



European  
University  
Institute

ROBERT  
SCHUMAN  
CENTRE FOR  
ADVANCED  
STUDIES

# EUDO CITIZENSHIP OBSERVATORY

## *COUNTRY REPORT: LUXEMBOURG*

Denis Scuto

Revised and updated February 2013



<http://eudo-citizenship.eu>

European University Institute, Florence  
Robert Schuman Centre for Advanced Studies  
EUDO Citizenship Observatory

***Report on Luxembourg***

**Denis Scuto**

*Revised and updated January 2013*

EUDO Citizenship Observatory  
**Robert Schuman Centre for Advanced Studies**  
in collaboration with  
**Edinburgh University Law School**  
Country Report, RSCAS/EUDO-CIT-CR 2013/14  
Badia Fiesolana, San Domenico di Fiesole (FI), Italy

© Denis Scuto

This text may be downloaded only for personal research purposes.  
Additional reproduction for other purposes, whether in hard copies or electronically,  
requires the consent of the authors.

Requests should be addressed to [eudo-citizenship@eui.eu](mailto:eudo-citizenship@eui.eu)

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

Published in Italy  
European University Institute  
Badia Fiesolana  
I – 50014 San Domenico di Fiesole (FI)  
Italy  
[www.eui.eu/RSCAS/Publications/](http://www.eui.eu/RSCAS/Publications/)  
[www.eui.eu](http://www.eui.eu)  
[cadmus.eui.eu](http://cadmus.eui.eu)

Research for the EUDO Citizenship Observatory Country Reports has been jointly supported, at various times,  
by the European Commission grant agreements JLS/2007/IP/CA/009 EUCITAC and HOME/2010/EIFX/CA/1774 ACIT  
and by the British Academy Research Project CITMODES (both projects co-directed by the EUI  
and the University of Edinburgh). The financial support from these projects is gratefully acknowledged.

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

# Luxembourg

Denis Scuto

## 1 Introduction

Until 2008, the main Luxembourgish legislation concerning the acquisition and loss of citizenship was the Law of 22 January 1968 on Luxembourgish nationality (nationalité luxembourgeoise). The newest Law on Luxembourgish Nationality of 23 October 2008 (hereinafter the New Law on Luxembourgish Nationality, NLNL) deeply transformed the legislation on citizenship in a liberal sense. Dual or multiple citizenship is possible for foreign residents in Luxembourg. The re-acquisition of Luxembourgish citizenship for former Luxembourgers now living abroad is no longer subject to the loss of their foreign citizenship. Double *ius soli*, abolished in 1940, is reintroduced: A child born in Luxembourg to non-Luxembourgish parents, one of whom was born in the Grand Duchy, has Luxembourgish citizenship. This represents a ‘cultural revolution’ in the legislation on citizenship. Since 1934 the legislation detailed that the acquisition of Luxembourgish citizenship implied the loss of the former one. Since 1940, the main criterion for the acquisition of Luxembourgish citizenship was *ius sanguinis*.

These liberalising aspects of the NLNL are, however, countered by some restrictive measures concerning minimum years of residence to obtain naturalisation, as well as language and citizenship tests. It is important to note that the obligation to prove knowledge of the Luxembourgish language is an additional obstacle which is particularly difficult for foreigners in a country with a multilingual linguistic culture where the introduction to literacy is done through German and the principal language of communication used in professional life is French and not Luxembourgish.

The overall importance of analysing Luxembourgish citizenship is that it confers certain rights, which include the franchise and access to civil service employment. This last criterion has been shaken by EC law, as well as by the case law of the European Court of Justice, which have largely limited the possibility of an EU member state excluding citizens of other EU states from becoming civil servants.

The complex Luxembourgish linguistic context is well illustrated by the official terms for ‘citizenship’ and ‘nationality’. For the legal link that associates an individual to the state the Luxembourgish term Nationalitéit is used. The Luxembourgish nationality act is written in French and is called Loi du 23 octobre 2008 sur la nationalité luxembourgeoise. In official commentaries on the law in French, German and English, the French term nationalité, the German term Staatsbürgerschaft and the English term ‘nationality’ are used. This term of ‘nationality’, when employed in a different sociological context can also be understood as referring to ethnicity or cultural background. The term citoyeneté is used in relation to the participation in decision-making processes and the active civic participation of immigrants (the right to vote in local, European or national elections). Getting Luxembourgish ‘nationality’ is here seen as one — but not the only — way to access ‘citizenship’. The granting of voting rights to non-Luxembourgish citizens has been one of the main issues in the political debate on immigration in Luxembourg in

the last three decades. European citizens have the right to vote and to stand for election in local (since 1999) and European elections. However, until 2011, non-national EU-citizens could not stand for the office of head or member of the executive committee (mayor or alderman) of a municipality. Since 2003 third country nationals also have been permitted to vote in local elections. For the sake of consistency, in this report the word ‘citizenship’ will be used in preference to ‘nationality’.

The NLNL appears in this general frame as a hopeful but not sufficient liberalising measure in a country where more than 43 per cent of the population does not have Luxembourgish citizenship (67 per cent of the population of Luxembourg-city). Due to the large proportion of foreign residents, the naturalisation rate (1.8 acquisitions per hundred non-national residents) remains below the EU average.

## 2 Historical background and changes

Dividing history into five important phases may best outline the development of citizenship law in the Grand Duchy of Luxembourg. These phases are:

- the period of the French Civil Code (1803–1878);
- the liberal period (1878–1940)
- the restrictive period (1940–1968)
- the phase of hesitation between openness and distrust vis-à-vis foreigners (1968–2001)
- the 2001 LNL and the path towards the new law of 2008 (2001–present)

These historical phases will be described one by one. In ancient times, *ius sanguinis* was the rule. In Roman law, the following rule applied: *Filius civitatem ex qua pater eius naturalem originem ducit, non domicilium, sequitur*, which can be translated as: ‘the son follows the citizenship of his father’s natural origin, not of his domicile’. In the Middle Ages, the rule was what was called the ancient law (l’ancien droit), which gave predominance to *ius soli*.

### 2.1 The period of the French Civil Code (1803–1878)

The French Revolution brought not only lasting changes within France itself, but in several countries of Europe, including Luxembourg. Indeed, French troops occupied Luxembourg (1795–1814), which became the Département des Forêts under Napoleonic rule. Napoléon Bonaparte’s administrative changes, including the introduction of the Civil Code of 1803, have influenced the organisation of the country until today.

After the defeat of Napoléon, a new state was created by the great powers at the Vienna Congress: the Grand Duchy of Luxembourg. The attribution of the Grand Duchy of Luxembourg as a personal possession to the King of the Netherlands, William I, after the Vienna Congress in 1815, formed an *intermezzo* concerning citizenship legislation: as for the Netherlands, *ius soli* was applied in the Grand Duchy from 1815 to 1831/1841. The complex administrative situation of Luxembourg cannot

be captured in just a few words. Suffice it to say that William I ruled Luxembourg not as an independent country, but as the 18<sup>th</sup> province of the Netherlands. As a result, Luxembourgish towns and districts joined the Belgian revolution in 1830, except the capital city of Luxembourg where a Prussian garrison prevented any kind of rebellion. The great powers met in 1831 in London and decided to create the Kingdom of Belgium.

However, while the Belgians accepted the splitting up of the then Grand Duchy of Luxembourg (part of which is now the province of Luxembourg in Belgium), the Dutch King William I refused to recognise the treaty. Finally, a treaty was signed in London on 18 April 1839, the Grand Duchy of Luxembourg was split and the country as we know it today was born. Thus, 1839 is seen today as the real date of independence of the Grand Duchy. In 1840, William II ruled the country as the King Grand Duke, but now the autonomy of Luxembourg was respected by the sovereign. New laws had to be established to complete the work of the Civil Code.

The Civil Code introduced the system of *ius sanguinis* to replace *ius soli*, which was identified with the ancien régime. In these times, a person was attached to the soil of his lord of the manor. Citizenship became the right of a person transmitted by lineal descent, from a father to his children. This transmission of nationality was reserved for the man, while the wife assumed the nationality of her husband.

After Luxembourg's independence, art. 9 of the Civil Code declared that 'a child born of a Luxembourgish father is a Luxembourgish'. Birth on the national territory, though, was taken into consideration as an important factor for the acquisition of Luxembourgish citizenship by a foreigner's child. It was stated that 'any person born from a foreigner in [the country of] Luxembourg may, during the year of attaining his or her majority, claim the quality of a Luxembourgish'. Some French-speaking observers call this right the option de patrie.

The liberal Luxembourgish Constitution of 1848, influenced by the Constitution of Belgium of 1831, played a big role in the shaping of Luxembourgish citizenship. Firstly, naturalisation became a legislative act: the decision was taken by the parliament and not by the government. Secondly, there was not, unlike the Belgian example, a 'simple' and a 'complex' naturalisation: the naturalised foreigner enjoyed all civil and political rights. The will of the authors of the Constitution of 1848 was — as a sign of openness and trust in the capacity of the young state to integrate newcomers — to transform naturalised persons into fully-fledged Luxembourgish. Access to Luxembourgish citizenship by naturalisation was and still is an individual right, to be enacted with caution and moderation.

## 2.2 The liberal period (1878–1940)

During this period, two politicians and lawyers, who were both Ministers of Justice, influenced the spirit of the citizenship law in a liberal and still more open way, based on the principle of equality and on the importance given to social integration in the host country.

Paul Eyschen was the Director General of the Justice Department. He was Minister of Justice from 1888 to 1915 and introduced in 1878 the double *ius soli* rule: a person born in Luxembourg to a foreign father grown up in Luxembourg is a

Luxembourger (in 1878 a foreign father; in 1890 a mother who was Luxembourgish originally and who became a foreigner by marriage). The inspiration came from France, mainly from the law of 1851. Eyschen insisted on the importance of long term residence in the host country. He proposed that as soon as a person is born in Luxembourg, of parents who were themselves born in Luxembourg, this person should be considered native. He believed that when somebody has cut ties with their country of origin, and father and son have resided for a lengthy period in the Grand Duchy, the son can be assumed to have acquired its habits, therefore Luxembourgish citizenship should be granted for the benefit of society. Thus, the law foresaw that ‘a child who grows up in Luxembourg and is born to a parent who has him- or herself grown up in Luxembourg is a Luxembourger’. Thus the grand-children of immigrants were Luxembourgers.

The second prominent personality was René Blum, a socialist MP, who was the Minister of Justice between 1937 and 1940. He took the example of the Belgian law and in 1926 introduced a draft bill which codified and modernised citizenship law.

The new law was adopted on 23 April 1934. It maintained the system of double *ius soli*. It increased the possibilities for the acquisition of Luxembourgish citizenship, while restricting cases of dual citizenship. In the name of freedom and the emancipation of women, it allowed Luxembourgish women to keep their citizenship in case of marriage.

One of the reasons for adopting this law was to avoid forming national minorities. In a speech to parliament Blum declared that ‘in immigration countries like ours or in those countries with small numbers of births, which is also our case, the state should increase as much as possible the number of its citizens by assimilating all those who are born on national soil and thus we avoid the formation of colonies of foreigners in our country’.<sup>1</sup> However, this continuity on the road of citizenship law was to be disrupted by external influences, far removed from the world of politicians and lawyers inspired by the ideas of the French revolution.

### 2.3 The phase of national restrictiveness (1940–1968)

This phase is characterised by national restrictiveness and by an interesting paradox. First of all, the affirmation of Luxembourg’s independence, which took place in the first half of the twentieth century, was done in opposition to Germany, the powerful neighbour that invaded the Grand Duchy twice, during both World Wars (1914 and 1940). In order to defend itself against the German plans of annexation, Luxembourg took over from its German neighbour the principles set out in the German citizenship laws.

After 1933, when the German menace to the independence of Luxembourg became more and more tangible, the political parties, both right- and left-wing, insisted more and more on the concept of Luxembourgishness (*Luxemburgertum*) as a defence against Germanness (*Deutschtum*). The cultural difference between the two neighbours was progressively constructed. This strategy led to the Law of 9 March

---

<sup>1</sup> *Compte-rendu des séances de la Chambre des députés* (CRCD), 1938–1939, p. 1062.

1940 on Luxembourgish citizenship, which abrogated double *ius soli* and instated *ius sanguinis* exclusively.

For the first time, the following wording appeared in the legislation: ‘Naturalisation will be refused to a foreigner who does not show sufficient assimilation.’ This wording was to have a lasting influence.

Although this phase started in the 1930s, this trend had already been apparent since the beginning of the twentieth century. In fact, almost no foreigners were naturalised between 1914 and 1950: no naturalization from 1914 till 1930, only two times were naturalisations granted afterwards (33 people in 1930 and 87 in 1935). An interesting exception was made for the husband of Grand Duchess Charlotte, Prince Felix de Bourbon-Parme. He was naturalised by the initiative of the government one day before their marriage. Otherwise, the Grand Duchess would have lost her Luxembourgish citizenship by civil law and taken the French one through her husband.

This development was also to have a lasting influence after 1945: the phantoms of the 1930s, the fear of spies and of traitors, of those who acquired Luxembourgish citizenship in order to better serve Germany — and after 1945, the memory of the sufferings of the Second World War — were key elements that would become the lenses through which citizenship law would be viewed. These events led to the fourth phase.

## **2.4 The phase of hesitation between openness and distrust vis-à-vis foreigners (1968–2001)**

The post-war laws retained traces of all these events. Although the content of these laws will be analyzed later, a quick summary of the evolution of citizenship law will be made here in a historical perspective.

The law of 22 February 1968 reinstated the possibilities of option, while reinforcing the conditions of residence. The requirement of fifteen years of residence for the acquisition of Luxembourgish citizenship (naturalisation), as introduced by the law of 1940, was retained in this law. Discrimination against women was also maintained. The double *ius soli* was kept outside the legislative reform. In 1966, the Minister of Justice, Pierre Werner, gave a speech in which he showed that the influence of the war was still a characterising event. He said that ‘many foreigners insufficiently assimilated in the country have only profited from the rights of citizenship to better serve their former fatherland ... It does not appear wise to return to the combined laws of 1878 and 1890, which by their automatic mechanism do not allow the competent authorities to set aside the undesirables’.<sup>2</sup>

Part of the discriminatory provisions against women were lifted by the law of 26 June 1975 reintroducing the woman’s right to retain or regain her citizenship (abolished in 1940) and the law of 27 April 1977, endorsing the UN Convention on the Nationality of Married Women, which was signed on 20 February 1957 (twenty years before). A transitory provision of the citizenship law allowed all

<sup>2</sup> See *Exposé des motifs du projet de loi n° 63 [0] (1232) portant modification et complément de la loi du 9 mars 1940 sur l’indigénat luxembourgeois, Compte-rendu des séances de la Chambre des députés (CRCD), 1967–1968, p. 984.*

Luxembourgish women who have lost their citizenship of origin through marriage to a foreigner — or through acquisition by the husband of a foreign citizenship, without any manifestation of willingness from them (the women) — to recover their Luxembourgish citizenship by a simple declaration at the municipality (*état civil*).

The law of 11 December 1986 brought equality between fathers and mothers regarding the transmission of citizenship and allowed wider access to Luxembourgish citizenship, notably by offering Luxembourgish citizenship to the children if one of the parents held Luxembourgish citizenship, and by allowing acquisition by option of Luxembourgish citizenship to the foreign spouse (husband or wife).

The attempt to diminish the residence requirement necessary for acquiring Luxembourgish citizenship from ten to five years, which was introduced by the socialist Minister of Justice Robert Krieps, failed particularly because of the criticism of the Council of State.<sup>3</sup> The Council of State put forward the opinion that a long period of residence (ten years) presumed ‘sufficient assimilation’ to the Luxembourgish community. If the period of residence should be reduced, other criteria would be needed in order to assure ‘sufficient assimilation’. Certainly the criterion regarding active knowledge of the Luxembourgish language should come into play. However, the restriction regarding the age needed to acquire Luxembourgish citizenship was lowered from twenty-five to eighteen years. During the parliamentary debate, the arguments that had already been used by Minister René Blum in the 1930s surfaced once more, i.e. Luxembourg as a country of immigration and Luxembourg with a population with a small birth rate. Reference was made to the Calot report of 1978, a report on the demography of Luxembourg (Calot 1978). Everybody used his or her own interpretation of the report. The left-wing members of parliament underlined the necessity of increasing the number of naturalisations and options. The right-wing deputies declared that, due to the size of the country and the reduced Luxembourgish population, the granting of Luxembourgish citizenship must be done with caution.

Just like in 1940 and in 1968, as well as in 2001, the political and demographic realities did not carry enough weight in the light of more nationalistic speeches and arguments. Questions were being asked about the amount of assimilation necessary. Already in May 1939, Minister René Blum had vainly challenged these arguments. He asked the question, ‘How can you prove that a foreigner is assimilated? Give me the symptoms of this adaptation’.<sup>4</sup>

In 1986, the politicians in charge of the question found, at last, visible criteria: the knowledge of the languages of the country, especially the Luxembourgish language, which had been declared the official, national language by way of a law in 1984. The majority of the Council of State proposed to add, as a criterion for the refusal of citizenship, the following words: ‘... if [the foreigner] cannot prove, notably by the way of certificates, to have sufficient knowledge of the Luxembourgish language’.<sup>5</sup> The Government decided however to follow the view of the minority of the Council of State, which was laid down in a supplementary opinion, and which

<sup>3</sup> *Avis complémentaire séparé du Conseil d’Etat du 7 mai 1985 sur le projet de loi 2898/02 portant modification de la loi du 22 février 1968 sur la nationalité luxembourgeoise telle qu’elle a été modifiée dans la suite.*

<sup>4</sup> CRCD, 1938–1939, p. 1072.

<sup>5</sup> See *Avis complémentaire séparé du Conseil d’Etat du 7 mai 1985*, op. cit.

refused to give a prohibitive and exorbitant character to these certificates, opting for a more pragmatic approach.

This opinion implied that the obligation to bring forth certificates proving the knowledge of Luxembourgish creates a supplementary obstacle, which is difficult to fulfil for some categories of citizens, especially manual workers. It was contradictory to the efforts made and the calls for a more active participation of foreigners in political life.

In general, after the war, two contradictory aspirations may be noted in the debates in parliament, as well as in the laws themselves. On the one hand, there is a sincere will to facilitate access to Luxembourgish citizenship for foreigners who have resided in the country for a certain amount of time, either through naturalisation or through option. On the other hand, a majority of politicians continue to consider the legislation on citizenship not as means of facilitating the entry of foreigners into Luxembourg's society, but as a means for checking if these foreigners are already sufficiently integrated.

## **2.5 The 2001 LNL and the path towards the 2008 new law**

This consideration became manifest in the law of 24 July 2001. While it facilitated the acquisition of citizenship through naturalisation by reducing the required residence period from ten to five years and by rendering it free of charge, at the same time this law made it more difficult to acquire Luxembourgish citizenship by stipulating that it will be refused to the foreigner 'who does not demonstrate sufficient integration, notably if he or she does not demonstrate sufficient active and passive knowledge of at least one of the [national] languages [i.e. Luxembourgish, French, German] ... and if he or she does not have at least a basic knowledge of the Luxembourgish language, underscored by certificates and official documents'.

Thus the word integration has replaced the word assimilation, which was originally planned in the draft bill of 19 December 2000. It therefore took 60 years to change the formula introduced in 1940.

In its opinion, the Council of State developed the same arguments and objections as those contained in the separate opinion of 1985. However, in 2001, political reasons pushed the legislature to opt for a more restrictive or administrative access to citizenship, at least in theory, by requesting the written and oral proof of the candidate's knowledge of the three national languages. This nationalist restrictiveness in 2001 can be explained by an important new political factor: the arrival on the right of the conservative party (Social-Christian Party, CSV) of the Prime Minister, Jean-Claude Juncker; and of a populist party, ADR (Aktiounskomitee fir Demokratie a Rentengerechtegheet – Committee for Democracy and Pension Justice), which decided to make the Luxembourgish language its hobbyhorse. This party gained seven seats in parliament (of a total of 60) following the general elections of 1999. The language criterion became a decisive issue because of the pressure of public opinion and fear of the electoral advance of the ADR.

The obligation to prove knowledge of the Luxembourgish language is an additional obstacle which is particularly difficult for manual workers to fulfil, in spite of all the services they have provided the Luxembourgish community during long

years of economic maintenance of the country. The life of a manual worker essentially takes place in his/her work and with his/her family. It is natural that s/he speaks his/her native language with his family. It is also well known that the language used in Luxembourg at the workplace, especially on construction sites, in order to facilitate communication between workers of different nationalities, is French. Therefore, it is very difficult for people already working for ten years in Luxembourg to learn an additional language which is not of great practical use. Thus, the language barrier represents a very effective and subtle threshold, one used by the Luxembourgish authorities to reduce access to Luxembourgish citizenship and to prevent immigrants from having recourse to public services.

The government has not organized any official Luxembourgish language courses with a defined program or standard. Thus, the criterion of knowledge of the Luxembourgish language is rather an arbitrary one. In practice the applicant is examined by a member of the town council in order to determine his/her proficiency in speaking and understanding the Luxembourgish language.

In the law of 2001, dual citizenship was not tolerated according to the very restrictive rules entailed in art. 25 LNL.

The two major modes of acquisition of Luxembourgish citizenship after birth are naturalisation and option. The main differences between these modes are the following: the main criterion for naturalisation is the time of uninterrupted residence (five years) in the Grand Duchy immediately before application. This option does not have the same residence criterion as it does not require an uninterrupted period of five years immediately prior to application. It does however require a period of residence of one year immediately before the application and an uninterrupted period of residence of five years any time before. This option adds other possibilities for acquiring Luxembourgish citizenship (foreigners acquiring the citizenship of their spouse, children born in Luxembourg to a foreign national etc.). Naturalisation is decided by the legislative power (the Chamber of Deputies), whereas this option is submitted to the agreement of the Ministry of Justice.

The barriers for ordinary naturalisation are rather high. On top of the regular conditions (age, legal residence (residence permit) and duration (five years), morality (absence of serious penal conviction or loss of civil rights) and sufficient integration), there are three supplementary requirements:

- proof that the applicant has lost his or her citizenship of origin;
- that naturalisation must not be contrary to the obligations he or she has to fulfil towards the state to which he or she belonged;
- that the applicant be sufficiently integrated, which is proven by an active knowledge of the Luxembourgish dialect, which was instated as a language by law in 1984;
- according to the restrictive rule of art. 25 LNL, expatriates lose their Luxembourgish citizenship if, after residing for twenty years abroad, they abstain from declaring their wish to retain their Luxembourgish citizenship;
- gender equality as well as the equality of filiation (legitimate or natural child) has been introduced by the law of 11 December 1986.

Art. 4 LNL establishes two categories of citizen by distinguishing between the 'Luxembourger by origin' and others. The *ius soli* is, in this case, of importance. The

Luxembourgers by origin are those born in the Grand Duchy of Luxembourg before 1 January 1920, as well as their descendants. The legal consequences, however, are not of great importance and will be studied later in the report.

With regard to naturalisation and option, the town council has to justify its advice regarding the granting of citizenship to the applicant. This advice is however not binding. This ‘motivated’ advice is given in a closed session. The content is therefore not public and the applicant has no way to challenge it. The criteria used in this advice are thus secret and discretionary. The members of parliament take the final decision for naturalisations by way of law, whereas the Ministry of Justice is the competent institution in cases of option.

Since 2001, Luxembourgish leaders have discussed the opportunity of a major reform of its legislation on citizenship with the debate on the adoption of dual citizenship. Different factors may explain this debate about liberalisation and easing the conditions for the acquisition of citizenship: the existence of an ever-increasing foreign population, the essential role of foreign manpower in the economic development of the country and of the viability of the social security system, the dynamics of an ever-deeper integration with the European Union.

The law of 2001 was the start of an interesting evolution and a law of hope. Firstly, it is interesting to note that for the first time after the last World War, the law concerning the acquisition modes of citizenship was not voted for with unanimity. The majority, composed of the CSV (Christian-social Party), the liberals (Democratic Party) and the ADR, voted in favour; the socialists, the Green Party and a left-wing deputy voted against. Secondly, members of parliament of majority parties invited the government in a ‘motion’ to consider the introduction of dual citizenship referring to the example of other European countries.

One year later, Prime Minister Jean-Claude Juncker took up this idea and presented it as a central piece of the integration policy of foreigners in Luxembourg. In an opening speech of a reflection campaign launched by the NGO ASTI (Association de Soutien aux Travailleurs Immigrés) in March 2002 with the title ‘Migrations: the issues’, Juncker said: ‘I am in favour of the concept of dual citizenship, because I believe that it is the only way that will enable us, in the respect of non-Luxembourgers and Luxembourgers, to open an accomplished citizenship to the Non-Luxembourgers’ (Juncker 2003: 12). In a press conference in September 2004, Juncker announced that by the end of 2006 the new law on dual citizenship would be adopted. He said: ‘adopting Luxembourgish citizenship should not lead to break one’s autobiography’.

In January 2004 two law professors of the Université Catholique de Louvain, Francis Delpérée and Michel Verwilghen, presented a report to the Luxembourgish government on the juridical effects of the introduction of dual or multiple citizenship (Delpérée & Verwilghen 2003).

The inclusion of dual citizenship in the governmental programme of 2004 was the start of a process which led to the paradigmatic changes that are currently embedded in the citizenship law. It has pushed Luxembourg into the dynamics of the European Convention on Nationality signed by the Council of Europe in 1997. This Convention invited the states to find solutions in the area of multiple citizenships, while recognizing that, in this area, the interests of the states and those of the individuals must be taken into consideration. In October 2006 the ‘law project 5620

on Luxembourgish citizenship' was registered in parliament. The introduction of dual or multiple citizenship is the outstanding innovation of this project. However, it also states that 'in order to integrate those immigrants who wish to acquire Luxembourgish citizenship, courses on the Luxembourgish language and of culture and civic instruction will be set up and rendered obligatory for the candidates for naturalisation'.

It seems clear that the issue of citizenship has to be seen in the wider context of the immigration policies of governments. As the topic analyzed in this report is not the issue of immigration as such, these considerations are generally left out. However, one can argue that 'the moral and political grounds of double citizenship will be judged according to the daily practice in migration matters' (Wey 2003).

The law was voted on October 15 2008 with the 38 votes of the majority (CSV and socialists) against the 21 votes of the liberals, the Green Party and the ADR. It is in force since January 2009. Let us examine the most important provisions.

### **3 The current citizenship regime**

#### **3.1 Main modes of acquisition and loss of citizenship**

##### *Acquisition of Luxembourgish citizenship*

The main principle for the acquisition of Luxembourgish citizenship has always been *ius sanguinis*. The first version in the LNL of 1968 stated this principle in art. 1, 1° LNL as follows: 'a Luxembourger is: 1° the legitimate child born, even in a foreign country, to a father being a Luxembourger at the date of his or her birth; the legitimate child born, even in a foreign country, to a mother being a Luxembourger at the date of his or her birth and to a father being stateless'.

The law of 26 June 1975 provided Luxembourgish citizenship for the adopted child (full adoption) and the minor child whose father acquires or recovers Luxembourgish citizenship.

The law of 11 December 1986 brought two major reforms to the basic law of 22 February 1968 which provided in the modified art. 1, 1° that 'a child born, even in a foreign country, to a Luxembourgish citizen, provided that the filiation of the child is established before he or she turns eighteen and the parent is a Luxembourger at the moment the filiation is established'. First, it establishes solemnly the principle of equality of children; it rejects discrimination based on the circumstances of birth and brings the adoptive filiation closer to the biological one. Second, the affirmation of the equality of gender leads to the rejection of any discrimination against women in the attribution of citizenship.

The law of 1986 constituted a real revolution in Luxembourg because, in addition to gender equality, it established the retroactivity of this new system for a period of eighteen years. Art. 44 provided that the new rules of the LNL, introduced in 1986 and contained in arts. 1 and 2, apply 'even to persons born before the coming into force of the law if these persons are not already, at this moment, eighteen years

old’ and ‘even when the facts likely to lead to the acquisition of Luxembourgish citizenship occurred prior to this law coming into force’.

This rule of retroactivity also applies to adopted children. Although the conditions for acquisition of Luxembourgish citizenship have been eased, too, and despite the fact that the law of 2001 introduced *ius soli* (art. 1, 3<sup>o</sup>) for children born in Luxembourg and having no other citizenship, Luxembourg remained until 2008 firmly attached to *ius sanguinis* principles.

The law of 2008 (NLNL) thus appears to be a milestone. It reintroduces double *ius soli*, 68 years after its abolition in 1940. A child born in Luxembourg to non-Luxembourgish parents, one of whom was born in the Grand Duchy, has Luxembourgish citizenship. This was not an initiative of the government but of the parliamentary commission of justice. This provision is not applied only to the children born after 1 January 2009 (the date of entry into force of the law), but also to those who have not reached 18 years of age on 1 January 2009: thus children born between 1 January 1991 and 31 December 2008. By the NLNL full and simple adoption are also treated equally for the transmission of Luxembourgish citizenship to the adopted children.

The great revolution of the NLNL is the introduction of the principle of dual or multiple citizenship. From 1 January 2009 on, to be admitted to naturalisation, the foreigner does not need to prove that he or she has lost his citizenship of origin nor does he or she lose his or her citizenship by the acquisition of Luxembourgish citizenship. This depends however if the law of the foreigner’s home state permits multiple citizenship.

This liberalisation of the citizenship is countered by some restricting measures:

1. The minimum number of years of residence before naturalisation is raised from five to seven years.

2. Naturalisation is linked to the applicant’s success in a test in the spoken Luxembourgish language and to the obligation to attend at least three citizenship courses. The level of competence to be attained in the spoken Luxembourgish language is level B1 of the Common European Framework of Reference for Languages in terms of aural comprehension, and level A2 of the same framework in terms of oral expression. However, an exemption is given to those who have accomplished at least seven years of their schooling in a Luxembourgish public school (or private school applying the curriculum of the public school) and to those who lived on Luxembourgish territory prior to 31 December 1984.

3. The possibility of this option for foreigners married to Luxembourgers, men or women, or for children born in Luxembourg to foreign parents who were not born in the Grand Duchy is abolished.

So, the category that will benefit the most from the introduction of dual citizenship is not that of the foreign citizens in Luxembourg, but the Luxembourgers living abroad. They have now the same possibility to acquire the citizenship of their country of residence without having to renounce their citizenship of origin. Moreover, art. 29 NLNL provides that the descendants in direct line (father or mother), even born abroad, of a Luxembourgish forebear on the date of 1 January 1900 who have lost Luxembourgish citizenship because of prior legal provisions, can recover the citizenship by declaration if made within the next 10 years. The Luxembourgish case

confirms in this sense the process of ‘re-ethnicisation’ observed in other European countries.

*Loss of Luxembourgish citizenship*

Regarding the loss of citizenship, we must first address the cases of automatic loss for certain categories of Luxembourgish who have committed no transgressions. This case must be distinguished from the withdrawal of citizenship as stated in arts. 15–18 NLNL, which apply to citizens who prove to be unworthy of keeping Luxembourgish citizenship.

Until 2008, the attitude of the Luxembourg legislature was rather puzzling, because most countries in the world try to protect their human patrimony. The reform of the LNL in 1986 codified scenarios for the loss of Luxembourgish citizenship in a country where the national population is stagnant. Eight cases of loss of citizenship are provided for in art. 25.

Thus, between 1986 and 2001, the possibilities for losing Luxembourgish citizenship were more numerous than those for gaining it. This is an astonishing fact, considering the stagnation of growth of the national population in comparison to the large increase in the foreign population in Luxembourg.

The law of 2008 considerably reduces the modes of loss of citizenship from eight to three. It confirms (art. 13, 1) the LNL of 1986 that provided for the first time the possibility of losing Luxembourgish citizenship by voluntary renunciation (art. 25, 2). This renunciation is in the form of a simple declaration, made by a person who has reached 18 years of age, recorded by the civil registrar, without judicial control or any witnesses. The only condition being that the applicant has to prove that he or she will not become stateless. A child of less than 18 years loses (art. 13, 2) his or her Luxembourgish citizenship if his or her parents lose their Luxembourgish citizenship by voluntary renunciation (art. 13, 1). Art. 13, 3 NLNL provides that a child whose filiation to a Luxembourgish parent failed to be established before he or she attained eighteen years of age loses his or her Luxembourg citizenship, unless the other parent possesses the status of Luxembourgish or the child would become stateless.

Concerning the loss of citizenship by forfeiture, art. 15 NLNL provides that the Luxembourgish who has not obtained his or her citizenship through a Luxembourgish parent upon his or her birth, may be declared to have lost Luxembourgish citizenship:

1. if he or she obtains Luxembourgish citizenship by false declarations, fraud or dissimulation of important facts;
2. if he or she obtains Luxembourgish citizenship by presenting a false name or by usurpation of a name.

Forfeiture is not possible if it the person concerned would become stateless. The Ministry of Justice declares the forfeiture of Luxembourg citizenship through an order, which has to be justified.

### 3.2 A special category of citizen: the Luxembourger by origin

Art. 3 NLNL (as with the LNL of 24 July 2001) makes a distinction between two categories of citizens: the Luxembourger by origin and other Luxembourgers. Luxembourgers born in the Grand Duchy of Luxembourg before 1 January 1920, as well as their descendants, are labelled Luxembourgers by origin. Art. 4 states that ‘the status of Luxembourgers by origin is sufficiently established by proof of possession of Luxembourgish citizenship deriving from the parent of the candidate whose citizenship is the condition of its own. Proof to the contrary is possible’. The legal consequences of this distinction are not very significant.

It should be remarked that the number of cases whereby citizenship lapses was extremely low, with the exception of the periods following the two World Wars. However, the psychological impact of such categories existing is in fact more severe than the effects thereof, giving the impression that there are two distinct kinds of citizens, each with different rights: the ‘true’ Luxembourger and ‘imperfect’ citizens. Hopefully, this distinction which has almost no real consequences will be removed by the next reform.

### 3.3 Institutional arrangements

#### *The administrative procedure to acquire citizenship by naturalisation*

Another great innovation of the 2008 NLNL is that the procedure of naturalisation becomes an administrative procedure instead of a legislative one, it becomes more transparent, and the applicants have a right to appeal. A brief summary of the procedure of naturalisation according to art. 10 NLNL is presented below.

The naturalisation file is issued to the secretary of the town council where the applicant resides, following a request addressed to the Ministry of Justice. The target person submits a declaration to the registry office.

The file must contain the following documents: birth certificate; biographical notice and questionnaire; certificate of residence; copy of passport; extract from police records; certificate of success in a language test; participation certificate of the citizenship courses.

The town council immediately transmits the request with the file to the ministry of justice. The naturalisation is granted or refused by decree of the minister of justice. In case of refusal, the decision must be justified. The minister of justice must take a decision within 8 months, otherwise the request of naturalisation becomes a declaration of naturalisation. The procedure is free of charge and has been free of charge since the coming into force of the LNL of 24 July 2001 for all requests submitted after 1 January 2002. However, this is not a particularly large incentive for the applicant as the fees existing before 2001 were very low.

The naturalisation comes into force on the day of the decision of the minister. The decree is made known to the applicant and mention of the decree is made by the town council.

The NLNL has created modes of appeal and more particularly a double jurisdiction. As the ministerial decree of refusal is an administrative decision, the competence is allocated to administrative jurisdictions. In first instance, the Administrative Tribunal is competent to decide on the case. Then, appeal can be made to the Administrative Court.

### *The implementation process*

The Ministry of Justice is competent to implement the citizenship law and monitors its correct application. Luxembourgish authorities help applicants to meet legal conditions in multiple ways. While there are no state-run or -funded naturalisation campaigns, there is an official promotional webpage on the internet site of the Ministry of Justice<sup>6</sup> with a link to the “Dossier Nationalité” on the front page).<sup>7</sup> Here, applicants can download brochures on the new law on Luxembourgish citizenship (in German, French and English languages) with practical information for those who wish to acquire or re-acquire Luxembourgish citizenship. Forms and information leaflets regarding Luxembourgish citizenship procedures can also be downloaded. Requirements are written in simplified language and content covers procedure and benefits of naturalisation.

On the same internet site, naturalisation applicants are invited to use the infoline “Nationalité” (from Luxembourg, 8002 1000, free, and from abroad +352 2478 8588) for all requests for further information. Application forms are available on the website of the ministry and on paper in several government agencies and in the municipalities. They can be downloaded online, but have to be submitted on paper.

### *Statistics on the Luxembourgish population and the acquisition of citizenship*

As mentioned in Table 1 (below) on the state of the Luxembourgish population, the foreign population has constantly been growing since 1981 and currently amounts to nearly 45 per cent of the resident population. This percentage appears to be rather high. However, the word ‘foreigner’ is no longer appropriate, considering that more or less 90 per cent of the non-Luxembourgers are European citizens. Thus, by defining only the ‘non-EU’ population as foreigners, it appears that Luxembourg has only 5 per cent of foreigners which is actually a rather small percentage.

---

<sup>6</sup> [www.mj.public.lu](http://www.mj.public.lu)

<sup>7</sup> [www.mj.public.lu/nationalite](http://www.mj.public.lu/nationalite)

**Table 1: State of the population in Luxembourg 1981, 1991, 2001, 2004, 2012**

Year	1981	1991	2001	2004	2012
Overall population (x1000)	394.6	384.4	439.5	455.0	524.9
Of whom: women	186.7	196.1	223.0	230.3	263.0
Luxembourgers	268.8	271.4	277.2	277.2	295.0
Foreigners (x1000)	95.8	113.0	162.3	177.8	229.9
Out of which: - Portuguese	29.3	39.1	58.7	64.9	85.3
- Italians	22.3	19.5	19.0	19.0	18.1
- French	11.9	13.0	20.0	22.2	33.1
- Belgians	7.9	10.1	14.8	16.2	17.2
- Germans	8.9	8.8	10.1	10.5	12.3
- British	2.0	3.2	4.3	4.7	5.6
- Dutch	2.9	3.5	3.7	3.6	3.9
- Other EU	10.6	6.6	9.2	10.3	23.2
- Other	3.4	9.2	22.5	26.4	31.2
Foreigners in %	26.3	29.4	36.9	39.1	43.8

Source: Service central de la statistique et des études économiques, Luxembourg (STATEC)

As we see in Table 2 (below), the introduction of the Law of 24 July 2001 had a noticeable impact on the number of naturalisations and options which climbed from 496 in 2001 to 1,236 in 2007, and is marked by the growing presence of the most recent migrants from Portugal and the republics of the former Yugoslavia in the number of naturalisations and options. It is important to mention that there are no campaigns in favour of the acquisition of Luxembourgish citizenship or of the integration of the foreign population other than by a few Luxembourgish NGOs.

Until 2008, two major restrictive factors explained why Luxembourg had the lowest rate of acquisition of citizenship of the entire European Union (0.4 per cent from 2000–2004). These two factors have to be mentioned at the top of the list of classical conditions based on the age of the applicant, regular residence (residence permit) and duration (five years), morality (absence of serious penal conviction or loss of civil rights) and sufficient integration:

- Applicants had to prove that they have lost their citizenship of origin;
- Naturalisation was refused to foreigners if it was contrary to the obligations they have to fulfil towards the state they belonged to.

**Table 2: Statistics on naturalisations and options of Luxembourgish citizenship by origin**

Year	1980	1990	1995	2001	2002	2003	2004	2005	2006	2007	2008
Naturalisations & options											
All nationalities	489	748	802	496	754	785	841	954	1128	1236	1215
German	125	97	70	45	47	50	62	79	74	95	76
Belgian	65	79	67	39	87	73	83	101	87	97	77
French	68	106	78	33	65	57	44	51	74	75	76
Dutch	21	30	15	13	11	17	6	7	20	10	20
Italian	124	191	209	105	119	120	111	97	161	138	109
Portuguese			143	106	147	158	188	252	338	352	293
Ex-Yugoslavia					40	57	68	100	116	167	197
China (PR)			5	9	20	17	6	7	20	10	20
Cape Verde			54	32	42	48	41	31	43	46	39
Naturalisations											
All nationalities	213	199	270	207	356	344	341	366	343	484	496
German	50	17	21	15	18	19	27	35	30	45	33
Belgian	22	17	21	23	50	32	40	51	45	44	33
French	17	22	20	10	29	23	13	11	19	24	28
Dutch	10	1	2	7	6	5	3	2	1	2	9
Italian	62	23	51	46	51	36	16	5	3	14	6
Portuguese			26	34	51	32	23	30	27	53	37
Ex-Yugoslavia					25	41	50	60	76	105	130
China (PR)			2	8	15	12	16	15	12	32	34
Cape Verde			41	15	24	36	28	21	25	30	27
Options											
All nationalities	276	549	532	289	398	441	500	588	785	752	719
German	75	80	49	30	29	31	35	44	44	50	43
Belgian	43	62	46	16	37	41	43	50	42	53	44
French	51	84	58	23	36	34	31	40	55	51	48
Dutch	11	29	13	6	5	12	3	5	19	8	11
Italian	62	168	158	59	68	84	95	92	158	124	103
Portuguese			117	72	96	126	165	222	311	299	256
Ex-Yugoslavia					15	16	18	40	40	62	67
China (PR)			3	1	5	12	3	5	19	8	11
Cape Verde			13	17	18	12	13	10	18	16	8

Source: Ministère de la Justice, Luxembourg

The necessity to prove renunciation of the former citizenship appeared to be a major obstacle to the liberalisation of access to Luxembourgish citizenship. Of course, these two conditions could be put aside if ‘the applicant proves that he or she has asked the competent authority for either a certificate showing that he or she has no more obligations towards the state of origin and that it was impossible to obtain it within a time limit of one year from his or her request, or when the applicant is

recognised by the Luxembourgish authorities as a refugee or if he or she is a citizen of a state that does not permit the loss of citizenship or permits it only after the acquisition of a new citizenship’.

These conditions appear to be objective ones. However, one could ask who would judge if the certificate establishes, in a satisfactory way, the loss of former citizenship, or that it was impossible to obtain such a certificate?

With the NLNL, the situation has obviously changed radically. The first six months show that the reform could really turn out to be a great success. According to information gathered by the ministry of justice, the number of applicants for naturalisation has increased by 5 per cent since the law on dual citizenship came into force (1 January 2009).

#### **4 Current political debates**

The current political debate about citizenship in Luxemburg is very much influenced by the competition of two policy trends well described recently by Maarten Vink: an ‘electorate-driven’ and an ‘elite-driven’ policy. A great part of the socio-political elite which could be called ‘modernising’ is fully aware that the foreign workforce has been, is and will continue to be essential to the development of the Luxembourgish economy and the viability of the social security system. They know that most immigrants are already integrated into the society in a social and economic sense. Other parts of these elites have a xenophile discourse but support political groups that are defending ‘national preferences’. Most of the members of parliament and government identify themselves with the modernizing elite, but they have to take into account the electorate and the basis of their parties that don’t necessarily share their liberal and European views.

Luxembourg, as with other countries, has its Modernisierungsverlierer or those who believe that they are the ‘pariahs’ of the modern society. The sociologist Fernand Fehlen has described in a recent article the break or fracture inside the Luxembourgish population between those who have a permanent and secure job in the state-run sector and those that are or feel threatened in the private labour market by foreigners, whether they be residents or commuters (Fehlen 2008). On both sides of this border line, there is a great interest in maintaining citizenship law as a national protection barrier. As Fehlen states:

‘There is a nationalist and populist right-wing electorate. The most vulnerable of the society, those who don’t profit from the impudent prosperity, who cannot live decently anymore and who have as their only trump the mastery of the Luxembourgish language against the threat of the wage earners of the three neighbour countries attracted by the high wages, those Luxembourgers have good reasons to give value to their Luxembourgish citizenship and their national language and to raise them as protectionist ramparts’ (Fehlen 2009: 233).

This electorate can be found not only in the conservative CSV or in the populist ADR, but also in the socialist party LSAP, profoundly embedded in the working class of the industrial south of the country.

The debate about the recent law has to be seen against this political background. As representatives of an elite-driven policy, the Council of State —

which had to formulate the law — has clearly stated that ‘the strengthening of the conditions of integration provided by the project confirms that, in the last analysis, the Government continues to consider the acquisition of Luxembourgish citizenship as the coronation of the integration route’. In a similar position, the Green party and the Democratic Party (liberals) have voted against the law because they want to reduce the residency duration to five years from seven and they ask for a relaxation of the linguistic conditions. The conservative party, CSV, insisted on having rather high levels of linguistic mastery in Luxembourgish (A2 in expression and B1 in understanding of the spoken Luxembourgish language): a clear concession to the nationalist part of its electorate. The socialist junior partner of the coalition, LSAP, has given up the position held during the opposition years of 1999–2004 when they were against restrictive linguistic conditions, and so yielded to the CSV. The only radical opposition to the new law was represented by the populist ADR, which was against the possibility of dual or multiple citizenship.

After the passage of the law, citizenship seemed to have disappeared as an important topic from the political agenda. In the program of the new government which emerged from the legislative elections of June 2009 (again a coalition between CSV and LSAP), no word was said about the citizenship issue.

*The success of multiple nationality and double ius soli*

This changed following the publication of the effects of implementing the new law in its first 10 months of existence (2009). In November 2009, the new Luxembourg (Christian Social) Minister of Justice, François Biltgen presented the statistics concerning the NLNL that came into force on 1 January 2009. These statistics underlined the success of the new law. According to the survey, the number of requests for Luxembourgish citizenship increased from 1,065 in 2008 to 4,299 in the ten first months of 2009, thanks to the introduction of a dual or multiple citizenship provision. 3,125 persons acquired the Luxembourg nationality in this period, compared to 1,129 for the whole of 2008. The survey showed also the impact of the double ius soli provision. 3,414 minors (below 18 years of age) acquired Luxembourgish citizenship by this mode of acquisition on 1 January 2009.

Today, more than four years after the entry into force of the law, this success appears even greater. The number of successful applications quadrupled, going from 1,065 in 2008 to 11,770 for the period from the 1 January 2009 to 31 December 2011. Luxembourgish citizenship was granted to 11,736 persons, around 4,000 per year.<sup>8</sup> In 2012, it will be even more than 4.000 persons.

Only 33 demands were denied on the basis of conditions of character or criminal record and one demand for lack of condition of residence. From 2009 to 2012, six applicants lodged an appeal with the Administrative Tribunal against the ministerial order refusing their naturalisation. In two cases, the decision of the Minister of Justice was amended and the applicants became Luxembourgers by judgment of the Administrative Tribunal. In two cases, an applicant lodged a claim with the Administrative Court against the judgment of the Administrative Tribunal. One claim was dismissed, the other accepted.<sup>9</sup>

<sup>8</sup> [http://www.mj.public.lu/chiffres\\_cles/index.html#IND](http://www.mj.public.lu/chiffres_cles/index.html#IND)

<sup>9</sup> cf. database “Jurisprudence administrative du Grand-Duché de Luxembourg en matière d’immigration et de protection internationale” – [www.emn.lu](http://www.emn.lu).

The significant increase in naturalisation applications seems clearly correlated to the introduction of the principle of dual citizenship in 2008, even if we lack relevant data about this issue. In a poll ILRES-ASTI of 2009, carried out for the thirtieth anniversary of the NGO ASTI (500 persons of Luxembourg citizenship, 500 persons of foreign citizenship),<sup>10</sup> 82 per cent of the foreign persons who wish to adopt Luxembourgish citizenship declare that they want to keep their former citizenship at the same time.

According to the assessment of the STATEC (National Institute of Statistics and Economic Studies), from 2009 to 2011, approximately another 1,000 children became Luxembourgers by double *ius soli*, and 2,491 children were naturalised along with one of their parents.

Year	2009	2010	2011
All nationalities	4022	4311	3405
German	322	333	208
Belgian	224	258	450
French	277	342	314
Dutch	31	50	38
Italian	362	665	425
Portuguese	1242	1351	1085
Ex-Yugoslavia	851	745	413
China	33	11	15
Cape Verde	77	40	60

About 18,500 new Luxembourgers have been created in three years (2009-2011), largely because of the innovations introduced by the NLNL. According to – still incomplete – statistics, another 4,681 persons acquired Luxembourgish citizenship in 2012. Luxembourg has become the country with the highest number of acquisitions per inhabitant in the EU.<sup>11</sup> However, as we already stated, given the large proportion of foreign residents (43 per cent in 2009), the naturalisation rate (1.8 acquisitions per hundred non-national residents) remains below the EU average.

#### *The demographic and economic pressure in favour of a new reform*

With a yearly positive net immigration of 7-11,000 persons, the pressure to liberalise citizenship legislation remains very high. The population grew from 360,000 in 1981 to 525,000 in 2012. The proportion of immigrants in the population went from 26 per cent to 44 per cent in the same time. In 1985, 70 per cent of the resident wage earners were Luxembourgers, but only 52 per cent were in 2008. The number of commuters increased from 22,000 in 1982 to 150,000 in 2012 (50 per cent of the active population).

This is the main explanation why the restrictive measures of the law of 2008 are now at the centre of new debates on reform. To repeat: optional rights for the spouse (provided in a gender equality form since 1986) and for the children of foreign parents who themselves are not born in Luxembourg (in the citizenship legislation since 1803) have been abolished. The minimum compulsory period of residence in the

<sup>10</sup> <http://www.asti.lu/asti/prises-de-position/sondage-tns-ilres-pour-lasti-en-2009/>

<sup>11</sup> Sartori Fabio, Acquisitions of citizenship on the rise in 2009, eurostat, Statistics in focus, 24/2011, p. 1-2

country moved from 5 to 7 years. Finally, a significant linguistic barrier has been introduced by the NLNL.

Thus, the necessity of a new reform of the NLNL appeared rapidly to the new Minister of Justice, François Biltgen, more liberal in his approach to citizenship than his predecessor of the same political party, Luc Frieden. From 2010, he planned to launch a debate on the question.

To take action, Biltgen made use of a problem concerning the residency clause that was brought to the attention of a broad public in 2011 by the case of David Caiado, a Portuguese football player, who is a candidate for the Luxembourg national team. Born in Luxembourg in 1987, Caiado lived there for 12 years before transferring to Portugal to begin a professional football career. As a compulsory period of seven years consecutive residence must immediately precede the application, Caiado could not submit a naturalisation application, even if it was the wish of the Luxembourg Federation of Football and the Sports Minister, Romain Schneider.<sup>12</sup> Thus, this problem arose from a combination of the strict residence condition of at least seven consecutive years immediately preceding the application, and the abolition of the optional rights possibilities for foreign children born in Luxembourg.

In March 2012, Biltgen announced that he would not agree to a special law for sportsmen, but that he planned an evaluation report of the NLNL by his Office in charge of questions of nationality at the Ministry of Justice (Service de l'Indigénat) and a debate in Parliament on this question in order to reform the law of 2008.<sup>13</sup>

Another problem was pointed by a parliamentary question (question n° 2030 of March 23 2012) of liberal MP Claude Meisch: Referring to the European Convention on Nationality (STCE n° 166) of the Council of Europe, signed by Luxembourg on 26 May 2008, the MP asked why Luxembourg has not yet ratified the Convention. In his answer of April 6 2012, the Minister of Justice explained that the Convention can only be ratified if citizenship law is changed to facilitate acquisition of citizenship for certain categories of persons: foreign spouses, foreign children born in Luxembourg, stateless persons and refugees.

A few months later, in September-October 2012, a royal wedding in Luxembourg confronted not only parliamentarians but the whole population with the question of the acquisition of citizenship for foreign spouses: Prince Guillaume, Hereditary Grand Duke of Luxembourg was about to marry Countess Stephanie de Lannoy, of Belgian citizenship. The Government therefore brought in a bill on 3 September 2012 that grants naturalisation to the future spouse of Guillaume according to articles 8 and 9 of the NLNL. The law was voted on 9 October 2012 (57 votes in favour, two against, one abstention), two weeks before their marriage. This double standard was greatly criticised by public opinion and made obvious the need to change the law on this point, by facilitating acquisition of citizenship for foreign spouses in general.<sup>14</sup>

<sup>12</sup> <http://www.lesessentiel.lu/fr/sports/story/25656024>

<sup>13</sup> <http://www.tageblatt.lu/sport/story/16906639>

<sup>14</sup>

[http://www.chd.lu/wps/PA\\_1\\_084AIVIMRA06I4327I10000000/FTSByteServingServletImpl/?path=/eport/exped/sexpdata/Mag/132/186/113815.pdf](http://www.chd.lu/wps/PA_1_084AIVIMRA06I4327I10000000/FTSByteServingServletImpl/?path=/eport/exped/sexpdata/Mag/132/186/113815.pdf)

Another provision of the NLNL surprisingly grabbed the headlines in 2011/2012. Compensating for double *ius soli*, a new ground for re-acquisition, based on *ius sanguinis*, was introduced (article 29): A person can re-acquire Luxembourgish citizenship provided he or she has a male or female grandparent who possessed Luxembourgish citizenship on 1 January 1900 (a transitional provision valid until 2018). Thousands of people, mainly from the neighbouring Belgian Province of Luxembourg applied – after a press campaign by local newspapers,<sup>15</sup> as they could reacquire Luxembourgish citizenship through a grandparent. From 2009 to 2011 only 396 persons reacquired citizenship through article 29, but in 2012 more than 1,600 persons profited from the article 29 to become Luxembourgers, and this is only the beginning. A problem of double standards appears here, too. All those persons can reacquire citizenship through a distant blood tie alone, without passing language tests, and, as they live abroad, without any residency clause. They can even vote in national elections, while foreigners living in Luxembourg for many years cannot.<sup>16</sup>

### *The reform process of NLNL*

These ambivalences or steps backward of NLNL had been criticised already during the debate of the law in Parliament, on 15 October 2008, by the opposition, namely the liberal Democratic Party and by the ecologist Green Party. For these reasons, MP Lydie Err, spokeswoman of the Socialist Party (junior partner in the government), asked for an assessment of the law after three years. Biltgen could accordingly refer to this assessment request of 2008 in order to launch the reform process.

In a press conference held on 7 July 2012, François Biltgen, Minister of Justice in the new government, referring to the assessment proposal, announced that he intended to introduce a liberal reform of the 2008 legislation on naturalisation and to launch a debate in autumn 2012. François Biltgen stated that a commitment to openness would guide the debate and the reform of citizenship law. In a statement released on the web site of the Ministry of Justice on 31 July 2012, Biltgen declared he was taking advantage of the questions raised in my PhD thesis<sup>17</sup> as well as the questions raised by the assessment of the law through the Service de l'Indigénat.<sup>18</sup> Details were given in a second press conference held on 23 September. The same day, the assessment report of the Service de l'Indigénat was published on the web. Biltgen announced that he would consult with Parliament through a "consultation debate". Citizens also had the opportunity to give their opinion through the internet, and could pose individual questions to the Ministry. It is intended that this process will lead to the introduction of a Bill to Parliament in 2013.

<sup>15</sup> See e.g. the article by Dominique Zachary, Devenir grand-ducal: c'est facile!, *L'Avenir*, 29.12.2010.

<sup>16</sup> In a parliamentary question of September 21 2011, socialist MP Ben Fayot pointed out this contradiction and asked Biltgen if there was not "un problème de logique à accorder la nationalité luxembourgeoise et donc le droit de vote à des personnes parties depuis longtemps et souvent sans lien avec le pays et à continuer à demander des conditions de résidence pour obtenir le droit de vote à des résidents étrangers vivant depuis longtemps au Luxembourg?"

<sup>17</sup> Scuto, Denis (2012) *La nationalité luxembourgeoise (XIXe-XXIe siècles). Histoire d'un alliage européen*, Editions de l'Université de Bruxelles, Brussels.

<sup>18</sup> Here the exact wording of the press statement

([http://www.mj.public.lu/actualites/2012/07/Denis\\_Scuto/index.html](http://www.mj.public.lu/actualites/2012/07/Denis_Scuto/index.html))

*The reform claims*

Actually, the minister also addresses needs linked to the demographic and economic evolution of Luxembourgish society as well as numerous reform claims of stakeholders and of civil society.

In 2012, a lively debate about citizenship legislation but also the need of residential citizenship was caused by the campaigns of two important actors – economic stakeholders and migrant NGOs. First, in March 2012, the Luxembourg Chamber of Commerce, defending the interests of the employers, supported the cause of a reform and further liberalisation of citizenship law and of electoral rights. The title of its publication “Actualité & tendances”, nr 12 (March 2012) is clear: “La diversité règne, l’intégration piétine: La Chambre de commerce analyse l’apport socio-économique des étrangers et plaide pour une meilleure intégration politique.” (“Diversity reigns, integration stands still: The Chamber of Commerce analyses the socio-economic contribution of foreigners and argues for better political integration.”)<sup>19</sup> While underlining that 43 per cent of the inhabitants of Luxembourg are not citizens and 75 per cent of wage earners and entrepreneurs are not Luxembourgers, the Chamber of Commerce pointed out the democratic deficit in the political representation of foreigners: for the national elections of 2009, 70 per cent of electors were either non-active (51 per cent, of which 31 per cent were retired persons) or wage earners in the public service (20 per cent). Only 45 per cent of the resident population has the right to vote in national elections! The Chamber’s report proposed that foreigners participate in parliamentary elections after five years of residence in the Grand Duchy. The Chamber also pleaded for facilitating acquisition of Luxembourgish citizenship, e. g. only five years of residence prior to naturalisation and more flexibility in the language assessment test.

Secondly, following an idea of ASTI (Association de soutien aux travailleurs immigrés),<sup>20</sup> 100 institutions and organisations from Luxembourg joined forces in a campaign to put an end to racism and promote solidarity among people living in the Grand Duchy. The Making Luxembourg campaign wanted to show that people from different backgrounds and walks of life contribute to making Luxembourg what it is.<sup>21</sup> While companies can sign up as partners of the initiative, pledging to support diversity and tackle racism in their business, individuals can create their own avatar on a t-shirt design to take on the issue of racism and discrimination in everyday life. To become an ambassador for the scheme, you simply have to design an avatar, listing what makes you 100 percent Luxembourger and 0 percent racist. This can then be shared on Facebook and can also be turned in to a t-shirt.

These two actors joined forces at the end of 2012 to move ahead on the question of political participation. A debate on the right to vote for foreigners in national elections has really begun, involving all political parties, and representing another pressure to liberalise citizenship legislation.

ASTI as well as the principal labour unions (OGB-L, LCGB) repeatedly insisted on reducing the compulsory period of residence in general and for certain

<sup>19</sup> [http://www.cc.lu/uploads/media/AT\\_12.pdf](http://www.cc.lu/uploads/media/AT_12.pdf)

<sup>20</sup> Asti, founded in 1979 (called before: Uniao, founded in 1972), is an NGO based on individual membership, active in the city of Luxembourg and fighting for equal rights for all residents in Luxembourg.

<sup>21</sup> <http://www.makingluxembourg.lu>

categories in particular (foreign spouses, children born in Luxembourg, stateless persons, refugees), to lower the levels of competence required in the language evaluation test and to introduce exemptions based on age (60 years) or residence (20 years). In a letter of 26 November 2012 to the Minister of Justice, Asti also asked for *ius soli* for the second generation.

In the resolution of its general assembly (5 July 2012) the CLAE (Comité de Liaison et d'Action des Etrangers) pointed out four topics.<sup>22</sup> 1. The language test should be abolished and replaced by a certificate confirming attendance at Luxembourgish language courses. If this proposal is rejected, CLAE requested that the levels of the test should be reconsidered. 2. The compulsory period of residence should be reduced again from seven to five years. 3. According to the European Convention on Nationality of 2008, new provisions will be necessary to facilitate acquisition of citizenship for foreign spouses, foreign children who have lived in Luxembourg before the age of 18, stateless persons and refugees. 4. Not only double *ius soli*, but also simple *ius soli* -for children born in Luxembourg one of whose parents resides there,- should be available.

#### *The assessment report of the Ministry of Justice*

The Office in charge of questions of citizenship at the Ministry of Justice (Service de l'Indigénat) raised several points in its assessment of the impact of the new law and of the difficulties encountered in the implementation during these first years and made recommendations (views shared by the minister).

Concerning residency, the report emphasised all the problems linked to the “consecutive and immediately precedent” residency clause (art. 6, ° 2): Children who have lived their entire childhood and completed their schooling in Luxembourg, but have to return with their families in their country of origin for one reason or another, when coming back to Luxembourg to get a job, have to wait another seven years before being allowed to submit a naturalisation application. Some applicants have no residence permit over the whole period. Others cannot provide residence certificates for the whole seven years, for several reasons: a. The applicant, through inadvertence or negligence, has let pass a rather long period between departure declaration in one town and arrival declaration in the new town of residence; b. A family member removed the applicant from the population records of the municipality of residence, without the latter's knowledge; c. The applicant was removed without his/her knowledge from the population records by the municipality of residence, although he continued to reside in the Grand Duchy. The Ministry of Justice has shown a certain flexibility in these cases.

Therefore, the Service de l'Indigénat proposes a one year residence immediately before application and five or seven years of residence over a longer previous period. In the case of refugees, the Ministry considers the period between the filing of their asylum application and the date of their regularisation as a period of legal residence in the Grand Duchy.

Concerning the language assessment test, the officials point out that the test in oral comprehension (level B1 of the Common European Framework of Reference for

<sup>22</sup> Clae is an organisation platform gathering a hundred foreigners' organisations, fighting for equal rights and organising a yearly multicultural festival  
[http://www.clae.lu/pdf/mouvements\\_associatifs/clae\\_plateforme/resolution\\_ag\\_5\\_%20juillet\\_2012.pdf](http://www.clae.lu/pdf/mouvements_associatifs/clae_plateforme/resolution_ag_5_%20juillet_2012.pdf)

Languages) turns out to be too difficult for many candidates, thus becoming a barrier to integration. This question has also been raised by the European Commission against Racism and Intolerance (ECRI) of the Council of Europe in its report of December 2011, fearing social or national discrimination: “However, it has received information to the effect that immigrants (who are mainly of Italian, Portuguese, Cape Verde or Balkan origin) do not speak *Lëtzebuergesch*. Moreover, it was informed that many people do not apply for Luxembourg nationality because this test is so difficult.”<sup>23</sup>. Adaptations of the test are requested in the assessment - either a possibility of compensating under certain conditions for a moderate failure in the language test (expression) by good results obtained in the other test (comprehension), or lowering the difficulty level of the comprehension test (from B1 to A2). The dispensation clause should be referred not to a fixed date, but to a period of residence (20 or 25 years). A form of dispensation based on the age of the applicant could also be considered.

This analysis is confirmed by social workers of NGOs in the field of immigration, ASTI and Clae. The following testimony comes from a social worker of ASTI: “We know a couple of political refugees from Azerbaijan who are very old and sick and are struggling to learn Luxembourgish. They fail to take these language courses and thus to obtain the level of comprehension and expression necessary. Their children have all acquired Luxembourgish citizenship, and they are obliged to keep the passport of political refugees. Here we are dealing with a case of seniors with intellectual and physical resources that do not allow them to acquire Luxembourgish citizenship. Note that illiterate persons or with low level of education also face enormous difficulties in following language courses in written Luxembourgish!). ASTI is (to our knowledge) the only organisation to offer language courses on Sunday morning allowing many workers who for professional reasons cannot easily attend classes during the week in the evening.

Furthermore, the assessment report notes that the exam jury is regularly confronted with applicants who have good results in the oral expression test but fail the comprehension test. The examples are given of an (ex-)Yugoslav bus driver who spoke Luxembourgish well, but failed one item too many in the comprehension test, an old Chinese man with poor hearing, and a housewife who had never experienced a test situation in her whole life. These individual examples overlap with those given by the social workers in the field of immigration.

As raised by the conclusions of my PhD thesis,, it appears that the test takes no account of the level of education of the applicants (reference?). According to the census of 2001, 35 per cent of foreigners have only an elementary education, while the test requires a level of secondary education. This social discrimination could be an explanation why the proportion of third country nationals in citizenship acquisitions fell from 36.4 per cent (2006-2008) to 27 per cent (2009-2011). Data on social status of the persons who acquired citizenship are, however, missing for the moment.

According to the NLNL, no right to exemption from language assessment is stipulated either on humanitarian grounds (e.g. for refugees, stateless persons) nor on vulnerability grounds (e. g. age, illiteracy, mental/physical disability). Nevertheless, in the application of the law, in case of a medically-certified mental disability or a

---

<sup>23</sup> ECRI Report on Luxembourg (fourth monitoring cycle). Adopted on 8 December 2011. Published on 21 February 2012, Strasbourg, Council of Europe, 2012, p.

physical one (e.g. deaf-mute), the Minister of Justice can grant Luxembourgish citizenship, overriding the requirement of passing the test in spoken Luxembourgish.

Furthermore, in order to increase the number of Luxembourgish citizens in the total population, the Service de l'Indigénat suggests extending *ius soli* to the first generation of foreigners born in the Grand Duchy.

Finally, as Luxembourg has signed on 26 May 2008 the European Convention on Nationality (STCE n° 166) of the Council of Europe, new provisions will be necessary to facilitate acquisition of citizenship for some categories of persons: foreign spouses, foreign children born in Luxembourg, stateless persons and refugees.

After the announcement of a broad debate about a reform of citizenship legislation, other statements and recommendations were given by different institutions.

The National Council for Foreigners (CNE)<sup>24</sup> proposes in a letter of 28 January 2013 reducing the compulsory residence period to five of the last seven years, preferential access to citizenship after three years for certain groups, lowering the level of the language test (from B1 to A2) with a possibility of compensation, exemptions on grounds of age (65) and length of residence (20 years) and introducing *ius soli* for the second generation under certain conditions.

The representative for Western Europe of the UNHCR asked in a letter of 20 November 2012 that the acquisition of citizenship for stateless persons and refugees should be facilitated. So did the 'Lëtzeburger Flüchtlingsrot' (Council of Luxembourg Refugees, a grouping of NGOs such as ASTI, CLAE, Amnesty international, Association Solidarité Tiers Monde etc.), arguing furthermore that persons aged over 60 and refugees established as 'particularly vulnerable' should be exempted from the language test.

The Consultative Commission for Integration of Luxembourg-City in a letter of 11 January 2013 asked to reduce the compulsory residence period to five of the last eight years, to lower the level of the language test (from B1 to A2) and to introduce *ius soli* for the second generation.

### *The final straight of the reform process (2013)*

In a press conference held on 24 January 2013, Minister Biltgen presented the results of the public consultation through the internet. Some 200 citizens, associations and institutions gave feedback on the existing citizenship law, particularly in relation to language, the length of residence and the issue of marriage. Citizens, Luxembourgers as well as non-Luxembourgers, principally told about their personal experience. All commentaries were published on the webpage of the Ministry of Justice.

The last step before elaborating and launching a bill in parliament was the consultation debate at the Chambre des Députés held on 31 January 2013. Minister Biltgen had addressed a questionnaire to all members of parliament about the reform. The main questions concerned the residency clause, special naturalisation (preferential access to citizenship for foreign spouses etc.), the language test in

<sup>24</sup> This consultative body gives advice to the government on migrant questions. Half of its members are elected by foreigner's associations, the other half are Luxembourgish citizens.

Luxembourgish, *ius soli*, reacquisition, civic courses and character and criminal record requirements.

Among the different political parties, a great consensus emerged, confirming the reform ideas of the minister. All parties, except the right-wing ADR, agreed concerning the success of certain aspects of the NLNL: multiple citizenship, administrative rapid practice, objective criteria for the character and criminal record condition, and the possibility of appeal. Most speakers agreed that the problematic aspects already foreseen in 2008 to be weak points of the law proved to be such in the period of its implementation. All parties, except the right-wing ADR, were in favour of reducing compulsory residency to five years, with more flexibility regarding the reference period, special naturalisation conditions for foreign spouses, children born in Luxembourg, stateless persons, and refugees, and *ius soli* provisions for the second generation. Concerning the language test, the liberal and socialist junior partners advocated a lowering to level A2, while the Left and Green parties were against the test and wanted a return to the language conditions of the law of 2001. The ADR wanted the status quo on this point and the minister's Christian Social party wanted to maintain the level of difficulty, but with the possibility of compensation, under certain conditions, for a moderate failure in the language test (expression) by good results obtained in the other test (comprehension).

As a great consensus is evident on the main points of the minister's agenda – the lowering and flexibility of residence conditions, flexibility in the language test, new *ius soli* provisions for the second generation, and reintroducing preferential access for certain groups (principally in the case of marriage), Biltgen announced that he would launch a bill before Easter 2013. Even if the details are still to be critically analysed, a further major step in liberalising citizenship legislation appears imminent.

## 5 Conclusions

In 2008 Luxembourg embarked on a major reform of its citizenship law, which led to a considerable liberalisation of its legislation by making dual or multiple citizenship possible and by reintroducing double *ius soli*. Considering that nearly 45 per cent of the population living in the Grand Duchy of Luxembourg do not have Luxembourgish citizenship, this touches upon a number of important democratic and demographic issues.

The conservative party, which has the majority in the government and the Chamber of Deputies, put reform of the citizenship law on its political agenda after 2001 and committed itself to adopting the principle of dual citizenship as a way of resolving these issues which are particular to a small country like Luxembourg.

The Luxembourgish legal system was traditionally hostile to dual or multiple citizenship. Its attachment to the principle of the uniqueness of citizenship was founded on the desire to safeguard the national unity of a small country in close contact with countries granting their citizenship according to more liberal criteria.

However, the national unity of Luxembourg has gradually changed due to the duality of its population: the natives and the foreigners. The challenge to the current political authorities is the necessity of promoting national unity in law by gradually integrating the various groups of immigrants into the national community. These

groups of immigrants are already de facto part of this community on an economic and social level through their harmonious integration, characterised in particular by a sufficiently long stay in the country and respect for its laws.

The rejection of dual citizenship, sensible in the past, nowadays hinders its initial purpose. A more liberal attitude towards acquisition of citizenship is precisely the way to protect national unity these days in a nation seen as an evolving phenomenon and, in particular, to surpass the concept of a nation based on ethnic criteria, naturally inclined to protect itself by withdrawing into itself and rejecting ‘the others’. This perspective helps to focus, on the contrary, on the elective nation which constitutes an open community harmoniously integrating newcomers.

The law of 2008 appears in this general frame as a hopeful but not sufficient measure. The introduction of *ius soli* not only for the third but also for the second generation of migrants and more flexible residence and language skills requirements are the next steps. The fact that only 45 per cent of the resident population of Luxembourg has the right to vote in national elections underlines the real problem of the democratic legitimacy of the political decision processes in Luxembourg. Or, in the words of the MP of the Green Party, Felix Braz, speaking during the final debate on the NLNL on 15 October 2008: *‘Dëst Gesetz, Här Prääsident, mécht wuel eng Partie Dieren op, mä dëst Gesetz mécht d’Äerm net op fir d’Leit opzehuelen. Wéini maache mer dat?’* (‘This law, Mr President, no doubt opens some doors, but this law doesn’t open arms to welcome people. When shall we do that?’).

Four years after, demographic and economic pressure of an ever stronger immigration, joint initiatives and campaigns of economic stakeholders such as the Chamber of Commerce and NGOs such as ASTI, and a new Minister of Justice committing himself publically to openness regarding citizenship acquisition conditions have made possible these steps forward. A very promising bill is about to be launched. In 2013, Luxembourg will hopefully enter into a new period, inspired by this fundamental challenge for countries that experience, like Luxembourg, strong immigration and population growth: How can we encompass through citizenship legislation as many people as possible in a political and societal common future project?

## Bibliography

- Calot, G. (1978), *La démographie du Luxembourg. Passé, présent et avenir [The Luxembourg demography. Past, present and future]*, Luxembourg: Statec.
- Delaporte, F. & Goerens, J.-M. (1997), 'L'étranger dans la Cité' [The stranger in the Polis], *Annales du droit luxembourgeois*, 7: 93-112.
- Delpérée, F. & M. Verwilghen (2003), 'Citoyenneté multiple et nationalité multiple au Grand-Duché de Luxembourg' [Multiple citizenship and multiple nationality in the Grand-Duchy of Luxembourg]: rapport présenté au Gouvernement du Grand-Duché de Luxembourg à la demande de M. Luc Frieden, Ministre de la justice, *Annales du droit luxembourgeois*, 13: 61-220.
- Fehlen, F. (1999), 'Une petite société en mutation, le Luxembourg entre ouverture et repli' [A small society undergoing transformation, between openness and withdrawal], in G. Trausch (ed.), *Le Luxembourg au tournant du siècle et du millénaire - tentative d'un bilan [Luxembourg at the turn of the century and the millennium - an assessment attempt]*, 112-129, Luxembourg: Schortgen.
- Fehlen, F. (2008), 'Die Wählerschaft von CSV und Rechtspartei im Lichte der empirischen Wahlforschung' [The electorate of the CSP and the right-wing party in the light of the empirical electorate research], in G. Trausch (ed.), *CSV: Spiegelbild eines Landes und seiner Politik? Geschichte der Christlich-Sozialen Volkspartei Luxemburgs im 20. Jahrhundert [CSP: reflection of a country and its policy? History of the Christian Social Popular Party of Luxembourg in the 20th century]*, 463-501, Luxembourg: Saint-Paul.
- Fehlen, F. (2009), *Baleine Bis. Une enquête sur un marché linguistique multilingue en profonde mutation - Luxemburgs Sprachenmarkt im Wandel [An enquiry on a multilingual linguistic market undergoing deep transformation]*, Luxembourg: Sesopi.
- Juncker, J.-Cl. (2003), 'Conférence inaugurale de la campagne de réflexion et de débat de l'Asti' [Inauguration conference of the reflection and debate campaign of the Asti], le 28 mars 2002 à l'auditoire du Centre universitaire à Luxembourg, *Migrations: les enjeux! [Migrations: the challenges] Conférences & colloque 2002: les contributions, ensemble*, 71-72
- Juncker, J.-Cl., *Déclaration du Premier Ministre Jean-Claude Juncker portant sur le programme gouvernemental*, 4 août 2004. [www.gouvernement.lu](http://www.gouvernement.lu).
- Kollwelter, S. (2005), *Active civic participation of immigrants in Luxembourg. Country report prepared for the European research project POLITIS*, [www.uni-oldenburg.de/politis-europe](http://www.uni-oldenburg.de/politis-europe)
- Majerus, P. (1990), *L'État luxembourgeois. Manuel de droit constitutionnel et de droit administrative [The Luxembourg State. Manual of constitutional law and administrative law]*, Esch-sur-Alzette: Editpress.
- Moyse, F., Scuto, D. & P. Brasseur (2006), 'Luxembourg', in R. Bauböck & al. (eds.), *Acquisition and Loss of Nationality. Policies and Trends in 15 European*

*States. Volume 2 : Country Analyses* , 367-389, Amsterdam: Amsterdam University Press.

- Schockweiler, F. (1996), 'Le droit luxembourgeois de la nationalité' [*The Luxembourg nationality law*], in B. Nascimbene (ed.), *Nationality Laws in the European Union*, 505-543, London: LexisNexis Butterworth.
- Scuto, D. (2005), 'Qu' est-ce qu'un Luxembourgeois? Histoire de la nationalité luxembourgeoise du Code Napoléon à nos jours' [What's a Luxembourger? History of the Luxembourg nationality from the Code Napoleon till nowadays], *Forum* (244): 40-46.
- Scuto, D. (2009), *La construction de la nationalité luxembourgeoise. Une histoire sous influence française, belge et allemande (1839-1940)* [*The construction of Luxembourg nationality. A history under French, Belgian and German influence*], Thèse de doctorat en histoire, Université Libre de Bruxelles.
- Scuto, D. (2012), *La nationalité luxembourgeoise (XIXe-XXIe siècle). Histoire d'un alliage européen*, Bruxelles : Editions de l'Université de Bruxelles.
- Trausch, G. (dir.) (2002), *Histoire du Luxembourg. Le destin européen d'un « petit pays »* [*History of Luxembourg. The European destiny of a "small country"*], Toulouse : Privat.
- Wey, C. (2003), 'Le champ politique luxembourgeois et les étrangers. Le consensus sociopolitique face à la politique d'intégration' [The Luxembourg political field and the strangers. A sociopolitical consensus vis-à-vis the integration policy], *Migrations: les enjeux!* [*Migrations: the challenges*] *Conférences & colloque 2002: les contributions, ensemble* 71-72: 90-98.
- Wey, C. (2005), 'Discours et politiques d'immigration et d'intégration au Luxembourg' [Immigration and integration discourses and policies in Luxembourg], in V. Ferry, P. Galloro & , G. Noiriél (eds), *20 ans de discours sur l'intégration* [*20 years of discourses on integration*], 151-162, Paris : L'Harmattan.

