





# The story behind the numbers

Why immigrants become citizens in Europe











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### The story behind the numbers - Why immigrants become citizens in EU countries

Comparative Analysis of ten national roundtable discussions

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## The Story behind the Numbers

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#### 1. Introduction

A large share of the immigrant community in the European Union does not have the citizenship of the country they have settled in. This exclusion can have negative consequences for long-term social cohesion and the legitimacy and representativeness of liberal democracies. Many immigrants are not able to vote in national or regional elections; they may face indirect disadvantages on the labour market or in the education system; they may not develop a sense of belonging in the country of residence without the recognition that they are full and equal members of the national community. These consequences prompt the question of why immigrants naturalise, or more importantly, why they don't. The project 'Access to Citizenship and its Impact on Immigrant Integration' (ACIT)<sup>1</sup> co-funded by the European Fund for the Integration of Third-Country-Nationals (TCN) provides a new evidence base for comparing different elements of access to citizenship in Europe. Four sets of new citizenship indicators measure citizenship across the European Union and identify trends and common challenges in the area of law, implementation, acquisition and the link between citizenship and integration. This information is crucial to identify legal and procedural obstacles for naturalisation. Additional reasons may keep immigrants from naturalising, beyond the legal and procedural requirements.

National roundtables with key stakeholders complement the quantitative results from ACIT citizenship indicators. National roundtables were organised in ten EU countries (Austria, Estonia, France, Germany, Hungary, Ireland, Italy, Portugal, Spain, and the United Kingdom), hosting a total of 133 stakeholders, consisting of academic experts, citizenship lawyers, civil servants, politicians and representatives from non-governmental organisations. Participants discussed some of the key issues surrounding the acquisition of citizenship in their respective country: Which factors influence why immigrants become citizens? Which legal and procedural obstacles do they face? How does citizenship affect the integration into society? What is the public discourse on the issue of citizenship? What is the political context for citizenship reform and who are the relevant drivers?

The national roundtables were a key element of the ACIT research project. National stakeholders had the opportunity to discuss the relevance of indicator results in their national context. The indicator results generated fruitful debates among national stakeholders, demonstrating the importance and value of using this information to improve policies and practices. National roundtables put indicators into practice and reveal perspectives within the citizenship debate that would otherwise remain hidden. These include the personal motivations of different immigrant groups to naturalise, the societal context in the form of public opinion and discourse as well as the question of how party politics affects citizenship reform. Some of these questions are difficult to capture with the results of the ACIT indicators. Yet these difficult-to-measure dimensions are indispensable for understanding the acquisition of citizenship. Key

<sup>&</sup>lt;sup>1</sup> See the annex for more information about the ACIT project. All the indicators are accessible through an interactive online tool and comparative reports on the EUDO CITIZENSHIP observatory. For more information on the background and methodology see appendix and visit <a href="http://eudo-citizenship.eu/indicators">http://eudo-citizenship.eu/indicators</a>. For more information about the situation in each selected EU country please see the National Handbooks available at <a href="http://eudo-citizenship.eu/indicators">http://eudo-citizenship.eu/indicators</a>.

stakeholders in EU countries are best suited to tell the story that lies behind the numbers on citizenship.

Citizenship is fundamentally a national debate. Citizenship laws and procedures as well as the political context and public discourse differ greatly across Europe. The ACIT citizenship indicators compare countries' citizenship regimes and indicate trends across Europe. Indeed, this report finds that many challenges are similar across very different countries. This report investigated the similarities and differences in the citizenship debates and perceived challenges facing policy makers, academics and NGOs in the EU.

## 2. Executive Summary

National roundtables put indicators into practice. National experts and stakeholders can review the accuracy, judge the relevance and interpret the meaning of the indicators at the national level. They can prioritise results according to current debates. Most importantly, the national roundtables can also provide insights into key questions which cannot be captured by the indicators: Why do immigrants naturalise? How does public opinion influence citizenship acquisition? What is the political context for citizenship reform and who are the main drivers?

National stakeholders generally welcomed the opportunity for discussion, particularly because such occasions rarely involve stakeholders from such a variety of different sectors such as politics, civil service, civil society and academia. Several countries had difficulties attracting politicians especially from conservative parties. The attendance depended to some degree on political priorities, the type of inviting organisation and on current affairs (e.g. elections, financial crisis, or parallel events). Rather than repeating the specific results from each chapter, this section aims to outline some notable observations across national roundtables on citizenship:

The debate on citizenship policies predominantly focuses on practical incentives for naturalisation and on citizenship laws. This focus underestimates the relevance of emotional reasons for becoming a citizen and the influence of public opinion and discourse. This emphasis may be based on an 'expert bias'. Stakeholders deal with citizenship at a different level of abstraction compared to immigrants who are applying for naturalisation. Analyses of emotional reasons for naturalisation as well as public opinion and debate widen the scope of inquiry. They could highlight the importance of symbolic measures (citizenship ceremonies, promotional campaigns etc.) and media strategies (training journalists, promoting journalists with an immigrant background, placing positive reports about immigration related issues etc.) to promote naturalisation. These measures could potentially increase naturalisation rates independent of changing citizenship laws and procedures as such.

The legal obstacles have been well researched for each EU country. These same obstacles drew the most attention from participants of the national roundtables. Apart from major legal changes, minor procedural changes (e.g. permitted interruptions in the residence requirement or conditions for the proof of documentation) could have a significant impact on naturalisation. The potential of minor technical changes are often ignored in the debate, because, according to some, civil servants and local authorities are not consulted sufficiently. Minor changes in the law may also be favourable at times because they usually operate below the radar of sensitive public opinion.

Moreover, much of the discussion on citizenship tends to stress requirements for ordinary residence-based naturalisation. While this is of major importance, other forms of acquiring citizenship are usually neglected. According to participants in some countries, changing naturalisation policies and procedures may not be enough to deliver the big impact that is needed. In countries with large and long-settled non-citizen populations, it would take decades for these communities to naturalise even if legal conditions were relaxed. Strong ius soli provisions or special access for immigrants arriving at a young age may deserve more attention.

There was general consensus that the implementation of citizenship laws through administrative procedures can be equally strong deterrents for naturalisation compared to the legal requirements themselves. Strikingly, national roundtable participants highlighted the deficiencies of public administration in several EU countries. These challenges are partly caused by the institutional set-up and administrative regulations. However, they can also be produced by the incapacity and ineffectiveness of authorities. The biggest effects emerge from multiannual delays in procedures, use of discretionary power that leads to arbitrary refusals and unequal treatment, disproportionate burden of documentation, and inaccessible appeal systems.

Like any policy-relevant issue, citizenship policies are subject to political environments and dynamics. An assessment of the political discourse and the relevant players in the citizenship debate may explain why certain policies were adopted and where there are potential venues for action. The analysis of the national roundtables revealed three main points:

- 1) Many political parties avoid citizenship reform because it is regarded as too sensitive. As a result of perceived anti-immigrant attitudes in the wider public, politicians are anxious about losing votes and wasting political capital. Several participants in a number of countries claimed that the society is more comfortable with reform than political parties are.
- 2) While overestimating reform resistance in general public opinion, political parties may also underestimate immigrants. The 'immigrant vote' is still a non-issue in most EU countries. Despite considerable immigrant constituencies especially in urban areas, there has been limited debate on attracting immigrants as voters at the national level. Conservative parties show little interest in facilitating access to citizenship in the belief that immigrants are more likely to vote for left-wing parties. However, this claim is not supported by evidence in many countries. Referring to the most recent example of US presidential elections, stakeholders in many countries said that political parties may be well advised to start accommodating immigrants from early on rather than risking their political future in the long run.
- 3) Civil society organisations are not strongly represented in the citizenship debate. Positions diverge and there is lack of coordination between groups with similar interest. Immigrant organisations are not perceived as vital players in this debate. Many are fragmented along ethnic or religious lines. They are also often focused on providing services for clients rather than representing their interests. Civil society participants and academics stated the need for better coordination of interests, professional lobbying as well as awareness campaigns to inform the public and positively change an often biased discourse about immigration and citizenship.

## 3. Methodology

National partner organisation organised the national roundtables in Austria, Estonia, France, Germany, Hungary, Ireland, Italy, Portugal, Spain, and the United Kingdom in coordination with the Migration Policy Group. Ten events took place between November 2012 and February 2013 as seen in Figure 1 below.

Figure 1: List of National roundtables

#	Country	City	Date	National Partner
1	Austria	Vienna	19/11/2012	Beratungszentrum für Migranten und Migrantinnen
2	Estonia	Tallinn	18/01/2013	Tallinn University
3	France	Paris	07/11/2012	France terre d'asile
4	Germany	Berlin	22/01/2013	Heinrich-Böll-Stiftung
5	Hungary	Budapest	24/01/2013	Menedek Hungarian Association of Migrants
6	Ireland	Dublin	10/12/2012	Immigrant Council of Ireland
7	Italy	Rome	31/01/2013	Iniziative e studi sulla multietnicità (ISMU)
8	Portugal	Lisbon	28/01/2013	Luso-American Foundation
9	Spain	Barcelona	14/12/2012	Centre for International Affairs (CIDOB)
10	UK	London	28/11/2012	Runnymede Trust

#### **General structure**

The national roundtables were structured in two focus group sessions, each lasting 90 minutes. Focus groups consisted of civil servants, politicians, academic experts, citizenship lawyers and representatives of non-governmental organisations (NGOs). These stakeholders had proven expertise and long-term experience in the field of citizenship acquisition, in particular naturalisation. Austria, Estonia, Germany and Spain separated politicians and civil servants into one focus group and civil society actors into a second focus group. France, Hungary, Italy, Ireland, Portugal and the UK organised one focus group for all stakeholders.

First, the ACIT citizenship indicator results for the respective country were presented to roundtable participants by two ACIT researchers. Next, a moderator guided the discussion based on a structured questionnaire. In most cases, the moderator was a staff member of the national partner organisation with experience in conducting expert focus groups. The results of the ACIT research served as a kick-off and inspiration for debate while, in most cases, the research itself was not the main topic of discussion.

The discussion was recorded and transcribed by the national partner organisation and analysed by the Migration Policy Group. The transcripts were subjected to basic content analysis. The Nvivo software package was used for coding and a basic statistical analysis. Participants were assured of anonymity to facilitate open and fruitful debate.

#### **Participants**

The breakdown of participants in the national roundtables can be seen in Figure 2. Overall, the largest stakeholder representation (as part of the 132 participants) in the national roundtables came from NGOs. The group of NGOs included a range of think tanks, advocacy groups, immigrant organisations, service providers, consultative bodies, social worker and, in a few instances, trade unions. Academic experts were professors and researchers at universities and other research institutes. Citizenship lawyers made up the smallest stakeholder representation. Few lawyers focusing on citizenship are involved in the policy debate on citizenship and they are often affiliated with a political party or research institute. Politicians were mainly from centre-left and green parties with a few exceptions coming from centre-right parties (e.g. UK, Germany). Civil servants made up a key group in many countries providing practical hands-on experience and the needed detail to assess legal and procedural obstacles to citizenship acquisition. The composition of national roundtables varied slightly because of the difficulty to attract politicians and civil servants in some countries (e.g. Ireland, Italy, and UK) and because of different salience of citizenship in political debates at the time.

Figure 2: Participants of the National roundtables

National roundtable	NGOs	Academic experts	Citizenship lawyers	Politicians	Civil Servants	Total number of participants
Austria	3	4	0	1	2	10
Estonia	8	0	0	2	4	14
France	3	2	1	0	4	10
Germany	5	2	1	6	5	19
Hungary	1	4	0	2	2	9
Ireland	14	2	1	0	0	17
Italy	5	2	0	0	0	7
Portugal	6	2	0	2	6	16
Spain	6	1	2	4	4	17
UK	8	3	2	0	1	14
Total	58	21	7	17	29	133

The guiding questions of the first focus group session focused on the factors that influence why immigrants naturalise. This includes the personal motivation and incentives of immigrants to become citizens (1), legal or procedural obstacles that may deter them from applying (2) and the degree to which attitudes in society encourage or discourage immigrants to become citizens (3). This first session also addressed the link between the acquisition of citizenship and various forms of integration into society (4).

The second session contained questions about the political environment surrounding the debate on citizenship (5) and the relevant policy drivers (6). Stakeholders were asked for their opinions about necessary policy changes and the likeliness of changes in the future in light of

the current political context (7). Questions were used to guide the discussion of stakeholders and to ensure similarity of roundtables across all selected EU countries. The focus group discussion allowed exploring certain topics more in depth with regard to national particularities (e.g. special naturalisation procedures in Hungary, national minorities in Estonia).

This report focusses on reasons for and against acquiring citizenship in the EU. These reasons include emotional motivation, practical advantages, the societal context and legal and procedural obstacles. Secondly, this report describes different opportunity structures for policy changes regarding citizenship in ten EU countries. The anecdotal evidence presented in this report should be seen as complementary to the legal databases and quantitative citizenship indicators provided by the ACIT project.

### 4. Results: Why do immigrants become citizens in EU countries?

When immigrants have settled in their country of residence for an extended period of time, the following questions may begin to cross their mind: Do I want to become a citizen? Do I feel like I belong here? What are the advantages and what are the disadvantages of acquiring the citizenship of my host country? Does this society want me to become a citizen? How difficult is it to become a citizen? Upon analysis of the ten national roundtables, the questions and answers about the access to citizenship appear to be more common across different EU countries than often assumed given the different context of each EU country.

This chapter will provide a comprehensive overview of the main reasons why immigrants do or do not become citizens according to key stakeholders at the national roundtables. Roundtable participants were asked about which factors influence naturalisation rates. The reasons why immigrants naturalise was the starting point for most discussions in the selected EU countries..

## 4.1 Laws and procedures: How difficult is naturalisation?

Demanding legal requirements and long procedures for acquiring citizenship can be a deterrent that keeps immigrants from applying. Stakeholders at the national roundtables were asked to discuss the most crucial laws and procedures that are perceived as barriers to the acquisition of citizenship, in particular through ordinary residence-based naturalisation. While the laws for ordinary naturalisation vary significantly across different countries, the general types of requirements are largely the same: residence, multiple nationality, language and civic knowledge, criminal record, and economic resources. Most procedural issues identified by participants can be grouped according to the ACIT citizenship implementation indicators: Promotion, documentation, bureaucracy, discretion, and judicial review.

#### 4.1.1 Legal obstacles

In most cases, the major legal issues raised at each roundtable correspond to the results of the ACIT Citizenship Law Indicators for ordinary residence-based naturalisation.<sup>2</sup> Much of the conversation in Austria, Estonia, and Germany addressed citizenship laws. In comparison, these countries have overall more restrictive legal provisions for citizenship acquisition than most EU countries. The major topics of discussion are also represented by word clouds (visualisation of word frequencies in national roundtables) for each country (see Annex). The topics most discussed in each country were often the legal requirements with regard to which the country diverged most from their fellow EU-15 or EU-12 countries respectively (see ACIT citizenship law indicators). For example, residence and economic resource requirements are the main issue in Austria; ius soli provisions, multiple nationality and language requirements in Estonia; multiple nationality in Germany; and residence in Spain.

Figure 3: Number of interventions by roundtable participants

Legal requirements	Austria	Estonia	France	Germany	Ireland	Portugal	Spain	UK
Residence	5	0	0	5	1	2	4	0
Dual nationality	3	10	0	16	0	3	0	0
Language	2	7	3	4	4	7	1	4
Civic knowledge	1	3	2	2	0	1	3	2
Criminal record	2	0	0	0	1	2	0	0
Economic Resources	6	0	0	5	0	0	0	3
Special naturalisation (families, refugees)	2	2	2	1	1	0	0	1
Other citizenship laws (e.g. ius soli)	1	12	0	6	0	8	0	0
<b>Total Interventions</b>	22	34	7	39	7	23	8	10

Note: This table indicates which legal issues were most discussed in one country. This data is not comparable across countries. Italy was excluded from this graph because the roundtable did not follow the questionnaire. The Italian debate revolved mainly around the issue of bureaucracy. Hungary's transcript was not coded. Special naturalisation on grounds of 'Hungarian ancestry' was mostly debated. See National Handbooks for both countries (Annex).

Beyond ordinary naturalisation, there are other ways of acquiring citizenship, such as ius sanguinis (birthright citizenship based on descent) or ius soli (birthright citizenship based on birth in the territory). In Estonia, ius soli received particular attention due to the large Russian-speaking minority excluded from Estonian citizenship. Several experts in Germany claimed that ordinary naturalisation will not be sufficient to deal with the great share of long-settled immigrants in the country. It would take decades to naturalise this large group of foreigners even if naturalisation rates increased significantly.

<sup>&</sup>lt;sup>2</sup> See http://eudo-citizenship.eu/indicators/eudo-citizenship-law-indicators.

#### Residence

Residence requirements are often a major part of citizenship debates and reforms. They are symbolic, easy to change and politically less controversial than other requirements. Residence was heavily debated in Austria and Spain where the state currently requires ten years residence before immigrants can apply for ordinary naturalisation. In addition to the number of years required, the type of residence considered and the allowed interruptions have been identified as major legal obstacles to naturalisation. Some EU countries require citizenship candidates to hold a long-term residence permit at the time of application. This means in many cases that the actual residence requirement is three to five years longer than the formal requirement. In other countries, any kind of legal residence in the country may be considered for naturalisation.

An interruption of residence of a single day could disqualify for naturalisation, as was mentioned in Austria. Minor interruptions due to a failure to renew a residence permit in time can be a violation of the residence requirement. The interruption requirement can pose a serious obstacle, for example, for international students' and international labour migrants' access to citizenship. After finishing their studies many international students are employed on a temporary basis. International business professionals may be required to spend time abroad due to intercompany placements. This could eventually lead to an interruption of residence and ineligibility for naturalisation.

Simply reducing residence will have a limited effect on overall application numbers among the large, long-settled foreign populations in countries like Germany and Austria. Even if applications increased, it would still take decades to deal with the remaining cases. Instead, participants asserted the need for stronger ius soli provisions. In this context, the additional benefit of reduced residence requirements is a positive signal towards immigrants that they are welcome as full members of society.

#### Multiple nationality

The requirements to renounce one's previous citizenship, which still exist in the minority of EU countries, are seen as one of the major deterrents to naturalisation among many types of

From my experience, one particular hardship is that even if these 10 years are interrupted by only one single day, the period begins to run afresh; I know specific cases with which I was approached and where the authority is so to speak helpless because the law stipulates an uninterrupted residence of 10 years.

(Politician, Austria)

immigrants. The renunciation requirement was a key debate among stakeholders in Germany, Estonia, and, to some extent, Austria.

In Estonia, the refusal of multiple nationality affects the large Russian-speaking minority in the country. While most participants identified this requirement as a major obstacle, there was less consensus on whether accepting multiple nationality is the right move forward.

But there are, of course, many countries that have taken it lately. But whether it will go well in the end or will they do as Holland did and turn back? We don't know for sure.

(Civil Servant, Estonia)

Germany recently started to accept multiple nationality for EU immigrants which led to a sharp increase in naturalisation. Currently, 50% of naturalisations in Germany lead to toleration of multiple nationality under special provisions.

Children of foreigners born in Germany automatically receive German citizenship at birth regardless of any other affiliations. However, these individuals have to choose one citizenship between their 18th and 23rd birthdays. The so-called 'option duty' ('Optionspflicht') has started affecting larger numbers of cases since the beginning of 2013. There was consensus among experts in Germany that the situation caused by the option duty is

If someone would eliminate this requirement, this would remove a major obstacle for many applicants, and then you could certainly significantly increase the figures.

(Politician, Germany)

unsustainable, legally contestable, and a wrong sign for integration of immigrants. As Germany faces federal elections in September, the multiple nationality requirement is a hot topic of debate.

#### Language and civic knowledge

The EU has seen a trend of formalising the language level required for naturalisation and permanent residence over the last decade. The principle of language requirements for naturalisation was not generally contested at the national roundtables. Citizenship or civic knowledge test were mostly not perceived to be major obstacles to naturalisation. While pass rates are commonly quite high, the test might be seen as an obstacle by future applicants, according to a study<sup>3</sup> cited by the German national roundtable. Obstacles may also arise in the way the test is implemented (e.g. can it be repeated, how expensive is it, is the test material available, are there preparation courses?) and which subjects are covered. Moreover, questions arose about the effectiveness of a citizenship test to prove the level of integration or certain links with the country.

The major issues discussed were the exemptions for certain vulnerable groups (i.e. refugees, elderly, illiterate, and disabled) and the support provided for immigrants to reach the required level of language proficiency. The B1 level of the Common European Framework of Reference for Languages is perceived as too demanding for immigrants with lower educational

<sup>&</sup>lt;sup>3</sup> Bundesamt für Migration und Flüchtlinge (2012), Einbürgerungsverhalten von Ausländerinnen und Ausländern in Deutschland sowie Erkenntnisse zu Optionsplichtigen Ergebnisse der BAMF-Einbürgerungsstudie 2011, <a href="www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Forschungsberichte/fb15-einburgerungsverhalten.pdf">www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Forschungsberichte/fb15-einburgerungsverhalten.pdf</a>? blob=publicationFile

backgrounds, among whom many are refugees. In addition, B1 was mentioned as too restrictive for elderly persons who do not have the capacity to learn a new language compared to younger generations. Older generations may also not be familiar with formal written tests, as was mentioned in the case of Estonia.

B1 represents a major hurdle because many people get along fairly well in everyday life but cannot achieve this due to educational disadvantages, professional activities, lack of time or similar things.

(NGO, Austria)

In terms of support, experts in Portugal called for a return of the official government-provided language test which was dropped in 2010. Immigrants currently have to use official language institutes to prove their language level. The UK government has cut funding for language courses which is essential for many immigrants to reach the demanding B1 level. High costs for courses can be a big obstacle for low income groups. Participants in Ireland also discussed the need for establishing a clear standards and support.

Citizenship is made more difficult because of the drop in funding for ESOL courses, the multiplication of barriers to access but also the impact of austerity and other policies which affect naturalisations indirectly.

(Citizenship lawyer, UK)

Countries that assess civic knowledge through interviews risk that too much discretion in the procedure will result in unequal or disproportionate treatment of applicants. This was mentioned primarily in Spain, France and Portugal. Some countries are also lacking clear guidelines about what constitutes a sufficient level of country knowledge.

We must ensure staff training because it's not that easy to conduct an interview with objective criteria and without falling into a big brother interview with 2 000 questions on which we'll judge the poor guy sitting there. We also need to work on a guide for the assimilation interview in order to support agents and migrants.

(NGO, France)

#### Criminal record

All countries require immigrants to show a clean criminal record. In some cases, this requirement also takes the form of a 'good character' requirement. The criminal record requirement was not widely debated at national roundtables. The obstacles in this area include the severity of the crime and the statute of limitations (i.e. if the offense expires after time). In Ireland, Austria and the UK, almost any offense can theoretically lead to a refusal of citizenship. In several countries, criminal convictions are never erased from the record.

Now it might be a bit facetious, but you wouldn't revoke my citizenship if I got a traffic offence, something that small wouldn't have any effect on whether I'm entitled to being an Irish citizen, but for somebody that's applying for it that that can be a serious factor, and it's expecting of people a level of good character that isn't clearly defined, that is unattainable.

(NGO, Ireland)

#### Economic Resources

Some countries have experienced strong debates about the level and procedures to prove the economic resources, which are required in only around half the EU countries. In Austria, for example, economic resource requirements were considered one of the major legal obstacles for naturalisation. Income is not only required at a certain point of time, but has to be proven over the past three years. Since 2010, regular expenditures for rent, loan repayment, garnishment or alimony payment have to be taken into account when calculating an applicant's income level raising the required level of disposable income. This presents an additional burden for persons with developing, part-time or temporary employment (e.g. international students, mothers). Income requirements above minimum pension levels (approximately  $\in$  2000 for a couple with a child) exclude vulnerable groups, particularly low income families. Stakeholders in Austria highlighted that the proof of continuous and regular income over the three years prior to application poses not only a serious challenge for the applicant but also for the administration in terms of checking all documents.

One thing which is very difficult in practice is the disclosure and calculation of one's subsistence over a period of three years. If someone is not working continuously (...) for example, in the case of self-employed persons, it is enormously difficult to make a real calculation. It is difficult for the concerned persons who have to provide plenty of documents, partially this does not work out even with professional assistance, and also very difficult for us to carry out the correct calculations. Sometimes we have to inquire at many other authorities including the tax office, police etc. where we cannot control when they will answer us and the results of determination have to be completely up-to-date during the decision. (...) If there is a delay or one sheet is missing, this means starting from scratch, and then it will take another half a year. This means that the conditions which are to be verified are so numerous and so complex that this creates major difficulties not only for the authorities but also for the concerned persons.

(Civil servant, Austria)

#### 4.1.2 Procedural obstacles

Obstacles in law are implemented in practice by state authorities. Most policy areas show signs of discrepancy between formal laws and their application in practice. In some cases these procedures can undermine favourable legal conditions. At national roundtables, participants were asked about the obstacles in the naturalisation procedure in their country that are most severe. The underlying ACIT study captured the procedural side of naturalisation in five dimensions of citizenship implementation: promotion (How much do authorities encourage applicants to apply?), documentation (How easily can applicants prove they meet the conditions?), discretion (How much room do authorities have to interpret conditions), bureaucracy (How easy is it for authorities to come to a decision?), review (How strong is judicial oversight of the procedure?).<sup>4</sup> The results of the national roundtables will be presented along the same categories.

Similar to the discussion on legal obstacles, the national roundtable generally reflected the same issues that were identified by the ACIT project's corresponding citizenship indicators. On average, national roundtable participants discussed the issues in their country that diverged the most from other EU-15 or EU-12 countries. In some countries, participants see implementation as the primary obstacles while laws are perceived as favourable and open (Portugal, Estonia, and Ireland). In other countries, both laws and implementation are seen as demanding (Austria, Italy, France, and Germany). The discretion of authorities was identified as one of the major obstacles in France and Germany (differences in implementation in the regions), Ireland (absolute discretion) and Spain (discretionary assessment of language and civic knowledge). Fees were mostly discussed in Portugal and the UK. Bureaucracy was perceived as a particular challenge in Spain and Italy. The dominant topics of discussion are also represented by word clouds (visualisation of word frequencies in national roundtables) for each country (see Annex).

Overall, the discussion revealed the importance of assessing the implementation of procedures, which is often neglected in the debate on citizenship policies. The ACIT Citizenship Implementation indicators are an innovative tool to compare procedures across countries. Due to the complexity and variability of procedures in countries, regions and municipalities, the national roundtables have proven essential to provide more background information on procedures in practice.

According to civil servants participating in the roundtables, many obstacles in the procedures could be remedied by small changes and compliance with minimum standards of public administration and good governance. Improving the procedures requires the involvement of civil servants and local administrations in the policy debate. According to roundtable participants, frontline staff and service-providers are often marginal in debates on citizenship policy. Stakeholders see great potential in improving procedures because they are less controversial and too technical to require public debate.

<sup>&</sup>lt;sup>4</sup> See <a href="http://eudo-citizenship.eu/indicators/citimpindicators">http://eudo-citizenship.eu/indicators/citimpindicators</a>

Figure 4: Number of interventions by roundtable participants

	Austria	Estonia	France	Germany	Ireland	Portugal	Spain	UK
Discretion	5	0	6	8	7	1	8	1
Fees	3	0	0	1	0	10	0	5
Bureaucracy	4	2	2	9	6	1	14	0
Documentation	0	0	0	5	1	4	0	0
Promotion	0	6	0	8	3	5	1	1
Review	3	0	1	1	4	2	0	0
Miscellaneous	0	5	1	2	1	2	3	2

Note: This table indicates which procedural issues were most discussed within one country. This data is not comparable across countries. Italy was excluded because the roundtable did not strictly follow the harmonised questionnaire. The Italian debate revolved mainly around bureaucracy. Hungary's transcript was not coded. Special naturalisation on grounds of 'Hungarian ancestry' was mostly debated there. See National Handbooks for both countries (Annex).

#### **Promotion**

Immigrants may not apply for naturalisation simply because they are not informed about the procedures or the benefits of citizenship. High costs for the application and requirements (e.g. language test and preparatory language courses) may discourage immigrants from applying. Good quality information in different languages, an online checking service and a PR campaign are all measures that could be used to raise awareness and promote transparency and effectiveness of naturalisation procedures. Most stakeholders agreed that countries can do a better job at providing all useful information. It is up for debate whether the state should take on responsibility to advertise citizenship or simply provide favourable conditions for its acquisition. While some participants raised doubts about the effectiveness of campaigns in Germany, positive examples were mentioned in Ireland.

Just as participants disagreed about immigrants' 'emotional' vs. 'practical' reasons to naturalise, so too were opinions mixed about the symbolic meaning of citizenship ceremonies. Ceremonies were recognised as an effective promotional measure in countries like Ireland. When ceremonies are attended by high-level

It was really surprising for me how popular [ceremonies] turned out to be.

(Civil servant, Estonia)

dignitaries and the media, ceremonies can not only be popular among immigrants, but also popular among the public as a way to promote a more 'welcoming society'. However, some people are less comfortable with the idea of national pride and symbols. For example, a civil servant in Portugal called ceremonies 'a hollow thing, empty and something ridiculous.'

Costs were highlighted as a major practical obstacle for naturalisation in the EU countries with some of the highest total costs (Austria, Ireland, and United Kingdom). Federal fees in Austria can vary between  $\in$  700 and 900 depending on the applicant in addition to regional fees that can range from  $\in$  100 to 1500. Application fees for a couple with one child can amount to  $\in$  3000 in the worst case. There are no exemptions from fees in Austria.

I think the ceremonies have had an impact in terms of public awareness. People in this room are very tuned in to immigration issues and so on, but it has had an impact on people like my mother-in-law who will pick up the paper, you know, and go "oh, hello, she's black and she's Irish".

(NGO, Ireland)

On top of application fees, many immigrants face major costs for language courses. Recent reforms in the UK have made it harder to naturalise according to several national roundtable participants. Cuts in funding for language courses (ESOL) are an obstacle to acquire citizenship for immigrants with lower educational backgrounds. Increasing tuition fees must be seen in the context of already high application fees. According to one

Without the affordability issue, most people would be keen to apply. It is not a voluntary choice not to apply.

(NGO, UK)

participant in Austria, going through all course levels to B1 will at least cost € 2500 for immigrants that are not eligible for subsidised courses. Additional costs include, for example, translation and certification fees for certain documents from the country of origin.

#### **Documentation**

ACIT documentation indicators cover (1) the type of documents required for each naturalisation requirement, (2) how this information is acquired (e.g. automatically by the authority or by the applicant), (3) if translation and certification of documents is needed and (4) whether there are exemptions from documentation for some vulnerable groups such as refugees. The required documentation for naturalisation can be a major bureaucratic and financial burden especially when documents from the country of origin are required.

Naturalisation procedures in countries like France and Ireland are not clear about the documentation required. Some types of documentation can not only be a challenge for applicants to provide but also for authorities to process (e.g. documents for the proof of sufficient means of support for a period of three years in Austria). Another issue of documentation are costs for translating and certifying these documents. For some applicants, particularly refugees, it might be impossible to obtain certain documents such as their birth certificate or passport.

I think that's an obstacle, according to our experience. We have some cases of people from Angola who ask for documents which are impossible to obtain, such as the father's birth certificate. I'm doing the follow up of the case of a cousin of mine (...). His father's birth certificate burned during the war, he does not have proof. The truth is that he hasn't been able to obtain Portuguese citizenship and like him there are many others.

(Politician, Portugal)

#### **Bureaucracy**

Bureaucracy – the question of how quickly authorities come to a decision about a naturalisation claim – was identified as a major problem in a number of countries. In Spain, Italy, and to some degree France, there were particular cases where national stakeholders voiced concerns about the general capacity of authorities in appropriate time. Bureaucracy can be measured in terms of (1) how many authorities are involved in a process, (2) how long it takes and (3) how transparent it is.

In countries with highly decentralised structures (e.g. Germany, Austria, Spain), complex institutional structures may create a burden for the administration and can lead to the different treatment of applicants in different regions of the country. In Italy, the major obstacle is seen as a

One of the really frustrating things is not being able to go somewhere to see what stage your application is at (...). You don't know if it's been forgotten about, you don't know if it's been put on hold for a reason, you don't know if it's at the bottom of the pile. They (immigrants) are even afraid to do that, even if they have the contacts, because they're afraid that if they ask the question at the wrong time, it'll put their application right back to the bottom of the list again.

(NGO, Ireland)

In Spain, we have the nationality after 13-14 years, not 10 years. I'd like to make that clear. After 10 years, if you ask for an appointment, you will get it after 2.5-3 years and after that it's a long process, 1.5 years. For 99% of the Pakistanis who have nationality it took 15 years.

(NGO, Spain)

lack of public administration and the inability of national agencies to enforce common standards across Italy. According to roundtable participants in Spain, the waiting time can amount to several years due to bureaucratic procedures (coordination between different agencies), large backlogs of applications, understaffing of offices and an absence of legal time limits. This waiting time adds to the normal residence requirement for ordinary naturalisation in each country.

In Germany, the citizenship law is a federal law. But it's implemented in the states. And the states are bound to certain regulations when there's an administrative regulation. These exist, but they sometimes date back to 1999 and are obsolete in many areas. (...) We also don't just have different organisational structures but also different state regulations that wander around through different implementation guidelines. From this situation, we don't just have a legal problem but an implementation problem. Here, the federal government has a duty and it's not doing anything at the moment.

(Civil servant, Germany)

Transparency is another overlooked principle of good public administration in naturalisation procedures. Openness and transparency from the administration about its decision reduces the likelihood of maladministration, corruption, perceived discrimination, and arbitrary refusals. Only through transparency can immigrants access the necessary information to appeal the decision taken by authorities. In this way, the principle of transparency is crucial for holding authorities accountable to respect the law.

'Transparency is the main issue, because the assessment criteria are not really known by foreigners wishing to become French citizen. Guidelines are always confidential. Sometimes circulars (guidelines) are not published. (...) It prevents associations to provide aid to people, who wish to become French citizen, to access these data. And maybe, part of these instructions should be translated in a public language, eventually through a debate on these criteria, which are actually deduced from law or case-law.'

(Civil servant, France)

#### **Discretion**

Discretion is the power of authorities to decide or act according to their free judgment or choice without being accountable according to clear public legal guidelines. In the context of naturalisation, there are generally two forms of procedures. The first one is the discretionary assessment of certain naturalisation requirements, such as language skills, civic knowledge skills or 'good character' requirements. For example, in Spain and France the language and civic knowledge requirements are assessed through an interview with an officer in the local administration. The questions of the interview and the expected answers are not clearly defined. As a consequence, the assessment of language and civic knowledge is based on the discretionary judgement of the interviewer. This can cause unequal treatment of applicants across different local communities. Furthermore, it can lead to unfounded refusals of applications based on subjective judgement.

'I'd like to raise the issue of the differences of treatment by the prefecture and the agents' training. (...) We're talking about the new circular (guideline) which induces many changes compared to the required resources and precarious people, but it's still the same, the interpretation is still at the discretion of the agent. We have nothing that is clear or readable. I think there is a necessary modification, in order to introduce a common training with clarity and visibility.'

(Civil servant, France)

Countries may have not only discretionary naturalisation requirements but also an entirely discretionary procedure. In this case, naturalisation is not an entitlement, but a favour or privilege granted by the state. Applicants can be refused even if they have formally met all the requirements. It is also possible that the authorities use their discretion in a positive way to consider an applicant's personal circumstances. Administrations in immigrant-friendly enclaves, such as Vienna, used their power to make exemptions and raise their naturalisation rate.

...yesterday an immigration law attorney was telling me that one of her clients, in the process of obtaining her passport, was asked the following question: What is a flamenco? A language? A bird? Or a type of music? And that was the question for obtaining her passport!

(Civil servant, Spain)

Still, most participants spoke negatively of discretionary procedures. For example, 'absolute discretion' is the major naturalisation problem in Ireland. According to roundtable participants, the responsible minister can refuse an applicant based on a minor traffic offence.

Many immigrants ask themselves: Why should I apply, when is this so difficult? The application goes to the police, to the financial office, to the social services office, back and forth. And it takes so long time. That's a process where the agencies also need to say why it takes so long. So that citizens can understand. Otherwise you think the application won't be done because you're Kurdish or Turkish and you feel discriminated against. The agencies don't do this, they say merely we need a piece of A4 paper to be filled out.

(NGO, Germany)

We need to know the criteria or policies that the decision makers are relying on when they're making decisions, and at the moment in Ireland, we don't know those decisions and the Department of Justice is refusing to give out that policy. We know they have it, but they're not giving it to us.

(Citizenship lawyer, Ireland)

I did have an experience as a student applying for a J1 visa in the states and I was refused, and they didn't tell me why and they didn't have to tell me why and I applied again the following year and they refused and they did tell me why. They told they refused because I was refused the previous year.

(NGO, Ireland)

#### Review

Most countries in the EU offer the right to appeal a negative decision on a naturalisation application and the right to a reasoned decision. However, Ireland and Hungary are among the few EU countries that have no such access to judicial review. Poland and Belgium have recently changed their procedures to grant these rights. In response to arbitrary decisions on naturalisation in Ireland, many participants have highlighted the need for an appeals system which still does not exist in Irish law.

I have received many phone calls from people who are struggling or who have been refused citizenship. Sometimes for reasons that are wrong even on the face of it. And because there are no process of appeal to citizenship, I think it is very frustrating for the people. In one case, a child who was living in Ireland almost all of its life. And then because he was the child of migrant workers she was registered from the age of 16, and then at the age of 18 she applied for naturalization she was turned down because the officer looked that she was only two years registered in the state as opposed to five. And there's no appeal to this, so now she has to wait for another three years.

(NGO, Dublin)

Another issue of judicial review is access to appeal procedures in practice. Immigrants can in principle appeal to the highest court in Austria, however, this is virtually impossible in practice according to national roundtable participants. Lawyer and court fees, long waiting periods and lengthy trials are a major obstacle for any judicial review. Accordingly, several participants highlighted the need for a second ordinary instance in Austria.

#### 4.1.3 General administrative capacity

The capacity and quality of public administration was repeatedly highlighted as a challenge for naturalisation. The effects of poor quality public services are long delays and waiting periods in the naturalisation procedure. A multitude of reasons cause severe delays: Understaffing, lack of staff training, the institutional set-up of the administration and the mere complexity of the law.

In Spain, it can take up to three years to get an appointment at the naturalisation office after the official residence requirement has already been met. Then, processing the application can take up to another two years in some regions according to Spanish stakeholders.

So it is completely absurd that it takes two years to get an appointment. (...) Why are public finances so efficient in this country, while in others they are not? That is, there needs to be a political will to make this administration efficient once and for all. The immigration offices work well now, don't they? So the naturalisations should also.

(Civil servant, Spain)

Understaffing often creates inefficiency. An academic participant in Spain stated that 40 staff officials in the national registry office process hundreds of thousands of applications. Irish participants reported cases where applicants were not even informed that the authority had received their application. In addition, up to five different staff members can process one application in some cases. Applications of family members are sometimes not processed jointly (e.g. Ireland). Participants in France have expressed a need for staff training. In particular, staff that lead the 'integration interview' to assess language and civic knowledge training should receive more training in order to avoid unequal treatment and arbitrary judgement.

Another cause of poor quality administration is the sheer complexity of citizenship laws has accumulated over decades, sometimes centuries. According to legal specialists in Spain, the laws are simply obsolete and difficult to reform. In Spain, immigration and nationality have not been dealt with together. In the UK, citizenship lawyers argued that the citizenship reform proposed by the Labour Party in 2009 was abandoned by the new coalition government, to a large degree because it was too 'messy and complex' to implement.

For example, last week I had a family who were naturalised. The woman was a recognised asylum-seeking refugee and had gotten dual citizenship. The child was provisionally granted temporary multiple citizenship. The 17-year-old son had an assurance of citizenship. That's a construction that the whole family doesn't understand and the colleagues at the citizens' office doesn't either. The law is just very complex.

(Civil servant, Germany)

As to the specific question of why the 2009 legislation was never implemented: By the time it was passed, it could not have been implemented by any government. If you look at those provisions, it had got completely unwieldy - concepts have been introduced (...) that necessitated redrafting the citizenship provisions in a way that made a complete mess after they would been redrafted to take account of the changes. It is incomprehensible.

(Citizenship lawyer, UK)

German civil servants reported that several elements of citizenship law, for example the renunciation requirements, have reached such a level of complexity that authorities struggle to process applications efficiently. One example is the 'option duty'. As a result of a political compromise in 1999, children born in Germany to foreign citizen parents acquire German citizenship at birth in addition to their citizenship from the country of origin. However, by their 23rd birthday, they have to renounce their foreign citizenship in order to retain the German one. If one fails to abide by this condition, German citizenship is automatically withdrawn. According to German experts, this rule is not only questionable from legal and fairness standpoints, but also in terms of the administrative burden it puts on authorities because this will affect 30-40000 cases annually from 2013. This is because in 2000 the rule was introduced with retroactive effect for children born 10 years earlier. Some participants argued that resources could be saved and efficiency improved if the option duty would be abandoned.

If the optional rule really takes off nationally with 30,000 to 40,000 (people), then we'll need to hire a lot more personnel in all the states. The same would be true if we simplified the naturalisation regulations and the application numbers increased significantly. That really couldn't be handled without putting a lot of money into it.

(Civil servant, Germany)

#### 4.2 Personal motivation: head vs. heart

Applying for naturalisation is inherently a personal decision. Becoming a citizen is about where

you see your life in the future. Analysing the motivations of immigrants is important because the answers may help explain high or low naturalisation rates (the share of eligible immigrants that have naturalised). This analysis may also shed light on why certain groups (i.e. non-EU immigrants, refugees, work migrants, and immigrants from a certain country or region of origin) naturalise more often than others. The results of this analysis will help to clarify the different situations immigrants are in and the different legal or procedural obstacles that groups or immigrants face on their way to become citizens.

The motivations to acquire a certain citizenship may depend largely on individual situations. The reasons to become a citizen do not only vary case by case, they also vary across different immigrant groups and different country contexts. Refugees fleeing their country of origin have greater incentives to naturalise in the EU than labour migrants that are looking for medium-term employment opportunities. EU migrants may be less likely to naturalise in another EU country because they already enjoy mobility rights and full access to the labour market. Moroccans may be more likely to naturalise in France than in Germany due to historical links between their country of residence and origin. Turks may not naturalise in Germany because they have to give up their Turkish citizenship. Language tests may be too challenging for people above 65 years.

While one cannot generalise why immigrants become citizens in Europe, there were surprisingly recurring themes put forward by expert stakeholders at the roundtables.

These themes can generally be grouped into the following: 'emotional or subjective' reasons and

In the case of EU citizens, the incentive to acquire the Austrian citizenship is from my experience rather low compared to third country nationals because they already have the freedom of residence and free access to the labour market. In case of third-country nationals, naturalisation means not only political rights, this is mainly about residence stability.

(Politician, Austria)

Surely, there are different implications for different channels of family reunion, asylum applications or labour migration, which vary greatly between the represented countries. This reason for migration also reflects different life plans which are a significant explanatory variable (for naturalisation).

(NGO, Portugal)

...It depends on age groups. I mean when you are 65 years old, it is hard to learn the language. It is practically impossible for you and in many cases you don't practically need it. So, in my electoral district (...) the question is why you should go through that long process which is relatively complicated for you.

(Politician, Estonia)

'practical or objective' ones. As with most important decisions in life, the reasons to become a citizen involve both emotional and practical concerns that interact with each other. The

practical advantages may make citizenship even more meaningful for immigrants and thus reinforce their pride in naturalisation and their sense of belonging.

#### Emotional or subjective reasons

Some immigrants may opt for citizenship because they feel a strong sense of belonging in the country. Citizenship may be seen as evidence of an emotional attachment and identification with the country of residence. Citizenship is the logical step for this identification to be formally recognised by the state. In this case, the process of naturalisation is the alignment of the emotional status with the legal status. Oaths of allegiance and citizenship ceremonies are expressions of this symbolic dimension of citizenship. When immigrants are forced to decide between two citizenships, they are told to consider their identification with their country of residence and country of origin as contradictory, which affects their decision to naturalise. In addition, even when multiple nationality is accepted, some immigrant

I believe that this is closely linked to whether the family of someone is also living in the country in order to stay here. Children also represent a strong reason - the children acquire the citizenship and therefore people become naturalised.

(Academic expert, Austria)

I also would like to leave a suggestion at the level of the symbolism, and I speak out of my experience, because having the citizenship of a country (...) has a perspective of identity and symbolism. And when the process reaches its end, the conservatory sends a photocopied letter, a very cold thing. And I think it's very important because having the citizenship is being part of a country and I believe that more dignity could be given to the act when the process is closed down.

(NGO, Portugal)

But it's also low with the Greeks. There is a famous saying, 'I was born Greek and I will die Greek.' This reproduces the strong identification.

(Academic expert, Germany)

groups have low naturalisation rates simply because the cultural identity of their country of origin is perceived as strong (e.g. the case of Greeks in Germany).

Children can reinforce a person's sense of belonging. The motivation to naturalise may be higher if children have already obtained citizenship and grown up in the country.

Citizenship of an EU country may have greater symbolic value depending on

where non-EU immigrants come from. Especially immigrants from developing countries that come to Europe in pursuit of a better life may attribute a certain prestige to 'being European'.

#### Practical or objective reasons

The 'symbolic and emotional' element of the decision to naturalise was only mentioned by some NGO representatives and service-providers. Instead, most civil servants, politicians and academic experts preferred to talk about practical incentives. The most commonly mentioned practical reasons were discussed in this section.

A lot of people get the nationality in order to be able to leave. To be able to go back to their country of origin and be able to come back here, without having to start their residence permit authorisation (process) anew.

(Civil Servant, Spain)

#### Security of residence and mobility:

Citizenship of an EU country means visa-free travel in the rest of the European Union and facilitated travel to many countries outside of the EU. Citizenship offers the security of the right to return to the country of residence. Immigrants on long-term residence permits will lose their status if they spend too much time abroad. By contrast, citizenship in most cases cannot be lost simply on grounds of residence or extended travel in a foreign country.

The ability to travel 'back home' to join family without the risk of losing your residence status is a strong incentive for many. As EU citizens, they have unrestricted access to labour markets

We asked naturalised and nonnaturalised people about their reasons for and against taking up German citizenship. The second main argument named most often in this study was the statement "my residence is secure." This means that for long-term resident aliens – thirdcountry nationals as well as those from EU countries – I don't see any particular benefits to German citizenship.

(Civil Servant, Germany)

in other EU countries. For example, older immigrants in Estonia naturalise to visit or join their children that have immigrated to other EU countries. For example, one expert in the Portuguese roundtable claimed that Portuguese citizenship is a way for many immigrants to access jobs in other EU countries. Similarly, applicants for Hungary's special naturalisation procedure for persons abroad of Hungarian ancestry may be attractive because of access to EU labour market rather than 'becoming' Hungarian as such.

#### Access to the labour market

Citizenship provides access to many public sector jobs, such as positions in health care, education or public administration. In many countries, the public sector is a significant part of the overall job market. Citizenship may even be helpful for jobs that do not formally require

One reason to apply for Portuguese citizenship is gaining bargaining power to negotiate with the institutions, even private institutions, such as banks, entities giving credit, or when one has children. We were surprised by the issue of the financial credits because having the Portuguese citizenship really facilitates the access to the credit to purchase a set of goods.

(Civil Servant, Portugal)

terms of time and money than citizen employees. Finally, businesses, particularly small and mediumsized enterprises, may not understand the hiring process for employing foreigners and rather opt for citizens so as to avoid a perceived administrative burden.

Citizenship also facilitates financial inclusion in terms of access to financial resources. In many EU countries, it is easier to get a loan from the bank if you are a citizen of the country. This issue is not often researched or mentioned in the national roundtables.

citizenship, as noted by the OECD in its 2011 publication 'Naturalisation: A passport to integration?'. First of all, foreigners must provide documentation about their residence, employment and criminal record. In addition, foreigners are less likely to work in stable, secure jobs and less likely to receive training, because employers may not know whether they will remain in the country. In economic terms, employers may perceive their foreign employees as a more risky investment in

It was to try and get around the fees issue for third level (university), (...) like I say it was only 50 or so people I spoke to, but none of them said they wanted to become Irish for any kind of ephemeral reasons, it was entirely practical.

(NGO, Ireland)

#### Access to education

Citizenship is an advantage in the area of education. This area was mentioned in the roundtables in Portugal, Germany, and Ireland. For example, foreigners have to pay higher fees for university. This is an obstacle for many young immigrants in Ireland where university fees are disproportionately high for non-EU immigrants compared to Irish citizens.

Citizenship may be a condition for scholarships. This is the case, for example, in Spain and Germany where many of the financial resources that allow students to support their university studies are only available for citizens.

#### **Political Participation**

Only citizenship grants the right to vote in national elections in nearly all EU Member States. Voting may be a great incentive to naturalise for immigrants that want to become politically active, or even just feel that they should matter in politics. In many countries, citizenship is also required to hold an elected office (e.g. Germany, France, Italy, and Belgium) or join a political party (e.g. Poland, Bulgaria, Czech Republic, and Estonia).

National roundtable participants had varying opinions on the incentive of political participation.

When one wakes up every day without being able to pay rent or the mortgage. You can't pay for your children's studies. Or you can't provide a better economic situation for your family than in the country that you left. Then political rights and so forth doesn't have any importance, for those of us who came from other countries to start anew in this [country]. I'm saying this as an immigrant.

(Politician, Spain)

Newcomers and especially vulnerable immigrants are often primarily concerned with settling in, finding a job and providing a future for their children. Immigrants from developing countries tend to be less politically active. Their level of activity tends to increase over time. Other roundtable participants highlight that political participation is the final step of becoming a full member of society.

Surprisingly, citizenship and political participation was not discussed in terms of empowerment. Immigrants are not seen as important constituencies in many countries and few participants voiced the need for immigrants to naturalise in order to influence the policies

that affect them. With a few exceptions, politicians at the national roundtables did not discuss immigrants as potential voters. The importance of the immigrant population has been recognised in recent elections in traditional countries of immigration (e.g. Canada and the US). But politicians in the EU generally have not woken up to the political relevance of immigrants.

#### **Administrative burden**

Citizenship can resolve much of the administrative burden imposed on foreigners. Foreigners

have to renew their status at regular intervals. In many EU countries, immigrants have to meet demanding requirements to maintain a residence permit. They could become irregular immigrants if they lose their status.

Immigrants' treatment by immigration authorities can be seen as harassment or even discrimination. Acquiring citizenship may be a way to avoid regular visits to the local administration and the anxiety of the procedure and the

Foreign citizens in Portugal have to have their documentation in order, permanently in order (...). The set of documents that he/she has to show for the renewal, then the effort of the renewal, it is a lot of trouble. After all this, it's much easier if the migrant has Portuguese citizenship rather than going through the Calvary once in a while.

(NGO, Portugal)

The fact is that we want access to citizenship simply to really feel like citizens, by being able to participate in a social democratic, economic process because we have provided the economic part but we do not have the social one. So, it's about wanting to be here ... People who get nationality get it not just to have peace of mind, they are people who want to stay.

(NGO, Spain)

requirements for renewal (e.g. maintaining employment or not residing outside the country for extended time periods). Even long queues for non-EU nationals at the airport can raise immigrants' interest in naturalisation.

Obtaining nationality is for most people like "phew", being able to rest. It is [about] being able to get rid of the memory of a series of procedures and feeling of legal insecurity and dependence. About the feeling of 'all the things I have to worry about'

(Politician, Spain)

#### Other practical reasons

A few additional practical reasons for naturalisation were sometimes raised in the roundtables.

Facilitated family reunification for nationals may be an incentive for the limited number of transnational families interested—but unable—to reunite under strict legislation for non-EU nationals. Non-EU nationals face more demanding requirements for family reunification, for example, in Germany and France. This incentive does not exist where the requirements for family reunification with third country nationals are equally inclusive for nationals and non-EU nationals (e.g. Portugal) or equally restrictive (e.g. Austria, Ireland, United Kingdom). This logic implies that in these countries family reunification would be a reason not to naturalise for EU citizens who enjoy a secure favourable right as foreigners under EU law.

The decision of immigrants to naturalise may also be influenced by their rights and responsibilities in their country of origin. Another minor practical advantage of citizens is diplomatic protection abroad. Citizens can turn to any embassy (in many cases also EU representations) and demand support. Young people's decision to naturalise may be influenced by whether or not this will exempt them from military service in their country of origin or residence. In addition, naturalisation may decrease people's rights in their country of origin. For example, many Turks in Germany can lose rights to property ownership and inheritance provisions unless they apply for a Turkish 'blue card' that grants these rights to former Turkish citizens.

From practice, I have to say that it occurs very seldom that someone really says in romantically embellished words 'it is my heart's desire to become Austrian'. In most cases - and also rightly - residence stability and the free access to the labour market, and for refugees, who are finally able to go on holiday or, let alone, visit their family in their home country. These are so to speak very vital reasons for striving to acquire the citizenship.

(Civil Servant, Austria)

#### Head vs. Heart?

If one believes neuroscientists 'left-brainers' are more logical, analytical and objective, while a person who is 'right-brained' is more intuitive and subjective. In short, 'left-brainers' think with their heads and 'right brainers' with their hearts. The national roundtables featured a lot of discussion on the question whether the 'right-brain' or 'left-brain' prevails in the decision to naturalise. This, of course, could not be answered conclusively. The roundtables suggest that, as with most decisions, this one too relies on both the 'head and heart'.

Expert participants at the roundtables generally preferred the 'practical' motivation of immigrants to naturalise over the 'emotional' motivation. It should be noted that the roundtables did not host immigrants themselves who went through the process, with the exception of the Irish roundtable. It may be that highly educated experts are less convinced that subjective drivers are relevant because they deal with citizenship at a different level of abstraction. The emphasis of practical advantages in favour of subjective reasons could be linked to an 'expert bias' – experts who are themselves 'left brainers'. The national roundtable participants that argued that naturalisation is also a symbolic and emotional matter were usually representatives of NGOs, service providers or immigrants themselves.

In general, the discussion about why immigrants naturalise reveals the limits of the current national debates on citizenship in the EU. The policy debate on citizenship focuses on laws and requirements. While legal obstacles definitely influence the naturalisation rate, favourable laws are only the starting point to encourage eligible immigrants to naturalise.

The question is why should I naturalise? You can't force these people to it. It's not so much the citizenship of the heart and soul in Germany, singing the Nibelungen song and a certain level of loyalty in their heads. That's dissolving a bit. You have to be realistic. We feel like Europeans (...) we find it really comfortable in Europe. Citizenship gives something to people who travel a lot and participate in so- called globalisation, internationalisation and Europeanisation. And then the question isn't about feeling.

(Citizenship Lawyer, Germany)

## 4.3 Public opinion and discourse: The (un) welcoming society

The previous discussion on 'why immigrants naturalise' shows that numerous emotional and practical factors play a role. Roundtable participants across the EU were asked to discuss whether they think that society at large also has an impact. This section presents the results. In theory, a 'welcoming' society can be conducive to a shared sense of belonging among immigrants. Immigrants may feel more encouraged to become citizens when the public discourse on immigration and citizenship is generally positive and inclusive towards immigrants. A negative public debate can discourage immigrants from naturalising, even when there are many practical benefits and few legal or procedural obstacles.

They have been told that they don't belong since the moment they were born.

(NGO, Estonia)

In public discourse, citizenship is often conflated with controlling immigration. According to the national roundtable participants in the UK, the immigration debate directly influences citizenship acquisition. Immigration has been framed as a security issue in the past. Currently, the government is pursuing a sharp reduction in overall immigration levels. The popular impression that 'there are too many foreigners' or 'immigrants

The better you actually know the Estonian language and the more you read the Estonian press, the more you feel alienated from this society. Because there is so much negativity towards the Russian population living here in Estonia and really it is a big barrier for people to gain the feeling of belonging to Estonia.

(NGO, Estonia)

are security risks' may affect how members of the public, immigrants, and authorities talk about naturalisation to each other. The media often portrays immigrants as 'benefit abusing' or 'health care' shoppers that are a burden on the public pocket. This has an impact on funding for language classes to support immigrants that want to become British citizens. UK stakeholders have also highlighted regional differences in the discourse on citizenship. For example, the debate on immigration is different in Scotland where migrant workers are needed.

Estonia is one interesting example because it has a large Russian-speaking minority with many Russian citizens and stateless people. The discourse about the Russian-speaking minority is perceived to be negative. At times, the Russian-speaking minority is seen as 'occupants'. This label leaves many 'tired and insulted' and further discourages them from naturalisation.

The general climate plays a role - whether people feel that they belong to Austria and want to make this known with this official step and, secondly, this plays a role among people who have already naturalised - certain people (of course, not everyone) tell me some time and again: 'now I have possessed an Austrian passport for some years, but of which use is it to me, for I am still sometimes regarded or treated as a foreigner'.

(Academic expert, Austria)

#### 4.4 Politics: Who benefits from new citizens?

Citizenship is often one of the most controversial topics in party politics. Defining legal membership of society through citizenship goes to the heart of the state. Defining what outsiders need to do to become citizens may or may not reflect what all citizens have in common. What makes someone a citizen? Citizenship, similar to immigration, incites emotional attitudes in the wider public. In addition, citizenship has the potential to shape the long-term future of a country by changing its population and electorate.

The politicisation of citizenship policies can hinder states from passing needed reforms. Usually, a broad party consensus is needed to change something as fundamental as the regulation of citizenship status. Citizenship is a difficult terrain in which to manoeuvre in politics. Political parties are worried about unfavourable public opinion and are often divided along ideological lines. Even consensual wings of mainstream parties are reluctant to take on citizenship reform, because of a perceived potential pushback from sceptical or xenophobic voters. The media sensationalises citizenship to appeal to readers by framing immigration with an often negative bias. In addition, the public can easily be misinformed due to the technical complexity of citizenship policies.

Stakeholders at the national roundtables were asked about the political environment regarding citizenship policies. Who are the main drivers in the debate? Which changes are feasible, which ones are unrealistic given the political dynamics?

There are conflicting messages about citizenship acquisition and the meaning of being a British citizen. Under the Labour government, there was a real emphasis on the National Security discourse: becoming British was seen as a way not to become a terrorist, and British citizenship was there to establish a border between aliens and citizens. Under the Coalition government, the objective is to reduce migration rather than focusing on citizenship acquisition.

(Citizenship Lawyer, UK)

#### The salience of citizenship as a political issue

The first question regarding the politics of citizenship is whether the issue matters in the current political context. What place does citizenship have on the political agenda, who is interested, and why? The issue may (1) simply not be important at the moment, (2) discussed in connection with other societal issues (e.g. immigration) or (3) be at the centre of the political agenda.

1. In some countries, such as Italy and Portugal, citizenship was not high on the agenda at the time of the national roundtables due to the financial crisis and budget austerity, the preparation of national elections (Italy), or because citizenship is generally 'not a divisive issue in society' (Portugal). The national roundtable participants in some countries stated that citizenship has the potential to climb the agenda, however, politicians are eager to contain the issue to avoid sidelining more pressing issues (e.g. the financial crisis). In contrast, some parties use immigration and citizenship as a smokescreen to distract the public from intractable economic and social issues.

Foreigners, immigration, have always been the scapegoats par excellence. Populism is the first that takes it. We have seen it in Greece, we are seeing it now and possibly it will infect the whole Europe. It was already there before the crisis, I mean, attacking immigration, blaming all economic problems on it. Before the crisis it was already daily bread, so now much more. And I think that if we unveil the heart of the matter, the possibility to modify now the nationality, the access requirements for the nationality, it is for sure that it will be worse (than before).

(Citizenship lawyer, Spain)

Currently we have a situation in which any reform which is being made becomes an incendiary bomb in order to create smoke and to hide other things, to distract the public opinion from the reality of politics.

(NGO, Spain)

- 2. Often the political debate may be devoted not necessarily to citizenship but to issues surrounding it. Frequently, other issues such as immigration and welfare politics are associated with citizenship in the public eye. While citizenship is not a priority of the UK government at the moment, related priorities on settlement and the path to citizenship have a direct impact. In addition, the debt crisis has another indirect influence on citizenship. Cuts in language courses for immigrants will make meeting the language requirement more difficult for many. Cuts can also result in a reduction of staff which can delay the procedures.
- 3. Citizenship can ascend to the top of political debates, mostly in periods leading up to national elections. This is currently the case in Germany. Elections in 1998 gave rise to a very controversial debate around immigration and citizenship at the regional level in Hesse.

In light of the upcoming federal elections in late 2013, citizenship and multiple nationality may reappear as a political issue.

Some participants stated that reforms are generally more likely to be done in 'calm waters' when citizenship receives less media and public attention. Depending on the intended changes and political party dynamics, stakeholders may choose carefully to push the citizenship debate or to foster a technical consensus under the public radar. In light of anti-immigrant sentiment and right-wing parties in many EU countries, several NGO representatives and politicians stated that any new reform 'would only be worse than the existing laws' (e.g. Spain, Portugal, UK).

#### The framing of citizenship as a political issue

Citizenship is framed differently by politicians and the media. Stakeholders have reported that citizenship was long associated in public debate with security and welfare issues (e.g. Italy, UK). But there are also positive frames which can propel the citizenship debate. Such frames often refer to economic needs such as labour market shortages and the competition for 'the best and

We see a real fatigue among those who've worked on this issue for a while (...) you can also imagine how the energy transition or the end of the military service requirement, I mean the real hot potatoes, can be dealt with at some point. That means that it's a major political project for society but I fear that we will come to the point with naturalisation law at some point and even with *ius soli*, that it isn't a hot political issue between the big political blocs anymore.

(Politician, Germany)

I believe citizenship is misconceived in politics, because they think that the public opinion is afraid of high naturalisation rates and therefore they keep the naturalisation rates at such a low level. But I think that this (public opinion) is also influenced the other way around. Liberal politics can influence the attitude of the population. Politics would benefit if the two major parties would have some more courage.

(Academic expert, Austria)

brightest' (e.g. Estonia, Germany). Depending on the frame, political parties anxious about public reactions can shy away from pushing for citizenship reform. The more citizenship is a divisive topic for the public, the more political capital has to be invested to promote changes.

According to the perception of one Austrian stakeholder, politicians' views on citizenship may even be framed as maintaining national sovereignty. When other policy areas are perceived as heavily influenced by EU legislation,

Citizenship law is the only law where we can still act with sovereignty, where there are no stupid guidelines from the bad EU and the bad EEC, where we can decide what we want and symbolic politics are made here as far as possible.

(NGO, Austria)

citizenship is a unique area where Austria enjoys full competence. Thus, liberalisation of citizenship may be avoided because it could be perceived by wary voters as abiding to international pressures.

How citizenship is framed in the debate can vary significantly in different parts in the country. UK participants reported great differences between Scotland and England. Scotland, in need of work migrants, is supporting language tuition and attempts to create a welcoming culture. Spanish participants alluded to territorial disparities in their country. Catalonia may embrace a more liberal view on citizenship primarily to oppose the central government (Civil servant, Spain). Stakeholders in Germany referred to regional and local disparities in the application of naturalisation procedures. Some argued that low naturalisation rates can also be a result of more conservative local government which tightens its available screws to limit naturalisation.

Negative citizenship frames resonate greatly among parts of the population that is misinformed and that feels a general unease about fast-increasing diversity and immigration in an ever more globalising world. The media can exacerbate the problem with undifferentiated reporting that increases prejudice and anti-immigrant attitudes. Especially in times of economic difficulties and broader social issues, immigration and citizenship are sensitive issues vulnerable to politicisation. Participants in Portugal have stated that a positive consensus about immigration takes hard, long-term work with sectors across political, social and media sectors.

Until today when immigration is actually absent from the media field, it was a long road and it was because of indeed the work of many, many people.

(Civil servant, Portugal)

#### Path dependency

The principle of path dependency states that once a certain circumstance has been prolonged for a critical period of time, it is easier to maintain than to change it even though reforms might be more reasonable. Path dependency can also apply to discourse. According to some participants, once politicians across parties and the mainstream media have embraced a negative frame, it is much harder to challenge common assumptions.

In some countries, the citizenship regime has not been substantially reformed in decades. Over the years, the legal provisions have grown complex to an extent where policy makers are hesitant to support reform because they are afraid of making the situation worse. For example, citizenship laws in Italy and Spain date back to a time when those countries were major countries of emigration. The transition to immigration countries has been too fast for legislation to adapt to the new situation. In contrast, Portugal adopted a comprehensive reform in 2006 adapting to new realities. The complexity of the UK citizenship laws is partly based on the special ties to former colonies. Any reform at this point is perceived as too controversial.

#### Winning votes by punishing immigrants

The political context of citizenship is shaped by the salience and frame of citizenship as an issue as previously discussed. Political parties play a crucial role in this process. Citizenship is subject to the power struggle between and inside party politics, just as it is for any other major political issue. The main question is who benefits and who loses by changing citizenship policies. Which party will win voters and which one will lose them? This question helps to further explain political dynamics the surrounding the issue of citizenship.

Mr. Kurz (state secretary for integration) positioned himself and has quasi total power to negotiate these modifications Citizenship concerning the Law amendment. The SPÖ (social democrats) does not have any position in this game, thus he is criticized from the left side the Green Party and he is criticized from the right side - the FPÖ and the other fractions which might exist. The SPÖ is unable to position itself, even though it would actually take the same position as Mr. Kurz. (...) There is in my opinion a standstill and no dynamics.

(Academic expert, Austria)

And the focus is set to grow on that because when you look at where the tectonic plates are shifting, labour sees it as a good way of getting votes off the conservative; you also have the UKIP party creeping in and so conservatives are watching their right flank, essentially it's a race to the bottom.

(NGO, UK)

In many countries, national roundtable participants stated that political parties often fail to make citizenship a priority not because they fundamentally disagree but because they are concerned about disappointing voters. This hesitance to take the first step makes it difficult for any political actor position himself successfully. Left-wing parties are anxious about losing votes to the centre right and the centre right is concerned about giving

votes to the far-right. Of course, the same dynamic works in reverse. Participants in Germany stated that the governing centre-right party (CDU) may embrace a reform of multiple nationality restrictions as a way to 'steal' a major issue traditionally brought forward by the social-democratic party, the main competitor in the federal election.

If I were an adviser to Ms. Merkel I'd say one easy way to take the wind out of the SPD's sails would be to say: OK, let's kill the optional rule, because it's problematic from a technical standpoint, but also because it makes no sense, and then we can also show that we demand it and they haven't implemented it anyway or whatever.

(Politician, Germany)

**Politicians** may run the risk of overestimating the opinion of the public. Participants in Estonia stated that the public generally has fewer reservations about a discussion about citizenship than the political parties. Many stakeholders see the opportunity for citizenship reform when political parties agree on main points and reform is then promoted from the topdown. Different political actors have to be assembled around the same issue often for different reasons. Centre-right parties are often more comfortable promoting

citizenship as part of debates on labour market shortages and high-skilled immigration. Left-

wing parties can support citizenship reform in order to promote civil and economic rights.

[Politicians] are afraid of Russian citizens here in Estonia from one side, and on the other side they are afraid of a large number of Russians who might vote not as Estonian citizens would. Our politics consider all this and for now they believe it is better to leave the situation as is.'

(NGO, Estonia)

#### Winning votes by supporting immigrants

It appears that the focus of political parties in the EU is to avoid losing votes over the issue of citizenship instead of gaining votes from immigrants. Immigrants already represent major constituencies in large EU cities. Citizenship is often discussed as a 'favour for immigrants' rather than an effort to gain votes from this growing share of the population. Large parts of the immigrant community are not eligible to vote, which poses a question about the representativeness of democracy. Remarkably, stakeholders rarely raised the issue democratic legitimacy in the context of the citizenship debate.

Opposing citizenship reform may turn out to be counter-productive for mainstream parties. Many roundtable participants claimed an increasing need for political parties to engage immigrants, especially by referring to the US example where immigrants have proven decisive in electing the president. Reversely, in countries with smaller and more recent immigrant populations (e.g. Estonia, Ireland), immigrants themselves may be less appealing for politicians.

Avoiding citizenship as an issue may not only be the result of overestimating negative attitudes of the public but also a result of misjudging voting patterns of immigrants. It is often believed that immigrants are more likely to vote for left parties because left parties generally promote more immigrant-friendly policies. However, this must not be true in all cases.

I would say that if the parties wouldn't govern in such a partisan way, with such an old-fashioned view that Turks vote SPD. We know many examples from the US, for example, that many Hispanics vote Republican because they have conservative values. In the future, you could see that in Germany, too.

(NGO, Germany)

Participants in several countries (e.g. Germany, Austria, and Spain) argued that the fear of the 'immigrant vote' is unfounded. Research indicates that immigrants also vote for conservative political parties. Some participants suggested that all mainstream parties could engage immigrants proactively rather than reacting to the immigrant vote when it is too late for them.

We always tend to say that the left favours immigration, the right attacks it, I don't know, I think that we are in the 21<sup>St</sup> century where the left, the right and the centre, whatever, is more blurry.

(NGO, Spain)

#### The role of civil society

Because parties are too hesitant to act on citizenship reform based on fears over losing voter support, it is questionable whether citizenship has a lobby. Who advocates for citizenship reform? Roundtable participants have expressed a lack of coordination on the side of civil society actors, including immigrant organisations, to coordinate and streamline interests (e.g. Germany, Spain). In most countries civil society is not strongly represented in this debate. Many NGOs, in particular service providers and immigrant NGOs, often do not have common positions on the issue of citizenship. The majority of invited experts to the national roundtables highly appreciated the opportunity to discuss citizenship policy and stated that there is a general lack of exchange and coordination between relevant actors. This means that key concerns may never enter the policy debate in many countries. NGO representatives and academic experts outlined potential actions civil society could take, such as drafting clear policy proposals or coordinating a joint media campaign.

You have to get away from party politics, which would be very important at any rate, but really build a political coalition, a thematic alliance but also with others who work on this. There would have to be an alliance that combines knowledge, experiences, and visions and then creates a big campaign. I think, that we have come far enough that the majority is somewhat there, but due to partisan pressures and such it simply is not passed at the moment.

(NGO, Germany)

In many cases, the public is not sufficiently informed which makes a proliferation of subjective attitudes towards citizenship more likely. NGO representatives addressed the need for more evidence, which can be difficult to obtain, for example about the number of refusals and the reason for refusals of citizenship.

Who knows that we have at least 4 million people with multiple citizenship (even though it is not formally accepted)? For heaven's sake, what is that? We have millions with multiple citizenship without it causing a problem for the state. Those with multiple citizenship have even reached the highest political offices. We need to feed the debate with the facts we already have. Over 50% of naturalisations are acquisition of multiple citizenship. The exception is the rule. And we have to transport all this and link it with our goals.

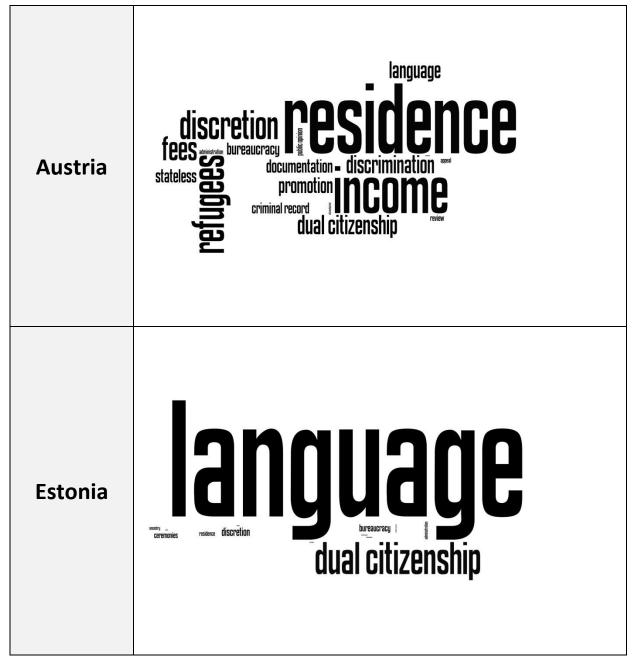
(Civil servant, Germany)

Participants highlighted the need for civil servants and local authorities to be more involved in policy making. These are the specialists providing the necessary knowledge and first-hand experience. Even when consulted, the view of implementing agencies and civil servants is often not taken into consideration sufficiently. In many countries, immigrant organisations are not well institutionalised and under-funded. Immigrant organisations often focus on service provision rather than representation of interests. Some of the national roundtables struggled to get migrant organisations at the table.

#### **Annex**

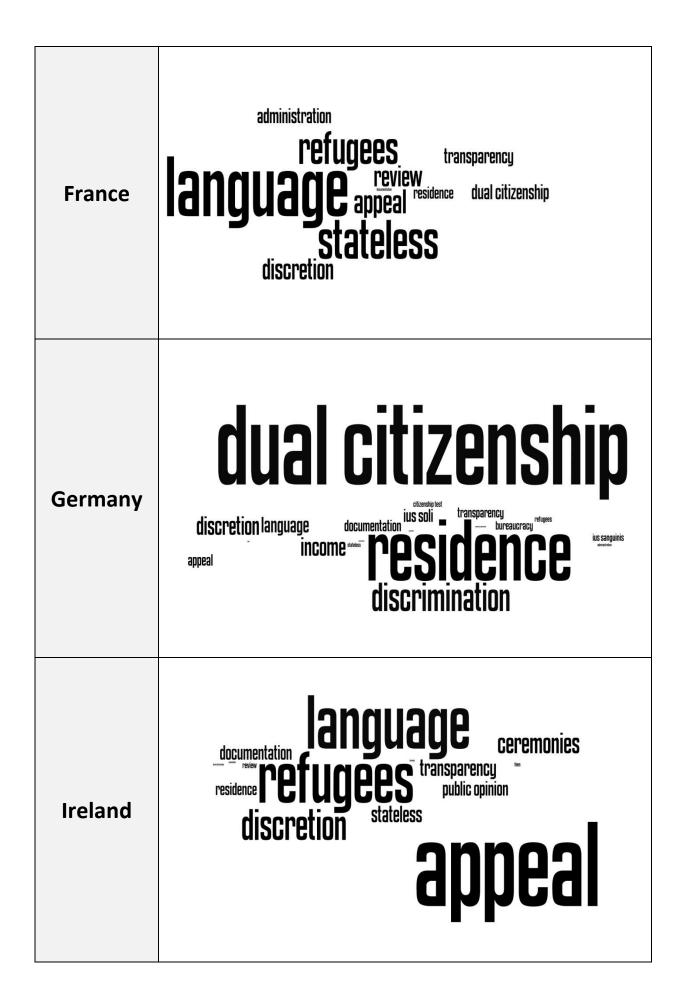
#### I. Selected word frequencies in national roundtable discussions<sup>5</sup>

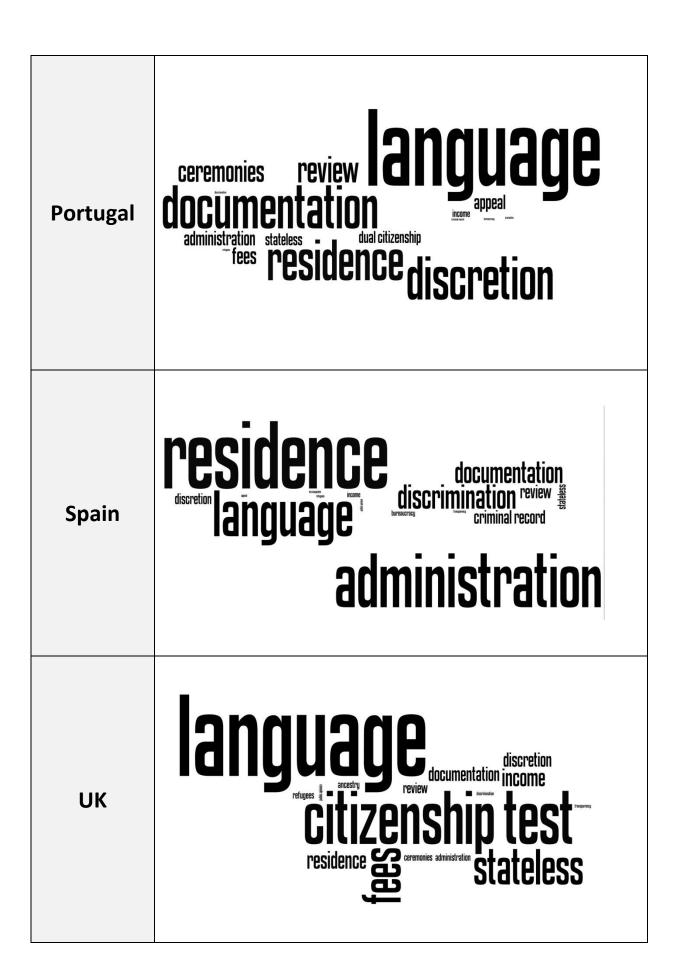
Word frequencies indicate the main issues that were discussed at the roundtable in each country. Larger words were mentioned more often than smaller words.



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<sup>&</sup>lt;sup>5</sup> All national roundtable transcripts were analysed according to the frequency of the use of selected words that correspond to the main research questions. Words that appeared more often are displayed in a larger fond. The search terms include: residence, income, dual citizenship (and multiple citizenship), ius soli, ius sanguinis, economic requirements, economic resources, civic knowledge, citizenship test (also 'Life in the UK' in the cas of the UK), criminal record, language, ancestry, cultural ties, refugees, stateless, discretion (and discretionary), fee (s), bureaucracy (and bureaucratic), transparency (and transparent), documentation (and documents), promotion, ceremonies (also ceremony), review, appeal, administration, public opinion, and discrimination.





#### II. Background of the ACIT project

The project 'Access to Citizenship and its Impact on Immigrant Integration (ACIT)' funded by the European Fund for the Integration of Third-Country-Nationals provides a new evidence base for comparing different elements of citizenship in Europe.

The five consortium partners (the European University Institute, the Migration Policy Group, University College Dublin, University of Edinburgh and Maastricht University) have developed four sets of citizenship indicators on citizenship laws, their implementation, rates of citizenship acquisition and its impact on integration for the 27 EU Member States, accession candidates (Croatia, Iceland, Former Yugoslav Republic of Macedonia, Turkey) and European Economic Area countries (Norway, Switzerland). The presentation of results from the citizenship indicator studies were complemented by national roundtables hosting key stakeholders in ten EU countries.

The ACIT citizenship indicators are available online. All citizenship stakeholders including policymakers, academics, and non-governmental organisations among others, can go online and create their own graphs, dig into the data and use this information for presentations, debates or publications through an interactive online tool at <a href="http://eudo-citizenship.eu/indicators">http://eudo-citizenship.eu/indicators</a>.

#### **Related ACIT reports:**

Citizenship Law Indicators:

http://eudo-citizenship.eu/indicators/eudo-citizenship-law-indicators

Citizenship Implementation Indicators:

http://eudo-citizenship.eu/indicators/citimpindicators

Citizenship Acquisition Indicators:

http://eudo-citizenship.eu/indicators/citacqindicators

Citizenship Integration Indicators:

http://eudo-citizenship.eu/indicators/integration-indicators

National Handbooks for all selected EU countries http://eudo-citizenship.eu/

