EUDO Citizenship: An Introduction
Citizenship News

Hollande drops plans to revoke citizenship of terrorism suspects
Published on: 30/03/2016

New law grants citizenship to grandchildren of Uruguayan citizens who reside abroad
Published on: 21/03/2016

Former president of Romania seeking Moldovan citizenship
Published on: 21/03/2016

Embassy and e-voting would facilitate electoral participation by Europeans living abroad
Published on: 17/03/2016

Naturalisations in the UK and Ireland on the rise due to fears from Brexit

Read More News
Keep me informed

Announcements

- PhD position in Philosophy at Uppsala University with specialisation in Philosophy of Law in the context of the Civis Sum project directed by Patricia Mindus. Contact: patricia.mindus@filosofi.uu.se
  Published on: 25/03/2016

- CIP: The Ustinov Annual Conference “Establishing the Global Citizen: Multidisciplinary Perspectives on Global Citizenship” at the University of South Africa, 2016

Publications on Citizenship

The Europeanisation of Citizenship Governance in South-East Europe

By Jelena Dzankic, Simonida Kacarska, Natasa Pantic (eds), Routledge, 2016

Welcome to EUDO CITIZENSHIP

Democracy is government accountable to citizens. But how do states determine who their citizens are? EUDO CITIZENSHIP allows you to answer this and many other questions on citizenship in the EU member states and neighbouring countries.
Introducing EUDO CITIZENSHIP

No. 1 source of information on citizenship laws and access to the franchise

User-friendly open access

Major collection of data and analyses

Academic researchers, policy communities, practitioners

http://eudo-citizenship.eu/
Key figures

- 250+ publications including country reports, comparative analyses, and working papers
- 270,000 website visitors
- 430,000 web sessions between 2010 and 2016
- Covering 68 countries in Europe and the Americas.
- Case law database currently covering 57 countries and 514 cases.
- 150 country experts
- 112 external contributors
Projects

ACIT

- 7 Comparative reports
- 3 Methodological papers
- 10 National Handbooks on "Access to Citizenship and its Impact on Immigrant Integration"

FRACIT

- European Parliament policy study
- 25 Country Reports on 'Access to Electoral Rights'

ILEC

- 5 Comparative reports
- 5 Policy briefs
- Statistical Database on Loss of Citizenship
Research

COUNTRY PROFILES

Electoral Rights

Citizenship laws

CITIZENSHIP

COMPARATIVE

Databases

Indicators

Citizenship

Electoral Rights

CITLAW

ELECLAW
Databases

- Country Profiles
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- Databases
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- News Commentaries

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- Citizenship Case Law
- International Legal Norms
- Modes of Acquisition and Loss of Citizenship

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- Citizenship Links
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- Protection Against Statelessness
Global Database on Modes of Acquisition of Citizenship

Typology of 27 ways in which citizenship can be acquired

42 European states and 35 states in the Americas and the Caribbean

1 January, for the period 2013-2016, annual updates

Two types of searches: by country or by mode (cannot be combined)
Comparing Citizenship Laws: Acquisition of Citizenship

The EUDO CITIZENSHIP Global Database on Modes of Acquisition of Citizenship

The EUDO CITIZENSHIP Global Database on Modes of Acquisition of Citizenship can be acquired across the world. Citizenship laws on how citizenship can be acquired vary from country to country. The Global Database incorporates the previous database on citizenship and adds information on 41 European states, and will gradually be updated with information on states in the Americas and the Caribbean. The EUDO CITIZENSHIP Database is updated in January 2015 (in a future expansion we also aim to incorporate information on non-European states). The database allows two types of searches (search by country and search by mode) and view all results.

The database is available to citizens in any European state, covering all 41 European states on 1 January 2015. The database also adds information on 35 non-European and American states on 1 January 2015. The database is updated annually, but this feature is not yet incorporated. The database relies on invaluable input from country experts who provide information on how citizenship laws can be acquired across countries. See here for a complete overview of the comparative typology.

The comparative typology of modes of acquisition of citizenship requires therefore a standardisation of categories. The Global Database outlines a comprehensive typology of modes of acquisition of citizenship which outlines, in a systematic manner, the different ways in which citizenship can be acquired. This typology outlines a standardized 'target person', and provides a systematic, comprehensive typology of modes of acquisition. For each mode of acquisition the Global Database adds information on 35 non-European and American states on 1 January 2015.
Comparing Citizenship Laws: Acquisition of Citizenship

EUDO CITIZENSHIP Global Database on Modes of Acquisition of Citizenship

The EUDO CITIZENSHIP Global Database on Modes of Acquisition of Citizenship includes information on the different ways in which citizenship can be acquired across the world. Citizenship laws often use different terms for similar rules. Comparing legal provisions on acquisition and loss of citizenship requires therefore a standardisation of terms and definitions. The database is organized around a comprehensive typology of modes of acquisition of citizenship which outlines, in a systematic way, 27 ways in which citizenship can be acquired. For each mode of acquisition the typology outlines a standardized ‘target person’ which allows comparing rules applicable to similar groups across countries. See here for a complete overview of the comparative typology.

The Global Database on Modes of Acquisition of Citizenship covers information on 42 European states and 36 states in the Americas and the Caribbean. The Database includes information on laws in force in these 77 states on 1 January of a given year. The Database includes information for the period 2013-2016 and will be updated annually.

The database allows two types of searches (search types cannot be combined):

- Country: search by country and view all regulations in one country (for all available years or select a specific year).
- Mode: search by mode and view similar regulations across countries (for all available years or select a specific year).

Search by Country

Select Country: 

Select Year: 

Select Mode: 

Search 

Search by Mode

Select Mode: 

Select Year: 

Search 

Country: Selection

The EUDO CITIZENSHIP Global Database on Modes of Acquisition of Citizenship has been developed by a project team of EUDO.
## Mode A02a: Birth in country (2nd generation)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Article in law</th>
<th>Procedure</th>
<th>Conditions</th>
<th>Changes since 1985</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>2016</td>
<td>GER 4(3)</td>
<td>Automatic</td>
<td>Person is born in Germany to a citizen of another country who has been resident in Germany for 8 years, or to a citizen of Switzerland who holds a permanent residence permit.</td>
<td>2000, 2005</td>
</tr>
<tr>
<td>Ireland</td>
<td>2016</td>
<td>IRE 6(1),(2), 6A, 6B</td>
<td>Automatic</td>
<td>Person is born in Ireland to a citizen, or to a person with permanent residence in Ireland or the UK, or to a person who was resident in Ireland for 3 out of the last 4 years.</td>
<td>2001, 2004</td>
</tr>
<tr>
<td>Netherlands</td>
<td>2016</td>
<td>No provision</td>
<td>n.a.</td>
<td>n.a.</td>
<td>No major changes</td>
</tr>
<tr>
<td>Portugal</td>
<td>2016</td>
<td>POR 1(1)(e)</td>
<td>Declaration</td>
<td>Person is born in Portugal to a person who has been resident there for 5 years.</td>
<td>2006</td>
</tr>
<tr>
<td>Sweden</td>
<td>2016</td>
<td>No provision</td>
<td>n.a.</td>
<td>n.a.</td>
<td>No major changes</td>
</tr>
</tbody>
</table>

**Article in law**: articles refer to the consolidated version of the current citizenship law of a specific country, as provided at the profile page of each country, unless stated otherwise. Material conditions may be specified in lower level legislation, such as circulars or regulations. In contrast to Europe, the states in the Americas and the Caribbean frequently address citizenship in their Constitutions. The database uses 'Const' as a short-hand when referring to constitutional provisions.

**Procedure**: refers to the procedures for acquiring or losing citizenship. Please refer to the Citizenship Glossary for an explanation of the different procedures.

**Conditions**: refers to the conditions for acquiring or losing citizenship, in addition to the general condition stated in the description of each target group. Unless indicated otherwise a "person" refers to a person who has reached the age of majority and "residence" refers to legal residence only (as defined by national law).

**Changes**: refers to major changes in the citizenship legislation of a country. Generally changes since 1980 are covered and only the year of a change is indicated. For some countries the content of these changes is described in more detail. In future updates of the Database the goal is to do so for relevant changes in all countries included in the Database.
Global Database on Modes of Loss of Citizenship

Typology of 15 ways in which citizenship can be lost

42 European states and 35 states in the Americas and the Caribbean

1 January, for the period 2013-2016, annual updates

Two types of searches: by country or by mode (cannot be combined)
The Global Database on Modes of Loss of Citizenship covers information on 42 European states and 35 states in the Americas and the Caribbean. The Database includes information on laws in force in these 77 states on 1 January of a given year. The Database includes information for the period 2013-2016 and will be updated annually.

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- **Mode**: search by mode and view similar regulations across countries (for all available years or select a specific year).

### Search by Country

Select Country:  
Select Year:  
Select Mode:  

### Search by Mode

Select Mode:  

**Country**: Selection

The EUDET/CITIZENSHIP Global Database on Modes of Loss of Citizenship is a collaborative project among the 27 EU member states and 37 non-EU states, coordinated by Maarten Vink (Maasland), Baubock (European University Institute), Iseult Honohan (University College Dublin), and Licio G清水 (University of Faro). The Database relies on invaluable input from country experts in Europe and the Americas.

The comparative typology of modes of loss of citizenship builds on earlier work by Harald Waldrauch (see more information [here](#)) and has been subsequently refined and expanded.

This database is made available freely for non-commercial use by the general public. We ask that users of the database acknowledge its source when using the data in their publications. Please cite as follows:
Database on Protection Against Statelessness

Typology of 17 categories of persons that are at risk of being or becoming stateless

41 European states and 35 states in the Americas and the Caribbean

January 2015

Two types of searches: by country or by mode (cannot be combined)
Database on Conditions for Electoral Rights

Conditions and procedures of access to the franchise in 13 types of elections

28 EU Member States and in 20 American countries

3 categories of persons: citizen residents, non-citizen residents, and non-resident citizens

Conditions and procedure of eligibility for voting and standing as candidate, in each type of elections and for each category of persons
Indicators: citizenship & electoral rights

- CITLAW
- CITACQ
- CITINT
- CITIMP
- ELECLAW
Measure the degree of inclusion and freedom of choice for the target group of a legal provision.

Aggregated at different levels in order to analyse more general features of citizenship laws.

The 6 highest level CITLAW indicators that are calculated using all 45 basic indicators are: ius sanguinis, ius soli, residence-based ordinary naturalisation, naturalisation on specific grounds, voluntary renunciation and withdrawal/lapse.

Calculated for 42 European states for 2011.
CITIMP

Allow for comparisons of the specific steps in the procedure across countries.

Simple average of five dimensions: promotion, documentation, discretion, bureaucracy, review.

Allow for comparisons of the specific steps in the procedure across countries. Can be combined with CITLAW naturalisation indicators and CITACQ statistical indicators in order to analyse the impact of a legal regime on the rates of citizenship acquisition.

Calculated for 35 European states, as well as for three German federal provinces.
Differences in socio-economic outcomes for various groups can be visualized by selecting indicators and population categories.

Population categories are divided at the first level into citizens and non-citizens, at the second level into natives and first generation immigrants/foreign-born, and at the third level into EU- and non-EU citizens.

Among non-citizens, only first generation immigrants are included in our data, i.e. second and later generations without the citizenship of their country of residence are not included in the data set.

Labour Force Indicators and Socio-Economic Status Indicators
Information on the following indicators for citizenship acquisition: ALL, SEX, ORIGIN, AGE AT MIGRATION, YEARS OF RESIDENCE (by cohort), YEARS OF RESIDENCE (minimum number of years), TIME UNTIL NATURALISATION.

Calculated for 25 European states.
Degree of inclusion of electoral franchise for three categories of potential voters or candidates: resident citizens, non-resident citizens and non-citizen residents.

Covers the right to vote (VOTLAW) and the right to stand as candidate (CANLAW) in three types of elections (presidential, legislative and referendum) at four levels (European, national, regional and local).

Indicators cover 28 Member States of the European Union and are based on electoral laws as of 2013.
Case law database

Citizenship Case Law Data Entries

- Case name, code or number
- Court instance and type
- Date of the decision
- Legal provision invoked in the case
- Summary of the decision and the court’s reasoning
- Brief comment on relevance of the case
- Summary of material facts of the case and legal issues addressed
**Case law database: selection criteria**

- Up to **10 – 15 cases** in each country which the CE considered to be the most significant, arising before domestic courts, ECHR, and ICJ
- What are ‘**most significant**’ cases? 5 interlinked categories

<table>
<thead>
<tr>
<th>Category</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wider normative effect</td>
<td>- High profile constitutional court cases about rights and obligations</td>
</tr>
<tr>
<td></td>
<td>- Influencing formulation of nationality law</td>
</tr>
<tr>
<td>Interpreting cases</td>
<td>- Interpreting key concepts and variables</td>
</tr>
<tr>
<td></td>
<td>- Affiliation, dual nationality, ius sanguinis, statelessness, etc.</td>
</tr>
<tr>
<td>Citizenship narrative</td>
<td>- Specific groups of people, historical conditions, rights of contested categories of citizens, kin state nationals</td>
</tr>
<tr>
<td>Executive discretion</td>
<td>- Withdrawal of nationality on public safety grounds, etc.</td>
</tr>
<tr>
<td>Human rights claims</td>
<td>- Minority rights, race, ethnicity, etc.</td>
</tr>
</tbody>
</table>
Citizenship Case Law

In recent decades courts have become more actively involved in decisions about citizenship status and rights. EUDO CITIZENSHIP has created a database collecting some of the most important national, European and international court decisions. This is not intended to be a comprehensive database.

Cases selected meet at least one of the following criteria:

- having a wider normative effect
- interpreting key concepts of nationality law, such as affiliation, dual nationality, nationality by birth, statelessness, etc.
- illustrating specific national concerns about certain groups or historical conditions
- concerning the exercise of executive discretion
- involving human rights claims

Case Laws Database

Search in the database. You can select one or more search criteria

Keywords: 
Year: 
Country: 
- National case law
- European & international case law

Search
### Citizenship Case Law

**United Kingdom**

31 case laws found in 4 pages, click on a title to get more information.

<table>
<thead>
<tr>
<th>Title</th>
<th>Country</th>
<th>Court</th>
<th>Date</th>
<th>Full Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelley Elizabeth Romain v The Secretary of State for the Home Department [2018] CSIH 24 (Reclaiming...</td>
<td>United Kingdom</td>
<td>Inner House of the Court of Session</td>
<td>01/04/2016</td>
<td></td>
</tr>
<tr>
<td>R(Bondada) v Secretary of State for the Home Department [2015] EWHC 2661 (Admin)</td>
<td>United Kingdom</td>
<td>High Court of Justice of England and Wales (Administrative Court)</td>
<td>15/10/2015</td>
<td></td>
</tr>
<tr>
<td>R (on the application of SA) v Secretary of State for the Home Department [2015] EWHC 1611 (Admin)</td>
<td>United Kingdom</td>
<td>High Court of Justice of England and Wales (Administrative Court)</td>
<td>08/06/2015</td>
<td></td>
</tr>
<tr>
<td>Case C-202/13, The Queen, on the application of Sean Ambrose McCarthy and Others v Secretary of Stat...</td>
<td>United Kingdom</td>
<td>European Court of Justice (Grand Chamber)</td>
<td>18/12/2014</td>
<td></td>
</tr>
<tr>
<td>Petition of Shelly Elizabeth Romain for Judicial Review of the SSHD [2014] CSOH 174</td>
<td>United Kingdom</td>
<td>Outer House, Court of Session</td>
<td>10/12/2014</td>
<td></td>
</tr>
<tr>
<td>Rangis Begum v Secretary of State for the Home Department</td>
<td>United Kingdom</td>
<td>High Court of Justice of England and Wales (Administrative Court)</td>
<td>12/09/2014</td>
<td></td>
</tr>
<tr>
<td>R (on the application of Chester) v Secretary of State for Justice and McGeoch (AP) v The Lord Presi...</td>
<td>United Kingdom</td>
<td>Supreme Court of the United Kingdom</td>
<td>16/10/2013</td>
<td></td>
</tr>
<tr>
<td>Case C-300/11, ZZ v Secretary of State for the Home Department</td>
<td>United Kingdom</td>
<td>European Court of Justice (Grand Chamber)</td>
<td>04/06/2013</td>
<td></td>
</tr>
<tr>
<td>B2 v Secretary of State for the Home Department [2013] EWCA Civ 616</td>
<td>United Kingdom</td>
<td>England and Wales Court of Appeal</td>
<td>24/05/2013</td>
<td></td>
</tr>
<tr>
<td>R. (on the application of James Alistair Preston) v The Lord President of the Council [2012] EWCA Ci...</td>
<td>United Kingdom</td>
<td>England and Wales Court of Appeal (Civil Division)</td>
<td>25/10/2012</td>
<td></td>
</tr>
</tbody>
</table>
R (on the application of SA) v Secretary of State for the Home Department [2015] EWHC 1611 (Admin)

Facts and judgment
The High Court has overturned the refusal of British citizenship by the Home Office on character grounds, upon an application by a migrant child. The High Court held that the Secretary of State had acted unlawfully in applying discretionary powers too rigidly, failing to carry out an evaluative exercise, ignoring relevant considerations, treating 16 and 17 year olds as if they were adults for character purposes and arbitrarily and disproportionately interfered with the child's Article 8 private and family life. The Nationality Instructions are also held unlawful in their drawing of a bright line distinction between 16 and 17 year olds and other children.

Provision concerned

Full Text English

Comment
https://www.freemovement.org.uk/refusal-of-a-childs-british-citizenship-application-on-character-grounds-overturned/
Neutral Citation Number: [2015] EWHC 1611 (Admin)  

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT  

Case No: CO/10921/2013  

Royal Courts of Justice  
Strand, London, WC2A 2LL  

Date: 08/06/2015  

Before:  

KARON MONAGHAN QC  
(Sitting as a Deputy High Court Judge)  

Between:  

THE QUEEN ON THE APPLICATION OF  
SA  

- and -  

SECRETARY OF STATE FOR THE HOME DEPARTMENT  

Claimant  

Defendant
Case C-359/13, B. Martens v Minister van Onderwijs, Cultuur en Wetenschap

Facts and judgment
The request has been made in proceedings between Ms Martens and the Minister van Onderwijs, Cultuur en Wetenschap (Minister for Education, Culture and Science) (‘the Minister’) concerning a request by the latter for repayment of the funding for higher education (‘the study finance’) that had been granted to Ms Martens, on the ground that she did not satisfy the requirement laid down by the national legislation according to which she should have been resident in the Netherlands for a period of three out of the six years preceding her enrolment on a course outside the Netherlands (‘the “three-out-of-six-years” rule’).

Detailed Summary
Articles 20 TFEU and 21 TFEU must be interpreted as precluding legislation of a Member State, such as that at issue in the main proceedings, which makes the continued grant of funding for higher education outside that State subject to the rule that the student applying for such funding has resided in that Member State for a period of at least three out of the six years preceding his enrolment.

Provision concerned

Full Text English
Comment
Opinion of Advocate General Sharpston delivered on 24 September 2014 (Dutch)

Opinion of Advocate General Sharpston delivered on 24 September 2014 (English)
Rangis Begum v Secretary of State for the Home Department

Facts and judgment
Facts

The Claimant was born in 1988 in Pakistan. She claims to be the daughter of Mr Moghul Kahn, who was at the time of the Claimant’s birth a British Citizen. Moghul Kahn died a couple of days after the Claimant’s first birthday.

In late 2010/early 2011 the Claimant applied to the British High Commission in Islamabad for a British passport on grounds of acquisition of nationality by descent, pursuant to s2(1) British Nationality Act 1981. The application was rejected on 13 January 2011 on the grounds that the Commission was not satisfied beyond all reasonable doubt of the Claimant’s relationship to Moghul Kahn. This decision was upheld following review by the Commission on 13 July 2012, and again upon review to the Overseas Passport Management Unit (OPMU) in London on 23 May 2013.

The Claimant sought judicial review of the decision of OMPU before the High Court of Justice of England and Wales (Administrative Court). In the course of proceedings the Secretary of State accepted that the standard of proof to be applied in demonstrating citizenship for purposes other than the issue of a passport was the balance of probabilities. However, the standard applied by HMPO had always historically been “beyond all reasonable doubt”.

Held:

Citizenship is a matter of status and an individual is either a British Citizen or not; he cannot be a citizen for one purpose but not for another. Absent specific statutory provision, there must be only one standard to be applied by law in demonstrating citizenship, which applies for all purposes. This standard is the normal civil standard of proof, namely ‘on the balance of probabilities’ [para 20-24].

The decision challenged was erroneous in law and must be quashed as it applied the wrong legal standard.

Provision concerned
British Nationality Act 1981 s.2(1)
Publications

- Comparative studies
- Working papers
- Policy briefs
- Case law notes
- Country reports
Events and Dissemination

EUDO Dissemination Conference: Spreading Citizenship: Regional Dynamics of Norm Diffusion in Europe and the Americas
Florence, November 2015

EUDO Citizenship Dialogue with Peter Spiro: The Equality Puzzles of Plural Citizenship
Florence, May 2016

EUDO Citizenship Dialogue with Patti Lenard: The (re)turn to Conditional Citizenship
Florence, June 2016
Thank you for your attention

Contacts

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See the People section for the Consortium Members, Country Experts and Advisory Board.