

Benchmark

Naturalisation in EU Member States

The situation in the Netherlands compared to other EU Member States

The benchmarks of EMN Netherlands compare the Dutch study results with those of the other Member States of the European Union (EU) and Norway. What are the most relevant similarities and differences? In addition, the current affairs with regard to the subject can be discussed. The benchmarks are a contribution to the full, thematic EMN studies (synthesis reports with all study results per Member State). EMN Netherlands draws up the benchmarks in consultation with Dutch experts involved.

The European Migration Network (EMN) conducted a study in 2019 on the naturalisation of migrants from outside of the EU in 25 Member States¹ of the European Union (EU), including the Netherlands. The study 'Pathways to citizenship for third-country nationals in EU Member States' was published in July 2020. This EMN study provides an overview of the different approaches of Member States to obtaining citizenship for migrants from outside the EU. There are different ways in which citizenship can be obtained. In this study, the focus is on obtaining citizenship through 'ordinary naturalisation'.

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Naturalisation

The synthesis report uses the term *ordinary naturalisation*. According to a recent report published by the European Parliament, a distinction is made between 'ordinary naturalisation' - when the main reason for obtaining citizenship is a certain period of stay in the country, and 'special naturalisation' - when the acquisition of citizenship is based on other aspects, such as family ties, ethnic-cultural connections or special contributions. This study focuses on the acquisition of citizenship by new migrants, i.e. nationals of third countries who do not have pre-existing ties with the Member State.

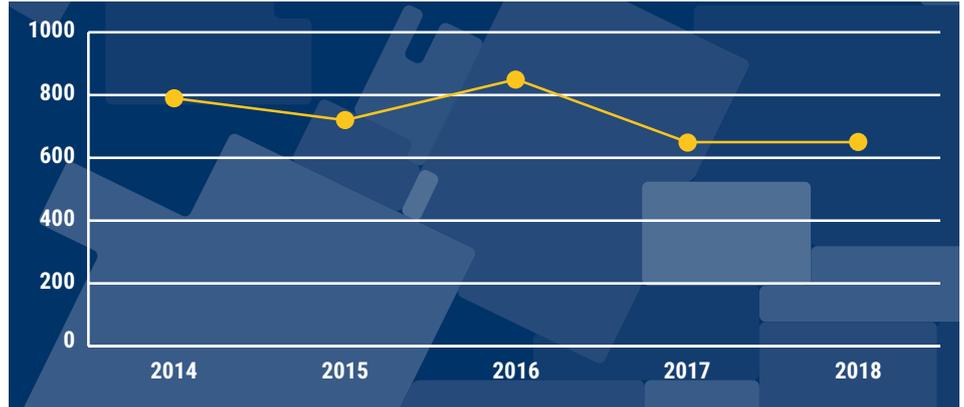
Highlights from the study

- In 2018 about 656,000 migrants from outside the EU obtained citizenship of one of the 28 Member States. This is a decrease by 2.2 % compared to 2017.
- In 2018, migrants from outside the EU obtained citizenship in the United Kingdom (at that moment still a Member State) most often (106,263 persons), followed by Italy (103,463) and France (95,978).
- In the Netherlands, 27,852 persons obtained Dutch nationality in 2018.²
- In 22 Member States³ knowledge of the official language is a condition for 'ordinary naturalisation'. Only in Cyprus, Ireland and Sweden do applicants not need to meet any language requirements to become naturalised.
- In 13 Member States⁴ migrants who want to be naturalised have to pass a citizenship or civic integration test.
- In 14 Member States⁵, the applicant's economic or financial situation is included in the decision to grant citizenship.

Number of third-country nationals having acquired the citizenship of an EU Member State, EU-28, 2014 - 2018 (x1000)

Source: EMN Synthesis Report: 'Pathways to citizenship for third-country nationals in EU Member States'.

- In 16 Member States⁶ that participated in the study, it is not necessary to renounce the previous citizenship to obtain citizenship of one these Member States.
- Nine Member States⁷, including the Netherlands⁸, require applicants to renounce their nationality to obtain citizenship of the Member State concerned.
- Eight Member States⁹ have no legally prescribed time period for the processing of the application. In some cases this does not result in longer processing times.



Acquiring citizenship

Citizenship can be acquired in different ways. In this study, the focus is on obtaining citizenship by ordinary naturalisation'. Only Bulgaria, Finland and Slovakia do not provide for special naturalisation in their legislation.¹⁰ In some countries it is also possible to obtain citizenship by way of economic investment¹¹ or by recovery of lost citizenship.¹²

In the Netherlands, Dutch citizenship can also be obtained by way of the option procedure. The option procedure is a fast and easy way to obtain Netherlands nationality, particularly for persons who have strong ties with the Netherlands. However, as very specific conditions apply, not every third-country national can acquire Dutch citizenship by way of an option.¹³

Conditions for the acquisition of citizenship by naturalisation

Residence

For the acquisition of citizenship by way of 'ordinary naturalisation', all Member States apply a minimum period of residence in the country where the application is made. This period ranges from three to ten years. In about half of the Member States, including the Netherlands, this period is five years.¹⁴ Just as in the Netherlands, the minimum period of residence required varies for specific groups of third-country nationals, such as refugees, spouses, minors, stateless persons, disabled persons and people of a certain age.¹⁵ Both Finland and Sweden have some specific (reduced) requirements in place for applicants from Nordic countries, and in Spain the residence period is shortened from ten years to two years for citizens of e.g. Latin American countries. In Germany, special integration achievements, for example language proficiency above B1, can shorten the required minimum period of residence. An example of an exception in the Netherlands to the period of residence is when the applicant is married to a Dutch national and they have lived together for at least three years.

Interruption of residence

An interruption in the respective minimum period of residence, for example as a result of short holidays and family visits of three months at most is allowed in all Member States. In some Member States¹⁶ an interruption of the residence period for reasons other than those referred to above is not allowed. In most Member States¹⁷ a longer absence during the minimum period is allowed, ranging from 6 to 18 months, usually depending on the required minimum residence period.

In all Member States that took part in the study, except for Poland and Malta, the residence period for 'ordinary naturalisation' is based on legal residence (i.e. registration at the city hall, with the immigration authorities or in a population registry). Mere presence in the country is sufficient in both Poland and Malta. In the Netherlands, in addition to legal residence, the applicant is required to have his or her centre of activities in the country.

In most Member States, the duration of residence is based on physical presence on the territory. Only in Hungary and Portugal it is sufficient for applicants to hold a residence permit during the entire residence period. The only Member States that conduct physical checks of the applicants' presence in the country are Belgium and Croatia; in Belgium this is done by the municipalities and in Croatia by the police.

Language requirements

In 22 Member States¹⁸ knowledge of the official language or languages is a condition for 'ordinary naturalisation'. In Cyprus, Ireland and Sweden, applicants do not have to meet any language requirements to acquire citizenship. In Bulgaria, Malta and Slovakia, applicants must have at least an elementary knowledge of the language, whereas in most Member States the required language level is A-2¹⁹ or B-1.²⁰ In all Member States with a language requirement, except Malta, the applicants have to submit proof of their knowledge of the national language.

In the Netherlands the required language level for naturalisation is being altered from A2 to B1, as specified in the Coalition Agreement of 2017. The language level has also been raised to B1 in the new Civic Integration Act (*Wib*). In the new civic integration system, persons participating in civic integration programmes will be able to integrate by way of three routes. The intended date of entry into effect of the new Civic Integration Act is 1 July 2021.²¹

Citizenship test / civic integration exam

In 13 Member States²² persons who want to naturalise must pass a citizenship test or civic integration exam. In most of these tests basic knowledge must be demonstrated of the political system of the country, history, culture, values and underlying rights and obligations. The layout of the test varies per Member State. This test is usually administered in the form of a written multiple choice exam²³ or an interview²⁴. In Luxembourg, applicants have a choice to participate in a 24-hour course on citizenship, or to take a citizenship test. In Belgium and Slovakia, no citizenship test formally exists, but authorities verify the applicant's level of social integration, in Belgium for example by looking at the applicant's activities (such as training or work experience) in the five years prior to the application. In Slovakia, the authorities verify social integration by asking questions as part of the process of verification of the applicant's command of the language.

Economic situation

In the Netherlands the economic or financial situation of the applicant is not included in the assessment of an application for naturalisation. 14 Member States²⁵ do take into account the applicant's economic or financial situation when deciding to grant citizenship. Only in Austria the law does specify a minimum income level. Austria reported that a lack of income was mentioned by some provincial authorities as the most frequent reason for refusing applications for citizenship. In Finland, applicants are required to prove that they have received a reliable source of income during the minimum residence period. In Belgium, applicants must be able to prove their economic participation sufficiently, for example by having worked in Belgium during a certain period. In France the applicant's financial independence can be demonstrated for example by salaries, commercial and non-commercial gains and revenues from land ownership, but the funds must be of French origin and derive from a stable occupation in France. In Ireland, in practice it is a requirement to submit proof of income and information about social benefits with the application, although this is not required by law. These documents support the overall assessment of the application.

Dual nationality

In 16 Member States²⁶ that took part in the study, it is not necessary to renounce the previous citizenship in order to obtain citizenship.

- Sweden and Finland for example have allowed dual citizenship since the beginning of 2000, after they had recognised that many immigrants remain connected with their home country and with the host country.
- This also holds for the United Kingdom. The UK allows dual citizenship by recognising ties with the home country as well as with the host country which, according to the UK, does not prevent a person from establishing loyalty with the host country.
- In Luxembourg, having dual nationality has been allowed since 2009, and the Czech Republic introduced a legislative amendment in 2014 in favour of dual nationality.

Renouncing one's previous citizenship

Nine Member States²⁷, including the Netherlands, require applicants to renounce their nationality in order to obtain the citizenship of their Member State. Various exceptions to this can be noted, some examples of which are given below:

- In Austria, the Netherlands, Croatia and Germany, compliance with the obligation to renounce is necessary only if action to renounce the former nationality can be taken.²⁸ If this is not the case, citizenship can be granted. In this case, it holds for the situation in the Netherlands that, after citizenship has been obtained, the previous citizenship does not have to be renounced.
- In Estonia, Germany and the Netherlands, persons who receive international protection by the respective Member State or another Member State of the EU are eligible for dual citizenship.
- In Latvia, Bulgaria and Germany, citizens of certain countries do not have to give up their nationality in order to become a citizen of the respective Member State.²⁹
- In Lithuania, having dual citizenship is prohibited by the constitution, with some exceptions specified by law.³⁰
- In the Netherlands, persons are also exempted when they acquire Dutch citizenship by getting married to or entering into a registered partnership with a citizen of the Netherlands.
- In Germany, the elderly are exempted (60 years of age and older). Persons are also exempted when renunciation of citizenship would result in considerable financial disadvantages (such as loss of pension or rights to inherit). This is also applicable in

the Netherlands. If persons would lose certain rights by giving up the nationality - for example loss of a high amount of money because the inheritance law no longer applies to them – they do not have to renounce their citizenship.

Advantages and disadvantages of dual citizenship

Various Member States view the allowance of dual citizenship as a positive policy tool, mainly because it potentially encourages more persons to apply for the citizenship of their State (for example in Malta and Luxembourg). Moreover, dual citizenship would enable large diaspora groups abroad to remain connected with their home country. Hungary noted that allowing dual citizenship had enabled large Hungarian communities living abroad to obtain Hungarian citizenship, and thus participate in the political decision-making in Hungary.

Member States that permit dual citizenship, however, have identified some challenges:

- In Finland, national security issues have become a subject of discussion and foreign attempts to influence Finnish-Russian citizens have been debated.
- In Greece there are concerns that holders of two passports might attempt to use them to circumvent checks by the authorities.
- Sweden notes that having dual citizenship can result in challenges if for example consular assistance is needed in the country of the other nationality, as the possibilities for a State to take action depend on the extent to which the other State allows intervention.

Procedural aspects of obtaining citizenship

Decision period

The period for processing applications varies sharply from Member State to Member State. In fifteen cases³¹ there is a legally prescribed time limit for the handling of an application, ranging from at least 6 months in Austria, and 24 months in Slovakia and Belgium, to 48 months in Italy. Eight Member States³² have no legally prescribed time period for the processing of the application. It is interesting that in some cases this does not lead to longer processing times. In the Netherlands the legally prescribed maximum duration of the entire naturalisation procedure is 24 months (12 months with the possibility to extend it twice by six months).³³

Reasons for a negative decision

The most frequently occurring reasons for a negative decision on an application for citizenship by naturalisation are an insufficient or unlawful residence period, followed by not meeting the requirement of good conduct and being considered a threat to public order/security. In 13 Member States³⁴ inadequate language skills were mentioned as one of the most frequently occurring reasons for rejecting an application.

In conclusion

In general, Member States do not actively encourage third-country nationals, for example by way of information campaigns, to submit an application for citizenship. This is also the case in the Netherlands. Only Estonia, Finland and Italy reach out to specific target groups who are eligible for citizenship. In Italy for example, foreigners who were born on the territory are informed of the possibility to exercise the right to citizenship when they become eligible for this.

- 1 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LV, MT, NL, PL, PT, SE, SK, NO, UK.
- 2 By the option procedure, by naturalisation or by operation of law. These are not only migrants from outside the EU. Source: Eurostat.
- 3 AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LU, LV, LT, MT (English and Maltese), NL, PL, PT, SK, UK.
- 4 AT, BG, CZ, DE, EE, ES, FR, HR, HU, LT, LU, LV, NL, UK.
- 5 AT, BE, BG, CY, CZ, DE, EE, FI, FR, HU, IE, IT, LT, LV, PL, SK.
- 6 BE, CZ, CY, EL, FI, FR, HU, IE, IT, LU, MT, PL, PT, SE, SK, UK.
- 7 AT, BG, DE, EE, ES, HR, LV, LT, NL.
- 8 Unless there is an exception to the general rule.
- 9 CY, DE, HR, HU, IE, PT, SE, UK.
- 10 The conditions for a special naturalisation procedure vary per Member State. The most used grounds for this are: in cases of exceptional added value for the country (AT, BE, BG, CY, CZ, DE, EE, EL, FR, HR, HU, IT, LT, LV, MT, NL), exceptions for children born in the relevant Member State of parents who do not both have the nationality of the country (CZ, DE, EE, LU, LV, PT, SE, UK), in the event of special ties with the relevant Member State (CY, DE, EL, HR, HU, PL, PT), marriage (BG, CY, DE, FR, HR, HU, IE, IT, LT, LU), statelessness (CZ, DE, IT, LT, LU, PT, SE, UK) and duration of residence (DE, EE, LU, PT, UK).
- 11 BG, CY, MT.
- 12 BE, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, PL, PT, SE, UK.
- 13 To see which conditions must be met to be eligible for an option, see: <https://ind.nl/Nederlanderschap/Paginas/Optie.aspx>, consulted on 10 July 2020.
- 14 BE, BG, CY, CZ, FI, FR, IE, LU, LV, NL, PT, SE, UK.
- 15 AT, BG, DE, EL, FI, HU, IE, IT, LT, MT, NL, PL, PT, SE, SK.
- 16 BG, FR, HR, SK, SE.
- 17 AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IE, LT, LV, LU, MT, NL, PL, PT, UK.
- 18 AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LU, LV, LT, MT (English and Maltese), NL, PL, PT, SK, UK.
- 19 BE, ES, IT, LT, LU (speaking), NL, PT.
- 20 AT, CZ, DE, EE, EL (listening and speaking), FR, HR, LV, LU (listening), PL, UK.
- 21 For more information see: <https://zoek.officielebekendmakingen.nl/kst-32824-283.html>, consulted on 23 June 2020.
- 22 AT, BG, CZ, DE, EE, ES, FR, HR, HU, LT, LU, LV, NL, UK.
- 23 AT, CZ, DE, EE, ES, HR, HU, LT, LU, LV, NL, UK.
- 24 BG, EL, FR, HU, LV.
- 25 AT, BE, BG, CY, CZ, DE, EE, FI, FR, HU, IE, IT, LT, LV, PL, SK.
- 26 BE, CZ, CY, EL, FI, FR, HU, IE, IT, LU, MT, PL, PT, SE, SK, UK.
- 27 AT, BG, DE, EE, ES, HR, LV, LT, NL.
- 28 This is not possible, for example in the event that the legal system of the foreign state does not provide for the possibility for an individual to terminate the legal ties with the state.
- 29 This holds for example for citizens from the EU (BG, LV, DE), Switzerland (BG, DE), NAVO (LV), EFTA (LV), Australia (LV), Brazil (LV), New Zealand (LV) and EEA citizens (BG).
- 30 For example if a person has obtained different citizenship by birth, has refugee status, was exiled from or left the occupied area of Lithuania before 11 March 1990, and other cases designated by law.
- 31 AT, BE, BG, CZ, EE, EL, ES, FI, FR, IT, LU, LT, LV, NL, SK.
- 32 CY, DE, HR, HU, IE, PT, SE, UK.
- 33 This concerns the period from payment of the fees for the naturalisation application up to and including the naturalisation ceremony in the municipality.
- 34 AT, BE, DE, EL, FI, HU, IT, LV, MT, NL (a component of the civil integration exam and naturalisation test), PT, SK, UK.

