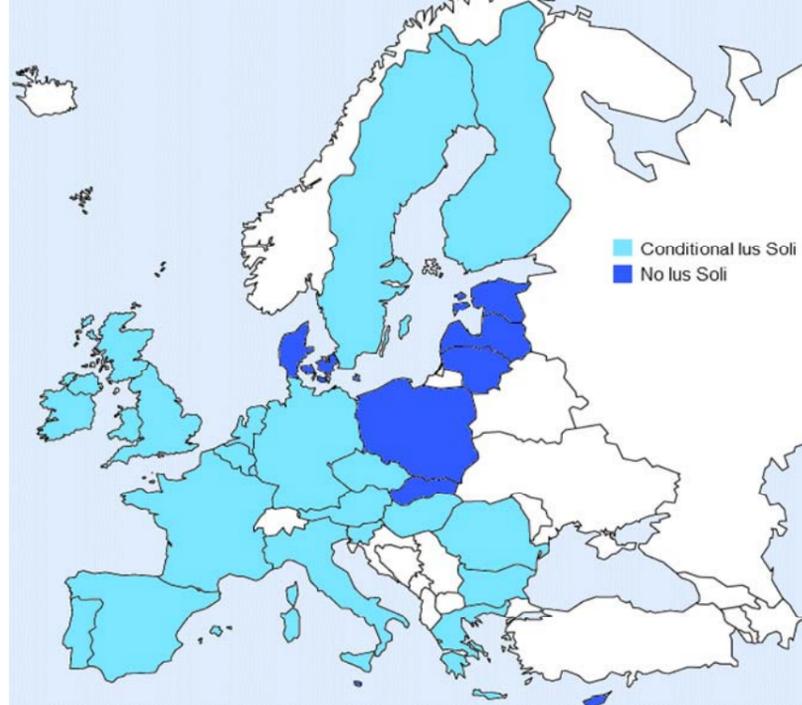


Citizenship acquisition through birth in the territory (ius soli)

In awarding citizenship to those born in the country, ius soli automatically incorporates the children of immigrants as members at birth or thereafter. Ius soli prevents persons born and raised in EU Member States from remaining foreign nationals with limited rights to residence and political participation.

- In 2010 ius soli exists in some (often only weak) form in nineteen EU Member States.
- Since 1989 we have recorded thirteen instances of significant extensions and ten of restrictions of ius soli. Ius soli has, for example, been introduced or strengthened in Germany (2000), Portugal (2006), Luxembourg (2009) and Greece (2010), while ius soli was removed in Malta (1989) and Denmark (2000), qualified in Ireland - the last pure ius soli regime in Europe until 2004 - and made subject to additional conditions in other cases.
- The trend is thus towards the wider availability of ius soli citizenship, but in more conditional forms, dependent on prior parental residence and on other conditions identified with integration.

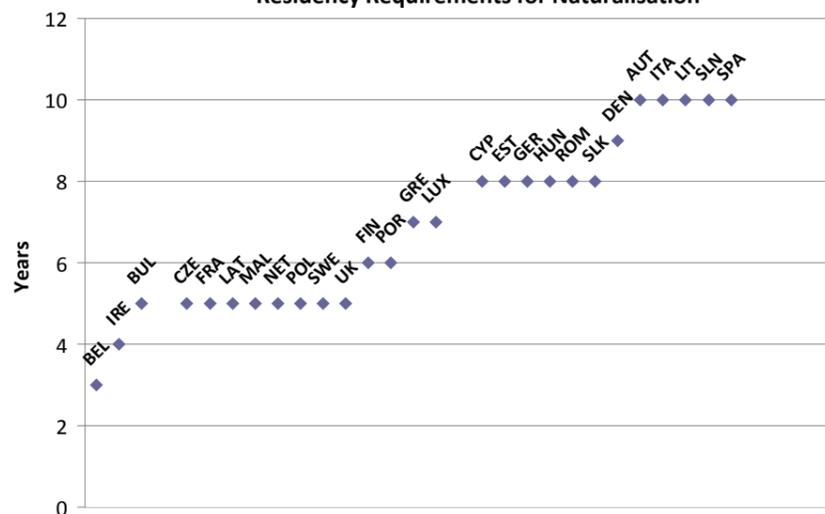


Forms of ius soli citizenship in EU Member States 2010

At birth		After birth	
If prior parental residence	Parental birth in country	automatic/option	facilitated naturalisation
Belgium Germany Greece Ireland Portugal United Kingdom	Belgium France Greece Luxembourg Netherlands Portugal Spain	Belgium Finland France Greece Italy Netherlands Spain Sweden United Kingdom	Austria Bulgaria Czech Republic Hungary Italy Portugal Romania Slovenia Spain

Naturalisation: stricter tests but wider toleration of dual citizenship

Residency Requirements for Naturalisation



There are some common trends in conditions for naturalisation, but EU enlargement has also increased the diversity of approaches in EU Member States.

We find some convergence with regard to:

- prevalent and stricter use of integration requirements, including language skills and civic tests

- permanent residence status as a requirement for naturalisation
- stronger procedural rights: justification of negative decisions and subsequent right of appeal.

Important differences between national policies persist with regard to:

- the use of integration requirements: while 22 Member states have a language requirement, only 15 assess country knowledge and only 2 have special citizenship ceremonies
- residency requirements vary between three to ten years
- fees for naturalisation ranging from free or nominal administrative fees to over €1000.- per applicant
- toleration of dual citizenship, with 12 EU member states still requiring renunciation of a previous nationality.

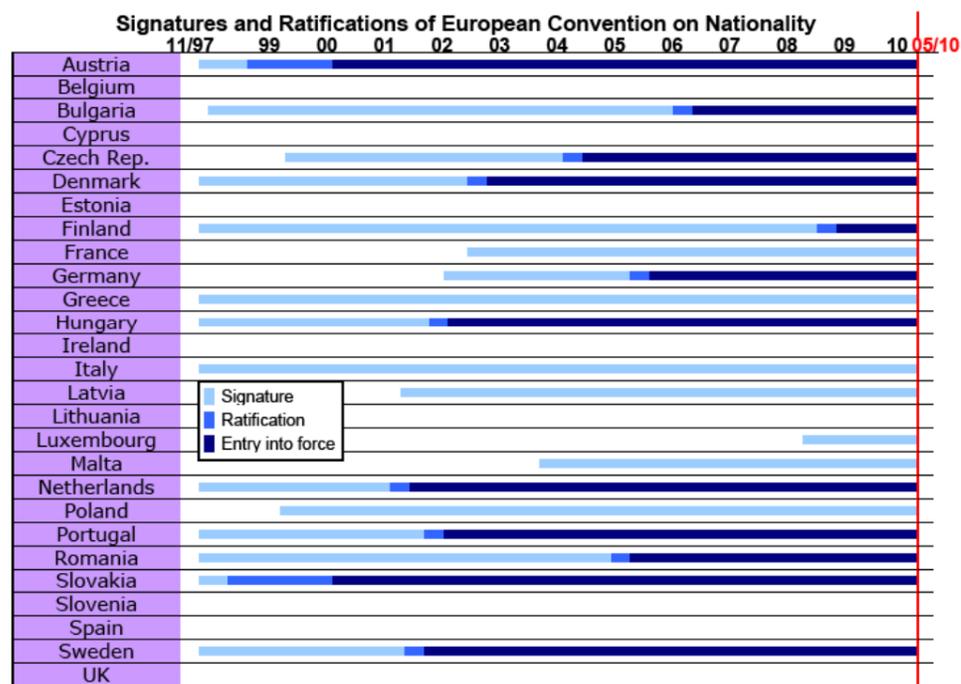
Access to citizenship – a common concern for the Union and its Member States

EU citizenship is derived from Member State nationality. It is additional to nationality of the Member States without replacing it. And Member states are free to determine under their own nationality laws who will be their nationals and therefore also citizens of the Union. Although the EU has no power to regulate or harmonise nationality laws, there are several reasons why access to citizenship is a common concern for Member States and for the EU itself.

- There is an evident tension between freedom of movement as the core right of EU citizenship and the power of Member States to deprive persons who have moved to another Member State of their nationality and EU citizenship. The European Court of Justice has recently pointed out in its judgment in the Rottmann case on 2 March 2010 that in exercising their powers to withdraw nationality, Member States must apply a principle of proportionality and have due regard to European Union law.
- EU citizens who settle in another Member State have few incentives to adopt the nationality of their country of residence. Their naturalisation and political participation rates are generally very low. Only two countries (Austria and Italy) currently provide for facilitated naturalisation of EU citizens through shorter residence requirements. Mobile EU citizens remain therefore largely excluded from democratic participation and representation in their Member States of permanent residence.
- For third country nationals, access to the nationality of a Member State depends in most cases on the time of legal residence in that country. In many states, only years spent as permanent resident are counted towards naturalisation. Where more than five years are required, long-term resident third country nationals who make use of their rights to move to other Member States under directive EC109/2003 may never qualify for access to a Member State nationality and EU citizenship.
- The Tampere European Council of 1999, the Common Basic Principles for Integration of 2004, and several reports by the European Commission acknowledge that “the prospect of acquiring Member State citizenship can be an important incentive for integration” of third country nationals. Several Member States regard, however, naturalisation as the endpoint and reward for a completed process of integration. The EU agenda of promoting the integration of immigrants from third countries remains incomplete without promoting their access to citizenship under fair conditions and automatic acquisition for their children born and raised in a Member State territory.

- Seventeen Member States allow that their nationality can be inherited abroad without any generational limits. Several states offer preferential naturalisation to persons whom they consider as ethnic relatives or whose ancestors had been nationals. Potentially large populations without genuine link to any Member State get thereby access to EU citizenship and the right of admission and settlement in any Member State.

The EUDO Observatory on Citizenship is mainly financed by the European Fund for the Integration of Third Country Nationals. The opinions expressed in this leaflet do not necessarily reflect the position of the EC. EUDO CITIZENSHIP offers reliable and comprehensive information on the citizenship laws and policies of all EU states and neighboring countries. It provides facts and analyses for evidence-based reform proposals and promotes debates involving NGOs, policy-makers and academic researchers at <http://eudo-citizenship.eu>.



Trends in international law on nationality

The 1997 European Convention on Nationality (ECN) consolidates, for the first time in a single document, international and legal norms on nationality that have evolved over past decades.

Novelties introduced by the ECN:

- Unlike previous Treaties, the ECN allows for multiple nationality. The ECN lists acceptable grounds for acquisition and loss of nationality (Art. 6, 7 and 8).
- There is a guiding principle of non-discrimination between nationals by birth and by naturalisation (Art. 5(2)).

The ECN promotes minimum standards for nationality laws in Europe:

- Rates of ratification are higher than for previous specialised Treaties on nationality.
- However, many states have made reservations and there is no independent body reviewing the national implementation of Treaty obligations.

Loss of citizenship through withdrawal or renunciation

Loss of citizenship is more precisely regulated by international norms than acquisition. Art. 7 and 8 of the 1997 European Convention on Nationality, signed by 19 and ratified by 12 EU Member States, provide the most comprehensive norms in international law for withdrawal and renunciation of citizenship. In spite of these international norms, national regulations and procedures of citizenship loss vary strongly across EU Member States.

- All EU Member States allow for voluntary renunciation or release by citizens residing permanently abroad who have access to, or possess another citizenship. Some states maintain, however, restrictions for persons who have military service obligations, tax debts or other legal duties.
- Ten EU Member States provide for the automatic loss of citizenship due to long-term residence abroad and eleven for automatic loss in case of voluntary acquisition of another citizenship. The number of countries with such provisions is decreasing as part of a general European trend towards the acceptance of multiple citizenship. A few countries also make exceptions for residence in another EU Member State (Netherlands) or acquisition of the citizenship of another EU Member State (Germany).
- An increasing number of countries foresee a revocation of naturalisation obtained by fraud, even when this leads to statelessness. This possibility was also upheld by the ECJ in the *Rottmann* case (decided on 2 March 2010).
- The loss of citizenship by a parent often also has consequences for the citizenship status of minor children. This may be acceptable in specific circumstances but the interest of the child in retaining a citizenship should carry more weight than it currently does.

EU citizenship: derived from Member State nationality but strengthened by the ECJ

EU citizenship is established by the Treaty of Maastricht in 1993 and derivative upon national citizenship: EU citizens are the nationals of the Member States.

- EU citizenship rights primarily impact upon 'mobile' citizens, exercising free movement rights.
- The Court of Justice has been the essential motor in developing a constitutionalised concept of citizenship, filling out the thin texts of the Treaties.
- However, the ECJ has had only a limited impact hitherto on national rules on acquisition and loss of citizenship, although Member States must apply citizenship laws *having due regard* to the requirements of EU law.
- In the 2010 *Rottmann* case, the ECJ held that a decision of a Member State to revoke the naturalisation of a citizen, where the naturalised citizen had failed to disclose relevant facts about himself during the naturalisation process, fell *by reason of its nature* within the scope of EU law if it resulted in the person in question ceasing to be an EU citizen.
- The ECJ then invited the national court to apply a proportionality test in order to ascertain whether or not the national authorities had correctly weighed the reasonableness of the decision to withdraw naturalisation, given the circumstances of fraud, against the impact upon a citizen and his family, who might wish to exercise free movement rights.

External citizenship: How easy is it to retain or acquire a Member State nationality outside the territory?

Most EU Member States do not withdraw nationality on grounds of long-term residence or naturalisation abroad. 17 Member States allow for infinite transmission of their nationality through descent without a residence criterion. In the map to the right countries are classified by measuring how many legal obstacles there are for retaining or acquiring citizenship abroad.

- maximally expansive (0 obstacles)
- strongly expansive (0.5 - 1 obstacles)
- weakly expansive (1.5 - 2 obstacles)
- least expansive (2.5 - 3 obstacles)

Based on nationality laws at the end of 2009

