



**THE
EUROPEAN
COMMISSION**

**Funded by the
European Commission,
DG Justice, Freedom & Security
in the INTI-Programme**

CJD Eutin

Be Naturalised – Or Become A Citizen?

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Report of the project “Be
Naturalised – Or Become A
Citizen?” funded by the European
Commission, DG Justice, Freedom
and Security, in the INTI-
Programme

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Eutin, 2009

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Preface

This report presents the work conducted in the transnational European Project “Be Naturalised – Or Become a Citizen?” which took place during an 18 month period 2007 to 2009. The project was funded by the European Commission, Directorate General Justice, Freedom and Security in the framework of the INTI-Programme 2006.

The involved organisations are the CJD Eutin in Germany as coordinator, IPRS (Psychoanalytic Institute for Social Research) in Italy; the research group GERME at the Université Libre de Bruxelles in Belgium, ACIDI (High Commissioner for Immigration and Intercultural Dialogue) in Portugal and the research institute CEIFO (Centre for Research in International Migration and Ethnic Relations) at Stockholm University in Sweden.

One of the main aims of this project was to explore the complex relationship between integration, identity and existing naturalisation procedures in the participant EU countries. Still, in most EU countries the naturalisation rates vary between 1 and 10 per cent of the whole non-native population, with the high rates being scored often in the Nordic countries and some new member states (OECD 2007: International Migration Outlook). The leading questions which drove our research were: How do existing naturalisation procedures with their various prerequisites and instruments such as tests or ceremonies affect integration? How can migrants be addressed as active citizens in the naturalisation process? How can naturalisation be connected with participation and intercultural aspects? And furthermore, what role does the process of European integration play in national naturalisation procedures?

The methodology of this project was a transnational comparative approach. The following report starts with an overview of the existing naturalisation procedures in the five participant countries. The second chapter outlines the methodology and the different empirical phases of the project. The following third chapter presents a summary of the empirical work conducted in the project, structured along the central issues of the project with respect to naturalisation procedures. The fourth and fifth chapter once again summarise the main theses and give some outlook on how the complex relationship between naturalisation and integration can be understood in a transnational and European perspective.

1. Introduction: Naturalisation and Citizenship in Perspective

Introduction

The codification of nationality stems from the birth of the nation state, it is therefore a concept of modernity. In a world order in which the state is the dominant form of political organisation, nationality has become a codified juridical identity: Each individual is attached to the state of their nationality. Subsequently, the foreigner has been defined as the individual who does not have the nationality of a state. Nationality could therefore be understood as a social boundary, as a "social closure" to quote Weber, and as Brubaker argues (1992: 48): "the nation state is both the architect and the keeper of several modern forms of closure. They are enshrined in institutions such as territorial borders, universal suffrage, compulsory military service and regulations on naturalisation. In each case, it is around the juridical institution for nationality that the 'closure' is achieved."

Nation states have developed legal tools to determine the owners of its nationality. Therefore, nationality is not only an 'instrument of closure' but also an object of 'closure'. In most European nation states, nationality is acquired through bonds of blood, by birth from nationals of the nation state, or *ius sanguinis*. The ideology underlying nation state-building rests indeed in creating a common cultural belonging, even though the political speech insisted on the creation of a community of citizens. Several authors (Brubaker, 1989; Hammar, 1990; Schuck, 1998) compare at least two systems of nationality acquisition. The first system is a liberal one, based on the coexistence of *ius sanguinis* and *ius soli*, the two means of nationality transfer. All individuals born in the territory acquire nationality at birth. The

naturalisation of foreigners is frequent and even expected; naturalisation is the rule. This system is dominant in the United States, Canada, South America, Australia, the United Kingdom, etc. The second model is more restrictive, based on *ius sanguinis*. Naturalisation is only acquired under restrictive conditions; it is not the rule, but the exception. This system was prevalent in Europe, except in France; in the United Kingdom and in Sweden. Such a classification was relevant until the mid 1980s. The gap between the two models then started to narrow because the migration factor was brought into the nationality debate. Contrary to several scholars insisting on the history of national logics (Brubaker, 1997, Joppke, 1999), Weil (2000) shows that nationality rights in Europe cannot be reduced to the expression of different conceptions of 'nation'. France and the United Kingdom, for example, have very similar nationality rights despite their divergent models of the nation. The integration of the sociological concept of nationality, through the incorporation of waves of migration, seems more appropriate when talking about changes in nationality rights in Europe.

Citizenship is regarded as an essential vehicle for full participation in society at all levels, and as bearer of a set of citizenship rights and duties. Access to citizenship has both formal and informal connotations, related, on the one hand, to legal status and non-discriminatory treatment claims, and, on the other hand, to the perception of a connection between the individual and society, as well as a relationship to the group(s) to which one belongs.

Initially, citizenship was connected to the national state – which in some ways contributed to a certain confusion when the term “nationality” is used as a synonym, especially in languages like English and French, where the semantic connection to “nation” perceived as an

allegedly homogeneous statal space within which there is a shared communion of ethnic, linguistic and expectedly religious identity, is still inherently present. This leads to a shared connotation of “national identity” subconsciously embedded in the very notion of citizenship, leading to clear difficulties in separating the terms – and their content. Many academic texts choose the term “nationality” while referring to the legal concept of citizenship, even though it rather refers to an enlarged context of the interstate system, while citizenship is more confined to the relationship between the individual and the state. The difficulty in separating the respective connotational contexts is, however, indicative of the difficulty encountered in understanding, defining and re-defining these terms within the new framework and paradigm of the global context, or the global world of the 21st century. Structural population changes make it impossible to deny the existence of an increasing percentage of residents that, to an ever greater extent, either are, or are becoming, a long-term part of the population, even though they are not necessarily becoming – or even seeking to become (full) citizens.

With the so-called Treaty of Maastricht (1992), the link between citizenship and nationality was broken in Europe. The Treaty of Maastricht created a citizenship for the European Union and awarded voting rights and eligibility to citizens of EU Member states. With the Treaty, the argument of an unbreakable link between citizenship and nationality lost its force, even if several authors argued before that the connection between nationality and political rights was not ontologically necessary. The 94/80 Directive (J.O.C.E., n°L368/38 of 30.12.1994) determined the conditions for the exercise of the right to participate in local elections and required the Member states to adapt their legislation before 1 January 1996. However, for third-country nationals, full citizenship entails naturalisation.

If citizenship is the ensemble of civil, political and social rights enjoyed by the members of a political system (Marshall, 1976), the fact that this is not a package of rights equal for everybody is not an exception, it is the rule. In a world where foreign citizens have recently been seen more and more as a threat, the question of citizenship by naturalisation has resumed some relevance. As such, naturalisation can be seen as a means to manage those who are foreigners: if we are afraid of foreigners, either we expel them or we naturalise them. Both of these measures are as drastic as each other, considering that by the moment the foreign citizen is attributed the citizenship of the host country, the same citizen ceases to be a foreigner. The negation of foreignness can, indeed, be seen as a guarantee for social cohesion in times when this is perceived as being on the edge of fragmentation. By the same token, if partial participation causes insecurity, then full participation of real citizens should be the right solution.

As we will see, even within the European Union discrepancies continue to exist in managing migrants and dealing with the question of citizenship: it can be easy to achieve juridical citizenship via place of birth but difficult to become part of a social state; difficult to achieve juridical citizenship via line of descent but easy to enjoy social rights; or difficult to enter a country but easy to get political and social rights once you are in. Moreover, the customary division of national laws of citizenship into the principles of *ius soli* and *ius sanguinis* has now been overshadowed by the rival principle of ascription and consent, which represent a different, more fundamental dichotomy, described by Peter Schuck (1998: 207) as follows:

“In its purest form, the principle of ascription holds that one’s political membership is entirely and irrevocably determined by some objective circumstance – in this case, birth within a particular sovereign’s

allegiance or jurisdiction. According to this conception, human preferences do not affect political membership, only the natural, immutable circumstances of one's birth are considered relevant. The principle of consent advances radically different premises. It holds that political membership can result only from free individual choices. In the consensualist view, the circumstances of one's origins may of course influence one's preferences for political affiliation, but they are not determinative”.

In spite of the difficulties embodied in the consensualist view, we believe that this should be the direction to follow when trying to develop or amend current procedures for attributing/acquiring citizenship.

Whether we look at the routes to citizenship followed by the different countries in terms of their adherence to democratic principles or their efficacy, it appears that none of them has really worked so far. Not only does the condition of foreigners as denizens or semi-citizens still persist, but also the very idea of citizenship as a solution to all integration problems is to be called into question.

1. Acquisition of Citizenship and Naturalisation Procedures in Sweden

1.1. Acquisition of citizenship at birth

The Swedish Citizenship Act in force reflects the traditions and evolution in time of the Swedish legislation in the field, as the adoption of the 1997 European Convention on Nationality.

The main form of acquisition of Swedish citizenship is at birth by *ius sanguinis* – following primarily the maternal line, irrespective of the birthplace of the child, if the mother is a Swedish citizen. On the

paternal line, if (only) the father is a Swedish citizen, for the same rule to apply, the child has to be born in Sweden, or the father to be married to the child's mother at the time of birth. Children growing up in Sweden can acquire Swedish citizenship by a simplified procedure of notification – in which case the decision taken is a simple administrative decision taken by the County Administrative Board (Länsstyrelsen). A child to a Swedish father born and/or growing up abroad, who did not acquire Swedish citizenship at birth or by filiation/filial transfer before reaching the age of maturity (i.e. before turning 18 years old) may also exercise his/her right to choose to be a Swedish citizen instead of continuing to hold the citizenship attributed at birth. In practice, this right is less likely to be exercised to any great extent under the present legislation that allows dual citizenship – which makes the possibility to opt for the one or the other perhaps less interesting.

The acquisition of Swedish citizenship by legitimating children born out of wedlock can be considered a semi-automatic mode of acquisition subsequent to fulfilling two determining criteria; of established paternity, respectively the parents' marriage. Another form of semi-automatic acquisition of Swedish citizenship by filial transfer is through acquisition by adoption, which applies to a child under 12 adopted by a Swedish citizen in Sweden or in another Nordic country (Denmark, Finland, Iceland or Norway) or is adopted by virtue of a non-Nordic decision that is recognised under the Swedish Act on international legal relationships regarding adoption (1971:796).

1.2. Acquisition of Swedish citizenship: by naturalisation

The main mode of granting Swedish citizenship to foreigners is by naturalisation, which is the most usual way of acquisition for migrants and their children. Refugees and asylum-seekers may acquire citizenship after being granted a permanent residence status and having resided long enough to justify their naturalisation.

In the Swedish context, a foreigner can be granted Swedish citizenship by naturalisation if the following prerequisites are fulfilled; (s)he:

- 1) has a clearly documented identity,
- 2) is over 18 years of age (children under 18 are granted citizenship by naturalisation by subsidiary decision to their parents' naturalisation),
- 3) is in possession of a permanent residence permit (PUT),
- 4) has been (permanently) domiciled in Sweden, as a general rule, for 5 years (exceptions apply under certain conditions), and
- 5) has lived, and can be expected to continue to live, a respectable life, that is to say, fulfils what is defined as a good conduct clause (§ 11).

Contrary to tendencies in other countries (such as Austria, The Netherlands, Denmark, parts of Germany), no language or other kind of test is currently required within the naturalisation procedure as a condition for the acquisition of Swedish citizenship.

Naturalisation is nevertheless not considered an absolute right as such, but a possibility given to persons who have permanently moved to Sweden from abroad to become Swedish citizens, provided that certain conditions have been met. However, fulfilling the conditions does not imply an absolute right to be granted citizenship. The authorities in charge have absolute discretion in approving any such decisions.

Normatively, both statelessness and dual citizenship have been considered as occurrences to be avoided in Nordic legislation. In part, this has been due to the complex problems that the concept of dual citizenship involves for both the individuals and countries concerned.

1.3. Procedures and bodies

The County Administrative Boards (Länsstyrelsen), one in each of Sweden's 21 counties, make decisions regarding the acquisition of Swedish citizenship by notification according to §§7–9, 18 or 19 of the Citizenship Act for applications from Nordic citizens (from Denmark, Finland, Iceland or Norway). In 2000, the Migration Board (Migrationsverket), replaced the earlier Immigration Board (SIV – Statens Invandrarverk). It makes decisions on immigration and citizenship matters, particularly those regarding the acquisition of Swedish citizenship by notification according to §§5–9 for stateless persons, or persons with a non-Nordic citizenship, or by application for Naturalisation according to §§11–13. It also deals with applications to preserve Swedish citizenship according to §14 Align.2 and to be released from Swedish citizenship according to §15. Negative decisions taken by the Migration Board in notification cases according to §§ 5–9 of the Citizenship Act can be appealed to the County Administrative Court (Länsrätten). The Migration Board's decisions in matters of national security according to §27, however, can only be appealed to the Swedish Government. Other decisions, e.g. regarding Naturalisation according to §§11–12, that are not classified as involving national security, as well as decisions concerning the preservation of Swedish citizenship according to §12 Align. 2 or to the release from Swedish citizenship according to §15, can be appealed to the Aliens Appeals Board. Cases involving aspects of national security (that is, applications

rejected by the Secret Services, the SÄPO) are handled by the Migration Board as a first instance, and by the Government only as a second instance of appeal (§27, 2001: 82 of the Citizenship Act). On 31 March 2006, the Aliens Appeals Board was replaced by a judicial system. This consists of three Migration Courts situated in Stockholm, Malmö and Gothenburg (Göteborg), functioning as Appeal Courts to decisions taken by the Migration Board in migration issues according to the Aliens Act, and citizenship issues according to the Citizenship Act, and a Higher Migration Court (Migrationsöverdomstolen), whose decisions cannot be challenged, in Stockholm.

The Swedish government (Regeringen) has the authority to function as the final arbiter of appeal cases regarding Naturalisation (§§11–12, 2001: 82 MdbL), preservation of Swedish citizenship (§14, align. 2), and importance for the application of the Citizenship Act (§25). In addition, the Swedish government has final authority in appellations against decisions of the Aliens Appeals Board in matters concerning national security (§ 27).

2. Acquisition of Citizenship and Naturalisation Procedures in Belgium

2.1. Acquisition of citizenship at birth

A new Code on nationality was voted in on 28 June 1984. An important sociological factor, the permanent residence of immigrants, was taken into account, causing the transformation of the law, yet retaining several principles of the past. This new legislation could be considered as one of the main policies for the integration of immigrants. The principles which inspired the new Code were dictated by international resolutions as well as by recommendations on the need to reform nationality law.

The 1984 law introduced a distinction between the modes of awarding and acquiring Belgian nationality. As regards awarding nationality, the law suppressed gender inequality; Belgian nationality was automatically granted to adopted or stateless children and was also offered to the third generation if desired. The principle of *ius soli* was introduced. Three main modes of acquisition of Belgian nationality were also introduced: option, marriage and naturalisation.

To introduce a declaration of option, the applicant had to be aged from 18 to 22 and have resided in Belgium for the twelve months before their application. The option was also opened to persons who had lived in Belgium between the age of 14 and 18, to those resident in Belgium for at least nine years, and for children born abroad of foreign parents who resided in Belgium for at least one year before the child's sixth birthday. Marriage to a Belgian was another way to acquire nationality. Any foreigner married to a Belgian could become Belgian if the husband and wife had lived together in Belgium for at least three years and continued to live together throughout the procedure. Acquiring nationality by option or by marriage was not automatic: an application had to be made, and the procedure had to be submitted to the controlling body of the Justice system. The Attorney General needed to formulate a notice, on the basis of which the Tribunal could make his opinion. The decision of the public prosecutor's department, arrived at after thorough investigation, could be negative for reasons of "prevention as a result of the severe personal wrongdoings" of the applicant.

2.2. Acquisition of Belgian citizenship: by naturalisation

The Nationality Code was modified in 1991, 1995, 1995, 1998 and 2000. As things stand, for the third generation, the attribution of Belgian nationality by *ius soli* is automatic. For the second generation, Belgian nationality could be granted if they were born on Belgian territory and if both parents applied before the child turned twelve. Young foreigners of the second generation, when reaching their majority, could also acquire Belgian nationality by a simple declaration.

The reform of 1 March 2000 placed Belgium at the forefront of European states on the question of nationality acquisition. This law facilitated the requirements and procedure for the acquisition of Belgian nationality. The requirements were eased by the extension of the right of soil by article 12bis^{3°}, which allowed all persons residing in Belgium for at least seven years, regardless of their residential status, to become Belgians by declaration on the condition that they hold an unlimited residence permit at the time of the application and that the public prosecutor's department could not turn down their application on the grounds of any “severe personal wrongdoing”. The length of residence required for naturalisation decreased as well, and is now set at three years. Moreover, the criterion of the “willingness to integrate”, presented in the former legislation, was removed.

2.3. Procedures and bodies

From 1984 to 2000, the naturalisation procedure had to be submitted to an investigation by the Attorney General on “the existence or non-existence of severe wrongdoings” and on the “willingness to integrate” (Article 21 §1). Naturalisation came under a parliamentary procedure, which implied that the Chamber did not have to justify the rejection of

an application. This point marks the main difference between the procedures of naturalisation and of option: Naturalisation remains a favour granted by the state (discretionary right). The integration test was especially criticised, as well as the diversity of the jurisprudence of both the tribunals and the public prosecutor's department, because of the subjectivity of the interpretation of “severe personal wrongdoings” and the “willingness to integrate”. To answer the critics the Commission for Naturalisations established its jurisprudence on both concepts. After years of controversies, the government decided to leave out the integration test. It is now assumed that an applicant is willing to integrate by the very fact that he applies for nationality. The applicant must always take the pledge to obey the constitution and the laws of Belgium, as well as the Convention for the Protection of Human Rights and Fundamental Freedoms.

The procedure was changed as well. The 2000 reform increased the role of the municipality; it decreased the costs of the introduction and management of the files; it reduced the length of the procedure by suppressing the investigation on integration and by compelling the authorities to oppose the award of nationality within a month. By facilitating the acquisition of nationality, the reform aimed to render the procedures more objective and less arbitrary. The new law systematised an acknowledgement of receipt at each stage of the process. It also facilitated the procedures of appeal (for the declaration and option, but not for naturalisation) and attempted to unify the diverging practices on the question of “severe personal wrongdoings”. Easing access to nationality led to an increase in the number of applications.

3. Acquisition of Citizenship and Naturalisation Procedures in Germany

Before 2000 the Empire and State Citizenship Law of 1913 and the Aliens Act of 1990 were referred to in all questions regarding citizenship. In 2000 these laws were reformed and modernized, so that reference was now made to the "Citizenship and Nationality Law". The new "Citizenship and Nationality Law" can be regarded as part of a reform that aimed at the legal integration of immigrants who have been in the country for many years and their offspring who were born and who live in Germany.

The Citizenship and Nationality Law includes various possibilities for formally acquiring German citizenship. The acquisition of German citizenship falls into various categories: these include acquisition through being born in Germany, which since 1 January 2000 has been supplemented by the so-called Option Model. German citizenship can also be acquired through naturalisation, whereby a distinction is made between the so-called "Anspruchseinbürgerung" (Derivative Naturalisation) by right and "Ermessenseinbürgerung" (Discretionary Naturalisation). Finally, in the context of claims within the naturalisation process, reference is also made to the legal entitlement for spouses or registered partners.

3.1. Acquisition of citizenship at birth

When a child is born, he or she will receive German citizenship if at least one of the parents is a German citizen. If only the father is in possession of German citizenship, and he is not married to the natural mother, then the law requires a legal acceptance of fatherhood or proof of fatherhood according to German law. The application must be made

before the child's 23rd birthday. In such cases, the nationality of the other parent is of no consequence.

In addition to the principle of nationality by descent (*ius sanguinis*) the principle of nationality by place of birth (*ius soli*) has also been in force in Germany since 1 January 2000. Independent of the nationality of the parents the child will become a German citizen automatically and without the need for an application automatically when one of the parents has been lawfully and normally resident in Germany for a minimum of eight years and is in possession of a so-called settlement permit "Niederlassungserlaubnis" or EU residence permit "Aufenthaltserlaubnis-EU".

The addition of elements of place of birth or territorial principle (*ius soli*) to the prevailing principal of descent (*ius sanguinis*) was one of the core elements of the reform of the Citizenship and Nationality Law. According to the principal of descent, which had been part of nationality and citizenship law, the nationality of a child follows that of the parents. On the other hand, by way of the territorial principle, a child acquires the nationality of the state upon whose territory it was born. The reform of 2000 strengthened the territorial principle in Germany. A child born in Germany to parents of non-German nationality thus automatically receives German nationality at birth, alongside their parents nationalit(ies) by principle of descent, if at least one parent has been residing legally in Germany for at least eight years and holds a permanent residency permit. In this case, the so-called "Option model" is in force. Between the ages of 18 and 23 the young person must decide which nationality s/he wants to keep. If the children opt for the foreign nationality, then they lose the German one. If a child wants to secure German citizenship, then s/he must provide proof that s/he has renounced the other citizenship. If renouncement

of the other citizenship is not possible (e.g. because renouncing nationality is not possible from the side of the other state) and multiple citizenship will occur, the young person must make an application for exceptional retaining of German citizenship.

3.2. Citizenship by derivative naturalisation (“Anspruchseinbürgerung”)

People of non-German nationality legally residing in the Federal Republic can apply for citizenship. A naturalisation procedure is always started by an application and is never initiated automatically. Which authority is responsible for an application, on the other hand, is regulated at the local level and must be requested at the respective city or district administration.

A right to naturalisation exists when the following requirements are met:

(<http://www.bundesregierung.de/Webs/Breg/DE/Bundesregierung/Beauftragtefuering/Integration/Einbuengerung/einbuengerung.html> on 26.5.09)

- At the time of naturalisation the applicant possesses a settlement permit, permanent residence permit, or EU residence permit

It is not sufficient if the applicant only holds for example a residence permit for studies or a tolerance permit (“Duldung”).

- The applicant has been normally and lawfully resident in Germany for the last eight years

If the applicant has visited an integration course this is reduced to seven years. If the applicant has demonstrated exceptional “integration achievements”, e.g. has been active in charity work or demonstrates very good knowledge of German, this can be reduced to six years. The respective authorities are given some room for interpretation.

- The applicant can support him/herself and his/her dependent family members without relying on social welfare (“Hartz IV”³).

Exceptions are made if the applicant has been made redundant; if the applicant is in a special personal or family situation, for example cannot take up work for health reasons or because of childcare obligations; or if the applicant lives on social welfare due to being at school or university. Receiving merely subsidiary state social benefits, e.g. rental supplement, does not have an effect upon eligibility for naturalisation.

- The applicant has sufficient command of the German language.

This can be demonstrated by either successful completion of an accredited language course; at least for years German school; completion of a German apprenticeship; or other. Exceptions are made for people who cannot master the language due to health reasons or old-age (a doctor’s certificate may be required).

- The applicant has not been convicted of an offence (sentenced with more than 3 months on probation or over 90 daily rates fines).

Major offences make naturalisation impossible. Minor offences do not necessarily prevent naturalisation – after a certain period of abiding the law the applicant can get naturalised.

- The applicant must declare their allegiance to the liberal democratic principles of the Basic Law, the constitution of the FRG.

The applicant must declare in writing and by word that s/he will adhere to the constitution of the FRG and is neither involved in nor upholds anti-constitutional activity or ideas.

³ This primarily applies to exclusive reliance on social welfare and long-term unemployed benefit “Hartz IV” and *not* to unemployment benefit, which is paid in the first 12–18 months after losing employment (“Arbeitslosengeld I”).

- The applicant must have civic and political knowledge (demonstrated by passing the “citizenship test”)

Exceptions will be made for applicants who have obtained school-leaving-certificates in Germany or who cannot learn due to age or health reasons.

- As a rule the applicant must either lose or renounce the old nationality. Exceptions are made for some states which prevent loss of nationality, for some groups of refugees, some elderly applicants and if unacceptable costs would occur.

Under certain circumstances spouses and registered same-sex partners of Germans are eligible for early naturalisation. Eligibility for naturalisation does not exist if the marriage or registered partnership has broken down, both partners live separately and a divorce or respectively an annulment of the partnership is planned.

3.3. Citizenship by discretionary naturalisation

If one of the prerequisites for derivative naturalisation is not fulfilled, a discretionary naturalisation may be possible. The positive decision in matters of discretionary naturalisation depends on the assessment of the responsible authority in each individual case. Still, some minimum requirements must be fulfilled, for example no conviction of a (non-petty) crime. Usually, discretionary naturalisation can only occur after eight years; exceptions can be made e.g. for some groups of refugees, stateless persons or top athletes.

3.4. Procedures and bodies: From heterogeneous process to a standardized procedure

Processing procedures and the time taken to process naturalisation applications are not at present heterogeneous in the various federal states and, according to responsibility, in the authorities of the various cities, towns, local authorities and communities. Very different authorities are responsible for naturalisations in the local authorities: amongst others, register offices, foreigners' registration offices and local residents' registration offices.

From 1 September 2008 a law in force throughout the FRG regulates naturalisation practices. Naturalisation practices were reformed with the aim of creating a standardized procedure throughout the country. Standardised citizenship tests are the major new element of the naturalisation procedure. To prepare for the test voluntary courses can be taken. Those who do not wish to participate in a preparatory naturalisation course can prepare themselves for the test with an elementary textbook available for viewing over the internet. Questions of the multiple-choice test are pre-available on the internet. The test can be taken several times until passing.

Every person seeking naturalisation must sign a declaration of loyalty and allegiance to the basic liberal democratic order of the Federal Republic. They must first give their written approval of this. Furthermore they must declare not being or having been involved in any anti-constitutional activity. A request is made by the naturalisation authority to the federal office for the protection of the constitution to prove that the applicant has not been involved in any anti-constitutional activity. The actual act of naturalisation comes right at the end. Upon receiving the certificate the new citizen repeats their avowal to the Basic Law in speaking ("I solemnly declare that a will

respect the basic law and the laws of the FRG and will not do anything to harm it”, on www.bundestkanzlerin.de on 13.5.09, trans. by authors). Many federal states conduct official public or semi-public naturalisation ceremonies. Participation in these ceremonies is voluntary.

4. Acquisition of Citizenship and Naturalisation Procedures in Italy

In Italy citizenship is basically regulated by Law No. 91 of 5 February 1992. Nowadays even more than in the past, Italian citizenship is based on *ius sanguinis*.

According to Law No. 91 there are three different ways of granting Italian citizenship, although the third one occurs only seldomly:

- 1) automatic transmission: citizenship is attributed automatically with no need for a specific request;
- 2) acquisition through application: the foreign citizen who possesses the necessary prerequisites makes a petition for acquiring citizenship;
- 3) extraordinary naturalisation: very rarely, the Italian authorities attribute citizenship to those foreign personalities who have paid “eminent services” to the state.

4.1. Acquisition of citizenship at birth

Italian citizenship can be acquired through an application, and it is a right, through birth and permanent residence on Italian territory. If born to foreign parents on Italian territory, the applicant must have resided in Italy legally and without interruption from birth to adulthood and apply for attribution from the city between the 18 and 19 years of age. In this case the procedure requires that the applicant only reports

to the local Citizenship Office of the Municipality of the town where he/she has the residence. He/she can do so, applying for *status civitatis*, starting six months before becoming a legal adult (in this case accompanied by at least one of the parents) but before his/her 19th birthday. On this occasion, the applicant must produce their birth certificate and proof of legal residence from birth until application (which means that at least one of the two parents had to be a legal resident at the moment of birth).

Again, citizenship is not a concession, but a status that can be acquired upon request on the basis of birth in Italy and legal residence. In this case, absence of a criminal record and sufficient financial resources are not necessary. The Municipality is responsible for the whole procedure, and the waiting time for the answer is about two months.

A bill for a “new citizenship” wanted by the former Minister of the Interior Amato was approved by the Council of Ministers on 4 August 2006 but has not yet been discussed by the Parliament. This bill broadens the scope of acquisition by *ius soli*, valid for children born in Italy, and lowers to 5 the years of “regular and uninterrupted residence” required for the naturalisation of non communitarians. However, it also takes into account some measures in order to “verify how serious the intentions of the applicants are” and avoid “both indiscriminate flows influxes and marriages of convenience”.

Italian citizenship can be acquired through an application via marriage. The spouse of an Italian citizen can acquire Italian citizenship through naturalisation after six months of legal residence in Italy or after three years of marriage (if resident abroad), provided they have no criminal record and in the absence of national security concerns.

4.2. Acquisition of Italian citizenship by naturalisation

Ordinary naturalisation

Italian citizenship can be acquired through an application to the local prefect, but it is a concession granted on a discretionary basis by decree of the President of the Republic, after hearing the Council of State and on proposal of the Minister of the Interior: through ordinary naturalisation:

- after ten years of legal residence (three years for those who have one parent or one ancestor up to grade II who has been a citizen by birth; four for nationals of the European Union member states and five for refugees or stateless people).
- for those who have lost their Italian citizenship.

Another way of obtaining citizenship is established by circular letter K28.1 of 8 April 1991 for those who apply to have their “quality of citizens” recognised: this is possible if ancestors of the applicant – up to grade four – who were Italian citizens by birth and then emigrated abroad did not explicitly renounce their Italian citizenship. Any application “by descent” has to be submitted to the Italian Consulate that has jurisdiction over the place of residence.

Extraordinary naturalisation

Italian citizenship can be acquired through extraordinary naturalisation, and it is a rare concession for those who deserve favourable treatment on account of particular services rendered to Italy, or in the interest of the Italian state. In any case, the concession of citizenship is not valid in the absence of an oath to be loyal to the

Republic, to the Constitution and to the laws, to be made before a public official of the City within six months of the issue of the decree.

The acquisition of Italian citizenship does not involve the renouncement of the original citizenship, unless required by the law of the country of origin/country where he/she has the other citizenship (art. 11).

As we can see, the law does not make direct reference to criminal records or the need for a sufficient income among the requirements to obtain citizenship, probably because they are implicit in the number of years or “legal residence” expected: in the absence of these preconditions the permit to stay would have not been renewed. This explains why the same law precludes citizenship to spouses of Italian citizens sentenced for certain crimes (art. 6) who would otherwise be able to acquire it without a residence permit.

4.3. Procedures and bodies

Unless otherwise stated, the application for citizenship must be presented to the Prefect’s Office (Prefettura). Once the decree by the Ministry of the Interior, which is to be collected from the same office, has been obtained, the applicant must take it to the Citizenship Department of the City. On this occasion, a date is fixed for the oath of loyalty to the Republic before an official of the Civil State (Stato Civile) which will have to be made within six months from the notification of the decree. The acquisition of citizenship is valid from the day after the oath. The Citizenship Department of the City will then prepare the act file and the necessary update of the registry (archivio anagrafico).

5. Acquisition of Citizenship and Naturalisation Procedures in Portugal

5.1. Acquisition of citizenship at birth

As in other EU countries, Portuguese nationality laws and policies have been shaped by the country's historical context. Of particular significance were the processes of decolonisation in the Portuguese Indian colonies in 1954–61, in the African colonies in 1974–5, and in Macau in 1999. Independence movements in Africa coincided with the end of the *Estado Novo* dictatorship in Portugal and the stabilisation of a democratic regime from 1974. Nationality policies are also affected by historical connections with Brazil, though it has been independent from Portugal since 1825.

Implemented during the dictatorship, Law no. 2098/59 of 29 July 1959 regulated the attribution, acquisition, loss and re-acquisition of Portuguese nationality, largely based on *ius soli*. This applied to people born in Portugal, in the Portuguese African colonies and in Macau. In the wake of the decolonisation and democratisation processes of 1974–5, this law was amended by Decree-Law n° 308-A/75 of 24 June, which set out the procedures for the retention or loss of Portuguese nationality by those born or resident in the newly independent countries and regions. According to the Decree-Law, people living in the newly independent countries and regions could retain Portuguese nationality if they had been born in Portugal or in the colonies prior to independence, *and* officially declared their wish to retain Portuguese nationality. Portuguese nationality was also retained by people who were naturalised, born abroad to at least one parent born in Portugal, or the wife or minor children of a Portuguese national. Those who had at least one grandparent born in Portugal also had Portuguese nationality, if they declared that they wished to have it within two years of independence.

In preparation for joining the European Economic Community, the Portuguese Government passed Law n° 37/81 of 3 October 1981, revoking the 1959 nationality law. Nationality could only be lost voluntarily, and complete tolerance of dual nationality was put in place.

On 15 December 2006, the Portuguese government announced the entering into force of new regulations regarding the acquisition of Portuguese citizenship. The new 'Portuguese Nationality Regulation' was approved by 4/5 of members of parliament.

The principle changes covered:

1. The principle of *ius soli* for second- and third-generation immigrants was reinforced, as set out in the Programme for Government. The right to nationality of origin was granted to people born in Portugal, where at least one of their parents had been residing legally in the country for at least five years at the time of their birth, or who have completed the first four years of schooling.
2. The right to nationality of origin for children born in Portugal to at least one parent born and residing in Portugal, regardless of status.
3. The limitation of discretion by means of the recognition of a subjective right to naturalisation.
4. Proof of legal residence through the holding of any valid permit and not only residence authorisations.
5. Simplification of procedures.

A further subjective right to naturalisation was granted to children who were born in Portugal and, at the time of the application, either have at least one parent who has lived legally in Portugal for at least five years, *or* where the applicant has completed the first four years of schooling in Portugal. At the discretion of the Minister, Portuguese nationality is

granted to people born in Portugal who, on reaching adulthood, can prove that they have resided in the country for the previous ten years, regardless of theirs or their parents' immigration status.

Nationality by naturalisation is also granted to people who previously had Portuguese nationality, and people who have at least one Portuguese grandparent. Adults who were born in Portugal and who have lived for at least ten years in Portugal prior to their application, regardless of their status or the status of their parents, *may* also apply for Portuguese nationality. Finally, the law provides for the possibility of citizenship being granted at the discretion of the Minister for Justice. Portuguese citizenship may also be granted to children born on Portuguese territory who would otherwise be stateless. All of these provisions apply retrospectively to anyone who was born before 15 December 2006.

5.2. Acquisition of Portuguese citizenship by naturalisation

The concept of naturalisation also differs in the Portuguese context from its usage in many other EU countries. Naturalisation is specifically one of five methods of becoming a Portuguese national. Naturalisation does not apply to the attribution of Portuguese nationality to a child because their parent has acquired Portuguese nationality. Neither does it apply to people who acquire Portuguese nationality by marriage or adoption. Nationality by naturalisation in the Portuguese legislative context specifically refers to foreign citizens who acquire Portuguese nationality by residing in the country legally for six years, by completing the first four years of schooling, by being born in the country and residing there for ten years, or by having a parent who has resided legally in the country for five years prior to the application. The

broader definition of naturalisation to encompass all forms of acquisition of citizenship is denoted in Portuguese by the more neutral term ‘*nacionalidade* (nationality).’

Together with regulating for nationality by descent, Law n° 37/81 put in place Portuguese nationality by marriage for either spouse, without a waiting period. Children born to at least one parent who had been residing in Portugal for at least six years were granted nationality of origin. Immigrants could acquire nationality if they were over 18, had been residing legally in Portugal for at least six years, and had a command of the Portuguese language, moral and civil competence and means of subsistence. Nationality was granted at the discretion of the Minister for Internal Affairs.

Law no. 25/94 of 19 August 1994 amended the 1981 Nationality Law, extending the minimum period of residence to one of the highest in Europe, ten years, reduced to six years for citizens of Portuguese-speaking countries. Thus citizens of Portuguese-speaking countries were privileged in relation to access to nationality, in a form of “coethnic immigration preference” (Bauböck, 2006: 18). This law also imposed a waiting time of three years for the acquisition of nationality by marriage, due to a perception that marriages of convenience for immigration purposes had been taking place. Nationality also became the responsibility of the Minister for Justice. In 1997, Portugal ratified the European Convention on Nationality, and agreed to be bound by this ratification.

With the new regulations taken on December 15 2006, if a person acquires Portuguese nationality, then their minor or dependent children have a right to apply for nationality on this basis. Moreover, people who have been married to a Portuguese national for at least three years, or can prove in a civil court that they have been living in *de facto*

union with a Portuguese national for the same period of time, may also apply for Portuguese nationality by effect of will. This also applies to same-sex unions.

Acquisition of nationality by naturalisation is granted by the Minister of Justice, at the request of the applicant. Naturalisation is open to people who have reached the age of majority, have resided in Portugal with any permit other than a short-term visa for at least six years, have sufficient knowledge of the Portuguese language, and have not committed a crime punishable with three years or more in prison according to Portuguese law. In the case of minors, applicants must have sufficient knowledge of the Portuguese language and must not have committed a crime punishable with three years or more in prison according to Portuguese law. A minor must also either have a parent who has lived in Portugal with any type of permit other than a short-term visa for five years prior to the application, or have concluded the first four years of schooling in Portugal, regardless of the immigration status of their parents. The new law therefore introduced a right to nationality for children of undocumented migrants.

In the contemporary context of Portugal as a country of immigration, the new 2006 law regulates for the acquisition of citizenship to provide for full integration into Portuguese society for people with '*a strong connection to the national community.*' Naturalisation is to be considered more a question of citizenship than of policing, and should therefore reflect the '*set of rights and obligations inherent in the status of nationality*' (Ministério da Justiça, 15.12.2006). This reflects a more inclusive concept of national citizenship.

By mid-December 2007, a year after the new law had come into force, 35,347 applications for nationality had been made - more than triple

the number of applications in 2005. Of these, 14,446 were accepted, 205 were refused and around 18,000 were still being processed.

5.3. Procedures and bodies

All applications for nationality by naturalisation are referred to the Minister of Justice by the Central Registry Office, with direct lines of communication with the Foreigners and Borders Service within the Ministry of Internal Administration. The 2006 Law transferred the burden of proof with regard to the applicant's connection with Portuguese society from the applicant to the Ministry of Justice. The Ministry of Education is responsible for administering the system for providing a certificate of competency in the Portuguese language. The administrative and fiscal tribunals have taken over competency for disputes relating to nationality, and new rules have been introduced in relation to the court procedures and the contestation of decisions made by the Central Registrar. On foot of Organic Law 2/2006 of 17 April 2006, the Central Registry Office set up a branch at the National Immigrant Support Centre in Lisbon city centre in order to process nationality requests at that location. The Government's *Plan for Immigrant Integration*, adopted by a Council of Ministers Resolution in May 2007, provides for a publicity campaign in relation to the new Nationality Law, and the creation of a network to support the provision of information on application processes and the acquisition of nationality. This is to be achieved through cooperation with immigrant communities and associations, as well as through the "SOS Imigrante" phoneline. This is the responsibility of the High Commission for Immigration and Intercultural Dialogue (ACIDI, IP), the Registry and Notary Institute of the Ministry of Justice, and the Ministry of Education.

The new Nationality Law contains a number of provisions to simplify the procedures involved in acquiring nationality in order to make it “easier for citizens to exercise their rights” (Decree–Law no. 237–A/2006 of 14 December). Declarations for the purposes of nationality may be made directly to the Central Registry Office rather than at the civil registry offices or consulates. New branches of the Central Registry Office provide nationality services, and other organisations are authorised to provide information on the acquisition of nationality.

2. Methodology

Project aim and expected results

The project “Be naturalised – or become a citizen?” was, when writing the project proposal, based on the assumption that the naturalisation procedures in EU countries were about to incorporate some idea of citizenship tests. An initial aim of the project was thus to evaluate the effect that citizenship tests would have on integration processes and to evaluate reactions, attitudes and perceptions of changes in the naturalisation procedure introducing a citizenship test among the conditions to be fulfilled.

Whereas the Netherlands had already opted for a naturalisation test in March 2006, other countries, such as Spain or Italy, had only just begun to discuss the idea, while Sweden was just (and still is) discussing the possibility of introducing a language test – lately though rather as a possibility than as an obligation. In Germany, the Federal Office for Migration and Refugees started applying a naturalisation test in September 2008, after some individual federal states had developed their own test procedures, in order to find a solution on a national rather than regional level – at a time when the project had come halfway. Beyond that, by the time this project was actually launched and up to the date of finalizing, the expected modifications had failed to occur in most cases, so the situation was still different than anticipated, therefore the focus of the project had to be broadened and be given a wider scope than initially intended, concentrating on naturalisation procedures in general – with naturalisation tests being one element to be assessed.

Thus, considering the actual legislative *status quo* in citizenship matters at the moment the project actually started, the project aim shifted from a mere focus on citizenship *tests* to a focus on citizenship *procedures*, where tests were introduced as one possible element under discussion.

Structurally, the project consisted of three working steps:

1) A **theoretical** step, based on “desk research”, where each national project partner described the national citizenship and residence-related legislation as applied in the respective country in theory and practice, in the form of national reports. This became the initial, introductory part of the project work as pursued by the research teams in charge.

2) An **empirical** step (consisting of two empirical phases), completing the initial background studies. This included in each country semi-structured interviews with migrants, migrant representatives, administrative stakeholders and political representatives in the first phase, and focus-group discussions with migrant representatives in the second phase.

3) A **comparative** step, which consisted of an overall comparative analysis of the material mentioned above, focusing on the empirical results also from a European perspective.

The working steps were consecutive and complementary, i.e. each working step was based on the analysis of results of the former.

Theoretical framework and contextualised aim of the project

The overall aim of the theoretical framework of the project was to establish the extent to which naturalisation procedures in participating

EU-countries may serve integration and the determination and re-shaping of identity of migrants as long-time residents, and as citizens in their respective host countries. One main question in terms of legislation concerns the intention of the legislator expressed in the citizenship legislation and naturalisation procedure. Citizenship legislation may encourage non-citizens to naturalise, out of specific political or historical contexts certain groups may be privileged to the access of citizenship (e.g. residents of former colonies), or hurdles around the acquisition of citizenship may be prevalent. Whichever situation can be deduced in the analysis of legislation and procedures, this is not necessarily a reflection of a stable direction, but may be changeable over time or shifting to various extents with general changes of direction occurring as a result of e.g. shifts of balance of power on parliamentary level, policy changes, changes in migration patterns, shifting public opinions or EU-integration on a supranational level. In short, national legislation is a result of historical, political and social circumstances frozen at a moment in time.

In the first “desk research” working step of the project, all partners produced national reports outlining the national citizenship-related legislation, its genesis and historical background, prerequisites for naturalisation, current naturalisation procedures and some statistical data. These national reports have all been featured in the mid-term report presented to the EU and are also available on CD-Rom with this report.

The national reports highlighted the very different states-of-the-art in participant countries. They presented the backdrop on which the partners developed the guiding research questions and foci for the empirical research phase which followed.

Empirical framework

The empirical framework of the project was meant as means to assess through interviews and focus groups, firstly, attitudes to naturalisation and rationales behind naturalisation as perceived by the interviewees, and secondly, to assess various elements existent in naturalisation procedures. In line with the main focus of the project where integration is understood as a two-way process (as defined in the Common Basic Principles for Immigrant Integration Policy in the EU, 2004), elements enabling participation and intercultural aspects in relation to naturalisation played an important role. Reflecting the transnational project design, the European perspective was also of special relevance in the empirical work. The partners thus dedicated one set of research questions to this perspective⁴.

In the first empirical phase, a total of 68 respondents were interviewed in the respective countries. A main focus was put on the attitudes towards different aspects of naturalisation per se, certain aspects of naturalisation procedures and a possible European perspective on different naturalisation procedures. The respondents were presented with three ideal-typical models for naturalisation, developed out of the existing models in the project partner countries that had been described in the national reports. The respondents came from different groups: administrative stakeholders, Members of Parliament and politicians, representatives of migrant organisations, and naturalised and non-naturalised migrants.

In the second empirical phase, five focus group discussions – one in each partner’s nation – with a total of 51 participants took place involving different representatives of migrant associations and naturalised and non-naturalised migrants in the aforementioned

⁴ Please see the appendix to the full set of research questions and interview guidelines.

countries. The main focus was once again laid on the discussion of three ideal-typical models of naturalisation procedures. In this second empirical phase, the models presented in the first phase were adjusted and modified, and selected aspects from naturalisation procedures of non-EU countries were integrated in the model re-design.

In brief, the **three ideal-typical models of naturalisation** presented to the interviewees and focus groups can be described thus: in the first phase, the models presented were developed quite closely out of existing procedures in the partner countries. In the second empirical phase, the models were modified according to some inputs received in the first empirical phase, and adding innovative elements from citizenship procedures from other countries. The three models were:

- An **administrative model** (in the second phase with an optional *credit points system*⁵)
- A **symbolic model** with a *ceremony* and *oath* alternatives⁶
- A **citizenship test model** (in the second phase with an *optional* and *milder test*⁷)

In the first empirical round of interviews, the “administrative model” above consisted of “naked” prerequisites, i.e. listing a number of prerequisites that a person would need to fulfil to be granted citizenship. It was presented as a “no frills” model, excluding any citizenship ceremony, oaths or tests and breaking the granting of citizenship down to a purely administrative procedure. In the second

⁵ Canada developed a credit point system for skilled immigrants. See: <http://www.cic.gc.ca/english/immigrate/index.asp>; some prerequisites were based on current Italian practice.

⁶ This was in the first empirical round based on British oath examples and ceremonies as practiced in Portugal.

⁷ Several questions were taken from questions at that time under discussion in the German federal states of Hesse and Baden-Württemberg, see <http://www.spiegel.de/politik/deutschland/0,1518,557688,00.html>

empirical round, the administrative model was presented as a little less bureaucratic, the prerequisites were reduced, and the flexible element of credit points was introduced into the model.

The “symbolic model” included various symbolic elements, such as a ceremony that all new citizens would be invited to and where they would be greeted as new citizens by a local official. Participation in the event was supposed to be voluntary. The model also suggested the speaking of an oath. In the second empirical round, the model also included a conversation with applicants about their views of their host society.

The “citizenship test model” in the first empirical round included a relatively controversial citizenship test, presenting test questions which verged on the infamous so-called “attitude” questions (“If a film offends a person’s religious feelings – what is legitimate for an individual to defend themselves?”) These questions were taken out of the model in the second empirical round and instead replaced by questions about everyday life and provisions (“What qualification do you need to attend university?”). Plus, the citizenship test became a voluntary means by which the applicant could reduce their minimum residency requirements.

All models included additional, more or less standardised or habitually occurring set of prerequisites for naturalisation, such as:

- a variable number of years representing the length of legal residential status prior to being permitted to apply for citizenship (varying in our context on average between 6–10 years),
- the longest possible juridical sentence for a felony, and in some cases even a misdemeanour affects the possibility of being allowed to even apply for citizenship, so at the moment one

- applies for citizenship, there should be no criminal record or outstanding penal proceedings involving the applicant, who may not apply for citizenship within a given period of time if s/he has been sentenced for a period exceeding six months imprisonment,
- clauses regarding having acquired minimum living conditions of e.g.:
 - “appropriate” income level (in some countries, being dependent on welfare may affect your chances of seeking citizenship),
 - “appropriate” housing standard (e.g. as required in Italy)
 - not being considered “a threat to society” (e.g. with proof of the Office for Protection of the Constitution as required in Germany)
 - a minimum linguistic/ communicational competence in the national/official language of the host country, etc.

For a full description of the different models please see the appendix. The following chapter will also give some more details on how the models were modified between the first and the second empirical phase.

Empirical Analysis

A subsequent phase of the empirical framework was an aggregated analysis, based on the entire empirical material collected in the previous phases of the research (interviews and focus groups), totalling 119 interviewees, whose attitudes, perceptions and opinions form the backbone of this part of the research. Both questionnaires being used – that for the individual interviews and that for the focus groups – are made available in the appendix.

A main focus point was to depict the importance and meaning of naturalisation both for the migrants themselves, and for the host society. To analyse all individual opinions and statements expressed, the complexity of the material had to be reduced and focused on the most relevant issues. After all interviews were completed, the project partners discussed how to analyse the large amount of material and reduce it meaningfully, taking into account the foci set in the project outline and the aspects which newly emerged during the empirical phases. Result of this communal work process was the decision to group the material gathered around nine different issues concerning naturalisation procedures:

- 1) The test issue;
- 2) The ceremony issue;
- 3) The oath issue;
- 4) The options and credit point issue;
- 5) The prerequisites issue;
- 6) The security issue;
- 7) The intercultural issue;
- 8) The participation issue and
- 9) The European issue.

Other issues – such as the eventual role and importance of social participation (formal – e.g. electoral participation, or more informal, e.g.: other forms of social engagement in various organisations, NGOs, other forms of social engagement, which can be interpreted as an indirect commitment for integration in the host society) were also to a certain extent included. Following this agreement national summary reports were written by each partner⁸. These national summaries became the main working material and tool for the final phase of the study, the transnational comparative analysis.

⁸ Please see the attached CD for the national empirical reports.

The comparative analysis – final output of the project

The national summaries were used as background material for the purpose of the acquiring the final aim of the project, which is a *comparative material based on our common results*. The various sections were analysed and compared. As already mentioned, the complexity of the entire material had to be reduced. Therefore the most relevant statements of the different members of the different groups being asked for their opinion in different questions in the issues mentioned were selected and grouped according to the above “issues”. It was agreed among the project partners that a special focus should be put on the points of view of migrants (naturalised and non-naturalised) and migrant representatives. This was done in order to illuminate in particular the implications of the presented naturalisation models may have concerning participation, intercultural aspects, and the integration process as a whole. For the reasons of clarity and relevance, most of the relevant statements were grouped according to their national origins.

The final summary presented, based on the matrix of “issues” considered in the interviews and focus groups, constitutes in a way a pre-determined hierarchy of the results as well, considering the given necessity to concentrate on the most relevant focus points, as agreed – or/and selected after having been discovered as relevant to focus on during the analytical phases of the project. The final part of the research presents a comparative European perspective on naturalisation, based on exemplifications resulting from the project work (theoretical and empirical – as based on the interviews and discussions with migrants and stakeholders), an overall comparative analysis of the entire project material described above.

Value and merits of the project and results

The main value of the project – that could in some respects be considered a pilot project – is to present an up-to-date perspective on the perception of migrants and stakeholders of alternative naturalisation procedures, trends and implications of alternatives that various legislators choose to opt for on a national plan. The comparative perspective, as well as the additional European perspective involved add a valuable dimension to this project, despite the fact that the naturalisation procedure is entirely subservient to national legislation – while the results of the process of naturalisation have consequences going beyond the national borders.

The European dimension added to the perspective of national naturalisation procedures, even though still only “scratching the surface”, implies an additional contribution whose value as such should be taken into consideration. It should be considered as an opening for a certain expansion of views in the field of citizenship studies, which are still placed on a national level, thus acknowledging that it may be high time to consider the EU-implications as a natural part of the discussion and debates on the future structure of naturalisation procedures within the EU-member countries. At some point, EU member states may opt for the harmonisation of at least some features of naturalisation prerequisites, without in any way affecting the national level of the decisions to be taken in the field.

3. Empirical Results

Introduction

The following summary of the empirical work carried out in five member states of the European Union is based on the information gathered in the first two empirical phases during the project “Be Naturalised – Or Become a Citizen?” The Project was funded by the European Commission; Directorate General Justice, Freedom and Security within the INTI-Programme 2006. The interviews were conducted by the project partners in Italy, Sweden, Portugal, Belgium and Germany.

As described in the methodology chapter, the interviewees were presented with a set of questions and ideal-typical naturalisation models. Both the models and the questions varied between the first and second empirical steps, i.e. between the individual interviews and focus groups. In the first empirical round of interviews, the “administrative model” consisted of “naked” prerequisites – the flexible element of credit points was introduced in the second empirical phase. In the second empirical round, it was called “administrative model plus credit points” and implied the philosophy that a citizenship applicant needs to fulfil a set of obligatory prerequisites plus as an option certain “bonus” criteria. Fulfilling these optional “bonus criteria” would mean getting extra “credits”, which can be collected to reduce some other requirements (e.g. length of residency), or to be granted citizenship “on probation”.

The second optional model, “the symbolic model”, was constructed on the philosophy that the granting of citizenship is a procedure which carries meaning both for the migrant and for the state. The process of

naturalisation should thus be dialogical and acknowledge the intercultural background and capacities of new citizens. In the process new citizens should be actively recognised as shaping and participating in social and political life.

Finally the third option, the “citizenship test model” in the first empirical round had more controversial test questions, including “attitude” questions, at that time based on real questions under discussion in certain federal states of Germany. These questions were taken out of the model in the second empirical round, and instead, basic questions about everyday life were put in. The aim of the test is that would-be citizens learn some basic facts about the society that will actually help them in everyday life, for example about the school system, law, the health system, etc. Additionally, the citizenship test itself was downsized from being a compulsory element to a merely optional element for applicants, which they could choose if they wanted to reduce the minimum residency requirements.⁹

The analysis of the discussion of these models is implied in the following summary and only in part explicitly mentioned. The list of organisations participating in the focus groups is placed in the appendix to this report.

The summary below is based on the matrix that was developed during the research process, looking at the interview results according to different “issues” of particular relevance. Consequently information from the first round of the interviews has been reduced or analysed within neighboured topics. Certain issues are selected that were discovered as relevant during the analytical phases of the project to focus on. This report reflects this hierarchy of relevance. It is

⁹ For a full description of all models and interview guidelines in the first and second empirical round please see the “guidelines” in the appendix.

structured along the nine issue as described in the preceding methodology chapter.

To analyse all individual opinions and statements of the whole 119 interviewees the complexity of the whole material had to be reduced. Therefore the most relevant statements of the different members of the different groups being asked for their opinion in different questions in the aforementioned issues were selected and grouped. For reasons of interest and relevance most of the relevant statements were grouped according to their national origins. Finally it has to be mentioned that in this summarizing report we have tried to place more emphasis on statements of migrants (naturalised and non-naturalised), migrant stakeholders and representatives of migrant organisations. This was decided because migrants' points of view were of special relevance in the context of the empirical phases of the project. The intended bias of the analysis does not mean that the opinions of the members of the autochthonous population were left aside or treated with less care.

1) The Test Issue

Abstract: The idea of a test procedure is faced with strong rejection from almost all migrants and most stakeholders of all nations. A test is regarded as being ethnocentric and discriminative. Most affected by disadvantages and discrimination would be the socially deprived and other marginal groups. In addition, some demand that natives should have to take a test, too. The only approval of the idea of a test comes from German stakeholders and politicians and from a Swedish politician.

Speaking with migrants and migrant representatives in the aforementioned nations about the Test Issue(s) one has to bear in mind the different realities that exist in the different national contexts. As in

Germany a naturalisation test was introduced on 1 September 2008, in the respective project nations of Italy, Portugal, Belgium and Sweden a naturalisation test has not become reality although the issue of language tests has been raised recently for example in Sweden (see below). Against this background it is no surprise that the reactions of the German respondents towards a naturalisation test are somewhat more defensive and accepting of the (new) circumstance of a naturalisation test than those of the migrants and migrant representatives from Italy, Portugal, Belgium and Sweden. To the latter the issue of testing one's capacities when applying for citizenship is something that is more or less completely new. To most of the migrants from Italy, Portugal, Belgium and Sweden the already existing practice of taking naturalisation tests seems to be strange and foreign.

The test issue was introduced differently at different stages of the research process. In the individual interviews in the first empirical round, a compulsory written citizenship test within one of the proposed naturalisation procedures was suggested to the interviewees. In the ensuing focus group discussion, this was modified and a voluntary citizenship test was suggested, which could be taken by applicants in order to reduce the minimum residency requirements. This voluntary test included questions focussing on specific knowledge which is useful in everyday life and left out highly controversial so-called "attitude" questions. Thus, the comments that people made in the individual interviews and in the focus group refer to different versions of a citizenship test: while the individual interviewees comment on a more controversial test, the focus group participants were presented with a milder voluntary version.

Looking at the situation in **Italy** a naturalised Italian citizen of Moroccan origin who is president of a political party, said that one should turn

their attention to young people when talking about the knowledge of national culture or geography, because even students born, for example, in Italy to Italian parents happen to know very little about these things. Hence, he does agree with the idea of a test but believes that “at the same time a small brochure must be produced which is called guide to citizenship and which is aimed at providing support and guidance for the test”. However, in order to test the general knowledge of the would-be citizens, this political leader suggests challenging native-born citizens as well: “I [non-national] must go through a test, ok, but only together with two Italians, and then we see who passes it. Sorry, but otherwise it would be discriminatory”.

The comparison with a “driving-licence test” is upheld by another naturalised Italian citizen in order to criticize the format of this test. Other interviews echo the idea that the state must prepare the immigrant to know about ‘the rules’. An naturalised migrant of Tunisian origin thinks that, while a person might want to integrate, other obligations with childcare or work might limit their time to acquire the necessary knowledge of language or other cultural codes: “[...] But the state could support this knowledge, not only for those who request citizenship, but for all of those that live within Italian territory and deserve to have the chance to know all of these things: the language, the constitution, the laws, civic rules and norms for living together. The state must get a move on, like in other countries. Belgium, for example, makes a lot of effort in regard to this. Or Sweden: the first thing that a so-called illegal immigrant does is a 3-month course of Swedish, before anything else. And this is a good thing”. A Mexican citizen now waiting for her Italian passport, commenting on the ideal-typical idea of a “citizenship test” as suggested in the first research phase, remarked that this test “should be an extra, facultative thing. If you are interested in doing it, ok, but

nobody can force you. It should not be a requirement". The idea of a test is totally rejected by a Member of Parliament from the Radical Party, who states: "it is a form of will to impose a culture, not as your own choice, but as an imposition (...) it is ethnocentric."

Proponents of tests are those who are in charge of dealing with citizenship within the immigration office of the police headquarters in Rome. They appear interested in introducing a test: "such tests would not only be of an advantage for the foreign citizen because it would involve some useful preparation; it would at the same time prove his or her commitment and sincere interest towards Italy". However, "such a procedure could be discriminatory for the aged who, unlike the young, might find it hard to become students again".

In **Portugal** an association leader had strong feelings about the tests, considering them to be elitist: "This model runs the risk of becoming like fascist policies or racist policies. I don't accept this - that we only want brains, we only want enlightened people, cultured people." She felt that the process was a form of 'brainwashing', and that acquisition of knowledge should be voluntary and informal.

Another immigrant interviewed stated that the test should not be compulsory, especially for people who have lived in Portugal for a long time. On the other hand, he considered it a good way of helping people to know their rights, and okay to ask some of the sample questions. Voluntary courses were considered an interesting idea by a government stakeholder, in order to learn Portuguese history and rights. Another immigrant accepted the idea of the first sample question as presented in the first empirical phase, comparing it to the video shown to potential migrants to the Netherlands, as a form of asking the immigrant if they accept the values of the receiving country. He also agreed with the second question, seeing knowledge about schooling as

essential. Another immigrant suggested that many immigrants do not have time to do courses, as they have to work long hours, and so it is unfair to require people to pass the test, so it should not be compulsory.

One migrant representative living in **Belgium** stated that informing new migrants of the national laws may help them to better integrate into society. However, this should not be used as means of control among migrants. Succeeding very well in the test would go a long way to proving that a sense of belonging to the country exists. As one participant of the Focus Group said: “For me, the naturalisation and integration processes are two different things; you need to start with integration upon arrival in the country and naturalisation can be something that can occur as a migrant continues on his or her path. But it should not be an aim per se. Migrants can be integrated without being naturalised”.

Another participant of the focus group saw naturalisation tests as a barrier for lower classes foreigners who have fewer chances than other migrants to succeed. The test is seen as a way to make a social selection amongst people asking for nationality. As a Belgian lawyer said, it is important for him not to socially discriminate against people with a language or citizenship test.

The selectivity of naturalisation tests is seen as a problem – a perspective we found in all involved nations in our project – by a Belgium participant: “if we would ask native (Belgian) citizen these questions, not many would be able to answer, so why should we ask more of certain Belgian citizens than of others?” Another migrant, who is not yet naturalised, believed that the citizenship tests would enable the state to select the “good” persons – those who really want to integrate.

As a general observation, most interviewees in Sweden were relatively doubtful towards the models presented and tended to consider the Swedish legislation in its present form as a better option. It is also interesting to note that the stakeholders tended in general to be even more doubtful than the immigrant interviewees, even though certain aspects were carefully considered as a possible option.

For the immigrant representatives, as well as for one of the politicians (the Social Democratic MP), a test – as well as some of the other conditions described in the models (see appendix) are unrealistic and constitute barriers when seeking citizenship, underlining exclusion rather than encouragement to get naturalised: “This test would be a manner of underlining that the state is not seriously interested in equal rights and opportunities. Thus the test in itself, whether passed or not, would underline the exclusion that can be expected even after attaining the new nationality.”

There were few interviewees in Sweden wanting to comment on the citizenship test issue as such, and the comments expressed mostly doubts, and concern about what they felt could result in unwarranted discriminatory treatment of certain categories of applicants:

“A citizenship test does not say anything ...”

“It discriminates against disabled people.”

“I’m thinking mostly about the older ones, who have difficulties in learning the language and perhaps have difficulties in getting a job.”

“What is the point of a [citizenship] test? How about the illiterate, or those who are in some way disabled?”

One interviewee shared the opinion of a representative of the Liberal Party, an MP whose party had already taken up the issue of introducing a language test as prerequisite for naturalisation in 2002: “...as a member of the Liberal party, I consider that there should be a language test. It shouldn’t be particularly difficult, one should show a basic achievement of skills, to the best of one’s capacity, in Swedish – just enough to demonstrate the applicant’s capacity to manage in everyday life and in society. Then, we can have special rules for the elderly, for disabled persons and others, but the basic principle stands in any case. But there should not be any advanced university [-like] test that ordinary Swedes would not succeed in”.

Among migrants living in **Germany**, especially in the individual interviews in the first phase, the test issue often met strong emotional reactions of rejection. Reasons given for rejection were that a test would imply that citizenship candidates are required to know more than citizens-by-birth and was thus deemed unfair; a test would deter applicants; a citizenship test would deter migrants from naturalisation. A test was often interpreted as seeking to filter out candidates, for example the economically deficient. The test conducted in Germany was considered as very difficult, some questions being too difficult even for academics, and it was described as a hindrance to naturalisation.

A compulsory naturalisation test was also rejected because it may deter older people, especially if it was a written test. As already stated above in the different national contexts of the research, migrants living in Germany also said that a test would exclude those who were illiterate or could not express themselves in writing. A further reason to reject this instrument was a feeling of its meaninglessness: A test could not

filter out terrorists, could not reveal people's real motivations, and could not aid or increase the level of integration.

Some of the respondents who rejected the test(s) we suggested were nevertheless open to the idea of different tests, for example tests with a very low threshold, which would focus on information actually relevant to people's everyday lives (as suggested to the focus groups) and which may even be voluntary in nature. Another idea put forward by some interviewees was to have a conversation on subjects candidates were interested in, instead of a test, where candidates could contribute their views, learn more about the host country and/or demonstrate identification with the country. As one migrant put it: "So you could ask them about culture, society, law and history – but in a conversation, face to face, not on paper. (...) People are free to have opinions and should feel free to say, 'I don't like such-and-such regulation'". Furthermore, a few interviewees were concerned that a citizenship test should not discriminate against specific religions, most notably Muslims, and that all citizenship applicants should be treated equally, independent of their religious affiliation.

Among the administrative stakeholders and the politicians from Germany none of those interviewed in this group rejected the test issue unconditionally. Generally, it was agreed that a reasonable test, most importantly with 'good' questions, was a sensible procedure. This test procedure would certainly lead to a reduction in the number of applications in the short-term, but would be levelled out in the medium-term, one administrator said. A test with 'good' questions could raise political and social awareness, help migrants gain knowledge of the state they are living in, and make them indulge in historical, legal and social issues, replied several others.

2) The Ceremony Issue

Abstract: there is a relatively small group among the interviewees who reject the ceremony outright. Some reasons for this rejection are that interviewees believed that naturalisation is a personal event and should be left to the individual how to celebrate, or that a ceremony was only a superficial act disconnected from everyday feelings of not being welcome. A larger group, however, is quite clearly in favour of a ceremony because they understand the ceremonial celebration of naturalisation as an important and emotional moment in their lives. Voluntary participation in such a ceremony, however, is held as a condition of this endorsement.

A ceremony – and a possible oath – are rather emotional issues raised in the topic of naturalisation. This is reflected in the comments raised among the interviewees, none of whom expressed indifference, but either warm approval or harsh criticism. The statements of naturalised migrants in **Italy** reflect this wide range of opinions. One interviewee points out rather critically that “this model aims at having a great impact on the individual: it is an agreement to be signed with your blood”, whereas another one says that “the ceremony is important because, for me, citizenship is a marriage between two bodies: between a person and a state, and must be celebrated adequately”.

Some of those interviewed in **Portugal** regarded a ceremony as an interesting idea, if not strictly necessary. A member of parliament believed that the ceremony should not be compulsory. Another member of parliament had already attended naturalisation ceremonies in Portugal, but said that “it depends on the people, it depends on the countries, it depends on the families.” He advised caution in this respect, saying that a ceremony “should be undertaken in a wise way, and not from an arrogant point of view, not saying that the person is

now part of a superior state.” An association leader agreed to that perspective, commenting that it was a personal and individual issue, and should not be commemorated as acquiring a new nationality does not mean you lost the old one. Strictly contra arguments stated that a ceremony would be an unnecessary expense for the state and that such a ceremony might be a bit too intimidating.

A migrant representative from **Belgium** explained that concluding the naturalisation process with a ceremony can be seen as if one is suspecting all non-European foreigners and thinking they will not respect the laws. For the same reasons, a Belgian lawyer interviewed considers that the official celebration is not a good idea, both ideologically and legally: ideologically because he thinks the national idea underlying the oath is too strong and legally because it creates a distinction between two kinds of Belgian citizens (i.e. the ones who are born Belgian and the ones who acquired Belgian nationality later in their life). The same argument holds true for an MP with a migration background whom we interviewed.

On the other hand, some migrants’ representatives in Belgium are not against this ceremonial act, considering that it is sometimes important to mark certain events of social life. Rituals have the function of integrating people into a society and the ceremony can be one among them. Another participant in this research expressed the idea that she was not against a celebration of nationality acquisition as long as it is a welcoming event and not an awkward kind of thing. One stakeholder from the Centre for Equal Opportunities and Opposition to Racism in Belgium considers that the symbolic procedure should be reciprocal, meaning that if the migrant is willing to commit to the constitution and to the legal system, and to swear to remain loyal to the community,

there could also be a word from the authorities that the state is also loyal to its immigrants.

In **Sweden** most of the interviewees considered that naturalisation should be celebrated in some way, on condition that participation remains optional and not compulsory. Among the immigrant group, most of those interviewed considered that a celebration of naturalisation would be a positive occurrence, with various degrees of interest and implications. On the other hand, some interviewees were relatively cautious: “Maybe, if people want to. Not to be obliged. As long as it is not obligatory, a naturalisation ceremony can be good to show that you have been officially accepted” and: “Theoretically, why not, as long as it remains a choice and is not an obligation.” Another voice: “Yes, why not – it is already done in Sweden on an optional basis.” Plus: “I think it is good/ positive as long as participation is voluntary. This should already be made clear during the initial period of the process, when one is informed about the implications of citizenship for the individual”.

Others considered that a change of citizenship in itself was an important enough event to warrant celebration: “Yes, of course! If one is ready to change citizenship, then this should be celebrated.” ... “I still remember the welcoming ceremony I received when becoming a Swedish citizen; it was a nice feeling being told that I’m welcome in this country.”

In **Germany** – again– there were views both for and against having a ceremony in the naturalisation procedure to which all new citizens would be invited. As already stated in the different other national contexts, having a (voluntary) ceremony was regarded as a positive, welcoming sign by several migrant interviewees, both naturalised and non-naturalised. As a meaningful act, naturalisation could be officially

celebrated. A ceremony could increase the feeling of 'being at home' and constitutes a symbolic act of welcome. A personal greeting, a handshake could be positive signs sent out to new citizens. Conversely, a couple of interviewees with a migration background were more doubtful about a ceremony: They thought it was "asocial", "unnecessary" or "a sham if you do not feel welcome in everyday life".

The other interviewees in Germany, administrators and politicians of non-migration background, held positive opinions concerning the ceremony using similar arguments to those migrants that favoured it: The ceremony was regarded as celebrating an important event in the life-history of applicants: "You may marry three times, but become German only once". It could also serve to send symbols of welcome not only to migrants, but to the "majority" population. A few concerns were voiced about the structure of the event being too imposing - "it should be left to the local level" - and about the ceremony being too much of a nationalist, patriotic act. In this understanding, which was voiced by one administrative stakeholder, naturalisation was described as a pure administrative act, which should be left to the individual to celebrate or not.

3) The Oath Issue

Abstract: There is much scepticism among those we interviewed as to the sense and purpose of an oath within the naturalisation procedure. Some interviewees feel that a difference is made between those being naturalised and the native-born citizens - so between those who must swear an oath and those who need not - and they reject an oath for this reason. A few migrants and one stakeholder in Germany agree to

the idea of an oath, which is seen by them as reflecting the emotional moment of being naturalised and increasing the sense of belonging.

The question of whether an oath should be spoken at a certain stage of the naturalisation process was discussed widely and emotionally within all national groups of interviewees. In **Italy**, a representative of the Radical Party criticizes what calls the “pseudo religious” character of the oath, which “invalidates the worldly character of the celebration”. He admits: “I am against oaths, because I think that they are rituals...”

In **Portugal** the oath was considered by some immigrants as a good idea, in order for people to commit to obeying the laws, while an immigrant and an association leader considered it to be simply a formality and not binding. Another immigrant said that the oath was merely ceremonial, suggesting that people might not always do what they have sworn to do. One immigrant agreed with the oath, but stated that the requirements for loyalty to the constitution would just create more bureaucracy. A member of parliament in Portugal did not consider an oath necessary, as people are aware of the constitution and the general law – an oath would be merely symbolic and formal.

Regarding the oath, a migrants’ representative in **Belgium** stated that it is already a practice that exists in some Belgian districts. However, for her, it implied that a difference is being made between foreigners and non-foreigners. She identifies parallels with the right to vote for foreigners at the district level. The non-European foreigners could vote only if they had been living legally on the territory for five years and if they had signed an oath stating they would respect all the democracy rules. However, this respondent wondered why a difference was being made between European and non-European foreigners. She felt that this differentiation indicated a lack of trust in non-European foreigners / mistrust that they would not support the state adequately.

In **Sweden** the oath issue is practically ignored by most interviewees, the same for migrants and stakeholders. There is only one migrant informer who commented upon its limited symbolic value: “The oath sounds like a symbolic act, I don’t see it as an important detail, I guess it can be part of the welcoming ceremony that I see as important to make people feel good and accepted by their new country.”

Speaking an oath was considered a positive way to transport feelings in **Germany**, some migrant interviewees said. The wording should however be very sensitive with regard to German history, for example promising loyalty to the “constitution” instead of the “country”. Other interviewees considered an oath “too melodramatic” (migrant representative) or “unnecessary ... and over the top” (administrator). In several cases the oath was neither met with great passion nor with great rejection by the interviewees, but as a “could-be”. Receiving a copy of the constitution in the process of naturalisation was – when commented on – received positively: “It’s good to have it at home” (migrant), to know rights and laws. A symbolic event may also help people coming from dictator states feel that they live in a country where everyone is equal before the law, one focus group participant suggested.

4) The Option and Credit Point Issue

Abstract: There was very limited approval for the idea of credit points within the naturalisation process. For many of those we interviewed this idea seems irrelevant, looking at it against the background of their respective existing national naturalisation procedures. Only in Germany do some migrants rate the flexibility of the credit point system positively.

The idea of “options” and credit points was only raised in the course of the focus groups when presenting different ideal-typical models for naturalisation procedures. To present the idea of a “credit system” within possible naturalisation procedures served as a useful stratagem so as to draw the attention of participants to the essence of the requirements which need to be fulfilled in order to obtain citizenship. Credit points “condition” certain obligations by proposing different options. The element of “choice” allows the applicants to be somehow masters of their own destiny, albeit within the limits imposed by the law. They are requested to make a balance, to decide, for instance, if it would be more convenient to sit a test and thereby reduce the compulsory years of residence in the host country; or avoid the test “ordeal” and meet the residence requirement in full.

In **Italy** only one migrant respondent seems persuaded of the validity and “importability” of this approach. The others observe that in Italy there is no such system capable of monitoring the actual integration of an immigrant. Also the participants of the focus groups in Belgium could not find any relevancy of the proposed credit point and option models they were presented with during the discussion.

On the other hand, in **Germany** the issue of introducing “credit points” was received with several positive responses. Several participants felt that, generally, a credit point system would introduce an active element for migrants, which rewards their efforts towards naturalisation. The credit point system should be very flexible, including for example good language skills and the contributions of former generations of migrants. Thus, it should be very individual. On the other hand, one migrant representative rejected the credit points strongly: “The gratification system is wrong in terms of naturalisation. Naturalisation candidates should be accepted as characters and not be judged by

points. In return they accept their rights and duties as national citizens – that should be enough”.

Beside that single rejection from a migrant representative most focus group participants in Germany perceived credit points as a positive element in the naturalisation procedures. They regarded the optional elements as positive – for example being allowed to take a voluntary test to decrease the minimum residency requirements – because this would allow candidates to actively speed up their naturalisation process. Nevertheless the approval of some focus group participants in Germany should be taken with caution. Their approval took place in the light of the fact that the current legislation in Germany is much stricter than what was suggested by the more liberal options model. Consequently, the optional model which gives the opportunity to actively influence the naturalisation process was a liberalisation compared to the existing situation. In the other participant countries, which have a more open access to naturalisation (except Italy perhaps), this approval was not mirrored. Counter arguments to the issue of introducing credit points, stating that “bonus criteria” further separate migrants into “wanted” and “unwanted”, must also be taken into account. After all, it is the state respectively the legislators which define the terms which are “bonus” and for whom naturalisation should be eased. Thus it is a one-sided power relation in the naturalisation process. “Bonus” criteria could even be regarded as a step towards undermining equal access to naturalisation for people of different social or educational backgrounds, filtering out primarily the politically and economically desirable. Being “well integrated” is then defined by criteria set in a one-sided process by the legislators.

5) The Prerequisites Issue

Abstract: There is clear resentment among some migrants regarding certain admission requirements. Compared with other prototype model naturalisation procedures under discussion, the administrative model comes off worst and is regarded as being too inflexible, unpractical and bureaucratic.

Of all models proposed, the so-called “administrative” model that is dominated by a bundle of prerequisites to fulfil the legal requirements for naturalisation is regarded as the most bureaucratic one. In fact the procedure consists of no more than the collection of prerequisites, which normally lie at the back of an application for citizenship. Other elements, such as a test or an oath could not replace a set of prerequisites but would normally be added on top of them, if appropriate. On the one hand, several interviewees felt that the “administrative model” reduced naturalisation to a mere legislative act and rejected the model because of this, on the other hand, a minority of interviewees liked the model for exactly the same reasons. In all interviews, the issue of prerequisites was vividly debated and passionately contested, and opinions about different requirements evoked many strong reactions.

Administrative Prerequisites as a Whole

Abstract: The multitude of requirements was deemed exaggerated by many interviewees. Especially when it came to more unusual requirements such as minimum housing this raised skepticism.

The impression that this bundle of administrative prerequisites leaves on most of the interviewees, including some **Italian** administrators and

politicians, is that they are discriminatory” and “taxing” on immigrants. Again, the impression is that the “new citizens” should be better (off) than average citizens: somehow, they should have a better job, a higher salary and a bigger house than many Italians.

The argument of the administrator for multi-ethnicity favours the opposite approach, saying that none of the requirements is legitimate, and summarizes the fundamental objection of the majority of the interviewees as follows: “the prerequisites included in the model become relevant only after the naturalisation has taken place, in order to retain your rights as a citizen. If a foreigner asks to be naturalised and swears loyalty to the Republic, that’s enough for me”.

A member of the **Portuguese** parliament narrowed down all the proposed prerequisites to the following three minimum requirements for access to (Portuguese) citizenship – lack of a criminal record; minimum number of years of residence in Portugal; and stability from a labour perspective, guaranteeing means of subsistence.

The following prerequisites were discussed among the interviewees and participants of the focus groups: The residency requirements, the income and accommodation requirements, the language requirements and the topic of dual nationality.

Residency Requirements

Abstract: Almost all of the people interviewed stated with varying degrees of clarity that periods of residence between 8 and 10 years were considerably too extensive and more likely to hinder naturalisation than foster it.

Ten years was considered exaggerated by all interviewees in **Portugal** and rejected outright. One association leader considered the first (administrative) model an “attack”, pointing out that more was always demanded of foreign citizens than national citizens. In fact, most interviewees concurred that six years was the most reasonable requirement. A Government stakeholder considered six years to be sufficient, as “it is a form of people having enough time to know and feel that they want to be Portuguese” and a Brazilian association leader pointed out that the requirement for Portuguese in Brazil was only one year’s residence.

For the **Swedish** interviewees, without exception, the minimum residency requirements presented in all models were considered to be too long. However, when asked to consider the issues presented as a potential, theoretical model, some interviewees expressed a degree of understanding for the rationale behind the proposed residency periods when taking into account current legislation. Most of the interviewees found this criterion of minimum residency to be basically unfair

Ten years minimum residency before naturalisation was too long in the opinions of the interviewees in **Germany**; some described it as “preventing the naturalisation of migrants”. On average interviewees in Germany opted for a minimum residency period of between four and eight years: Interviewees with a migration background tended towards four or six years, and politicians tended towards eight years.

Income and Accommodation Requirements

Abstract: Almost all of the interviewees believe that the admission criteria in respect to the requirements for a minimum income and minimum size of accommodation are unfair and to some extent

discriminatory. This is particularly the case when bearing in mind that in the course of many migration processes economic and professional integration can only take place after a longer period of residency. Several interviewees furthermore voiced concern about students', young people's and mothers with dependent children's financial situations.

Apart from the duration of residence, the most controversial requirement is certainly the one concerning income: "Once you have provided evidence of it, you should not be asked again and again to certify your income. If I have paid my taxes for years and then I have problems with my job, would you kick me out?" As a non-naturalised interviewee in **Italy** observes, "if procedures require a big house and you don't have it, it's an economic question, what can you do?" Indeed, as the Italian radical politician underlines, "these criteria could only be fulfilled by an elite of foreign citizens".

Concerning minimum income and the size of accommodation, many **Belgian** interviewees think that these criteria are neither clear nor objective. Moreover these criteria have no link with the feeling of being part of Belgian society. Regarding the minimum income, they think it is a way to make a social selection amongst all naturalisation applicants: why would someone with a job have the right to obtain Belgian nationality when someone without one would not? In addition to that, the socio-economic situation of migrants may change with time and evolve positively.

An administrative stakeholder interviewed in Belgium believed the criteria such as income and size of accommodation may be discriminatory and dangerous. Moreover, these criteria do not depend on people's choice. In this regard, not being dependent on social benefits is already taken into account in the Belgian naturalisation

procedure. According to the interviewee, when an applicant depends on the CPAS (social services), it is reported to the 'Naturalisation Commission' and it is viewed as a disadvantage even if it is not a decisive element. This, in his perspective, should not be an objective criterion as it may change with time.

In terms of income requirements, many interviewees in **Portugal** concurred in saying that this depended on the capabilities of the individual person. One immigrant thought it unfair to require means of subsistence as many foreigners cannot manage this. Another immigrant thought it was asking a lot, because of the precariousness of jobs and the economy in Portugal. Another immigrant felt that as an immigrant one would always have to have some kind of income, the requirement was not necessary, and furthermore that it would be extremely difficult to prove means of subsistence.

Concerning the accommodation requirements the Portuguese law does not require a minimum in terms of accommodation, and a government stakeholder did not think that it should. An association leader said the requirement for housing would be difficult to fulfil, with Portugal's unfair housing policy and high rents and house prices.

In the **Swedish** legislation in force, there is no condition of either a minimum income level or certain housing level as a condition for acquisition of citizenship. Such conditions last existed more than half a century ago, and are perceived as a rule as obsolete and potentially unfair, as it is a known fact that persons of immigrant background are statistically more likely to have a lower income than other categories of the population. Only two of the interviewees consider that the (minimum) income and housing demand are justified, it is assumed that within a time span of 10 years, it should be possible to fulfil such a requirement. On a whole these voices seem however to be more

isolated. There seem to be many voices, both among immigrants and among stakeholders that seem rather inclined to question these requirements, mostly considering them as an unreasonable burden that many would have difficulties to attain.

In **Germany** it was expressed as concern by several interviewees that young people should be able to study and achieve further school or university qualifications. Therefore they should not be forced to get out of education in order to earn a sufficient income for naturalisation. The opinions on income requirements were often critical, especially by interviewees of migrant origin.

In a general sense, many interviewees expressed that migrants should not be subject to more burden than necessary: they should not be asked to present proof of fulfilling the requirements repeatedly after an elapsed period of time, they should not have to deliver the same papers several times, and the naturalisation process should be as speedy as possible. Since requirements for minimum income already featured as a prerequisite for acquiring a long-term permit to stay, some interviewees remarked, they should not feature again as a requirement for the process of naturalisation.

Language Requirements

Abstract: When questioned about the issue of linguistic competence and its verification by means of a language test, all of the interviewees agreed that a minimum knowledge of the language was an indispensable prerequisite for successful integration. The question of a language test in itself was met with very controversial responses, with the interviewees pointing to the possibility of unequal treatment of certain groups among the migrants. At the same time, the form of a

possible test – written, oral, open dialogue, or closed questions – was the topic of very lively discussion. As expected, the migrants expressed a desire for liberal forms of language testing procedures.

Two immigrants from **Portuguese**-speaking countries said that people did have to speak and understand a minimum level of Portuguese as a fundamental requirement. A Government stakeholder considered mastery of the language to be a proof that someone is effectively connected to the state. A Francophone African association leader, on the other hand, thought that testing language by the possession of an educational qualification was not fair, and that the test should be oral. Nevertheless, she considered language an important tool for everyone, though many children who are sent back to the country of origin to be taken care of or educated have difficulties in meeting the language requirements.

One migrants' representative and a non-naturalised and naturalised migrant in **Belgium** said it is really important for the integration process but however it must not be taken into account in the naturalisation process as a criterion of selection. According to them, language has to be learned upon arrival in Belgium. The state has to provide opportunities to follow classes according capacities and potential, but it should not be used to select people who asked for naturalisation, as it will be discriminatory.

Other respondents are not opposed to a language test but demand “sensible” conditions for the test. Some applicant may have difficulties to learn French, Dutch or German due to a variety of factors (e.g. old age), and this should be taken into consideration. It is therefore important to think about the standard that will be asked and moreover it has to be free of charge. The social origin must also be taken into account in the test results. Therefore a written test with difficult

vocabulary is not possible. It must only assess the ability to speak and communicate. In the same perspective, another migrants' representative said that according to her the only criterion of a naturalisation procedure should be the knowledge of one of the three national languages or at least a commitment to follow language classes. A Belgian politician and administrative stakeholder stated that people that are unable to speak one of the national languages properly after several years in Belgium and nevertheless demand for citizenship are problematic. She specifies that she does not want an integration test like the Dutch as it left out a lot of people and therefore became a real obstacle to obtain nationality. Another administrative stakeholder is also not opposed to a language test stating that it should not be discriminatory. According to him, the socio-economic conditions in which people live should be taken into consideration when conceptualizing the test, knowing that the use of language differ according to their social class.

The issue of eventual requirement of a language test has been discussed in **Sweden** during recent years, mostly on the initiative of the Liberal Party. The only potentially practical step in this direction was taken last year, with a report presented to the Swedish government, proposing the optional introduction of a language test as an incentive, which would in practice mean that persons opting for the test and passing it become eligible for a shortening of the residence requirement period with a year. At the same time, there would be no risk involved by such an option, as if the applicant would not pass the test, (s)he would only maintain his/her earlier status quo, with no negative effect. Nevertheless the idea of a language test is not particularly popular among the Swedish respondents.

Knowledge of the national language was regarded as vital by all interviewees in **Germany**: “Language is the most important prerequisite for integration and contact with natives”. However not everyone agreed with a language test. Especially interviewees of migrant origin argued that an oral formal or informal ‘test’, demonstrating “basic knowledge of the national language, the ability to participate in conversations” was preferred to a formal written test. Language courses should be offered, but they should be voluntary. Where a language test was considered an essential element, this was favoured only for applicants who did not hold school or vocational qualifications in the host country.

Dual Nationality

Abstract: The interviewees were unanimous over the issue of dual citizenship. Almost all of them demand permission for multiple citizenship and many interviewees of migrant origin regard the retention of their own citizenship during naturalisation into an EU member state as an indispensable requirement to enter the process.

All of the **Portuguese** interviewees opposed giving up other nationalities, while a Ukrainian immigrant felt that having around two nationalities was good, though four or five would be too many. Some migrants in Belgium do not want to become naturalised because of the loss of their old nationality, which is sometimes involved by a naturalisation procedure. In **Belgium**, the law changed in 2006 and recognised double citizenship, which is for many respondents a positive achievement. As other migrants’ representatives, one administrative stakeholder is against giving up the other nationalities because he thinks it is important to develop a universal citizenship.

The **Swedish** legislation accepts dual citizenship since 2001. Research and statistics show that the acceptance of dual citizenship has increased the probability that immigrant residents apply for citizenship to a larger extent than before. In the context of this study, none of the interviewees had any understanding for a requirement to give up the original citizenship as a condition to acquire another. One person voiced: “Giving up all other citizenships seems unnecessary and is an unfounded request from the new state, especially in our globalised society where many people travel and work in so many different places and countries during their lifetime.”

In Germany, the issue of double citizenship was addressed by several political and administrative stakeholders as well as by migrants or migrant representatives. All of these interviewees who addressed the subject were clearly in favour of double or multiple citizenship for everyone, not just for EU nationals.

6) The Security Issue

Abstract: The issue of security was approached and answered from two angles: through naturalisation, the migrants wish to achieve social and political security and demand this from the state. On the other hand, almost all of the interviewees agreed that no one who wants to be naturalised should represent a danger to the general public or to the state. The only topic where there were a number of differing points of view was in dealing with the evaluation of previous convictions during naturalisation procedures.

One could say that the question of security is intrinsic to the concept of citizenship: not only has citizenship been historically conceded in order to include and control potential enemies of a given society, in the

interviews many immigrants elaborate the decision to apply for citizenship by saying that this would guarantee major security, both in economic, legal and social terms.

Interviewees in **Italy** – both a migrant still waiting for an answer and a naturalised citizen engaged in politics – mention “control” as the key-word to define state benefits. But “on what ground can an individual be defined as a danger?” The problem arises when a state considers foreign applicants so dangerous per se as to establish requirements impossible to meet even for the most willing and well-intentioned ones, who end up feeling discriminated against and more and more insecure.

A São Toméan immigrant living in **Portugal** stated clearly that it was important for applicants not to have a criminal record, as “people shouldn’t be here causing trouble.” An association leader disagreed with the requirement relating to criminal records, asking “are Portuguese nationals who are sentenced to a crime deported? Do we want a perfect people?” Another immigrant felt that the criminal record issue should be decided on a case-by-case basis, otherwise it would be unfair. She felt that a criminal record of three years’ sentence was a fair requirement though. She did think it was important not to constitute a danger for the state, saying “I am 100% certain about that”.

From the point of view of a **Belgian** representative of an association dealing with migrants who wish to obtain Belgian nationality for employment reasons, it is easier to get a job once one is Belgian. Moreover, to be Belgian can also be a requirement for specific public jobs such as in public administration. In addition to that, some migrants consider the naturalisation process to be the end of an often chaotic trajectory and of a certain insecurity of their stay.

Being a national citizen also allows travelling easily and some jobs do request to travel. Belgian nationality brings a better protection for someone who wants to return to their native country for different reasons, such as holidays, family or work, some migrant interviewees stated. Other participants highlighted the fact that to become Belgian means to enjoy a 'total security'. Along the same line, other interlocutors underlined the problem which exists today with the naturalisation procedure: "It is the 'beneficiary logic' (or the legal claimant logic) that predominates which is to say that people choose to become Belgian not because there is a sense of belonging to the community but because it provides them with an administrative security and rights. This can cause mutual misunderstanding." A member of the Belgian Chamber pointed out that migrants were looking for security. According to him, there is only one advantage in becoming naturalised: it is the freedom of movement and the feeling coming with it. Nevertheless, he says that the danger for the security of the state is taken into account by the 'Naturalisation Commission' even if it is not the most important element: it is the whole profile of the applicant that is being analysed.

In **Sweden**, a security-related review of each application is expected, and especially during the focus group discussions, the issue made itself present, implicitly or explicitly. One migrant explains his viewpoint: "On the contrary, I consider that this [issue] with criminality, that one should not be a menace for society and the country, in principle it is excluded that a person suspected of terrorism ... [should be awarded or even allowed to seek citizenship] ... However, if it was proven that the suspicions, or accusations, were unfounded, it is another situation, then the person should be allowed to seek citizenship. But, if one is seriously under suspicion of, or sentenced for

serious activity against the society, it is not an option. It is was untrue though, one should get a chance...”

An enquiry at the Federal Office for Protection of the Constitution in order to check the ‘harmlessness’ of naturalisation candidates was disapproved as state suspicion only by a few interviewees in **Germany**. Other interviewees considered this acceptable or reasonable – as long as it applied to all candidates, and not only to Muslims.

One interviewee from the administrative field remarked that naturalisation meant more homogeneity among a nations’ population and that this was a central aim the state intended to achieve with naturalisations. A politician with migration background said: “It can be said that naturalisation is tightly bound to integration, i.e. if the naturalisation process is easier, then more can be achieved in the area of integration.”

7) The Intercultural Issue

Abstract: Understanding of what is at the bottom of the topic and the term "interculturality" varies considerably among the interviewees. Some refer to it meaning that differences should be accepted. Others stress that national cultural habits, traditions and former “truths” are no longer of uncontested validity, but have given or must give way to more fluid, flexible and multiple understandings of (national) cultures. Nation states undergo constant transformation as a result of the influx of immigrants. In times of globalisation it is a key competence for states to secure such immigrants, as well as indigenous citizens, who possess "intercultural skills", who can therefore move and adapt quickly in a globalised world. As the world and nation states change rapidly, it is no longer possible to determine exactly what represents a

German, Italian or Swedish nationality and identity. People of migrant origin, whether born in the country or not, must get the impression that they are accepted as citizens and their intercultural background is cherished.

The main challenge of citizenship as an idea and a practice lies precisely in this: the capacity to attract and maintain different cultures under the same banner in such a way that the participation of all in the socio-political and economic life of the country is granted (possibly) on equal footing. In spite of the natural and legitimate expectations nourished by would-be citizens, historically citizenship has hardly consisted in a package of rights equal for everybody.

Arguing from a more macro sociological point of view the intercultural issue means the effects of diversity onto the state and society and the general assessment of diversity. Interviewees were not asked to comment on this issue directly, but asked to describe the reasons for and potential gain of naturalisation from the state's perspective.

Focusing on the Situation in **Italy** the president of the Bangladeshi community puts the still existing inequality clear: "Italy does not care, they play with us... There are no reasons for becoming an Italian citizen when you are treated as a foreigner anyway". A naturalised Italian citizen explains why "things won't change. I was commenting with some friends that, since we do not fit the standards of the so-called 'white' Italian citizens, we will always be foreigners ... people are not ready to accept a population of Italian citizens with other characteristics".

Only one Member of Parliament in **Portugal** focused on the intercultural aspect of naturalisation: "they are not Portuguese citizens made in a

laboratory. They have other affiliations of a cultural or linguistic nature.”

If all interviewees in the **Belgian** sample agreed with the idea of ‘interculturality’, each one puts the accent on one particular aspect of it. Some consider that ‘interculturality’ means “respect of differences”, others that it is “a reality imposed to us” – “Belgium is a country of immigration!” – but also “present in all of us at different levels”. Interculturality may also be defined as an encounter in which all the participants accept to be altered by the others (to become different and to be enhanced in their contact). However, it is not because the number of people naturalised increases in a society that ‘communautarism’ will tend to decrease. When talking about the idea to value and promote an intercultural society, divergent voices appeared on how to contribute to it. Some considered that there is need to change mentalities by giving the example of how negatively migrants are perceived by the host society. A participant of the focus group stated that a special teaching towards interculturality should be integrated in school programs at both primary and secondary level: “For me, integration in its intercultural dimension, it is the knowledge of our national history, the history of immigration in Belgium but also Belgian colonialism.” One participant drew attention to the term ‘nationality’ as a problematic notion. As he says: “We talk about naturalisation as if it was something natural but human beings are more cultural beings than natural ones. Cultures evolve and are always in interaction with each other. Nationality tends to freeze something that is always changing and moving and this is even truer today than ever (with the Belgian community conflict, the Europe building, the interculturality dimension). So it became even more difficult than before to give a definition of what nationality is”.

In **Sweden** the issues of interculturality and participation occurs mostly contextually in the focus group discussion, most often as reference to globalisation and the role of migration, personal experience and second-hand references to family's and friends' experiences. Cultural issues of self-identification in various generations, the extent of formal and informal participation in society, in various forms (electoral participation – or lack of it, other instances of participation to decision-making processes on various levels, etc) were the main topics of discussion, mostly contextual.

All interviewees in **Germany** described several aspects as potential “gain” that the state gets from the naturalisation of migrants. More than half of all interviewees commented that the state gained both demographically and economically from the naturalisation of migrants. Naturalisation could increase the identification with the German state and speed up integration. “We have a greater social variety connected by citizenship. It increases the element of connection. Additionally, new citizens bring with them key cultural competences. The state certainly needs that in times of globalisation”, a migrant representative states. In a globalised world, diversity and the ensuing exchange, ideas and inspiration are clearly assets.

In the current demographic situation with a low birth rate and an increasing percentage of children with a migration background it was essential that these children felt as part of German society and state and where willing to contribute their intercultural competencies. One migrant interviewee said: “The state should also be aware of the fact that the migrants have lots of children who are a part of the future of the state. If these migrants and their children would not be naturalised and or not get integrated the state would lose its future. [...] Many youths [of migrant origin] do not identify with Germany. [...] It is very

important where you get socialised. It is incredible that you can be born in this country and still be regarded as foreigner”.

In employment respects with regard to public service, the benefit of naturalisation becomes clear-cut. As an administrative stakeholder stated: “If people with a migration background fill positions as public servants (mayor, politicians) we can obviously regard them as integrated. For this reason the state benefits tremendously from people in the second, third or fourth generation of immigrants becoming German citizens”. Several interviewees felt that in Germany “a culture of welcome” and a positive acceptance of “diversity” and its value for society was still missing.

8) The Participation Issue

Abstract: There is a great variety in responses to this issue. Thinking about participation, interviewees put great relevance upon the question if participation is entwined with the legal residence status or not: One group believes that participation is possible as a non-naturalised migrant, while another group is of the opinion that full participation in society is only possible after naturalisation. At the same time, individual definitions of “participation” differ among the interviewed. Furthermore, many migrants feel that their opportunities for political participation should be expanded. There is a desire that migrants’ activities for the community and their bridging functions towards the “host” society should be honoured and acknowledged more from members of the “majority”.

In terms of participation in community life, the question for the **Italian** interviewees was quite ambiguous: “Do you participate because you are a citizen or are you are a citizen because you participate?” It is

generally believed that the acquisition of citizenship helps and makes it “easier to manage life in society”. But participation should not be a pre-condition in order to acquire the citizenship, because this may cause suspect that participation is only instrumental. As the representative from the Department of Multi-ethnicity puts it, “If you are declared a member of the community, then you are a citizen. Participation is a later issue. The rights acquired as a citizen prescind from one’s actual participation. Participation is when citizenship is put into practice”.

In **Portugal** a member of parliament expressed the view that immigrants do not actually politically participate. She expressed disappointment in the Portuguese Consultative Council for Immigration Affairs as there are more representatives of ministries than immigrants. Another MP thought that political participation among immigrants should be encouraged: “We Portuguese usually say we have senators in France and Luxembourg and the United States, and if we are proud to have Portuguese people participating in the political life of these countries, then the law should allow for others to participate in our political life.”

Apart from the political dimension one immigrant commented that all residents should participate in the same way, regardless of having “different coloured documents.” Immigrants should feel the urge to participate in the receiving society. Another immigrant agreed that it was possible to participate.

One immigrant felt that it was possible to participate in religion, local politics and education, and he himself had been in the voluntary firemen, but in public decisions, like presidential or parliamentary elections, participation was impossible. He thought that participation should not be considered in the process as people do not have the time if they leave early for work and come back late at night. A member of

parliament agreed, stating that people who work from dawn to dusk are already making a contribution, though she did feel that participation should be considered in the naturalisation process as people should not be discriminated against just because they have no time.

According to a member of the Naturalisation Commission in **Belgium**, the participation in the society is not enough taken into account in the naturalisation procedure. The Naturalisation Commission looks at other criteria when considering a query, such as the knowledge of one national language, criminal record, etc. Other criteria such as the engagement into the civil society, which demonstrates intercultural skills, should also be taken into account and considered as elements of integration. One stakeholder from the Centre for Equal Opportunities and Opposition to Racism highlighted the fact that Belgian society is very conscious about its diverse and multi-ethnic population but at the same time, the liberalisation of the procedures to get Belgian citizenship has progressively led to emptying its content. While on one side Belgian policies for legally-resident third-country nationals to access nationality are tied for the most liberal of the 28 MIPEX countries (Migrant Integration Policy Index, www.integrationindex.eu) with Sweden, on the other side this openness may have eventually led, as another stakeholder said, to a strange feeling that Belgian citizenship has been sold out for nothing or that foreigners do not feel that proud anymore in getting the citizenship.

In the **German** sample there were diverging views on whether non-naturalised migrants could participate in the same way. In the interviews, respondents pointed out very concrete legal obstacles which prevented those with a foreign passport from taking part in various social spheres. The most obvious legal obstacle was the denial

of active and passive voting rights, including participation in political parties and their committees and associations. This limitation was criticised by a couple of interviewees of migrant origin. It was suggested that migrants might be more active in political terms if they felt there was more way for them to influence political life.

At the same time several of these (and many other) interviewees acknowledged the fact that in practice, participation of migrants in activities for the community differed from non-migrants: respondents spoke of “mental hurdles” which prevented migrants to get involved in associations they might not identify with, “not feeling welcome” to participate or feeling like “outsiders”. Being equipped with more legal participation rights, these hurdles may decrease. One interviewee stressed that while participation in associations was theoretically possible for migrants, “there are forms of structural discrimination which limit people in their chances for participation, and they also affect NGOs. So generally, people with a migration background tend to participate less in ‘majority society’ associations and more with other migrants”. A couple of interviewees with migration background suggested that participation may increase with possession of a national passport: the feeling of belonging may increase or people may feel less inhibited to participate, knowing that they officially “belong”. Other interviewees believed that the issues of participation and belonging were independent from holding a national passport and that naturalisation would not increase a person’s commitment to participate.

Several interviewees in Germany stated that participation in activities for the community should be regarded positively, should be honoured and rewarded. Several respondents felt that it should have a positive influence on naturalisation procedures. Another migrant representative

stated: “If migrants build bridges between the majority and the minority through active involvement in communal and/or political life this helps also the majority of the autochthones and this involvement should be taken into consideration when it comes to count the prerequisites of naturalisation procedures. Also, this procedure would be of a highly symbolic value for migrants especially from Mediterranean areas, showing them that you are welcome and that your work and participation are needed.”

9) The European Issue

Abstract: On the one hand a possible European dimension in national naturalisation procedures was regarded as relatively unimportant to one group of interviewees. This group was more inclined to think pragmatically and in terms of the circumstances of life in the region, the place of work and the place of residence. For them the freedom to choose a place to work and live within Europe and the implicit idea of a European community are not relevant. On the other hand, other interviewees attached relatively great importance to the European dimension. This applied above all to administrators and politicians who regarded Europe as a theoretical framework of a community of states and to some extent imagine a concept of a corresponding European citizenship.

The European dimension issue does not really seem to be an issue for the **Italian** interviewees. It is hard to spot any trend or shared opinion on this among the different categories of interviewees. The variation of answers is great. They range from complete waiving-off the European idea to eager approval. One non-naturalised migrant comments: “Let’s say that the European dimension is relevant only insofar it allows you

to find a job somewhere else. If you have got a job here, then there is no need for it”, while an Italian politician believes “the Italian citizenship should be replaced by the European citizenship”.

For the simple reason of travelling immigrants in **Portugal** considered the EU dimension of citizenship useful, providing in general more opportunities and opening more doors. One association leader felt that European rights were very positive, seeing the European project as “quite humanist, the attempt to create a space in which citizens would cooperate and collaborate, not only between companies but between human beings, between countries, between governments and between nationalities.” With the perspective of the European dimension as part of naturalisation process a Government stakeholder suggested that there should be a standard process of naturalisation in the entire European Union. She considered European citizenship to be very positive and the European dimension as very important.

In **Belgium** some migrants consider that the free movement of persons is really important but however the European dimension should not be taken into account in a naturalisation procedure. For example, there is no reason to count a residency in France for a Belgian nationality claim. One of the non-naturalised migrants from India even said that it will increase competition among migrants (old and new) and that a priority must be given to those who have been in the country for several years. However, this person recognised it was a good thing that, when obtaining citizenship of an EU member state, the naturalised person was also obtaining the legal rights for working and living anywhere in the European Union. Other participants think that on the contrary a residency licence obtained in another European country could be taken into account for a naturalisation procedure in Belgium: “this will lead to multicultural and multiethnic society.”

The main European dimension implication discussed among the **Swedish** participants of the study was related to the implicit freedom of movement following from possession of a 'Western' respectively Swedish passport, providing freedom to travel and work in the EU. All respondents discussed the implications of the European dimension of acquiring Swedish citizenship, as an opportunity and a matter of access.

Asked about the free movement inside the European Union an administrative stakeholder in **Germany** said: "For many migrants the possibility to move freely throughout the EU will most likely play a decisive role. If you were to ask migrants acquiring German citizenship if they wanted to become Germans or Europeans, the majority would probably answer 'European'. However, there is the wish amongst some migrants to acquire the nationality of one particular country and settle there". Taking the European dimension into account in (national) naturalisation procedures several interviewees said, that the advantages of naturalisation in a European perspective could be more explicitly pointed out, communicated and laid out to would-be citizens. Some interviewees commented on a possible future harmonisation of citizenship procedures between EU countries generally and strongly approved of the idea. One interviewee, politician, said: "Different citizenship procedures are certainly not good. However the national government cannot do much about that, one has to get together in Brussels to standardise the procedures. There are already attempts to do this. I can just say, do agree on a catalogue! Sure this is a long and hard process – but when we have freedom of work and residency for all Europeans, we need to start creating the same prerequisites in different EU countries."

4. Thesis Summary

I) Issues that most or all participants of the study and discussion agreed upon

** the test issue – 90% outright rejection of the idea **

The idea of a test procedure was faced with strong rejection from almost all migrants and most stakeholders of all nations. A test was regarded as being ethnocentric and discriminative. Most affected by disadvantages and discrimination would be the socially deprived and other marginal groups. In addition, some demanded that natives should have to take a test, too. The only approval of the idea of a test came from German stakeholders and politicians and from a Swedish politician.

** the prerequisites issue – pledge for dual nationality **

The interviewees were unanimous over the issue of dual citizenship. The interviewees requested allowance for multiple citizenship. For many migrants interviewed, the retention of their own citizenship during naturalisation into an EU member state was a condition for seeking naturalisation.

II) Issues where (at least) two different perspectives/points of view could be identified

** the ceremony issue – different perspectives **

There was a small group among the interviewees who rejected a naturalisation ceremony outright. A larger group, however, was quite clearly in favour of a ceremony because they understood the

celebration of naturalisation as an important and emotional moment in their lives. Voluntary participation in such a ceremony was, however, held as a condition of this endorsement.

* the oath issue – much scepticism *

There was much scepticism among those interviewed as to the sense and purpose of an oath within the naturalisation procedure. Once again many interviewees felt that a difference was made between those being naturalised and the indigenous population (i.e. those who must swear an oath and those who need not), and they rejected this. A few migrants and one stakeholder in Germany agreed to the idea of an oath, which they regarded as reflecting the emotional moment of being naturalised and increasing the sense of belonging.

* the option and credit point issue – no great approval *

From the interviews could be observed that there was little approval of the idea of credit points within the naturalisation process. For many of those interviewed this idea seemed irrelevant, looking at it against the background of their respective existing national naturalisation procedures. Only in Germany some migrants did rate the flexibility of the credit point system positively.

* the security issue – two angles*

The issue of security was approached and answered from two angles: through naturalisation, migrants wish to achieve social and political security and demand this from the state. On the other hand, almost all of the interviewees agreed that no one who wants to be naturalised should represent a danger to the general public or to the state. The only topic which provoked different opinions was how to with the evaluation of previous convictions during naturalisation procedures.

* the European issue – two perspectives *

On the one hand, to one group of interviewees a possible European dimension in national naturalisation procedures seemed relatively unimportant. This group was more inclined to think pragmatically and in terms of the regional and local life, the place of work and the place of residence. For them the freedom to choose a place to work and live within Europe and the implicit idea of a European community were not so relevant. On the other hand, other interviewees attached relatively big importance to the European dimension. This applied above all to administrators and politicians who regarded Europe as a theoretical framework of a community of states and, to some extent, imagined a concept of a corresponding European citizenship.

III) Issues that were discussed quite controversially and widely

* the prerequisites issue –strong rejections, milder forms accepted *

There is clear resentment among some migrants regarding certain admission requirements. Among the models presented, the administrative model is evaluated as worst and is regarded as being too inflexible, unpractical and bureaucratic.

prerequisites issue: residency requirements

Almost all of the people interviewed stated that periods of residence between 8 and 10 years were considerably too extensive and more likely to hinder naturalisation than promote it.

prerequisites issue: income and accommodation requirements

Almost all of the interviewees believed that the admission criteria in respect of the requirements for a minimum income and minimum size

of accommodation were unfair and to some extent discriminatory. This was stressed especially in relation to the fact that in the course of many migration processes, economic and professional integration only take place after a longer period of residency.

prerequisites issue: language requirements

When questioned about the issue of linguistic competence and its verification by means of a language test, all of the interviewees agreed that a minimum knowledge of the language was an indispensable prerequisite for successful integration. The question of a language test in itself was met with very controversial responses, with the interviewees pointing to the possibility of unequal treatment of certain groups among the migrants. At the same time, the form of a possible test – written, oral, open dialogue, or closed questions – was the topic of very lively discussion. As expected, the migrants expressed a desire for liberal forms of language testing procedures.

* the intercultural issue *

Understanding of what is at the bottom of the topic and the term "interculturality" varied considerably among the interviewees. Some referred to it as meaning that differences should be accepted. Others stressed that national cultural habits, traditions and former "truths" were no longer of uncontested validity, but have given or must give way to more fluid, flexible and multiple understandings of (national) cultures. Following this, nation states undergo constant transformation as a result of the influx of immigrants.

In times of globalisation can be understood as a key competence for states to secure such immigrants, as well as indigenous citizens, who possess "intercultural skills", who can therefore move better and adapt quicker in a globalised world. As the world together and its nation

states rapidly change, it is no longer possible to determine exactly what represents a German, Italian or Swedish nationality and identity. People of migrant origin, whether born in Europe or not, must get the impression that they are accepted as full citizens and their intercultural background is valued.

* the participation issue *

There was a great variety in responses to this issue. Thinking about participation, interviewees put great relevance upon the question if participation was entwined with the legal residence status or not: One group believed that participation was possible as a non-naturalised migrant, while another group was of the opinion that full participation in society was only possible after naturalisation. At the same time, individual definitions of “participation” differed among the interviewed. Furthermore, many migrants felt that their opportunities for political participation should be expanded. There was a desire that migrants’ activities for the community and their bridging functions towards the “host” society should be honoured and acknowledged more from members of the “majority”.

5. Conclusion

„There is a philosophical approach towards the attribution of citizenship that has little to do with the knowledge of culture, language or laws”.

naturalised citizen from Tunisia, living in Italy

The conclusions of this report cannot be but a start. The analysis of possible procedures for naturalisation turned out to be a stratagem which led to a heterogeneous and often passionate discussion of citizenship and being a citizen of migrant origin. The project gained innovative insight through the combination of a pragmatic and a theoretical approach and through the transnational perspectives on the still national issue of naturalisation.

By using the “provocation” of three different and almost concrete models of naturalisation – a symbolic, a test and an administrative procedure – it was possible to touch on the main issues at stake when talking about citizenship, up to questioning the idea of citizenship itself. This, in turn, threw some light on the instrumental use of certain procedures.

Because of this unexpected outcome, the results of the research deserve to be placed in the context of a larger, long-term evolution, one that this study has only contributed to shape and hypothesize. Things may remain as they are for some time, with migrant people striking a personal balance of costs and benefits deriving from naturalisation in one place or another on the one hand and „host“ countries trying to understand whether it is more convenient, for their own specific sake, to enlarge or contain the number of “fully fledged”

citizens on the other. However the scenario may as well change: either towards the liquidation of citizenship (and therefore naturalisation) as such, on the basis that it has become an obsolete point of reference in a globalised world; or towards its restoration, possibly grounding this process on a European perspective. In this latter case, a harmonised European citizenship could respond to the need to strengthen a European identity as well as to avoid the consolidation of different rights of citizenship in different countries. However, results of the study seem to suggest that the European issue, as this research has put focus on, does not represent an issue of overwhelming concern for many people, at least for the moment.

More relevant appear to be all of those questions which are strictly connected if not intertwined with the idea of integration. Indeed, one could argue that the main difficulty in the project has been separating the idea of “naturalisation” from the idea of “integration”. This notwithstanding and going back to the questions which came to the fore, it could be useful to dust off, at this stage, the „non-ideal“ naturalisation models (or procedures) which we used as research tools, in order to try and draw some conclusions.

The vast majority (about 90%) of the interviewees rejected the idea of using a test as part of the naturalisation procedure. Mistrust towards this derives from two main objections: 1) as to whether a test is morally approvable and 2) as to whether it is effective in order to verify commitment or knowledge of the would-be national citizen. Almost all of the migrants and most stakeholders of all nations regarded the test as ethnocentric and discriminatory as such. Furthermore, even supposing the possibility of using a test, the question arose as to what exactly the test should measure. Should it measure the applicant’s loyalty? In which case: loyalty to what? Or knowledge? In which case:

knowledge of what? And what would be the sense of learnt-by-heart answers? A topic of further discussion was the question of the underlying purpose: to measure a level of loyalty/knowledge already achieved or that a new citizen should aim at? Or is it merely their willingness to be demonstrated? Doubts over this sensitive issue were reflected in the discussion held during the project's final conference in Brussels, an interesting feature being the (few) pros and (many) cons provided by participants in relation to tests. On the one hand, those who oppose a test are not against the fact that the "new" citizens should be able to demonstrate a certain knowledge of their "new" motherland, but against the fact that they should be asked to do so. There would be less discontent, for instance, if native people were to pass the same test in order to keep their citizenship. On the other hand, those who have adopted a test – like Germany – do not seem to believe that this instrument should measure "skills" and assert that its intention is not to work as a filter. Rather, by requiring some time and effort by the applicants, the test should practically prove their serious intentions to become citizens and their willingness to engage with the legal and political order. However both the empirical work and the final discussion demonstrated that it was difficult for the very few defenders of the test to convince the majority of the opponents of this instrument and almost impossible to brush away recurring doubts concerning ethnocentrism, meaninglessness up to unfair treatment.

One could say that the most relevant feature of both, opposite, comments consists in the paradox they present, with immigrant citizens and stakeholders critical of the test taking for granted the linguistic and cultural preparation of the naturalised citizens, and test enthusiasts are little concerned about its upshot. However, such comments seem somehow weak and can be easily objected. On the one hand the idea to introduce a test for native citizens is unfeasible: when

and how would we ask native citizens to sit this test and what consequences should failing the test have? If the test is to prove civic knowledge, is this really provided by a multiple choice test with questions (and answers) freely available to the public. Some believed courses would be more effective. Is a test favoured by its defenders because of its appearance of scientific grounding – regardless of its actual effects?

A (re)interpretation of „citizenship“ and its relationship with „integration“ may help in identifying possible solutions. As a matter of fact, if there is a need to establish mutual trust, a test, which is a tool asserting one-sided pressure, is not an appropriate instrument to foster integration. Integration needs to be bilateral, it cannot be achieved by the compliance of one part to the requirements posed by the other. Close attention should also be paid to other procedures discussed in the study, the theoretical and practical.

And when it came to the oath/ceremony issue, an enlightening, not-so-subtle and quite surprising distinction emerged in the comments that this elicited. Initially proposed as a twofold or combined „model“, it ended up provoking often diverging reactions according to one aspect or the other. Hence, a celebration is often welcome by immigrant citizens as well as stakeholders, whereas the oath is met with more critical reaction. Approval of a decisively voluntary ceremony is among many of its supporters motivated by a feeling of naturalisation being a meaningful, important life decision which should be celebrated in an appropriate context. A ceremony would be the rite of passage to solemnly ratify the choice of each other by the citizen and the state to which he/she now belongs. On the one hand, an oath is regarded by some as also signifying a solemn act. However, commitment is only expressed from one side, i.e. the applicant, which

means once again that it would be enough to envisage a similar oath by a state representative to make it a reciprocal commitment. To some, the act of “swearing” upon the constitution caused scepticism, for it provokes religious or “pseudo-religious” associations. It attaches to the procedure some value difficult to deal with. What would be the consequences of perjury, even if it was only committed in spirit? A sort of “damnation” may be the vague expectation, which for some gives this procedure an archaic touch.

Talking about the necessity for reciprocal commitment – on the part of the applicant but also on the part of the state – this takes us back to the recurring issue of the interlinks between “naturalisation” and “integration”. Once established that reciprocity is crucial to the acceptance of whatever naturalisation procedure and that this reflects the perception of integration as “interaction” rather than “assimilation”, what remains to verify is the causal or even chronological link between the process of integration and the acquisition of citizenship through naturalisation. A central question, formulated in many discussions in the course of the project runtime, is: what comes first, integration or naturalisation? In other words: should foreign citizens prove a good level of integration in order to deserve naturalisation as some sort of crowning achievement which concludes a process, or should naturalisation represent an impulse, an encouragement to feel more integrated? From the latter point of view, the rights acquired as a citizen are independent from one’s actual integration; integration comes when citizenship is put into practice precisely, because the naturalised citizen is made responsible as citizen and member of a community. As it turned out on the occasion of various transnational discussions – notably among stakeholders in July 2008 in Stockholm – the role of naturalisation in the integration process is perceived quite differently in different countries. It has been argued in some contexts

rather than employment being a prerequisite for naturalisation, naturalisation could in fact make employment easier. Which led as far as to ask – as was done in this study – could naturalisation be granted “on probation”?

The relationship between integration and citizenship is complex. As Prof. Marie-Claire Foblets (of the Catholic University of Leuven, Belgium) pointed out in her commentary on the study during the final conference in Brussels in March 2009, the expectations that many applicants may connect with nationality, i.e. effective equal treatment as fully equal citizens, are often disappointed in reality. Taking on the nationality of the state they reside in, they may expect full acceptance in society as a consequence of naturalisation, but be faced with situations of (still) feeling like second-class citizens. Thus, they become disillusioned with their national identity and start re-identifying with their “old” identity. To prevent this “backlash identity” Foblets suggests that instruments to produce real equality must be reinforced, and must also function independently of national citizenship.

When we consider the complicated relationship between integration and naturalisation or citizenship, this helps us when interpreting other comments on existing or possible naturalisation procedures. This is especially true for certain requirements, such as the length of residence needed before applying for citizenship. Indeed, most people interviewed stated that the longer the period of residence required was, the less motivation they felt to become a citizen. Basically, a period of residence between 8 and 10 years is considered to by many as too extensive and more likely to hinder naturalisation than foster it. The reason for this lies in the fact that most people feel “integrated” in a country sooner than that and consider this prerequisite as being unfairly

vexing on them. They seem to pose the question: “What state is this that does not acknowledge who we are and what we are doing here?” The consequent paradoxical doubt being: “Does such an unfair state deserve me as its citizen?” As a matter of fact, some immigrant citizens go so far as to say that the more they know the country where they are living the more uncomfortable they feel about it. And the impression of being second class citizens before naturalisation does not change while going through the existing naturalisation procedures. This could be an element to take into account when analysing the decrease in the number of applications in some countries such as Germany¹⁰.

In many cases, the feeling of being “fully integrated” does not depend on the amount of time spent in the new country, and thus an increasing number of years spent in the country does not necessarily fuel the desire to get naturalised. Some migrants, while contributing to the wealth of the country and participating as members of the society, increasingly realize that they will never be “fully” part of it, despite their social and economic integration, despite their knowledge of the national language, and, as a matter of fact, despite the nationality of their passport. This problem is not only a social issue which may be experienced in many everyday contexts (for example at work), but it is also manifest in the legislation, not only the legislation around citizenship prerequisites and procedures, but also in the legislation concerning long-term residency rights and dual citizenship.

As has become apparent from the summary of the empirical results, the allowance of dual citizenship is one on the few issues that the vast majority of interviewees agreed upon. Allowing multiple citizenship

¹⁰ Other factors, such as the general avoidance of dual nationality in Germany, must of course be taken into account. A significant decline in naturalisations occurred in Germany at the reform of the Citizenship Law in 1999, which largely revoked dual nationality. See Thränhardt 2008.

would be a timely assimilation of the legislation to the already existent reality, where many people deeply feel alliances to more than one country. In the era of globalisation and world-wide migration flows, the basic acceptance of multiple citizenships would reflect this interconnectedness and changing roles of nation states. Surely, as Prof. Foblets pointed out, this would require a rethinking of the meaning of citizenship and legislation connected to the possession of citizenship. One way to deal with this would be an increase in bilateral treaties between countries on how to deal with cases of multiple belonging. Another way – and perhaps the more innovative, creative option – would be to reconstruct national identity as a resource a person has access to, rather than as an exclusive belonging. An acceptance of dual citizenship would also put an end to the current unequal treatment of different nationalities in different countries, in terms of some EU member states allowing dual nationality, some not, and some only for certain nationalities.

Surely the need for states to gain “loyal” citizens is understandable and reasonable. Certainly social cohesion is one of the central reasons for states to seek naturalisation of its foreign-born inhabitants. For many interviewees, however, legislation and procedures convey the picture that people of migrant origin are supposed to be “better” or “more loyal” than native born citizens. The state can decide who becomes and who does not become a citizen, claiming the faculty to imagine “the perfect citizen” and to prescribe a “model” to which new national citizens ought to adhere. Long-term resident immigrants, who have in fact contributed to the country socially and economically for many years without enjoying full citizenship rights (nor freedom to move and work in the EU without restrictions) and have experienced many of the countries’ contradictions in terms of equal rights, show frustration at having to (re-)demonstrate their commitment to the country at the

point of naturalisation, passing tests and providing papers in order to prove the required standard of living conditions. Their contribution to the country for many years, their additional intercultural competences and at times active participation in social issues only rarely find their way into existing citizenship procedures.

This may be one reason that several migrant representatives in Germany favour the idea of introducing a credit point system in naturalisation procedures. The main arguments for this tool are its flexibility, allowing applicants to actively influence the naturalisation process, and its ability to take account of a person's active specific benefits, for example involvement in social civic participation, good language skills or other qualities which are usually understood as indicators for "integration". However as it was only in Germany that the credit point system met approval, one should be cautious about how this is motivated: perhaps the approval has to be seen in the light of the aggravation of the naturalisation process at the time in Germany, with new compulsory tests being introduced. So under these strict conditions optional elements appear as a welcome element of liberalisation. In the other participant countries of the project, which have mostly more liberal prerequisites and less obligatory naturalisation procedures, the credit point issue was not met with approval. In the light of more open liberal procedures, the credit point system did not seem attractive. Some argued strongly against it, saying that it divided people even more into "wanted" and "not really wanted". With the "bonus criteria", the state exercises power over individuals to define which are more desirable as citizens than others. (see discussion on the pros and cons of the options model and on the role of social civic participation).

It is hard to break away from models in which those who have experienced hardships in their path are asked to make extra efforts to become national citizens – efforts autochthones never have to fulfil by mere merit of their birth. Migrants are aware of their special position, where they start in a new country without enjoying full citizenship rights. The state in turn is aware of the fact that in order to grant a right it is necessary to pose some conditions. Otherwise, conceding the citizenship can be seen like admitting someone new onto a company's board of directors and sharing one's wealth with this stranger. Out of the economic metaphor, by acquiring the right to vote the new citizens earn the capacity to elect who should be in power and therefore influence the nature of this power.

Given the circumstances of states' restraint and migrants' disillusion, both actors still happen to play the "citizenship card". In particular, states tend to resort to citizenship when the pressure to "defend" natives is not too high and if they need to cut the number of foreigners. Not by chance this has become a big issue in Europe, where foreign citizens amount to approximately 50 million people (see e.g. Caritas–Migrantes 2008).

The discussion around naturalisation in a transnational context, as conducted in this study, raises the question of to what extent national identities are open to more flexible new definitions, taking into account the diversity and transnational alliances of the various people living inside the national borders of a given European state – having citizenship or not. This may call for new definitions of national identity, which can not only incorporate diversity, but foster it as a positive social dynamic and facilitate two-way integration. Taking the European perspective which implies a naturally diverse and multi-national

population can be an interesting starting point in the re-thinking of identity and citizenship.

This study has shown that although the freedom of movement within the EU for citizens of a member state is commonly known and valued as a theoretical concept, this does not yet often play a great role in practice in the acquisition of citizenship. Some changes can be observed for the younger generation. Nevertheless, some groups of immigrants in different EU states are well aware of the unequal treatment in different countries in connection with residency permits and naturalisation. It is therefore apparent that different citizenship legislations in the EU member states need to be harmonised in some way in the near future.

Acquiring citizenship in an EU member state can be a way of seeking to guarantee security for oneself and one's family – while being aware that some feelings of “foreignness” will persist even with a change of passport. Indeed, many immigrants appear interested in obtaining the citizenship especially insofar as they do not feel protected by any other permit to stay. Consequently, they attach to “citizenship” the more practical value of guarantee for basic integration, overlooking the higher symbolic dimension where citizenship is an instrument for active participation.

Often, the process of full integration and participation in the sense of actively “making” society instead of “participating in” what is on offer seems compromised from the outset by mutual distrust. Only a change in perspective towards participation and commitment to diversity – at the national and the European level – could change this situation and restore the deepest meaning of citizenship as connected to mutual belonging and trust. This could be done by considering immigrant citizens on equal footing with native citizens and by giving them a

chance to prove their loyalty to the “chosen” country. This is something that can only be achieved by trusting, encouraging and supporting their commitment to be full citizens.

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APPENDICES

APPENDIX A

Naturalisation within the EU–legislative framework

Elena Dingu–Kyrklund, CEIFO Institute, Stockholm University

Ever since the Maastricht Treaty established that there is a supra-national form of citizenship in 1993, there have been attempts to theorise and define the consequences and actual content of this occurrence. The idea of a common European identity goes back to the 1970's and has been developed since, for example with the idea of a passport Union or EU voting rights.

Citizenship has traditionally been associated with nationality and the nation–state, as the innermost expression of belonging and mutual dependence and protection: no state can exist without citizens; no citizen (should) exist(s) without a state. The two entities condition each other. Citizenship can broadly be seen as a pact: On macro–level for the state, which offers protection to its citizens; on micro–level for the individual, who needs that protection.

Where does the supra–national dimension fit in? First, the context has changed: The globalisation era triggered changes in formalized political dynamics and actors. Saskia Sassen discusses in her article: “*Repositioning Citizenship*” (2002: 2) the “deterritorializing of citizenship practices and identities, and of discourses about loyalty and allegiance”, making a difference between “denationalized forms of citizenship” and post–national citizenship, moving towards the core and inherent effects of citizenship. What is critical, according to Sassen, is “the failure in most countries to achieve ‘equal’ citizenship – that is, not just a formal status, but an enabling condition”. How we

look upon citizenship becomes to an extent a matter of interpretation, or rather an expression of whether we consider it foremost an embodiment of formal or formalized rights, as a matter of classification, “members” versus “non-members”, or in terms of implications, as an instrumental means of at least formal equality among peers. Most core functions of citizenship are still dependent on a nation state, guaranteeing rights and exacting duties.

What is then EU-citizenship, as introduced by the Maastricht Treaty of 1993? A paradox as it is, at least from a traditional theoretical point of view, EU citizenship is a vertical supranational dimension, an add-on to national citizenship, which it complements “but does not replace”, according to the Amsterdam Treaty. It only exists in combination with a national EU-citizenship, but as such confers additional rights to the national citizen. Some of the most coveted of these rights, likely to increase the attractiveness of a passport of an EU member state, are the anti-discrimination clause (Art.12)¹¹ and the freedom of movement

¹¹ EC-Treaty – the original EC-Treaty, initially the EEC-Treaty /Treaty establishing the European Economic Community, also known as the **Common Market** or the **Treaty of Rome**, signed in March 1957, was the first document giving a political dimension to the emerging European construction, initially a purely commercial – merging of the ECSC – **European Coal and Steel Community**, established in 1951 through the **Treaty of Paris**, or TEC, EAEC – **European Atomic Energy Community** or the **EURATOM**, established in the same time with the EEC in 1957 through the same Treaty of Rome. These three organisations, the EEC, ECSC and EAEC were merged through the **Merger Treaty** (or Brussels Treaty) in 1965 [in force 1967] shared the same EEC institutions since 1967 until 2002, when the ECSC Treaty reached its 50 year-limit and expired, unlike EAEC which continued. The **European Political Cooperation – EPC** was introduced in 1970. The SEA – **Single European Act** signed in 1985 was meant to create a **Single Market** by 1992. The Maastricht Treaty or **Treaty on European Union – TEU**, signed in 1993 and enforced in 1993 created the EU – the **European Union** [while the initial EEC was replaced by the EC, which became the 1st of the three pillars – the other two are: 2nd pillar, CFSP – Common Foreign and Security policy, and 3rd pillar, PJCC – Police and Judicial Co-operation in Criminal Matters]. The **Amsterdam Treaty**, signed 1997 and enforced 1999, amended the TEU and other EC documents. It was followed by the **Nice Treaty** in 2001 (enforced 2003), further amending the TEU and Rome Treaty in a structurally reformed and expanding EU. The most recent in this shifting line is the 2007 **Lisbon Treaty** or the **Reform Treaty** would amend the TEU and TEC, bringing major changes in the EU-structure towards a

(Art.18), related voting rights (Art. 19) and the right to extended diplomatic protection from other EU-member states in case of need (Art.20). EU citizenship can be understood as a virtual construct and only becomes substantial in connection with national citizenship. In context of naturalisation into an EU member state, the issues related to the supra-national gain importance also as additional motivational factors. Becoming a citizen of an EU-member state now open the gates towards the entire Union. Furthermore, for many third-country nationals, it brings with it other very relevant international benefits, in terms of travel, rights, protection and status.

For many third country citizens, confronted with hindrances whenever attempting to get beyond the limiting threshold of the borders of their country of origin, the EU-citizen status – enabling freedom of movement, equals freedom, i.e. a humane human rights-access status. For some, that attractiveness in itself may constitute the best motivation to naturalise (if given the opportunity) in (almost) whatever EU-country would grant it. For others, such a wish for freedom may substitute an assumed genuine interest for living in the country willing to accept them as citizens, with an altera dream-target of reaching a different country of (final) destination, promising both freedom and (assumed/expected) better opportunities in general. Such destinations have, typically been e.g. the UK, Germany, or France – very traditional destinations, receivers of massive waves of immigrants throughout the years, but today also among the most regulated destinations – that may thus, at least theoretically be transcended. This brings even further questions related to the naturalisation process and its (extended) effects – aspects that were simply not there “before”, when

shift of power to the supranational level, which makes member-states' citizens doubtful in that respect; it is thus not yet ratified. Here, reference is made to the Consolidated version of the 1997 ECT – Treaty establishing the European Community.

the national borders of citizenship hadn't been transcended. On the other hand, such extended effects beyond national borders have precedents, e.g.: the so-called Nordic citizenship, a descriptive, instrumental term used for describing the effects of several agreements between the Nordic countries, of which pivotal was the Passport Union during the 1950s (for details, see Dingu-Kyrklund & Kyrklund 2003). That enabled Nordic citizens ever since to freely move around within the common borders of their countries – enjoying the same rights as the locals to reside, work, and benefit from social and even political rights.

Long-time residents non-EU nationals (third country citizens or stateless persons) residing in the European Union enjoy many comparable rights to those of national citizens, although the nature of these rights varies among member states. However, for many third country citizens there are still motivations for naturalisation, or at least to consider naturalisation. One of the main reasons remains rather instrumental: feeling safe. Getting naturalised into an EU member states implies getting a passport which for many third-country nationals makes life and traveling easier. Beyond this it is the only true guarantee that whatever happens, that they can never be forced to leave the country they reside in. Long-term residence permits can be revoked under certain circumstances, for example in case of a serious breach of the good conduct clause, i.e. by committing certain punishable crimes. The severity of responses to this are country-specific, but very often even relatively short prison sentences can be followed by deportation. In some countries, like Sweden, the ex-permanent resident is then forbidden to return for a 1, 5, 10 years – to a permanent restriction to return, which excludes permanent residence, let alone application for citizenship.

Long-term residency rights can furthermore be lost upon prolonged absence from the country of residence. The length of this absence is country-specific, but varies between 3 and 12 months in the participant countries. Consequences of losing residency rights can of course be drastic for the individual and their families: Many, now residents, left behind an experience as refugees – an experience of loss, mayhem and despondent dependence, which may have taken years to recover from. The feeling of security descending from a European Union passport can be a strong motivation for naturalisation in these contexts.

Instrumental and emotional reasons stand on both sides of the decision of whether to seek naturalisation or not. Under some circumstances, non-nationals may feel deterred by what they believe to be the prerequisites of naturalisation¹². The reasons to acquire or not acquire national citizenship go beyond the instrumental and relate to more complex individual circumstances, such as sentiments of belonging, of community, of identity. The state's choices of naturalisation procedures and prerequisites indirectly communicate the respective state's interest to encourage non-nationals to become citizens, or on the contrary, inhibit naturalisation and thus preserve a certain degree of exclusion. Incentives not to seek naturalisation are often emotional, connected to feelings of belonging to the nationality of origin or prolonged feelings of alienation from the country of residence.

The important thing is that even though as a resident one enjoys many rights on equal terms, there will always be aspects that mark the exclusiveness of citizenship. The right to vote in the national elections is reserved to citizens. There are a number of specific positions

¹² e.g. not being aware of the fact that dual citizenship is now accepted by some countries or under certain exceptional circumstances. This can apply to elderly long-time residents, who may also be exempt from certain language requirements.

particularly in public service which are connected to possession of a national passport. Indeed, the right to vote is an incentive to naturalise also for some interviewees of this study, although it usually stands secondary behind other more personal motivations.

In a globalised world, issues of access and exclusion are still of great importance. Many “outsiders” to the EU experience limitations connected to many respects, limitations of freedom of movement, work, travel. Being discriminated against because of a classification as “insider” or “outsider” based exclusively on national belonging is at best frustrating and for others downright dramatic, when the need to leave for another country is related to preserving one’s integrity, health or life.

In some ways, attempting to explain or even describe the above, may seem to raise more questions than are answered. Naturalisation into an EU-member state does have effects that transcend the national borders of that state and in other ways also transcend those of the European Union, within or without the *Schengen*-area. Interdependencies between the national and supra-national effects of EU citizenship, especially when acquired by naturalisation, are still in a continued exploratory phase for all parties involved. There is no denying of the extreme attractiveness that an EU passport bears for many third-country citizens. At the same time, the EU member states are not going in a common direction in terms of naturalisation. While Germany has newly introduced a test, the idea of this restriction appears alien to many in Sweden. In this comparative perspective, Italy is more ambiguous, while Portugal seems to be more interested in showing a more generous disposition towards its residents, let alone because of its post-colonial ties to certain countries. Belgium seems in the same time to be less sure of its direction, without being discouraging. In fact,

becoming a legal long-term resident in an EU member state remains more difficult than becoming a national citizen.

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APPENDIX B

Comments on National Research Reports¹³

1) A Comment on the German Research Report by Ahmet Yacizi, Bündnis Islamischer Gemeinden Norddeutschland e.V. (*Association of Islamic Communities in North Germany e.V.*), Hamburg, Germany

translation by Glenn Green

More sensitive legislation required

The summary of “Be Naturalised – Or Become a Citizen?” demonstrates above all the differing ideas and sentiments of the people we interviewed from the administration and politics, as well as the migrants’ representatives and migrants themselves, on the subject of the naturalisation mechanisms recently introduced in Germany. The discrepancy is particularly clear regarding the naturalisation test or the tightening of the general requirements for naturalisation.

This tightening of citizenship law regulations has obviously had a restrictive rather than liberating effect on migrants’ chances of becoming naturalised. This is a complete contradiction to official integration policy that, on the one hand claims to want to promote naturalisation, but on the other creates incomprehensible hurdles to it. The German government’s principle that naturalisation stands at the end of the integration process has proved itself to be one of the main reasons for the counterproductive nature of its legislation.

Amongst other things, the German government has used this principle to justify the introduction of stricter language tests or the naturalisation test. However, since these requirements have not been demanded of the *Spätaussiedler* (ethnic German resettlers), potential

¹³ Please see the attached CD for the complete National Research Reports

applicants for naturalisation are astonished, feeling that they are being discriminated against or treated as second-class citizens, because as a rule they can prove a much longer period of residence in Germany.

Another important point is the extension of the requirement to prove a minimum means of subsistence for youths too. The tightening of this general naturalisation prerequisite is clearly inconsistent with the government's principle of naturalisation standing at the end of the integration chain. In order for integration to succeed, emotional aspects, such as having a true penchant for Germany, are just as important as political and economic participation.

Young people in the middle of training or their studies, i.e. people to whom naturalisation is particularly important, will not usually be able to prove a minimum means of subsistence. What is more, without German citizenship neither will they have the chance to participate in political life, nor will they be able to freely choose a profession. A young person will hardly ever be able to choose one of the numerous professions requiring German citizenship for its practice. When confronted with such a wide-ranging constriction it is difficult for people to develop a true penchant for Germany, especially among academics. Ultimately, it is young people's integration that really should be a success.

Summing up, we can say: loyalty to Germany is often demanded of foreigners. Legislation, however, hardly ever takes into consideration the sentiments of those directly involved and mechanisms are introduced which favour or hinder certain migrant groups in comparison with others. In terms of integration policy, this usually leads to an irrevocable loss of confidence among disadvantaged groups and brings lasting damage to the integration process.

2) A Comment on the Belgian Research Report by Rachida Meftah, organisation Objectif, Brussels, Belgium

The non-profit organisation Objectif is greeting the research and investigation work of the Germe on the Belgian nationality acquisition. The report seems to contain a wide range of opinions and remarks from various backgrounds, providing us with a broader knowledge of questions which can arise on the access to Belgian nationality. We noticed that a particular attention has been given to field workers, which we are very happy of.

However, we believe that it does not shed a light on the entire problematic. Our country lacks in-depth expertises and researches which would take into account peoples' real motivations, living experiences, as well as the practices of different services or decision-making bodies. We therefore think that the political debate must take into account such expertises, hence the reality of the field.

The non-profit organisation Objectif appeals for a return to the essence of nationality, as described by Jacques Velu in his Public Law 1978 lectures: "in its juridical acceptation, nationality constitutes a relationship of law; more precisely, it is a personal link of dependence which attaches an individual to a given state. In other words, it is the juridical belonging of an individual to a state's population."

Nationality law changes show the state's position towards an important part of its population, or at least the hindrances it wants to create. A state can decide of a flexible legislation which would create an equality of rights between all parts of the population, as well as it can create hindrances in order to render nationality acquisition difficult, or even impossible.

In other words: are the law on nationality acquisition and the application of this law an illustration of the position of the state towards its population of immigrant origin (including those born in the country)? Will it ever consider them as complete citizens, or only as partially being so?

3) A Comment on the Swedish Research Report by Paul Lappalainen, immigrant representative, discrimination expert and elected representative – Stockholm City Council (the Greens), Sweden

The report is well thought out and represents a cross section of ideas in the field. As do the interviews. It reflects a number of experiences that I have had personally as well as had related to me in my different capacities and roles.

Even though the idea that for many the reason/motivation to become a citizen is instrumental, I think that that discussion could have been problematised a bit more. At least for me, I felt that I had highly rational reasons for becoming a Swedish citizen. On the other hand, the emotional effects were something that became apparent for me as I participated in the (informal and voluntary) citizenship ceremony in Stockholm's City Hall. I think that the emotional sides of taking on a new citizenship are often much less apparent than the practical motivations.

I do think that states tend to exaggerate the importance of citizenship in and of itself. As the report indicates, individuals have all kinds of personal reasons in regard to acquiring citizenship but the idea of a sense of belonging goes far beyond the formalities of citizenship itself.

The idea of equal treatment – in theory as well as in practice – regardless of citizenship, is probably much more important than citizenship itself.

I realize why the questions are posed concerning language tests and other types of tests. They are part of the political discussion and therefore have to be taken up in this kind of context. The odd thing is that they are basically irrelevant to the actual discussion about citizenship. If a person has not learned Swedish after five years in Sweden, then you should be asking why not. It is hardly a test concerning citizenship that is going to motivate the struggle to learn a new language. What will motivate people is if the society demonstrates that the immigrant has a right to equal treatment given equal qualifications. If

immigrants are continually faced with a political climate that tells them, they will have a right to jobs relevant to their qualifications once Sweden runs out of qualified Swedish applicants, they will not necessarily develop the needed motivation concerning language proficiency. If they continuously meet politicians who repeat the idea that immigrants are a labour reserve to be brought into the labour market during periods of full employment, it is not strange if some persons lack motivation concerning language skills. What is the point is a question that can often be posed. Or I can hear the comment that it is more important to learn English. "If I move to England, maybe I can get a job in my field".

Learning a language in a new country is definitely important. But the connection between the motivation to learn a new language and citizenship language tests is tenuous at best. This also applies to other types of tests. Tests may be a good idea from the viewpoint of politicians, they may make politicians feel good about having imposing demands on immigrants, the idea of imposing the tests may have some affect on the individual taking them, but such ideas have little relation to whether or not persons learn a language or learn and care more about the laws and political structures that prevail in a country.

What really should be discussed is why politicians put so much emphasis on such marginal issues, while they have such a hard time establishing equal rights and opportunities – in practice as well as in words.

Finally, I played a small role in Sweden's adoption of the changes in the law on citizenship to allow dual citizenship. The fears that politicians and civil servants had prior to the changes have been shown to have no basis in reality. It seems that Sweden's experience has been highly positive. In fact I would not have become a citizen without those changes.

4) A Comment on the Italian Research Report Hamadi Zribi, Rifondazione Comunista (Italian political party), Rome, Italy

On the test issue:

I don't get the point of this question. I believe that everything depends on the perception that the state has of "citizenship". There is a philosophical approach towards the attribution of citizenship that has little to do with the knowledge of culture, language or laws. Especially if we consider that there is a vast percentage of Italians who don't know these things. Moreover, the immigrants spend most of their times dealing with bureaucracy, how would they try and learn the national hymn? Speaking of which, even among Italians there are many who don't like it! If the acquisition of citizenship is only an administrative bureaucratic act, then what's the big deal? And if the test wants to measure integration, what does it mean to be integrated? As a naturalised citizen I have only been dealt with by the state in bureaucratic terms, nothing has been done to encourage a real "integration". It feels as if they grant you citizenship because they have to, according to international law. The only administrative advantage is that you no longer need to go and renew your residence permit. They don't really teach you how to love this country, how can they expect us to sing the national hymn? Moreover, an internationalist like me who considers himself a citizen of the world finds hymns and flags a bit too narrow. If on top of this I don't even like the hymn, then...To sum up: I am against whatsoever test. Tests increase discrimination among immigrants who are no longer considered all on the same footing. Therefore, I will fight against the introduction of tests.

On the oath & ceremony issue:

When I went for the oath I was quite excited, but what a disappointment then! 2 minutes in this hybrid room with an employee who was not interested at all in the ceremony and just told me about the couscous he tasted in Tunisia. Why not give more importance to the Constitution? I find it a lack of respect not only for me but for the Constitution itself. Not surprisingly we cannot feel part of it! Is it only up to us to make this effort? Citizenship is basically emptied out, I am sorry about that but I take it as it comes. I don't understand those who criticize the oath by alleging that is too religious: I am not swearing on a cross, I am swearing on a document, which I agree upon almost totally!

On the "options"/credit point issue:

The idea of points is even worse than a test. It envisages a sort of "integration" that means nothing. We are talking about people queuing for hours and days to obtain the renewal of their residence permit...can these people ever be seen as integrated? For me, a law equal for everybody would be enough. The only thing I would suggest is that the years of residence should be reduced from 10 to 4-5, so to reach some common European standard. Who are you to judge if a person is a good person?

On the prerequisite issue (e.g. language test/capacities; minimum residency; criminal record; double citizenship; income):

As far as double citizenship is concerned, it depends on bilateral agreements between the states. For instance, I have got a double

citizenship, but in Tunisia it is almost impossible to give up one's own citizenship. The other prerequisites are unfair, vexing and basically aimed at putting off those who want to apply for citizenship. I don't understand them. Imagine that after 20 years I was asked to go back to France and Belgium in order to collect and prove my criminal record for the years that I spent over there! How can people afford this? All this while here in Italy they are making laws in order to invalidate a number of sentences. Moreover, criminal record makes sense if you have received a final sentence for major crimes (terrorism, mafia, murder, etc.) not for the rest. People do make mistakes! Those who commit a crime should be persecuted as the Italians are, without losing their Italian citizenship if they already have it. Were would they go otherwise? Sometimes people even forget their language of origin. As for the rest, 10 years are too many and the income should not be relevant. There are Italians of great value, such as aged partisans, who live of their 500 euros pensions below the threshold of poverty. Why should I earn 1,500 euros and have a big house for my kids? They made it all quite hard and they are making it even harder. There is no welfare to encourage us. In other countries it is the host country that helps you live up to suitable standards – for instance if you have children – by providing bigger flats.

Having or not having a job should not condition everything. Nor should the residence permit. However, not considering work conditions would be utopian. Of course, the first article of the Italian Constitution should be different: why not be a Republic based on leisure instead of work?! But one has to be realistic and fix some rules. In order to obtain something you have to do something. The question concerns what rules should be applied and in order to discuss this we should all sit, promote participation and take into account the needs of all. Instead, even left-wing governments, which have been apparently more open

towards migrants, have been worsening the situation as it was under the Law Martelli of 1990. We are in the presence of an hegemony of fear which stops politicians from assuming their responsibility in this sphere.

On the security issue (security of citizens, of the state...):

I find it difficult to define “security”. Security of whom? Imagine these people who cross the desert and the sea putting their lives at risk in order to get here. How can we be afraid of them? A terrorist would not do this to come and place a bomb here. This security issue is just eyewash. It helps a government that really hates migrants. I am not used to say this easily, but this is a racist government. The “league” party (Lega) after fighting against Southern Italians and claiming for secession, and after realizing that this did not work in electoral terms, moved against immigrants. In day-to-day life, take the guy from Rumania who rapes a woman. Democratic press should not mention the country of origin because the problem lies elsewhere: it is a problem of gender, that is to say of males. Yes, we are all potential rapists! We are still animals. Not even social conditions or the fact of being poor or oppressed have to do with that. Otherwise how would you explain that most of the crimes are committed within “good” families? Surely, marginalization is a risk factor, but that’s the case for all the Italians who cannot count on a decent welfare as well. This is just a strategy instrumental to winning the elections!

On the intercultural (incl. diversity) and participation (formal/informal) issues:

Interculture and participation are strictly linked. I believe very strongly in participation. It is not an intellectual exercise. All of the people of different origins who live in the same territory – Italy – should participate in order to live together in the most peaceful, smiling way. That's what participation is for! It does not touch the migrant category only. The objective should be how to solve our problems, how to avoid conflicts and misunderstandings. After so many years in Italy I still see cultivated people asking me unbelievable questions that leave me speechless. There is a lack of knowledge of the "other". Or if there is it's "superficial". As if abroad they called an Italian "spaghettaio" or, even worse, "Mafioso". There is not even an effort to know the other. I am lucky because I live within a "protected" left-wing environment. But if you take a second generation famous rap singer from Tunisia, an Italian born in Italy, you see that when they interview him on TV, they still ask him about camels! That's why he decided to write a song which says that he is not an immigrant. Participation is therefore a first condition to create interculture. A good exchange of recipes works! Participation helps living happier during the short time we spend together on earth. Discussion and exchange, so simple and natural as it is between husband and wife, should also be practiced when talking at the level of society.

On the European dimension issue:

I am not surprised that this turned out not to be a real issue. People have so many problems on a daily basis that they cannot cope with this wider dimension as well, even though this dimension would be the best

one. I believe in Europe and in a European citizenship. Politically – let me say it with a slogan – “I would like more circulation of human beings than of goods and commerce”. I would rather taste foreign goods in foreign countries. I don’t need to drink Belgian mineral water in Italy! Am I protectionist? Maybe I am a bit of an ecologist! When I was in Brussels I loved to find Indian food without having to go to India, but mineral water is different, isn’t it? The social pillar should be one of the most important of Europe; instead, it has been almost cancelled and we only hear about defence and economy. I would like to fight for another, possible Europe, a social Europe for the men and the women who are here. The funny thing is that we who are coming from abroad are doomed to live and work on themes related to migration! And that’s how we are considered: if I go and protest against the government though, I protest against almost everything it does, not only against what it does in the sphere of migration!

APPENDIX C

Guidelines for Empirical Research and Ideal–Typical Models for Naturalisation Procedures

Empirical Phase I: Guidelines for Individual Interviews

Part I – Attitudes to Naturalisation

- 1) From your point of view, which advantages do foreigners have, when they become naturalised? What are the reasons not to become naturalised?
- 2) Should the state encourage foreigners to become naturalised? Please specify.
- 3) Should naturalisation officially be celebrated? Please specify.
- 4) From your point of view, what benefits does the state get from the naturalisation of migrants?
- 5) Do you feel that non–naturalised migrants can participate in community and community decisions in the same way as naturalised migrants (for example in associations, public decisions, planning ETC.)? Please specify.

Explanation for the interviewer: Does the interviewee feel that migrants, who do not have [xy national] citizenship, participate in community and community decisions in the same way as [xy national] citizens? For example, do they participate in associations, in public decisions, in planning ETC just like [xy national] citizens can and are they welcome to? Even more, do they in fact participate in the same way as [xy national] citizens? Why / why not?

- 6) Should participation in activities for the community be taken into account in naturalisation procedures? Should it influence naturalisation procedures in any way? How?

Part II – Template: Three models of naturalisation procedures.

7) We would now like to present you three different models on naturalisation based on the long-term residency of a migrant. (Please read one at a time!) Please comment after each one. Then please compare and models and different aspects.

Model A – The Administrative Model

Prerequisites:

- minimum ten years of permanent residency
- an annual income which is at least equivalent to the social benefits of the country
- having been convicted of no crime which has a sentence of one year or more
- housing which is in size at least equivalent to the minimum of public housing (in m²)
- not being a danger to the security of the state
- no language test

The process of naturalisation takes at least 2 years, until citizenship will be granted. While waiting for an answer the applicant needs to prove that he/she continues meeting all of the requirements, by presenting updated certificates every year.

The granting of citizenship through “residence” is by concession: CONCESSION means a discretionary decision by the state, whereby appeal is not possible.

Awarding of citizenship:

No special procedure. (pick passport up when ready)

Model B – The Symbolic Procedure

Prerequisites:

- minimum six years of permanent residency with any permit other than short-term visa
- having sufficient income, i.e. the applicant must not be dependent on state benefits for living (exceptions apply, of course, e.g. disabled people)
- having committed no crime with sentence longer than three years
- having sufficient knowledge of the national language, certified either by professional or education
- qualifications or a language test

Awarding of citizenship:

At the immigration office, after having fulfilled all the legal requirements, the citizen-to-be will perform an oath stating:

“I solemnly and sincerely declare, that I will give my loyalty to [this country] and respect its rights and freedoms. I will uphold its democratic values, I will observe its laws faithfully and I will fulfil my duties and obligations as a [xy] citizen.”

Additionally, a naturalisation ceremony takes place at the local town hall. This will take place every few months. All newly approved citizens are invited to participate on a voluntary basis. At this ceremony, the new citizens will be personally welcomed by the major (or another representative) and be handed an official certificate, the national flag and a copy of the constitution.

The new citizens can bring relatives and friends to the ceremony. The ceremony will be accompanied by music performances or other entertainment

Model C - The Citizenship Test

Prerequisites:

- minimum eight years permanent residency (Exception: voluntary commitment for charity organisations, then only six years)
- having sufficient income, i.e. the applicant must not be dependent on state benefits for living (exceptions apply, of course, e.g. disabled people)
- no criminal record (having committed no crime with sentence longer than six months)
- loyalty towards the constitution (the applicant has to state that he did not take part in anti-constitutional (subversive) activities. The responsible authorities on naturalisations will check corresponding personal entries of the applicant at the Office for the protection of the constitution.
- giving up all other national citizenships
- having sufficient knowledge of the national language, certified by a test
- option to participate in voluntary courses to prepare for the citizenship test
- pass a citizenship test, consisting of several questions on different topics relating to society, law and culture

Citizenship Test example questions:

1. Films, theatre plays and books sometimes hurt people's religious feelings. What means may each individual use to defend oneself against this, and what means are not allowed?
2. [In this country] there is compulsory schooling. At what age does it start, and at what age does it end?

3. What are the first words of the national anthem?

Awarding of citizenship:

No special procedure. (pick passport up when ready)

Please comment on each of these models, and compare!

Explanation for the interviewer: If you feel the interviewee is not focussing on the relevant aspects of the models (for example: they only compare the length of residence), please ask them more specifically about different aspects of the models (“What do you think about...?”). If some aspects of the models are too much, leave them out – but please inform the other Be Naturalised partners about this and mention it in the interview summary.

Part III – The European Dimension

8) What meaning does it have for you, that when obtaining citizenship of an EU member state, the naturalised person is also obtaining the legal rights to working and living anywhere in the European Union?

9) If someone gets [Belgian/Italian/...] citizenship, they can live and work anywhere in Europe. When national authorities design their naturalisation procedures, should they include this “European dimension”? If so, how?

Empirical Phase II – Guidelines for Focus Groups

Explanation for the interviewer: Please try to let the interviewees answer the three main questions in detail. Those questions beyond are additional questions to deepen and explain the topic (also depending on the time and size of the focus group).

1) From your point of view, is the acquisition of citizenship more a means or an end in itself?

- If citizenship is a means, in what should it consist and what would be the end (integration/full rights, etc.)?
- If it's an end, what kind of procedures, what sort of deal would be more honest and would better help the purpose to achieve it and respect reciprocity?

See models: neutral/bureaucracy, rational/test, emotional/oath

2) At the moment, who gains more from the attribution of citizenship, the state or migrant citizens?

- If it's the state, how would this gain combine with an European dimension?
- If it's migrant citizens, would their gain expand or be diluted in a European perspective?

3) Should the concept of citizenship be shaped by and adapt to the needs and offerings of new, naturalised citizens?

- Should the fact that citizens become increasingly diverse influence the idea of citizenship?
- If that's the case, would a more inclusive citizenship belittle the rights of citizens in general?

- Would the recognition of broader rights (including the right to vote) through residence permit avoid this trend while securing a sufficient amount of participation and intercultural aspects?

Explanation for the Interviewer: Please explain before the presentation of the Models to representatives of the Focus Groups:

REALLY MAKE CLEAR the fact that WE DO NOT HAVE IDEAL MODELS – this is not intended as a perfect solution! Please let the focus group participants discuss one model after the other (please hand them a print-out of the models.) Most important about the models are the philosophies behind them.

We would like to discuss the following three different naturalisation models¹⁴:

Model A – Administrative Model plus Credit Points

Philosophy of the model: The migrant needs to fulfil the above formal prerequisites. However, the model is flexible, so that when a person fulfils certain “bonus” criteria, some requirements can be reduced or adjusted, or citizenship can be granted “on probation”.

¹⁴ All three naturalisation models will demand from applicants initially the same formal requirements that really should not be the basis of the discussion of the models. In case it comes to this topic we should take ideally constructed requirements as the following:

- *Minimum of 6 years residency in the host country*
- *Not convicted of a crime with more than 1 year punishment*
- *Sufficient language capacities, proven with a standardised test (verbal or written¹⁴), exceptions: people that have acquired a school or job qualification in the host country*
- *Sufficient income, with a number of sensible exceptions: students, school pupils, old-age-pensioners, disabled people, other specific exceptions (only some imaginary examples: people 50+ who have worked for 20 years in the host country and lost their job due to redundancy; parents with dependent children aged under 6 with no childcare facilities near; caretakers of disabled children or of care-intensive parents; etc. – these exceptions need not be discussed in detail here)*

Double Citizenship is accepted in every model

Elements:

- credit points

When a person collects at least 10 credit points from the below criteria, the minimum length of residency can be reduced to 4 years:

- having a university degree (either from the home or the host country): 10 points
- having children in the host country: 5 points per child
- being involved in voluntary organisations: 5 points per year of involvement

When a person fulfils three of the four fixed criteria above (residency, language capacities, un-criminal) *except* an own income *plus* any of the bonus criteria, citizenship can be granted “on probation”: The person will acquire citizenship for two years to give them time to find a job in that period. If successful, they will get permanent citizenship, if not, lose citizenship (but of course not residence permit).

Model B – The Symbolic Model

Philosophy of the model: The granting of citizenship is a procedure which carries meaning both for the migrant and for the state. The process of naturalisation should thus be dialogical and acknowledge the intercultural background and capacities of new citizens. In the process new citizens should be actively recognised as shaping and participating in social and political life.

Elements:

- one-to-one dialogue
- ceremony (voluntary)

When a person fulfils the prerequisites, they receive written confirmation that they will be granted citizenship, including an

invitation to the citizenship bureau. There, the person will be asked to sign a written statement stating their adherence and commitment to the constitution. They will also be given a copy of the constitution.

Also, they will have a dialogical conversation which is offered to them in order to express their views and concerns. For example, they will be asked to present their views on living in [Germany], on why they chose [Germany] to live in; on what they like or dislike about it. The atmosphere will be open, friendly, they will be invited to express their views as much as they like. The interview will NOT have any influence on naturalisation (they have already been granted citizenship). The interview will be recorded anonymously (in some way) and can, for example, serve to be evaluated as a social science study. Meaning of the dialogue is that the state is open for the views and (intercultural) experiences of new citizens and reflect upon it.

On a regular basis, a ceremony will take place at the local town hall, to which all new citizens (along with friends/relatives) will be invited. All citizens will be greeted by the mayor, speeches will be held. The actual design of the ceremony in detail will be left to the local level. Participation in the ceremony is voluntary.

Model C - The Citizenship Test

Philosophy of the model: A citizenship test is conducted which includes some basic questions about the law, culture and society. The aim of the test is that would-be citizens learn some basic facts about the society that will actually help them in everyday life, for example about the school system, law, the health system, etc.

The test is voluntary: If a person decides to take the test, the minimum residency requirement will be reduced to 4 years.

Elements:

- a citizenship test

The test questions are designed to address issues useful to know for migrants in their everyday lives. Questions will address everyday life issues, be simple and multiple choice, for example:

- the schooling system (“What school qualification do you need to attend university?”)
- the health system (“Who can a doctor inform/not inform about a patient’s diseases?”)
- elections (“...)
- the law

(these are only examples to illustrate the level of questions and possible topics!)

Additional, the person has to answer extra questions from an area of their choice, for example from the field of literature/culture; history; geography; or Europe. *These extra questions serve to take into account the idea that every person has different interests and having the same questions for everyone would not acknowledge this individuality.*

If failed, the test can be taken several times until passed.

Appendix D

Participants of the Focus Groups

In **Portugal** the focus group was conducted with fifteen representatives of the following organisations: Associação Apoio ao Estudante Africano; AFRUNIDO; Associação Comunidade Romena; Associação Unida e Cultural da Quinta do Mocho; Associação Ucrânicos em Portugal; Gabinete de Apoio Técnico às Associações de Imigrantes; Associação Melhoramentos e Recreativo do Talude; Casa do Brasil; Casa da Guiné; EDINSTVO; Associação Comunidade de São Tomé e Príncipe; ASSOMADA; AJPAS; Associação Amigos da Mulher Angolana; Casa Moçambique

In **Germany** the focus group discussion took place involving seven representatives of migrant associations. The associations represented Turkish, Russian, African, Albanian and Islamic immigrants. They are called: Türkische Gemeinde in Hamburg, Bündnis der islamischen Gemeinden in Norddeutschland; ATU – Arbeitsgemeinschaft selbständiger Migranten; HTVB – Türkischer Elternbund Hamburg; ASBUKA – Russischsprachiger Verein für Bildung, Kultur und Integration; Afrika Bund; Verein für Kultur und Völkerverständigung in Hamburg.

In **Italy** the focus group was conducted with the four added councillors who sit in the City Council of Rome.

In **Belgium** 14 people were involved in the focus group discussion. The representatives came from associations and organisations whose aim is to promote migrants human rights. They are called: Synergie 14; Synergies africaines; Democratie Plus; CIRE; Objectif; Le foyer; MARX; Bruxelles laïque; Convergences; SAMPA; Bon

In **Sweden** a total of 11 persons participated in the focus-group discussion organised in Stockholm, 4 men and 7 women. Three persons come from Iran, two men (one non-naturalised, nurse/orderly, also holder of a Canadian passport and non-naturalised, the other one

naturalised economist/self-employed and a dual citizen of Sweden and Iran), and one woman (a non-naturalised job-seeker); one woman from Ireland, a non-naturalised IT-instructor and pedagogue; one man from Turkey, a local employment office officer, a naturalised Swedish citizen, one woman with double origin from Pakistan/Syria, Swedish citizen, a trainee; one woman from Lebanon, naturalised Swedish citizen, unemployed; one woman from Eritrea, naturalised Swedish citizen, job-seeker; one man from former Yugoslavia, naturalised Swedish citizen, an interpreter and teacher; one woman from Romania, naturalised Swedish citizen, employment officer; one woman from Ethiopia, naturalised Swedish citizen, a researcher.