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TRENDS IN BIRTHRIGHT CITIZENSHIP IN EU 28 2013-2020

AUTHORED BY

MERVE ERDILMEN AND
ISEULT HONOHAN

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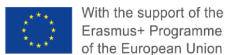
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Executive Summary

Citizenship in EU Member States is acquired mainly by birth – either by descent (*ius sanguinis*) or birth in the territory of the state (*ius soli*).

In 2020 all Member States provide for citizenship by descent from citizen parents. This is generally automatic and unconditional when children are born to citizens in the country, but can be subject to a variety of conditions for children born abroad.

A small minority of states provide citizenship at birth on the sole basis of birth in the territory. In no case is this unconditional, but depends on the parents' having established residence, or the children having themselves been born in the state. Other states provide for citizenship at some point after birth, when the child has continued to live for several years in the state. In addition, most, but not all, EU Member States provide citizenship for the special cases of foundlings and, more conditionally, for those who would otherwise be stateless.

Between 2013 and 2020 changes in provision on the basis of descent in 9 Member States have mainly reduced restrictions on fathers transmitting citizenship to their children out of wedlock, addressed new forms of partnership and parental relations, and extended opportunities for access to citizenship by certain descendants of former citizens.

Changes in provision on the basis of birth in the territory in 8 Member States have mainly increased acquisition by children who would otherwise be stateless, and increased access to citizenship after birth on the basis of residence or education in states which otherwise have limited *ius soli* provision.

Most changes represented more inclusive provisions, but are limited in their potential impact and in the number of countries involved.

All Member States should provide citizenship for foundlings and stateless children; provisions for citizenship for those born at risk of becoming stateless should be strengthened in many states. In the interest of encouraging integration of immigrants, more general provision should be made for children who are born and will live in the state. Either citizenship should be acquired at birth or, if it depends also on a period of residence, it should be possible to acquire without onerous requirements or procedures that may exclude many who have lived all their lives in the state.

The few remaining countries without gender equality in transmitting citizenship to children outside marriage should amend this. Other states should accommodate different kinds of partnerships and parental relations in their citizenship laws.

Provisions that allow the indefinite extension of *ius sanguinis* abroad risk making this, and EU citizenship, over-inclusive. To avoid this, Member States should consider requiring the establishment of some connection after the second generation born abroad, if this be only a matter of registration.

Comparative Report

Trends in Birthright Citizenship in EU 28 2013-2020

Merve Erdilmen and Iseult Honohan

1. Introduction

Citizenship is an important status: it guarantees security of residence in and a right to re-enter the state, and it is the ground for many social and political rights. While each country is sovereign over its own citizenship laws, citizenship of an EU Member State also provides EU citizenship and the additional rights and privileges that entails. How Member States provide for acquisition of citizenship is thus of crucial importance.

The overwhelming majority of citizens of EU Member States acquire their citizenship on the basis of birth. This is primarily through descent from a citizen (*ius sanguinis*), while some Member States also award citizenship based on birth in the country (*ius soli*). The distribution of, and trends in, birthright provision are thus important to identify, even if birthright citizenship is currently less controversial than other modes of citizenship acquisition, whether this be the long-standing procedure of immigrant naturalisation based on residence, present in most countries, or more specific provisions, such as for investors, that some Member States have recently introduced.

This report considers trends in birthright citizenship in the European Union Member States from 2013 to 2020, taking the laws in force on 1 January 2013 and 1 January 2020.¹ We examine birthright citizenship in its two forms: first, through descent from a citizen and second, through birth in the state. In each, citizenship can be awarded either unconditionally, or only if certain conditions are met. The procedure for acquiring citizenship can be automatic, or it can require registration or more complex procedures. While some Member States award citizenship by birth almost exclusively through *ius sanguinis*, others combine this with some *ius soli* provision, though this tend to be more conditional and less often to apply automatically.

¹ The EU Member States included here are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom. Croatia joined the EU on July 1 2013; its legislation is included on the same basis as the other countries. The United Kingdom is included, as it was a member of the EU on 1 January 2020. The data is drawn from the 2020 update of the GLOBALCIT Global Database on Modes of Acquisition of Citizenship for 2016: GLOBALCIT (2017). Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Last accessed at: <http://globalcit.eu/acquisition-citizenship/>, 19 February 2020. A comparative analysis of birthright citizenship provisions among continents may be found in Honohan, I. and Rougier, N. Global Birthright Citizenship Laws: How Inclusive?. *Neth Int Law Rev* 65, 337–357 (2018). <https://doi.org/10.1007/s40802-018-0115-8>

2. Varieties of *ius sanguinis* citizenship in the EU 28 2013-2020

Among EU Member States *ius sanguinis*, that is citizenship based on descent from a citizen, is the most salient form of citizenship provision. It may apply differently to persons born to a citizen in the country and those born to a citizen abroad.² As of 1 January 2020, all EU Member States, (including UK) have *ius sanguinis* provisions both in the country and abroad.

Births to citizens in the country

Most EU Member States (25) apply *ius sanguinis* unconditionally to births to a citizen in the country: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

In Latvia, a child who acquires a second citizenship at birth has to choose between the two citizenships at adulthood.³ In two countries, Finland and Malta, children born out of wedlock to a citizen father do not automatically acquire the father's citizenship. In Finland, however, the child acquires citizenship if the father recognizes the child.

Births to citizens abroad

More conditions are applied to children born abroad to citizens. Yet 18 countries provide automatic, unconditional citizenship to children of citizens born abroad: Austria, Bulgaria, Czech Republic, Denmark, Estonia, France, Greece, Hungary, Italy, Lithuania, Luxembourg, Netherlands, Poland, Romania, Slovakia, Slovenia, Spain, Sweden.

Other Member States make the acquisition of citizenship depend on registration, either for all children born abroad to citizens (Portugal), for those born to citizens who are permanently resident abroad (Cyprus), or for those born abroad to citizens who were themselves born abroad (Belgium, Germany, Ireland, Malta). In the UK the parent must have been born in the country for citizenship to be automatically acquired; if the parent has at some point resided there for at least three years, or if the child takes up residence, citizenship may be acquired with some further conditions.

The conditions of wedlock for the application of *ex patre* citizenship in Finland and Malta also apply abroad. In Malta, in addition to this condition, for citizenship to be acquired automatically the citizen parent must have been born in Malta.

Some countries provide automatic citizenship for children born abroad only if both parents are citizens, otherwise requiring additional steps for citizenship acquisition (Croatia, Latvia and Slovenia).

² For categorisations of citizenship provision, see Jeffers et al. (2017). "How to Measure the Purposes of Citizenship Laws: Explanatory Report for the CITLAW Indicators." Last accessed at: https://cadmus.eui.eu/bitstream/handle/1814/64605/CITLAW_3.0.pdf?sequence=1&isAllowed=y, 19 February 2020

³ Citizenship of certain countries – EU and EFTA Member States, NATO Member States, Australia, Brazil or New Zealand – are excepted from this prohibition.

Citizenship based on more distant descent

In addition to birth from citizen parents, citizenship may also be acquired through more distant descent, such as for a grandchild or more remote descendant of a former or deceased citizen. These provisions are generally more conditional, requiring, for example, the person to establish residence, or other naturalisation procedures. Such provisions exist in Czech Republic, Germany, Greece, Hungary, Italy, Lithuania, Malta, Portugal, Romania, Slovenia, and Spain.

2. Changes in ius sanguinis provisions in EU 28 2013 – 2020

The period 2013-2020 has seen changes in ius sanguinis provision in 10 EU Member States: Austria, Croatia, Czech Republic, Denmark, Finland, France, Netherlands, Spain, Sweden and Portugal. In this section we outline some of the more substantial changes. These have removed restrictions on paternal citizenship transmission out of wedlock, adapted citizenship laws to accommodate new forms of partnerships and parenting relationships, or extended the possibility of citizenship acquisition on the basis of more remote ancestry.

A trend since the mid-twentieth century to remove gender or wedlock restrictions on transmission of citizenship to children has continued. In Austria, since 2014, a child born out of wedlock either in the country or abroad to an Austrian father and a non-citizen mother can become a citizen if the father recognises the child within eight weeks of birth, or if a court determines fatherhood. Previously marriage between the father and mother was required. Since 2015, Denmark has made the acquisition of citizenship automatic for all children born to a Danish citizen. Previously a child born abroad out of wedlock to a citizen father could acquire citizenship only if the parents married or through a naturalisation procedure. Likewise since 2015 Sweden has made the acquisition of citizenship automatic for all children born to a Swedish citizen. Previously acquisition by a child born abroad out of wedlock to a citizen father required a declaration process.

In a more recent development, several countries have introduced amendments that take account of new kinds of partnerships and parental relations. Denmark and Finland have introduced changes in provisions for recognition of parentage of a child. While hitherto citizenship laws assumed that the parents of a child were a father and a mother, same sex relationships and marriage mean that a child may have two parents of the same sex. Some countries have amended their citizenship laws to take account of this. A change in 2014 granted automatic citizenship to children born of a Danish parent, recognizing the parenthood of mother and co-mother. Similarly, Finland has redefined motherhood and fatherhood for children with multiple mothers or fathers. From 2018, if the child has two mothers, the provision recognizes as mother only the person who gave birth, and rules regarding the father whose paternity is established apply to the other mother.⁴

France reformed its law on the definition of parenthood, allowing children born abroad to surrogate mothers to be granted citizenship on condition that one of their parents is a French citizen. While surrogate motherhood has been prohibited in France since 1991, the reform of 2014 allows same-sex marriage and recognizes the parenthood of children born by surrogacy.

⁴ Finland has also made corresponding amendments in legislation extending the provision for the children of former and deceased citizens, some of which were previously available only through the father.

Other countries have introduced more expansive descent provisions. Croatia from 2020 has extended the time within which a person born abroad to a Croatian citizen can acquire citizenship by registration from 18 to 21. In addition, citizenship will be awarded automatically to persons who are born abroad to a Croatian citizen, if the other parent is stateless, even if they do not meet other conditions.

Portugal in 2015 extended a grant of citizenship through registration, without a residence requirement, to a person born abroad who is the grandchild of a citizen, on the condition that the grandparent did not lose their citizenship and was Portuguese by origin (born in Portugal), as long as the applicant has some effective ties to Portugal.

Another category of reform involves extending more specific provision for citizenship by descent over a longer term in connection with the forced nature of the ancestor's departure. In 2019, Austria extended the right to citizenship to third and fourth generation descendants of at least one ancestor who was forced to flee the country during the Nazi regime, and extended the end date for leaving Austria for this reason from 1945 up to 1955, so that it now covers also Holocaust survivors who left Austria after the war and before the country became fully independent.⁵ Spain (2014) and Portugal (2015) took steps toward granting citizenship to descendants of Jewish communities expelled from Spain and Portugal from the 15th century. In Portugal an existing provision allowing naturalisation for members of Portuguese communities abroad was extended to include members of Sephardic communities. In Spain descendants of Jewish communities already had some preferential access to naturalisation, but were still required to renounce their other nationality. The Spanish law of 2015 opened up the possibility of naturalisation for those of Sephardic origin who have a special relationship with Spain, without a renunciation requirement. The Spanish provision was, however, a temporary provision which lapsed in October 2019.

⁵ In 2019 Germany introduced new administrative decrees intended to broaden the existing provision under the Basic Law facilitating citizenship acquisition for descendants of those persecuted in the Nazi era. German Ministry of the Interior Press Release 30 August 2019. Last accessed at <https://uk.diplo.de/blob/2244512/012493c208923714e587704809e4b8ea/citizenship-decree--data.pdf> 5 March 2020.

Table 1: Varieties of *ius sanguinis* citizenship in the EU 28, January 1 2020

Ius Sanguinis (in the country)	N	%	
-Unconditional	25	89%	Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom
-Dual citizenship restriction	1	4%	Latvia
-Wedlock restriction	2	7%	Finland, Malta
Ius Sanguinis (abroad)	N	%	
-Unconditional	18	64 %	Austria, Bulgaria, Czech Republic, Denmark, Estonia, France, Greece, Hungary, Italy, Lithuania, Luxembourg, Netherlands, Poland, Romania, Slovakia, Slovenia, Spain, Sweden
-Registration required	7	25%	Belgium, Cyprus, Germany, Ireland, Malta, Portugal, United Kingdom
-Dual citizenship restriction	1	4%	Croatia, Latvia, Slovenia
-Wedlock restriction	2	7%	Finland, Malta
Total	28		

Source: www.globalcit.eu.

Note: percentages for *ius sanguinis* (abroad) do not add up to 100% as Malta is included in two categories.

3. Trends in *ius sanguinis* provision

Thus we can identify three main trends in *ius sanguinis* provision in the period 2013-2020 for the EU 28:

- *Removing gender discrimination in out-of-wedlock births, and adapting to new parenthood relationships*
- *According more inclusive access to citizenship to descendants of citizens abroad;*
- *Offering citizenship rights to descendants of expelled communities.*

While these changes are generally in a more inclusive direction, their significance in number and scope remains limited. Certain Member States still have restrictions related to wedlock, and only a few have attempted to adapt their citizenship laws to new parenthood relationships. Two diverse directions can be identified in the extension to more remote descendants of citizens abroad – one maintaining links with a national diaspora, and the other offering reparation for past wrongs.

4. Varieties of *ius soli* citizenship in the EU 28

Ius soli citizenship, based on birth in the state, can be applied either at birth or after birth. Compared with descent from citizens, the provisions for citizenship on the basis of birth in the country are more complex; they may be usefully considered in the following categories:

- (i) citizenship awarded on the basis of birth in the country, irrespective of the parents' citizenship (sometimes referred to as 'second generation' *ius soli*)
- (ii) citizenship for children born in the country to parents who themselves were born in the country (sometimes referred to as 'third generation' or 'double' *ius soli*)
- (iii) citizenship for foundlings or children of unknown parentage in the state
- (iv) citizenship for persons born in the country who would otherwise be stateless
- (v) citizenship for persons born in the country, acquired not at birth, but at some time after birth.⁶

Ius soli provision is much less broadly available in Europe than citizenship based on descent. 5 countries award citizenship at birth on the basis of birth in the territory (i) subject to certain conditions, but no country in the European Union now provides unconditional *ius soli*. 7 EU Member States have some provision for double *ius soli* (ii). However, more specialised provision for foundlings (iii) (27) and for stateless persons (iv) (26) are present in most, but not all states. 19 Member States have provision for *ius soli* citizenship that can be acquired at some time after birth (v).⁷

(i) Citizenship for those born in the country irrespective of the parent's citizenship

The five EU Member States with *ius soli* provision at birth for children born in the country, irrespective of their parents' citizenship, are: Belgium, Germany, Ireland, Portugal and United Kingdom. The main condition for *ius soli* for the second generation in these countries is a period of prior parental residence, for example, 2 years in Portugal, 3 years in Ireland, 8 years in Germany and 10 years in Belgium, or a 'settled' residence status (without immigration restrictions) in the United Kingdom.

(ii) Citizenship for those born to persons themselves born in the state

A slightly larger number, seven EU Member States have 'double' *ius soli* provision for the third generation. Children born to persons themselves born in the state can acquire citizenship at birth in Belgium, France, Greece, Luxembourg, Netherlands, Portugal and Spain. In some cases this is unconditional and automatic (France, Luxembourg, Spain), while other countries apply conditions, such as a residence requirement for the applicant (Belgium), or parental residence: either at the time of birth, for a period of years, or a particular residence status (Belgium, Greece, Netherlands and Portugal).

⁶ This categorization is drawn from that of the GLOBALCIT Global Database on Modes of Acquisition of Citizenship. Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Last accessed at: <http://globalcit.eu/acquisition-citizenship/>, 19 February 2020. For further details see

⁷ These numbers reflect the fact that several countries have provisions under multiple categories.

(iii) Citizenship for foundlings

All EU Member States except Cyprus have *ius soli* regulations for foundlings: children found in the state whose parents are unknown. While most apply this unconditionally, maximum age restrictions apply in Ireland, Malta and Portugal (only newborn infants), Austria (only under 6 months), Czech Republic (up to 3 years), Finland (up to 5 years).

(iv) Citizenship for children who would otherwise be stateless

All EU Member States except Cyprus and Romania provide citizenship for children born in the state who would otherwise be stateless. It is awarded unconditionally and automatically in Belgium, Bulgaria, Finland, France, Greece, Ireland, Italy, Luxembourg, Poland, Portugal, Slovakia, and Spain.

In other states considerable restrictions and conditions are applied. An additional requirement: that no other citizenship is *available* (as distinct from actually acquired), or that parents themselves are stateless is applied in Croatia, Czech Republic, Estonia, Finland, Hungary, Italy, Latvia,⁸ Lithuania, Slovakia and Slovenia (sometimes with residence conditions for the parents and/or for the children).

Where citizenship is not awarded at birth or automatically to children born in the country who would otherwise be stateless, in several states citizenship can be obtained only through facilitated naturalisation⁹ of various kinds after a number of years: Netherlands (3 years), Germany, Malta and the United Kingdom (5 years), Austria (10 years), or on the basis of continuing residence in Denmark. In Sweden citizenship can be acquired by declaration by a person up to a maximum age of 18, on condition of holding a permanent residence permit.

(v) Citizenship acquired after birth on the basis of birth in the country

A more general provision for *ius soli* citizenship awarded at some point after birth may be seen as weaker than, but supplementary to, the award of citizenship at birth. Citizenship may be acquired automatically when a person reaches a certain age, or through a naturalisation process that dispenses with some of the conditions for ordinary naturalisation that apply to immigrants. This facilitated naturalisation is still, however, normally discretionary.

Ius soli after birth provisions exist in Austria, Belgium, Bulgaria, Croatia, Czech Republic, Finland, France, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain and the United Kingdom. The most common condition is a number of years of residence after birth. While Austria, Croatia, Czech Republic, Finland, France, Greece, Hungary, Ireland, Luxembourg, Portugal, Slovakia, and Spain require residence of between 5 and 10 years, 10 years or more are required in Belgium, Italy, Netherlands, and the United Kingdom. In Bulgaria, Finland, and the Netherlands the minimum age of eligibility is eighteen. Where the process is one of discretionary naturalisation, in some countries this means considerable reductions in requirements relative to the ordinary naturalisation procedure (Ireland, Portugal Spain, United Kingdom). In others the conditions are almost equivalent to those of ordinary naturalisation (Austria, Croatia, Czech Republic,

⁸ From 2020 Latvia additionally has specific provisions for automatic citizenship for those born to parents with 'non-citizen' status, that is, those of formerly Russian citizenship, who did not gain any citizenship at independence in 1991 (see further in Section 5).

⁹ Facilitated naturalisation is a procedure that grants citizenship with reduced conditions compared with ordinary, residence- based naturalisation.

Hungary, Romania, Slovakia, Slovenia), and may include, for example, language tests, and character and economic independence requirements.

Thus, while the majority of EU Member States have *ius soli* provisions targeting foundlings and stateless children, and a considerable number have provisions for the weaker form of *ius soli* after birth, only a handful of countries provide any kind of *ius soli* citizenship acquisition at birth for children born in the state. (Percentages are lower than in the Americas, though higher than in Asia and Africa.)

5. Changes in *ius soli* provision 2013-2020

8 EU Member States amended their *ius soli* provisions since 2013: Denmark, Estonia, Greece, Hungary, Latvia, Luxembourg, Sweden and Portugal. Here we outline some of the more substantial changes and identify some trends. These concerned prior parental residence requirements, statelessness at birth, and facilitated naturalisation for children born in the state.¹⁰

The most significant change in *general ius soli (i)* for a child born in the country was the reduction of the prior parental residence requirement in Portugal from 5 to 2 years. This makes it the shortest period of prior parental residence required in Europe

Five countries amended or clarified their provision for those who would otherwise be *stateless (iv)*. In 2014, Hungary restricted the declaration procedure for stateless persons legally resident for five years to apply only to those born in the country. It had previously been available to all stateless persons who met the residence conditions.

Estonia in 2015 extended citizenship by declaration to children born in Estonia, whose parents are stateless or of ‘undetermined citizenship’ (applied to the Russian minority who did not gain Russian or Estonian citizenship in 1992) if the child has lived in Estonia for at least five years.¹¹ Previously the parents had to apply through a naturalisation process for the child before the age of 15. Latvia introduced a law providing automatic citizenship at birth from 2020 to children born in Latvia to parents with the status of ‘non-citizens’ (applied to the Russian minority who did not gain Russian or Latvian citizenship in 1991), and therefore would otherwise be at risk of statelessness. Previously this required a conditional declaration process after birth.¹²

¹⁰ In addition, in 2014 Germany removed the requirement that persons acquiring *ius soli* citizenship on the basis of prior parental residence should choose at 21 between German and other citizenship for persons with at least 8 years of habitual residence in Germany, 6 years of schooling in Germany, or with a German educational degree.

¹¹ See European Network on Statelessness. Ending Childhood Statelessness: A Study on Estonia. Last accessed at: <https://www.statelessness.eu/sites/www.statelessness.eu/files/Estonia.pdf>, February 20, 2020. This also applied retroactively to children under 15 at the time the law came into force in 2016. After this reporting period, from 28 January 2020 Estonia has introduced access by simple application also to children, one of whose parents is of ‘undetermined citizenship’ and the other is a citizen of a third country. Parents or grandparents of these children should have lived in Estonia at the time of the restoration of independence. Vadim Poleshchuk. Estonia welcomes new minor citizens. Last accessed at <http://globalcit.eu/estonia-welcomes-new-minor-citizens/>, 20 February 2020.

¹² As of 1 July 2016, 4,816 under 15 were vulnerable to statelessness (Council of Europe. (2019). “Latvia Takes Important Step toward Eliminating Child Statelessness”. Last accessed at: <https://www.coe.int/en/web/commissioner/-/latvia-takes-important-step-toward-eliminating-child-statelessness>, January 30, 2020.

Finally, Sweden in 2015 raised from 5 to 18 years the age up to which declaration-based citizenship is available to individuals born in Sweden, who are stateless since birth and resident in Sweden with a permanent residence permit.

Two countries introduced more inclusive provisions for *ius soli* citizenship after birth (v). From 2015, children born and raised in Greece are eligible for facilitated naturalisation if their parents have legally resided in Greece for five years before the child's birth and the child is enrolled in a primary school. Previously parents needed to have legal residency of 10 years or permanent resident status. Similarly, in 2017, Luxembourg introduced a provision granting automatic citizenship at 18 to those born in the country, who have five consecutive years of residence, and one of whose parents lived in Luxembourg for at least one year prior to the child's birth. Furthermore, citizenship by declaration is available at the age of 12 for those meeting these conditions.

Croatia, on the other hand, introduced in 2020 a restrictive change in *ius soli* after birth, by raising the number of years of residence from 5 to 8 years, and introducing language and culture tests.

It should be noted that one country, Sweden, which does not have any general *ius soli* provision for children born in the country, awards citizenship by declaration for persons resident for three years as a child. Such a socialisation-based provision gives the opportunity to claim citizenship for those born in the country as well as to immigrant children, and may be seen as similar in effect to the provisions for *ius soli* after birth in those Member States that provide for this relatively unconditionally.

Table 2: Varieties of ius soli citizenship in the EU 28, January 1 2020

Ius Soli (general)	N	%	Provision
-Second generation	5	18%	Belgium, Germany, Ireland, Portugal, UK
-Third generation	7	25%	Belgium, France, Greece, Luxembourg, Netherlands, Portugal, Spain
-No general provision	18	64%	Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Hungary, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, Sweden
Ius Soli (foundlings)	N	%	
-Special provision	27	96%	Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom
-No special provision	1	4%	Cyprus
Ius Soli (stateless)	N	%	
-Special provision	26	93%	Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom
-No special provision	2	7%	Cyprus, Romania
Number of countries	28		

Source: www.globalcit.eu

Note: percentages for ius soli (general) do not add up to 100% as Belgium and Portugal are included in more than one category.

6. Trends in ius soli citizenship

There have been relatively few changes in ius soli citizenship provision during the period 2013-2020. The main trends can be summarized as

- *creating additional provisions for those who would otherwise be stateless*
- *extending access to citizenship on the basis of continuing residence or education*

While most of these changes were in a more inclusive direction, they remain limited in number and significance, Portugal's reduced parental residence requirement is the most significant change for the period, but is an outlier. Increased provision in case of statelessness, and the extension of ius soli citizenship to children born and raised in the country, as in Greece and Luxembourg, are more widespread. These follow other extensions of ius soli in the previous twenty years, for example the introduction for the first time of ius soli in several countries on the basis of parental residence in Germany (2000) and of double ius soli in Luxembourg (2008).

7. Observations and Recommendations

1. *Statelessness* has become one of the most salient global issues with more than 10 million stateless people – of which one third are children – around the world.¹³ (It has been estimated that in 2018 roughly 400,000 of these are in Europe.)¹⁴ A higher proportion of EU Member States than in most other regions of the world have some provisions for granting citizenship to children born in the country who would otherwise be stateless. But fully adequate protection against statelessness requires that *ius soli* citizenship be provided in all countries at birth for stateless children in accordance with the provisions of the 1961 United Nations Convention on the Reduction of Statelessness.¹⁵ Thus, Cyprus and Romania should take steps toward introducing *ius soli* provisions for otherwise stateless children. Statelessness may arise also not only where parents are stateless, but where they may not be able to transmit their citizenship to their child. Thus, other Member States that provide for citizenship only where parents are stateless, require other conditions, or delay the grant of citizenship, should review this to include all children who would otherwise be stateless.

2. While it is of primary concern to prevent statelessness, so that every person has a citizenship, it is also important that people can acquire citizenship in the specific country where they live. Not only economic and social rights, but also citizenship and political rights are significant pillars of immigrants' pathway to integration. Naturalisation is only one way of achieving this. The provision of citizenship on the basis of general modes of *ius soli* has been found to promote the integration of immigrants. This calls for more extensive *ius soli* provisions at birth for *second and third generations*. Although more EU Member States have recently introduced elements of *ius soli* to their citizenship laws, so that 22 EU Member States have some provision for citizenship to children born to non-citizens, many of these are in very restricted forms. We have seen that most provide for only for stateless and foundlings. In addition to Cyprus (which provides for neither) and Romania (which provides only for foundlings), another 16 EU Member States have no general provision for *ius soli* at birth, although 9 of these (and Romania) do have some provision for *ius soli* acquisition after birth.

Following the examples of Germany (2000) and Portugal (2006, 2019), other states should introduce some more general provisions for *ius soli* citizenship at birth. There also is scope for more countries to follow the initiatives taken in Greece and Luxembourg that have broadened its availability on the basis of residence and education after birth, and introduced double *ius soli* respectively. Even without *ius soli*, more countries could also introduce the kind of provision for socialisation-based acquisition through declaration found in Sweden, rather than through the variety of more discretionary processes that many involve. Discretionary processes of naturalisation or onerous procedures should not be required for those who have spent almost all their lives since birth in the country.

¹³ UNHCR. (2019). "Statelessness around the World". Last accessed at: <https://www.unhcr.org/statelessness-around-the-world.html>, January 2, 2020

¹⁴ European Migration Network (2020). "Statelessness in the European Union". Last accessed at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform_statelessness_en.pdf, February 19, 2020.

¹⁵ The 1961 United Nations Convention on the Reduction of Statelessness (Article 1 and Article 3) requires states to grant citizenship to children who are otherwise stateless at birth either automatically at birth or upon application.

3. Remaining *gender discrimination* with respect to citizenship transmission by parents out of wedlock should be addressed, following the initiatives taken by Austria, Finland and Denmark. Such provisions should not apply short time limits for recognition by fathers.

More states should recognize changing forms and definitions of *parenthood and family* as we witness considerable changes in this area, and follow the initiatives of Finland, Denmark in this respect.

4. There is an anomaly in the case of Member States that provide automatic access to citizenship abroad by *ius sanguinis*, but do not provide any access to citizenship by *ius soli* for persons born and living in their territory. Indeed a number of countries allow *ius sanguinis* citizenship to be transmitted indefinitely across generations to citizens born abroad, yet do not offer any *ius soli* citizenship at birth. This may lead to increasing numbers of citizens who have no substantial connection to the country. As Member State citizenship entails EU citizenship, it also has an impact on the European Union and the composition of its citizenry. Member States should reconsider the *indefinite extension of ius sanguinis citizenship abroad*, by requiring the establishment of some connection after the second generation born abroad, if this be only a matter of registration. Extensions of citizenship to still more remote generations may be less justified in the cases of extensions to broad national diasporas than in the case of descendants of those expelled, though, even in the latter case, the establishment of some kind of connection should be expected.

