

## Implementation Indicators

Thomas Huddleston

In one country, the same naturalisation law works out differently for different people. Eligible foreign residents must be informed and able to apply. Applicants must prove that they meet the legal conditions. Authorities determine whether or not their application is successful. Various authorities must be willing and able to check the application and come to a final decision. This process may—and, in some cases, must—be based on the legal conditions. The ways that laws are implemented can lead to significant variation in naturalisation rates within a country, between groups of applicants, and over time.

Law indicators describe which people can apply for nationality, while acquisition indicators measure how many applicants are successful and how common is it for immigrants to become citizens. Implementation indicators make the link between citizenship law and acquisition. These indicators describe how people actually apply for nationality and how authorities decide who to accept and who to reject. The data covers five dimensions of administrative practices and procedures on naturalisation:

The standards for 'best case' are taken from:

- Chopin (2005) "Administrative practices in the acquisition of nationality" and Bauboeck and Perchinig "Evaluation and recommendations" in Bauboeck et al. (eds) *Acquisition and loss of nationality: Comparative Analyses*, Amsterdam University Press
- Niessen and Huddleston (2007) *Setting up a system of benchmarking to measure the success of integration policies in Europe*, European Parliament
- Niessen and Huddleston (2010), "Acquisition of nationality and the practice of active citizenship" in *Handbook on Integration for policy-makers and practitioners: third edition*, European Commission.

### **Promotion: how much do authorities help applicants to meet the legal conditions?**

#### **Best case**

Naturalisation campaigns are regularly conducted nationwide. These campaigns assist and encourage immigrants to apply, while informing the public about the benefits of naturalisation for a country of immigration. State entities counsel and inform applicants. They also distribute applications, double-check and receive them. These services are free and accessible. Applicants are fully informed about the procedure, actions to take and likelihood for success.

Government supports free preparatory classes and information sessions about naturalisation. Free courses and study guides also help applicants to meet any language or integration requirement. These requirements are basic, free, flexible, and professional.

Online and written material is provided in the form of websites, leaflets, brochures and pamphlets.

If fees for naturalisation are present, they are no more than for the cost of a passport and are waived for applicants with a certain income level.

Ceremonies are used to raise public awareness and engage new citizens in future civic activities.

### **Worst case**

The only way an applicant can receive information is by contacting the ministry or reading the legislation itself.

## **Documentation: how easy is it for applicants to prove that they meet the legal conditions?**

### **Best case**

The documents to submit are made clear from the start of the procedure. All documents are only requested once upon submission of the application. Authorities do not request of an applicant documents that state-controlled services already possess. Authorities use internal systems to request documents issued or registered by other services. As few documents as possible are required from the country of origin or third countries. In all cases where documents abroad are lost, inaccessible, or prohibitively expensive, applicants have the right to an exemption from the documentation or to a right-based procedure to certify their identity. All documents are checked once before the final decision.

### **Worst case**

All foreign documents must be legalised by the embassies or consulates in the country of origin and then translated into the national language. All applicants must cover these costs. Authorities request documents of limited validity that may expire before they decide on the application.

## **Discretion: how much room do authorities have to interpret the legal conditions?**

### **Best case**

Authorities must accept all applicants who meet the legal conditions for naturalisation. Each condition and requirement is clearly defined with one possible interpretation. Deciding

authorities at national, regional, or local must follow detailed and binding nationwide guidelines.

Objective forms of assessment are used instead of subjective forms. Each condition or requirement is assessed on the basis of documents that are either submitted by the applicant or obtained internally by state authorities.

Authorities cannot discriminate against particular nationalities or ethnic minorities.

Applicants have the right to be informed about the progress of their application, and the outcome of their application. Authorities must reply to written requests for information. Applicants have the right to be heard by the deciding authority during the procedure.

### **Worst case**

## **Bureaucracy: how easy is it for authorities to come to a decision?**

### **Best case**

Deciding authorities must be regularly trained on the nationality law.

An inter-agency system facilitates contacts between the authorities who check and decide on the application.

Maximum legal time limits for processing and accompanying sanctions should be introduced at each step, including identity checks and security checks. Possibilities for extension should be limited in time and frequency. A decision should be provided within six to twelve months.

The deciding authority is a specialised unit on naturalisation or nationality. This unit is at national level. For decentralised procedures, deciding authorities at regional or local level must follow national guidelines and national-level authorities must check the decision.

### **Worst case**

## **Review: how strong is judicial oversight of the procedure?**

### **Best case**

Any negative decision must have a written justification. Rejected applicants have the right to appeal within a reasonable delay to an independent ombudsman or judicial authority, up to the highest instance. Applicants can challenge a decision as well as a specific aspect of the

procedure such as the results of a language or integration test. Courts have the capacity to overturn the decision and grant nationality themselves instead of referring the case back to authorities.

**Worst case**

Negative decisions are not required to be motivated. Applicants cannot mount a legal challenge against any aspect of the procedure.