

Naturalization

Definition:

Naturalization is the primary process by which immigrants become citizens in a host society. It is defined as any acquisition after birth of a citizenship not previously held by a person and requires an application and decision by public authorities. While there are many procedures for obtaining citizenship (e.g., registration, declaration, automatic and other *ex lege* procedures), naturalization is the most visible because of its connection to immigration policy and its regulatory effect on the size and composition of the national political community. In fact, naturalization is the most densely regulated and most politicized aspect of citizenship law. Its application ranges from ordinary, residence-based immigrants to refugees, spouses, as well as minors. The material and procedural conditions that comprise this journey can make acquisition either a liberal, relatively easy progression from settlement to citizenship, or a restrictive, onerous process full of impediments that may not lead to citizenship at all.

Detailed Description:

Conceptually, naturalization is understood as a transformative process whereby an immigrant, or more generally someone outside of the national political community, “becomes natural” by becoming a full member of that community through citizenship acquisition. However, “naturalization” is a paradoxical expression; there is nothing “natural” about this process of membership acquisition. This contradiction is immediately visible when adopting a legal perspective, where the process of naturalization requires legal regulation. In this latter context, naturalization is the process of acquisition where a person applies for citizenship to the state represented by relevant public authorities. This emphasis on the aspiring citizen’s process of application is key. Unlike other procedures which require only a unilateral act of oral or written declaration, naturalization is conditional on a decision by relevant public authorities. In other words, applicants cannot merely declare themselves to be citizens; their applications are subject to conditions and evaluations. Acquisition through naturalization can either be a legal entitlement, by which public authorities must grant citizenship to the applicant if and when the relevant conditions specified by law have been acknowledged as being successfully completed, or a discretionary act. Discretionary naturalization is obviously the more precarious and contingent of the two types, where even upon successful completion of relevant conditions public authorities reserve for themselves the right to deny citizenship to an applicant. In both cases, naturalization is conditional in the sense that it requires an individual action by the applicant as well as a positive response by public authorities.

Naturalization allows immigrants not only to enjoy formal rights and protections through the legal status of citizenship, but also to become members of a national political community through citizenship status. Therefore, it holds strong significance for both the receiving state and the aspiring citizen. From the state’s perspective, naturalization enables people to join and therefore expand the national political community. Changes to citizenship rules—either the loosening or tightening of them—yield a direct effect on the contours of national membership. From the immigrant’s perspective, naturalization in most states is still the key to full rights of citizenship. Citizenship matters for a number of reasons, including obtaining voting rights and other forms of political participation, access to certain job opportunities, free movement, rights to family unification, etc. Also, because citizenship represents full membership to the state, immigrants may aspire to achieve a sense of civic belonging through naturalization.

The discipline of identifying, comparing, and explaining citizenship policies across advanced industrialized states is a growing preoccupation among scholars of political science, sociology, and legal studies. In its formative stage, this academic practice drew heavily from the nationalism literature and concepts of nationhood.[1] This rendered a classificatory system of citizenship policy that was largely dichotomous, referring to state policies as either ethnic or civic. More recent works have presented alternatives to this nationhood framework by employing more membership-neutral terminology where policies are described not by invoking a sense of belonging or by their outcome, but by the process itself. These works include the constellation of both policies and practices that determine citizenship acquisition.[2] Many of the fine-grained descriptions and nuanced comparisons of citizenship today rely on a closer look at the mechanics of naturalization, recognizing that the process is a complex aggregate, comprised of many small policies and procedures. These policies include, but are not limited to, residency duration, renunciation of previous citizenship, clean criminal records, evidence of integration (defined by language acquisition, knowledge of the country, demonstration of values,

etc.), sufficient income, as well as procedures such as processing time, administrative fees, and process/right of appeal, all of which affect the ultimate experience and rate of naturalization.

In comparing these different policy dimensions across the major, immigrant-receiving societies, we see significant variation, portending differences in both the priorities of and pressures for inclusion. Table 1 compares a handful of naturalization policies—both material and procedural—for a select number of traditional immigration countries (the “postcolonial” states) and European states, who have only transitioned into robust immigrant-receiver states in the postwar period.[3]

Table 1. Comparison of Naturalization Policies Across Postcolonial and European States

Country	Residence Duration (years)	Allows Dual Citizenship	Language	Citizenship Test	Administrative Fee	Right of Appeal
Europe:						
Austria	10	No	Yes	Yes	€1010 plus provincial fees	Yes
Denmark	9	No	Yes	Yes	1000 DKK (≈€133)	No
France	5	Yes	Yes	No, assimilation interview	None	Yes
Germany	8	Only for non-EU citizens	Yes	Yes	€255	Yes
Netherlands	5	If born in Netherlands or have Dutch spouse	Yes	Yes	€810	Yes
UK	5	Yes	Yes	Yes	£851 GBP (≈€1018)	No
Post-Colonial:						
Australia	4	Yes	Yes	Yes	300 AUD (≈\$316 USD)	Yes
Canada	3 (1,095 days) in the past 4	Yes	Yes	Yes	200 CAD (≈\$203 USD)	Yes, but not of federal decisions
New Zealand	5	Yes	Yes	No	470 NZD (≈\$395 USD)	Yes
United States	5	Yes	Yes	Yes	\$680 USD	Yes

Beginning with residence, states exhibit a significant amount of difference in the duration of residence required of potential citizens. As a maximum level, Article 6 of the 1997 European Convention on Nationality (ECN) stipulates that no more than ten years of residence should be required. At a minimum, Belgium has required three years of residence since a 2000 revision to its citizenship law (a 2012 change may raise this period to five years). No other state in Europe maintains residence durations lower than five years. By comparison, all postcolonial states boast low durations of residence. Moreover, it should be noted that the length of residence condition in citizenship law does not mean that every immigrant who has lived in a country for so many years can apply for naturalization. Many countries create additional hurdles by requiring periods of uninterrupted residence or only counting the years with a permanent residence permit, which may itself take up to five years to acquire in a number of European states (as is the case in Austria).

Dual citizenship is a dimension of naturalization that is often at the center of vigorous political debate, both internally among political parties and across borders between the conferring and sending states. On the one hand, allowing citizens to hold multiple passports provides increased mobility and enables expatriates to maintain connections with their country of birth or heritage (as was vociferously advocated by former President Vicente Fox on behalf of Mexicans living in the United States). Dual citizenship can also facilitate integration by encouraging immigrants to naturalize and participate politically in their new country without compromising other connections. According to this view, compulsory renunciation may not only stymie one’s personal integration but also generate a disincentive to citizenship acquisition altogether. On the other hand, critics of dual citizenship claim also that it undercuts immigrant integration. In maintaining a second citizenship or identity, immigrants are never fully moored to their host country. Dual citizenship raises not only the specter

of dual loyalty but is also said to create conflicts between states or an unfair distribution of the benefits and burdens of citizenship because of the multiple rights or multiple duties that dual citizens have compared to mono-nationals. In the sample of countries in the table above, all of the traditional immigration countries allow for dual citizenship. The United States does not have a *de jure* provision requiring renunciation of other citizenship, and therefore establishes multiple citizenship *de facto*. Within Europe, only Austria and Denmark have firm requirements for renunciation. In the Netherlands, after a period of allowing dual citizenship (1992-1997), dual citizenship can still be claimed by those applicants born in the Netherlands or by spouses married to Dutch citizens.

Language and citizenship tests can be categorized together as types of integration or cultural requirements for naturalization. While language has long been a requirement for citizenship in several states in Europe and beyond (Denmark since the 19th century; the United States since the early 20th) the introduction of citizenship tests to assess country knowledge is a new facet of naturalization in many states. Indeed, only the United States and Canada could be considered experienced practitioners of citizenship tests by comparison. Every European state in Table 1 has only recently introduced a citizenship test (as well as integration tests for acquisition for permanent residence).[4] Australia also is a recent addition to the list of test-givers. However, not all states use citizenship tests to assess integration or knowledge. France, for example, has long-maintained an assimilation interview in which the interviewing officer assesses an applicant's adherence to Republican values as well as knowledge of social and political rights. While former President Nicolas Sarkozy passed legislation introducing a citizenship test for naturalization in France, plans were subsequently scrapped by the new Socialist government. Attempts to increase the period of residence and make more onerous other conditions for British citizenship (like adding a community service requirement) under Labour leadership was also rejected when the new Conservative-Liberal Democrat coalition came into power. These attempts at policy change reveal the extent to which citizenship is often politicized, and thus susceptible to revision with changes of government.

Finally, it is meaningful to consider and compare variation in administrative practices for naturalization. Most obviously, the "price" of citizenship is quite divergent across states. Where administrative fees are high, naturalization is not only lengthy and difficult but also costly. And considering that applicants' decision to apply is strongly influenced by their expected chances of success, administrative fees factor into this decision-making process. Only in Germany and the Netherlands, from the list of European states above, is naturalization an entitlement (instead of a discretionary procedure) if an applicant satisfies all the conditions. In general, there is an acknowledged norm to allow for a right of appeal in response to a negative decision on an application. Exceptions to this include Denmark (an applicant can make a report to the ombudsmen, but not appeal the decision of Parliament), the UK (which allows for judicial review since 2002 and appeal for asylum cases, but not on matters of naturalization).

This brief overview of naturalization policies reveals patterns of both similarity and difference. Generally speaking, some states provide for a more facilitated naturalization process through more inclusive policies while others maintain higher barriers that impede a migrant's political incorporation. An accurate empirical picture of naturalization policies identifies configurations and constellations of policies, recognizing that state practices are not dichotomously ethnic or civic, or inclusive or exclusive. Policy combinations reflect a reality in which states pursue multiple policy goals for citizenship and immigration through naturalization, and governments frequently modify and reform citizenship laws to achieve these goals. As states continue to use naturalization to make citizens out of immigrants, the many policy choices that shape this procedure are consequential not just for the migrant but for the democratic nation-state itself.

Footnotes

[1]For an example of this, see Rogers Brubaker (1992), *Citizenship and Nationhood in France and Germany*. Cambridge: Harvard University Press.

[2]Work illustrative of this approach includes Irene Bloemraad (2006), *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada*. Berkeley: University of California Press; Marc Morjé Howard (2009); *The Politics of Citizenship in Europe*. New York: Cambridge University Press; also see Ruud Koopmans, Paul Statham, Marco Giugni and

Florence Passy (2005), *Contested Citizenship: Immigration and Cultural Diversity in Europe*. Minneapolis: University of Minnesota Press.

[3]For more on policies of naturalization in Europe, see the EUDO Citizenship Observatory website eudo-citizenship.eu. For more in-depth comparisons on policies across a larger number of European countries, see in particular Sara Wallace Goodman (2010), "Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion." EUDO Citizenship Comparative Report, RSCAS/EDUO-CIT-Comp. 2010/7.

[4]For more on integration requirements in Europe, see Sara Wallace Goodman (2012), "Fortifying Citizenship: Policy Strategies for Civic Integration in Western Europe," *World Politics*, 64 (4): 659-698.

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