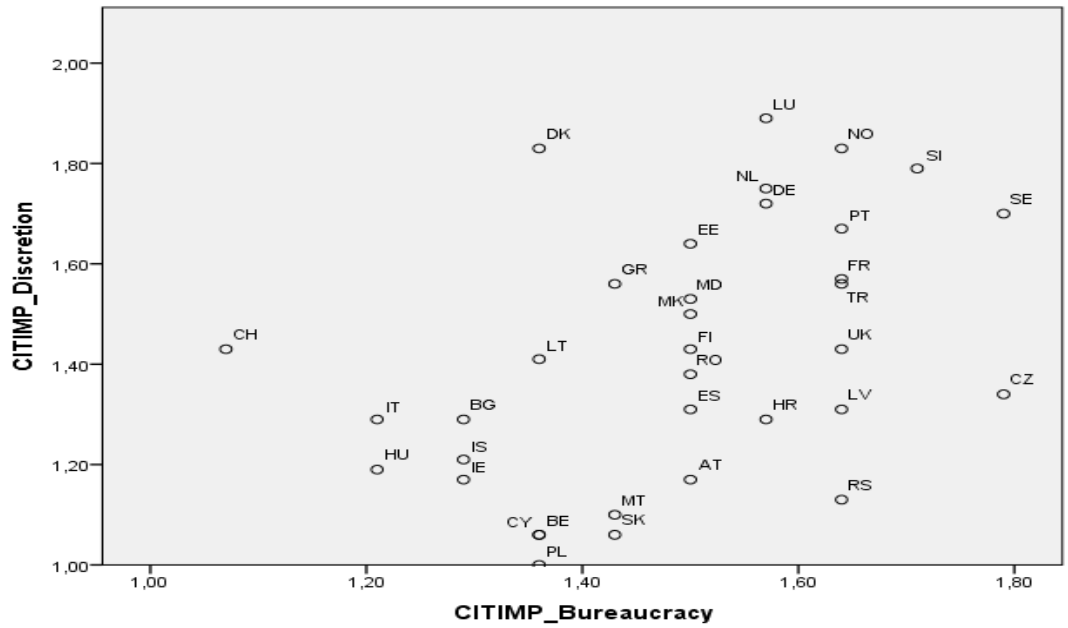
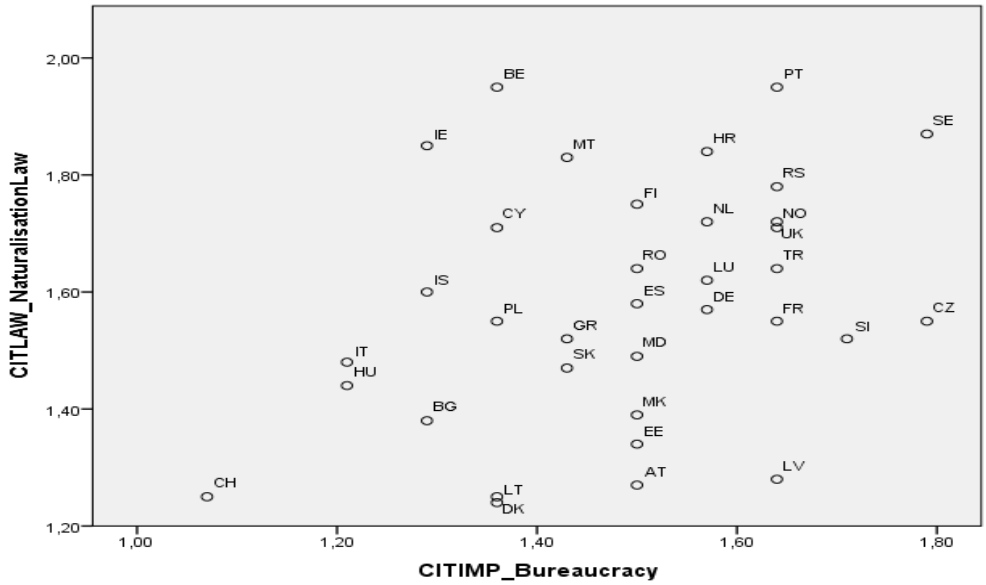


Figure 17. Link between bureaucracy and legal requirements



In terms of outliers, the Danish parliamentary procedure involves greater bureaucracy and weaker judicial review than other Northwestern European countries with similar requirements on documentation and discretion. A few other outlier countries emerge on discretion or documentation. For example, the procedures in Finland and the UK involve easier documentation, but greater discretion. Several Southeastern European countries have complicated documentation, but central specialised authorities.

In addition to the relationships between these three CITIMP dimensions, another moderately strong relationship emerges between the bureaucracy and legal requirements (Spearman Rho: 0.336, $p<0.05$): The more restrictive the requirements, the more bureaucratic the procedure. A few outliers have inclusive laws but bureaucratic procedures (e.g. Cyprus, Ireland, Malta) or restrictive laws but little bureaucracy (e.g. Austria, Estonia, Latvia).

The relationship between documentation and bureaucracy suggests that a direct link may exist between the level of difficulty for the documentation for applicants and the level of bureaucracy for authorities. On the contrary, procedures with easier and more flexible documentation also tend to have more centralised and specialised authorities. Procedures with complicated documentation that make it difficult for immigrants to apply also tend to create bureaucratic structures that make it difficult for authorities to come to a correct, consistent, and quick decision. Complicated documentation often creates bureaucracy for authorities. The relevant authorities must check the documentation and conduct any specific naturalisation tests or assessments. More specific and complicated documentation for naturalisation involves more authorities, more layers of governance, and more time-consuming assessments. Overall, it is worthy to note that more flexible documentation for the applicant does not lead to greater bureaucracy for authorities.

The relationship between discretion, bureaucracy, and judicial review suggest that the three increase the power of the authorities to influence the outcomes of naturalisation applications. Executive- and legislative-led decision-making structures tend to be more discretionary and bureaucratic while their decisions are less often subject to legal or judicial controls as executive or parliamentary acts. Procedures granting greater discretionary powers to authorities make it difficult to conduct or argue for stronger judicial review. The underlying idea that naturalisation is a favour to the applicant and a prerogative of the state or parliament leave little room for the judge to consider the substance of the case, let alone overturn the decision. A more bureaucratic procedure also increases

the discretion of the authorities in practice. More authorities and levels of government have a say in the outcome, with each following their own internal rules and procedures. A more discretionary procedure can also increase the bureaucracy for authorities. Without binding guidelines, the interpretation of the law may differ from one civil servant to another. The decision-making process may be slow, tedious, and individualised. The outcome may depend on the individual civil servant's attitude and behaviour, the applicant's background and influence, and the political pressure coming from the minister or governmental coalition partners. Discretion, bureaucracy, and review interact and mutually reinforce each other.

This relationship also implies that limited discretion, limited bureaucracy, and greater oversight mutually reinforce each other. Creating a legal entitlement to naturalisation and clear interpretative guidelines makes it easier for the entire procedure to be conducted by a central specialised deciding authority within a set time limit. The existence of a central specialised unit also makes it easier to adopt and publicise clear interpretative guidelines for the entire procedure. Limiting discretion and bureaucracy may also reflect the country's prevailing legal norms. The procedure for ordinary naturalisation is treated like other legal procedures, subject to judicial oversight, such as most immigration and residence procedures. Good governance norms also often make their way into citizenship liberalisations. Most reforms aim to simplify and professionalise the decision-making procedure, which includes a right to reasoned decision and judicial review as a matter of common practice in Europe. Another trend in citizenship reforms has been the transformation of naturalisation into a legal entitlement so that the legal requirements are the sole basis of the decision. Indeed, the overall relationship between the legal requirements and bureaucracy for ordinary naturalisation implies that changes to the bureaucratic structure may reflect the intentions behind new legislation.

9. Conclusion

Measuring administrative practices is one new method among others for evaluating the implementation of ordinary naturalisation law. This analysis of the Citizenship Implementation Indicators has taken the first step from a comparative qualitative to a quantitative assessment of the administrative obstacles and opportunities for ordinary naturalisation. The results suggest that most countries' procedures contain as many obstacles as opportunities. Many clear patterns emerge across Europe. Promotional measures are often missing or poor quality. Legal exemptions for documentation rarely exist on humanitarian or vulnerability grounds. Documentation from countries of origin is especially complicated for applicants. Not only are most ordinary naturalisation procedures discretionary, but so are many language, integration, and economic resource requirements. Most procedures involve potentially long processing times and some level of bureaucracy, especially when the deciding authority is the executive or legislature. Judicial review is often not guaranteed for language or integration requirements or on specific issues such as discrimination within the procedure. These findings can be used to formulate policy recommendations to improve administrative practices in one country, a region, or across the EU and the Council of Europe Member States.

The correlations emerging within the CITIMP results also deserve greater scientific investigation. For example, European countries with stronger promotional measures tend to have less discretionary procedures. Bureaucratic procedures are related to complicated documentation and the level of state discretion. These correlations may represent a causal relationship (i.e. one of these practices causes the other) or a common link with a key determining factor (i.e. certain types of countries or procedures have these practices).

Moreover, this report finds that European countries that facilitate their ordinary naturalisation law do not necessarily facilitate the procedure. No systematic relationship emerges between CITLAW and CITIMP due to significant outlier countries, particularly Estonia and Latvia. Whatever the interpretation of the meaning of these results, the descriptive analysis confirms the importance of measuring administrative practices. Looking only at the legal requirements does not indicate what or

how many obstacles exist in the naturalisation procedure. The CITIMP research allows researchers to investigate whether or not obstacles in law are related to obstacles in administrative practices. The administrative obstacles to ordinary naturalisation are often different than the legal obstacles and just as important for an effective access to nationality as part of the integration process.

Further multivariate analysis of the CITIMP results will further investigate the determinants and effects of administrative practices on ordinary naturalisation, in the same ways as this project's CITLAW results (Jeffers et al. 2012).

Firstly, analysis of the determinants of administrative obstacles identifies whether these practices are more common in certain types of countries than in others. The dependent variables here are the practices (e.g. promotion, documentation, discretion, bureaucracy, review). The independent variables are countries' various societal and political characteristics. For example, this report's descriptive analysis suggests that ordinary naturalisation procedures are more often facilitated in established countries of immigration, especially recent citizenship reformers. Previous studies of the legal obstacles to naturalisation have identified a few other statistically significant determinants (e.g. Howard 2009, Janoski 2010. and Koopmans et al. 2012). Additional specific determinants for administrative practices may be good governance, government spending, or the size of the naturalised and foreign populations. This multivariate analysis would provide new insight into the politics behind naturalisation practices and complement similar studies that focus solely on naturalisation laws.

Secondly, analysis of the effects of administrative practices identifies which practices have a systematic impact on naturalisation rates across countries. The dependent variables here are naturalisation rates or related statistics (e.g. application rates, acceptance rates, reasons for rejection, and exemptions). The independent variables are the administrative practices for ordinary naturalisation. This report outlines a series of hypotheses about the effects on naturalisation of the various practices, as measured by CITIMP. For example, strong promotional measures or facilitated documentation may increase application and acceptance rates. Highly discretionary procedures may lead to low or variable acceptance rates. Highly bureaucratic procedures may delay the decision. This multivariate analysis would determine whether differences in administrative practices have a similar or greater effect upon naturalisation as differences in naturalisation laws, which have been subject to greater scrutiny.

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Annex: CITIMP indicators questionnaire

PROMOTION	***Option 1***	***Option 2***	***Option 3***
State-run or -funded naturalisation campaign in past 10 years (please specify start/end years)	*> 18 months*	*≤ 12-18 months*	*None*
Focus of campaign a. Procedure for naturalisation b. Benefits of naturalisation c. Targets general public as well as immigrants	*All three elements*	*Two elements (please specify)*	*Only one element (please specify)*
State-run or -funded promotion service specifically for naturalisation applicants a. Specific information service / sessions b. Individual counselling / application checking	*Both elements*	*One element (please specify)*	*Neither*
Cost of state-run or -funded promotion service for applicants	*No or nominal costs (please specify amount)*	*Normal costs (please specify amount) e.g. If provided by state, same as cost to access similar state courses or services.*	*Higher costs (please specify amount)*
State-run or -funded promotional materials a. Official promotional webpage b. Official leaflets, brochures, and pamphlets	*Both elements*	*One of these elements (please specify)*	*Neither*
Quality of promotional materials a. Requirements written in simplified language b. Content covers procedure and benefits of naturalisation	*Both elements*	*One element (please specify)*	*Neither*
Quality of webpage (please provide web-link) a. Requirements written in simplified language b. Interactive self-assessment tool (e.g. questionnaire, calculator)	*Both elements*	*One element (please specify)*	*Neither*
Physical availability of forms a. Application forms are officially distributed through several state offices. b. Application forms are officially distributed through non-state organisations.	*Both elements*	*One element (please specify)*	*Application forms are only available at one state office.*
Online availability of forms a. Application forms can be downloaded online b. Applications can be submitted online	*Both elements*	*One element (please specify)*	*Neither. Only paper application forms are available.*
Cost of language assessment (Blank if no assessment)	*No or nominal costs (please specify amount)*	*Normal costs (please specify amount) e.g. If provided by state, same as other state services or tests.*	*Higher costs (please specify amount)*

Cost of citizenship/integration assessment (Blank if no assessment)	*No or nominal costs (please specify amount)*	*Normal costs (please specify amount) e.g. If provided by state, same as other state services or tests.*	*Higher costs (please specify amount)*
Support to pass language requirement (if no measure, leave blank) a. Assessment based on publicly available list of questions or study guide b. Assessment based on publicly available course	*a and b*	*a or b*	*Neither a nor b*
Cost of language support (Blank if no language assessment or support)	*No or nominal costs (please specify amount)*	*Normal costs (please specify amount) e.g. If provided by state, same as cost to access similar state courses or services.*	*Higher costs (please specify amount)*
Support to pass citizenship/integration requirement (if no assessment, leave blank) a. Assessment based on publicly available list of questions or study guide b. Assessment based on publicly available course	*a and b*	*a or b*	*Neither a nor b*
Cost of citizenship/integration support (Blank if no assessment)	*No or nominal costs (please specify amount)*	*Normal costs (please specify amount) e.g. If provided by state, same as cost to access similar state courses or services.*	*Higher costs (please specify amount)*
Official fee for application and/or issue of nationality title	*No or nominal costs (please specify amount)*	*Normal costs (please specify amount) e.g. same as regular administrative fees for passport or national ID card*	*Higher costs (please specify amount)*
Grounds for exemption a. On humanitarian grounds (e.g. refugees and stateless persons) b. On economic grounds (e.g. income or poverty)	*Both of these (please specify)*	*One of these (please specify)*	*Neither*
Citizenship ceremonies (skip if no ceremony) a. Involves public dignitaries e.g. mayors, MPs, ministers (requirement or regular practice) b. Involves outreach to media (requirement or regular practice)	*Both of these (please specify)*	*One of these (please specify)*	*Ceremony required but without either of these elements*

DOCUMENTATION	***Option 1***	***Option 2***	***Option 3***
Proof of identity	*Only identity documents required from country of residence (e.g. ID, residence permit, registration)*	*Birth certificate required from country of origin*	*Additional documents required from country of origin (e.g. ID, passport)*
(skip if Answer to 8a was Option 1) Documentation from most third countries requires: a. Legalisation by officials of country of residence (e.g. embassies or consulates abroad) b. Translation	*Neither*	*One of these elements (please specify)*	*Both of these*
Alternative means to prove identity (grounds) a. On humanitarian grounds (e.g. for refugees, stateless) b. On accessibility grounds (e.g. cost, distance, loss of documents)	*On both grounds (please specify)*	*either a or b (please specify)*	*No alternative means to establish identity.*
Proof of residence	*Only copy of current ID or residence permit in country*	*Also includes official record of residence duration/addresses*	*Also includes copies of all past IDs or residence permits in country*
Assessment of language knowledge	*Applicant can use many legal means to prove language knowledge (e.g. certified language test, course, school, university diploma, interview).*	*Applicant must take a specific language test for naturalisation.*	*Applicant must prove additional proof (please specify)*
Right to exemption from language assessment a. On humanitarian grounds (e.g. for refugees, stateless) b. On vulnerability grounds (e.g. age, illiteracy, mental/physical disability)	*Both of these (please specify)*	*One of these please specify*	*Neither of these*
Integration assessment	*Applicant can use many legal means to prove language knowledge (e.g. certified language test, course, school, university diploma, interview).*	*Applicant must take a specific citizenship test/course for naturalisation.*	*Applicant must prove additional proof (please specify)*
Right to exemption from citizenship/integration assessment a. On humanitarian grounds (e.g. for refugees, stateless) b. On vulnerability grounds (e.g. age, illiteracy, mental/physical disability)	*Both of these (please specify)*	*One of these please specify*	*Neither of these*

Proof of economic resources	*No documentation required. Authorities obtain information internally from state sources (e.g. tax, welfare)*	*Applicant can provide a regular legal document in their possession (e.g. job contract, pay slip, bank statement, tax declaration).*	*Applicant must provide several years of past documentation or obtain additional documents from employer or state (e.g. use of public assistance, payment of fines, letter from employer)*
Right to exemption from economic requirement a. On humanitarian grounds (e.g. for refugees, stateless) b. On vulnerability grounds (e.g. age, illiteracy, mental/physical disability)	*Both of these (please specify)*	*One of these please specify*	*Neither of these*
Criminal record requirement	*No documentation required. Authorities obtain information internally from state sources*	*Applicant must obtain criminal record him or herself.*	*Applicant must obtain criminal record from country of origin and/or any third country of past residence (please specify)*
Right to exemption from criminal record requirement a. On humanitarian grounds (e.g. for refugees, stateless) b. On accessibility grounds (e.g. cost, distance, loss of documents)	*On both grounds (please specify)*	*either a or b (please specify)*	*No right to exemption.*
Requirement of renunciation of foreign citizenship (skip if not required)	*No documentation required. Applicant does not need to prove renunciation to authorities.*	*Proof that applicant is able to renounce foreign citizenship*	*Proof that applicant has renouced foreign citizenship (before application or after approval)*
Right to exemption from renunciation requirement a. On humanitarian grounds (e.g. for refugees, stateless) b. On accessibility grounds (e.g. cost, distance, impossibility)	*On both grounds (please specify)*	*either a or b (please specify)*	*No right to exemption.*
DISCRETION	***Option 1***	***Option 2***	***Option 3***
Discretionary powers in refusal	*Explicit entitlement for applicants that meet the requirements and grounds in law*	*Discretion only on limited elements (please specify)*	*Discretionary procedure*
Discretionary grounds for refusing status: a. Proven fraud (e.g. provision of false information) in the acquisition of citizenship b. Actual and serious threat to public policy or national security.	*No other than a*	*No other than a and b*	*Other than a and b (please specify)*
Discretion in assessment of residence requirement a. Law or binding publically-available guidelines exist on interpretation of requirement b. Decision must be based on specific	*Both of these*	*One of these (please specify)*	*Neither*

documents (either obtained internally by authorities or submitted by applicant)			
Discretion in alternative procedure to prove identity (structure) a. Rights-based procedure b. Procedure is independent of government (e.g. not part of a government department, such as judge, forensic experts)	*Both of these*	*One of these (please specify)*	*Neither*
Discretion in assessment of language knowledge a. Law or binding publically-available guidelines exist on interpretation of requirement b. Decision must be based on specific documents (either obtained internally by authorities or submitted by applicant)	*Both of these*	*One of these (please specify)*	*Neither*
Conductor of language requirement (if no measure, leave blank) a. Language-learning specialists b. Independent of government (e.g. not part of a government department)	*a and b, e.g. language institutes (please name)*	*a but not b, e.g. language unit in government (please name)*	*Neither a nor b, e.g. police, foreigners' service, general consultant (please name)*
Discretion in assessment of integration or country knowledge a. Law or binding publically-available guidelines exist on interpretation of requirement b. Decision must be based on specific documents (either obtained internally by authorities or submitted by applicant)	*Both of these*	*One of these (please specify)*	*Neither*
Conductor of citizenship/integration requirement (if no measure, leave blank) a. Education specialists b. Independent of government (e.g. not part of a government department)	*a and b, e.g. educational institutes (please name)*	*a but not b, e.g. citizenship/ integration unit in government (please name)*	*Neither a nor b, e.g. police, foreigners' service, general consultant (please name)*
Discretion in assessment of economic requirement a. Law or binding publically-available guidelines exist on interpretation of requirement b. Decision must be based on specific documents (either obtained internally by authorities or submitted by applicant)	*Both of these*	*One of these (please specify)*	*Neither*
Discretion in assessment of economic requirement a. Law or binding publically-available guidelines exist on interpretation of requirement b. Decision must be based on specific documents (either obtained internally by authorities or submitted by applicant)	*Both of these*	*One of these (please specify)*	*Neither (e.g. Inexhaustive or undefined list of crimes/sentences)*

Discretion in exemption from renunciation requirement a. Law or binding publically-available guidelines exist on interpretation of requirement b. Decision must be based on specific documents (either obtained internally by authorities or submitted by applicant)	*Both of these*	*One of these (please specify)*	*Neither*
BUREAUCRACY	***Option 1***	***Option 2***	***Option 3***
Authority that checks documentation a. The authority who confirms that the application is complete also confirms that all the documentation is correct. b. The authority who confirms that all documentation is correct also decides on the application.	*Both (please name the central authority)*	*One of these (please specify which and name the authorities)*	*Neither. Each step is done by a different authority.*
How often must authorities receive and check documentation to guarantee that the applicant meets the legal requirements?	*Once before a decision is taken*	*More than once before a decision is taken*	*More than once, including after a decision taken (but before citizenship is granted)*
Inter-agency systems for document-checking	*Authority that checks documentation has access to relevant data / documentation from other state services*	*Authority that checks documentation must request data or advice from another state service*	*Authority that checks documentation must request data or advice from several state services*
Deciding authority on naturalisation application	*One central authority*	*Two separate authorities or individuals*	*More than two separate authorities or individuals*
Type of main deciding authority	*Judge or independent body*	*Civil servant*	*Other (e.g. President, Legislature)*
Expertise of main deciding authority	*Specialised on citizenship*	*Specialised on migration/integration*	*General competence*
Maximum length for procedure (from receipt of all documents to decision)	*≤ 6 months (please specify)*	*> 6 months but the maximum is defined by law (please specify)*	*No regulation on maximum length*
Respect of time limits a. Possible extensions are shorter in length than the initial time limit b. Non-respect of time limits are accompanied by automatic sanctions or actions (e.g. granting of nationality) c. Time limits apply to security checks d. Time limits apply to identity checks	*Three or four of these (please specify)*	*At least one of these (please specify)*	*None of these*
REVIEW	***Option 1***	***Option 2***	***Option 3***
Legal guarantees and remedy in case of rejection: a. reasoned decision b. right to appeal/representation	*Both of these*	*One of these (please specify)*	*None or only vague provisions.*
Type of remedy (skip if no remedy)	*Right of appeal before national courts, including court of last instance (e.g. supreme court)*	*Right of appeal before national courts (civil, administrative, or specialised on migration, please specify)*	*Administrative or hierarchical review*

Scope of legal remedy (skip if no remedy)	*Appeal may modify the decision in merit (e.g. granting of nationality)*	*Covers both substantive and procedural aspects*	*Only procedural aspects*
Time limit for applicant to launch appeal after notification (skip if no remedy)	*No time limit*	*>1 month after notification (please specify)*	*≤1 month after notification (please specify)*
Legal guarantee and remedy to challenge integration and/or language test a. reasoned decision b. right to appeal/representation (separate from the normal procedure)	*Both of these*	*One of these (please specify)*	*None or only vague provisions.*
Type of legal guarantee and remedy to challenge integration and/or language test	*Right of appeal before national courts, including court of last instance (e.g. supreme court)*	*Right of appeal before national courts (civil, administrative, or specialised on migration, please specify)*	*Administrative or hierarchical review*
Scope of legal remedy for integration/language test (skip if no remedy)	*Appeal may modify the decision in merit (e.g. pass integration or language requirement)*	*Covers both procedural aspects (e.g. individual's results on test) and substantive aspects (e.g. challenge validity of specific questions on test)*	*Only procedural aspects (e.g. individual's results on test)*