



European
University
Institute

ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES

EUI Working Papers

RSCAS 2011/18

ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES
EUDO Citizenship Observatory

PRE-ACCESSION CHANGES TO RESIDENCE-BASED
NATURALISATION REQUIREMENTS
IN TEN NEW EU MEMBER STATES

Katja Swider

EUROPEAN UNIVERSITY INSTITUTE, FLORENCE
ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES
EUROPEAN UNION DEMOCRACY OBSERVATORY ON CITIZENSHIP

**Pre-Accession Changes to Residence-based
Naturalisation Requirements in Ten New EU Member States**

KATJA SWIDER

EUI Working Paper **RSCAS** 2011/18

This text may be downloaded only for personal research purposes. Additional reproduction for other purposes, whether in hard copies or electronically, requires the consent of the author(s), editor(s). If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the working paper, or other series, the year and the publisher.

ISSN 1028-3625

© 2011 Katja Swider

Printed in Italy, March 2011
European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)
Italy
www.eui.eu/RSCAS/Publications/
www.eui.eu
cadmus.eui.eu

Robert Schuman Centre for Advanced Studies

The Robert Schuman Centre for Advanced Studies (RSCAS), created in 1992 and directed by Stefano Bartolini since September 2006, aims to develop inter-disciplinary and comparative research and to promote work on the major issues facing the process of integration and European society.

The Centre is home to a large post-doctoral programme and hosts major research programmes and projects, and a range of working groups and ad hoc initiatives. The research agenda is organised around a set of core themes and is continuously evolving, reflecting the changing agenda of European integration and the expanding membership of the European Union.

Details of the research of the Centre can be found on:

<http://www.eui.eu/RSCAS/Research/>

Research publications take the form of Working Papers, Policy Papers, Distinguished Lectures and books. Most of these are also available on the RSCAS website:

<http://www.eui.eu/RSCAS/Publications/>

The EUI and the RSCAS are not responsible for the opinion expressed by the author(s).

EUDO CITIZENSHIP

EUDO CITIZENSHIP is part of the European Union Democracy Observatory and publishes two kinds of working papers: (1) peer reviewed and previously unpublished manuscripts on topics of citizenship laws and policies covered by the observatory and (2) collections of edited contributions to EUDO CITIZENSHIP Forum Debates. The author who opens such a debate closes it also with a reply to the other contributions. For more information how to submit a working paper or how to contribute to a Citizenship Forum Debate, consult our website at <http://eudo-citizenship.eu>.

Series editors:

Rainer Bauböck (European University Institute, Political and Social Sciences)

Iseult Honohan (University College Dublin, School of Politics and International Relations)

Jo Shaw (University of Edinburgh, Law School)

Maarten Vink (University of Maastricht, Department of Political Science)

Research for the EUDO Citizenship Observatory working papers series has been jointly supported by the European Commission grant agreement JLS/2007/IP/CA/009 and by the British Academy Research Project CITMODES (both projects co-directed by the EUI and the University of Edinburgh).

The financial support from these projects is gratefully acknowledged.

For more information about the project please visit the project website at <http://www.eudo-citizenship.eu>

The views expressed in this publication cannot in any circumstance be regarded as the official position of the European Union



Abstract

This study investigates how access to residence-based naturalisation has changed in ten Central and Eastern European EU member states before their accession. It focuses on the legislative amendments made during the time of EU pre-accession conditionality, specifically between the entry into force of the Europe Agreement and the date of accession, when the supervision of the EU Commission over legal and political developments in those states was strongest. The changes are analysed and evaluated as to their liberal nature, which shows that while the EU pre-accession documents promote the principle of inclusiveness, the legislative amendments in the field of naturalisation that were in fact introduced during the pre-accession time result in higher exclusion.

Keywords

Residence-based naturalisation, naturalisation requirements, inclusive and exclusive naturalisation policies, EU, pre-accession conditionality.

1. Introduction

The acquisition of citizenship by immigrants has become an increasingly important issue in the politics of Western Europe. The transformation into immigrant-receiving states proved to be challenging for classical ideas about inclusion and exclusion in the region. This led to a significant increase in legislative amendments on immigration control and regulation of immigrants' rights in the EU-15.¹ The path of an immigrant to ultimate legal and political inclusion goes through naturalisation, and therefore nationality laws have also been highly prioritised on political agendas of Western European states.²

The immigration anxieties found their place in the preparation for the EU's largest expansion to the East in 2004 and 2007. Fears were expressed at different political levels within the old EU member states about possible large immigration flows of new EU citizens after the two latest enlargements.³ This drew attention to the risk of new EU member states becoming transit countries for third country nationals who were planning to move westwards as EU citizens.⁴

Did these Western concerns have an impact on the naturalisation of immigrants in Eastern and Central European states that recently acceded to the EU?

This research investigates what EU accession did to the rules on naturalisation in the ten Central and Eastern European accession states of 2004 and 2007. Unfortunately, there is very little reflection of these issues in the pre-accession documents of the EU. The rare references to citizenship policies of candidate states are difficult to analyse in isolation, as they are often intertwined with other policy considerations of EU institutions, such as minority protection or access to the labour market.⁵ However, in its broad meaning EU conditionality is not exclusively and exhaustively reflected in the pre-accession policy documents. The intense Europeanisation that resulted from pre-accession conditionality was a complex process of legal, political and administrative transformations. The ten Central and Eastern European new member states have been undergoing these transformations in the aftermath of socialist regimes under the close supervision of EU institutions in their run up to EU accession. In addition to explicit demands and more subtle recommendations of the EU institutions, various other internal and external forces contributed to the processes leading to the EU accession. Instead of trying to find out what where the actions and the intentions of EU institutions concerning the citizenship regimes of new EU Member States, this study looks at what developments have actually taken place during the pre-accession time.

¹ See R. Hansen and P. Weil (eds.), *Towards a European nationality : citizenship, immigration, and national law in the EU* (London 2001); M. Vink and R. de Groot 'Citizenship Attribution in Western Europe: International Framework and Domestic Trends', *Journal of Ethnic and Migration Studies*, Vol. 36, No. 5, May 2010, pp. 713-734; EUDO-citizenship database www.eudo-citizenship.eu.

² M. Howard 'The Politics of Citizenship in Europe' (Cambridge University Press 2009); S. Wallace Goodman 'Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion' EUDO-citizenship series, November 2010, p. 1, 3.

³ See, for example, in T. K. Bauer and K. F. Zimmermann 'Assessment of Possible Migration Pressure and its Labour Market Impact Following EU Enlargement to Central and Eastern Europe. A Study for the Department for Education and Employment, United Kingdom' IZA Research Report No. 3 (Bonn, July 1999); H.-W. Sinn, M. Werding 'Immigration Following EU Eastern Enlargement' *CESifo Forum*, Vol. 2, Issue 2, (Summer 2001), pp. 40-47; M. Kraus, R. Schwager 'EU Enlargement and Immigration' *Journal of Common Market Studies*, Vol. 42, Issue 1 (February 2004), pp. 165-181, and others.

⁴ See, for example, M. A. Vachudová 'Eastern Europe as Gatekeeper: The Immigration and Asylum Policies of an Enlarging European Union' in P. Andreas and T. Snyder (eds.), *The Wall Around the West: State Borders and Immigration Control in North America and Europe* (Rowman and Littlefield, 2000).

⁵ See below in section 3.2.

In particular, this study analyses how access to residence-based naturalisation has changed in ten Central and Eastern European states that joined the EU in 2004 and 2007 around the time between the entry into force of the Europe Agreement and the date of accession, when the supervision of the EU Commission over legal and political developments in those states was strongest.

Those states might have been influenced by expectations from the EU institutions, the old member states, or from domestic political forces in the anticipation of changes brought about by the accession. The changes might have even been prompted by what the new EU members perceived as a pre-accession expectation, without this having been made explicit by any EU actor.⁶ With the awareness of the prospect of accession affecting every aspect of politics of Central and Eastern European states, pre-accession legislative changes in such an important policy field as naturalisation of foreigners have, in one way or another, reflected what it has meant for the new EU member states to be part of the EU.

The main reason for the focus on requirements for residence-based naturalisation, as opposed to other aspects of citizenship policies of new EU member states, is their significance for evaluating the inclusive liberal character of a citizenship regime.⁷ Residence-based or regular naturalisation is the standard, and usually the most restrictive procedure for naturalisation, the core requirement being the number of years spent by an immigrant in the host state. In most states it is the major route to acquiring citizenship after acquisition by birth.⁸ It serves those foreigners who cannot access citizenship by means of facilitated naturalisation procedures designed for privileged groups. The latter can be based on considerations of humanitarian, historico-nationalistic or societal nature, and often target refugees, second generation migrants, spouses of citizens, ethnic kin minorities from neighbouring countries and so on. Residence-based naturalisation is designed for all other foreigners, and therefore illustrates the conditions under which a state is willing to include in the core of its population an anonymous immigrant. This is why residence-based naturalisation might be politically the easiest one to restrict, as opposed to limiting access to facilitated naturalisation, where certain international obligations might be preventing a tough policy, or domestic interest groups might stand in the way.

2. Legal Context: EU and National Citizenships

2.1 EU and the citizenship regimes of member states

Citizenship laws and policies traditionally belong to the core of sovereignty of states. This holds also, in principle, within the European Union, where sovereignty in a number of fields of policy and lawmaking has been transferred to the EU institutions. EU member states retain exclusive competences in determining who their nationals are. The treaties do not grant to the European Union any powers with respect to the nationality laws of member states, and the provision on European citizenship clearly states that national citizenships are not to be replaced by EU citizenship.⁹ In addition, member states have expressed their will to retain sovereignty on nationality matters in a number of statements and declarations.¹⁰

⁶ See, for example, C. Iordachi 'Country Report: Romania' EUDO Citizenship Observatory Series (2009), p. 8.

⁷ In M. Howard's 'Citizenship Policy Index', requirements for naturalisation constitute two out of three most important criteria of evaluating the state's citizenship policy, the third criterion related to granting of the *ius soli* right to nationality at birth, see M. Howard *The Politics of Citizenship in Europe* (Cambridge University Press 2009), pp. 17-36.

⁸ See S. Wallace Goodman 'Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion' *EUDO-citizenship series*, November 2010, p. 5.

⁹ See Treaty on the Functioning of the European Union, title I, and Art. 20(1).

¹⁰ See Edinburgh Decision of 1992, OJ 1992, C 348, p. 1; Declaration No 2 on nationality of a Member State, annexed to the Treaty on European Union (not in force any more since the Treaty of Lisbon).

However, it would be wrong to say that membership within the EU has no influence on the way national sovereignty in the field of citizenship is exercised. Firstly, by virtue of EU citizenship rights, nationality regimes within the Union are interconnected, because member states need to carry some of the burden of each others' decisions on inclusion into EU citizenry. Nationals of member states are also citizens of the Union, and can thus claim extensive social, economic and even political rights associated with their EU citizenship in any other member state.¹¹ These connections between citizenship populations put pressure on states to take into account relevant EU regulations and potential effects of their nationality policies for the whole of the EU. Secondly, certain related EU laws and policies have an inevitable impact on the formation of citizenship regimes of EU member states, even without any specific legal obligations or external political pressure to that end. Among these are EU laws on immigration, on asylum and on long-term residents, and EU documents on integration of third country nationals.¹² Thirdly, several notable ECJ judgments indicate that there is not only a political, but also a legal obligation on the part of the member states to respect certain EU standards when adopting decisions in the field of nationality.¹³ This line of case law is rapidly developing, and might well place significant limits on the member states discretionary powers in the field of nationality policies. In the latest such judgment of March 2010, *Rottmann*, the Court proclaimed jurisdiction over a case of withdrawal of nationality from an individual who possesses only German citizenship, on the basis that the person in question would also be deprived of his status of an EU citizen.¹⁴ This brought within the ambit of EU law almost any case of withdrawal of citizenship by a member state.¹⁵ The exact impact of *Rottmann* on the EU supervisory competences in the context of nationality laws of member states is still unclear, but this judgment is already having far reaching effects in the context of division of competences as far as EU citizenship is concerned. Advocate General Sharpston in his opinion on the *Ruiz Zambrano* case suggests to revise the well-established EU rule that EU citizenship rights can only be activated if the person has established a link with EU law, usually by exercising free movement rights.¹⁶ According to the Advocate General, EU citizens should not need to leave their member state of origin in order to activate some of their EU citizens' rights, specifically the right to reside in their own member state. Advocate General Sharpston refers extensively to the ECJ judgment in *Rottmann* in arguing this radical expansion of EU competences over the rights of EU citizens in their own member states.¹⁷ Thus, it still remains to be seen how exactly *Rottmann* will alter the EU competences in nationality matters of member states, and whether it will only affect ECJ's jurisdiction over cases of withdrawal of nationality or also on cases of granting access to nationality. However, seeing what role the *Rottmann* judgment has played in the

¹¹ For example, the rights related to freedom of movement of EU workers and their family members under the Directive 2004/38/EC, or the right to vote and stand as a candidate at municipal elections under Article 22(1) TFEU.

¹² For example Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification as refugees or as persons who otherwise need international protection (OJ L 304); Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 25); Council Directive 2003/109/EC of 25 November 2003 on long-term residents (OJ L 16); Commission Staff Working Document 'The Consolidation of the EU Framework on Integration. Report to the 2010 Ministerial Conference on Integration', of 19 March 2010 (SEC(2010)357); Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions 'A Common Agenda for Integration. Framework for the Integration of Third-Country Nationals in the European Union', of 1 September 2005, (COM(2005)389); See more in S. Carrera 'In search of the perfect citizen? The intersection between integration, immigration and nationality in the EU' (Nijhof, 2009).

¹³ See *Airola* case, ECJ Case 21/74 of 20 February 1975; *Micheletti* case, ECJ Case C-369/90 of 7 July 1992; *Rottmann* case, ECJ Case C-135/08 of 2 March 2010.

¹⁴ See *Rottmann* case, ECJ Case C-135/08 of 2 March 2010.

¹⁵ With the exception when after the withdrawal the person will be in possession of another EU citizenship, and his EU rights would not in any way be affected by the withdrawal.

¹⁶ See *Ruiz Zambrano* case, ECJ Case C-34/09, Opinion of the Advocate General Sharpston of 30 September 2010.

¹⁷ *Ibid.*, para. 95, and to some extent para 84.

interpretation of EU competences in the Opinion of the Advocate General in *Ruiz Zambrano*,¹⁸ it would not be surprising if it will also become a starting point for the development of EU doctrine in the field of acquisition of nationalities of member states in the near future.

2.2 Nationality Matters in Pre-Accession Conditionality

The fact that the EU has no explicit competences to regulate nationality laws of its member states was not a limitation on its powers in the pre-accession negotiations with candidate states.¹⁹ Central and Eastern Europe was in the process of multiple political, economic and social transformations, and once the accession of the ten states from the region was on the political agenda of the EU, the Commission took a pro-active role in steering these changes, without a distinction as to which issues were within its competences on the internal EU level. An unprecedentedly elaborate system of pre-accession conditionality was thereby created, which in its substance went far beyond the scope of EU competences in its relations with member states. Under this scheme citizenship legislations could become a topic of explicit EU action in the acceding states, and the EU could exercise considerably more influence in this field than vis-à-vis its member states.

However, direct EU interference with citizenship regimes of candidate states was rather selective and inconsistent, and, in fact, only played a role in the negotiations with a few states where citizenship regulations had previously attracted negative international attention, namely in Latvia, Estonia and, to some extent, in the Czech Republic.²⁰ Even in case of states with internationally recognised citizenship problems, the European Union was not consistent in its interventions, having largely ignored, for example, the issue of more than 18,000 cases of statelessness created in Slovenia in 1992 by explicit acts of state authorities.²¹ Compared to the supervision of ‘democracy’, ‘rule of law’, ‘good administration’ and ‘effective judiciary’, which were on the agenda in the negotiations with all the Central and Eastern European candidate states, the issue of regulation of citizenship was not a recurring one. No standards were established, and no requirements for specific reforms were placed. The rare references to citizenship legislations were, moreover, not formulated as a separate issue, but were included in the discourse on the protection of minorities, and discussed together with reforms related to language legislation, political participation or representation in the labour market.²² This

¹⁸ Compare, however, to the Advocate General Kokott’s Opinion in Case C-434/09 *McCarthy* of 25 November 2010, where, despite *Rottmann*, the Advocate General insists on the need to exercise EU free movement rights before EU citizenship rights can be activated.

¹⁹ It was at least not perceived as a limitation in the extensive pre-accession conditionality campaign for the states of two latest rounds of accession. See D. Kochenov ‘EU Enlargement and the Failure of Conditionality’ (Kluwer Law International 2008), specifically section 2.2 on pp. 80-82.

²⁰ See Communications from the Commission on the Accession Partnerships with Estonia (Official Journal C 202 , 29/06/1998 P. 0023 – 0027, paras 4.1 and 4.2, Annex 1. Political criteria), Latvia (Official Journal C 202 , 29/06/1998 P. 0042 – 0047, paras 4.1 and 4.2, Annex 1. Political criteria) and Czech Republic (Official Journal C 202 , 29/06/1998 P. 0013 – 0018, Annex 1. Political criteria) and numerous subsequent documents by the Commission, Council, European Parliament and the Economic and Social Committee on the issue, See also D. Kochenov ‘Pre-Accession, Naturalisation, and “Due Regard to Community Law”’. The European Union’s ‘steering’ of national citizenship policies in candidate countries during the fifth enlargement’ *Romanian Journal of Political Science* 2004, pp. 71-88; S. Day and J. Shaw ‘The Boundaries of Suffrage and External Conditionality: Estonia as an Applicant Member of the EU’ *European Public Law*, Vol. 9, Issue 2, 2003, pp. 214-215; D. Kochenov ‘EU Influence on the Citizenship Policies of the Candidate Countries: The Case of the Roma Exclusion in the Czech Republic’ *JCER* 2007 Volume 3, Issue 2, pp. 124-140.

²¹ These persons were erased from civil registries and became therefore know as the ‘erased’. See for more details F. Medved ‘Country Report: Slovenia’, EUDO Citizenship Observatory Series (2009, updated in May 2010), p. 9; J. Dzankic ‘ECTHR holds Slovenia responsible for the “Erasure”’, EUDO-citizenship news item available at <http://eudo-citizenship.eu/citizenship-news/364-ecthr-holds-slovenia-responsible-for-the-erasure/>.

²² *Ibid.* See also Opinion of the Economic and Social Committee on ‘Latvia and Lithuania on the road to accession’ of 14 March 2003, 2003/C 61/16, paras. 2.2 and 2.3; Opinion of the Economic and Social Committee on ‘Estonia’s progress towards accession’ Official Journal C 268 , 19/09/2000 P. 0024 – 0031, para 3.1.3; Strategy Papers

lack of focused attention on the standards related to nationality regimes could be the consequence of, firstly, a complete lack of experience within the EU as an organisation on this matter, and, secondly, a lack of relevant universally accepted standards in general. As to the latter, it should be pointed out that the few existing international standards on nationality laws are by no means adopted in all the 'old' member states.²³ The level of compliance with standards related to the Copenhagen accession criteria in the 'old' member states was, in principle, not used as a standard for pre-accession conditionality.²⁴ However, the high diversity among the citizenship regimes of the EU-15 might have played a role in the lack of EU citizenship conditions.

As far as the experience of the EU with nationality issues is concerned, it has been pointed out in the previous section that recent ECJ case law might lead to the development of EU standards on nationality matters. Having better defined standards on the internal level, might make the EU more confident to monitor nationality regimes of candidate states, at least as regards their compliance with ECJ case law.

Explicit conditionality has thus played a marginal role in the reformation of citizenship regimes of candidate states. Nevertheless a large number of changes were introduced to the citizenship laws during the pre-accession preparations, in particular relating to the residence-based naturalisation procedures. The preparation for accession did not only consist in harmonising with the *acquis communautaire* and fulfilling the Commission's requirements regarding various democratic standards. As mentioned above, there might have been a number of internal and external sources of political pressure, perusing different agendas. Therefore the methodology of this study is based on the analysis of the actual changes which took place in the defined time frame, as opposed to analysing the EU pre-accession conditions in this field, covering thereby a broader scope of influence of EU accession than that related to explicit conditionality.

3. Comparative analysis

A vast majority of Central and Eastern European states have tightened their rules on regular naturalisation before or just after joining the European Union (see Table in the Annex). Poland, Slovenia, Czech Republic, Romania and Bulgaria introduced restrictive changes between the entry into force of the Europe Agreement and their accession to the EU, while Slovakia, Estonia and Lithuania passed restrictive legislation just after their accession. The two states where no such restrictions were introduced, Hungary and Latvia, had already quite elaborate restrictive conditions for regular naturalisation, namely, eight years of residence in Hungary and ten years in Latvia,²⁵ tests on knowledge of language and the constitution, an income requirement and a clean criminal record requirement.

3.1 Residency requirement

The residency requirement is the core of regular naturalisation. A certain number of years spent by an immigrant in a host state is an indication of the level of integration, as well as of willingness and capacity to function within the host environment. This requirement, like any other, should be

(Contd.) _____

and Reports of the European Commission on the progress towards accession by each of the candidate countries [SEC (2001) 1744 to 1753], part II (1, a) and Annex 1 and {SEC (2002) 1400 - 1412} of 9 Oct. 2002.

²³ For example, the European Convention on Nationality is ratified only by seven of fifteen old Member States, and the UN Convention on the Reduction of Statelessness only by 8.

²⁴ See D. Kochenov 'EU Enlargement and the Failure of Conditionality' (Kluwer Law International 2008), p. 66.

²⁵ Latvian Law on Citizenship requires five years on the basis of a permanent residence permit, but it takes five years before a foreigner can obtain a permanent residence permit. See more on the impact of specifying the required legal status for the residency requirement in section 3.2. See Latvian Citizenship Act of 1994, Art. 12(1(1)).

proportional to its purpose, and not turn into an excessive restriction on access to citizenship. There is, however, no agreement as to the maximum number of years which can be required by a liberal state for a naturalisation based on residence. It is difficult to come up with a common standard, since the degree of restrictiveness does not only depend on the number of years required, but also on the regulations regarding the opportunities for an immigrant to establish a long-term residence in the first place: the same length of residence can be experienced as less restrictive in a state where it is fairly simple to establish and maintain, as opposed to a state with highly restrictive rules on immigration, complex conditions of establishment of legal residence, and restrictive employment policies for foreigners. In Western Europe the residence requirement is becoming more restrictive even in states where the number of required years is not increasing, simply because it is becoming more difficult for foreigners to maintain legal residence.²⁶ Despite obstacles in comparing residency requirements in different states, some standards have been suggested on the number of years a state can require from immigrants before they have a chance to naturalise. Firstly, the European Convention on Nationality sets the upper limit at ten years.²⁷ None of the new EU Member States exceeded this limit during the pre-accession amendments of their citizenship laws. Slovakia extended the requirement of permanent residence from five to eight years,²⁸ and, in most cases, a permanent residence permit is granted only after five years of temporary residence.²⁹ In order to avoid the de facto thirteen years residency requirement, Slovakia also allows one to apply for naturalisation after ten years of uninterrupted residence,³⁰ if the applicant holds a permanent residence permit at the time of the application, thus technically remaining within the ten years limit of the European Convention on Nationality.

Ten years is, however, rather an absolute maximum than the optimal length of residence which should be required. In scholarly writings on the liberal nature of naturalisation requirements the threshold of five years often comes up as an acceptable standard, while three years is seen as an ideal of a highly liberal policy.³¹ Indeed, if the aim of the residency requirement is not to secure cultural assimilation, but merely certain social and political ties which are necessary to function as a citizen, and the demonstration of some commitment to permanently settle in that state, five years should on average be more than sufficient. All the new member states that extended the required length of residency during their pre-accession preparations have exceeded this five year threshold. This was done either by increasing the number of required years from five to eight or ten (Romania, Estonia and Slovakia),³² or by specifying that only residence of five years under a specific legal status counts towards the residency requirement, thus effectively prolonging the factual residence requirement by the number of years necessary to obtain the relevant status (Poland and Bulgaria).³³

²⁶ C. Dumbrava 'How illiberal are citizenship rules in the European Union countries?', EUI Working Paper RSCAS 2010/50, p. 14.

²⁷ Art. 6(3) of the European Convention on Nationality.

²⁸ Slovak Citizenship Act No. 40/1993, Art. 7(1a), as amended by Act No. 344/2007.

²⁹ See Arts. 34 to 42 of the Act on residence of aliens no. 48/2002 Coll. and the explanatory note in English from the Slovak Ministry of Foreign Affairs at http://www.foreign.gov.sk/en/consular_info/residence_of_alien_in_territory_of_slovakia. See more on the relation between the length of residency requirement and the requirement of legal status in the next section.

³⁰ Art. Arts. 7(2g) of the Slovak Citizenship Acts No. 40/1993, as amended by Act No. 265/2005 of 20 May 2005.

³¹ See M. M. Howard 'Comparative Citizenship: An Agenda for Cross-National Research', *Perspectives on Politics*, Vol. 4, No. 3 (Sep., 2006) p. 446; M. Howard 'The Politics of Citizenship in Europe' (Cambridge University Press 2009), p. 23; J. Carens 'The Integration of Immigrants', *Journal of Moral Philosophy*, Vol. 2, issue 1 (2005), p. 40; C. Dumbrava 'How illiberal are citizenship rules in the European Union countries?', EUI Working Paper RSCAS 2010/50, p. 14.

³² See Law on Romanian Citizenship of 1991, amendments of 1999 and 2003; Estonian Citizenship Act of 1995, amendments of 2004.

³³ See Art. 12 of Law on Bulgarian citizenship of 1998, compared to Art. 8 of the 1968 Law on Bulgarian Citizenship; and Arts. 8(1) and 9(1) of the Polish Citizenship Act, as amended by Article 105 of the Law of 25 June 1997.

3.2 Requirement of legal status

Another interesting development that can be observed in the relevant pre-accession amendments is an increased emphasis on the legal status of the individual, either during the entire period of residence preceding naturalisation (Poland and Bulgaria),³⁴ as described in the previous paragraph, or at the time of submitting the application (Slovenia and Lithuania).³⁵ Four states introduced a previously non-existent requirement as to the legal status of the candidate for naturalisation. This is in line with a more general tendency in Europe to increase the number of highly bureaucratised legal statuses for foreign residents, which influence numerous aspects of foreigners' lives, among others the access to naturalisation.³⁶ In the context of naturalisation proceedings the requirement to have a specific legal status is seen as restrictive and opposed to liberal standards.³⁷ By introducing an additional requirement related to the legal status of the applicant for naturalisation governments can 'export' the restrictions on naturalisation from citizenship law to other spheres of law, namely those governing access to the required legal statuses. In Poland, for example, by introducing a phrase 'on the basis of permanent residence' to the five years residence requirement for naturalisation,³⁸ the legislator effectively added to the naturalisation procedure a number of requirements which a foreigner needs to fulfil five years before the application for naturalisation can be submitted, namely, when accessing the status of a permanent resident. Those 'invisible' requirements are quite significant, and include, among others, three years of residence,³⁹ a proof of stable source of income and a stable housing situation,⁴⁰ 'long-term family or financial links with Poland'.⁴¹ Moreover, as the wording of the Polish Act on Aliens suggests, the granting of permanent residence status in Poland is highly discretionary, and fulfilling all the requirements does not guarantee the obtaining of this status.⁴² In other states access to permanent residence status may also depend on passing language or integration tests, or is linked to high administrative fees.⁴³ The requirements for obtaining a particular residency status can influence greatly the chances of a foreigner to naturalise, without this being reflected in laws and regulations on citizenship.

3.3 Language and civic knowledge tests

Naturalisation requirements related to passing some kind of a knowledge test have already attracted scholars' attention, especially in the context of Western European states.⁴⁴ It is difficult to establish

³⁴ See Art. 12 of Law on Bulgarian citizenship of 1998, compared to Art. 8 of the 1968 Law on Bulgarian Citizenship; and Arts. 8(1) and 9(1) of the Polish Citizenship Act, as amended by Article 105 of the Law of 25 June 1997.

³⁵ See Article 10(3) of the Slovenian Citizenship Act, as amended by Law No. 96/2002 of 25 October 2002; and Lithuanian Citizenship Act as amendment by Law of 9 December 2004.

³⁶ See A. Kraler 'The legal status of immigrants and their access to nationality' in R. Bauböck (ed.) *Migration and Citizenship. Legal Status, Rights, and Political Participation* (Amsterdam University Press 2006), pp. 33-65.

³⁷ M. Vink and R. de Groot 'Citizenship Attribution in Western Europe: International Framework and Domestic Trends' *Journal of Ethnic and Migration Studies*, Vol. 36, No. 5, May 2010, p. 725.

³⁸ See Polish Act on Aliens of 25 June 1997 (Dziennik Ustaw, 1997, nr. 114, poz. 739), Art. 105(1) (introducing amendments to Arts. 8(1) and 9(1) of the Polish Citizenship Act of 15 February 1962).

³⁹ See Polish Act on Aliens of 25 June 1997 (Dziennik Ustaw, 1997, nr. 114, poz. 739), Art. 19, para 1, 3).

⁴⁰ Ibid., Art. 19, para. 1, 2).

⁴¹ Ibid., Art. 19, para 1, 1).

⁴² Ibid., Art. 19.

⁴³ Wallace Goodman 'Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion' *EUDO-citizenship series*, November 2010, pp. 8-9.

⁴⁴ See, R. Bauböck and C. Joppke (eds.) 'How liberal are citizenship tests?' EUI Working Paper RSCAS 2010/41; L. Orgad 'Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe', *American Journal of Comparative Law*, 2010, Vol. 58, pp. 53-106; C. Dumbrava 'How illiberal are citizenship rules in the European Union countries?', EUI Working Paper RSCAS 2010/50.

with certainty whether introducing any knowledge test into the naturalisation procedure aims at checking relevant knowledge of the future citizenry about some essential aspects of the host society, or whether this is a tool to make it even more complicated for foreigners to naturalise. For example, the most widely spread type of such tests – language tests – can be justified by the necessity to have citizens with the basic capacity of communicating among each other and with the state administration, and to be politically active. Such a requirement can also be supported by cultural arguments, namely, that the preservation of the culture of the host society requires all citizens to be able to speak the state’s official language. There can be various defensible reasons for which states might expect and encourage the knowledge of the state language among its population. However, it is arguable whether any of these reasons is sufficient to justify such a drastic measure as a test, failing which may result in delay of naturalisation or inability to naturalise. Even if the legitimacy of a language test as such is accepted, there are questions as to the acceptable level of difficulty of the test.⁴⁵ As to the latter, the study by C. Dumbrava assumes a ‘civic’, as opposed to ‘cultural’ function of language tests, and finds that the language tests introduced Bulgaria and Slovakia before and just after joining the EU are not disproportionately difficult.⁴⁶

Language tests were not the only innovation as far as testing practice in naturalisation procedures is concerned. Romania has added to the list of naturalisation requirements the passing of a test on knowledge of the culture and the constitution,⁴⁷ and the Slovak language test includes the requirement to demonstrate ‘general knowledge about the Slovak Republic’.⁴⁸ Such knowledge tests are even more controversial than language tests, and are considered by some scholars to be incompatible with liberal standards regardless of their exact content.⁴⁹ Those who accept the legitimacy of such tests are usually cautious about their potential to turn into inquiries about applicants’ personal moral convictions or patriotic feelings, as opposed to checking the objective knowledge of relevant rules and principles.⁵⁰ The difference between a ‘liberal’ test on the knowledge of national culture, if such a test is conceivable at all, and a psychologically invasive, illiberal and over-exclusive test often lies in small details, such as in the wording of the questions,⁵¹ or even in organisational details, such as clarity regarding knowledge required to pass the test, the difficulty and/or the accessibility of preparation materials and the possibilities to re-take the test.⁵² For example, in the Slovak test the level of knowledge required is not regulated on the legislative level, and thus considerable discretion is granted to the administration in passing or failing the applicant at the test. The Citizenship Act merely provides that a committee of three members appointed by the administration are to conduct an ‘[i]nterview, in which the applicant is asked questions related to himself and his relatives, as well as

⁴⁵ See R. Bauböck and C. Joppke (eds.) ‘*How liberal are citizenship tests?*’ EUI Working Paper RSCAS 2010/41 and C. Dumbrava ‘How illiberal are citizenship rules in the European Union countries?’, EUI Working Paper RSCAS 2010/50, p. 12.

⁴⁶ C. Dumbrava ‘How illiberal are citizenship rules in the European Union countries?’, EUI Working Paper RSCAS 2010/50, p. 12.

⁴⁷ Law no. 192 for the Modification and Additions to the Law on Romanian Citizenship no. 21/1991 of 14 Dec. 1999.

⁴⁸ See Arts. 7(1h), 8(6a) of the Slovak Citizenship Acts No. 40/1993, as amended by Act No. 344/2007 of 26 June 2007.

⁴⁹ See, for example, D. Kostakopoulou ‘What liberalism is committed to and why current citizenship policies fail this test’, J. Carens ‘The most liberal citizenship test is none at all’, S. Carrera and E. Guild ‘Are Integration Tests Liberal? The “Universalistic Liberal Democratic Principles” as Illiberal Exceptionalism’ in R. Bauböck and C. Joppke (eds.) ‘*How liberal are citizenship tests?*’ EUI Working Paper RSCAS 2010/41.

⁵⁰ See L. Orgad ‘Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe’, *American Journal of Comparative Law*, 2010, Vol. 58, pp. 53-106; C. Dumbrava ‘How illiberal are citizenship rules in the European Union countries?’, EUI Working Paper RSCAS 2010/50, p. 12; C. Joppke ‘How liberal are citizenship tests?’ in R. Bauböck and C. Joppke (eds.) ‘*How liberal are citizenship tests?*’ EUI Working Paper RSCAS 2010/41, pp. 1-4.

⁵¹ L. Orgad ‘Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe’, *American Journal of Comparative Law*, 2010, Vol. 58, pp. 101-104.

⁵² K. Groenendijk and R. van Oers ‘How liberal tests are does not merely depend on their content, but also their effects’ in R. Bauböck and C. Joppke (eds.) ‘*How liberal are citizenship tests?*’ EUI Working Paper RSCAS 2010/41, pp. 9-10.

general questions, including, without limitation, questions from history, geography, and social and political development in the Slovak Republic', after which each of the members of the committee is to issue an opinion and, by a majority of two, it is decided whether the applicant has passed or failed.⁵³ This vagueness as to the knowledge required to pass the test can be contrasted with the practice of citizenship tests in traditional immigrant states, such as the US, Canada and Australia. These are often quoted as examples of good practice aiming at and succeeding in the integration of future citizens.⁵⁴ Without defending the testing practice, it is necessary to observe that the latter tests are significantly more accessible and predictable to the applicant because of how they are structured and organised.⁵⁵ Moreover, they are often content-wise easier to pass.⁵⁶ The structural arbitrariness and unpredictable difficulty of European tests can easily lead to feelings of fear and hostility towards the state, as opposed to successful integration of the immigrant. Therefore, when introducing a 'cultural knowledge' test, especially without specifying a well-structured format and a clearly limited content, the lawmaker and the administration are running a risk of jeopardising their naturalisation procedure with a highly questionable restrictive practice.

3.4 From clean criminal record requirement to exclusion of tax evaders

Bulgaria introduced a clean criminal record requirement,⁵⁷ and Slovakia has elaborated on its existing criminal record requirement so as to make it more restrictive.⁵⁸ Not exactly the same, but a related requirement was introduced in the Czech Republic and Slovakia, related to previous compliance of the applicant with legal obligations related to taxation, social security, insurance and so on. Even though these two requirements target very different types of violations, the logic behind them is comparable – they are aimed at excluding from the citizenry those who have disobeyed some aspects of the host state's legal order. State interest behind these amendments is obvious, but the justifiability of excluding on these bases a segment of long-term residents from the possibility to naturalise is questionable. Firstly, depending on the formulation and administrative interpretation of such requirements, the scope of the violations is usually not limited to serious offences, and therefore establishes a fairly high standard which can result in arbitrary exclusion.⁵⁹ Imperfect tax or health insurance payment is not necessarily a sign of bad will, and occurs on a large scale for structural as well as for personal reasons. Even relying on certain entries in a criminal record can lead to arbitrary exclusion, depending on what is criminalized in a specific state. For example, in Ireland any traffic violation is considered to be a criminal offence, and naturalisation may be denied to a person purely because of a traffic ticket, without there having to be a criminal prosecution involved.⁶⁰ In such conditions, working as a taxi driver can seriously jeopardize one's prospect for naturalisation. The newly introduced Slovak specifications exclude from naturalisation those whose criminal proceedings resulted in a probation and whose probation period ended successfully less than five years prior to submitting the application, or whose trial was terminated by a settlement less than five years prior to

⁵³ See Arts. 7(1h), 8(6a) of the Slovak Citizenship Acts No. 40/1993, as amended by Act No. 265/2005 of 20 May 2005.

⁵⁴ See, for example, S. Wallace Goodman 'Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion' *EUDO-citizenship series*, November 2010, p. 15; see also R. Bauböck and C. Joppke (eds.) '*How liberal are citizenship tests?*' EUI Working Paper RSCAS 2010/41, pp. 1, 11-13, 19-20, 38.

⁵⁵ For example, the possible questions are clearly defined and study materials are easily available free of charge. See for US test www.uscis.gov/portal/site/uscis, for Canadian test www.cic.gc.ca/english/resources/publications/discover/index.asp, for Australian test www.citizenship.gov.au/learn/cit_test/practice/.

⁵⁶ Ibid.

⁵⁷ See Bulgarian Citizenship Act Bulgaria of 1998, Art. 12(3).

⁵⁸ See Art. Art. 7(1) of the Slovak Citizenship Acts No. 40/1993, as amended by Acts No. 265/2005. of 20 May 2005 and No. 344/2007 of 26 July 2007.

⁵⁹ See J. Seglow 'Arguments for naturalisation', *Political Studies*, Vol. 57, issue 4, December 2009, pp. 788–804.

⁶⁰ See J. Handoll 'Country Report: Ireland' EUDO Citizenship Observatory Series, 2009 (last updated in June 2010), p. 16.

submitting the application.⁶¹ Also, certain administrative and asylum proceedings can disqualify an applicant from applying for naturalisation in Slovakia.⁶² Thus, a broad definition of what constitutes a ‘criminal record’ can form a basis for arbitrary and discriminatory denials of naturalisation. Secondly, even denying access to citizenship to serious criminal offenders can be seen as problematic from the liberal democratic point of view,⁶³ since it results in their exclusion from political participation in the system that criminalizes their actions, and often holds them in a vulnerable position on that basis. Moreover, as far as crimes committed in the host state are concerned, one may condemn the clean criminal record requirement as an unwillingness of the host society to deal with its own problem of criminality. Despite these serious considerations, according to a comparative study by S. Wallace Goodman, the requirement of clean criminal record is now present in the naturalisation procedure either explicitly or implicitly in all states of the European Union.⁶⁴

In terms of a criminal record requirement, it should be pointed out that Slovakia introduced a previously non-existent time limit of five years after the criminal record has been expunged, at the expiry of which the candidate can apply for naturalisation. This is doubtlessly a step towards the liberalisation of the criminal record requirement. However, this welcome change was accompanied by a considerable broadening of the criminal record and related requirements, so as to exclude from naturalisation persons undergoing certain asylum and administrative procedures, as well as those having been involved in a criminal prosecution which did not necessarily result in a criminal conviction. It would therefore be too soon to conclude that the criminal record requirement in Slovakia has liberalized.

3.5 Financial requirements

Financial conditions are quite common in naturalisation procedures of European states. Their nature may vary from the requirement of stable income, evidence of employment, absence of debts or proof of independence from social assistance.⁶⁵ The requirement to have a ‘source of income’ was introduced by Bulgaria in the pre-accession period,⁶⁶ but it was already present in most of the new member states before they stepped on the path of accession preparations. Most of the ‘old’ EU member states maintain some kind of an income requirement, either on a specific level of income, or on having a source of income in general.⁶⁷ The EC Long-term Residence Directive also provides for the possibility to require ‘stable and regular resources’⁶⁸ before granting the status of EU long-term resident to third country nationals. It is difficult to evaluate the impact of introducing a financial requirement, as the degree of its restrictiveness depends on its form of implementation, and exact threshold set by the administration. The EC directive mentions, for example, independence from social assistance as a criterion of sufficient resources, but a similar requirement can also be defined as having

⁶¹ See Art. 7(1b) of the Citizenship Acts No. 40/1993, as amended by Act No. 344/2007 of 26 July 2007.

⁶² See Art. 7(1f, g) of the Citizenship Acts No. 40/1993, as amended by Acts No. 265/2005 of 20 May 2005 and No. 344/2007 of 26 July 2007.

⁶³ The ECHR has condemned on several occasions the state practice to deny voting rights to criminal offenders, even those convicted of such serious crimes as manslaughter and murder. See cases *Hirst v. the United Kingdom*, No. 74025/01, of 6 October 2005; *Frodl v. Austria*, No. 20201/04, of 8 April 2010. See also J. Carens ‘The Integration of Immigrants’, *Journal of Moral Philosophy*, Vol. 2, issue 1 (2005), p. 40.

⁶⁴ S. Wallace Goodman ‘Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion’ *EUDO-citizenship series*, November 2010, pp. 11-12.

⁶⁵ See S. Wallace Goodman ‘Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion’ *EUDO-citizenship series*, November 2010, p. 12.

⁶⁶ See Bulgarian Citizenship Act Bulgaria of 1998, Art. 12(4).

⁶⁷ S. Wallace Goodman ‘Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion’ *EUDO-citizenship series*, November 2010, p. 12.

⁶⁸ See EU Council Directive 2003/109/EC, Art. 5(1a).

stable employment or a specific minimum salary, in which case it might function in a more restrictive manner. In this respect, the financial requirement is comparable to the clean criminal record requirement, where only a detailed analysis of administrative practices can reveal their restrictiveness. In some states, the two are even combined under one requirement of ‘good character’, allowing the administration to inquire into applicants’ financial situation and criminal past.⁶⁹

3.6 Dual nationality: requirement to renounce previous nationality

The requirement to renounce previous nationality was highly debated in some ‘old’ EU member states.⁷⁰ It was seen as one of the biggest obstacles for naturalising large permanently resident minority groups, and steps were taken towards liberalising this requirement. As far as the new EU member states are concerned, none of them has liberalised this requirement in the context of residence-based naturalisation, and during the pre-accession period two states introduced restrictive amendments in this field. Bulgaria has enacted an obligation to renounce previous nationality for residence-based naturalisation.⁷¹ Slovenia had always prohibited dual citizenship for naturalised citizens, but during the pre-accession period it introduced a provision for stricter enforcement of this prohibition, namely by explicitly allowing withdrawal of naturalisation if the applicant cannot provide a proof of release from previous citizenship.⁷²

These developments can be criticised from two points of view. First, openness towards dual nationality is generally seen as a liberal trend,⁷³ and introducing restrictions on the possibility for an individual to hold two or more nationalities is, as a consequence, illiberal. Second, in both Bulgaria and Slovenia the restrictions on dual nationality apply in a discriminatory way, singling out residence-based naturalisation applicants, but allowing for dual nationality under other circumstances.⁷⁴ Persons of Bulgarian origin who qualify for facilitated naturalisation, for example, do not need to renounce their other citizenship,⁷⁵ nor do Bulgarian and Slovenian citizens who naturalise in another state.⁷⁶ As far as the discriminatory application of the prohibition on dual nationality is concerned, the Polish developments in this field can also be seen in a negative light. While introducing positive legislative changes for wider accommodation of dual nationality, Poland failed to also alter the relevant provisions in residence-based naturalisation procedures, according to which the administration has the discretion to request the renunciation of a previous nationality.⁷⁷ As a result, numerous Polish citizens can hold a second nationality, except for the naturalised citizens who had the misfortune to be asked by the administration to renounce their other citizenship. Even though nothing has changed in the

⁶⁹ S. Wallace Goodman ‘Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion’ *EUDO-citizenship series*, November 2010, pp. 11-13.

⁷⁰ M. Vink and R. de Groot ‘Citizenship Attribution in Western Europe: International Framework and Domestic Trends’ *Journal of Ethnic and Migration Studies*, Vol. 36, No. 5, May 2010, pp. 713-734.

⁷¹ Amendment of 2001 of the Citizenship Act, Art. 12(6).

⁷² Law Amending the Citizenship Act of 22 Feb. 1994 (Uradni List No. 13/1994), amendments to Art. 16 of the Citizenship Act.

⁷³ See M. Vink and R. de Groot ‘Citizenship Attribution in Western Europe: International Framework and Domestic Trends’ *Journal of Ethnic and Migration Studies*, Vol. 36, No. 5, May 2010, pp. 713-734.

⁷⁴ See more in C. Dumbrava ‘How illiberal are citizenship rules in the European Union countries?’, EUI Working Paper RSCAS 2010/50, p. 12; C. Joppke ‘How liberal are citizenship tests?’ in R. Bauböck and C. Joppke (eds.) ‘*How liberal are citizenship tests?*’ EUI Working Paper RSCAS 2010/41, p. 13-14.

⁷⁵ Amendment of 2001 of the Citizenship Act, Art. 15.

⁷⁶ This includes naturalised Bulgarian and Slovenian citizens who subsequently also naturalise somewhere else.

⁷⁷ Law on changing certain laws defining the competences of administrative organs of 24 July 1998 (amendments of Arts. 13 and 15 of the Citizenship Act), as well as the renunciations of bilateral agreements on the elimination of cases of dual nationality by Poland. See A. Gorny and D. Pudzianowska ‘Country Report: Poland’ *EUDO Citizenship Observatory Series*, 2009, p. 5.

conditions for residence-based naturalisation, the application of prohibition of dual citizenship became more discriminatory towards this group.

As already mentioned, the amendments in new member states related to dual citizenship in the context of residence-based naturalisation procedures are in strong contrast with the Western European trend to become more open to dual citizenship in all spheres of nationality law.⁷⁸ None of the old EU member states has made it more difficult to retain another nationality after naturalisation, or retain their citizenship when naturalising abroad, compared to before 1980.⁷⁹ Despite some fluctuations, and an occasional step backwards for two steps forward, the overall trend for the past 30 years in the old EU has been to open up to dual citizenship in every aspect of nationality policies. The ‘new’ member states opted for a more selective liberalisation of their acceptance of dual nationality. Allowing for more instances of dual citizenship is a positive development in an attempt to liberalise citizenship policy, but the major indicator of inclusiveness of the citizenship regime is whether dual nationality is tolerated with regard to new naturalising citizens.⁸⁰ Unfortunately, there have been only restrictive changes with regard to this aspect of dual nationality policy in the pre-accession states.

3.7 On administrative discretion

In addition to introducing numerous new requirements on access to residence-based naturalisation, two states extended the discretion of their administrations to reject a naturalisation application by introducing into the procedure such vague concepts as ‘state interest’, ‘public security’ or ‘public morals’.⁸¹ S. Wallace Goodman characterises these as ‘maximally subjective criteria of exclusion’.⁸²

In a majority of European states (and nine out of ten new EU member states) the procedure for naturalisation is a discretionary act, as opposed to a legal entitlement of an immigrant who fulfils specific criteria.⁸³ However, this does not mean that there is unlimited discretion on the part of the administration to take uncontrolled naturalisation decisions. Depending on the national rules of judicial review, an applicant usually can challenge an administrative act in courts, at least on the basis of compliance with procedural rules, and on blatant deviations from the substance of law. Disregard of the obligation to state reasons can, for example, be a basis for challenging a naturalisation decision.⁸⁴ For the purposes of judicial review and prevention of arbitrariness of administrative decisions it is therefore important to clearly define all the requirements. The inclusion of vague criteria gives the administration a wider choice of not easily challengeable reasons for the rejection of naturalisation applications, since courts often do not feel competent, or are explicitly instructed not to set limits upon the administrative discretion thereby created. For example, the Czech incorporation of the ‘national security’ consideration was accompanied with an explicit authorisation for the administration not to include relevant ‘classified information’ into the naturalisation file, thus depriving the applicant of the

⁷⁸ See also S. Wallace Goodman ‘Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion’ *EUDO-citizenship series*, November 2010, pp. 9-10.

⁷⁹ M. Vink and R. de Groot ‘Citizenship Attribution in Western Europe: International Framework and Domestic Trends’ *Journal of Ethnic and Migration Studies*, Vol. 36, No. 5, May 2010, p. 721.

⁸⁰ See M. Howard ‘*The Politics of Citizenship in Europe*’ (Cambridge University Press 2009), pp. 24-26.

⁸¹ Czech Republic: Law of 29 July 1999 Amending the Citizenship Act (No. 194/1999), Art. 10(3); Bulgaria: Citizenship Law of 1998, Art. 19.

⁸² S. Wallace Goodman ‘Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion’ *EUDO-citizenship series*, November 2010, p. 12.

⁸³ With the exception of Estonia. See comparative analysis by S. Wallace Goodman ‘Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion’ *EUDO-citizenship series*, November 2010, p. 20.

⁸⁴ See for example, judgments of the High Court of Ireland, case of *Mishra v. Minister for Justice*, (1996) in 1 *Irish Reports* 189; England and Wales Court of Appeal, Case *R v Secretary of State for the Home Department*, ex parte Fayed of 13 November 1996; Administrative Court of Montenegro Case No. 82/2009 of 21 October 2009; Croatian Constitutional Court, judgment of 8 December 1993, combined cases U-I-206/1992, U-I-207/1992, U-I-209/1992, U-I-222/1992.

possibility to know and to judicially contest the basis on which his or her naturalisation application was rejected.⁸⁵

3.8 Liberalising changes

There are two examples of liberalisation of regular naturalisation in the new member states during the pre-accession, in Lithuania and Latvia. Lithuania has abolished in its new Citizenship Law of 2002 the requirement not to be a chronic alcoholic or a drug addict, and not to be ill with a dangerous infectious disease.⁸⁶ This amendment terminated the discriminatory exclusion of a small group of naturalisation applicants on the basis of a health condition. The Latvian liberalising amendment was of significance for a larger segment of the population. It was the only instance in the field of regular naturalisation reform responding to an explicit EU pre-accession condition; it consisted of the abolition of the age 'window system' in the naturalisation scheme. The effect of the amendments was that immigrants who wanted to apply for citizenship based on long-term residence would not need to wait till (in some cases) the year 2003 before their application could even be reviewed.⁸⁷ The old system was based on 'time-frames' for different age groups of applicants and depended on whether the applicant was born in Latvia. For example, persons who were born in Latvia and who applied for naturalisation at the age of 40 or more would not get their application reviewed before the year 2000, while those born in Latvia and who were younger at the time of submitting the application could have their naturalisation requests processed earlier. Immigrants who entered Latvia as adults would not have been able to get their naturalisation application reviewed before 2002 or, for those applying at the age over 30, before 2003. This system was heavily criticised by the EU, but mainly for depriving certain age groups of stateless minorities of a speedy prospect for naturalisation, rather than for creating obstacles for immigrants on their way to naturalisation.⁸⁸ For the EU it was therefore not as much of an issue of facilitating residence-based naturalisation as reducing the high percentage of statelessness in Latvia.

4. Conclusion

The changes in residence-based naturalisation procedures during the pre-accession time in the new EU Member State were predominantly of a restrictive, illiberal nature. Although opinions of scholars differ as to the degree of acceptability of each of the introduced naturalisation requirements discussed in this study, the fact that the number of these requirements has risen drastically, and hardly any of the old restrictions have been eliminated, indicates that access to residence-based naturalisation was significantly lowered. In the words of Dora Kostakopoulou, '[i]t is immaterial whether the hurdles are too high or a bit lower. The crux of the point is that naturalisation is not liberalised; it is made more restrictive'.⁸⁹

What was the role of the EU in these restrictive changes? On the one hand, there was no explicit EU policy to encourage additional restrictions on residence-based naturalisation. This is not surprising, considering that placing too high restrictions on access to regular naturalisation is generally seen as an illiberal practice,⁹⁰ and would thus be difficult to defend in the EU policy documents. On the other

⁸⁵ Law of 29 July 1999 Amending the Citizenship Act (No. 194/1999), Art. 10(3).

⁸⁶ See Lithuanian Citizenship Act of 17 September 2002, No IX-1078, Art. 13.

⁸⁷ See Law of 22 June 1998, amendment of Art. 14 of the Citizenship Act.

⁸⁸ See, for example, Communication from the Commission 'Latvia: Accession Partnership' of 29 June 1998 Official Journal C 202, pp. 0042 – 0047.

⁸⁹ D. Kostakopoulou 'What liberalism is committed to and why current citizenship policies fail this test' in R. Bauböck and C. Joppke (eds.) *'How liberal are citizenship tests?'* EUI Working Paper RSCAS 2010/41, p. 16.

⁹⁰ See C. Dumbrava 'How illiberal are citizenship rules in the European Union countries?', EUI Working Paper RSCAS 2010/50, pp. 10-15.

hand, considering how intense the involvement of the Commission was in each essential aspect of law and policy of candidate states, not only the support of positive developments, but also the failure to react to negative developments become attributable to it. Whether the Commission's silence towards restrictive changes in naturalisation requirements was a matter of negligence or of silent approval, one can argue that in the conditions of intense pre-accession monitoring this issue should have been addressed.

Under the broader definition of influence of EU accession on the new EU member states, various other external and internal, legal and political forces come to light, which might have led to the illiberal transformations analysed in this study. For example, Western European immigration anxieties in face of the upcoming Enlargement were most likely a strong factor in the process of 'tightening up' access to citizenships of new EU members. Limiting access to their citizenships could make the new EU member states appear less dangerous as potential transit states for third country nationals who would seek naturalisation with the sole aim of travelling to the West as EU citizens.⁹¹ There might also have been strong domestic pressure for more restrictive naturalisation rules, aimed at preventing a sudden expansion of the citizenry by those who merely seek to access EU citizen rights. Another factor could be related to domestic fears about the prospect of accession to a multi-cultural supranational organisation which could question an ethnically based statehood. The latter is in line with the tendency observed in some of these states to facilitate naturalisation for ethnic kin-minorities abroad,⁹² thus not affecting this group of naturalisation candidates by newly introduced restrictions on residence-based naturalisation. This study, however, merely identified and evaluated the developments in residence-based naturalisation requirements in the region. The questions as to why these changes took place still remain open.

It should be remarked that the restrictive changes in naturalisation policies were not an attempt to harmonise with the equivalent policies of the old EU member states. According to comparative studies, the new EU member states ended up with less liberal naturalisation regimes than the EU average already before the enlargements of 2004 and 2007.⁹³ A contrasting trend can be clearly observed with regard to patterns of change regarding toleration of dual nationality in the context of naturalisation. While among the old member states there is a clear tendency to allow for dual nationality, new EU member states are toughening their requirements also in this area, exhibiting a completely opposite pattern of change.

This study suggests to reconsider certain assumptions about citizenship regimes of Central and Eastern European states, as well as about the influence of the process of preparation to the EU accession on them. Central and Eastern European states are often depicted as upholding ethnically based conceptions of citizenship, pursuing policies of exclusion, or lagging behind the tendencies towards inclusion, observed in this field in some Western European States.⁹⁴ This picture is not incorrect, but it is not complete either without a careful analysis of the recent developments on

⁹¹ Even though the main fears on 'transit naturalisations' were directed towards the facilitated naturalisation procedures. See, for example, C. Iordachi 'Country Report: Romania', EUDO Citizenship: RSCAS, EUI, December 2009, revised May 2010, available at <http://eudo-citizenship.eu/docs/CountryReports/Romania.pdf>, pp. 14-15, 17. Tightening regular naturalisation may have been an unfortunate alternative to a proper response to the problems with facilitated naturalisation.

⁹² See J. Toth 'The Impacts of EU Enlargement on Nation-Building and Citizenship Law', in E. Guild, K. Groenendijk & S. Carrera (eds.) 'Illiberal Liberal States Immigration, Citizenship and Integration in the EU' (2009), pp. 101-112; J. Toth 'Connections of Kin-minorities to the Kin-state in the Extended Schengen Zone', *European Journal of Migration and Law* (2003), pp. 201-227.

⁹³ See M. Howard 'The Politics of Citizenship in Europe' (Cambridge University Press 2009); C. Dumbrava 'How illiberal are citizenship rules in the European Union countries?', EUI Working Paper RSCAS 2010/50.

⁹⁴ See, for example, M. Howard 'The Politics of Citizenship in Europe' (Cambridge University Press 2009), p. 173; A. Liebich 'Introduction: Altneuländer or the vicissitudes of citizenship in the new EU states' in R. Bauböck, B. Perching & W. Sievers (eds.) 'Citizenship Policies in the New EU' (Amsterdam University Press 2007).

citizenship in the region. For example, M. Howard in his book 'The Politics of Citizenship' evaluates the level of inclusiveness of the citizenship regimes of the EU-12 (including Cyprus and Malta), and finds EU-12 citizenship regimes highly restrictive in comparison with those of the EU-15.⁹⁵ However, while the EU-15 is studied on the basis of historical data, representing all the relevant policy changes of the past few decades, EU-12 is analysed exclusively on the basis of 'static' data from around 2007. Without having analysed relevant historical developments, the author speaks of the prospects for liberalisation in the EU-12, leaving the reader unaware of the present tendency towards even higher restrictions in the region.⁹⁶ If an equivalent in-depth historical analyses of the developments in the EU-12 as in the EU-15 had been made in this work, the liberalising impact of the EU on the citizenship regimes of EU-12, which is assumed in the book,⁹⁷ would not have been equally apparent.⁹⁸ Thus, in comparing citizenship policies of the 'new' and the 'old' EU, it is important to keep in mind that the illiberal nature of the EU-12 citizenship policies is not static, but was growing even during the time of most intense liberal reforms in those states, namely, in the period of pre-accession.

The main conclusion to be drawn from this study is that preparations for the EU accession involve controversial processes, influenced by numerous legal and political forces which do not always work in the same direction, and are not necessarily in line with the liberalising spirit of pre-accession conditionality of the EU. While EU institutions might be attempting liberal changes, the overall impact of pre-accession preparations in the field of nationality regimes has had the opposite effect. Therefore it can be misleading to draw conclusions about the impact of EU accession on new member states based solely on EU pre-accession documents and without considering an aspect as significant as changes in nationality regimes in the course of accession.

⁹⁵ M. Howard 'The Politics of Citizenship in Europe' (Cambridge University Press 2009), p. 13, 173.

⁹⁶ M. Howard 'The Politics of Citizenship in Europe' (Cambridge University Press 2009), pp. 190-192.

⁹⁷ See, for example, Howard 'The Politics of Citizenship in Europe' (Cambridge University Press 2009), p. 177.

⁹⁸ At least six of the new EU member states would have scored higher (more liberal) according to the Howard's Citizenship Policy Index if the figures from 1994 were analysed.

Bibliography

- Bauböck, R. and C. Joppke (eds.), 'How liberal are citizenship tests?', EUI Working Paper RSCAS 2010/41, available at http://eudo-citizenship.eu/docs/RSCAS_2010_41.pdf.
- Bauer, T. K. & K. F. Zimmermann (1999), 'Assessment of Possible Migration Pressure and its Labour Market Impact Following EU Enlargement to Central and Eastern Europe. A Study for the Department for Education and Employment, United Kingdom' IZA Research Report No. 3 (Bonn, July 1999).
- Carens, J. (2010), 'The most liberal citizenship test is none at all', in R. Bauböck & C. Joppke (eds.), *How liberal are citizenship tests?*, EUI Working Paper RSCAS 2010/41, available at http://eudo-citizenship.eu/docs/RSCAS_2010_41.pdf.
- Carens, J. (2005), 'The Integration of Immigrants', *Journal of Moral Philosophy*, 2(1): 29-46.
- Carrera, S. & E. Guild (2010), 'Are Integration Tests Liberal? The "Universalistic Liberal Democratic Principles" as Illiberal Exceptionalism', in R. Bauböck & C. Joppke (eds.), *How liberal are citizenship tests?*, EUI Working Paper RSCAS 2010/41, available at http://eudo-citizenship.eu/docs/RSCAS_2010_41.pdf.
- Carrera, S. (2009), *In search of the perfect citizen? The intersection between integration, immigration and nationality in the EU*. Leiden: Martinus Nijhof Publishers.
- Day, S. & J. Shaw (2003), 'The Boundaries of Suffrage and External Conditionality: Estonia as an Applicant Member of the EU', *European Public Law* 9(2): 214-215.
- Dumbrava, C. (2010), 'How illiberal are citizenship rules in the European Union countries?', EUI Working Paper RSCAS 2010/50, available at http://cadmus.eui.eu/bitstream/handle/1814/14114/RSCAS_2010_50.pdf?sequence=1.
- Dzankic, J. (2010) 'ECtHR holds Slovenia responsible for the "Erasure"', EUDO-citizenship news item available at <http://eudo-citizenship.eu/citizenship-news/364-ecthr-holds-slovenia-responsible-for-the-erasure/>.
- Gorny, A. & D. Pudzianowska (2009), 'Country Report: Poland', EUDO Citizenship Observatory Series, available at <http://eudo-citizenship.eu/docs/CountryReports/Poland.pdf>.
- Groenendijk, K. & R. van Oers (2010), 'How liberal tests are does not merely depend on their content, but also their effects', in R. Bauböck & C. Joppke (eds.), *How liberal are citizenship tests?*, EUI Working Paper RSCAS 2010/41, available at http://eudo-citizenship.eu/docs/RSCAS_2010_41.pdf.
- Joppke, C. (2010), 'How liberal are citizenship tests?', in R. Bauböck & C. Joppke (eds.), *How liberal are citizenship tests?*, EUI Working Paper RSCAS 2010/41, available at http://eudo-citizenship.eu/docs/RSCAS_2010_41.pdf.
- Handoll, J. (2009), 'Country Report: Ireland', EUDO Citizenship Observatory Series (last updated in June 2010), available at <http://eudo-citizenship.eu/docs/CountryReports/Ireland.pdf>.
- Hansen, R. & P. Weil (eds.) (2001), *Towards a European nationality: citizenship, immigration, and national law in the EU*. London: Palgrave.
- Howard, M. (2009), *The Politics of Citizenship in Europe*, Cambridge: Cambridge University Press.

- Howard, M. M. (2006), 'Comparative Citizenship: An Agenda for Cross-National Research', *Perspectives on Politics* 4(3): 443-455.
- Iordachi, C. (2009), 'Country Report: Romania', EUDO Citizenship Observatory Series, available at <http://eudo-citizenship.eu/docs/CountryReports/Romania.pdf>.
- Kochenov, D. (2008), *EU Enlargement and the Failure of Conditionality*. Alphen aan de Rijn: Kluwer Law International.
- Kochenov, D. (2007), 'EU Influence on the Citizenship Policies of the Candidate Countries: The Case of the Roma Exclusion in the Czech Republic', *Journal of Contemporary European Research* 3(2): 124-140.
- Kochenov, D. (2004), 'Pre-Accession, Naturalisation, and "Due Regard to Community Law". The European Union's "steering" of national citizenship policies in candidate countries during the fifth enlargement', *Romanian Journal of Political Science* 4(2): 71-88.
- Kostakopoulou, D. (2010), 'What liberalism is committed to and why current citizenship policies fail this test', in R. Bauböck & C. Joppke (eds.), *How liberal are citizenship tests?*, EUI Working Paper RSCAS 2010/41, available at http://eudo-citizenship.eu/docs/RSCAS_2010_41.pdf.
- Kraler, A. (2006), 'The legal status of immigrants and their access to nationality', in R. Bauböck (ed.), *Migration and Citizenship. Legal Status, Rights, and Political Participation*. Amsterdam: Amsterdam University Press.
- Kraus, M. & R. Schwager (2004), 'EU Enlargement and Immigration', *Journal of Common Market Studies* 42(1): 165-181.
- Liebich, A. (2007), 'Introduction: Altneuländer or the vicissitudes of citizenship in the new EU states', in R. Bauböck, B. Perching & W. Sievers (eds.), 'Citizenship Policies in the New EU', pp. 17-40. Amsterdam: Amsterdam University Press.
- Medved, F. (2009), 'Country Report: Slovenia', EUDO Citizenship Observatory Series (updated in May 2010), available at <http://eudo-citizenship.eu/docs/CountryReports/Slovenia.pdf>.
- Orgad, L. (2010), 'Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe', *American Journal of Comparative Law* 58: 53-106.
- Seglow, J. (2009), 'Arguments for naturalisation', *Political Studies* 57(4): 788-804.
- Sinn, H.-W. & M. Werding (2001), 'Immigration Following EU Eastern Enlargement', *CESifo Forum* 2(1): 40-47.
- Vachudova, M. A. (2000), 'Eastern Europe as Gatekeeper: The Immigration and Asylum Policies of an Enlarging European Union', in P. Andreas & T. Snyder (eds.), *The Wall Around the West: State Borders and Immigration Control in North America and Europe*. Lanham: Rowman and Littlefield.
- Vink, M. & R. de Groot (2010), 'Citizenship Attribution in Western Europe: International Framework and Domestic Trends', *Journal of Ethnic and Migration Studies* 36(5): 713-734.
- S. Wallace Goodman (2010), 'Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion' EUDO-Citizenship series, available at <http://eudo-citizenship.eu/docs/7-Naturalisation%20Policies%20in%20Europe.pdf>.

EU treaties and documents

Treaty on the Functioning of the European Union.

Edinburgh Decision of 1992, OJ 1992, C 348, p. 1.

Declaration No 2 on nationality of a Member State, annexed to the Treaty on European Union (not in force any more since the Treaty of Lisbon).

Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely on the territory of the EU.

Directive 2003/109/EC on the status of third-country nationals who are long-term residents.

Directive 2004/83/EC on minimum standards for the qualification as refugees or as persons who otherwise need international protection.

Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

Commission Staff Working Document 'The Consolidation of the EU Framework on Integration. Report to the 2010 Ministerial Conference on Integration', of 19 March 2010 (SEC(2010)357).

Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions 'A Common Agenda for Integration. Framework for the Integration of Third-Country Nationals in the European Union', of 1 September 2005, (COM(2005)389).

Communications from the Commission on the Accession Partnership with Estonia of 1998, Official Journal C 202, 29/06/1998, pp. 0023 – 0027.

Communications from the Commission on the Accession Partnership with Latvia of 1998, Official Journal C 202, 29/06/1998, pp. 0042 – 0047.

Communications from the Commission on the Accession Partnership with Czech Republic of 1998, Official Journal C 202, 29/06/1998, pp. 0013 – 0018.

Opinion of the Economic and Social Committee on 'Latvia and Lithuania on the road to accession', Official Journal C 61, 14/03/2003.

Opinion of the Economic and Social Committee on 'Estonia's progress towards accession', Official Journal C 268, 19/09/2000.

Strategy Papers and Reports of the European Commission on the progress towards accession by each of the candidate countries [SEC (2001) 1744 to 1753] and [SEC (2002) 1400 - 1412] of 9 Oct. 2002].

Communication from the Commission 'Latvia: Accession Partnership', Official Journal C 202, 29/06/1998.

International treaties

Council of Europe, European Convention on Nationality of 1997.

UN Convention on the Reduction of Statelessness of 1961.

ECJ case law

Airola case, Case 21/74 of 20 February 1975.

Micheletti case, C-369/90 of 7 July 1992.

Rottmann case, C-135/08 of 2 March 2010.

Ruiz Zambrano case, C-34/09, Opinion of the Advocate General Sharpston of 30 September 2010.

McCarthy case, C-434/09, Opinion of the Advocate General Kokott of 25 November 2010.

ECHR case law

Hirst v. the United Kingdom. No. 74025/01, of 6 October 2005.

Frodl v. Austria, No. 20201/04, of 8 April 2010.

National case law

High Court of Ireland: case of Mishra v. Minister for Justice, (1996) in 1 *Irish Reports* 189.

England and Wales Court of Appeal: case of *R v Secretary of State for the Home Department*, ex parte Fayed of 13 November 1996.

Administrative Court of Montenegro: case No. 82/2009 of 21 October 2009.

Constitutional Court of Croatia: combined cases U-I-206/1992, U-I-207/1992, U-I-209/1992, U-I-222/1992 judgment of 8 December 1993.

National Legislation

Bulgaria

Citizenship Act of Bulgaria of 1998, State Gazette, No. 136/1998.

Citizenship Act of Bulgaria of 1968, State Gazette No. 79/1968.

Czech Republic

Citizenship Act of Czech Republic of 1992, No. 40/1993 Coll., State Gazette No. 12/1993.

Act No. 194/1999 Coll., Amendment of the Citizenship Act No. 40/1993 Coll., of 29 July 1999, State Gazette No. 65/1999.

Act No. 357/2003 Coll. Amendment to the Act No. 40/1993 Coll. Of 23 September 2003, State Gazette No. 120/2003.

Estonia

Citizenship Act of Estonia of 1995, State Gazette I 1995, 12, 122.

Amendment of Citizenship Act, 20 March 2004, State Gazette I 2004, 12, 80.

Hungary

Citizenship Act of Hungary LV of 1993, State Gazette of 15 June 1993.

Latvia

Citizenship Act of Latvia of 1994, State Gazette of 1994, 93.

Amendment of Citizenship Act, 1998, State Gazette of 1998, 315.

Lithuania

Citizenship Act of Lithuania No. I-2072 of 1991, State Gazette of 1991, No. 36–977.

Citizenship Act of Lithuania No. IX-1078 of 2002, State Gazette of 2002, No. 95–4087.

Amendment of Citizenship Act, No. IX-2558 of 2004, State Gazette of 2004, No. 173–6379.

Poland

Citizenship Act of Poland of 1962, State Gazette of 1962, No. 10, Item 49.

Act on Aliens of 25 June 1997, State Gazette of 1997, No. 114, Item 739, Article 105.

Act on changing certain laws defining the competences of administrative organs of 24 July 1998, State Gazette of 1998, No. 106, Item 668; Art. 19.

Romania

Citizenship Act of Romania No. 21/1991 of 1991, State Gazette Part I No. 44.

Amendment of Citizenship Act, No. 192 of 1999, State Gazette Part I No. 0611.

Slovakia

Citizenship Act of Slovakia No. 40/1993 of 1993.

Amendment of Citizenship Act, No. 265/2005, of 2005.

Amendment of Citizenship Act, No. 344/2007, of 2007.

Slovenia

Citizenship Act of Slovenia of 1991, State Gazette No. 1/1991-I.

Amendment of Citizenship Act of 2002, State Gazette No. 96/2002.

Annex

Table: Legislative changes to residence-based naturalisation requirements in 10 CEE EU member states since the entry into force of the Europe Agreement in each state until 2007

Change

No change

Requirements/MS	Length of residency	Legal status at the time of application	Language test	Civic knowledge test	Oath or declaration of loyalty	Clean criminal record	No violations of tax and other obligations	Financial conditions	Renunciation of other nationality	Requirements related to public interest (discretion of administration)
Bul	5=>5(10)* in 1998	Implied	Added in 1998	No	No	Added in 1998	No	Added in 1998	Added in 2001	Added in 1998
Cze	5(9)*	Yes	Yes	No	No	Yes	Added in 2003	No	Yes	Added in 1999
Est	5=>8 in 2006	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Hun	8	No	Yes	Yes	No	Yes	No	Yes	No	Yes
Lat	5(10)*	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No
Lit	10	Added in 2004	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Pol	5=>5(8) * in 1997	Implied since 1997	No	No	No	No	No	Yes	Yes (with discretionary waiver)	No
Rom	5=>8 in 1999 and 2003	No	Yes	Added in 1999	Yes	Yes	No	Yes	No	No
Slk	5(10)=>8(10)* in 2007	Not explicitly	Added in 2005	Added in 2007	No	Yes, altered in 2005 and 2007	Added in 2007	No	No	No
Sln	10	Added in 2002	Added in 1994	No	Added in 2002	Yes	Added in 1994	Yes	Yes	Added in 1994

* If the Citizenship Act requires residence under a specific permit, the figures in brackets indicate the total number of years before naturalisation, including the years before the required permit can be obtained. See more in sections on residency requirement and the legal status specification.

Author Contacts:

Katja Swider

email: k.j.swider@students.uu.nl

EUDO CITIZENSHIP contact and submission of working papers:

email: eudo.citizenship@eui.eu

<http://eudo-citizenship.eu>



