Ministry of Science and Higher Education
Republic of Poland

Adaptation of the CEEMR website – modernisation and update of the content – for application for indexation in international publications databases, in particular Scopus and DOAJ, as well as proofreading of articles in English are financed from the funds of the Ministry of Science and Higher Education allocated for the dissemination of science under the agreement 765/P-DUN/2016.

ISSN 2300–1682
Editorial office: Centre of Migration Research, University of Warsaw, Banacha 2b, 02–097 Warsaw, e-mail: ceemr@uw.edu.pl

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Central and Eastern European Migration Review
Special Issue: Citizenship in Post-Communist Eastern Europe: Contracting, Expanding and Overlapping
Vol. 6, No. 1, 2017

Central and Eastern European Migration Review
Received: 19 June 2017, Accepted: 28 June 2017
Vol. 6, No. 1, 2017, pp. 5–13
doi: 10.17467/ceemr.2017.14

Introduction: Citizenship in Post-Communist Eastern Europe

Over the past quarter of a century, all countries of Eastern Europe,[1] defined generally as those European countries that were formerly part of the Eastern Bloc, the Soviet Union and Yugoslavia, have changed or amended their citizenship laws. Some of these changes responded to the need to modernise citizenship laws in line with rediscovered liberal democratic principles. Others were triggered by dramatic developments in the region, such as transformations of statehood, border changes, war and population movements (e.g. internal displacement, refugee flows, ethnic immigration and economic emigration). The new citizenship laws divided populations that once belonged to the same state, leading to the proliferation of both multiple citizenship and statelessness. While certain groups of residents (immigrants, ethnic minorities) were excluded from citizenship, other people were recognised as citizens despite the fact that they lived outside borders (co-ethnics, emigrants).

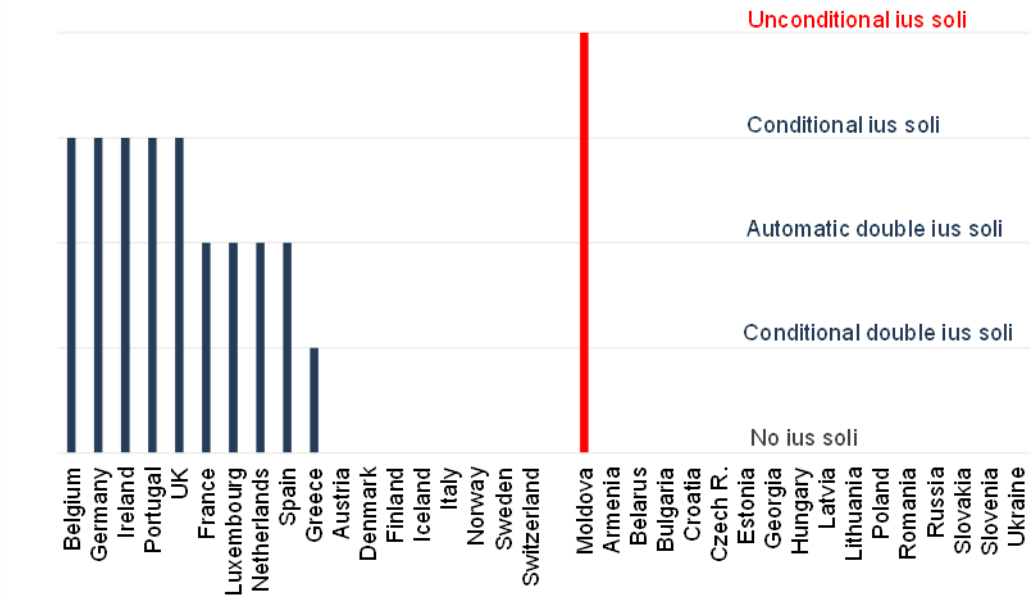
Commentators in the early 1990s spoke of a rift between citizenship regimes in Western and Eastern Europe. In line with broader arguments about different types of nationhood in Europe, which distinguish broadly between Western and Eastern nationalism (Kohn 1944), authors distinguished between civic and ethnic conceptions of citizenship (Brubaker 1992) and spoke of a 'gulf between conceptions of citizenship in East and West' (Liebich 2010: 3). Before I introduce the main themes discussed in this special issue, I will briefly address this claim about a persistent gap between citizenship regimes in Eastern and Western Europe. I argue that, although there are clear differences between citizenship policies in the two regions, these cannot be fully grasped or explained by conventional conceptual and analytical tools. This is because many of these tools were developed in particular geographical and historical contexts and were infused by certain normative expectations that can no longer be taken for granted.

As scholars have challenged the idea of models of immigrant integration (Bertossi and Duyvendak 2012), they also took aim at claims about cohesive, stable citizenship regimes. Citizenship regimes are often built on shaky empirical foundations by way of isolating several legal and institutional aspects from their historical and normative context. The most frequent aspects are birthright citizenship (*ius soli* v. *ius sanguinis*), conditions of residence required by naturalisation procedures and rules on dual citizenship (Howard 2006). However, these citizenship rules cannot and do not tell the whole story of citizenship. Relying solely on them can be misleading. For example, *ius sanguinis* citizenship is not necessarily an indicator of an ethnic conception of membership, while the acceptance of dual citizenship is not always a hallmark of liberal citizenship, as dual citizenship can be used to advance projects of extra-territorial nation-building.

Liebich's (2010) argument about an East–West citizenship divide was based on the observation that the prevalent rule of birthright citizenship in Eastern Europe was *ius sanguinis*. However, most countries in Europe have extensive rules of *ius sanguinis* which permit, for example, the automatic transmission of citizenship outside the country and across generations (Dumbrava 2014). In traditional countries of immigration, such as the United States and Canada, *ius soli* citizenship plays an important integrative function because it ensures the automatic inclusion of the children of immigrants into the body of citizens. Many countries in Western

Europe have rules of conditional *ius soli*, including for second-generation immigrants born in the host country – *double ius soli*, either in virtue of their legal traditions (e.g. the UK, Ireland) or as a response to old or new immigration (e.g. France, Germany). Except for Moldova, no other countries in Eastern Europe have provisions of *ius soli* (see Figure 1). Albania, which is not included in the chart, also has rules of *ius soli* citizenship.

Figure 1. *Ius soli* in Western and Eastern Europe

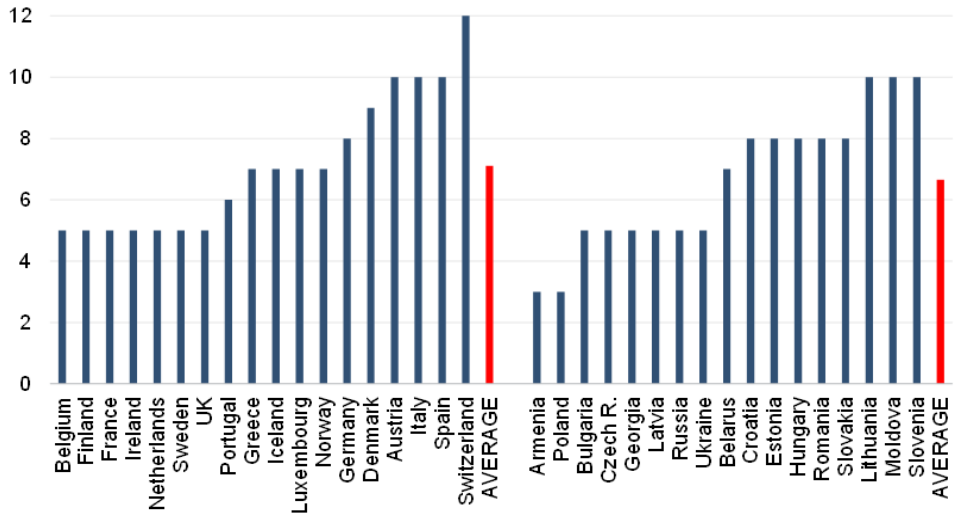


Source: EUDO Citizenship (2017).

No clear difference exists, however, between Western and Eastern European countries with regard to the naturalisation requirement of residence. In fact, the average duration of residence required for naturalisation in the selected Eastern European countries[2] is slightly lower than the average duration for Western countries (see Figure 2). The acceptance of dual citizenship in naturalisation is more prevalent in Western Europe (see Figure 3). The toleration of dual citizenship shows a more general pattern: whereas only about 20 per cent of the countries in the world allowed naturalised citizens to retain another citizenship in 1960 (28 per cent of European countries), this share grew to about 60 per cent by 2013 – 69 per cent of European countries (Vink, de Groot and Luk 2016). The increased acceptance of dual citizenship is a consequence of the general application of the principle of gender equality in citizenship matters and of the rethinking of citizens' military duties and expectations.

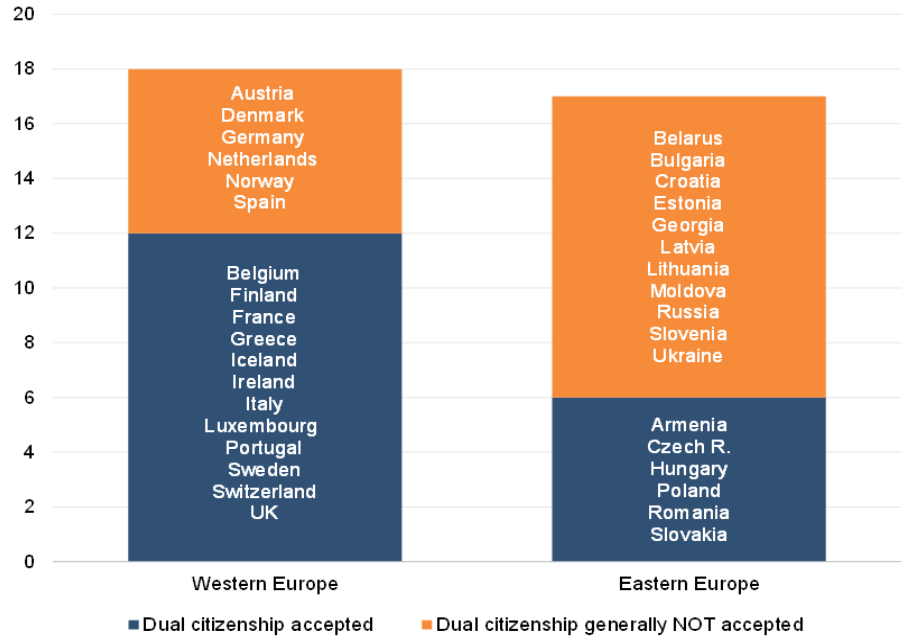
The spread of dual citizenship is often taken as an indicator of an overall liberalisation of citizenship policies in recent decades (Joppke 2008). However, policies on dual citizenship may serve different purposes depending on the context. Apart from supporting the integration of immigrants, who are no longer forced to relinquish their citizenship of origin, dual citizenship can also be used as 'a tool for expanding the national community beyond state borders' (Bauböck 2007: 70) by offering formal and symbolic means to reintegrate emigrants, former citizens or co-ethnics. Preferential rules of acquisition or retention of citizenship for such categories of people are not confined to Eastern European countries. They exist, for example, in countries such as Denmark, Greece, Israel, Italy, Ireland, Portugal and Spain (Dumbrava 2014; Harpaz 2015; Mateos 2013). However, these citizenship policies tend to be more far-reaching and more contested in Eastern Europe than in other regions.

Figure 2. Years of residence required for regular naturalisation in Western and Eastern Europe



Source: EUDO Citizenship (2017).

Figure 3. Number of countries accepting / not accepting dual citizenship during regular naturalisation in Western and Eastern Europe



Source: EUDO Citizenship (2017).

The wide spread of co-ethnic citizenship policies in Eastern Europe can be understood in the light of the region's complex history of nation-building and of more recent demographic developments. The fall of the communist regimes and the dismantling of the multinational states of the Eastern Bloc rekindled old struggles over state- and nation-building. Many of these countries were part of federal entities such as the Soviet Union, Yugoslavia and Czechoslovakia. The new and restored states had to enact citizenship legislation in order to demarcate their populations. The redrafting of constitutions and citizenship laws provided unique opportunities

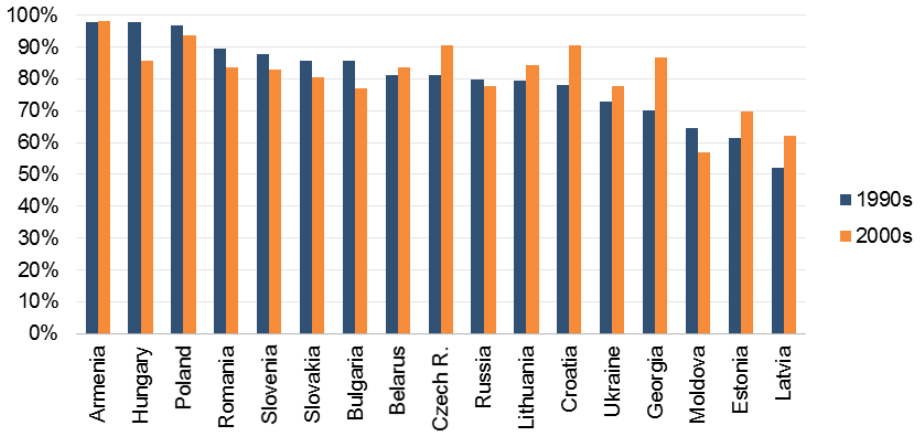
to redefine the boundaries of the nation and to integrate diverse populations. However, the moment was also propitious for projects of national consolidation based on exclusion and ethnic engineering.

After 1990 most Eastern European countries acted as 'nationalising states' (Brubaker 1996), seeking to secure the control of the core ethnic majority over state institutions and over the official definition of the nation. Citizenship policies have been used to ensure the unity of the nation within and across state borders (Pogonyi, Kovács and Körtvélyesi 2010). Whereas the explicit exclusion from citizenship based on ethnic grounds was prohibited by international norms, which most of these countries were forced to accept as a condition for European and transatlantic integration, indirect exclusion based on seemingly legitimate grounds was still possible. For example, Estonia and Latvia effectively denaturalised large proportions of their populations by reinstating their pre-Soviet citizenship laws and thus excluding from citizenship all Soviet-era immigrants and their descendants (Gelazis 2000).

The projects of national reintegration in Eastern Europe were also pursued via policies of preferential inclusion of co-ethnics – people regarded as sharing special ethnic, cultural or historical ties with the country. It must be noted, however, that the presence of ethnic minorities on the territory of a country and/or of co-ethnic minorities outside its borders is not a sufficient condition for the adoption of generous co-ethnic citizenship policies. For example, Ukraine has been reluctant to adopt preferential citizenship policies for co-ethnics despite having a significant number of them living outside its borders. According to Shevel (2009), this deliberate 'civic' citizenship policy was a result of Ukraine's political and national identity conflicts that swept the country after 1990.

Comparing data on self-declared ethnicity, collected through censuses that took place in the early 1990s and the late 2000s, we can see that most Eastern European countries that had weak ethnic majorities in the 1990s had consolidated their ethnic majorities by the 2000s (see Figure 4). Moreover, the number of co-ethnics living outside their kin state and in another Eastern European country decreased considerably, from 30.9 million to 22.2 million in the same period (see Table 1), suggesting a process of ethnic 'unmixing' in the region.

Figure 4. Ethnic majorities in Eastern European countries in the 1990s and 2000s (in % of the total population)



Source: Pop-stat (2017).

Note: Data from censuses in Armenia (2001, 2011), Belarus (1999, 2009), Bulgaria (1992, 2011), Croatia (1991, 2011), the Czech Republic (1991, 2001), Estonia (1989, 2011), Georgia (1989, 2014), Hungary (1990, 2011), Latvia (1989, 2011), Lithuania (1989, 2011), Moldova (1989, 2014), Poland (2002, 2012), Romania (1992, 2011), Russia (2002, 2010), Slovakia (1991, 2011), Slovenia (1991, 2002) and Ukraine (1989, 2001).

Table 1. Self-declared ethnic minorities in Eastern Europe

	1990s	2000s
Russians	15 413 428	12 572 305
Ukrainians	5 067 222	991 300
Hungarians	2 700 471	2 125 468
Armenians	1 810 308	1 502 212
Belarusians	1 685 272	1 029 855
Poles	1 135 505	834 265
Croats	902 805	689 339
Moldovans	529 216	432 729
Romanians	517 519	1 155 317
Bulgarians	393 439	316 995
Slovaks	296 503	253 202
Georgians	260 030	202 519
Lithuanians	112 864	75 723
Czechs	79 461	45 214
Slovenes	32 093	18 173
Latvians	15 877	23 545
Estonians	10 163	22 097
TOTAL	30 962 176	22 290 258

Source: Pop-stat (2017).

Note: According to census data from the 17 Eastern European countries (see endnote 1) and from Albania (1989, 2011), Azerbaijan (1999, 2009), Bosnia and Herzegovina (1991, 2013), Kazakhstan (1989, 2009), Kosovo (1991, 2011), Macedonia (1991, 2002), Montenegro (2003, 2011) and Serbia (2002, 2011).

According to censuses, the number of all major kin minorities in Eastern Europe decreased in the course of the two decades following the end of the Cold War – the number of self-declared Russian co-ethnics fell from 15.4 million to 12.5 million, of Ukrainian co-ethnics from 5 million to under 1 million, and of Hungarian co-ethnics from 2.7 million to 2.1 million. The same holds true for other significant ethnic minorities in the region, such as Germans (whose number decreased from 1.7 million to 0.8 million) and Tatars (from 5.9 million down to 5.6 million). The only significant increase occurred in the case of Romanian co-ethnics (from 0.5 million to 1.1 million) as a consequence of a massive re-identification of 'Moldovans' as 'Romanians' in the conflict-ridden Republic of Moldova. Another notable increase is reported for the Roma, a minority without a kin state, whose number increased from 1.4 million to 1.9 million. One should not, of course, overestimate the reliability and capacity of census data to capture ethnic affiliation, not least because the number of persons who did not or refused to declare ethnic affiliation in Eastern European countries rose dramatically from 2.6 million to 13 million between the 1990s and the 2000s.

According to Eurostat (2016), between 2006 and 2015 about 330 000 persons acquired citizenship in 11 Eastern European countries that are EU member-states. Almost one third of these acquisitions occurred in Hungary, particularly after the amendment of the Hungarian citizenship law in 2010, which made it easier for persons of Hungarian origin to acquire Hungarian citizenship. However, Eurostat data only include acquisitions of citizenship by people living in the country (ordinary naturalisation) and thus do not capture the full scale of citizenship acquisitions by co-ethnics, who often acquire it from outside the country. In many Eastern European countries, preferential citizenship rules for co-ethnics constitute the primary channel of citizenship

acquisition. About 1.1 million persons acquired Croatian citizenship between 1991 and 2006 on the grounds of ethnicity, including 800 000 in Bosnia and Herzegovina, 100 000 in Serbia (and Montenegro) and 10 000 in Macedonia (Štiks 2012). About 600 000 persons are estimated to have obtained Hungarian citizenship on the basis of their Hungarian origins between 2011 and 2014 (Bálint 2014), whereas about 230 000 persons re-acquired Romanian citizenship between 1991 and 2012 (Iordachi 2012). The potential for further acquisitions remains great in many cases. Bulgarian citizenship can be claimed by all ethnic Bulgarians who lived in territories which remain outside the boundaries of the modern Bulgarian state – this includes about 2.5 million persons living in Macedonia and 235 000 in Ukraine and other smaller Bulgarian communities around the world. Most citizens of Moldova can claim preferential citizenship in Romania, while many Romanian, Slovakian and Ukrainian citizens can acquire Hungarian citizenship.

Given the cross-border character of ethnic diasporas in Eastern Europe, co-ethnic citizenship policies have often been greeted with resistance and suspicion by neighbouring countries. Russia's policy of handing passports to 'Russians' from the Georgian separatist region of South Ossetia is a blunt example of using citizenship as a tool of territorial revisionism. Softer policies of national reintegration through co-ethnic citizenship have also been contested by concerned states. The Hungarian–Slovak dispute over Hungary's policy of non-resident dual citizenship for Hungarian co-ethnics is a case in point. While accusing Hungary of revisionism and imperialism, the Slovak government amended its citizenship law in order to withdraw Slovak citizenship from those voluntarily acquiring another citizenship, in an attempt to dissuade Slovak citizens of Hungarian ethnicity from acquiring Hungarian citizenship (Bauböck 2010). The row intensified nationalist rhetoric in the region and threatened to destabilise diplomatic relations between several neighbouring states. When the massive distribution of passports abroad is accompanied by full political inclusion through external voting, co-ethnic citizenship policies may have disruptive effects on internal politics and may contribute to stirring up nationalist antagonisms within and across countries.

The citizenship laws of Eastern European countries follow a general European pattern with respect to the prevalence of provisions of *ius sanguinis* and to the relatively easy formal requirements for naturalisation. While the acceptance of dual citizenship is also less widespread in Eastern than in other parts of Europe, debates about dual citizenship in the region are strongly linked to the issue of co-ethnics living outside borders. In line with different projects of national consolidation, states either promote or reject dual citizenship. While not strictly confined to Eastern Europe, policies of preferential access to citizenship for co-ethnics constitute a key feature of many of the citizenship policies of these countries. In many cases, the overwhelming majority of citizenship acquisitions are made through such preferential channels, while the potential for further acquisitions remains significant.

The articles gathered in this special issue seek to analyse the development of citizenship regimes in several post-communist Eastern European countries by providing insights into specific national and regional issues and by reflecting on the existing literature on citizenship from a regional perspective.

In her article, **Pudzianowska** challenges conventional approaches to dual citizenship and makes the case for more contextual and empirically grounded studies. She shows that approaches that focus only on a select number of legal provisions can lead to distorted conclusions, such as that according to which the Polish communist dual citizenship regime had a 'liberal' outlook. Her challenge of the common assumption about the liberal character of dual citizenship is fitting and resonates well with other arguments advanced in this volume.

In a comparative analysis of seven post-Yugoslav countries, **Džankić** argues that expansive citizenship policies for co-ethnics are more likely to be adopted by countries that have consolidated nation-building projects. Conversely, countries that struggle for statehood and national consolidation tend to adopt more civic–territorial citizenship regimes for the sake of preserving ethno-political balance.

Krasniqi and **Töttős**, in their respective contributions, discuss two constellations of citizenship in Eastern Europe and bring forward another key dimension of the politics of (ethnic) citizenship in the region, namely the impact of European integration and citizenship. Krasniqi argues that the Albanian restrained citizenship policy towards co-ethnics is the result of a 'complex relationship between nation, state and Europe', where 'Europe' has a catalysing role which is both ideological and practical. For example, the EU put pressure on Albania to exclude Kosovar Albanians from the scope of preferential citizenship policies towards co-ethnics in order to prevent massive immigration into the EU. Töttős discusses the Hungarian policy of co-ethnic dual citizenship in the context of the conflict between Hungary and Slovakia and of the opportunities offered by European citizenship. She argues that the status and rights guaranteed by European citizenship may alleviate some of the consequences of Slovakia's policies to withdraw citizenship from persons (ethnic minorities) who voluntarily acquire Hungarian citizenship.

The European perspective is also in the background of **Knott**'s paper on the framing of the Romanian policy of citizenship restitution in the UK media. Whereas the EU could demand explicitly that the Albanian government refrain from adopting an expansive co-ethnic citizenship policy in order to avoid unwanted immigration, in the case of Romania – an EU member-state – the response has been less intrusive and involved more-nuanced normative and ideological strategies. Knott's analysis goes beyond legal–institutional aspects in order to grasp the normative constructions of citizenship in its subjective experiences. It reiterates the contested nature of citizenship and the complex motivations and understandings of political and national membership through citizenship.

Lastly, **Molodikova** navigates the widening road of Russian citizenship policy after the collapse of the Soviet Union. She situates these developments in the context of changing patterns of immigration, shifting political priorities and evolving normative understandings of the nation.

Citizenship has been rediscovered in Eastern Europe after the collapse of the communist regimes and the breakdown of multi-national states. This rediscovery revealed not only great opportunities with regard to democratic inclusion, national redefinition and the remedying of past wrongs but also important risks, such as legal and political exclusion, ethnic engineering and discrimination. The broader revival of citizenship in recent decades has triggered a renewed academic interest in issues of citizenship, albeit this research had remained biased towards Western experiences, such as long-term immigration and social integration. Although it would be ill-advised to talk of Eastern European models of citizenship, the region does present a number of empirical and theoretical puzzles that can enrich the existing literature by challenging conventional approaches and stimulating more-balanced and contextual theoretical perspectives.

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Notes

[1] Parts of this article were published previously in Dumbrava (2017). The empirical data cover (only) 17 Eastern European countries: Armenia, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russia, Slovakia, Slovenia and Ukraine.

[2] Most countries have additional requirements regarding the type of residence, which means that, in practice, candidates for naturalisation have to reside in the country for longer periods than those specified in the

citizenship law. For example, the Polish citizenship law requires three years of residence in the country with permanent residence permit (unless exempted), which is obtained after five years of residence.

References

Bálint S. (2014). Ma is jönnek a hamisított magyarok. *Index.hu*, 17 September 2014.

Bauböck R. (2007). The Trade-Off Between Transnational Citizenship and Political Autonomy, in: T. Faist, P. Kivisto (eds), *Dual Citizenship in Global Perspective*, pp. 69–91. London: Palgrave Macmillan.

Bauböck R. (2010). *Dual Citizenship for Transborder Minorities? How to Respond to the Hungarian–Slovak Tit-For-Tat*. EUDO Citizenship Working Paper RSCAS 2010/75. San Domenico di Fiesole: European University Institute.

Bertossi C., Duyvendak J. W. (2012). National Models of Immigrant Integration: The Costs for Comparative Research. *Comparative European Politics* 10(3): 237–247.

Brubaker W. R. (1992). *Citizenship and Nationhood in France and Germany*. Cambridge, MA: Harvard University Press.

Brubaker W. R. (1996). Nationalizing States in the Old 'New Europe' – and the New. *Ethnic and Racial Studies* 19(2): 411–437.

Dumbrava C. (2014). *Nationality, Citizenship and Ethno-Cultural Belonging: Preferential Membership Policies in Europe*. Basingstoke: Palgrave Macmillan.

Dumbrava C. (2017). *Citizenship in Central and Eastern Europe*. Comparative Report 2017/02. EUDO Global Citizenship Observatory. San Domenico di Fiesole: European University Institute.

EUDO Citizenship (2017). *Database Modes of Acquisition of Citizenship*. San Domenico di Fiesole: European University Institute. Online: http://eudo-citizenship.eu/databases/modes-of-acquisition (accessed: 28 June 2017).

Eurostat (2016). *Acquisition of Citizenship Statistics.* Brussels: European Commission. Online: http://ec.europa.eu/eurostat/statistics-explained/index.php/Acquisition_of_citizenship_statistics#EU-28_Member_States_granted_citizenship_to_around_841.C2.A0200_persons_in_2015 (accessed: 28 June 2017).

Gelazis N. M. (2000). *The Effects of EU Conditionality on Citizenship Policies and Protection of National Minorities in the Baltic States*. San Domenico di Fiesole: European University Institute.

Harpaz Y. (2015). Ancestry Into Opportunity: How Global Inequality Drives Demand for Long-Distance European Union Citizenship. *Journal of Ethnic and Migration Studies* 41(13): 2081–2104.

Howard M. M. (2006). Comparative Citizenship: An Agenda for Cross-National Research. *Perspectives on Politics* 4(3): 443–455.

Iordachi C. (2012). Reacquiring the Romanian Citizenship in Historical Perspective: From the Restitution of State Citizenship to the Primacy of the Citizenship Status Acquired at Birth, in: I. Iordachi (ed.), *Reacquiring the Romanian Citizenship Historical, Comparative and Applied Perspectives*, pp. 310–395. Bucharest: Curtea Veche.

Joppke C. (2008). Comparative Citizenship: A Restrictive Turn in Europe? *Law and Ethics of Human Rights* 2(1): 1–41.

Kohn H. (1944). *The Idea of Nationalism: A Study in Its Origins and Background*. New York: Macmillan.

Liebich A. (2010). Is There (Still) an East–West Divide in the Conception of Citizenship in Europe?, in: R. Bauböck, A. Liebich (eds), *Is There (Still) an East–West Divide in the Conception of Citizenship in Europe?* EUI Working Paper RSCAS 2010/19. San Domenico di Fiesole: European University Institute.

Mateos P. (2013). *External and Multiple Citizenship in the European Union. Are 'Extrazenship' Practices Challenging Migrant Integration Policies?*, paper presented at the Population Association of America Annual Meeting, New Orleans, 11–13 April.

Pogonyi S., Kovács M. M., Körtvélyesi Z. (2010). *The Politics of External Kin-State Citizenship in East Central Europe*. San Domenico di Fiesole: European University Institute.

Pop-stat (2017). *Population statistics of Eastern Europe*. Online: http://pop-stat.mashke.org (accessed: 29 June 2017).

Shevel O. (2009). The Politics of Citizenship Policy in New States. *Comparative Politics* 41(3): 273–291.

Štiks I. (2012). A Laboratory of Citizenship: Shifting Conceptions of Citizenship in Yugoslavia and Post-Yugoslav States, in: J. Shaw, I. Štiks (eds), *Citizenship After Yugoslavia*, pp. 15–37. London, New York: Routledge.

Vink M. P., de Groot G.-R., Luk C. (2016). *MACIMIDE Global Dual Citizenship Database*. Online: https://macimide.maastrichtuniversity.nl/dual-cit-database (accessed: 16 February 2017).

Central and Eastern European Migration Review
Received: 19 September 2016, Accepted: 8 May 2017
Published online: 27 June 2017
Vol. 6, No. 1, 2017, pp. 15–30
doi: 10.17467/ceemr.2017.10

The Complexities of Dual Citizenship Analysis

Dorota Pudzianowska*

The prevalent conceptual approach used to assess multiple citizenship legislation is based on analysing a set of selected elements of the relevant legal framework. This paper argues that the evolution of legal rules on dual citizenship cannot be comprehensively analysed using methods created for comparative analyses and based on a narrow selection of legal rules that reflect either a restrictive or an open approach to dual citizenship. The simplified approach that focuses on the analysis of selected fragments of explicit legislation generates results that may be misleading. Therefore, the terms of reference for comparative study of multiple citizenship should be elaborated and extended. A comprehensive comparative method also has to take into account the migration context as well as relevant aspects of the legal and political context. This article explores these issues through an analysis of Polish legal rules in the field of dual citizenship.

Keywords: dual citizenship; migration; Poland

Introduction

In the legal literature, citizenship is defined as the legal bond between a person and a state to which various rights are attached. The bond that citizenship creates was until recently commonly characterised as exclusive, which means that it could not co-exist with other ties of this type (Liebich 2000: 97; Aleinikoff and Klusmeyer 2001: 70; Dionisi-Peyrusse 2008: 99). However, over the last 30 years there has been a change of approach towards dual citizenship at the international as well as the state level.

The prevalent conceptual approach used in assessing multiple citizenship legislation is based on analysing a set of selected elements of the legal framework. As a legal phenomenon, however, multiple citizenship seems much more difficult to tackle. The question that interests me, therefore, is whether the comparative methods used to assess the state's approach to dual citizenship take into account all relevant factors. The aim of this article is to show that it is not possible to comprehensively analyse the evolution of legal rules on dual citizenship using methods created for the purposes of comparative analysis, which are based on a narrow selection of

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legal rules reflecting either a restrictive or an open approach to dual citizenship (e.g., if the acquisition of foreign citizenship results in the automatic loss of citizenship of origin).

I take the approach to dual citizenship analysis proposed by Aleinikoff and Klusmeyer (2001: 76 *et seq.*) and subsequently also used by other authors (e.g. Faist, Gerdes and Rieple 2007: 103) and use it to assess Poland's rules on dual citizenship. I want to show what would be the result of the analysis of the evolution of legal rules concerning dual citizenship if only those elements of the legal framework chosen by these authors are considered. I look at Poland's citizenship laws since the adoption of the first law on citizenship in 1920, as it is particularly interesting to juxtapose this law with those adopted since 1951 by communist governments. Having shown that an analysis of legal rules suggests that the 1951 Citizenship Act is characterised by an open approach to dual citizenship, I will argue that such a characterisation is misleading. It omits important factors influencing the assessment of the approach to dual citizenship and it does not allow for the evolutionary nature of the changes that took place.

I begin by examining changing approaches to dual citizenship and briefly discussing the reasons for its gradual acceptance globally (1). I then discuss Aleinikoff and Klusmeyer's approach (2), illustrate its shortcomings based on an analysis of Polish legislation and suggest that other factors need to be taken into account (3).

The evolving approach to dual citizenship

For a relatively long time, most states held the view that multiple citizenship was undesirable and that efforts had to be made to prevent and eliminate it. The last 30 years, however, have seen a change in this approach and greater acceptance of dual nationality.[1]

Lack of acceptance of dual citizenship

From the second half of the nineteenth century, opposition amongst political elites to dual citizenship grew, along with the belief that cases where it was possible should be prevented (Kivisto and Faist 2007: 105). The clearest example of this tendency was the policy adopted by most countries from the end of the nineteenth century to the end of the Cold War of revoking the citizenship of a person who acquired citizenship in another state or where there were reasons to believe that a person owed fealty to another state (for example by serving in a foreign army; Faist *et al.* 2007: 100). Moreover, most states endeavoured to prevent cases of multiple citizenship acquired by birth by requiring their citizens to renounce one citizenship on attaining their majority, failing which their citizenship would be revoked (Faist and Gerdes 2008: 5).

In the international arena, this trend found most prominent expression in agreements to avoid dual citizenship concluded by the USA from the middle of the nineteenth to the beginning of the twentieth century.[2] The primary aim of these agreements was to make it possible for individuals to change citizenship while simultaneously ensuring that the institution of citizenship would not be employed by individuals for the purpose of avoiding military service or criminal conviction.[3]

At the beginning of the twentieth century conventions reflecting the restrictive approach of states towards possession of multiple citizenship were drawn up. On 13 August 1906 an inter-American convention on the status of naturalised citizens was signed in Rio de Janeiro.[4] Article 1 of this convention provided that if persons who acquired citizenship through naturalisation return to the state of their original citizenship and do not intend to return to the state whose citizenship they acquired through naturalisation, then such persons recover their original citizenship and lose the citizenship acquired through naturalisation.[5] 1930 saw the signing of the first convention of universal application relating to the question of citizenship, which dealt with questions relating to conflict of nationality laws and the protocol concerning statelessness.[6] The preamble of this convention

expressed an ideal for which the international community should strive, namely, that every person should hold just one nationality. After the Second World War, the Council of Europe began work on a convention whose aim was to limit cases of multiple citizenship. Article 1 of the Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality[7] provides that adult citizens of the Contracting Parties who acquire of their own free will, by means of naturalisation, option or recovery, the nationality of another Party shall lose their former nationality.

The dim view of dual citizenship was evident in doctrine and case-law around the world. In Poland, for example, Starzyński (1921: 10–11) wrote that the idea of 'mixed subjects' should rapidly disappear from public law.[8] The doctrine of the USSR contained the view that dual citizenship is 'an evil which should be treated as a legal anomaly' (Chernichenko 1968: 99). The judicial position is exemplified by the statement of the German Constitutional Court in 1974 that 'dual or multiple citizenship is perceived both in the internal affairs of states and at the international level as an evil which should be avoided or eliminated in the interests of both the states and the citizen'.[9] By the same token, in the case of *Gaudio v Dulles* Judge Kirkland of the Supreme Court expressed the wish that 'the plague of "dual nationality" be eliminated to every degree possible' (Franck 2000: 65).

There were various reasons for the lack of acceptance of multiple citizenship. First, states perceived such citizenship as inconsistent with the principle of the loyalty of citizens towards one homeland, even though this concept has no legally defined meaning. As an analogy to the gospel that no one should serve two masters,[10] so too should no one have two homelands. Dual citizenship was construed as 'political bigamy'. It was in these terms that the argument was framed by George Bancroft, the initiator of the aforementioned series of agreements to avoid dual citizenship concluded by the USA: 'states should tolerate neither men with two wives nor persons with two homelands' (Koslowski 2003: 158).

Furthermore, states wished to avoid problems connected with the treatment of their citizens who simultaneously held the citizenship of another state. In the era before states began to accept international obligations in the field of human rights, they could treat their citizens according to their own standards without looking to other states. In the case of dual citizenship, however, diplomatic protection from the second state came into play along with the need to take account of the position of the other country. Such a situation was perceived as limiting state sovereignty. There was also a commonly held fear that questions of diplomatic protection of citizens holding more than one citizenship could cause conflicts between states.

In addition, at a time of widespread military conscription, questions of military service for those holding dual citizenship were problematic. A 'dual' citizen could be punished by imprisonment or even death for service in the military of a country whose citizenship they held if that country was at war with their other country of citizenship.[11] British–American relations after US independence provide the clearest example of the problems that dual citizenship created for states. Although it was recognised that a British subject may acquire a second citizenship in certain circumstances and for limited purposes,[12] the treatment of persons with dual citizenship gave rise to conflict between the two states. A particularly vivid example of this was the forced conscription into the Royal Navy of American merchant sailors deemed also to be British subjects. This was one of the causes of the Anglo-American War of 1812 (Kettner 1976: 961).

Other arguments which later became increasingly important involved the question of equal status and integration. It was argued that multiple citizenship could be a source of inequality as such citizens might have access to rights and life choices unavailable to persons holding just one citizenship. In this context the argument relating to the exercise of voting rights was of particular significance. It was noted that those with dual citizenship have a choice which the majority of citizens of a given country do not have as there is a second country to which they may emigrate if living conditions in the first one deteriorate. This 'exit option' was perceived as having the potential to lead to the irresponsible exercise of voting rights with, for example, extremist groups

receiving the votes of citizens who did not have to fear the accession to power of such parties (Aleinikoff and Klusmeyer 2001: 82; Martin 2003: 12).

Another argument against multiple citizenship was that it might act as an obstacle to the integration of immigrants by encouraging attachment to a foreign state, culture and language. Interestingly, in the present era of growing acceptance of dual citizenship, this argument is used to justify a contrary thesis, namely that maintaining the citizenship of their country of origin assists in the integration of immigrants.

Towards acceptance of dual citizenship

The trend for more and more states to accept dual citizenship has become evident in the last 30 years (Feldblum 2000: 475, 478; Martin 2003: 4; Bauböck 2006: 59; Kivisto and Faist 2007: 104, 107; Dionisi-Peyrusse 2008: 100).[13] It finds expression in, *inter alia*, the fact that an increasing number of states have abandoned the principle that at the moment of acquisition of foreign citizenship a given individual loses their original citizenship. This principle was renounced by, for example, France in 1973, Portugal in 1981, Italy in 1992, Sweden in 2001 and Finland in 2003.

The change in the approach of states towards multiple citizenship is nowhere more clear than at the international level. From the end of the 1970s there was a growing acceptance of conventions which treated the issue of multiple citizenship in a less restrictive manner than had acts adopted previously. The Second Protocol to the Convention on the Reduction of Cases of Multiple Nationality, which was adopted on 2 February 1993,[14] contained in its preamble a clarification of the change towards a less restrictive approach to dual citizenship. It introduced provisions for states to accept cases of multiple citizenship in specified situations.[15] The 1997 European Convention on Nationality also reflected the shift towards recognition that dual nationality is not an anomaly. In Article 14(1) States Parties permit children having different nationalities acquired automatically at birth to retain these nationalities and permit their own citizens to possess another nationality where this other nationality is automatically acquired by marriage. In turn, Article 16 of the Convention provides that States Parties shall not make the renunciation or loss of another nationality a condition for the acquisition or retention of its nationality where such renunciation or loss is not possible or cannot reasonably be required. The Convention does not contain any provision which directly aims to avoid the occurrence of cases of multiple nationality (Aleinikoff and Klusmeyer 2001: 73).

The gradual acceptance of multiple citizenship is of course related to the steadily increasing number of persons holding more than one citizenship. The growth in the incidence of multiple citizenship is connected to the intensity of international migration which has been facilitated by the development of new technologies in information, communication and transport (Legomsky 2003: 82). According to UN estimates, about 191 million people (*c.* 3 per cent of the world's population) live outside their country of citizenship and that number continues to grow.[16] It is not easy to gauge the number of persons with more than one citizenship, as states register only their own citizens and do not record the citizenships held by them. These difficulties are reflected in the figures for the USA, where estimates for persons with dual citizenship range from 500 000 to 5.7 million (Faist and Gerdes 2008: 7).

Despite a social reality conducive to the incidence of multiple citizenship through birth, with children of mixed marriages acquiring two or more citizenships *jure sanguinis* with the possibility of acquiring another *jure soli*, and children of parents having a single citizenship acquiring a second one *jure soli*, states have not reached agreement on the principles of citizenship acquisition and loss (Aleinikoff and Klusmeyer 2001: 71). As regards acquisition of citizenship by birth, states do not apply one rule but use various combinations of the *jus sanguinis* and *jus soli* principles. Despite long-held opposition to multiple citizenship, states have not agreed to adopt one of these principles. On a practical level, states might use only the principle of *jus soli*, but

this principle is far less widespread and no state has used it as the only principle governing acquisition of citizenship by birth. In turn, using *jus sanguinis* in a situation of mass migration has serious flaws as second- and third-generation immigrants do not then acquire citizenship of the state of birth and even though they have never known life in another country they remain foreigners. Such a solution could work only if immigration was stopped, an unrealistic prospect in today's world. Thus the children of immigrants who acquire citizenship at birth *jure soli* most often also acquire the citizenship of their parents *jure sanguinis*.

A further factor which has contributed to the increase in cases of multiple citizenship is changes in the law resulting from the principle of sexual equality. At the beginning of the twentieth century, most states adopted the principle that children at birth acquire the father's citizenship and, in addition, women who married a foreigner acquired his citizenship. While such patriarchal solutions influenced the limited incidence of multiple citizenship occurring through birth and through marriage, they quickly began to disappear with the advent of the female franchise (Bredbenner 1998). Indeed today many states have introduced the rule that women have the right to retain their citizenship and the children of such marriages most often acquire the citizenship of both parents. Thus there has been an increase in the number of states which allow transmission of two citizenships to children (Koslowski 2003: 161).

Not only the growing number of persons with dual citizenship, but also the fact that traditional arguments against multiple citizenship are not as strong as they were 100 years ago have undoubtedly contributed to the change in states' attitudes. The question of citizens' allegiance, though not without significance in today's political discourse,[17] was far more significant in an era when authority was exercised by warring monarchs and alliances between states were short-lived and depended on the temporary confluence of states' interests. As regards military service, many states have abolished general conscription and of those which continue the practice many have concluded agreements relating to performance of military service by persons with dual citizenship, with most states applying the principle that such persons should undertake military service in their state of residence and are excused from service in the state of citizenship in which they do not reside. Fears relating to diplomatic protection are also less significant than they once were, due in no small part to the development of international protection of human rights (Martin 2003: 11 *et seq.*). Furthermore, the increase in the number of persons with dual citizenship has not led to an increase in tensions and conflicts, something which had been feared in the past.

An important factor which fed into the change in attitude towards multiple citizenship, particularly in immigrant-receiving states, was the growing conviction that facilitating naturalisation of immigrants while allowing them to retain their original citizenship would aid their integration. This of course reflects an understanding of integration as conceived in the EU as a dynamic, two-way process of mutual adaptation of immigrants and the inhabitants of the receiving Member State (EU JHA 2004). Some empirical surveys suggest that immigrants are more inclined to naturalise if they may retain their 'old citizenship' (Faist *et al*. 2007: 98). Many foreigners will be reluctant to naturalise if they are not permitted to maintain their citizenship of origin because they will be unwilling, whether for sentimental or economic reasons, to cut their ties to their homeland (Spiro 2016: 80).

At the turn of the nineteenth and twentieth centuries, political and cultural elites opposed emigration. The shift from opposition to acceptance of dual citizenship is partly a result of claims made by emigrants in respect of their homelands, and partly a result of the realisation by these elites that retention of the citizenship of their country of origin by emigrants is of great significance from the point of view of identity and could be advantageous for the homeland. Emigrants with dual citizenship and a positive relationship with their homeland could promote its interests in the state of new citizenship through, for example, voting and lobbying. Economic factors are also significant, particularly in the case of developing countries (Kivisto and Faist 2007: 109).

Another factor which provoked a change in attitude to multiple citizenship was the demise of empire. The collapse of colonial empires meant that some newly established states concluded agreements with their former imperial masters about dual citizenship. For example Spain entered into an agreement concerning dual citizenship with Chile, Peru, Paraguay, Nicaragua, Guatemala, Bolivia and Ecuador. By the same token, the collapse of the USSR at the beginning of the 1990s saw Russia permit retention of Russian citizenship by citizens of independent states.

Although it is clear that a growing number of states have accepted dual citizenship in the last 30 years, and that international law has evolved accordingly, it is easier to assess this trend than to evaluate changes in the context of a particular country so as to ascertain when the approach to dual citizenship actually changed.

Analysing the approach of states to dual citizenship

In order to evaluate the approach of the state to the issue of the exclusiveness of the ties of citizenship or, in other words, the level of acceptance of dual citizenship, and in order to investigate the evolution of the laws that govern this question, it is necessary to consider the entirety of the rules constituting the institution of citizenship. In seeking to determine the level of acceptance of dual citizenship in a given state it is not sufficient to indicate that there exist legislative provisions forbidding possession of dual citizenship: there may be various provisions which allow exceptions to this rule. This is true in respect of Poland (which will be discussed later) as well as other countries, for example, the Netherlands (van Oers, de Hart and Groenendijk 2013: 16). Only analysis of the entire legal framework will indicate to what degree this principle has been implemented, that is whether and in which situations possession of multiple citizenship is possible on the basis of existing laws. Therefore the fact that there are explicit bans on possession of dual nationality expressed in a state's nationality legislation cannot be decisive in assessing its approach to dual nationality.

The literature proposes assessing the attitude of the state towards dual citizenship through the prism of three basic elements of the legal framework. First put forward by Aleinikoff and Klusmeyer (2001: 76 *et seq.*), this approach has subsequently also been used by other authors (e.g. Faist *et al.* 2007: 103). The first element concerns whether at the moment of birth acquisition of dual citizenship is possible or whether the state requires that one citizenship be chosen. The obligation to choose one citizenship may rest on the parents or on the child who, for example, before reaching the age of majority must surrender one citizenship. The second element is whether or not acquisition of citizenship of a foreign state causes the automatic loss of previous citizenship. The third element is whether a given state requires persons who wish to acquire its citizenship to surrender foreign citizenship. How these elements are configured in an individual state reflects its attitude to multiple citizenship. The legal framework in states with the most restrictive approach to multiple citizenship is characterised by the following elements:

1st element	acquisition by birth – the requirement that one citizenship be chosen by the parents or by the child on reaching the age of majority
2nd element	acquisition of foreign citizenship results in the automatic loss of citizenship
3rd element	a condition of naturalisation is renunciation of foreign citizenship

The greater the extent to which these principles are implemented, the more restrictive the approach to multiple citizenship and vice versa. States may be classified according to a scale on which those with a restrictive approach, implementing all the above elements, are at one end, and states with an open approach, implementing none of them, are at the other. Between these two extremes are states with a mixed approach.[18]

The question is: does the approach described above take into account all relevant factors? An analysis of Poland's law on dual citizenship over the years, including the communist period, exemplifies the shortcomings of this approach.

The complexities of dual citizenship analysis: the case of Poland

Poland has had four citizenship acts (1920,[19] 1951,[20] 1962[21] and 2009[22]). First, I explain that since the adoption of the first act on citizenship in 1920, Poland has always had rules under which dual citizenship was in some instances legally accepted. Next, I show how the rules concerning nationality changed with the adoption of the 1951 Citizenship Act, basing my analysis on the elements presented above. I offer a critique of the results obtained and explain why the approach has to be more nuanced. Based on the Polish example I identify other factors that need to be accounted for when assessing a state's attitude to dual nationality. I also examine when the opening to dual nationality can be situated and whether it should be associated with a particular moment in time or rather perceived as a process.

The 1920 Citizenship Act and 1951 Citizenship Act

Poland has never implemented a total ban on dual nationality. Even though the 1920 and 1951 citizenship acts stated that a Polish citizen cannot simultaneously be a citizen of another state,[23] the possession of dual nationality was in many cases possible. The legal doctrine attributed 'vagueness' to the abovementioned formulation of the principle of exclusivity of citizenship in the acts of 1920 and 1951. Even though Article 1 of the 1920 Citizenship Act states that 'a Polish citizen may not be simultaneously the citizen of another state', Article 3 of the Implementing Regulation[24] to this act establishes the principle that 'a Polish citizen may not be considered by the Polish authorities at the same time the citizen of another state'. The existence of these provisions in parallel means that the principle expressed in the Act cannot be understood as a ban on possession of dual citizenship as the Implementing Regulation introduces a rule of conflict (which would not be necessary if the Act had explicitly banned possession of multiple citizenship). In summary, the principle of exclusivity expressed in Article 1 of the 1920 Act and Article 1 of the 1951 Act means that a person who holds more than one citizenship will be treated as a Polish citizen on the territory of Poland (Ramus 1968: 35, 228). These Articles express the same rule of conflict as the one contained in Article 3 of the 1930 Hague Convention.[25]

The 1920 Citizenship Act was restrictive in its approach to dual nationality but it did not reflect in full any of the three elements which characterise the restrictive regulation of multiple citizenship in Aleinikoff and Klusmeyer's approach. First, acquisition at birth of two or more citizenships was possible and there was no requirement that one citizenship be renounced (1st element). One manifestation of a restrictive approach to multiple citizenship, however, was the possibility of acquiring citizenship at birth through only one parent. Second, naturalisation in a foreign state did not always entail automatic loss of citizenship as in such a situation citizenship was lost *ex lege* only by persons not subject to general conscription (2nd element). Third, in order to acquire Polish citizenship, it was not always necessary to renounce foreign citizenship. This was required only in the case of certain forms of citizenship acquisition, for example naturalisation, but was not required, for example, when citizenship was acquired through marriage (3rd element).

The 1951 Citizenship Act introduced important changes in regulations concerning dual citizenship. In evaluating the first element of the state's approach to multiple citizenship according to the Aleinikoff and Klusmeyer method, it should be noted that the 1951 Citizenship Act, like the 1920 Citizenship Act, did not require that one citizenship be chosen in the case of acquisition at birth of two or more citizenships. It did, however, modify the principles governing acquisition of citizenship at birth: the principle that citizenship is

acquired only through one parent was replaced by the rule that a child born in Poland, if at least one parent was a Polish citizen, acquired Polish citizenship at birth.[26] This change in the law reflected both an increased acceptance of multiple citizenship and changing notions of gender equality.

However, in evaluating the 1951 Citizenship Act through the prism of the first element it should be noted that this act was passed in a new political context and its provisions must be assessed with due regard for the reality of the then socialist state and above all else the determinants of migration during this period. From the late 1940s unprecedented restrictions were imposed on travel from Poland and there was almost complete closure of the border to passenger traffic.[27] The restrictions on migration were relaxed in the years 1954–1956, primarily in relation to the USSR.[28] This relaxation in Polish–USSR migration was accompanied by the signing by Poland of the first convention on elimination of multiple citizenship. In 1958, just after the sharp increase in departures to the USSR, the two countries signed a convention on regulating the citizenship of persons with dual citizenship.[29] The convention introduced the requirement that, within one year of its entry into force, a choice had to be made between Polish and USSR citizenship for minor children.[30]

When it comes to evaluating the 1951 Citizenship Act through the prism of the second element, it should be noted that according to this act acquisition of foreign citizenship was possible only after obtaining 'authorisation for change of citizenship'.[31] Unlike the 1920 Act, authorisation for change of citizenship was a condition of the loss of Polish citizenship for all citizens and not just those subject to active military service obligations. However, because Polish citizens could acquire foreign citizenship regardless of other conditions created in this regard by Polish law (in this case authorisation for change), this means that the 1951 Citizenship Act allowed for situations of multiple citizenship in relation to a broader category of persons than the 1920 Act. Furthermore, the marriage of a Polish citizen to a person who did not hold Polish citizenship did not result in changes to the spouse's citizenship.[32] This meant that the Polish citizen could acquire foreign citizenship in accordance with foreign law and simultaneously not lose Polish citizenship.

These provisions would suggest a greater acceptance of multiple citizenship, since no category of citizen was subject to loss of Polish citizenship *ex lege* upon acquisition of foreign citizenship, which of course had been the case under the 1920 Citizenship Act for persons not subject to active military service. Nonetheless, the tenor of the act should not be automatically treated as expressing greater acceptance of dual citizenship. It is also significant that in the 1950s two resolutions were issued by the State Council in relation to emigrants to Germany[33] and Israel.[34] Their aim was to regulate the authorisation of a change of Polish citizenship for persons going to East or West Germany (as German repatriates) and those moving to Israel on a permanent basis. Thus despite the fact that according to the 1951 Citizenship Act acquisition of foreign citizenship was possible without loss of Polish citizenship if an individual did not apply for authorisation of a change of citizenship, the adoption of the resolutions by the Council of State meant that citizens intending to emigrate to East Germany, West Germany or Israel had to accept the loss of their Polish citizenship. It was to these countries that the highest number of people emigrated legally during the era of the Polish People's Republic.

If we consider the migration context in which these resolutions obtained,[35] it cannot be claimed that during the period in which the 1951 Citizenship Act was in force the acceptance of dual citizenship increased by comparison with the period governed by the 1920 legislation. In so far as the authorisation required by the 1951 Citizenship Act was intended to hamper renunciation of Polish citizenship by emigrants, and in this sense could be treated as a manifestation of an accepting approach to multiple citizenship, the resolutions of the Council of State facilitated loss of citizenship in relation to a specified category, which in fact reflected a restrictive approach. The resolutions were informed by different values than those pertaining to the 1951 Citizenship Act and 'created their own particular legal regime, functioning alongside the legislative framework and serving as a general resolution of the problem of citizenship in relation to emigrants of a specified nationality' (Jagielski 2006: 300).

On another note, it is worth pointing out that the theory according to which the dual citizenship regime is a liberal measure does not ring entirely true. The term 'liberalisation' is supposed to denote a trend towards adopting legal solutions accommodating dual citizenship. Polish rules on 'authorisation of change of citizenship', however, are a paradigm of a legal policy tolerating dual citizenship in order for the state to retain powers in relation to the individual. The 'authorisation' was a way to coerce citizens, particularly in communist Poland, to retain Polish citizenship.

Turning to evaluation of the 1951 Citizenship Act through the prism of the third element it is worth noting that renunciation of foreign citizenship was not obligatory for any form of acquisition of Polish citizenship. The act provided only that the granting of Polish citizenship 'may be made conditional' on submission of proof of loss of foreign citizenship[36] In turn, in the case of persons acquiring citizenship through repatriation, it was not possible for the administration to demand renunciation of citizenship on the part of these persons.

Elimination in the 1951 Citizenship Act of the rules relating to the obligation to renounce citizenship in the case of acquisition of citizenship may indicate a greater acceptance of dual citizenship in comparison with the provisions of the 1920 Citizenship Act which required renunciation of foreign citizenship for certain forms of citizenship acquisition. However, the fact that the power to demand renunciation of citizenship was formulated as a discretionary one in the 1951 Citizenship Act did not necessarily mean increased acceptance of dual citizenship because in that period such discretionary power could entail unimpeded government action.

The above analysis of the provisions of the 1920 and 1951 citizenship acts shows that, for a comprehensive assessment of the approach of the state to multiple citizenship, it is necessary to take into account other factors than elements 1 to 3 in the Aleinikoff and Klusmeyer approach. We need to assess the legal provisions against the background of the broader migration and legal-political contexts. This means that the opening of Poland to dual citizenship cannot be situated in 1951 and must be sought elsewhere.

The 1962 Citizenship Act

As previously mentioned, Poland's citizenship acts never implemented the principle of banning dual citizenship. Thus the fact that the principle of exclusivity of Polish citizenship is worded differently in the 1962 Citizenship Act from the earlier acts does not amount to a substantive difference of content of the principle. Article 2 of the 1962 Act formulated that principle in the following way: 'a Polish citizen under Polish law may not simultaneously be considered a citizen of another state'. There is therefore no introduction of a new principle, just a more precise wording of the principle of exclusivity which has long been accepted by the Polish legal system (Ramus 1968: 283).

An analysis of the framework of the 1962 Citizenship Act in its original meaning from the perspective of the three elements discussed above shows that the act enables the acquisition of dual citizenship at birth and does not require that one citizenship be chosen (first element).[37] The legislature desisted from distinguishing situations of acquisition of citizenship by birth according to whether the child is born in Poland or abroad, as had been the case in the 1951 Citizenship Act. Both children born in Poland and those born abroad may acquire Polish citizenship if at least one parent is a Polish citizen. The adoption of such a solution meant that the number of children who acquired dual citizenship at birth might increase, a subtle indication of a greater acceptance of multiple citizenship. On the other hand, however, it should be pointed out that in the period 1965–1975 the practice of entering into agreements relating to the avoidance and elimination of dual citizenship became more common. These conventions regulated, *inter alia*, the problem of dual citizenship of a child born before the entry into force of the conventions. This meant that, in relation to East Germany, the USSR, Mongolia, Czechoslovakia, Bulgaria and Hungary, Poland demanded that a child who acquired dual citizenship at birth make a choice between them. Since restrictions on migration were not so stringent and more mixed

marriages were likely to occur in respect of these countries, it is difficult to claim an increased acceptance of dual citizenship acquired at birth.

As regards the second element of the analysis, it should be pointed out that acquisition of foreign citizenship, just as under the 1951 Citizenship Act, did not entail automatic loss of Polish citizenship. The 1962 Citizenship Act provided, subject to the exceptions envisaged in the act, that a Polish citizen may acquire foreign citizenship only where the appropriate Polish authorities have authorised the change of citizenship.[38] Acquisition of citizenship in this way entailed loss of Polish citizenship. This rule meant that a person who acquired foreign citizenship without such authorisation did not lose Polish citizenship and could not be regarded as a foreign citizen under Polish law (Ramus 1980: 247 *et seq.*). However in the context of the period during which this act was in force the comments made above in relation to the resolutions of the Council of State remain valid. These resolutions created, in parallel with the 1962 Citizenship Act, a framework 'facilitating' loss of Polish citizenship. Note that the act provides that a Polish woman who acquired foreign citizenship through marriage lost Polish citizenship only if she submitted the appropriate declaration to the competent Polish authority and that authority issued a decision accepting such declaration.[39]

As regards the third element, the situation under the 1951 Citizenship Act remained under the 1962 Citizenship Act, as acquisition of Polish citizenship was never made absolutely conditional on renunciation of foreign citizenship. An optional condition for the acquisition of Polish citizenship that required proof of loss of, or release from, foreign citizenship was provided for in the case of a conferral of citizenship,[40] acquisition of citizenship through marriage[41] and re-integration.[42] Similarly, repatriates acquired citizenship under the 1962 Citizenship Act *ex lege* and the authorities could not demand that they renounce their previous citizenship.[43]

The 1962 Citizenship Act was adopted in a different migration context to the one that prevailed when the 1951 Citizenship Act was enacted. It was a period when cross-border mobility was stable and its increase limited. This period saw the development of cross-border movement for the purposes of tourism within the socialist camp. The percentage of negative decisions in cases of travel to these countries was relatively small and the laws in other socialist states were also gradually being simplified. At the same time, this period witnessed a clear increase in the number of foreigners coming to Poland from neighbouring countries.[44] Thus we may construe legislative changes indicating a more accepting approach to multiple citizenship as an indication of the State's increasing acceptance of it.

A fundamental change relating to the measures which concern us was introduced by the 1998 amendment to the 1962 Act.[45] This amendment removed the requirement to obtain authorisation from the competent Polish authority for change of citizenship for the purpose of acquiring foreign citizenship and thus removed the principle that acquisition of foreign citizenship after obtaining authorisation for change of citizenship entailed loss of Polish citizenship. It introduced the principle that citizenship may be lost only at the request of the individual after obtaining the consent of the President of the Republic of Poland to renunciation of citizenship.[46] Such a change became necessary after the new Constitution of the Republic of Poland which became effective in April 1997 provided in Article 34.2 that 'a Polish citizen may not lose Polish citizenship unless he himself renounces it'.

The changes introduced by the 1998 amendment reflect a greater acceptance of dual citizenship in the sense that acquisition of foreign citizenship since then has not in any way entailed loss of Polish citizenship (the concept of 'authorisation' for the renunciation of citizenship was removed). At the same time the migration context does not contradict this trend, as since 1989 there have been no restrictions on cross-border mobility.[47]

The 2009 Citizenship Act

In the 2009 Citizenship Act the principle of exclusivity of Polish citizenship is expressed in Article 3.2 in the following way: 'A Polish citizen may not legally invoke simultaneous possession of citizenship of another State and the rights and duties flowing therefrom in relation to the authorities of the Polish Republic'.[48] This is more clearly expressed than in previous acts. First, there is no doubt as to the possibility of a Polish citizen holding another citizenship and second, it is clearly envisaged that only Polish citizenship may be legally invoked in relation to the authorities of the Republic of Poland (Jagielski 2008). Article 3.1 introduces a new provision, not contained in any of the earlier acts, that 'a Polish citizen holding at the same time citizenship of another State has in respect of the Polish Republic the same rights and obligations as a person holding only Polish citizenship'. This provision is not entirely clear. A literal reading means that a Polish citizen holding more than one citizenship may not on that account be discriminated against, for example in access to high public office, or accorded special treatment regarding their duties. Whether that was the intention of the legislature is unclear, as at the time this act was passing through the Sejm and Senate a provision of the Act of 21 November 1967 on the general obligation to protect the Republic of Poland[49] was in force. This provided that 'a Polish citizen, being at the same time a citizen of another State is not subject to the general obligation to protect if permanently resident outside the borders of the Republic of Poland' (see Zdanowicz 2009).

An analysis of the provisions of the 2009 Citizenship Act from the perspective of the three elements indicating greater or lesser acceptance of multiple citizenship reveals that the most important change is that it is impossible for the relevant state authorities to make acquisition of Polish citizenship conditional on renunciation of foreign citizenship, regardless of the form of naturalisation (third element). As to the second element, the 2009 Citizenship Act maintains the 1998 position (1962 Citizenship Act as amended by the 1998 Act): acquisition of foreign citizenship does not in any case entail loss of Polish citizenship (either *ex lege* or through any interpretation of 'authorisation'; element 2). As to the first element, neither the parents of children who acquire more than one citizenship by birth nor the children themselves (at a later stage) have to choose one citizenship.

The approach of the Polish legislature to the issue of multiple citizenship cannot be analysed without reference to the agreements on avoidance and elimination of dual citizenship which Poland concluded between the end of the 1950s and the mid-1970s with socialist countries (USSR, Czechoslovakia, Hungary, Bulgaria, Mongolia and East Germany).[50] All of these agreements lost their binding force in the period 1990–2002. If we take into consideration the applicability of the conventions on avoidance and elimination of dual citizenship in relation to Mongolia, Hungary, Bulgaria, Germany and the successor states of the USSR and Czechoslovakia (a total of 21 states), most of these agreements lost their binding force in the face of a political transition which did not seek to continue the conventions.[51] Poland took an active position on the termination of the applicability of bilateral agreements on avoidance and elimination of dual citizenship after 1999. While previously it had not denounced any convention, in the years 1999–2001 it denounced five of them.

The above analysis shows that, ever since the adoption of the first act on citizenship, Poland has always had a legal framework under which dual citizenship was in some instances legally accepted. If we are considering only the criteria of restrictiveness/openness towards dual citizenship proposed by Aleinikoff and Klusmeyer (2001), the opening of Poland to possession of multiple citizenship would have to be located in 1951. However, the legal-political as well as the migration contexts indicate that it is more accurate to situate the 'opening' of Poland to dual citizenship significantly later. In the Polish case, changes in citizenship acts gained significance only as they were combined with factors such as the repeal of the resolutions of the Council of State in 1984, removal of the restrictions on migration which occurred in 1989 and the expiry of bilateral agreements in the years 1990–2002. The opening up of Poland in terms of dual citizenship should therefore be

situated not in 1951 but in the period 1989–1990. From that time, all three factors which had modified the interpretation of the legislative measures on citizenship as indicative of an accepting attitude to dual citizenship became irrelevant. 1998 may be identified as the next moment of 'opening up' with the amendment of the 1962 Act. Another example of movement in that direction was the enactment by Parliament of the new 2009 Citizenship Act. The Polish example therefore shows that 'becoming open' to dual citizenship is not associated with some easily identifiable key amendments of the legislation but with the confluence of several factors.

Conclusion

The analysis of regulations concerning dual citizenship is complex. The terms of reference for a comparative study of multiple citizenship should be elaborated and extended because they are incomplete if only a narrow selection of legal rules is considered. The analysis of Polish provisions in this field shows that a comprehensive comparative method also has to take into account the migration context as well as relevant aspects of the legal and political context. Otherwise, the simplified approach focusing on the analysis of selected fragments of explicit legislation generates results that may be misleading. Moreover, an analysis of selected provisions of the legal framework does not allow for consideration of all legislative nuances which may also reflect a greater or lesser openness to multiple citizenship. Furthermore, a comparative method should allow for the characterisation of a state's attitude towards dual citizenship in terms of process. Changes in a state's attitude may be due not to some easily identifiable key legislative amendments but to the confluence of several factors. Last but not least, in analysing dual citizenship legal regimes it should not be assumed that acceptance by a state of dual citizenship is always an expression of a liberalisation of that state's approach. As I have shown, the trend towards acceptance of dual nationality may also be an example of illiberal and coercive policies whereby the state refuses to renounce its claim to its citizens.

Acknowledgements

I am deeply indebted to Alan Desmond, Piotr Korzec and Katja Swider for their comments.

Conflict of interest statement

No potential conflict of interest was reported by the author.

Notes

[1] This and the next sections rely extensively on Pudzianowska (2013).

[2] The so-called Bancroft treaties (named for George Bancroft, the US Ambassador in the North German Confederation who initiated the agreements).

[3] All these treaties provided that naturalisation in one of the states parties would be recognised by the second party on condition that a person had spent five years in the state of new citizenship. Moreover, if a person who had acquired new citizenship returned to the country of former citizenship and lived there continuously for a period of at least two years he ipso facto recovered his former citizenship and lost the newer one. The treaties envisaged that such persons would have to finish military service and could be punished for crimes committed before emigration took place. See Oppenheim (2005): 487.

[4] 1906 Rio de Janeiro Convention on the Status of Naturalised Citizens.

[5] A rebuttable presumption of an intention not to return arose from a minimum two years' residence in the territory of the state of original citizenship (Article 2 of the Convention).
[6] The Convention on Certain Questions relating to the Conflict of Nationality Laws was ratified by Poland by the Act of 5 March 1934, Journal of Laws No. 27, item 217.
[7] Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality, 06/05/1963.
[8] In his opinion, 'combining two citizenships in one person is illogical, inconsistent with the understanding of the state as a living organism and sometimes has (…) downright absurd consequences'.
[9] Resolution of the first Senate BvR of 21 May 1974 (1 BvL 22/71 and 21/72), in Entscheidungen des Bundesverfassungsgerichts, vol. 37, p. 254–255; Similarly, one can point to the decisions of US courts such as the case of *Rogers v. Bellei* (401 U.S. 815, 1971).
[10] 'No one can serve two masters. For either he will hate the one and love the other, or he will hold to one and despise the other'. Mt 6, 24; see Alland and Rials (2003): 1054.
[11] A famous case was that of Aeneas MacDonald who lived in France but who was also a British subject by reason of birth to English parents. He served as a French officer and was sentenced to death for carrying arms against the king of England. After spending several years in prison the death sentence was commuted to exile. This was not an isolated case. Many such cases at the beginning of the century related to British subjects naturalised in the USA; see Fromagot (1892): 103.
[12] See the case of *Marryat v. Wilson* (Court of Exchequer Chamber 1799) in which the Court developed a standard for decisions in cases relating to conflicting British and American claims of allegiance.
[13] This trend is not confined to European states. In recent years, many African countries have changed their laws to allow possession of multiple citizenship. For more on this subject see Manby (2016): 9.
[14] Second Protocol Amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality, 02/02/1993.
[15] *Inter alia*, in the case of second-generation immigrants, persons acquiring citizenship through marriage and children acquiring more than one citizenship at the moment of birth.
[16] Weissbrodt (2008): 1.
[17] Weinar (2007: 148) cites the following statement of a Freedom Union MP during a debate on the Bill of Polish Citizenship in 1999 (Sejm 1999): 'The logical consequence of the very institution of citizenship is loyalty toward one of these nationalities. If we were to accept here the solution which the Senate has proposed we would break the logic of this institution'.
[18] See analysis of the case of Germany, Holland and Sweden in Faist *et al.* (2007): 103–104.
[19] The Act of 20 January 1920 on Citizenship of the Polish State, Journal of Laws 1920 No. 7, item 44.
[20] The Act of 8 January 1951 on Polish Citizenship, Journal of Laws 1951 No. 4, item 25.
[21] The Act of 15 February 1962 on Polish Citizenship, Journal of Laws 1962 No. 10, item 49.
[22] The Act of 2 April 2009 on Polish Citizenship, Journal of Laws 2012 item 161.
[23] Article 1 of 1920 Citizenship Act; Article 1 of 1951 Citizenship Act.
[24] A Regulation of the Minister for Internal Affairs 7 June 1920 concerning the Implementation of the Act of 20 January 1920 on Citizenship of the Polish State, Journal of Laws 1920 No. 52, item. 320.
[25] The formulation of the exclusivity rule in both acts is ambiguous, which has made some authors claim that 'historically, dual citizenship was never accepted under Polish law' but was tolerated de facto (Górny, Grzymała-Kazłowska, Koryś and Weinar 2007).
[26] Article 8 of the 1951 Citizenship Act. A child born abroad, however, acquired Polish citizenship only if both parents were citizens of Poland, unless one parent was a Polish citizen but the second was unknown or of unspecified citizenship (Article 6.2 of the 1951 Citizenship Act), or if at least one parent was a Polish

citizen and if the law of the state in which the child was born applies the same principles to the citizenship of children born in Poland to parents of different citizenship (Article 9 of the 1951 Citizenship Act).

[27] This period is commonly referred to as the Great Closure and lasted until 1954. According to material analysed by Stola (2001: 65–67), in 1951 the total number of all types of trips abroad was 9 360. After the historical low of 1951 the number of departures for foreign travel gradually rose in 1952 to 12 510, in 1953 to 16 730 and in 1954 to 22 200. The relative increase was noticeable but in absolute terms the scale of migration was symbolic. In contemporary Polish history the numbers have never been that low.

[28] The USSR relaxed rules hampering the admission of Polish citizens and its authorities made proposals to their Polish counterparts which aimed to simplify admissions between both States (Stola 2001: 69 *et seq.*).

[29] The Convention between the Government of the Polish People's Republic and the Government of the Union of Soviet Socialist Republics in the matter of the regulation of citizenship of persons with dual citizenship signed in Warsaw, 21 January 1958.

[30] According to Article 4.2 of this Convention, if one of the parents held the citizenship of one of the Contracting Parties, and the second parent citizenship of the other Contracting Party then the citizenship of their minor children holding dual citizenship was decided in the first place on the basis of the unanimous declaration of their parents, though children over the age of 14 could themselves submit the relevant declaration.

[31] Article 11.1 of the 1951 Citizenship Act. Although in the 1920 Citizenship Act there was mention of the requirement of obtaining 'authorisation of acquisition of foreign citizenship' it must be assumed that both descriptions refer to the possibility of 'change of citizenship'. If the State through its internal rules cannot limit the possibility of effective acquisition of foreign citizenship, it cannot claim that it grants 'authorisation of acquisition' of foreign citizenship.

[32] Article 5 of the 1951 Citizenship Act.

[33] Resolution No. 37/56 of the Council of State 16 May 1956 in the matter of authorisation of change of Polish citizenship for German repatriates (unpublished). The two resolutions were issued on the basis of Articles 13.1 and 13.2 of the 1951 Citizenship Act.

[34] Resolution No. 5/58 of the Council of State 23 January 1968 in the matter of authorisation of change of Polish citizenship for persons departing permanently to the State of Israel (unpublished).

[35] Both resolutions were in force until 1984. They were repealed by Resolution No. 26/84 of the Council of State 8 March 1984 (unpublished).

[36] Article 10.2 of the 1951 Citizenship Act.

[37] Like the 1920 and 1951 citizenship acts.

[38] Article 13 of the 1962 Citizenship Act.

[39] Article 14. This Article was repealed by Article 19.4 of the Act of 24 July 1998 amending certain acts defining the powers of public authorities – in connection with the systemic reform of the State, Journal of Laws 1998 No. 106, item 668.

[40] Article 8.3 provided that: 'A conferral of Polish citizenship may be dependent on submission of proof of loss of or release from foreign citizenship'.

[41] Article 10.2. Until 1998 citizenship through marriage could be acquired only by women. In 1998 Article 10 was amended so as to allow foreign men to also be able to acquire citizenship through marriage.

[42] Until 1998 this affected only women and since then both women and men.

[43] Since the removal of regulations on repatriation from the 1962 Act by the Act of 11 April 2001 amending the Aliens Act and certain other acts (Journal of Laws 2001 No. 42, item 475), these issues have been regulated by the Repatriation Act 2000. Interestingly, the Repatriation Act contains an analogous measure – it does not require renunciation of citizenship by repatriates.

[44] Records show that in 1960 in Poland there were 184 000 foreign tourists, while in 1970 there were 10 times more (Stola 2001: 75).

[45] Act of 24 July 1998 amending certain acts defining the powers of public authorities – in connection with the systemic reform of the State, Journal of Laws 1998 No. 106, item 668.

[46] The amended Article 13.

[47] In the 1990s there was a clear increase in the number of foreigners coming to Poland; Rzeplińska (2000): 8.

[48] For the English translation of 2009 Citizenship Act see: http://eudo-citizenship.eu/admin/?p=file&appl=currentCitizenshipLaws&f=POL_Citizenship%20Act%202009_as%20enacted_ENGLISH.pdf (accessed: 23 May 2017).

[49] Journal of Laws 2004 No. 241, item 2416.

[50] These agreements concerned the possibility of choosing between one of two citizenships of the States Parties held by an individual and in the event that a choice was not made by the individual the matter would be decided by the agreement. Persons who did not submit a declaration as to choice of citizenship retained the citizenship of the State Party in whose territory they had their permanent place of residence when the deadline for submission of the declaration passed. If a person holding at the same time the citizenship of the States Parties resided in the territory of a third country the deciding factor would be the State Party in which the person last resided. The conventions also regulated the problem of dual citizenship of a child born before entry into force of the conventions. The agreement with the USSR, signed in 1958, was the only one which related exclusively to the question of elimination of dual citizenship, not just its prevention.

[51] For details on the issue of the conventions, see Pudzianowska (2013): 143–149.

References

Aleinikoff T. A., Klusmeyer D. (2001). Plural Nationality: Facing the Future in a Migratory World, in: T. A. Aleinikoff, D. Klusmeyer (eds), *Citizenship Today. Global Perspectives and Practices*, pp. 63–88. Washington: Carnegie Endowment for International Peace.

Alland D., Rials S. (eds) (2003). *Dictionnaire de la culture juridique*. Paris: PUF.

Bauböck R. (ed.) (2006). *Migration and Citizenship. Legal Status, Rights and Political Participation*. Amsterdam: Amsterdam University Press.

Bredbenner C. L. (1998). *A Nationality of Her Own: Women, Marriage and the Law of Citizenship*. Berkeley: University of California Press.

Chernichenko S. V. (1968). Mezhdunarodno-pravovye voprosy grazhdanstva. Moscow: Mezhdunar. otnosheniia.

Dionisi-Peyrusse A. (2008). *Essai sur une nouvelle conception de la nationalité*. Paris: Defrénois.

EU JHA (2004). *Common Basic Principles for Immigrant Integration Policy in the European Union*. Doc. 14776/04 MIGR 105.

Faist T., Gerdes J. (2008). *Dual Nationality in an Age of Mobility*. Washington, DC: Migration Policy Institute.

Faist T., Gerdes J., Rieple B. (2007). Dual Nationality As a Path-Dependent Process, in: A. Portes, J. DeWind (eds), *Rethinking Migration: New Theoretical and Empirical Perspectives*, pp. 90–121. New York: Berghahn Books.

Faist T., Kivisto P. (2007). *Citizenship. Discourse, Theory, and Transnational Prospects*. Oxford: Blackwell Publishing.

Feldblum M. (2000). Managing Membership: New Trends in Citizenship and Nationality Policy, in: T. A. Aleinikoff, D. Klusmeyer (eds), *From Migrants to Citizens: Membership in a Changing World*, pp. 475–500. Washington, DC: Carnegie Endowment for International Peace.

Franck T. (2000). *The Empowered Self: Law and Society in the Age of Individualism*. Oxford: Oxford University Press.

Fromagot H. (1892). *De la double nationalité des individus et des sociétés*. Paris: Rousseau.

Górny A., Grzymała-Kazłowska A., Koryś P., Weinar A. (2007). Selective Tolerance? Regulations, Practice and Discussions Regarding Dual Citizenship in Poland, in: T. Faist (ed.), *Dual Citizenship in Europe. From Nationhood to Societal Integration*, pp. 147–170. Avebury, UK: Ashgate.

Jagielski J. (2006). Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 27 października 2005 r. sygn. II OSK 965/05. *Orzecznictwo Sądów Polskich* 5: 298–300.

Jagielski J. (2009). *Opinia prawna dotycząca projektu ustawy o obywatelstwie polskim z 10 października 2008*, drawn up at the request of the Senate Chancellery, Review and Expertise OE-88 (unpublished).

Kettner J. H. (1976). Subjects or Citizens? A Note on British Views Respecting the Legal Effects of American Independence. *Virginia Law Review* 62(5): 945–967.

Koslowski R. (2003). Challenges of International Cooperation in a World of Increasing Dual Nationality, in: D. Martin, K. Hailbronner (eds), *Rights and Duties of Dual Nationals: Evolution and Prospects*, pp. 157–182. The Hague, London, New York: Kluwer Law International.

Legomsky S. (2003). Dual Nationality and Military Service: Strategy Number Two, in: D. Martin, K. Hailbronner (eds), *Rights and Duties of Dual Nationals: Evolution and Prospects*, pp. 79–126. The Hague, London, New York: Kluwer Law International.

Liebich A. (2000). Plural Citizenship in Post-Communist States. *International Journal of Refugee Law* 12(1): 97–107 .

Manby B. (2016). *Citizenship Law in Africa. A Comparative Study*. New York: Open Society Foundation.

Martin D. (2003). Introduction. The Trend Towards Dual Nationality, in: D. Martin, K. Hailbronner (eds), *Rights and Duties of Dual Nationals: Evolution and Prospects*, pp. 3–18. The Hague, London, New York: Kluwer Law International.

Oppenheim L. (2005). *International Law: A Treatise*. *Volume 1*. 3rd edition. R. Roxburgh (ed.). Clark, NJ: The Lawbook Exchange Ltd.

Pudzianowska D. (2013). *Obywatelstwo w procesie zmian*. Warsaw: Wolters Kluwer.

Ramus W. (1968). *Prawo o obywatelstwie polskim*. Warsaw: Wydawnictwa Prawnicze.

Ramus W. (1980). *Instytucje prawa o obywatelstwie polskim*. Warsaw: Państwowe Wydawnictwo Naukowe.

Rzeplińska I. (2000). *Przestępczość cudzoziemców w Polsce*. Warsaw: Wydawnictwo Naukowe Scholar.

Spiro P. J. (2016). *At Home in Two Countries. The Past and Future of Dual Citizenship*. New York: New York University Press.

Starzyński S. (1921). *Obywatelstwo państwa polskiego*. Cracow: Krakowska Spółka Wydawnicza.

Stola D. (2001). Międzynarodowa mobilność zarobkowa w PRL, in: E. Jaźwińska, M. Okólski (eds), *Ludzie na huśtawce. Migracje między peryferiami Polski i Zachodu*, pp. 62–100. Warsaw: Wydawnictwo Naukowe Scholar.

Weinar A. (2007). Podwójne obywatelstwo w polskich debatach parlamentarnych 1999–2001, in: P. Koryś, A. Górny (eds), *Obywatelstwo wielokrotnego wyboru: interdyscyplinarne ujęcie kwestii podwójnego obywatelstwa w Polsce*, pp. 138–157. Warsaw: Wydawnictwa Uniwersytetu Warszawskiego.

Weissbrodt D. (2008). *The Human Rights of Non-Citizens*. Oxford: Oxford University Press.

van Oers R., de Hart B., Groenendijk K. (2013). *Country Report: Netherlands*. San Domenico di Fiesole: EUDO Citizenship Observatory, Eueopean University Institute.

Zdanowicz M. (2009). *Opinia prawna dotycząca projektu ustawy o obywatelstwie polskim z dnia 29 stycznia 2009 r.*, drawn up at the request of the Parliamentary Research Bureau (unpublished).

Central and Eastern European Migration Review
Received: 13 June 2016, Accepted: 13 December 2016
Published online: 26 January 2017
Vol. 6, No. 1, 2017, pp. 31–48
doi: 10.17467/ceemr.2017.05

Dimensions of Citizenship Policy in the Post-Yugoslav Space: Divergent Paths

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The break-up of the former Yugoslavia resulted in the establishment of seven states with manifestly different citizenship regimes. Relating the politics of citizenship to the dominant nation-building projects, this paper argues that in the post-Yugoslav countries in which nation-building projects are consolidated (Croatia, Slovenia and Serbia) citizenship regimes converge around ethnic inclusiveness, while in those where nation building is contested (Macedonia and Montenegro) territorial rather than ethnic attachments are articulated in citizenship policies. In the case of Kosovo, and to a certain degree Bosnia and Herzegovina, policies emphasise territory due to international involvement in the shaping of their citizenship regimes. Even though all of these states have adopted ius sanguinis as the main mechanism of citizenship attribution at birth, the different approaches to naturalisation and dual citizenship indicate that the politics of citizenship are inextricably linked to the questions of nation building and statehood. To explore these issues, the paper first outlines the main traits of citizenship policies in contested and consolidated states. It proceeds by looking at different naturalisation requirements in the two groups of states. It argues that extension to ethnic kin occurs only in countries in which statehood and nation building are consolidated, where it serves to project an image of national unity. In states that are challenged by several competing nation-building projects, citizenship attribution through ethnic kinship is impossible due to lack of internal unity. The paper also analyses approaches to dual citizenship, identifying patterns of openness and restrictiveness. By doing so, it links the politics of citizenship to the interaction of foreign policy mechanisms in post-Yugoslav countries and identifies the points where these regimes overlap or conflict with each other.

Keywords: citizenship; nation building; statehood; former Yugoslavia

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Introduction

Over the last three decades, the geographical and political space once occupied by the socialist Yugoslavia has been subject to fragmentation, which in turn has gradually yielded new sovereign states. The independence of Slovenia, Croatia and Macedonia in the early 1990s, followed by the constitution of post-war Bosnia and Herzegovina, and the gradual disintegration of the Federal Republic of Yugoslavia into Montenegro, Serbia and Kosovo constitute what is now known as the 'post-Yugoslav space'. While rooted in the same political, constitutional and economic set-up as the socialist Yugoslavia, these states populating the 'post-Yugoslav space' have had different post-partition experiences, ranging from (relatively) peaceful secession, transition and European Union (EU) integration to conflict, protracted state transformation, and domestic and external contestation. These dissimilar experiences, driven largely by the interplay between national identities and statehood, have shaped the citizenship regimes of the seven new states in South-Eastern Europe.

The post-Yugoslav citizenship regimes need to be contextualised in light of 'wider political settlement, reflecting, for example, contestations between, for instance, titular 'national' and minorities, among 'constitutive peoples', political and ideological groups or simply citizens over citizenship and related rights, especially rights of political participation' (Shaw and Štiks 2013: 4–5). While acknowledging that the notions of belonging and rights are central to citizenship, the institution of citizenship is analysed here through the lenses of individuals' legal status. This enables us to explore how particular policies that determine who is included as a member of a state and who is excluded have been shaped by broader developments of the politics of citizenship. In turn, the politics of citizenship have had divergent trajectories in states with manifestly different experiences of the link between statehood and nation building. Statehood is the institutional articulation of the link between individuals and the state, characterised by domestic legitimacy and external recognition (Buchanan 1999). It is intimately related to nation building, which has at its core the link between the national-emotional community and the political-territorial structure that encapsulates it.

As an expression of the relationship between individuals, nations and states, citizenship policies are dependent on whether nation building in a state is consolidated or whether there are several competing nation-building projects.[1] The key argument of this paper is that in the post-Yugoslav countries in which nation-building projects are stable (Croatia, Slovenia and Serbia) citizenship regimes converge around ethnic inclusiveness, while in those where nation building is more variable (Macedonia and Montenegro) citizenship policies reflect territorial attachments. In the case of Kosovo, and to a certain degree Bosnia and Herzegovina, policies emphasise territory due to international involvement in shaping their citizenship regimes. These trends are mirrored in various dimensions of citizenship policy, in that we can expect convergence on birthright citizenship and divergence on matters of admission on the basis of culture or residence.

While some of the dimensions of citizenship policy in the post-Yugoslav space have been explored in country reports from *The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia* (CITSEE) project, there has not yet been a systematic differentiation among them. Building on the empirical material from the CITSEE project, this paper also takes into account the plurality of approaches to the status of citizenship. As such, it distinguishes between different categories of citizens on the basis of when and how they received (or lost) the status of citizenship, enabling cross-sectional comparison. Aleinikoff and Klusmeyer (2002) made a move in this direction when they proposed a departure from the conventional study of access to citizenship at birth based on *ius sanguinis* (descent) or *ius soli* (birth on the territory of the state) and the introduction of generations as a category of analysis. Their argument makes a significant contribution to the understanding of citizenship policies, reaffirming as it does the significance of the status of citizenship for the distribution of rights and duties in the community. Shachar (2009; 2011: 1) has complemented the work of Aleinikoff and Klusmeyer (2002) by referring to the functional grounds for the acquisition of citizenship after

birth as *ius nexi*, defining it as 'an auxiliary path for inclusion in the polity that could operate alongside the established principles of citizenship acquisition: by birth on the territory (jus soli) or birth to a citizen parent (jus sanguinis)' (Shachar 2011: 1).[2] Hence in the context of citizenship policies we can make a systematic distinction between the different mechanisms for citizenship attribution at and after birth. While the attribution of citizenship at birth is based on descent or territory, in the context of attribution of citizenship after birth we can identify three broad categories of functional grounds for acquisition and loss of citizenship: link with a person (e.g., descent, marriage); link with a country (residence, special achievements); links created through international norms and processes (refugees, security).

A look at the citizenship regimes of the post-Yugoslav states with reference to these policy elements indicates that all seven states under consideration in this paper have adopted *ius sanguinis* as the main mechanism of citizenship attribution at birth. However, their extremely divergent approaches to naturalisation on grounds of links with a person and link with the country, as well as issues related to openness, tolerance or resistance to dual citizenship indicate that the politics of citizenship are inextricably linked with the issues of statehood and nation building. That is, the more contested the nation-building process, the more demanding its citizenship policy for prospective applicants, who will have to prove extensive residence periods, socialise in the country, and renounce another citizenship as a sign of loyalty to the new nation. By extension, in countries where statehood and nation-building projects are consolidated, naturalisation policies will be more liberal for prospective citizens, whose cultural ties with the nation will be the dominant grounds for naturalisation. Due to the nature of such ties, loyalty will be presumed *ab initio* and individuals will be allowed to have dual citizenship.

To explore these issues, the paper starts with a discussion of the main features of citizenship policies in contested and consolidated states. It proceeds by looking at different naturalisation requirements in the two groups of states. It argues that extension to ethnic kin occurs only in countries that are consolidated, where it serves as a mechanism for the external projection of national unity. In the states challenged by several competing nation-building projects, citizenship attribution through ethnic kinship is impossible due to lack of internal unity. The paper subsequently analyses approaches to dual citizenship, identifying patterns of openness and restrictiveness in the two groups of countries. By doing so, it identifies the points where these regimes overlap or conflict with each other as the outcome of interaction among nation-building projects.

In terms of methodology, this paper relies on the methodological pluralism approach, as developed by Michael Keating and Donatella della Porta (2008). Keating and della Porta (2008: 112) maintain that methodological pluralism 'represents a normative view that in order for the social science to develop we need to promote diversity, rather than a single way of doing things… Unity comes from opening up the field rather than conforming to a single model'. Such an approach brings out linkages between the socio-political nature of polities and the specificities of their legal design because it avoids a single ('Manichean') ontological position (Becker 1996; Steinmetz 2005). In terms of method, the paper bases its distinction between contested and consolidated nation building on the results of *The Symbolic Nation-Building in the Western Balkans* project by the universities of Oslo and Rijeka. Under the aegis of the project, a survey with a sample size of approximately 1 500 respondents per country (adjusted slightly in each country to reflect its ethno-national composition) was conducted in each Western Balkan state to enable computation of loyalty to state-supported nation-building projects. The differentiation between the contested and consolidated nation-building projects will thus enable constitutional ethnography to be used as a framework for analysing legal change. Scheppele (2004: 395) defined constitutional ethnography as the 'study of the central legal elements of polities using methods that are capable of recovering the lived detail of the politico-legal landscape'. This approach will therefore entrench the understanding of different policy elements identified from the databases of the European Union Democracy Observatory (EUDO) on Citizenship. It will thus offer the first comparative, cross-sectional analysis of the

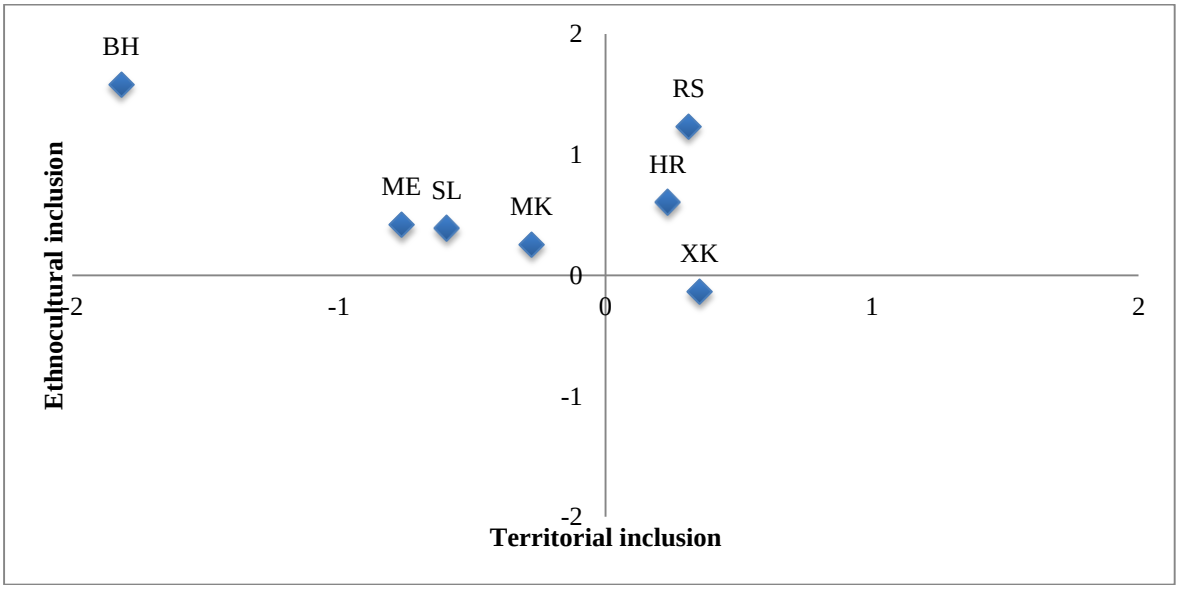
politics of citizenship in the post-Yugoslav space composed of post-partition, post-conflict and post-communist states.

Citizenship configurations in contested and consolidated states

Citizenship is a relationship between an individual and the state. If we conceive of it as a legal status (nationality), citizenship represents a mechanism through which states regulate whom to recognise as their members. Explaining the emergence of different citizenship regimes, in the early 1990s, Rogers Brubaker (1992) differentiated between two models of conceiving citizenship – the German (ethnic) and the French (civic). In the former model, membership in the state is conceived largely through kinship ties; in the latter, through territory. Although widely used in studies of citizenship, Brubaker's model has faced extensive criticism as most contemporary citizenship laws contain a mixture of 'civic' and 'ethnic' elements. Even though Brubaker (1999) himself questioned the conceptual consistency of these models and their usefulness for understanding citizenship in newly established states, Dumbrava's (2015: 2) study of ethnic citizenship policies in 38 European countries showed that some crucial aspects of citizenship 'remain linked with ethno-national conceptions on state membership'.

More recently, based on an empirical study of citizenship policies in the EU and its neighbourhood through the EUDO project, Vink and Bauböck (2013) have argued that rather than being fixed along the linear 'civic' or 'ethnic' pathway, citizenship regimes tend to be configured according to five different purposes: inter-generational continuity, territorial integrity, singularity, genuine link and special ties. In their study, the two authors propose a two-dimensional model through which they identify 'four idealtypic citizenship regimes: those that emphasise either ethno cultural or territorial selection criteria and those that combine restrictions or inclusiveness on both dimensions' (Vink and Bauböck 2013: 628). The four types of citizenship regimes are: 1) ethnoculturally selective; 2) ethnoculturally expansive; 3) territorially selective; and 4) territorially expansive. The analysis in this paper is broadly based on this typology and the position of the post-Yugoslav states in this model is illustrated in Figure 1.

Figure 1. Citizenship configurations in the post-Yugoslav space



Source: CITLAW. Based on categorical principal component analysis of all states included in CITLAW dataset. Country abbreviations: BH – Bosnia and Herzegovina; HR – Croatia; XK – Kosovo; MK – Macedonia; ME – Montenegro; RS – Serbia; SL – Slovenia.

The positioning of the post-Yugoslav citizenship regimes in the configurations model is based on the CITLAW indicators of the EUDO Citizenship Observatory, calculated for 2016 for the respective countries. These indicators capture the multiple purposes of citizenship laws and thus reflect different aspects and elements of citizenship policies such as birthright citizenship, ordinary and special naturalisation, and loss of citizenship (Jeffers, Honohan and Bauböck 2016).

To understand why the post-Yugoslav citizenship regimes are scattered in the configurations model requires us to explore the political context in post-communist, post-partition and post-conflict states. Unlike long-standing citizenship policies in Western Europe and their increasing focus on accommodating migration, the regulation of membership in post-communist states has centred around articulating nation-building projects (Bauböck, Perchinig and Sievers 2009). This includes policies intended to support the claims over the state by a dominant ethnic community by providing that community with status-related privileges. Such a 'constitutional and legal structure that privileges the members of one ethnically defined nation over other residents in a particular state' form the essence of what has been defined as constitutional nationalism (Hayden 1992: 655). This practice ensured the consolidation of new states around prevailing or majority ethnic communities, while marginalising or excluding others, as has been the case, for instance, in the Baltics or in Slovenia.

In the post-Yugoslav states, the convoluted issues of membership and belonging have led to constitutional nationalism, but only in cases when statehood and nation building were congruent. In other words, constitutional nationalism has shaped citizenship policies in those countries in which nation building was not challenged either by the domestic non-dominant communities or by an external factor (see Rava 2010; Koska 2011). It could not, however, be implemented in those countries in the post-Yugoslav space in which the trajectories of state and nation building were incongruent; that is, in countries in which the building of the state or the nation was challenged by domestic or external factors, such as minority or constituent communities, kin-states of national minorities or neighbouring countries.

Džankić (2015) highlighted some characteristics of the citizenship regimes in the post-Yugoslav states on grounds of congruence between the state- and nation-building projects. In consolidated states, citizenship regimes are generally stable, based on ethnic kinship internally and externally, and open in terms of dual nationality. By contrast, citizenship policies of contested states show attachments to territory along different dimensions as a primary determinant of membership. That is, contested states avoid references to ethnic kinship in their citizenship laws, are restrictive in terms of dual nationality, and due to the contestation of state or national identities do not extend membership on grounds of ethnic belonging. The manifold requirements and restrictions along different dimensions of citizenship are engrained in the regulation of citizenship attribution at birth and after birth. According to Džankić (2015: 34),

> *This is so, because naturalisation is related to the expansion of the state's populace, which in turn reflects upon the core elements of the state, such as its political and socio-economic systems. In other words, citizenship regimes not only mirror the political circumstances in their respective countries, but also are used as a tool of managing the institutional and societal dynamics in them.*

The Survey (2013) of *The Symbolic Nation-Building in the Western Balkans: Intents and Results* indicated a high degree of loyalty to nation-building projects in Croatia, Serbia and Kosovo, while highlighting the effects of domestic and external challenges to such projects in Montenegro, Macedonia and Bosnia and Herzegovina.[3] Table 1 presents a schematic overview of the contested and consolidated states in the Western Balkans in terms of their statehood and nation building. In classifying states in terms of statehood, this paper applies two basic conditions: 1) Do all ethnic communities recognise the state and its territory? (Yes – consolidated; No – contested); 2) Is the state recognised internationally? (Yes – consolidated; No

– contested). To qualify as a 'consolidated' state both conditions need to be met. In a similar vein, in classifying states in terms of nation building, the following condition has been applied: 1) Is there consensus among domestic ethnic communities on the constitutional set-up of the state? (Yes – consolidated; No – contested). For the purposes of this question, elements such as the approval ratings of the state's institutions and symbols by different ethnic communities have been analysed (Survey 2013).

Table 1. Overview of contested and consolidated states in the post-Yugoslav space

Country	Statehood	Nation building
BH	Contested	Contested
HR	Consolidated	Consolidated
XK	Contested	Consolidated
MK	Consolidated	Contested
ME	Consolidated	Contested
RS	Consolidated	Consolidated
SL	Consolidated	Consolidated

Country abbreviations: BH – Bosnia and Herzegovina; HR – Croatia; XK – Kosovo; MK – Macedonia; ME – Montenegro; RS – Serbia; SL – Slovenia.

In addition to the distinction between contested and consolidated statehood and nation building, some additional regional specificities are reflected in the citizenship regimes of the post-Yugoslav states. Slovenia is largely an ethnically homogeneous state, which has implemented constitutional nationalism since its independence in the early 1990s, resulting in a segment of its population that belonged to 'new minorities' (Croat, Bosniak, Roma, Serb) being excluded from its citizenship (Medved 2009). Yet due to its small population of 2 million and policy-makers' desire to maintain the balance between different groups, Slovenia's citizenship policy is ethnic but not necessarily expansive externally. By contrast, Croatia and Serbia are also ethnically consolidated states with no manifest external challenges to statehood and at the same time kin-states to large ethnic communities in the neighbouring countries. Hence their citizenship policies are both ethnic and externally expansive. Bosnia and Herzegovina, with its three competing nation-building projects, and Kosovo, with a coherent nation-building project but contested statehood, do not have manifestly ethnic citizenship policies. This is attributable to the international influences that helped to shape these two countries' citizenship regimes (Krasniqi 2013; Sarajlić 2013). Conversely, nation-building projects in Macedonia and Montenegro are not only domestically but also externally challenged by the neighbouring countries (Bulgaria, Greece and Serbia in the case of Macedonia; Serbia in the case of Montenegro). These countries are also at the receiving end of their neighbours' external citizenship policies, which is viewed as expansion of the kin-state influence (Džankić 2015). As a result of this dynamic and the tendency not to destabilise ethnic composition, which would likely cause institutional and constitutional changes at the expense of communities that appropriated the state- and nation-building processes, citizenship policies are linked to territory. Unlike in the consolidated communities, loyalty is not assumed through belonging to an ethnic community, but needs to be proven through integration and socialisation. These dynamics are examined in the remainder of this paper, highlighting the convergence and divergence of policies along different dimensions.

Citizenship at birth

The attribution of citizenship at birth has been one of the key mechanisms for ensuring inter-generational continuity of population within a state (Vink and Bauböck 2013), and as such is the main dimension of citizenship policies. Birthright citizenship, however, can be acquired through descent (*ius sanguinis*) or birth on the state's territory (*ius soli*), or a combination of these two mechanisms depending on the condition of birth (in country, abroad, to known or unknown parents). Generally, a pure *ius soli* for anyone born in the country is uncommon in European countries (EUDO Citizenship 2016), but the practice exists in immigrant nations, such as the United States and Latin America. It is used, however, in line with general international norms, for foundlings (children of unknown parentage) and children at risk of statelessness. This has also been the case in both consolidated and contested post-Yugoslav states. Therefore, differences in the automatic acquisition of citizenship at birth in these countries are mirrored in the ways a newborn's presumed ties with the country are established.

The examination of citizenship laws in all seven post-Yugoslav states indicates that in all countries except Macedonia, all children born in the country's territory to parents either of whom is a citizen automatically acquire citizenship by birth (EUDO Citizenship 2016). Macedonia, however, has a further requirement, stipulating that in addition to being born in the country to a Macedonian national, the child should also not acquire the nationality of another state. This could potentially be the case for children born to one Macedonian and one foreign or dual national of a country that grants citizenship by descent extraterritorially. In the case of Macedonia, where both Serbia and Bulgaria, which contest different elements of the country's national identity, grant external citizenship, the policy has been underpinned by the contested dynamic between the state and the nation.

In cases of birth to citizens abroad, citizenship can be acquired either automatically or through registration. All countries grant citizenship through descent automatically to children born abroad to parents who are both nationals of the respective state. In Croatia, Kosovo, Macedonia, Serbia and Slovenia, a child born abroad 'to a parent who is a citizen and another parent who is stateless or of unknown citizenship' automatically acquires the respective country's citizenship. In Bosnia and Herzegovina and Montenegro, the child of a citizen and another national, or an unknown person or a stateless person, would only receive these countries' citizenship if it would otherwise remain stateless. This policy precludes children from obtaining dual citizenship at birth.

By contrast, rules for acquiring citizenship abroad through registration are slightly more divergent and point to differences between consolidated and contested post-Yugoslav states (Table 2).

Table 2 indicates that the post-Yugoslav states all make provision for admitting children born abroad to their nationals. However, there are small differences between the countries regarding registration age and the 'presumption of citizenship'. While all states except Kosovo require registration (by parents) before the child becomes of age, naturalisation through declaration is possible between the ages of 18 and 23 in Bosnia and Herzegovina, Montenegro and Serbia, and up until the age of 36 in Slovenia. Interestingly, in the cases of Serbia, Croatia and Macedonia a person who acquires citizenship through this mechanism is considered to have been a national from birth; that is, the law is applied retroactively. Such a policy might be an indication of an ethnic citizenship regime. Even though the citizenship policies of Macedonia generally show fewer ethnic elements than those of Serbia and Croatia (Spaskovska 2013), the retroactive application of law in this case creates 'presumed citizens' and corroborates the persistence of ethno-national elements in post-communist citizenship policies. Montenegro is the only country from among the former Yugoslav states that requires children born abroad to a national not to have acquired another citizenship, highlighting the restrictive approach of this country to membership.

Table 2. Naturalisation through birth abroad to a citizen

Country	Yrs	Language	Renounce	Income	Taxes	No crime	No threat	Born abroad to citizen	Other
BH	✗	✗	✗	✗	✗	✗	✗	✓	Registration before the age of 23
HR	✗	✗	✗	✗	✗	✗	✗	✓	Registration or residence before the age of 18 (retroactive to birth)
XK	✗	✗	✗	✗	✗	✗	✗	✓	Consent by the age of 14 if at no risk of statelessness; if at risk, no consent required
MK	✗	✗	✗	✗	✗	✗	✗	✓	Registration by parents or residence before the age of 18; declaration between 18 and 23 (retroactive to birth)
ME	✗	✗	✓	✗	✗	✗	✗	✓	Registration by parents or residence before the age of 18; declaration between 18 and 23
RS	✗	✗	✗	✗	✗	✗	✗	✓	Registration by parents or residence before the age of 18; declaration between 18 and 23 (retroactive to birth)
SL	✗	✗	✗	✗	✗	✗	✗	✓	Registration by parents or residence before the age of 18; declaration between 18 and 36

Source: Constructed by the author with reference to: EUDO Citizenship (2015). *Global Database on Modes of Acquisition of Citizenship*. San Domenico di Fiesole: European University Institute. Online: http://eudo-citizenship.eu/databases/modes-of-acquisition. Mode A01b (declaration/registration). Country abbreviations: BH – Bosnia and Herzegovina; HR – Croatia; XK – Kosovo; MK – Macedonia; ME – Montenegro; RS – Serbia; SL – Slovenia.

Although the differences are only minor, the acquisition of citizenship at birth is the first indicator of the divergence of legislative provisions between consolidated and contested post-Yugoslav states. Bosnia and Herzegovina, Macedonia and Montenegro, the three contested post-Yugoslav states, indicate this dynamic through barriers to dual nationality at birth for children born abroad or to one foreign national. The differences among countries for those who have not been granted citizenship at birth automatically are significantly greater.

Citizenship after birth

Unlike citizenship at birth, the regulation of citizenship after birth is not automatic, and as such is subject to registration of individuals in citizenship registries. The process of registration is premised on the existence of specific ties that attest to the person's relationship with the destination country. As mentioned previously, these

ties can take the form of links with the state through mandatory residence (ordinary naturalisation), cultural affinity (belonging to a particular ethnic community), or special contribution to the state (merit). They can also be links to individuals from the destination state through birth (children of citizens born abroad), descent (expatriates) or marriage (to a citizen). While all of these forms of admission after birth exist in the post-Yugoslav states, there are manifest differences in how they are regulated. With the caveats that Slovenia is small and that citizenship policies of post-war Bosnia and Herzegovina and Kosovo have been influenced by international factors, we can observe a divergence between states with coherent and contested nation-building projects. As a result of the interplay between statehood and nationhood dynamics, in the latter category, in general, naturalisation rules will be less stringent than in the former.

Links with the state

Due to the state's prerogative to regulate nationality matters, establishment of links for the purposes of naturalisation can take different forms. One of the common ways in which this link is established is through residence-based integration, also referred to as 'ordinary naturalisation'. Table 3 outlines the conditions for this naturalisation mechanism in the seven post-Yugoslav states.

Table 3. Ordinary naturalisation: a schematic overview

Country	Yrs	Language	Renounce	Income	Taxes	No crime	No threat	Other
BH	3	✓[a]	✓[a]	✓	✓	✓	✓	Constitutional order
HR	5	✓	✓[a]	✗	✗	✗	✗	Legal order, customs, culture
XK	10	✓[a]	✗	✓	✓	✗	✗	Legal order, integration
MK	8	✓	✓	✓	✗	✓	✓	No crime prohibiting residence
ME	10	✓	✓	✓	✓	✓	✓	n/a
RS	3	✗	✓[a]	✗	✗	✗	✗	Legal capacity, loyalty statement
SL	10	✓	✓[a]	✓	✓	✓	✓	Oath of allegiance

[a] Condition evidenced by declaration, not proof.

Source: Constructed by the author with reference to: EUDO Citizenship (2015). *Global Database on Modes of Acquisition of Citizenship*. San Domenico di Fiesole: European University Institute. Online: http://eudo-citizenship.eu/databases/modes-of-acquisition. Mode A06 (ordinary naturalisation). Country abbreviations: BH – Bosnia and Herzegovina; HR – Croatia; XK – Kosovo; MK – Macedonia; ME – Montenegro; RS – Serbia; SL – Slovenia.

Table 3 indicates significant differences between the post-Yugoslav countries in terms of residence-based naturalisation. Kosovo, Macedonia, Montenegro and Slovenia specify a high number of years of residence (eight to ten), while this condition in Croatia is five, and in Serbia and Bosnia and Herzegovina three years. However, the determination of lawful residence for the purpose of meeting the naturalisation conditions differs significantly across countries. In Kosovo (Kosovo Citizenship Act, art. 10), for instance, an individual is presumed to have met the residence condition if their absences from the country do not exceed ten months per year. This criterion is intended to balance the otherwise stringent condition of ten years' residence (five years after acquiring a permanent residence permit, obtained after five years of habitual residence). In Bosnia and Herzegovina, interestingly, the formal condition stipulated in the federal citizenship law indicates a low residence

requirement. However, naturalisation is administered through entities – the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS), which have separate residence conditions. According to Džankić (2015), due to the inconsistency between federal and entity legislation, the residence period prior to naturalisation in Bosnia and Herzegovina can thus increase to up to ten years. Montenegro requires ten years of 'lawful and continuous' residence, which in turn depends on the way an individual has registered his or her stay in the country and with what authority. As indicated in the case law of the administrative court (EUDO Citizenship: Montenegro Case Law 2016), registering with the wrong institution could result in the 'effective' stay in the country not being considered 'lawful and continuous' under the country's laws. Equally, a residence period of eight years in Macedonia is extended through the request that this residence is 'permanent', thus requiring another five years prior to obtaining permanent resident status. Maintaining resident status also assumes the absence of a criminal history that would nullify an individual's right to stay in Macedonia. In Serbia and Croatia, the conditions determining residence for the purposes of naturalisation are less stringent and lead to shorter periods of stay.

Similarly, while the schematic overview might indicate convergence over the condition for renunciation of another citizenship, the substance of the legal requirement varies significantly between the two groups of states. In particular, while Montenegro and Macedonia require the individual to submit evidence of renunciation, in Bosnia and Herzegovina, Croatia, Serbia and Slovenia, an individual is deemed to have renounced their citizenship of origin if they can attest that by naturalisation they would lose their citizenship of origin *ex lege*. In practice, this implies a reference to the legal provision in the country of origin rather than the act of renunciation. Loyalty to the state and culture is explicitly required by Serbia, Slovenia and Croatia, whose citizenship regimes are manifestly ethnic.

Table 4. Naturalisation through cultural links with the state

Country	Yrs	Language	Renounce	Income	Taxes	No crime	No threat	Nation	Other
BH	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HR	✗	✗	✗	✗	✗	✗	✗	✓	Legal order, customs, culture
XK	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
MK	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ME	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
RS	✗	✗	✗	✗	✗	✗	✗	✓	Legal capacity, loyalty statement, former Yugoslavia/Serbia
SL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Source: Constructed by the author with reference to: EUDO Citizenship (2015). *Global Database on Modes of Acquisition of Citizenship*. San Domenico di Fiesole: European University Institute. Online: http://eudo-citizenship.eu/databases/modes-of-acquisition. Mode A19 (cultural affinity). Country abbreviations: BH – Bosnia and Herzegovina; HR – Croatia; XK – Kosovo; MK – Macedonia; ME – Montenegro; RS – Serbia; SL – Slovenia.

The difference between the post-Yugoslav countries is most manifest in the case of naturalisation after birth on grounds of cultural affinity (presumed links with the state, not a former citizen), with only Croatia and Serbia offering external citizenship to ethnic kin (EUDO Citizenship 2016). In these two states, nation-building projects are not contested, which explains the expansiveness of the citizenship regime on grounds of cultural affinity. Table 4 indicates that apart from requirements for cultural links and allegiance to the state, conditions including residence, integration and renunciation are waived in this type of naturalisation. Moreover, Serbia

specifically targets presumed Serb ethnics from the post-Yugoslav space who live in the territories of Croatia, Bosnia and Herzegovina, Kosovo and Montenegro. As argued by Waterbury (2014), policy-makers opt for this type of naturalisation in order to project power onto the neighbouring countries and use co-ethnics to increase their state's political influence there. Similar policies can be found in other post-communist countries whose ethnic and national identities are unchallenged domestically, such as Bulgaria, Romania, and Hungary (Pogonyi, Kovács and Körtvélyesi 2010; Dumbrava 2014). Yet in the cases of Croatia and Serbia, these policies target the neighbouring countries, such as Bosnia and Herzegovina, Macedonia and Montenegro, or countries where there are political stakes in having a significant minority (e.g., between Croatia and Serbia). Such citizenship politics, as we shall see in the section on dual citizenship, have an adverse effect on states with challenged nation-building projects, because they adopt restrictive citizenship policies as a mechanism for preventing kin-state influence on their ethnic composition.

Links with persons

In addition to the types of naturalisation described above, naturalisation after birth can be acquired through familial links with a citizen of a country. The main mechanisms for the attribution of citizenship in this way are marriage or descent from former citizens.

Table 5. Naturalisation through marriage

Country	Yrs	Language	Renounce	Income	Taxes	No crime	No threat	Married to citizen (Yrs)	Other
BH	PR[a]	✗	✓[b]	✗	✗	✗	✓	✓	5 years of marriage
HR	PR	✗	✗	✗	✗	✗	✗	✓	
XK	1	✗	✗	✗	✗	✗	✗	✓	3 years of marriage
MK	1	✗	✗	✓	✓	✓	✓	✓	3 years of marriage (in country); 8 years (abroad) and a genuine bond to MK
ME	5	✗	✗	✓	✓	✓	✓	✓	3 years of marriage
RS	PR	✗	✗	✗	✗	✗	✗	✓	3 years of marriage; oath of loyalty
SL	1	✓	✓	✓	✓	✓	✓	✓	3 years of marriage

[a] Permanent residence status.

[b] Condition evidenced by declaration, not proof.

Source: Constructed by the author with reference to: EUDO Citizenship (2015). *Global Database on Modes of Acquisition of Citizenship*. San Domenico di Fiesole: European University Institute. Online: http://eudo-citizenship.eu/databases/modes-of-acquisition. Mode A08 (spousal transfer). Country abbreviations: BH – Bosnia and Herzegovina; HR – Croatia; XK – Kosovo; MK – Macedonia; ME – Montenegro; RS – Serbia; SL – Slovenia.

As regards acquiring citizenship through marriage, the different policies of the post-Yugoslav states are presented in Table 5. From the table we can see that all countries except Macedonia require residence on the country's soil prior to naturalisation through marriage. In this country, if the spouses reside in Macedonia, citizenship is granted after three years, or eight years if they reside abroad provided that the applicant can prove a genuine connection to the country. Interestingly, Bosnia and Herzegovina, Croatia and Serbia require the applicants to be permanent residents prior to naturalisation. In line with the respective Aliens Acts of Bosnia

and Herzegovina[4] and Croatia,[5] permanent residence is normally granted after five years of lawful and continuous residence. In the case of Serbia, the Aliens Act enables the spouse of the Serbian citizen to receive permanent resident status after three years of marriage.[6] While Montenegro requires five years of lawful and continuous residence, Kosovo and Slovenia have a one-year requirement. However, unlike all other post-Yugoslav states, Slovenia has retained language and renunciation of another citizenship as conditions for naturalisation through marriage. This suggests a restrictive approach to citizenship along this dimension, as contested states such as Montenegro and Macedonia have waived this requirement for spouses of their nationals.

The different policy approaches of the post-Yugoslav states to citizenship policies are mirrored in their policies regulating naturalisation through familial links to former citizens (expatriates). These are schematically presented in Table 6.

Table 6. Naturalisation through familial link to former citizen

Country	Yrs	Language	Renounce	Income	Taxes	No crime	No threat	Link to former citizen	Other
BH	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
XK	✗	✗	✗	✗	✗	✗	✗	✓	1 generation, maintains family links, respects legal order of Kosovo
MK	✗	✓	✗	✓	✓	✓	✓	✓	1 generation
ME	2	✗	✗	✓	✓	✓	✓	✓	3 generations
RS	✗	✗	✗	✗	✗	✗	✗	✓	1 generation, legal capacity, statement of loyalty
SL	1	✓	✗	✓	✓	✓	✓	✓	4 generations

Source: Constructed by the author with reference to: EUDO Citizenship (2015). *Global Database on Modes of Acquisition of Citizenship*. San Domenico di Fiesole: European University Institute. Online: http://eudo-citizenship.eu/databases/modes-of-acquisition. Mode A12 (transfer from former citizen). Country abbreviations: BH – Bosnia and Herzegovina; HR – Croatia; XK – Kosovo; MK – Macedonia; ME – Montenegro; RS – Serbia; SL – Slovenia.

As Table 6 indicates, the only two countries that do not grant citizenship to direct descendants of expatriates are Bosnia and Herzegovina and Croatia, which would ostensibly indicate a restrictive approach along this dimension of citizenship policy. However, if these provisions are viewed in the context of the overall law, as highlighted in Figure 1, unlike Bosnia and Herzegovina, Croatia grants citizenship through cultural links to the nation. This implies that such 'claims of cultural belonging' can be exerted by descendants of expatriates, yet not through the link with a person, but through that with the state. Such a policy is clearly an outcome of the uncontested dynamic between state and national identity. Kosovo, Macedonia and Serbia offer first-generation emigrants the opportunity to become their citizens, waiving residence, renunciation, language and other conditions. By contrast, Slovenia and Montenegro, which enable up to third- and fourth-generation immigrants to become their citizens, have retained the mandatory residence (in Slovenia also language) and other conditions prior to naturalisation. Such an approach to this policy dimension indicates an emphasis on links with the state through residence and integration, as opposed to the one rooted in cultural ties.

While the general expectation has been that differences across the post-Yugoslav space would be starker, they are in fact mirrored in the legislative detail that excludes certain categories of applicants, while offering facilitated access to others. In sum, states whose cultural imagery spills over their borders (Serbia and Croatia)

rely on ethno-national policies and facilitated access on grounds of cultural claims. That is, their citizenship regimes are ethnic and expansive. In the case of Slovenia, where nation building is coherent, yet 'contained' (the national imagery concurs with the state's borders), policies are ethnic but are restricted by their emphasis on territorial belonging. We see similar ethnic policies restricted by territorial belonging in Macedonia and Kosovo, which are contested at the level of nationhood and statehood respectively, but have a dominant ethno-national community. By contrast, in Bosnia and Herzegovina and Montenegro, which are countries without a single dominant ethno-national community, citizenship policies are restrictive and not manifestly ethnic in character. They are grounded in links with territory and do not allow for the possibility of dual loyalty (and thus dual citizenship).

Dual citizenship

Issues surrounding dual citizenship in the post-Yugoslav space go beyond the current instrumental turn of the status of nationality (Joppke 2010), due to the particular relationship among the countries in the past and their more recent history of conflict and contestation. The nature of the dynamic between statehood and nationhood thus affects the ways in which membership in multiple states is regulated across the new states of South-Eastern Europe. The approach to dual and multiple citizenship can be open (when a state poses no restriction in terms of other nationality for applicants) or restrictive (when a state generally requires individuals to renounce citizenship of another state ahead of naturalisation).

This paper suggests that in states with uncontested nation-building projects, the approach to dual and multiple citizenships is open in the majority of naturalisation modes, due to the presumed loyalty inherent in citizenship regimes based on ethnic kinship. Even in cases when renunciation is required, a statement by the applicant that the country of origin will withdraw their citizenship *ex lege* suffices for the purposes of naturalisation. By contrast, the approach to dual and multiple citizenships of states with contested or conflictual nation building is more restrictive. The more stringent the rules for evidence of renunciation of the citizenship of origin (e.g., release certificate) prior to naturalisation, the more restrictive the citizenship regime is in this domain. Table 7 offers a schematic overview of dual citizenship policies along the dimensions analysed in the previous sections of the paper.

Table 7. Dual and multiple citizenship

Country	Birth abroad Automatic	Ordinary	Cultural	Birth abroad Reg	Marriage	Expatriate
BH	R[a]	R	n/a	O	R	n/a
HR	O[b]	R	O	O	O	n/a
XK	O	O	n/a	O	O	O
MK	O	R	n/a	O	O	O
ME	R	R	n/a	R	O	O
RS	O	R	O	O	O	O
SL	O	R	n/a	O	R	O

[a] R – restrictive. [b] O – open.

Source: Constructed by the author with reference to: EUDO Citizenship (2015). *Global Database on Modes of Acquisition of Citizenship*. San Domenico di Fiesole: European University Institute. Online: http://eudo-citizenship.eu/databases/modes-of-acquisition. Country abbreviations: BH – Bosnia and Herzegovina; HR – Croatia; XK – Kosovo; MK – Macedonia; ME – Montenegro; RS – Serbia; SL – Slovenia.

Table 7 indicates that of the post-Yugoslav states, Kosovo has the most liberal approach to dual and multiple citizenships, which is largely attributable to the overall political climate in the country. Being a small and contested state at the international level, Kosovo seeks through an open approach to dual citizenship to facilitate the potential benefits of free travel that come to its citizens with a dual citizenship policy. Hence despite state contestation, the regime in Kosovo is open to dual citizenship. This is not to contradict the findings of Kolstø (2014), who established high congruence of Kosovo's nation-building project even though the state is contested. In terms of their approach to dual and multiple citizenships, Serbia and Croatia are liberal along most dimensions of citizenship. Only for applicants that seek naturalisation through residence (ordinary naturalisation) do they require applicants to declare that they would lose their other citizenship. However, whether or not they have lost such citizenship after naturalisation is in practice never checked. Table 7 illustrates that, ostensibly, Macedonia's approach to dual citizenship is similar to those of Croatia and Serbia. Yet, Macedonia, which tolerates dual citizenship for those who obtained it by birth, requests all foreigners to renounce their citizenship prior to naturalisation and attest it through a certificate (as opposed to signing a declaration, which is the case in Croatia and Serbia).

By contrast, Bosnia and Herzegovina, Montenegro and Slovenia have more restrictive dual citizenship policies. In the former, following recent legislative changes removing the *ex lege* loss for Bosnians naturalising abroad, the law has moved towards the tolerant end of the spectrum. However, for most categories of applicants, the policy remains restrictive, and dual and multiple citizenships are possible if there is an agreement with the applicant's country of origin. So far, Bosnia and Herzegovina has such agreements with Croatia,[7] Serbia and Sweden. Similar to the case of Bosnia, Montenegro permits dual citizenship only in cases when an agreement exists with another state, and so far it has concluded one bilateral agreement – that with Macedonia. Negotiations for a reciprocal agreement with Serbia had been on the table for several years before breaking down in 2015 due to the two countries' diametrically opposed approaches to citizenship, their recent political history, Serbia's contestation of Montenegro and the existence of a large organised Serb minority in Montenegro. Hence the preservation of the ethnic balance in a small state is the key reason for Montenegro's restrictive dual citizenship regime, an argument that has also been used to explain the renunciation requirements in Slovenia.

In terms of the different dimensions of citizenship, we see openness in countries that apply naturalisations on grounds of cultural affinity, births, marriage and for expatriates – cases where loyalty is presumed through ethnic belonging or establishment of close links with citizens. The dimension of citizenship where dual citizenship is commonly not allowed is ordinary naturalisation, because in this naturalisation mode loyalty *with the country* is 'built' through residence and socialisation rather than through presumed kinship or relationship *with a person*. With the exception of Kosovo, the post-Yugoslav countries are restrictive in this regard.

Conclusions

Studying citizenship policies along their different dimensions as opposed to looking at the aggregate policy level can help us to better understand the details of the politics of citizenship in the new states of South-Eastern Europe. The regulation of citizenship in the seven states that occupy the post-Yugoslav socio-political space differs significantly and these differences are rooted in the individual states' dynamics of state- and nation-building projects. This paper explored the regulation of the attribution of citizenship at and after birth in these states, taking into account their specific political and institutional set-ups. In particular, it has been highlighted that despite the apparent contestation dynamics in Kosovo and Bosnia and Herzegovina, some aspects of citizenship policies in these two states have been affected by international influences and the neighbouring countries.

Table 8 summarises the analysis of the different dimensions of citizenship policies in the countries studied. A convergence of polices between the contested and consolidated states can be identified in cases of birthright citizenship and citizenship through marriage. Other dimensions show a tendency for citizenship policies to diverge between these two groups of states.

Table 8. Summary table

At birth		After birth				Dual citizenship
In country	Abroad	Ordinary naturalisation	Kinship	Marriage	Former citizen	
Convergence	Divergence	Divergence	Divergence	Convergence	Divergence	Divergence

In all the countries examined, descent is the primary principle for the attribution of citizenship at birth. That is, children born to nationals of the country in which they were born receive citizenship automatically. Only Macedonia requires that the child has no other citizenship, pointing to a restrictive approach to this dimension of citizenship. However, citizenship policies of the post-Yugoslav states diverge in cases of children born abroad to at least one national. Croatia, Kosovo, Macedonia, Serbia and Slovenia generally allow children born abroad to nationals to acquire their citizenship, while Montenegro and Bosnia and Herzegovina do so only if the child would otherwise remain stateless.

In the context of citizenship attribution after birth, the countries show convergence along different policy elements. In states in which state- and nation-building projects are consolidated (i.e., not challenged domestically or externally), citizenship regimes exhibit a number of ethnic elements along different policy dimensions. In particular, if the projection of the nation transcends the state's borders, the state is likely to adopt external citizenship and naturalise foreign residents on grounds of presumed cultural links with the state. The clearest illustrations of these dynamics among the countries under study are offered by Serbia and Croatia, and this is reinforced by their particular position as kin-states to significant minorities in a number of neighbouring countries. In this respect, citizenship policy is also embedded in the states' overall approach to foreign policy towards the neighbouring countries. Ethnically expansive citizenship policies do not, however, feature that prominently in those states in which the cultural imagery of the nation is contained within the state's territorial borders. As in the case of Slovenia, citizenship regimes will display a number of ethnic elements, but will also require individuals to show attachments to territory through mandatory residence and/or exclusive loyalty to the new state through renunciation of another citizenship. Conversely, in countries where the state- and nation-building projects are contested (i.e., the nation-building project promoted by the state, or the state itself, face endogenous or exogenous challenges), citizenship regimes will exhibit fewer ethnic, and more territorial requirements. Examples include the overall approach to the citizenship regime in Montenegro and Bosnia and Herzegovina, and ordinary naturalisation in Macedonia.

In sum, while the regulation of citizenship in the post-Yugoslav space converges or diverges along different dimensions, a significant number of legal provisions are dependent on the dynamics of state- and nation-building. That is, the politics of citizenship are intimately related to nation-building projects and the ways in which they affect statehood. They are also played out in a frame in which international factors and neighbouring countries have a significant impact on the formulation of specific aspects of citizenship policy, such as ordinary naturalisation, admission on grounds of cultural affinity and dual citizenship.

Notes

[1] Nation building and national identities are, however, by no means fixed. Hence a nation-building project that is stable during one period might be contested during another. Yet the expectation is that, should the substance of the nation-building project change to such an extent as to modify statehood, this will inevitably be reflected in citizenship policy.

[2] The difference in the spelling of 'ius' and 'jus' in this paper and in Shachar's work is attributed to the authors' use of classical and traditional Latin spelling.

[3] While Slovenia was excluded from this analysis, the 2015 census results indicate that 83.06 per cent of this country's population identify as ethnic Slovenes, which places the country in the group of those with consolidated state- and nation-building projects.

[4] Zakon o kretanju i boravku stranaca i azilu (Službeni glasnik Bosne i Hercegovine, br. 36/08 i 87/12), internet stranica Ministarstva bezbjednosti Bosne i Hercegovine, Služba za poslove sa strancima, http://www.sps.gov.ba/dokumenti/zakon2012.pdf.

[5] Zakon o strancima, pročišćeni tekst zakona, NN 130/11, 74/13, http://www.zakon.hr/z/142/Zakon-o-strancima.

[6] Zakon o strancima, Sluzbeni glasnik RS 97/2008, http://www.paragraf.rs/propisi/zakon_o_strancima.html.

[7] The dual citizenship agreement between Bosnia and Herzegovina and Croatia has come into force only recently, having been under negotiation for nearly a decade. Almost one-third of the citizens of Bosnia and Herzegovina are holders of a Croatian passport on grounds of cultural affinity with that country. As of 2014, they are also EU citizens and have voting rights in Croatia.

Acknowledgements

I am most grateful to Costica Dumbrava and Maarten Vink who provided me with most useful comments on the draft versions of this paper.

Funding

This chapter is based on the materials emanating from my two streams of research. The first one is on citizenship in challenged and unconsolidated states, which I started as a part of the CITSEE project (ERC Grant no. 230239), and continued through my work in the EUDO Citizenship Observatory. The second one is on the links between citizenship, nation-building, and Europeanisation, kindly supported by the European Union under a Marie Curie Intra-European Fellowship for Career Development (PEF-GA-2012-326865).

Conflict of interest statement

No potential conflict of interest was reported by the author.

References

Aleinikoff T. A., Klusmeyer D. (eds) (2002). *Citizenship Policies for an Age of Migration*. Washington, DC: Carnegie Endowment for International Peace.

Bauböck R., Perchinig B., Sievers W. (2009). *Citizenship Policies in the New Europe: Expanded and Updated Edition*. Amsterdam: Amsterdam University Press.

Becker H. S. (1996). The Epistemology of Qualitative Research, in: R. Jessor, A. Colby, R. A. Shweder (eds), *Ethnography and Human Development: Context and Meaning in Social Inquiry*, pp. 53–71. Chicago, IL: University of Chicago Press.

Brubaker R. (1992). *Citizenship and Nationhood in France and Germany*. Harvard: Harvard University Press.

Brubaker R. (1999). The Manichean Myth: Rethinking the Distinction Between 'Civic' and 'Ethnic' Nationalism, in: H. P. Kriesi (ed.), *Nation and National Identity: The European Experience in Perspective*, pp. 55–73. Chur, Zürich: Verlag Ruegger.

Buchanan A. (1999). What's So Special About Nations?, in: J. Couture, K. Nielsen, M. Seymour (eds), *Rethinking Nationalism*, pp. 283–311. New York: Routledge.

della Porta D., Keating M. (eds) (2008). *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*. New York: Cambridge University Press.

Dumbrava C. (2014). *Nationality, Citizenship and Ethno-Cultural Belonging*. London: Palgrave Macmillan.

Dumbrava C. (2015). Super-Foreigners and Sub-Citizens: Mapping Ethno-National Hierarchies of Foreignness and Citizenship in Europe. *Ethnopolitic*s 14(3): 296–310.

Džankić J. (2015). *Citizenship in Bosnia and Herzegovina, Macedonia and Montenegro: Effects of Statehood and Identity Challenges*. Farnham, Surrey: Ashgate Publishing Ltd.

EUDO Citizenship (2016). *Global Database on Modes of Acquisition of Citizenship*. San Domenico di Fiesole: European University Institute. Online: http://eudo-citizenship.eu/databases/modes-of-acquisition (accessed: 28 December 2016).

Hayden R. M. (1992). Constitutional Nationalism in the Formerly Yugoslav Republics. *Slavic Review* 51(4): 654–673.

Jeffers K., Honohan I., Bauböck R. (2016). *How to Measure the Purposes of Citizenship Laws: Explanatory Report for the CITLAW Indicators (Version 2.0).* San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute. Online: http://eudo-citizenship.eu/images/docs/CITLAW_explanatory_2016.pdf (accessed: 20 November 2016).

Joppke C. (2010). The Inevitable Lightening of Citizenship. *European Journal of Sociology* 51(1): 9–32.

Keating M., della Porta D. (2010). In Defence of Pluralism in the Social Sciences. *European Political Science* 9: S111–S120.

Kolstø P. (2014). *Strategies of Symbolic Nation-Building in South Eastern Europe*. Farnham, Burlington, VT: Ashgate.

Koska V. (2011). *The Evolution of the Croatian Citizenship Regime: From Independence to EU Integration*. CITSEE Working Paper 2011/15. Edinburgh: University of Edinburgh Law School.

Krasniqi G. (2013). Overlapping Jurisdictions, Disputed Territory, Unsettled State: The Perplexing Case of Citizenship in Kosovo, in: J. Shaw, I. Štiks (eds), *Citizenship After Yugoslavia*, pp. 43–69. London, New York: Routledge.

Medved F. (2009). From Civic to Ethnic Community? The Evolution of Slovenian Citizenship, in: R. Bauböck, B. Perchinig, W. Sievers *Citizenship Policies in the New Europe: Expanded and Updated Edition*, pp. 305–327. Amsterdam: Amsterdam University Press.

Pogonyi S., Kovács M. M., Körtvélyesi Z. (2010). *The Politics of External Kin-State Citizenship in East Central Europe*. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institue.

Rava N. (2010). Serbia: Elusive Citizenship in an Elusive Nation-State. CITSEE Working Papers 2010/08. Edinburgh: University of Edinburgh Law School.

Sarajlić E. (2013). Conceptualising Citizenship Regime(s) in Post-Dayton Bosnia, in: J. Shaw, I. Štiks (eds), *Citizenship After Yugoslavia*, pp. 69–83. London, New York: Routledge.

Scheppele K. L. (2004). Constitutional Ethnography: An Introduction. *Law and Society Review* 38(3): 389–406.

Shachar A. (2009). *The Birthright Lottery: Citizenship and Global Inequality*. Harvard: Harvard University Press.

Shachar A. (2011). Picking Winners: Olympic Citizenship and the Global Race for Talent. *The Yale Law Journal* 120: 2088–2139.

Shaw J., Štiks I. (2013). Introduction: Citizenship in the New States in South East Europe, in: J. Shaw, I. Štiks (eds), *Citizenship After Yugoslavia*, pp. 1–15. London, New York: Routledge.

Spaskovska L. (2013). The Fractured 'We' and the Ethnonational 'I': The Macedonian Citizenship Framework, in: J. Shaw, I. Štiks (eds), *Citizenship After Yugoslavia*, pp. 99–112. London: New York: Routledge.

Steinmetz G. (2005). *The Politics of Method in the Human Sciences: Positivism and Its Epistemological Others*. Durham, NC: Duke University Press.

Survey (2013). *The Symbolic Nation-Building in the Western Balkans: Intents and Results*. University of Oslo, University of Rijeka. Online: http://www.hf.uio.no/ilos/english/research/projects/nation-w-balkan/ (accessed: 23 December 2016).

Vink M., Bauböck R. (2013). Citizenship Configurations: Analysing the Multiple Purposes of Citizenship Regimes in Europe. *Comparative European Politics* 11(5): 621–648.

Waterbury M. A. (2014). Making Citizens Beyond the Borders: Nonresident Ethnic Citizenship in Post-Communist Europe. *Problems of Post-Communism* 61(4): 36–49.

Central and Eastern European Migration Review
Received: 1 July 2016, Accepted: 30 November 2016
Published online: 13 January 2017
Vol. 6, No. 1, 2017, pp. 49–64
doi: 10.17467/ceemr.2017.03

Albanian Citizenship Configurations in the Balkans

Gezim Krasniqi*

This paper examines the Albanian state–nation constellation in the Balkans in the light of the European Union (EU) integration process with a focus on citizenship configurations in Kosovo and Albania. It addresses an important puzzle: why legal norms of citizenship do not follow the emerging practice of stronger trans-border co-operation in the Albanian ethnic and cultural space. The study shows that the process of EU integration is the key to understanding and explaining this puzzle, for it provides an opportunity for 'constructive ambiguity' around which both ethnic and statist brands of Albanian nationalism, as well as various elite fractions, can coalesce and coexist. In a wider context, Albanian citizenship configurations are shaped by the ever-evolving complex relationship between nation, state and Europe.

Keywords: Albania; Kosovo; citizenship; nation-state; Europe

Introduction

This paper examines the Albanian state–nation constellation in the Balkans in the light of the European Union transfo(EU) integration process, focusing on citizenship configurations in Kosovo and Albania. As a multistate nation, Albanians are in the majority in the independent state of Albania and in the contested state of Kosovo, and are minorities in Macedonia, Serbia and Montenegro, all of which aspire to join the EU. The paper focuses on the Albanian communities in the Balkans as an example of those having a 'structurally ambivalent membership status, belonging by residence and (in most cases) by formal citizenship to one state and by putative ethno-national affinity to another' (Brubaker 1996: 56). The paper considers Kosovo–Albania citizenship configurations and emerging symbolic citizenship practices among Albanians in the region that are grounded on ethno-national principles of unity and belonging and which transcend state borders; at the same time it addresses an important puzzle – the fact that the legal norms of citizenship do not follow the emerging practice of stronger trans-border co-operation in the Albanian ethnic and cultural space. The paper argues that the process of EU integration is

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the key to understanding and explaining this puzzle, since it provides an opportunity for 'constructive ambiguity' around which both ethnic and statist brands of Albanian nationalism, as well as various elite fractions, can coalesce and coexist.

The paper argues that Albanian citizenship configurations are largely determined and shaped by incongruous legal provisions (largely civic and inclusive laws) on the one hand and (often) ethnically selective practices on the other. Based on the criteria of acquisition and loss of citizenship, Albania and Kosovo represent expansive citizenship regimes with strong elements of ethno-cultural and territorial inclusion. In a wider context, Albanian citizenship configurations are shaped by the ever-evolving complex relationship between nation, state and Europe.

As a result of major political and citizenship transformations that followed the fall of communism, state disintegration and subsequent state building, citizenship policies and regimes in the region have been in a constant state of flux and have produced practices both of inclusion and exclusion. In the last quarter of the century the region witnessed not only the breakdown of the old order and violence, but also the creation of new, interdependent states, polities and citizenship regimes, as well as the processes of European integration (Shaw and Štiks 2012). Moreover, the application of citizenship policies that were based on different and specific criteria of membership has led to various manifestations of 'uneven citizenship', i.e., exclusionary legal, political and social practices but also other unanticipated or unaccounted for results of citizenship policies (Krasniqi and Stjepanović 2015).

Likewise, the establishment of new states, migration and refugees, as well as policies of 'ethnic selectivity' (Žilović 2012), have led to new patterns and practices of 'external citizenship' or 'trans-border citizenship' and 'citizenship constellations'. External citizenship refers to the 'status, rights and duties of all those who are temporarily or permanently outside the territory of a polity that recognises them as members' (Bauböck 2009). On the other hand, trans-border membership involves 'political claims, institutionalised practices, and discursive representations oriented to or generated by a population that is durably situated outside the territory of a particular state, yet is represented as belonging in some way to that state or to the nation associated with that state' (Brubaker and Kim 2011: 22). While the former is usually employed to analyse the relationship between states and actual or former citizens that live abroad (temporarily or permanently), the latter concept is wider and often includes the relationship between the state and its ethnic kin living in the neighbouring countries. Last but not least, a 'citizenship constellation' is 'a structure in which individuals are simultaneously linked to several such political entities, so that their legal rights and duties are determined not only by one political authority, but by several' (Bauböck 2010: 848). In other words, as a result of the increasing proliferation of dual and multiple citizenship, individuals in the modern world are often legally tied to more than one polity or state. It is against this backdrop of complex transformations and the emergence of new patterns of citizenship definition that this paper sets out to analyse Albanian citizenship configurations in the region of the Balkans.

The first part of the paper discusses the citizenship configuration model as well as methodology. It then proceeds with a detailed analysis of citizenship acquisition and loss provisions in the case of Kosovo and Albania. The third section focuses on citizenship practices and other symbolic citizenship patterns in the region. The last section discusses Albanian citizenship configurations in the context of the EU integration process.

Approach and methodology

Citizenship as a key organising principle of modern political life is, above all, a status that creates a legal bond between individuals and a polity/state and endows these individuals with certain rights and obligations. Citi-

zenship is a multidimensional concept encompassing status (membership in a political entity), rights (individual or group-differentiated rights) and identity (Joppke 2007). Another dimension of citizenship refers to practices of active participation in political life and civic virtues (Bauböck 2001).

Vink and Bauböck (2013: 5–6) propose a new typology that distinguishes between purposes, functional components and dimensions of citizenship regimes. According to them, citizenship laws serve five purposes: intergenerational continuity (the purpose of securing population and state continuity through birthright and/or descent); territorial inclusion (determining inclusion/exclusion criteria through naturalisation policies); singularity (avoiding multiple citizenship); special ties (securing citizenship for groups that are perceived as belonging to the society, polity or nation by virtue of their cultural, political and economic special ties); and genuine link (avoid 'over-inclusion' by providing for a loss of citizenship in cases where individuals are no longer connected to a state). These are all ways in which states use citizenship legislation to define and regulate relations with their respective citizens. Functional components, which serve these key purposes of citizenship laws, mean legal provisions regulating acquisition and loss of citizenship status. Last, citizenship regimes are differentiated along two main dimensions: territorial and ethno-cultural. This implies that laws are shaped by multiple purposes and require a comprehensive analysis, rather than an assumption that they can all be divided according to the underlying principles of civic or ethnic inclusion/exclusion.

Nonetheless, citizenship purposes and functional components are not static. They evolve over time as citizenship policies are clearly influenced by the agendas of domestic political actors that propose different interpretations of state interests, as well as regional dynamics and international constraints. In addition to the resident population, Vink and Bauböck's approach to citizenship regimes takes into account populations of former citizen residents and their descendants, as well as broader ethnoculturally conceived kin populations. The application of such an approach enables us to provide a more detailed picture of the various dimensions of citizenship regime in Albania and Kosovo, and to compare and contrast them, as well as place them in the wider regional context.

As regards discussions on non-legal, cultural and political aspects of the wider Kosovo–Albania relationship in the context of regional and European integration, the paper utilises Ole Waever's (2002) theoretical framework conceptualising three key ideas about the state, nation and Europe and how these concepts are linked in political discourse in a coherent narrative that underpins a country's foreign policy and policy towards Europe and the EU.

By combining the configurations and constellations approaches, on the one hand, and Waever's framework on nation–state–Europe, on the other, this study aims at shedding light not only on the specific purposes and functional components of citizenship regimes in Albania and Kosovo, but also on the relationship between state and nation in the case of trans-border Albanian communities in the Balkans. As such, it departs from many existing studies that focus within existing nation-state borders and 'methodological nationalism' (Wimmer and Schiller 2003) in general. As far as methodology is concerned, comparisons are made using Scheppele's (2004) approach of 'constitutional ethnography', which involves the 'study of the central legal elements of polities using methods that are capable of recovering the lived detail of the politico-legal landscape'. This approach embraces nation, culture and the overall politico-legal context.

Albania and Kosovo citizenship regimes: past and present[1]

Albania and Kosovo differ substantially both in terms of history of statehood and citizenship policies. Whereas the Albanian polity and its citizenship regime were mostly shaped by internal developments in the country throughout the twentieth century, Kosovo represents a clear case of external state building and it remains

a contested state and territory. Notwithstanding these important differences, the two countries' citizenship regimes are rather similar when it comes to citizenship indicators related to acquisition and loss of citizenship.

Albanian citizenship legislation has changed relatively little over time. Since the country's independence in 1912, Albania has experienced three different citizenship eras, each of them corresponding to the different political regimes in place. Albania's first citizenship legislation dates from the inter-war period (the 1929 Civil Code of the Kingdom of Albania). After the Second World War and the communist takeover, a new law on Albanian citizenship was enacted in 1946 followed by a decree in 1954. This decree was in force for almost half a century – until 1998 – when the most recent law on Albanian citizenship was adopted. The present citizenship legislation in Albania largely complies with international standards of political and social inclusion.

The present legislation also reflects Albania's attempts to democratise and achieve EU membership. Some of the main principles of the European Convention on Nationality, which it ratified in 2002, including the obligation to reduce and eliminate statelessness, are incorporated into the new citizenship law. In addition, for the first time in its history, the Albanian citizenship legislation allows dual citizenship. Certainly, this reflects the new reality created in Albania and the region after the fall of communism and the increase in migration flows. The 1998 law also lacks ethno-centric formulations and provisions and is gender balanced when it comes to the naturalisation of spouses and children.

Until recently, the Albanian citizenship regime was one of the last remaining regimes in Southeastern Europe that did not apply the post-territorial principle of ethnic selectivity, i.e. policies of diaspora inclusion premised on a de-territorialised, ethnic conception of citizenship (Ragazzi and Balalovska 2011). Despite the fact that the Albanian state is surrounded by more than two million ethnic Albanians living in the neighbouring states of Kosovo, Macedonia, Montenegro, Serbia and Greece, the Albanian citizenship regime has historically been based on the principles of territory and residence and not on ethnicity. The 1998 Albanian Law on Citizenship both allows dual citizenship and contains no ethno-centric formulations and provisions (although the Albanian state has occasionally extended some citizenship rights related to education to its co-ethnics in the region), a fact that has been widely praised by international organisations and seen with suspicion and a certain sense of disappointment by Albania's co-ethnics in the successor states to Yugoslavia.

However, following a 2013 decision by the Albanian government, the country was on course to join other neighbouring states in granting citizenship to co-ethnics living in neighbouring states and to the wider Albanian diaspora, based on ethnic selectivity criteria. Despite the change of government in the June 2013 elections, the outgoing government of Sali Berisha adopted decree no. 554 on 'Procedures for the Recognition and Acquisition of Albanian Citizenship by Persons of Albanian Origin, Excluding Citizens of the Republic of Kosovo' on 3 July 2013, which, if applied, would have enabled more than one million Albanians in the region and diaspora to claim Albanian citizenship (Krasniqi 2013). However, although the decree remains in force, the current socialist government has made it clear that it has no intention of implementing it, insisting that the issue of citizenship is regulated by the 1998 law alone.

The Kosovan citizenship regime, on the other hand, which has been largely drafted by international organisations and diplomats present in Kosovo at the time of independence, is still in the process of consolidation. It reflects the principles of multi-ethnicity and inclusiveness enshrined in the Ahtisaari Plan (which laid the foundations of Kosovo's Declaration of Independence), the Declaration of Independence and the Kosovan Constitution. The new Kosovan Constitution, by refusing to recognise exclusions, loyalties or claims of ancestral rights, not only defends the universalist values of civic republicanism and individual liberalism, but also speaks out for group (community) rights and defends their exclusivity and group-differentiated rights (Krasniqi 2012c, 2015). Certainly, in the case of Kosovo, on the one hand there is a de-ethnicisation of state institutions, but, on the other, the multi-ethnic composition of society is reflected in its politics.

In terms of the procedures, the basic characteristics of the Kosovan citizenship law are a combination of *ius sanguinis* ('right of the blood'; citizenship based on descent) and *ius soli* principles ('right of the soil'; citizenship based on territory), prevention of statelessness (lack of citizenship), absence of provisions granting ethnic preferences, and gender equality of parents deciding the naturalisation of children, as well as gender equality between spouses. Another crucial characteristic of this law is the unconditional recognition and acceptance of dual and multiple citizenship. An even more particular characteristic of the citizenship law is that Articles 28 and 29 contain some transitional provisions regulating acquisition of citizenship by Federal Republic of Yugoslavia citizens who were Kosovo residents before 1 January 1998 and habitual residents of Kosovo (1999–2008). Persons belonging to the first category can become citizens of Kosovo by registration whereas those belonging to the second category become Kosovan citizens *ex lege*. Though this law anticipates facilitated naturalisation for people from the diaspora, it does not define or differentiate them on the basis of ethnicity. According to the law, all people (and their descendants within one generation) who are legally resident in foreign countries and who can prove that they were born and/or maintain family ties in Kosovo are considered to be members of the Kosovan diaspora.

The law was, however, amended in 2011, roughly at the same time as the adoption of the new law on foreigners. These amendments introduced two substantial changes in the law on citizenship. The first concerns the residence criterion for naturalisation, which has been increased from five to ten years, making the Kosovo law one of the strictest in the region regarding naturalisation of aliens. The other change is related to the status of stateless people. Several paragraphs were added regarding acquisition of citizenship by stateless people, widening the scope of the law with the aim of reducing statelessness.

In what follows, using Vink and Bauböck's configurations model, the paper looks into the five main purposes of citizenship in Albania and Kosovo: intergenerational continuity, territorial inclusion, singularity, special ties and genuine link.

Intergenerational continuity

Securing the intergenerational continuity of the state through birthright attribution of citizenship *ius sanguinis*, *ius soli* or some combination of both principles is the most basic purpose of all citizenship laws (Vink and Bauböck 2013: 9). Albania and Kosovo are similar in the way they provide intergenerational continuity through a combination of territorial and lineage principles.

In Albania, acquisition by birth is determined in Articles 7 and 8 of the citizenship law. Based on Art. 7, everyone born of at least one parent with Albanian citizenship acquires Albanian citizenship automatically. In this case, both the principles of descent (*ius sanguinis*) and the gender equality of parents are applied. A child born in Albania of unknown parentage or found within the territory of the Republic of Albania would acquire citizenship under the *ius soli* principle; otherwise it would become stateless (Art. 8, para. 1). However, if one of the child's parents becomes known before the child reaches the age of 14, and he or she holds foreign citizenship, Albanian citizenship can be relinquished at the request of his lawful parents, provided that the child does not become stateless as a consequence of this action (Art. 8, para. 2). The *ius soli* principle is also applied in the case of a child born within the territory of the Republic of Albania to parents holding another citizenship who are lawful residents in the territory of the Republic of Albania, provided that both parents give their consent (Art. 8, para. 3).

Based on the principle of descent, a child acquires citizenship automatically when both their parents have Kosovan citizenship (in this case *ius soli* does not apply). However, if on the day of the child's birth only one of the parents is a citizen of Kosovo, the child may acquire Kosovan citizenship under the following conditions:

a) the child is born in the territory of Kosovo (here we have a combination of *ius soli* and *ius sanguinis* principles); b) the child is born abroad and one parent is stateless or his or her citizenship is unknown; and c) the child is born abroad and only one parent has Kosovan citizenship but both of them give their consent before the child reaches the age of 14. In cases when the consent of parents is needed, the law has retroactive effect.

The *ius soli* principle applies in cases of unknown or stateless parents of a child born or found in Kosovo. However, if one of his/her parents who does not have Kosovan citizenship is found before the child reaches the age of 7, upon the parent's request, citizenship of the child may be forfeited. The territorial principle is also applied in cases when a child is born in the territory of Kosovo and his or her parents have foreign citizenship but permanent residence status in Kosovo and, most importantly, give their consent. So, here we have a conditional application of the *ius soli* principle, in that the consent of parents is crucial in this case. Acquisition of citizenship by adoption is based on the principle of descent and a child adopted by parents who have Kosovan citizenship acquires the same rights as a natural child. But the law is not explicit in determining cases of adoption when only one parent is a Kosovan citizen.

Voluntary renunciation of citizenship is permitted in both countries. Both have experienced successive waves of emigrations, which have led to a growing number of citizenship renunciations by emigrants who acquire citizenship of host countries. Between 2009 and 2015, some 32 000 people renounced Kosovan citizenship (Matoshi and Kostanica 2015). However, in the case of Kosovo release may be refused if the applicant is a civil servant, judge, public prosecutor, or a member of the police service or Kosovo Security Forces, or when the release is considered to be against the interests of the state. In Albania, in order to avoid statelessness, the decision on renunciation will be revoked if the person does not acquire another citizenship within a reasonable time.

Territorial inclusion

Both countries have similar conditions when it comes to territorial inclusion of foreigners in the citizenry. The only notable difference concerns residence criteria, which is higher in Kosovo (ten years) than Albania (five years).

In cases of regular naturalisation in Albania, a foreigner who has submitted an application for acquisition of Albanian citizenship by naturalisation may acquire Albanian citizenship if he or she fulfills the following requirements: they have been lawfully resident in Albania for at least five continuous years, possess a dwelling and sufficient income, have not been sentenced in any country for a criminal offence that carries a prison sentence of three years or more (exemption only if the sentence was given for political motives), demonstrate elementary knowledge of the Albanian language, and pose no danger to the security and defence of Albania. There is no condition relating to cultural assimilation.

Similarly, in the case of Kosovo, to quality for regular naturalisation a foreigner should have been resident in Kosovo for five consecutive years after receiving a permanent residence permit (which in turn takes five years), demonstrate respect for the constitutional and legal order of Kosovo and integration into society, have sufficient means of living without resorting to social assistance schemes, fulfil all financial obligations to the state, and demonstrate an elementary knowledge of one of the official languages of Kosovo (Albanian or Serbian) and of its culture and social order.

Singularity

Vink and Bauböck distinguish stronger and weaker versions of singularity – the unambiguous and unique tie between an individual and the state that precludes multiple citizenship. A stronger version of singularity implies general avoidance of multiple citizenship. A slightly weaker version of singularity allows for sequentially multiple citizenships over the course of an individual's life, but not for simultaneous ones. A third and even weaker version of singularity (present among European states) allows for multiple citizenships acquired by birth, but not by naturalisation. The two functional components of singularity include the condition to renounce former citizenship before naturalisation and loss of citizenship due to voluntary acquisition of another citizenship. Neither Kosovo nor Albania possess such conditions. Both countries allow dual and multiple citizenship, in large part due to the need to maintain links with the large emigrant populations abroad.

Special ties

Citizenship laws may also be used to secure citizenship for groups that are perceived as belonging to the society, polity or nation by virtue of their special ties, independently of their legal citizenship status. The two functional components of acquisition of citizenship based on special ties are cultural affinity and reacquisition by former citizens.

Whereas the Kosovan citizenship law does not permit naturalisation based on cultural affinity, the Albanian one does. The 2013 government decree 554 was aimed at securing Albanian citizenship for people of Albanian origin. According to the decree, in order to qualify for Albanian citizenship, an individual should: 1) be a citizen (or documented resident) of an EU member state, the United States of America or another state the citizens of which are not required to hold a visa to travel in the states belonging to the Schengen Area; or 2) possess another citizenship or be stateless and have one parent who is an Albanian citizen; or 3) possess another citizenship or be stateless and born in Albania. Most importantly, this decree excludes Kosovan citizens of Albanian origin, as well as descendants of those who were Albanian citizens during the Second World War (when Albania's borders were extended by the Italian occupier to include most of today's Kosovo and Macedonia). Yet, as mentioned above, there is no evidence to suggest either that the decree is being implemented or that it has been revoked by the current government in Albania.

However, special cultural ties have been combined with special achievement in sports and culture to allow ethnic Albanians from the region to acquire Albanian citizenship. This has become a practice falling within the exceptional naturalisation category, applied in cases when the Republic of Albania has a scientific, economic, cultural or national interest. In this case, it is the President of the Republic who, based on a proposal from a ministry or other state organ for exceptional merits and contribution to the state of Albania, grants citizenship to an alien. So far, based on this clause, many politicians, artists and sportsmen from Kosovo, Macedonia and the diaspora have acquired Albanian citizenship. The most prominent case is that of the Albanian national football team, which is dominated by players of Kosovan origin, fast-tracked through the naturalisation procedure (Ames 2016).

In sum, both the Albanian and Kosovan citizenship laws provide for reacquisition of citizenship by former citizens through facilitated naturalisation, meaning that they do not have to fulfil all the regular criteria for naturalisation.

Genuine link

According to Vink and Bauböck, the withdrawal or lapse of citizenship after long-term residence abroad constrains membership by means of a 'genuine-links' criterion. It means that citizenship is lost in cases where individuals are no longer connected to a state in such a way that their individual interests can be seen as linked to those of the state. In other words, long residence abroad can be interpreted by state authorities as lack of a genuine link, leading to the lapse or withdrawal of citizenship.

Neither Kosovo nor Albania apply the genuine-links criterion: its application would have serious consequences for both countries due to the large numbers of their citizens living and working abroad. However, despite being emigrant countries, Albania and Kosovo have very weak legal ties with their respective diasporas and, unlike many countries in the region, do not allow voting in their embassies abroad (although Kosovo allows voting by mail) or representation of the diaspora in the parliament. Yet both countries have recently taken steps to strengthen links with their respective diasporas. Kosovo established a Ministry for the Diaspora in 2011 and is currently organising a census to collect data relating to Kosovans who live abroad. Similarly, in 2016 the Albanian government organised the first Albanian Diaspora Summit and pledged to strengthen its ties with the diaspora through the establishment of the National Council of the Albanian Diaspora and to organise a census that would, among other things, pave the way for remote voting for Albanians abroad (Vata 2016). Moreover, the two governments are cooperating in support of supplementary Albanian language education for diaspora children as well as by opening joint consular services in a number of European cities, including Munich and Milan.

In summary, the functional components of citizenship laws in Kosovo and Albania have similar basic purposes, combining ethno-cultural and territorial elements. In the context of Vink and Bauböck's typology, Albania and Kosovo represent expansive citizenship regimes with strong ethno-cultural and territorial inclusion elements. Yet, as we will discuss in the following section, existing civic provisions do not always follow the emerging practice of stronger trans-border co-operation and symbolic citizenship based on ideas of ethno-national belonging and unity.

Citizenship practices, trans-border co-operation and symbolic citizenship

The incongruence of political and ethno-cultural borders in the Western Balkans, together with conflicting nationalist projects and understanding of nationhood and statehood, has caused many ethnic groups to have, to paraphrase Brubaker, a 'structurally ambivalent membership status', often belonging by formal citizenship to one state and by putative ethno-national affinity to another. This is above all the case for minority groups, who often identify with a neighbouring (kin)state, which provides them with partial or full citizenship rights.

As discussed above, neither Albania nor Kosovo, as states with an overwhelming Albanian majority, has extended citizenship rights to ethnic Albanian minority populations in the region. Nevertheless, since the removal of the Yugoslav/Serbian control in Kosovo in 1999 and Kosovo's Declaration of Independence in 2008, both states have undertaken a number of symbolic formal and informal steps to facilitate closer integration of the people on the both sides of the border, while maintaining their separate legal and political identity. Despite the fact that Albanians in the Balkans are legally tied to separate state institutions, the majority perceive themselves to both at one and the same time belong to an indivisible part of the Albanian nation in the Balkans and be citizens of their respective state. Thus as a result of state and non-state forms of co-operation in various fields, a new political and cultural reality has emerged in the region in the form of a distinct politico-cultural sphere or neighbourhood. The 'Albanian neighbourhood' in the Western Balkans is bound together by 'interest

solidarity' in the fields of the economy, infrastructure, education and culture, and media and communications (Philips 2012).

As with many countries in transit or unconsolidated democracies, there is a discrepancy between the legal framework and political practice. For instance, Albania has regularly extended partial citizenship rights to its ethnic kin in the region, mostly in the form of quotas for students from Kosovo, Macedonia and Montenegro studying in Albania. The Albanian government quota for Albanian students from the region for the 2015/2016 academic year was 600 (Ministria e Arsimit dhe Sportit 2016). Likewise, when a visa regime was in place between Albania and the Federal Republic of Yugoslavia (which also included Kosovo), Yugoslav passport holders of Albanian ethnicity were exempt from the regime. More recently, the Albanian government adopted a decision to exempt from work permit 'citizens of the Republic of Kosovo and Republic of Serbia of *Albanian ethnic belonging*' (Government of Albania 2014, my emphasis). Although the decision does not establish explicit criteria for determining Albanian ethnicity, in practice, it is done on the bases of self-declaration and ethnic markers such as name and language competence.

The governments of Kosovo and Albania have undertaken a number of initiatives to facilitate communication across the borders. These include investment in infrastructure and the building of a highway that cut the distance between the two capital cities significantly, a plan to create a single labour market by removing tax barriers and work permits, the creation of a single energy area, establishment of an integrated border system to ease movement of people and goods, as well as standardisation and integration of educational (standardisation of pre-university curricula and textbooks; harmonisation of academic degree standards) and cultural institutions (co-sponsoring of a joint cultural events calendar). Integrated institutions like schools are expected to instil a society's goals, values, and traditions into their students, and to teach a common language. Equally, freedom of movement has improved between Albania, Kosovo, Macedonia, Serbia and Montenegro with all the countries enabling border crossing with ID cards.

In addition to state-led co-operation initiatives, many private initiatives in the field of media, culture, music and business have emerged, seeking to profit from the presence of a substantial Albanian-speaking group in the region to establish trans-border/regional festivals, digital media platforms and businesses. Yet, the most symbolic pan-Albanian institution of all is the Albanian national football team, which includes players originating from Albania, Kosovo, Macedonia, Serbia and the diaspora and is supported by fan clubs from across the region. The first ever qualification of the Albanian national football team for a major international tournament (European Championship 2016) turned the team into a symbol of national unity for Albanians worldwide.

Notwithstanding these intra-Albanian (cultural) integration trends, citizenship regimes of states where Albanians live do not overlap significantly, with dual citizenship an exception and not a norm. Likewise, proliferation of political centres, vested political, economic and criminal interests, and religious identification (Blumi and Krasniqi 2014) all act as centrifugal factors, often countering various political initiatives. Moreover, this new sphere, the emergence of which has alarmed some neighbouring states and raised the prospect of 'Greater Albania' (Austin 2004; *The Economist* 2007), is not self-sufficient and insulated. Rather, it is firmly embedded in and overlaps with other national cultural spheres such as the Serb cultural sphere, regional cultural spheres such as 'Yugosphere' (Judah 2009) and the wider European sphere.

The remainder of this paper focuses on the role of the EU integration process in the transformation of the relationship between citizenship, borders and identity. In addition to the legal framework analysed above, in order to understand these countries' policies towards the EU as well as domestic perceptions of state and nation and where they fit into the regional and international political scene, we should examine various discursive dynamics present in these countries, how concepts of statehood and nation relate to ideas about Europe and how they are transformed in concrete policies towards ethnic kin in the region, regional states and the EU.

State–nation–Europe constellation

The relationship between nation and state has been re-conceptualised and reconfigured both normatively and practically as a result of the impact of the European integration process, in particular following the fall of the Berlin Wall. Ole Waever (2002) has come up with a theoretical framework that conceptualises three key ideas about the state, nation and Europe in an attempt to explain how these concepts are linked in political discourse in a coherent narrative that underpins a country's foreign policy and policy towards Europe in the shape of the EU. According to Waever's framework, at the most fundamental level are discourses about the nation and the state – concepts that set the basic parameters of political discourse and policy in the country. At the next level these concepts are linked to each other and to Europe, creating the discursive space for making and debating specific policies towards Europe and the EU, which comprise the last, third layer of analysis. In what follows we consider the state–nation–Europe constellation in the case of Albanians in the Balkans using Waever's framework.

'One state – one nation' versus 'one nation – two states' debate

The relationship between state and nation among Albanians is a complex one and cannot be fully comprehended without understanding the origins of Albanian nationalism in general and that in Yugoslavia in particular, as well as the internal power struggles within it. Lacking any longstanding state-tradition or political centre, Albanian nationalism in the Ottoman Empire emphasised the distinctive common origin as well as culture and language of the Albanian population in the Balkans. Thus, the Albanian concept of nation is based on the ethno-cultural understanding (*Kulturnation*) and due to the historical incongruence between nation and state, it sees them as separate entities. The fact that after the Balkan Wars the Albanian state was deprived of areas with large Albanian majorities, most significantly the Kosovo region (Jelavich 1983: 101), resulting in a situation when roughly half of the Albanian population was left outside of the borders of the new Albanian state (Puto 2009: 81), was essential in the creation of the political and nationalist narrative of 'an artificially and unjustly divided nation'.

Following the creation of an independent Albania, which included only about half of the Albanians living in the region, two distinct and opposing nationalist threads emerged: a state-centred one and a nation-centred one (Rama 2004: 522). Whereas both threads had an ethnic understanding of the nation, they differed on whether consolidation of the state or nation had priority. The nation-centred vision was championed mainly by Albanian leaders in the territories left outside the Albanian state. As a result, many Albanian nationalist groups and movements, especially the underground ones, aimed throughout the existence of the Yugoslav state at unification of all Albanian-inhabited lands with the state of Albania. Despite the fact that the demand for equality in the form of a Kosovo Republic within socialist Yugoslavia was the predominant slogan in the 1968 and 1981 protests in Kosovo, a Republic of Kosovo was perceived by underground nationalist organisations as only the first step towards unification with Albania, thus making the Kosovan Albanian nationalist movement a 'secessionist-merger movement' (Heraclides 1991: 2).

However, with the creation of the Kosovan 'parallel state' in the 1990s, which was a reaction by Kosovo Albanians to the forceful abolition of Kosovo's autonomous status in 1989, the Kosovan nationalist movement was split into two opposing camps. On one side was the Democratic League of Kosovo (LDK) and other parties around it, which had a more state-centred and civic political vision of the future of Kosovo. While LDK's political vocabulary was dominated by the concept of popular self-determination with a constant reference to Kosovo's autonomous status in former Yugoslavia, various underground organisations, operating mainly from the diaspora, and later on the Kosovo Liberation Army (KLA), campaigned for unification of all the Albanian-

inhabited regions with the state of Albania. Yet, although the initial aim of the KLA was to liberate all the Albanian-inhabited lands in the former Yugoslavia and unite them with Albania,[2] due to the need to gain international support, by mid-1998 they joined the LDK in demanding a Kosovan state instead.

Similarly, in the post-war period, Kosovo was characterised by a power struggle between the two nationalistic Albanian discourses that relied on traditions of peaceful and armed resistance respectively. Nonetheless, although, as Ingimundarson (2007: 118) has observed, there was an open tension 'between a modernist civic Albanian nationalist discourse based on state building and Western integration, on the one hand, and the anti-Serbian ethno-nationalistic discourse symbolised by the armed resistance, on the other', EU and NATO integration took pride of place in the list of political goals of the Kosovan Albanian parties. Moreover, during the period of international administration, Kosovan politicians worked closely with the UN, EU and NATO missions in Kosovo to build structures of governance that seemed to mirror those of other European democracies (King 2010: 128). The perception that state and nation are divided did not change after Kosovo's Declaration of Independence either. In large part this is due to the fact that, based on its legislation, Kosovo is a 'post-national state' where state membership and identity are, using Joppke's (2007: 44) terminology, 'structurally decoupled', with the state being unable to impose a particular identity on its citizens. Today, Kosovan Albanians are divided between a minority who promote the idea of a separate Kosovan nation and those who think that Kosovan Albanians are at the same time both an indivisible part of the Albanian nation in the Balkans and Kosovan citizens.

These debates surface occasionally, sometimes but not always provoked by internal political events. Most recently, journalists, politicians and sportspeople were engaged in a heated debate on national *versus* state identity sparked by a sporting event. The establishment of a Kosovan football team following Kosovo's membership in UEFA and FIFA in 2016, as well as the decision of a number of players to switch from Albania (as well as other European teams) to Kosovo, sparked debates on identity, belonging, statehood and sports (Montague 2016). On the one hand, proponents of the idea of a united national football team denounced the idea of a Kosovan national team on both sports grounds (weakening of the 'national' football prowess and potential) and political/identitarian grounds (rejection of of the idea of a separate Kosovan national and/or political identity). Some went so far as to label those players who switched sides 'traitors'. On the other hand, proponents of Kosovan statehood defend the idea of a Kosovan national team and see it as a great achievement for the country and its struggle to establish political legitimacy at home and abroad.

In general, mainly due to international intervention and administration, the main political parties in Kosovo have moved[3] from the concept of 'one nation – one state', to that of 'one nation – two states'. An eventually independent Kosovo was seen as a positive development for the whole 'Albanian nation' in the Balkans. Moreover, the Kosovan self-concept came to be closely linked to the concept of 'Euro-Atlantic' integration and values.

United in Europe: the EU as the promised land of a divided nation

Modern Albanian nationalism in the Balkans is closely connected to the concept of Euro-Atlantic integration and values, not least because it needs the European Union and NATO for economic and military security respectively. The fall of communism and the emergence of a post-Cold War order, dominated by the European integration processes, was a key factor in the re-articulation and redefinition of the state–nation–Europe relationship among Albanians. In the case of Albania, which experienced 50 years of isolation and oppression by the communist regime, the EU became both a political goal and a popular destination for migration of some one million Albanians (mostly to Greece and Italy) who left after the fall of the regime (Chiodi 2005; Mai 2008).

On the other hand, the EU and its project of enlargement provided new opportunities for Yugoslav Albanians to project themselves politically without becoming a fully-fledged nation-state. This happened also due to Europe's potential of providing minority nationalist movements with the opportunity to rearticulate the nation internally by projecting it externally as part of the European family (Keating 2009: 24). The main Kosovo Albanian leader of the 1990s, Ibrahim Rugova, made constant references to the idea of European integration in articulating his peaceful democratic cause: 'Our idea for a peaceful and democratic solution for Kosovo, in fact, is a universal and European idea that pleases us, because through this idea, Albanians joined the contemporary integrative European philosophy…' (Reka 1991). Therefore, he dismissed the idea of national unification with Albania on the grounds that it contradicts European values and norms.

Even now, Kosovo's leaders perceive adherence to European values and eventual EU membership as of added value to the state itself. In fact, Article 6 of Kosovo's Declaration of Independence contains the following formulation: 'For reasons of culture, geography and history, we believe our future lies with the European family. We therefore declare our intention to take all steps necessary to facilitate full membership in the European Union as soon as feasible and implement the reforms required for European and Euro-Atlantic integration'. This unambiguous formulation reveals not only that the Kosovan Albanian people regard the Kosovan state and Europe as complementary but also their concrete plans to achieve EU membership. In fact, the absolute majority of Albanian political parties in the region, both in countries where Albanians form a majority and where they are in the minority, are pro-European and committed to EU integration (Stratulat 2014). Similarly, Albanian people in the region demonstrate very high levels of support, up to 90 per cent, for the process of EU integration of the states where they live (Toshkov, Kortenska, Dimitrova and Fagan 2014).

As regards the definition of Europe among Albanians in the region, the former is perceived both as an intergovernmental body that would certainly benefit their states, and as a system of values, where Albanian people belong. Support for EU integration is strong even in the face of the overall economic and political crisis that the EU is undergoing, especially in the aftermath of the Brexit vote in 2016. Albania is knocking at the door of the European Union – eagerly waiting to start accession negotiations – despite the shadow of Brexit. According to Albania's Prime Minister, Edi Rama, his country's relationship with the EU is akin to a love affair: 'We're in a kind of affair. (…) We hope to start negotiations for the marriage, and we hope that the EU is there when we're ready to be the bride' (Farago 2016).

With respect to the relationship between Europe and the state–nation constellation in Kosovo and Albania, the former is not perceived as a threat to the state–nation bond, but rather as an opportunity, both in the sense of protection of the national culture and of the state's pursuit of power. Irrespective of the fact that references to a pan-Albanian nation were quintessential elements of the independence movement in Kosovo, in the aftermath of Kosovo's independence Pristina is emerging as a major centre of power and reference in what is loosely defined as the 'new Albanian space' (Vickers 2008: 14) in the Balkans. As a result of this, as well as Kosovo's constitutional constraints and due to the overall international and regional political context, the idea of unification of all Albanians in one state has been gradually modified into an idea of 'unification in Europe'. Thus, 'unification in Europe' has become the new mantra of Albanian institutional and political leaders in the region.

Yet, irrespective of the fact that the idea of Albanian national unification has been replaced with the vision of unification in a larger and borderless economic and political union (EU) in mainstream politics, the prospect of 'Greater Albania' has been occasionally invoked by Albanian leaders in response to the EU's increasing reluctance to accelerate the process of EU accession of the Western Balkan states. In 2015, in a joint interview with the then Foreign Minister of Kosovo and current President, Hashim Thaçi, Albania's Prime Minister Edi Rama did not rule out 'classical unification' if the EU continued to keep its doors shut for Kosovo and Albania. 'The unification of the Albanians of Albania and Kosovo... is inevitable and unquestionable. (…) The question is how it will happen. Will it happen in the context of the EU as a natural process and understood by all, or

will it happen as a reaction to EU blindness or laziness' (Bytyçi and Robinson 2015). Although these words caused concern in the region and in Brussels, their significance was quickly downplayed by Hashim Thaçi, according to whom, 'We are not talking about changing borders at all, but rather about reducing their visibility, according to the European model, so that people can move freely. We will all belong to that European space one day' (Poznatov 2015).

In addition to the normative impact of the European idea, the EU has also played a major role as an anchor for economic and political reforms in Albania and Kosovo, including assistance in drafting the key pieces of legislation that regulate citizenship. In the case of Kosovo particularly, the EU together with the US have been actively involved in state building, democratisation and putting in place a modern system of citizenship, thus shaping the nature of the polity. In many ways, EU conditionality has become the main driving force for reforms in these countries.

Although the prospect of integration of the Western Balkans in the EU is remote, the idea of unification in Europe also implies political unification under the institutional umbrella of the Union, as well as unification within a single European citizenship. This, the politicians argue, would render existing political borders and the obstacles they pose, practically irrelevant. Yet, due to the current political climate within the EU and regional developments, the process of EU integration remains complex, uneven and unpredictable. Already there exist different degrees of rapprochement with the EU, with Montenegro and Serbia negotiating their actual membership, Macedonia and Albania having gained the status of candidate countries but unable to open negotiations and Kosovo, at the end of the queue, having just concluded the Stabilisation and Association Agreement (SAA) with the EU. So, were the Western Balkans countries to continue with the same pace of integration into the EU, the first autochthonous Albanian citizens to join the EU could be the ones from the peripheries, i.e., those from Montenegro and Serbia.

In sum, the EU has played a major role in reconfiguring Albanian nationalism(s) and understandings of statehood, nationhood and sovereignty in the region. The European integration process has been influential both in terms of the idea of European identity and citizenship and in serving as an anchor of political and legal reforms in Kosovo and Albania.

Conclusion

This paper has addressed an important puzzle when it comes to the Albanian citizenship configurations, where legal norms of citizenship do not follow the emerging practice of stronger trans-border co-operation in the Albanian ethnic and cultural space. The analysis of the incongruous legal provisions (largely civic and inclusive laws) on the one hand and (often) ethnically selective practices on the other, has demonstrated that the process of EU integration is the key to understanding and explaining this puzzle. Crucially, the EU integration process provides an opportunity for 'constructive ambiguity' around which both ethnic and statist brands of Albanian nationalism, as well as various elite fractions, can coalesce and coexist. While EU conditionality has been instrumental in the emergence of civic legal norms regulating citizenship, the promise of EU integration and the idea of unification within a larger European political, cultural and economic sphere and citizenship has been used by elites in Kosovo and Albania to foster trans-border co-operation grounded on principles of shared ethnolinguistic belonging and identity.

The paper argued that closer institutional and cultural co-operation among the states with Albanian populations in the region, and above all between Kosovo and Albania, as well as commitment to the EU integration process, has played a significant role in the transformation of the relationship between state, nation, borders and citizenship, decreasing the significance of state borders and once mutually exclusive citizenship regimes. In particular, the idea of European integration, which remains a strategic goal of almost all the Albanian parties

and political actors in the region, and its practice of borderless co-operation, integration and European citizenship, has been instrumental in this direction.

Regarding the legal aspects of citizenship, in both Kosovo and Albania citizenship laws have similar basic purposes and indicators of functional components, which combine ethno-cultural and territorial elements. Kosovo's citizenship regime is territorially inclusive and ethnically less selective, something that is largely due to its history of state building and strong international presence. In the context of Vink and Bauböck's typology, despite different histories of state building, Albania and Kosovo are very similar, representing expansive citizenship regimes with strong ethno-cultural and territorial inclusion elements.

More widely, the paper has shown that citizenship laws and regimes can be best analysed and understood not just by looking into specific provisions regarding acquisition and loss of citizenship, but also by investigating the existing configurations (by focusing on purposes and indicators of functional components), as well as political practices, state–nation constellations, and wider regional and European dynamics. Moreover, the paper shows that citizenship configurations are not set in stone. Rather, they are dynamic and ever changing in accordance with internal political changes, trans-national co-operation and European integration processes.

Acknowledgements

The author would like to thank anonymous reviewers for their invaluable comments and insights on earlier versions of the paper.

Conflict of interest statement

No potential conflict of interest was reported by the author.

Notes

[1] This section relies extensively on EUDO country reports on Albania (Krasniqi 2012a) and Kosovo (Krasniqi 2012b), as well as the EUDO Citizenship (2015) database.

[2] KLA's oath began with these words: 'As a member of the KLA, I vow that I will fight for the liberation of Albania's occupied lands and their unification…' Likewise, the first point of KLA's political programme, published in April 1998, states: 'KLA comprises the unity of the Armed Forces of Kosovo and its occupied regions and it aims to liberate and unite Albania's occupied lands' (Pettifer 2012: 188).

[3] A major exception to this stance is a political organisation called the Self-Determination Movement, represented in the Kosovan Parliament since 2011 (becoming the third biggest party), whose campaign was based on an anti-international supervision and unification with Albania platform. This party promotes a pan-Albanian platform (one nation – one state) and dismisses Kosovo's new state symbols as 'non-Albanian' (www.vetevendosje.org).

References

Ames N. (2016). The Xhaka Brothers Braced to Lock Horns – for Albania and Switzerland. *The Guardian*, 10 June, www.guardian.co.uk.

Austin R. C. (2004). Greater Albania: The Albanian State and the Question of Kosovo, 1912–2001, in: J. R. Lampe, M. Mazower (eds), *Ideologies and National Identities*, pp. 235–253. Budapest: Central European University Press.

Bauböck R. (2001). Recombinant Citizenship, in: M. Kohli, A. Woodward (eds), *Inclusions and Exclusions in European Societies*, pp. 38–58. London: Routledge.

Bauböck R. (2009). The Rights and Duties of External Citizenship. *Citizenship Studies* 13(5): 475–499.

Bauböck R. (2010). Studying Citizenship Constellations. *Journal of Ethnic and Migration Studies* 36(5): 847–859.

Blumi I., Krasniqi G. (2014). Albanians' Islam(s), in: J. Cesari (ed.), *The Oxford Handbook of European Islam*, pp. 475–516. Oxford: Oxford University Press.

Brubaker R. (1996*). Nationalism Reframed: Nationhood and the National Question in the New Europe*. Cambridge: Cambridge University Press.

Brubaker R., Kim J. (2011). Transborder Membership Politics in Germany and Korea. *Archives européennes de sociologie / European Journal of Sociology* 52(1): 21–75.

Bytyçi F., Robinson M. (2015). Albania and Kosovo to Unite, Inside EU or Not: Albanian PM. *Reuters*, 7 April, www.reuters.com.

Chiodi L. (ed.) (2005). *The Borders of the Polity: Migration and Security Across the EU and the Balkans*. Ravenna: Longo Editore.

EUDO Citizenship (2015). *Global Database on Modes of Acquisition of Citizenship*. San Domenico di Fiesole: European University Institute. Online: www.eudo-citizenship.eu (accessed: 23 December 2016).

Farago J. (2016). Meet Edi Rama, Albania's Artist Prime Minister. *The Guardian*, 15 November, www.theguardian.com.

Government of Albania (2014). Vendim i KM nr. 265, datë 7.5.2014, Per përjashtimin nga detyrimi për pajisje me leje punë dhe certifikatë regjistrimi në punë për shtetasit e Republikës së Kosovës dhe shtetasit e Republikës së Serbisë të përkatësisë etnike Shqiptare. *Fletorja Zyrtare e Republikës së Shqipërisë 71,* 21 May.

Heraclides A. (1991). *The Self-Determination of Minorities in International Politics*. London: Frank Cass.

Ingimundarson V. (2007). The Politics of Memory and the Reconstruction of Albanian National Identity in Postwar *Kosovo*. *History and Memory* 19(1): 95–123.

Jelavich B. (1983). *History of the Balkans*: *Twentieth Century. Volume 2*. Cambridge: Cambridge University Press.

Joppke C. (2007). Transformation of Citizenship: Status, Rights, Identity. *Citizenship Studies* 11(1): 37–48.

Judah T. (2009). *Good News from the Western Balkans. Yugoslavia is Dead Long Live the Yugosphere*. LSEE Papers on South Eastern Europe. London: European Institute, LSE.

Keating M. 2009. Europe, the State and the Nation, in: J. McGarry, M. Keating (eds), *European Integration and the Nationalities Question*, pp. 23–34. London: Routledge.

King C. (2010). *Extreme Politics: Nationalism, Violence, and the End of Eastern Europe*. Oxford Oxford University Press.

Krasniqi G. (2012a). *Albania. Updated report*. Citizenship Observatory Country Reports. Florence: EUDO Citizenship Observatory, European University Institute.

Krasniqi G. (2012b). *Kosovo*. *Updated report*. Citizenship Observatory Country Reports. Florence: EUDO Citizenship Observatory, European University Institute.

Krasniqi G. (2012c). Overlapping Jurisdictions, Disputed Territory, Unsettled State: The Perplexing Case of Citizenship in Kosovo. *Citizenship Studies*, special issue: *Citizenship in the New States of South Eastern Europe* 16(3–4): 353–366.

Krasniqi G. (2013). Albania to Grant Citizenship to Ethnic Albanians in the Neighbourhood and Diaspora. *EUDO Citizenship Observatory*, 4 July, www.eudo-citizenship.eu.

Krasniqi G. (2015). Equal Citizens, Uneven Communities: Differentiated and Hierarchical Citizenship in Kosovo. *Ethnopolitics* 14(2): 197–217.

Krasniqi G., Stjepanović D. (2015) Uneven Citizenship: Minorities and Migrants in the Post-Yugoslav Space. *Ethnopolitics: Formerly Global Review of Ethnopolitics* 14(2): 113–120.

Mai N. (2008). Albanian Migrations: Demographic and Other Transformations, in: J. Batt (ed.), *Is There An Albanian Question*?, pp. 61–72. Chaillot Paper 107. Paris: Institute for Security Studies.

Matoshi A., Kostanica B. (2015). 32 mijë kosovarë hoqën dorë nga shtetësia. *Zëri*, 1 September, www.zeri.info.

Ministria e Arsimit dhe Sportit (2016). Pranimet në Universitetet Publike. Online: http://www.arsimi.gov.al/al/arsimi/universiteti/pranimet-ne-universitetet-publike (accessed: 23 December 2016).

Montague J. (2016). The Dawn of Kosovo's Football Nation. *Bleacher Report*, 4 October, www.bleacherreport.com.

Pettifer J. (2012). *The Kosovo Liberation Army: Underground War to Balkan Insurgency, 1948–2001*. London: Hurst & Co.

Philips D. L. (2012). A flourishing Albanian 'Neighborhood' Benefits the Balkans. *Balkan Insight*, 13 February, www.balkaninsight.com.

Poznatov M. (2015). 'Greater Albania' Statement Awakens Old Ghosts in Balkans. *EurActiv*, 10 April, www.euractiv.com.

Puto A. (2009). *Shqipëria politike 1912–1939*. Tirana: Toena.

Ragazzi F., Balalovska K. (2011). *Diaspora Politics and Post-Territorial Citizenship in Croatia, Serbia and Macedonia*. CITSEE Working Paper Series 2011/18. Edinburgh: University of Edinburgh.

Rama S. A. (2004). *In Search of the Effective State: The Evolution of Albanian Nationalisms*. Manuscript. Columbia University.

Reka B. (1991). Pushteti po i frikohet zgjedhjeve të lira. *Koha*, 21 November.

Scheppele K. L. (2004). Constitutional Ethnography: An Introduction. *Law and Society Review* 38(3): 389–406.

Shaw J., Štiks I. (2012). Citizenship in the New States of South Eastern Europe. *Citizenship Studies* 16(3–4): 309–321.

Stratulat C. (ed.) (2014). *EU Integration and Party Politics in the Balkans*. EPC Issue Paper 77. European Policy Center.

The Economist (2007). What Happened to Greater Albania? Nationalism is not Nationality. *The Economist*, 18 January, www.economist.com.

Toshkov D., Kortenska E., Dimitrova A., Fagan A. (2014) *The 'Old' and the 'New' Europeans: Analyses of Public Opinion on EU Enlargement in Review*. MAXCAP Working Paper 2. Berlin: Freie Universität Berlin.

Vata I. (2016). Rama: Samiti i Diasporës është një kuvendim që vazhdon për Shqipërinë e gjeneratës tjetër. *Albanian Telegraphic Agency*, 20 November, ata.gov.al.

Vickers M. (2008). The Role of Albania in the Balkan Region, in: J. Batt (ed.), *Is There An Albanian Question?*, pp. 11–26. Chaillot Paper 107. Paris: Institute for Security Studies.

Vink M. P., Bauböck R. (2013). Citizenship Configurations: Analysing the Multiple Purposes of Citizenship Regimes in Europe. *Comparative European Politics* 11(5): 1–28.

Waever O. (2002). Identity, Communities, and Foreign Policy: Discourse Analysis As Foreign Policy Theory, in: O. Waever, L. Hansen (eds), *European Integration and National Identity: The Challenge of the Nordic States*, pp. 20–49. London: Routledge.

Wimmer A., Schiller N. G. (2003). Methodological Nationalism, the Social Sciences, and the Study of Migration: An Essay in Historical Epistemology. *International Migration Review* 37(3): 576–610.

Žilović M. (2012). *Citizenship, Ethnicity, and Territory: The Politics of Selecting by Origin in Post-Communist Southeast Europe*. CITSEE Working Paper Series 2012/20. Edinburgh: University of Edinburgh.

Central and Eastern European Migration Review
Received: 20 June 2016, Accepted: 6 June 2017
Published online: 21 June 2017
Vol. 6, No. 1, 2017, pp. 65–74
doi: 10.17467/ceemr.2017.09

The Effects of an EU Member-State's Modified Citizenship Law: The Hungarian Example, With a Particular Focus on the Aspects of Free Movement

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As the adoption of the Hungarian simplified naturalisation scheme raised much tension both in the neighbouring countries of Hungary and in the main host countries of EU citizens, this paper summarises the nature of such reactions and the most frequent fears that EU states expressed. The main aim of the study is to show what effects a country's modification of its citizenship rules may have on the situations of other EU member-states and European Union citizens. The article also raises one practical aspect of the situation that evolved as a result of the answer by Slovakia to the Hungarian modifications – namely the ex lege *withdrawal of Slovakian citizenship if a person acquires a new one from another country. It introduces in detail the free-movement aspects of ethnic Hungarians losing their Slovakian citizenship, while not leaving their homeland in Slovakia, arguing that people in such a situation may rightfully and immediately be eligible for permanent residence rights, which would provide them with a higher level of protection.*

Keywords: dual citizenship; simplified naturalisation; ethnic Hungarians; loss of citizenship; free-movement rights

Introduction

The European Union considers matters connected with national constitutions to fall within the competence of its member-states. However, the consequences of major modifications in the citizenship law of EU member-states definitely have an impact on the status – including their rights to movement and residence – of vast numbers

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of people. Therefore, while many have discussed the political, moral and human rights aspects of recent modifications to citizenship laws in Central Europe (Bauböck 2010), it is also worth evaluating the situation from a perspective where there is a definite connection to EU law – namely, from a free-movement viewpoint.

The European University Institute's Working Paper *Dual Citizenship for Transborder Minorities? How to Respond to the Hungarian-Slovak Tit-for-Tat* (Bauböck 2010) collected together many political, historical and legal views on the Hungarian-Slovakian dispute. Bauböck, in his kick-off contribution, argues that, even if the citizenship laws in the two countries do not violate EU law or the Council of Europe's Convention on Nationality, he finds them highly problematic and indefensible from a democratic conception of citizenship. The contributors to the Working Paper assess both the legitimacy of the Hungarian offer of dual citizenship for its kin minorities and the Slovak policy's acceptability. Bieber (2010), Spiro (2010) and Stavilă (2010) express various degrees of discomfort with the motivations behind the Hungarian policy, but emphasise its democratic legitimacy or potentially beneficial effects for the members of the minority, whereas Kovács (2010), Egry (2010) and Liebich (2010) all put the focus on the nationalist goals behind the Hungarian policy. Horváth (2010) argues that, although a policy of extending dual citizenship to transborder minorities may cause international tensions, the present law is less tainted by suspect ethnic discrimination than the 2001 Hungarian Status Law. Rainer Bauböck's (2010) concluding rejoinder argues that migrants and transborder minorities differ in their democratic claims to citizenship.

Nevertheless, the focus of academic research has thus far primarily been the analysis of the steps taken by and arguments of states in such international disputes, including those of Hungary and Slovakia, and the evaluation of citizenship laws with regard to the democratic conception of citizenship. In this paper, therefore, I would like to make the focus of my examination the ethnic Hungarian citizens living outside the borders of Hungary, though still remaining EU citizens, looking particularly at the evaluation of the results of the simplified naturalisation[1] of ethnic Hungarians from the aspect of EU rights to free movement. As regards the relevance of EU law, although I will examine how EU case law expects to comply with the EU *acquis* even when member-states set out their own provisions on citizenship, the main focus will be put on the right to free movement of persons within the EU. I will also look at how the applicable secondary EU legislation needs to be interpreted for those losing their original citizenship, while remaining on that member-state's territory, through their new right to the acquisition of citizenship of another EU member-state.

The study therefore first provides an insight into the development of tools with which to draw ethnic Hungarians closer to the kin state, among others, by introducing the simplified naturalisation procedure for ethnic Hungarians living outside the borders of Hungary. This is followed by the introduction of Slovakian legislative changes regarding loss of citizenship as an answer to the Hungarian modification, which creates the factual situation in which the issue of free movement will later be analysed. The free-movement status of Hungarians who have lost their Slovakian citizenship is finally introduced, with a special focus on the latest EU case law, which could provide further guarantees for people affected by this uncertain legal situation, especially concerning their residence rights.

The Hungarian simplified naturalisation procedure

Article D of the Fundamental Law[2] – the new Constitution of Hungary adopted in 2011 – sets out the following:

> *Bearing in mind that there is one single Hungarian nation that belongs together, Hungary shall bear responsibility for the fate of Hungarians living beyond its borders, shall facilitate the survival and development of their communities, shall support their efforts to preserve their Hungarian identity, the effective use*

of their individual and collective rights, the establishment of their community self-governments, and their prosperity in their native lands, and shall promote their cooperation with each other and with Hungary.

The previous Constitution, valid up to 1 January 2012, contained a similar but shorter declaration of the same responsibility. It was therefore not a new phenomenon that, based on this responsibility on behalf of the kin state, Hungarians living around the world and in the Carpathian Basin formulated the need, from time to time, for a simplified naturalisation procedure as a significant assistance in maintaining relations with Hungary and preserving their Hungarian identity.

Nevertheless, simplified naturalisation was not the first tool that the Hungarian governments used to establish an ever-closer link between the kin state and ethnic Hungarians after 1989. A quasi-citizenship was introduced in 2001 by Act LXII on Hungarians Living in Neighbouring States, though commonly referred to as the Status Law. This law set out the conditions in which ethnic Hungarians living in neighbouring countries could obtain the so-called 'Hungarian Card' and all rights attached to it. However, these rights were significantly reduced as the result of a modification in 2003 – a reaction to the critical comments of the Romanian government as well as the Venice and European Commissions because of the extraterritorial nature of the Act (Albertie 2003). Consequently, the preferential entry and residence rights for ethnic Hungarians, as well as the financial help needed for them to establish their eligibility for work, were abolished, though the Act still provided, among other rights, those to preferential healthcare and expanded education (Maatsch 2011: 68–69).

'The proportionality of granting nationality as a form of restitution for past injustices is often accepted internationally' according to Blokker and Kovács (2015: 134). It had therefore also been on the agenda of Hungarian legislators to provide ethnic Hungarians with preferential citizenship, rather than just trying to compensate them with various sets of rights. Hungarians went to the polls on 5 December 2004 – at a time when the issue had already raised considerable controversy both at home and abroad – to vote in a highly divisive referendum on whether the country should offer extraterritorial, non-resident dual citizenship to ethnic Hungarians living in neighbouring states (Kovács 2006). Should the referendum on this question have succeeded, it would have obliged the Hungarian parliament to adopt legislation conducive to granting citizenship status to the members of the diaspora without requiring them to move to their kin state of Hungary. Instead, the acquisition of permanent residence status and citizenship under preferential conditions by those moving to Hungary were offered in order to – at least partly – live up to expectations.

Finally, after the new, right-wing government took office, the Hungarian National Assembly approved – by an overwhelming majority – the amendment of Act LV of 1993 on Hungarian citizenship and introduced a simplified naturalisation procedure on 26 May 2010. As one of the first major legislative acts of the new parliament, it was also understood to be long-awaited compensation following the failure of the referendum in December 2004 on this issue. Although the pre-amendment version of the Hungarian Citizenship Act also granted the preferential acquisition of Hungarian citizenship for ethnic Hungarians, one of the main preconditions was still physical permanent residence on the territory of Hungary. As a result of the simplified rules, no such movement is required, therefore it also promotes the prosperity of Hungarians in their homeland without them having to leave it in order to gain a closer attachment to the kin state of Hungary.

The new provisions have simplified the procedure and reduced the administrative burden.[3] Every non-Hungarian citizen is eligible for preferential naturalisation if they or any of their ancestors were a Hungarian citizen or if they have reason to believe their origin is from Hungary;[4] if they can prove their knowledge of the Hungarian language, have no criminal record and are not under prosecution, their naturalisation does not violate the public and national security of Hungary.

The procedure was therefore designed to be commenced upon individual request, without any automatisation; simplified naturalisation is merely a possibility. To apply for citizenship is a matter of individual discretion, as the procedure requires genuine voluntary individual applications. Nevertheless, Kochenov and Basheska claim that the law establishes a *de facto* mass claims mechanism (2015: 134) because it may give rise to the simple acquisition of Hungarian citizenship for vast numbers of people. Nor does simplified naturalisation mean that a citizen automatically becomes eligible to vote, as suffrage is subject to registered residence in Hungary.

Consequences of the Hungarian modification

Citizenship acquired through the simplified naturalisation process has the same value as that acquired by birth, and therefore also creates EU citizenship. Gaining Hungarian citizenship is therefore especially beneficial for the citizens of Ukraine and Serbia. This fact raised concerns among some Western European countries, especially the United Kingdom, which already hosts many Central and Eastern European citizens practicing their right to free movement. The media talked about 'Hungary creating a new mass of EU citizens'.[5] Nevertheless, no statistical data are available on whether those Ukrainian and Serbian citizens acquiring Hungarian and EU citizenship are among those Central European citizens who were also at the centre of political attention in the context of Brexit and immigration.

Another important consequence of gaining Hungarian citizenship is highlighted in a separate question under the Frequently Asked Questions section of the Hungarian simplified naturalisation website.[6] The question asks whether a person loses his or her original citizenship after acquiring that of Hungary. The answer provided draws attention to the fact that countries may handle the issue of dual citizenship differently. It clearly states that, although Hungarian law does not add any negative consequences to gaining multiple citizenship, other countries may act differently. Therefore acquiring the necessary information before submitting an application is essential for making a well-founded decision.

A thorough prior assessment of the possible effects on the status of the ethnic Hungarian applicant in Ukraine and Slovakia is absolutely crucial here. In these countries, citizens who obtain a Hungarian passport will be running the risk, in particular, of losing their original citizenship and, as a result, some rights, including those of unconditional residence. The consequences also extend to the sphere of inheritance as, according to the Land Code of Ukraine, agricultural land can only be inherited by citizens of the country.[7] While Ukrainian legislation does not permit dual citizenship, Slovakia tolerates dual citizenship for naturalised immigrants – as does Serbia – but not for emigrants naturalising abroad. The country adopted this provision in May 2010 in order to deprive members of the Hungarian minority of their Slovak citizenship if they opt for a Hungarian one. Ireland also has a similar provision (Wallace Goodman and Bauböck 2010: 3).

The Slovakian answer

In 2010, through application of Art. 9b (2) of Act No. 40/1993 on Citizenship as amended by Act No. 250/2010 Coll. and as a response to the introduction of the simplified naturalisation procedure in Hungary, Slovakia abolished the possibility of dual citizenship for those of its citizens who voluntarily acquire a foreign nationality. As of 17 July 2010, under the same Act, if a citizen voluntarily acquires citizenship of another state, he or she is obliged to immediately report to the responsible district office or face a high fine of up to €3 319. Slovakian citizenship is considered to be lost *ex lege* on the day of voluntary acquisition of a new foreign citizenship, except for those who acquire it through marriage or birth; however, without a mechanism for tracking new acquisitions, the process relies on the obligation for individuals to report it (Kusá 2013).

Apart from the critics (see Kochenov and Basheska 2015) of such a retaliatory reaction, which raises many legal and ethical questions by disproportionately targeting one particular group of Slovak nationals – ethnic Hungarians – we should also highlight that the effects of this tool might not be as disastrous for those targeted as previously thought. On the contrary, Eurostat data report only a small increase in Hungarian nationals losing their Slovakian citizenship, while the increase in the number of mainly Czech citizens losing Slovakian citizenship is much greater.[8] Nevertheless, some remarkable cases caught the eye of the Hungarian media, such as that of the 100-year-old woman[9] of Hungarian ethnic origin and with Slovak citizenship, of which she had been deprived as a result of her acquisition of the Hungarian one.

The free-movement status of Hungarians who have lost their Slovakian citizenship

Since the accession of Central European countries to the EU in 2004, the relevance of the EU *acquis* has brought new aspects to such regulations and disputes. First, national citizenship includes EU citizenship for these CE countries, therefore – regardless of the fact that it is still within member-states' remit to set their own citizenship rules[10] – some national rules, especially those on preferential acquisition or the withdrawal of citizenship, may provoke critical reactions in other EU member-states or institutions. In 2014, the European Parliament was concerned about schemes established by various EU member-states – in particular by Malta – which resulted in the sale of national, and hence EU citizenship. Consequently the European Parliament called on the Commission to state clearly whether these schemes respect the letter and spirit of the EU treaties and rules on non-discrimination.[11] In 2017, the Commission is scheduled to carry out a study on the acquisition of national and EU citizenship by high-net-worth investors.[12]

Furthermore, the EU Court of Justice ruled, in the Micheletti case, that this competence of the member-states needs to be practiced in compliance with the existing EU *acquis*.[13] The Rottmann case provides even further instructions with regard to the examination of the principle of proportionality (Töttős 2010: 217):

> *Having regard to the importance which primary law attaches to the status of citizen of the Union, when examining a decision withdrawing naturalisation it is necessary, therefore, to take into account the consequences that the decision entails for the person concerned and, if relevant, for the members of his family with regard to the loss of the rights enjoyed by every citizen of the Union. In this respect it is necessary to establish, in particular, whether that loss is justified in relation to the gravity of the offence committed by that person, to the lapse of time between the naturalisation decision and the withdrawal decision and to whether it is possible for that person to recover his original nationality.*[14]

Without impugning the right of Slovakia to withdraw its citizenship from those acquiring that of another state, we should also focus on the residence status of such citizens as well as on the rights and obligations that their status accords them. This is, therefore, another area of legislation, one where EU law has an effect on the relationship between Central European countries and their citizens. It is an unimpeachable fact that, if a person has the citizenship of another EU member-state, he or she is within the scope of the legal provisions of the EU's right to free movement and residence. Even without any actual movement by the individual in question, when there is a clearly identifiable cross-border element, this person can refer to the EU right to free movement, as in the case of Garcia Avello,[15] which resulted in the Belgian state being obliged to 'accept an ever remoter link to the actual exercise of free movement rights' (Craig and de Búrca 2011: 589). It is also in line with the purposes of the Free Movement Directive (2004/38/EC),[16] as its Recital 1 in the preamble states that citizenship of the Union confers on each Union citizen a primary and individual right to move and reside freely within the territory of the member-states, subject to the limitations and restrictions laid down by the Treaties and the

measures adopted for their implementation.[17] Nevertheless, clarification is still needed as to what status are eligible, under EU free-movement rules, those who were once Slovakian and are presently Hungarian, Czech or another nationality.

The Free Movement Directive introduced a gradual system as regards the right to residence in the host member-state, identifying three stages for EU nationals and their families. First, periods of residence of up to three months are characterised by limited conditions and formalities; second, rights inherent in periods of residence of longer than three months are subject to the conditions set out in Article 7(1) of the Directive; and third, it is apparent from Article 16(1) of the Directive that Union citizens acquire, as a reward for their efforts regarding integration, the right to permanent residence after living legally, for a continuous period of five years, in the host member-state.

However, the wording of this provision gives no guidance on how the terms 'who have resided legally' in the host member-state are to be understood, nor does the directive contain any reference to national laws concerning the meaning of the terms. It follows that these latter must be regarded, for the purposes of application of the directive, as designating an autonomous concept of European Union law which must be interpreted in a uniform manner throughout the member-states.[18]

Nevertheless, Recital 17 in the preamble states that such a right should be laid down for all Union citizens and their family members who have resided in the host member-state 'in compliance with the conditions laid down in this Directive' during a continuous period of five years without becoming subject to an expulsion measure. It follows that the concept of legal residence implied by the term 'have resided legally' in Article 16(1) of the Free Movement Directive should be construed as meaning a period of residence which complies with the conditions laid down in the directive, in particular those set out in Article 7(1) and confirmed in Articles 18, 12(1) and 13(1). Consequently, a period of residence which complies with the law of a member-state but does not satisfy the conditions laid down in Article 7(1) of the Directive cannot be regarded as a 'legal' period of residence within the meaning of Article 16(1) – though see paragraphs 46–47 of the Ziolkowski and Szeja case, below.

The Court of Justice had the opportunity to further specify the meaning of the concept of 'legal residence' in the Ziolkowski and Szeja case,[19] in which Polish nationals who arrived in Germany before their country's accession to the Union had applied to the competent German authorities for the right of permanent residence, invoking the right of residence which had been granted to them at the end of the 1980s on the basis of the German legislation, on humanitarian grounds. According to the German authorities, their applications were rejected on the grounds that, although they had, certainly, resided legally in Germany for more than five years, the only start date acceptable when applying for the right to permanent residence under European Union law is that at which the applicants' state of origin became a member-state of the European Union. Furthermore the applicants did not fulfil the conditions provided for by the directive which would allow them to reside on the territory of another member-state for longer than three months.

The decision of the Court of Justice of the European Union in the Ziolkowski and Szeja case was that the start date for periods of residence completed by a then-non-EU national must be that of the accession of his or her state of origin to the EU, for the purpose of the acquisition of the right of permanent residence under Article 16(1) of the Free Movement Directive, provided those periods were completed in compliance with the conditions laid down in Article 7(1) of the directive. Consequently, regardless of the status of the person in question, as long as his or her previous residence was in compliance with the admission condition of the Free Movement Directive, the five years of continuous residence should be started, even if that person was not yet under the scope of the Free Movement Directive.

Following an analogy, Hungarian nationals who have lost their original Slovakian citizenship as a result of gaining Hungarian citizenship will not only become EU citizens practising their right of free movement in

Slovakia, but will also be eligible for permanent residence rights under the Free Movement Directive as long as their previous five years in Slovakia is in compliance with the conditions set out in Article 7(1) of the Directive. This is especially important as, once permanent residence rights have been granted, the holders cannot be regarded as unreasonable burdens on the social assistance system of Slovakia. Nevertheless, it might be challenging to prove their compliance with some of the conditions of admission to Hungary, especially if they were receiving social assistance during those five years of residence in Slovakia.

Conclusion

The existing literature covers many aspects regarding the question of whether factors such as ethno-cultural belonging, historical ties, etc., can justify the application of principles of inclusion and exclusion suitable for a democratic state (Dumbrava 2014: 2). While debates on citizenship at a political level have been ongoing for decades in Central Europe and various historical, legal and moral aspects have gained attention in evaluations of the situation, especially from the Hungarian–Slovakian perspective, this study intends to add a new viewpoint – that of the individual gaining and losing not only national but also EU citizenship.

EU free-movement issues take us in two directions. Firstly, to a situation where non-EU nationals such as Ukrainian or Serbian citizens gain citizenship of an EU member-state – particularly Hungary – under a simplified naturalisation procedure and, as a result, become eligible to practice their right to free movements in Western Europe as well. In this regard it should be emphasised that the use of the EU right to free movement by newly naturalised ethnic Hungarians is not abusive and no statistical figures exist that could prove whether or not this served as the primary motivation of Ukrainian or Serbian nationals in seeking to acquire Hungarian citizenship.

The second direction is that of legal evaluation – necessary for those who found themselves in a situation where they risked losing their original citizenship on becoming EU citizens practicing free-movement rights on the territory of their birth. Strangely, it is not Hungarians, but Czech nationals who have been the most affected by this legal problem. It should be acknowledged that, based on an analogy of the already existing case law of the Court of Justice of the EU, it is not only to a 'simple' right of residence that they have, but already to a permanent residence right, providing greater protection against them being found to be an unreasonable burden for the host state. This study therefore intends to contribute to the existing literature by pointing out the relevance of this EU law regarding citizenship disputes in the Central European region.

Nevertheless, a different view of the situation of ethnic Hungarians in states not acknowledging dual citizenship, or even punishing those who acquire another, could indicate that such national regulations may, on the one hand, have a deterrent effect. Following this reasoning, we could also assume that more ethnic Hungarians living in Slovakia would have applied for Hungarian citizenship had they not had to bear the consequences of their actions. On the other hand, such legal provisions – together with the dispute between the two countries of Hungary and Slovakia – may have negative consequences for the peaceful life of multi-ethnic regions. Consequently, as in the everyday lives of Central European citizens, diplomacy still has a major role to play – unfortunately, in the Hungarian–Slovakian conflict, both parties were lacking the use of this tool. Miklóssy and Korhonen (2010: 139) concluded that

> *for Hungarian diplomacy there is still work to do to convince different audiences that cooperation with neighbours prevails, (…) and this revision without (border) revision is mere rhetoric instead of a Trojan horse towards more radical steps to increase political influence in the region.*

Nevertheless, quite recently, interests which the countries have in common have prompted cooperation in the region as the fight against the new directions which the Common European Asylum System is taking prevails over ethnic conflicts. Yet this fight is also partly based on ethnic considerations. The Visegrad Group (V4), which was celebrating the twenty-fifth anniversary of its founding in 2016, currently provides an alliance for Central European states in which they can shift the focus of their hostility from one another to Brussels and Western Europe, as they try to assert their needs in the process of finding a solution for the recent migration crisis.

Conflict of interest statement

No potential conflict of interest was reported by the author.

Notes

[1] The phenomenon is frequently called an issue of dual citizenship in Hungary, yet it would be more precise to call it an issue of simplified naturalisation of ethnic Hungarians, as Hungary had already allowed dual or even multiple citizenship before the latest modification of its citizenship rules.

[2] On 18 April 2011 the Hungarian parliament adopted Hungary's new Fundamental Law, which came into effect on 1 January 2012, repealing the previous Constitution of Hungary.

[3] http://allampolgarsag.gov.hu/images/angol.pdf (accessed: 12 June 2017).

[4] This latter part was formulated especially for Csango people in Moldavia of Hungarian ethnic origin, who rarely have any official documental evidence of their origins.

[5] http://www.bbc.com/news/world-europe-24848361 (accessed: 1 June 2016).

[6] http://allampolgarsag.gov.hu/index.php?option=com_content&view=article&id=102:elveszitem-a-jelen-legi-allampolgarsagom&catid=27:kerelmezok&Itemid=65 (accessed: 1 June 2016).

[7] http://eudo-citizenship.eu/citizenship-news/306-hungarian-government-proposes-access-to-citizenship-for-ethnic-hungarians-in-neighbouring-countries (accessed: 1 June 2016).

[8] Eurostat data on the loss of citizenship in Slovakia give the following figures: 2008 = 182 (HU: 0, DE: 0, CZ: 121), 2009 = 182 (HU: 0, DE: 3, CZ: 123), 2010 = 260 (HU: 5, DE: 12, CZ: 156), 2011 = 351 (HU: 21, DE: 21, CZ: 224); 2012 = 334 (HU: 9, DE: 46, CZ: 179).

[9] http://eudo-citizenship.eu/citizenship-news/615-a-claim-against-the-slovak-republic-filed-to-the-ecthr-by-a-100-year-old-woman (accessed: 1 June).

[10] We should bear in mind that, according to Paragraph 39 of the Rottman judgement and to established case-law, it is for each member-state, having due regard to Community law, to lay down the conditions for the acquisition and loss of nationality (Case C-369/90 *Micheletti and Others*, paragraph 10; Case C-179/98 *Mesbah* [1999] ECR I-7955, paragraph 29; and Case C-200/02 *Zhu and Chen* [2004] ECR I-9925, paragraph 37).

[11] 'EU citizenship should not be for sale at any price, says European Parliament', Plenary session Press release, 16 January 2014, http://www.europarl.europa.eu/news/en/news-room/20140110IPR32392/eu-citizenship-should-not-be-for-sale-at-any-price-says-european-parliament (accessed: 12 June 2017).

[12] *Strengthening Citizens' Rights in a Union of Democratic Change. EU Citizenship Report 2017*, European Commission, p. 14.

[13] Judgment of the Court of 7 July 1992. *Mario Vicente Micheletti and others v. Delegación del Gobierno en Cantabria*. Case C-369/90, European Court Reports 1992 Page I-04239, Paragraph 10.

[14] Judgment of the Court (Grand Chamber) of 2 March 2010. *Janko Rottman v. Freistaat Bayern*. Case C-135/08. European Court Reports 2010 I-01449, Paragraph 56.

[15] Judgment of the Court of 2 October 2003, *Carlos Garcia Avello v. Belgian State*, Case C-148/02, ECR 2003 I-11613.

[16] Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No. 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77–123.

[17] See Case C-162/09 *Lassal* [2010] ECR I 0000, paragraph 29, and Case C-434/09 *McCarthy* [2011] ECR I 0000, paragraph 27.

[18] See point 33 of the Ziolkowski and Szeja case. It must also be noted, first, that, according to settled case-law, the need for a uniform application of European Union law and the principle of equality require that the terms of a provision of European Union law which makes no express reference to the law of the Member States for the purpose of determining its meaning and scope must normally be given an independent and uniform interpretation throughout the European Union (Case C-287/98 *Linster* [2000] ECR I-6917, paragraph 43, and Case C-34/10 *Brüstle* [2011] ECR I-0000, paragraph 25). It should also be borne in mind that the meaning and scope of terms for which European Union law provides no definition must be determined by considering, *inter alia*, the context in which they occur and the purposes of the rules of which they form part (see, *inter alia*, Case C-336/03 easyCar [2005] ECR I 1947, paragraph 21; Case C-549/07 *Wallentin-Hermann* [2008] ECR I 11061, paragraph 17; Case C-151/09 *UGT-FSP* [2010] ECR I 0000, paragraph 39; and *Brüstle*, paragraph 31).

[19] Judgment of the Court (Grand Chamber) of 21 December 2011, *Tomasz Ziolkowski* (C-424/10) and *Barbara Szeja and Others* (C-425/10) *v. Land Berlin*, Joined cases C-424/10 and C-425/10, 2011 I-14035.

References

Albertie C. J. (2003). The Act of Hungarians Living Abroad: A Misguided Approach to Minority Protection. *Michigan Journal of International Law* 24(3): 961–1007.

Bauböck R. (ed.) (2010). *Dual Citizenship for Transborder Minorities? How to Respond to the Hungarian–Slovak Tit-for-Tat*. EUI Working Paper No. RSCAS 2010/75. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Bauböck R., Perchinig B., Sievers W. (2009). *Citizenship Policies in the New Europe*. Amsterdam University Press.

Bieber F. (2010). Dual Citizenship Can Be a Solution, Not a Problem, in: R. Bauböck (ed.), *Dual Citizenship for Transborder Minorities? How to Respond to the Hungarian–Slovak Tit-for-Tat*, pp. 19–20. EUI Working Paper No. RSCAS 2010/7. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Blokker P., Kovács K. (2015). Unilateral Expansionism: Hungarian Citizenship and Franchise Politics and Their Effects on the Hungarian–Romanian Relations, in: D. Kochenov, E. Basheska (eds), *Good Neighbourliness in the European Legal Context*, pp. 136–159. Leiden: Brill.

Craig P., de Búrca G. (eds) (2011). *The Evolution of EU Law*. Oxford: Oxford University Press.

Dumbrava C. N. (2014). *Nationality, Citizenship and Ethno-Cultural Belonging. Preferential Membership Policies in Europe*. Houndmills, Basingstoke, Hampshire, New York: Palgrave Macmillan.

Egry G. (2010). Why Identity Matters: Hungary's New Law on Citizenship and the Reorganisation of an Organic Nation, in: R. Bauböck (ed.), *Dual Citizenship for Transborder Minorities? How to Respond to the Hungarian–Slovak Tit-for-Tat*, pp. 25–28. EUI Working Paper No. RSCAS 2010/7. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Horváth E. (2010). Viewing Dual Nationality for Transborder Minorities in Context, in: R. Bauböck (ed.), *Dual Citizenship for Transborder Minorities? How to Respond to the Hungarian–Slovak Tit-for-Tat*, pp. 33–36. EUI Working Paper No. RSCAS 2010/7. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Kochenov D., Basheska E. (eds) (2015). *Good Neighbourliness in the European Legal Context*. Leiden: Brill.

Kovács M. M. (2006). The Politics of Dual Citizenship in Hungary. *Citizenship Studies* 10(4):

Kovács M. M. (2010). After Dual Citizenship, External Voting?, in: R. Bauböck (ed.), *Dual Citizenship for Transborder Minorities? How to Respond to the Hungarian–Slovak Tit-for-Tat*, pp. 5–6. EUI Working Paper No. RSCAS 2010/7. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Kusá D. (2013). *Country Report: Slovakia*. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Liebich A. (2010). Dual Citizenship, No Problem?, in: R. Bauböck (ed.), *Dual Citizenship for Transborder Minorities? How to Respond to the Hungarian–Slovak Tit-for-Tat*, pp. 29–32. EUI Working Paper No. RSCAS 2010/7. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Maatsch A. (2011). *Ethnic Citizenship Regimes. Europeanization, Post-War Migration and Redressing Past Wrongs*. Basingstoke: Palgrave Macmillan.

Miklóssy K., Korhonen P. (eds) (2010). *The East and the Idea of Europe*. Newcastle: Cambridge Scholars Publishing.

Spiro P. J. (2010). Accepting (and Protecting) Dual Citizenship for Transborder Minorities, in: R. Bauböck (ed.), *Dual Citizenship for Transborder Minorities? How to Respond to the Hungarian–Slovak Tit-for-Tat*, pp. 7–8. EUI Working Paper No. RSCAS 2010/7. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Stavilă A. (2010). Paving the Road to Heaven with Bad Intentions: A Moral Point of View, in: R. Bauböck (ed.), *Dual Citizenship for Transborder Minorities? How to Respond to the Hungarian–Slovak Tit-for-Tat*, pp. 9–12. EUI Working Paper No. RSCAS 2010/7. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Töttős Á. (2010). Állampolgársági feltételek - tényleg szuverén a tagállam? *Pécsi Határőr Tudományos Közlemények* XI: 213–220.

Wallace Goodman S., Bauböck R. (2010). *Naturalisation*. EUDO Citizenship Policy Brief No. 2. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Central and Eastern European Migration Review
Received: 15 June 2016, Accepted: 2 February 2017
Published online: 26 April 2017
Vol. 6, No. 1, 2017, pp. 75–97
doi: 10.17467/ceemr.2016.05

Contesting Regimes of Post-Communist Citizenship Restitution: Analysing UK Media Coverage of 'Paupers' Passports'

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This paper unpacks the legitimacy gap existing between post-communist policies of citizenship restitution, the experiences of these policies, and the media coverage of these policies. Considering citizenship restitution first as analogous to property restitution, theoretically citizenship restitution appears as compensatory, to right the wrongs of communist- and Soviet-era seizures and border changes, and appears to establish citizenship restitution as a right. Using UK media coverage of Romania's policy of citizenship restitution vis-à-vis Moldova, the paper shows the extent to which this policy is framed as an illegitimate loophole propagated by a 'Romanian Other' which is 'giving out' EU passports, exploited by an impoverished and criminal 'Moldovan Other', and inflicted on a 'UK Self' that is powerless to stem the tide of migration and block routes to gaining access to the EU via such policies. However, the paper also contrasts, and challenges, this media framing by using interviews with those acquiring Romanian citizenship in Moldova to demonstrate the extent to which acquiring Romanian citizenship in Moldova is a costly and lengthy procedure. Overall, the paper shows the extent to which citizenship restitution is a contested procedure, constructed as a right by the state seeking to compensate former citizens, and as illegitimate by those who construct a logic resulting from feeling threatened by policies of citizenship restitution.

Keywords: citizenship; migration; restitution; Romania; Moldova

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Well, I don't go in for politics much, either, but if what's in this 'ere paper is true, it seems to me as we oughter take some interest in it, when the country is being ruined by foreigners.
Tressell ([1914] 2004)

Here come the Moldovans.
Daily Mail, 6/10/2006

Introduction

In June 2015, Wizz Air – a Hungarian low-cost airline – opened a direct flight from Chișinău, Moldova's capital, to London. In Moldova, this was celebrated as a mark of progress, towards freer and cheaper movement and between Moldova and the European Union (EU), following the opening up of visa-free travel for Moldovan citizens to Schengen countries in April 2014 (Diez 2015). However, the UK media covered the opening of a direct budget Chișinău–London route as a threat to the UK, which was now exposed to, and powerless to prevent, high migration from Moldova. These Moldovans, it was reported (in particular by the UK's right-wing press), were exploiting a 'passport loophole', gaining access to the UK via Romanian citizenship (*Daily Express* 21/12/2015; *The Sun* 20/12/2015). The existence of a direct way to travel, quickly and easily, proved the existence, it was argued, of a vast number of Moldovans acquiring Romanian citizenship for the purposes of exiting Moldova for London.

On a more personal level, I have been interested in coverage of Romania's citizenship policy, first, because of its distance from the empirical findings of the fieldwork I conducted in Moldova (in 2012 and 2013). Second, the way Romanian citizenship for Moldovans was represented in the UK media was something that I observed being contested within Moldova. Analysing media coverage of citizenship restitution is significant for demonstrating the legitimacy and reality gaps that exist between the acceptance of the policy by those involved peripherally (e.g. in the UK, other EU member-states) and the experiences of those involved directly (in Romania and Moldova), as well as how citizenship and immigration are framed together through expressions of discontent with the EU.

This paper is situated, within theories of citizenship restitution, as a form of granting of citizenship that differs from acquisition by birth or naturalisation (the commonly theorised routes to citizenship). Citizenship restitution, as a policy, is particularly associated with post-communist kin-states (e.g. Hungary and Romania), and acts like property restitution to facilitate policies of citizenship restitution for citizens from pre-communist territories. This paper addresses how and why there is a legitimacy gap in framing citizenship restitution for those for whom citizenship restitution is illegitimate (e.g. the UK media) and for those for whom it is legitimate, as evidence of a genuine connection between state and external citizenry (i.e. Romania and Moldova in this instance).

The paper problematises the framing of Romania's policy of citizenship restitution as exploiting a 'granny loophole' (*Daily Express* 22/3/2013; *Sunday Express* 17/3/2013), as it has been in UK media coverage (and Western European media more generally). This paper seeks to understand, and critique, this framing of the 'passport loophole'. First the paper tries to unpack systematically how this idea of a 'passport loophole' has been constructed by the UK media. The paper will show the generation of this loophole discourse, the moments at which it has resurfaced, and the logic of this loophole discourse, which tries to delegitimise the strategy and agency of Moldovans. This discourse fails to realise the circumstances that have restricted Moldovans' access to space beyond Moldova, in particular to the west of Moldova. Secondly, the paper contrasts this construction of a loophole against Moldovans' experiences of Romanian citizenship, as a practice of restitution, using observations and interviews conducted in Moldova in 2012 and 2013.

Overall, the article argues for a more complex understanding beyond the 'granny loophole' framing of Romanian citizenship restitution that exists in current media discourses in Western Europe. Such discourses have sought to pathologise these practices of citizenship restitution without recognising the environment that has left few other options for Moldovans where Romanian citizenship could be understood as fair exchange for Soviet brutalities and Moldova's continued peripheral status.

Regimes of restitution

Citizenship is a status establishing a relationship that binds together individuals and the state through reciprocal rights and duties (Marshall [1950] 1998; Isin and Turner 2007; Vink and Bauböck 2013). The boundaries of citizenship, as defining 'membership of the state', are thus 'constitutive' of the community (Spiro 2007: 4). Studying the limitations of who belongs provides a map of the community's boundaries, so defined by the state (Spiro 2007). Citizenship, then, is a key site to observe the intersection of nation-building and state-building, in terms of civic (*ius soli*) or ethnic (*ius sanguinis*) criteria of membership (Brubaker 1992).

Many of the states that emerged from the collapse of communism and the Soviet Union, have experienced a particularly frenzied period of nation-building and state-building in the last 25–27 years. The boundaries of citizenship are therefore a useful way to understand the state's map of itself, i.e. who is conceived as belonging to post-communist states, in terms of which groups are included (e.g. external co-ethnic communities) and/or excluded (e.g. internal ethnic minorities). Alongside routes to citizenship common to most states – by birth (*ius soli* or *ius sanguinis*) or naturalisation for migrants (*ius soli*) – many post-communist states have instituted citizenship rules for former citizens and their descendants acquiring citizenship by restitution, without requiring them to reside, or ever having resided, in the state.

This paper is concerned with a particular framing of these acquisition rights: the notion of citizenship *restitution*, which go beyond citizenship by birth or naturalisation as conceived by Brubaker (1992) and Vink and Bauböck (2013). Rules of citizenship restitution are indicative of dynamics, and contestations, at the intersection of nation-building and state-building by expanding rights to citizenship retroactively, i.e. to previous citizens of the state and their descendants. Analysis of post-communist restitution has primarily focused on the restitution of property, as 'legally-mandated acts designed to compensate victims, in cash or kind, for that which the old regime had deprived them' (Offe 1993: 23). Discursively, in framing citizenship as an act of restitution – at least in the case of Romania's policy of *redobândire* (reacquisition, restitution) – and analytically, post-communist states are seeking to right previous wrongdoings and offer compensation for these wrongdoings through citizenship (Liebich 2009).

Citizenship and property restitution are therefore, to some extent, analogous via the 'restoration of his or her rights or property, prior to a loss, injury or abuse' (Iordachi 2009: 178). The implications of property and citizenship restitution are different: property restitution concerns granting rights in a domestic context, whereas citizenship restitution concerns the granting rights in a domestic and international context. What is significant in making these ideas of restitution similar is the idea of restoration. Citizenship restitution is all about 'undoing', or at least compensating for, communist policies of 'legal and political abuses and dispossessions' (Iordachi 2009: 178). Romania also denies that it is expanding 'ethnic' citizenship by allowing *any* former citizens of Greater Romania to apply for citizenship restitution. However, conceptually, scholars argue that by trying to 'recreate the citizenry of Greater Romania', at least post-territorially, this is an implicitly ethnic project (Dumbrava 2014: 2348; Iordachi 2009, Waterbury 2014). Romania appears to be trying to recreate a project that is lauded as the Golden Age of the Romanian nation, even if this was an exclusivist and autocratic (and later fascist) project which, for example, restricted Jews from holding Romanian citizenship (Iordachi 2002).

This paper focuses on the case of Romanian citizenship restitution (*redobândire)*, and how this has been framed as a 'granny loophole' by the UK media. Similar policies can be found across post-communist and post-Soviet space. However, to some extent, each is contextually specific, demonstrating how states have different legacies of seeking to restitute the citizenship of whole groups (e.g. ethnic groups) or individuals. For example, Poland has two separate pieces of legislation – of repatriation (2000) and restitution (2009) – while Romania combines these aspects in a single policy, by allowing descendants of those denied citizenship the right to citizenship restitution.[2] Russia's Compatriot Policy could also be analysed as an example of restitution, though currently it offers only quasi-citizenship, i.e. some, but not 'full citizenship', rights and benefits,[3] to former citizens of the Soviet Union and Tsarist Empire (see Kosmarskaya 2011; Shevel 2011). The point of the Compatriot Policy is, through restitution, to offer rights to those the Russian Federation feels were unfairly left outside the contemporary state borders. Restitution of citizenry can also work in reverse, as in the cases of Estonia and Latvia which still restrict citizenship from ethnic Russian communities who migrated during the Soviet Union. These states do not conceive ethnic Russians as legitimately belonging to the reconfigured state (Liebich 2009).

These regimes of restitution share a desire to recreate an imagined community that may be separate from the realities of the post-communist state, in terms of its borders and content (Iordachi 2009: 178). These regimes of restitution can also be in contestation with each other. Romania's policy of citizenship restitution in Moldova makes the majority, in theory, eligible to gain Romanian citizenship through restitution so long as they can prove descendancy from interwar Romanian citizens (up to the third generation) because the territory of Moldova was part of interwar Greater Romania. On the one hand, Romania's policy of citizenship restitution, by seeking to restore pre-war Romania's citizenry, might appear to challenge Moldova's authority vis-à-vis its citizenry and sovereignty as an independent state (Iordachi 2009). However, Romania in an official sense is also steadfast in its recognition of Moldova's independence, as the first state to recognise Moldova's independence from the Soviet Union in 1991; a fact that is often repeated to emphasise how far Romania *does* respect Moldova's sovereignty.

Figure 1. Common themes in UK media (2006–2016)

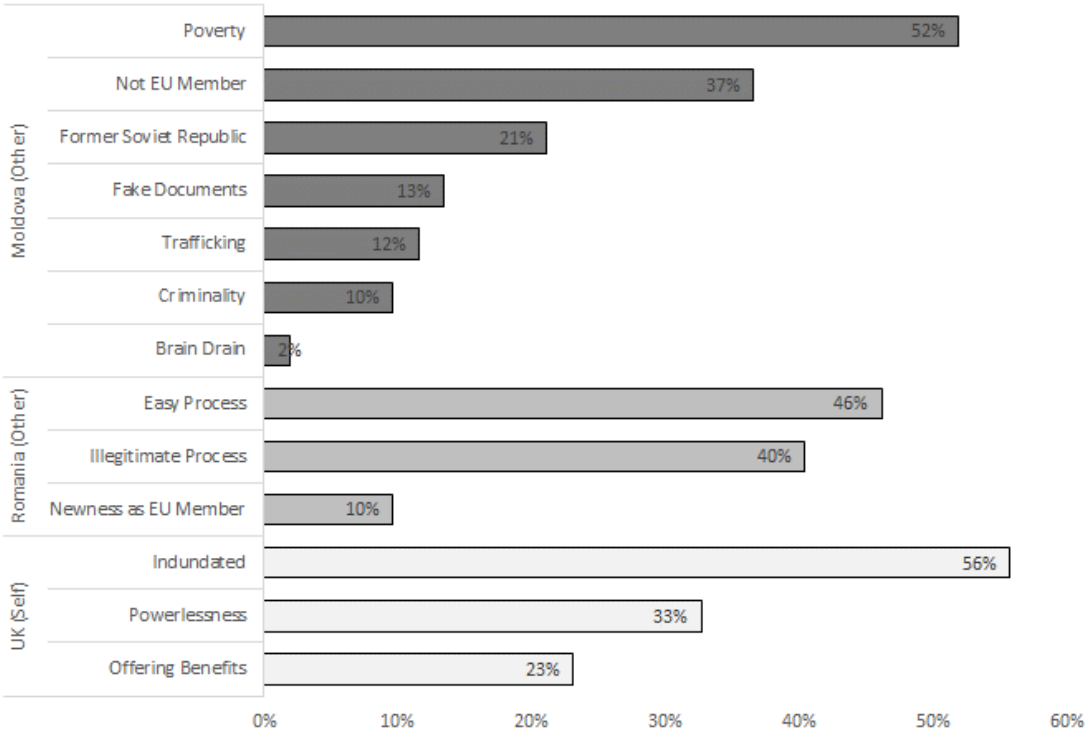
What is so far under-theorised is how policies of citizenship restitution are framed in wider media and policy debates, in particular those states that feel potentially affected by the knock-on effects of citizenship restitution and seek to challenge the legitimacy of citizenship restitution. It has been noted elsewhere how far the European media have covered Romania's policy (see Suveica 2013), and how far this coverage pathologised the process and right of Moldovans to acquire Romanian citizenship. However, as yet, no paper has systematically analysed this coverage to identify its trajectory, i.e. when and how this discourse emerged, its political positioning, its reach and its correspondence to everyday experiences of Romanian citizenship restitution in Moldova. This paper then, takes each of these issues in turn. First, the paper analyses the framing of Romania's policy of citizenship restitution within the UK media. Second, the paper analyses how this media framing emerged in UK and EU policy debates. Finally, the paper contrasts this pathological discourse, where Romanian citizenship is framed as a 'granny loophole', with everyday experiences of Romanian citizenship, which demonstrate the costs and difficulties of acquiring Romanian citizenship through restitution.

Framing a 'granny loophole': data collection and analysis

This section systematically analyses all the coverage in UK newspapers of Romanian citizenship acquisition for Moldovans, a sample of 52 articles (17 September 2006 – 17 January 2016, see Table 1 in Annex 1). The focus is on media coverage because of the significance of the press in shaping public opinion vis-à-vis the European Union and immigration, where the media is the 'clearest articulation of anti-EU sentiment' in the UK (Hawkins 2012: 562). Before 2006, no mention was found of Romanian citizenship for Moldovans.[4] The articles were read first to ensure they engaged with the issue of Romanian citizenship restitution for Moldovans explicitly. Several articles discussed acquisition of Bulgarian citizenship for Moldovans; these are not included in the analysis unless there is specific mention of Romanian citizenship also. The article also draws on interviews I conducted in 2012 and 2013 in Moldova's capital, Chișinău, with 55 ordinary individuals (primarily students and young people) who identified as Romanian and/or Moldovan, concerning their engagement with Romania's policy of citizenship (re)acquisition (elaborated elsewhere, see Knott 2015a, b).

In analysing the media coverage, the approach draws on both content and discourse analysis. I am concerned both with the frequency of certain topics – e.g. poverty in Moldova – as is typical of an inductive content analysis (Figure 1, Neuendorf 2002; Krippendorff 2004), and the meaning and knowledge constructed within these topics – e.g. how individuals are constructed as impoverished in Moldova, and the implications of this – that are more typical of discourse analysis. I developed a coding frame (Figure 2), first deductively, by differentiating between actors which comprise Self and Other (after Hall 2001, Hansen 2006): the UK Self as the voice of UK media coverage, and the Romanian and Moldovan Others as the objects (and threatening objects) of UK media coverage. This othering of Romania/ns and Moldova/ns is consistent with broader trends within the UK (and Western Europe more broadly) of othering Eastern Europe, in particular Eastern European migrants. For example, following the cessation of EU transition agreements on Romania and Bulgaria, both the BBC and Channel 4 in the UK produced documentaries which pathologised the potential for migration: *The Romanians Are Coming!* (Channel 4, February 2015) and *The Great Big Romanian Invasion* (BBC One, 17 July 2014).

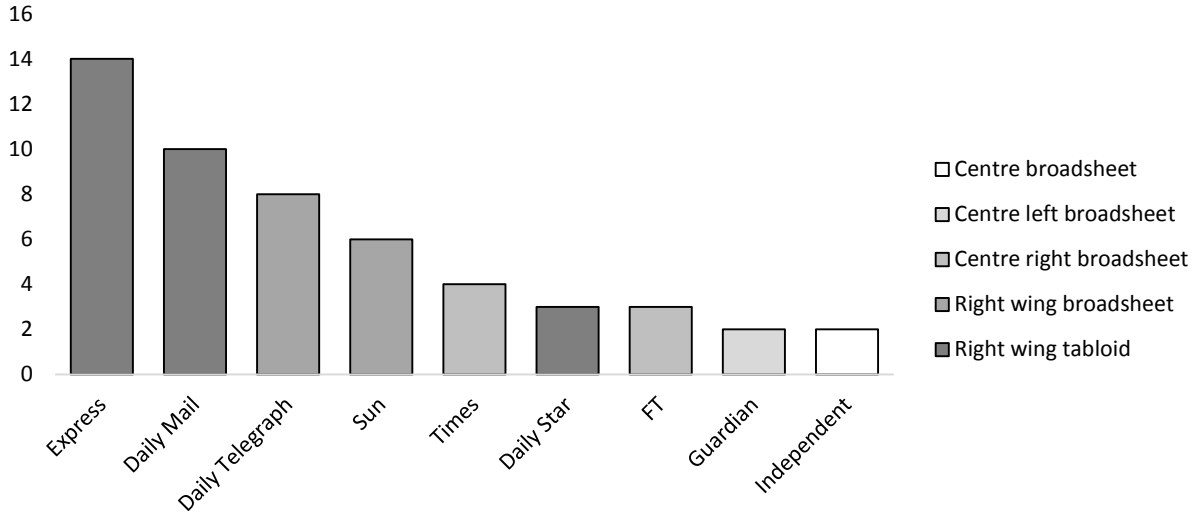
Figure 2. Coding framework and prevalence of codes in media analysis



This othering of Eastern Europe has been a common argument in scholars' understandings of how the region has been portrayed, in particular since the fall of communism. Drawing inspiration from Said's (1979) notion of orientalism, scholars such as Todorova (2009) and Bakić-Hayden (1995) have theorised about the stereotypes of 'backwardness'. Bakić-Hayden (1995) describes this as 'nesting orientalisms' to explain the 'gradations' of orients, and others, present within and between Western Europe and post-communist and post-Soviet states and societies (Buchowski 2006). To a more successful degree, intelligentsia (even before the end of communism) and political elites in states such as Hungary, Poland and (then) Czechoslovakia sought to construct a 'Central European' identity to shed their sense of backwardness, connections to Russia, and to further the project of returning to Europe (Kundera 1984; Neumann 1998). Romania and Bulgaria, alongside Balkan states that were the object of analysis within the theory of 'nesting orientalisms', have been less successful in being accepted as European, or fully European, despite Romania and Bulgaria joining the EU in 2007 (Kuus 2004: 476). This 'Self/Other, Us vs Them' (Buchowski 2006) analytical framework therefore helps to unpack these degrees of otherness that Hansen (2006) describes, as part of a project of alterity and differentiation of the UK Self vis-à-vis the Romanian and Moldovan Others.

From this, an inductive framework was developed to capture the most prevalent themes (see also Figure 1), such as the criminal and impoverished Moldovan Other, the illegitimacy of the Romanian process (as the Romanian Other) and the inundation of the UK Self, threatened by a flood of Moldovan migrants to the UK via acquiring Romanian citizenship. These amounted to the characterisation of the Moldovan and Romanian others as the *exploiters*, and the UK Self as the *exploited*. Inductively, a fourth dimension was developed in relation to mentions of the external implications of Romanian citizenship acquisition in Moldova, in terms of geopolitics. This geopolitical dimension, however, is left aside in this paper, given the small number of articles (6 per cent) mentioning geopolitics (e.g. negative reaction from Russia).

Figure 3. Number of articles by publication (n = 52)



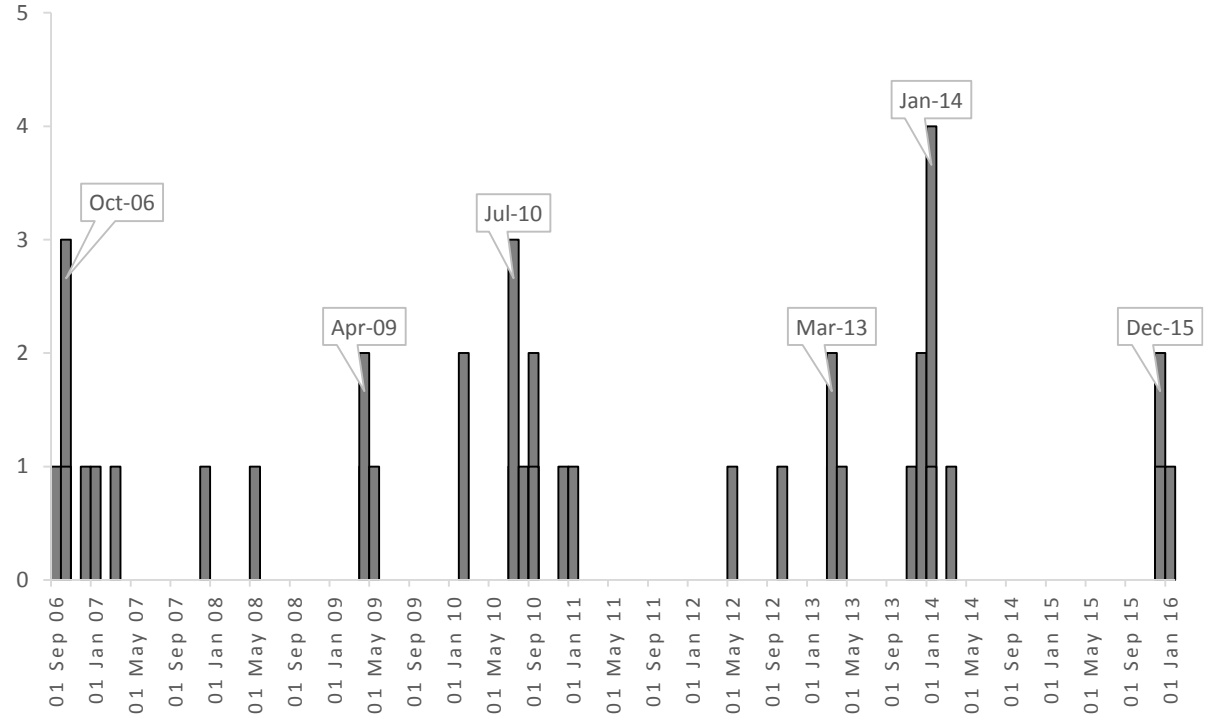
Before analysing the frames within the media analysis, it is first interesting to note that it was typically right-wing newspapers that covered Romanian citizenship acquisition for Moldovans (the *Daily Mail*, the *Daily Telegraph*) and, in particular, right-wing populist tabloid media, such as the *Daily Express* and *Daily Star* (Figure 3). By contrast, left-wing media outlets (e.g. the *Guardian* and *Observer*) covered the Romanian citizenship story far less and in a different way. For example, the single *Observer* article mocked the *Daily Mail*'s coverage of Romania as an EU member generally, and specifically its obsession with Romania's policy vis-à-vis Moldova:

> *But turn to page two, where the Moldovans are coming, apparently. 'Experts' have scared the Mail witless by predicting that '600 000 Romanians and Bulgarians May Come to the UK for Work' once they're part of Europe next January. Now 300 000 Moldovans, it seems, 'have taken advantage of a special arrangement that allows them a Romanian passport' [their parents were Romanian], so they're coming too. Cue ritual paragraph about 'sex slaves' and ritual quote from MigrationWatch* (*Observer* 15/11/2006).

This is consistent with trends concerning coverage of immigration debates in the UK media, as well as the tendency for the right-leaning tabloid media in the UK to pathologise East-European migrants (Greenslade 2005; Gabrielatos and Baker 2008), and demonstrate scepticism towards the EU and EU expansion (Light and Young 2009), and for left-leaning media to counter this framing (Hawkins 2012).

UK media coverage also emerged and re-emerged at specific points (Figure 4): at points of unrest in Moldova ('Twitter Revolution' / summer 2009),[5] at points of EU accession (2007) and removing of transition agreements (beginning 2014) and, most recently, with expanding and direct travel routes between Moldova and the UK (end 2015). There was also an explosion in the wake of Moldova's so-called Twitter Revolution (e.g. 13 articles in 2010), responding to Romania's then President Traian Băsescu's comments that Romania had received 800 000 applications for citizenship from Moldovans.

Figure 4. Number of articles by year of publication (n = 52)



The rest of this section discusses the media coverage of Romanian citizenship for Moldovans more substantively, in terms of the dimensions of exploited Self and two exploiting Others (Romanian, Moldovan). It discusses both the prevalence of the issue of Romanian citizenship in the UK press and the way in which it was discussed through these dimensions of Self and Other (Figure 2).

The poor Moldovan Other

Moldova was constructed as an impoverished, non-European Former Soviet *Other*. Only one article commented on the negatives of mass Romanian passport acquisition by Moldovans, namely that it might contribute to a brain drain of Moldova's 'young and ambitious' citizens (*The Times* 22/9/2010). To some extent this is intuitive: the UK media is unlikely to care much about the fate of Moldovans and care more about the impact within the UK. Yet, as discussed below, this finding also has implications for the power relations constructed between a Moldovan *Other* exploiting (a wealthier) UK *Self*.[6]

Most articles drew on Moldova's poverty and poor socioeconomic prospects in terms of jobs and opportunities where '90% want to leave' (*Daily Telegraph* 19/7/2010). Moldova was a site of contrast as the 'poorest country in Europe' (*Daily Telegraph* 1/1/2014, *Daily Mail* 31/12/2013), equivalent to Sudan in terms of living standards (*Sunday Times* 18/7/2010). It was framed also, specifically, as 'even poorer' than the new member-states like Romania (and Bulgaria) which were granting access to citizenship (*Sunday Times* 31/12/2006), framing Moldova as a double Other, in reference to Romania and the UK.

This poverty frame was linked to the status of Moldova's Soviet past, as an 'impoverished former Soviet state' (*Daily Express* 2/2/2010). This made Moldovans both likely to migrate, because of their level of poverty, as a 'non-EU' Other (*The Sun* 1/1/2014). Moldovans – as 'outsiders'– were accessing Romanian citizenship to facilitate their migration (*Sunday Express* 15/8/2010).

Thus, poverty in Moldova was not only about socioeconomics but also about identity, because this poverty contributed to Moldovans' otherness, as neither 'European citizens' nor Europeans. This identity component, as not European, was depicted as significant for the illegitimacy of Romania's citizenship policy, because the UK public might 'understand', though disagree with, free movement for EU citizens. However, the UK media explained that they would not extend the same level of understanding to Moldovans, as poor non-EU Others who did not have the right to EU citizenship.

A further frame constructing Moldova as a threatening Other, especially before 2010, was the association between Moldova and criminality. Moldova's criminal reputation, as a site of 'human trafficking, prostitution and gang activity' posed a danger to the UK because Romanian citizenship allowed 'notorious gangsters' to come into the country 'legally' as 'migrants' (*Daily Express* 4/11/2013). Moldova's (and Romania's) criminality and rife corruption were also constructed as threats to the UK. For example, as the *Daily Express* professed: 'the road from Chișinău (capital of Moldova) to Chesterfield is only a floppy document away – I mean a dog-eared passport issued by a corrupt official for a lot less than £150 000' (*Daily Express* 21/3/2014).

Moldovans, then, were framed as exploiting, both illegally and legally, the 'loophole' (*Daily Express* 22/3/2013; *The Sun* 14/10/2012) established by Romania which, through 'bogus citizenship' (*Daily Star Sunday* 6/5/2012), allowed 'millions of eastern Europeans' entry to the EU 'through the backdoor' (*Sunday Express* 17/3/2013; *Express* 24/9/2010). What Moldovans were acquiring in Romania was therefore not Romanian, and thus EU, citizenship. Rather, more materially and strategically, Moldovans were acquiring a passport as a travel document, providing rights that, UK media claimed, were illegitimate for Moldovans to hold. Moreover, this acquisition procedure was further delegitimised by how the UK media framed Romanian citizenship being procured: either via criminal means or via a legal loophole explained by Moldova's poverty.

By being nested within European citizenship, Romanian citizenship was not constructed as a right for Moldovans, as the idea of citizenship restitution indicates. Rather, Moldovans were constructed as a double Other, even poorer than Romania, and engaging in a strategy of exploitation, underpinned by poverty and the desire to leave Moldova, which Romanian citizenship illegitimately offered.

The illegitimate Romanian Other

This sense of illegitimacy translated into how Romania's policy was framed vis-à-vis Moldovans, contesting the right of Romania to offer Romanian citizenship restitution and framing the process as inherently (too) easy. As a new member-state, Romania's legitimacy within Europe was also questioned, not just to the extent of their right to have policies with these implications, but because the UK begrudgingly had to 'accept they [Romanians] are fellow Europeans' (*Mail on Sunday* 5/1/2014). The UK, as UK media discourses claimed, did not have to accept Moldovans acquiring Romanian citizenship. Romania's policy of 'handing out' Romanian (*Sunday Express* 15/8/2010), and EU passports (*Daily Express* 24/9/2010) to Moldovans was framed as 'very easy' (*Daily Express* 21/12/2015), by virtue of its attachment to a single relative 'as far back as great grandparents' (*The Sun* 20/12/2015).

Romania's corruption was framed as increasing the easiness of this process. For example, 'corrupt officials' and Romania's 'lax' controls meant that applications could be 'fast tracked' even more (*Daily Mail* 31/12/2013). Some media coverage framed Romanian citizenship as if Moldovans could just 'fill in forms and hand over 100 euros' (*The Sun* 14/10/2012) to receive Romanian citizenship. On the one hand, Moldova was described as impoverished, yet on the other, '100 euros' was referred to as a small sum of money, as opposed to ~16 per cent of annual GDP per capita. There were two interesting exceptions, from 2007, noting the bureaucratic difficulties experienced by Romania, which limited how many applicants could be processed to 20 000 per year, and thus meant acquiring Romanian citizenship was a lengthy procedure (*The Times* 1/1/2007;

Financial Times 2/3/2007). However these were not reported by the UK tabloid right-wing press but by broadsheet media.

There was some mention of Romania's rationale, that Romania claims it is 'giving back' Romanian citizenship to reflect the policy of restitution (*Daily Mail* 6/8/2010). However, this was disputed by UK media coverage, which aligned the policy with ethnicity and common ancestry. For example, several articles claimed that Romania was 'granting citizenship to ethnic Romanians' (*Sunday Times* 18/7/2010; *Daily Telegraph* 22/3/2013), consistent with claims that Romania was acting illegitimately. Romania's policies thus enabled Moldovans to 'exploit their right to Romanian passports' and the 'loophole' which allowed such a right to exist (*Sunday Times* 31/12/2006).

This construction of a Romanian Other – criminal, impoverished and illegitimate – exploiting the UK Self resonates more broadly beyond Romania's citizenship policy vis-à-vis Moldovans, in terms of Romanian migration practices more generally and beyond. For example, Ibrahim and Howarth (2016) show how the horsemeat scandal in the UK was constructed along similar lines and interwoven within a pathology of Romanian migration, coinciding with documentaries depicting Romanians as flooding to the UK (*The Romanians Are Coming!*, see also Cheregi 2015). Ibrahim and Howarth demonstrate how the UK media constructed an 'uncouth' Romania, which could be held culpable for the scandal as a 'threat' to the 'moral and civilised (…) British nation' by its criminal and unsafe food and hygiene standards, which were contaminating Britain – and Europe more generally. This depiction of Romania becomes, discursively, possible when remembering how Romania has been framed in the UK since the fall of communism: as a poor state rife with unwanted orphans.[7]

The inundated UK Self

What was significant in coverage of the Romania's citizenship policy was not just the coverage of the Others (provider and recipient) but of the UK Self, as an actor that was directly and explicitly linked to, and threatened by, Romania's policy. It was predominantly the right and far-right UK tabloid press with high readerships (e.g. *The Sun*, *Daily Mail* and *Daily Express*, and their Sunday papers) that covered Romania's policy vis-à-vis Moldovans.[8] Yet these discourses, albeit less viscerally, also made their way into *The Times* and *Daily Telegraph*.[9]

Romania's policy not only provided a 'back door' to the EU, by Romanian citizenship providing EU citizenship, but also acted as a 'back door into Britain' (*The Sun* 14/10/2012). Amplifying this sense of threat was the number of people that might be exploiting this loophole. This was framed quantitatively – '10 000 per month' (*Daily Express* 22/3/2013), 'hundreds of thousands' (*Daily Telegraph* 31/12/2013), and '1 million Moldovans head for Britain' (*Daily Express* 19/7/2010) – and qualitatively, as a 'flood' and wave of 'mass migration from Moldova to the UK' that threatened to inundate the UK thanks to Romania's policy (*The Sun* 1/1/2014; *Daily Express* 22/3/2013, *Daily Telegraph* 19/7/2010). This qualitative framing helped to increase the sense of the threat by framing the migration levels as unquantifiable, i.e. 'countless' Moldovans (*Daily Express* 21/12/2015), as well as the militant way this inundation was framed, as if Moldovans were beginning the 'long march to enter Britain' (*Sunday Express* 17/3/2013) and 'may beat a path to Britain' (*Mail on Sunday* 5/1/2014).

This collapsed logic reinforced the idea that the desire to enter the UK, specifically, was a major motivation for acquiring Romanian citizenship. According to this logic, individuals were acquiring citizenship from Romania to travel to 'wealthier countries', like the UK, to escape 'impoverished' post-Soviet states, like Moldova, 'just so they can milk the EU system' (*Daily Star Sunday* 6/5/2012) and benefit from the 'embrace of the British welfare state' (*Daily Express* 2/2/2010). One article from *The Sun* (20/12/2015) even when as far as to claim, paradoxically, that this inundation, and the motivations underpinning it, were proof that the UK was the

'victim of its own success'. Through these discourses, these right-wing outlets were also able to express their economic anti-welfare state agenda, and the link between the welfare state and immigration, as if migrants unfairly exploited the benefits provided by the UK.

Against the threat of inundation, the UK Self was framed as powerless to prevent this flood of Moldovans. This powerlessness was expressed both because the UK devolved powers to the EU (which permitted access to EU rights, and thus the UK) and because of the powerlessness of the EU (and the UK) to influence Romania's policy. Thus, there was 'nothing Britain' nor the EU could do (*The Sun* 14/10/2012), because 'Romanian and Hungarian politicians have more say who can come to the UK than do British MPs' (*Daily Express* 8/1/2011), because the right of citizenship was a 'sovereign right of all member-states' that made 'Brussels' just as 'powerless' as the UK (*Sunday Times* 18/7/2010). That the UK government was 'powerless' was also a critique of the government, who were unable to 'slow the arrival of migrants', even of 'non-EU' migrants (*Daily Telegraph* 31/12/2013), and of the EU, whose 'rules' restrict what the UK could do (*The Sun* 20/12/2015). The desired response was to be able to exert more self-determination: to 'govern ourselves and control our own border' (*Mail on Sunday* 5/1/2014).

This emphasis on powerlessness fits within broader Eurosceptic and anti-immigration narratives, which have been more intense in the UK in terms of media coverage (Semetko, de Vreese, and Peter 2000; Gleissner and Vreese 2005), successive UK governments (Ford, Goodwin, and Cutts 2012), and public opinion (Aspinwall 2000), than in other EU member-states. In a comparative context, the UK has a more problematic relationship with the EU as if this relationship has encumbered a loss of sovereignty and identity (Ibrahim and Howarth 2016: 6), and where far fewer in the UK identify as European exclusively or in combination with national identity (Hawkins 2012). Rarely in the UK is the EU portrayed as an institution which has contributed to the UK, politically, economically, socially or culturally; rather, the EU is framed as a 'hostile, quasi-imperial power' that has hindered UK development, self-determination and security (Hawkins 2012: 565). In particular, Eurosceptic narratives have emphasised the right of the UK to *choose* to be 'in or out', where the powerless frame signifies the inability of the UK to control EU migration (Daddow 2013), in part because the EU has not been seen as something that the UK participates in, but rather as something that has been inflicted on the UK (Hawkins 2012).

Debates preceding the UK's EU referendum in 2016 reflected this perspective, interweaving narratives of immigration and self-determination (i.e. the ability to exercise choice within the UK concerning who can immigrate, how many and the origin of migrants) that were at the forefront of the campaign to leave the EU. A speech by leading campaigner for the UK to leave the EU, Boris Johnson (26/5/2016, *The Only Way to Take Back Control of Immigration Is to Vote Leave on 23 June*), mentioned the idea of 'control' 17 times before concluding:

> *The British public support immigration but they want it controlled by those who they elect [sic]. They are generous but feel their generosity has been abused. They are right. On the 23 June they will get their chance to take back control.*

This was reflected in those supporting the successful campaign to leave the EU. Data from The British Election Study Team (2016) showed immigration to be the dominant issue discussed by leave voters, followed by borders, control, and sovereignty as prominent concerns of leave voters.[10] Showing the same trend, an Ipsos MORI (2016) poll indicated that immigration was named as one of the central concerns of voters in the period preceding the referendum (33 per cent in June 2016), and was increasing over time (28 per cent in May 2016). The effect of this rising anti-immigration sentiment was a spike in reported hate crime in the UK (May-July

2016, UK Home Office 2016), explained by a 'celebratory racism' having won a mandate to 'take back control' of the UK from the EU (Khaleeli 2016).

This provides the broader context of understanding how immigration has been situated, and pathologised, vis-à-vis the EU. Analysing coverage of Romanian citizenship by UK media through the analytical frame of Self and Other highlights the dichotomy between the exploiting Others, who were exploiting an illegitimate loophole to gain rights that they did not deserve, and the exploited Self, whose generosity and wealth was being exploited but who was powerless to affect EU or Romanian policy. This discourse of the *exploited Self* was used, directly, to critique Romania's policy, and indirectly, fitting within a pathology of EU migration more generally, where the ability of non-EU migrants to access the UK through Romanian citizenship was a frame used to question EU freedoms more generally.

'Pauper's passports'

The critical coverage of Romania's citizenship policy for Moldovans is one example of coverage of extra-territorial citizenship policies (see Table 2), including similar policies of restitution (Hungary) and kin-state co-ethnic citizenship (Bulgaria vis-à-vis Macedonia), and programmes offering investor citizenship (Malta). The coverage of Romanian citizenship reflects the wider coverage – for example, the *Daily Star*'s (25/9/210) description of Bulgaria's policy of facilitated citizenship in a particularly dehumanising way as 'Pauper's Passports', redolent of nineteenth-century industrial British poorhouses. Similarly, the *Daily Mail* (6/8/2010) argues that, collectively, these policies (of Romania, Bulgaria and Hungary) will contribute 'nearly five million citizens' to the population of the EU, by granting citizenship to those external to the EU, such as Moldovan citizens, to exploit the benefits of generous and richer EU member-states.

Coverage of investor citizenship programmes differed, in a way that merits further analysis, by virtue of the applicant being a wealthy (Chinese, Russian or Middle Eastern), but perhaps no less prone to criminality, Other. This Other was framed as motivated by the same ends, to 'secure a base in London' (*Financial Times* 13/10/2013) and 'even to claim benefits' (*Daily Mail* 20/2/2014) via the Maltese Other, as the provider of investor citizenship, which is 'in effect selling EU citizenship but pocketing the cash', i.e. exploiting the benefits of EU citizenship for financial gain (*Financial Times* 13/10/2013). UK media also reflected on the prospect of 'selling British nationality for hard cash', which for the *Daily Mail* writer, Tom Utley, was an 'idea' that 'fills me with distaste' (*Daily Mail* 28/1/2014).

What was most insightful from the negative coverage of investor citizenship was the realisation that increasingly restrictive and 'onerous' migration rules were partly responsible for this phenomenon of states selling, and willing consumers buying, citizenship (*Financial Times* 8/4/2016). These policies of citizenship and restricted immigration became self-reinforcing, where investor citizenship programmes would 'only end up strengthening the hand of those who believe that freedom of movement across the EU should be abandoned altogether' (*Financial Times* 10/10/2013; see also *Guardian* 10/12/2013). This logic was, however, notably absent from the 52 articles covering Romania's citizenship policy vis-à-vis Moldova, perhaps explained by the legitimacy given to the wealthy to migrate but not the 'poorest' in Europe.

From media to politics: the traction of the 'granny loophole' logic

It is informative to trace, intertextually, how these media framings make their way, and affect, political discourses within the UK and the EU. For example, these articles are often cited in political debates as evidence of Romanian and Moldovan malfeasance, repeating the idea that Romania's citizenship policy vis-à-vis Moldovans is an illegitimate loophole.

Within the pretext of a UK bank bench discussion concerning Romanian and Bulgarian immigration, Conservative MP Phil Hollobone reflected UK media discourses that it was necessary to consider this path of immigration more broadly because 'other nations in eastern Europe (…) can access Romanian and Bulgarian passports through grandparent rights' (Hansard 2013). This posed a threat to the UK, for example to health service provision (as cited by Hollobone), because after migration transition controls ceased in 2013, the 'hundreds of thousands of Moldovans' that 'are signing up to get Romanian passports' would be then able to 'take advantage' of the abolition of controls and 'We can bet that those people will also be coming towards London' (Hansard 2013). Following the same logic as UK media coverage, the link between what was occurring in Moldova, via the Romanian consulate, and the UK and London as a hub for migrants was stressed, and the same assumptions made that Romanian citizenship was easy, while illegitimate, for Moldovans to acquire.

Within the EU context, too, there is the idea of exploitation of old member-states by newer, poorer member-states (e.g. Romania), who are 'making a mockery of the EU's free movement rules, and undermining any pretence of EU border controls' (Roger Helmer UK MEP, UKIP/EFD, European Parliament 2014d), and threaten to flood the EU labour market with poor and unskilled workers (European Parliament 2014c, 2010b). Yet again, the dehumanising rhetoric present in UK media coverage is evident in MEP comments, in particular by far-right politicians (UKIP, FPO).[11] For example, Franz Obermayr (FPO/NI, Austrian MEP) equated Moldova to Sudan, in terms of standards of living, and asked what the EU Commission would do to protect against the threat of 'cheap labour' and 'social dumping' in EU member-states resulting from Moldovans acquiring Romanian citizenship (European Parliament 2010c). As such, this practice was pathologised for threatening EU member-states and because it was framed, by far-right politicians, as 'violat[ing] the spirit of the European Treaties' (Andreas Mölzer, Austrian MEP, FPO/NI, European Parliament 2013).

By contrast, Romanian MEPs staunchly opposed this pathologisation. They sought to reframe the citizenship acquisition by contrasting what they saw as legitimate restitution – 'by persons who have lost for reasons beyond them!' (Elena Oana Antonescu PPE/P-DL) – and those states that provide citizenship through illegitimate means, such as Malta who are 'selling' member-state (and thus EU) citizenship (Renate Weber PNL/ALDE, European Parliament 2014b). Here the tension between restitution and commodification of citizenship becomes evident, in the contest between what is constructed as legitimate by the different selves of this debate: Romania vis-à-vis what it conceives as former citizens, and 'old' member-states (who themselves may be 'selling' citizenship or at least promoting investor citizenship), who perceive a sense of threat from Romania (and other post-communist states' / new EU member-states' policies).

Finally, from an EU perspective, the EU Commission has been fairly resolute that citizenship is among member-state competences which 'do not fall within the ambit of European Union law' (European Parliament 2010a). However, by 2014, the Commission has been more implicitly critical of the commodification of citizenship arguing that, because citizenship rules within the EU are based on 'sufficient trust', that 'citizenship must not be up for sale' (European Parliament 2014b). By contrast, the EU have been (at least up to 2014) less concerned with Romania's policy since, according to the Commission, it is based on a 'genuine link' to Romania, while selling citizenship is not (European Parliament 2014a).

Debates about the right to citizenship restitution are ongoing and represent a dichotomy between providers and opponents of citizenship restitution. Providers of citizenship restitution, like Romania, legitimise their right to compensate those (and their descendants) who lost Romanian citizenship due to factors outside their control (e.g. Soviet annexation). Meanwhile, opponents of citizenship restitution, who feel a sense of threat by citizenship restitution and contest that post-communist states, as new EU member-states, have the right to increase their citizenries substantially and, more problematically, with potential migrants to Western Europe. The paradox is that those same states that have policies that commodify citizenship through offering citizenship for sale contest the idea that citizenship is a right that can be restituted. It is likely that these states might

be more sympathetic to the right of restitution but for the fact that this is encased within an anti-migration rhetoric that sees those acquiring citizenship through restitution as poor, desperate and likely to migrate.

The reality, however, is that Moldovans have been migrating since the fall of the Soviet Union and form, through remittances (~36 per cent GDP), the backbone of Moldova's economy. If anything, citizenship restitution provides a means to legalise the status of those who might have migrated anyhow. This is reinforced by the following section, which reviews experiences of Romanian citizenship acquisition, and shows the extent to which marginalisation of Moldovans, in terms of their travel rights and in particular alongside Romania's path to EU accession, whereby Romanian citizenship offered opportunities that Moldovan citizenship did not, because of international restrictions and an increasingly securitised approach to travel and migration, between those in and outside of the EU.

Examining the 'granny loophole' from below

This section seeks to complement the analysis of media framing above, by offering a contrasting perspective from on the ground in Moldova, in observations and interviews conducted in 2012 and 2013. The section focuses on two important elements of Romanian citizenship acquisition: the everyday prevalence of discussions of Romanian citizenship and the difficulties of acquiring Romanian citizenship. This is based on the realities and costs of application that are overlooked by media coverage and demonstrate how the prevalence of Romanian citizenship is mediated by these realities.

Firstly, in everyday life, discussions of, and applications for, *redobândire* were normalised and ubiquitous because there was a 'bit of a gold rush right now' [MD-23, MD-24, MD-33, MD-4[12]]. This gold rush included respondents and elites, with respondents detailing the engagement of the political class with *redobândire*, including many of the current government and judges in the Supreme Court [MD-56, MD-41].[13] This proliferation attracted peripheral services, with the surroundings of the Romanian embassy in Chișinău saturated with translation, reprographic, advocacy, transport and archival services. This also opened up an informal economy of services, based around 'intermediaries',[14] and the corrupt practices which were endemic to the procedure, where €4–5 000 could procure a Romanian passport, fuelling a connection between corrupt citizenship practices, political scandals and organised crime [MD-17, MD-5, MD-9, MD-15, MD-11, MD-36, MD-42, MD-49].[15] In this sense, media coverage (on this issue) was not wholly unfair in its depiction of the corrupt underbelly of Romanian citizenship in Moldova; the criticism would be more in terms of the prominence given to corruption in the international media.

Secondly, applying for Romanian citizenship via restitution was a costly and lengthy process, though often conceived as less hassle than acquiring a Romanian or Schengen visa. While the rights of Moldovans to travel to the EU improved in 2014, following visa-free access,[16] respondents experienced discrimination, restrictions and 'total hell' of travel to EU member-states as a Moldovan citizen without a Romanian passport during the period of fieldwork [MD-9, MD-15, MD-40, MD-37]. These restrictions worsened with the tightening of Romanian requirements pre-accession (2002), causing a 'real[ly] big change and big shock' for Moldovans [MD-23]. Applying for visas was costly[17] and time-consuming, and it was often harder, in their eyes, to acquire, a Romanian visa than a Schengen visa [MD-3, MD-4, MD-47, MD-42, MD-23, MD-51, MD-8, MD-11, MD-15].

Yet, applying was still a 'complicated' process [MD-26a, MD-14]. It required respondents to spend 'too much time' waiting (~1–2 years) for Romania to complete their application, because of the inefficient and under-staffed Romanian bureaucracy [MD-2, MD-9, MD-44].[18] Before respondents could apply, it could take many years to gather the necessary documents: to retrieve original documents from the archive, which was a 'mess' [MD-32], and to standardise and translate Soviet-era documents, to account for forcible name changes

[MD-16, MD-25b, MD-4, MD-56].[19] Documents could be missing from the archive, in particular for those whose relatives were deported in the early Soviet period [MD-51].[20] *Redobândire* was a costly procedure (~€200) requiring individuals to invest time and money in retrieving and *Romanianising* their documents, including acquiring Romanian birth certificates [MD-51, MD-25a, MD-4].

Redobândire was therefore a costly, time-consuming and difficult procedure, even if it was described as less difficult than accessing visas from EU member-states [MD-52, MD-56]. These experiences contest simplistic media portrayals, as analysed above, which focus on framing Romania as illegitimately *handing out* passports, as opposed to engaging in a policy of citizenship restitution.

Previous research by the author (Knott 2016), considers how far Romanian citizenship is strategic (motivated by the benefits of EU travel and working rights), symbolic (motivated by Romanian identification), or legitimate (motivated by a normative sense that Romanian citizenship is a right). This research argues that although strategic motivations are significant they do not, alone, explain the popularity of Romanian citizenship restitution in Moldova. Rather, I find that strategic motivations are entwined with framing Romanian citizenship as natural and normal and, thus, legitimate, as well as entwined with Romanian identification for a significant number of respondents. Thus, Romanian citizenship is more complicated than the frame that Romania is 'handing out' passports. Moreover, the logic of why Moldovans acquire Romanian citizenship is aligned with it being a process of restitution, as a form of compensation, demonstrating the significance and legitimacy of Romanian citizenship restitution in Moldova, as well as a necessity for navigating the restrictions of being Moldovan in the twenty-first century.

Conclusion: reframing regimes of restitution

This study has sought to unpack the logic behind the legitimacy gap existing between those providing and engaging with citizenship restitution and those who feel affected by the impacts of citizenship restitution, even if in reality these impacts are minimal. Theoretically, the paper began by outlining citizenship restitution as a strategy used by states, with a similar moral underpinning as property restitution. These states seek to compensate former citizens and recreate former citizenries, as part of post-communist nation- and state-building projects to cement the idea of who belongs to contemporary nation-states. This can largely be irrespective of contemporary territorial boundaries, including those beyond the nation-state boundaries, such as Moldovans vis-à-vis Romania, while excluding those within the nation-state, such as ethnic Russians in Estonia and Latvia.

Empirically, the study examined how Romania's policy of citizenship restitution for Moldovans was covered by the UK media, and contrasted this with on-the-ground observations about the difficulty and costs associated with applying. Existing literature had demonstrated the extent to which Western European media had pathologised Romania's policy as exploiting a loophole, as opposed to offering a form of compensation of rights, as citizenship restitution has been conceptualised (e.g. Suveica 2013). By contrast, this paper offers a systematic analysis of this coverage, within the UK context, through an exploration of national newspapers: which newspapers had greatest coverage, the points in time they covered the issue and how they covered the issue. In line with previous analysis (*ibidem*), it was predominantly the right-wing tabloid press that covered Romania's policy, aligning with a rhetoric that saw the UK as more generally threatened by EU migration. This rhetoric emerged in UK broadsheet newspapers: on the right it mirrored the tabloid critique, though less viscerally, while on the left, the few articles often engaged in a counter-critique of how the issue was covered by UK tabloids. This analysis also identified specific moments at which the issue of Romanian citizenship for Moldovans emerged, and re-emerged: in the lead up to Romania's EU accession (2006–2007), during Moldova's political crisis (2009–2010), at the point of the end of EU transition arrangements (2014), and following

the opening of a direct low-cost route from Moldova to the UK (2015). These moments, alongside how Romania's citizenship policy was framed, are important for demonstrating how far it was perceptions of changes in Romania and Moldova that increased the sense of threat posed to the UK by Romania's policy, in terms of illegal and legal migration routes.

Substantively, the analysis showed how the UK media coverage was broken down into a threatened, powerless and exploited UK Self, against two illegitimate Others: the Romanian Other, as a state that was giving out passports too flippantly and via a loophole, and the Moldovan Other, as individuals from an impoverished, non-European state that was wracked by corruption and criminality. The Moldovan Other did not have rights to be Romanian, legally, or European but rather was exploiting the loophole provided illegitimately by the Romanian state.

The portrayal of Romanian citizenship contrasted significantly with on-the-ground experiences, which contested the idea that Romania is simply 'handing out' Romanian passports to those who can fulfil the requirements of the 'granny loophole'. Rather, applying was costly, in terms of time, resources and financial means, in particular given Moldova's socioeconomic context. However, these on-the-ground experiences demonstrate how far Romanian citizenship was still less costly, time-consuming and humiliating than acquiring a Romanian and/or Schengen visa, which had become increasingly difficult for Moldovans (until EU visa-free travel in 2014), while the status of becoming a Romanian, and thus an EU citizen, had more significance.

UK media coverage also contested the idea of Romania's policy of citizenship restitution demonstrating the gap in conceptualising what citizenship is: as a *right*, that can be lost and reinstated en masse, or a *commodity*, which can be bought and sold by a privileged few, as reinforced by debates within the EU. Moreover, UK media coverage rarely referred to Romania's policy as facilitating Romanian *citizenship* but rather as offering Romanian *passports*, as a travel document rather than a status of belonging or institution recognising rights, vis-à-vis Romania and the EU. This paper has shown therefore the image problem that policies of citizenship restitution entail, with a legitimacy gap existing between the states offering opportunities for citizenship restitution and states that feel peripherally threatened, especially when this is situated within a context where the idea of migration, and the right to migrate, is increasingly pathologised. This article recognises the particularly Eurosceptic and anti-immigration frames contained within the UK media, in comparison to other European media outlets. It would still be of interest in future research to examine not just how media within EU member-states frames the EU vis-à-vis immigration, but to include analysis also of the EU vis-à-vis debates of citizenship restitution, and the meaning and practice of member-state versus EU citizenship more broadly.

Notes

[1] Although Moldovans still require visas to visit the UK.

[2] I am grateful to Dorota Pudzianowska for pointing out this difference.

[3] E.g. Facilitated migration to Russia and access to scholarships to study in Russian universities.

[4] There may be other articles in UK media discussing this issue; however a reasonably comprehensive search was conducted where this sample represents, at least, the majority of the coverage searching for 'Romania + Moldova + passport' and 'Romania + Moldova + citizenship'.

[5] The so-called Twitter Revolution describes the protest event in April 2009, following claims of fraudulent elections by the incumbent communist government, which eventually lost power following second elections in July 2009.

[6] I am grateful to the participants of the MACIMIDE workshop for pointing this out.

[7] I remember, when I was a child in the UK, the frequent coverage of Romanian orphanages on Newsround back in the 1990s, a daily British news programme for children. It has only been through writing this paper,

that I remember the assumptions and stereotypes that I overcame about Romania when I first visited in 2006; before this, Romania seemed both backward and exotic, an orient nested within Europe, while soon after it joined the EU in 2007.

[8] Press Gazette estimate net readership (print, computer and mobile/tablet) of UK papers in 2016 to be in descending order: *Daily Mail* (23 449 000), *The Sun* (13 628 000), *Daily Express* (6 839 000) (Ponsford 2015).

[9] Press Gazette estimate net readership in 2016 in descending order: *Daily Telegraph* (16 357 000) and *The Times* (4 911 000) (Ponsford 2015).

[10] This contrasted to the largely economic concerns of those UK voters who sought to remain in the EU (The British Election Study Team 2016).

[11] Following Halikiopoulou and Vlandas (2016) and Mudde (2007), I classify FPO and UKIP as 'far right' (or populist radical right, as Mudde (2007) classifies). Here, Halikiopoulou and Vlandas (2016: 639) define the 'far right' as parties that are 'characterised by nationalism, authoritarianism and populism'.

[12] 'MD' stands for an interview conducted in Moldova, the number indicates the number of the interview.

[13] This has been reported in the media also (see Agerpres 2013).

[14] MD-36 believed that acquiring a Romanian citizenship/passport using intermediaries could cost €4–5 000.

[15] These corrupt practices have been covered in the media also: the *EU Observer* reported applying for Romanian citizenship in Moldova with fake documents (Mogos and Calugareanu 2012), while it is alleged that Vladimir Plahotniuc, a well-known Moldovan oligarch affiliated to PDM, acquired Romanian citizenship under a different name (Turcanu, Nani, and Basiul 2011).

[16] In 2012–2013 even the implementation of a visa-free regime with the EU did not seem imminent.

[17] While Romanian visas were cost-free, applicants had to prove bank funds of at least €500 (about 30 per cent of average per capita annual income in 2010).

[18] Neofotistos (2009) describes the same problems of an inefficient bureaucracy regarding acquisition of Bulgarian citizenship by Macedonians.

[19] Respondents noted that names had changed in the Soviet Union because of the requirement of having names listed in Cyrillic, rather than Latin, script [MD-56].

[20] The majority of deportations took place in 1940–1941 and in 1949 to Siberia and Kazakhstan (see Caşu 2010: 52–53).

Acknowledgements

The author is grateful to Costica Dumbrava and the participants of the 2016 *MACIMIDE Workshop on Citizenship and Diaspora in Post-Communist Central and Eastern Europe* for their feedback in developing the piece. The author is thankful also to the editors of CEEMR and two anonymous reviewers for their useful feedback in revising the piece.

Conflict of interest statement

No potential conflict of interest was reported by the author.

References

Agerpres (2013). *Corespondență: Scandal în parlamentul de la Chișinău din cauza judecătorilor Curții Constituționale care dețin și cetățenia română* [*Correspondence: Scandal in Parliament in Chisinau Because*

the Constitutional Court Judges Who Hold Romanian Citizenship]. Online: http://www.agerpres.ro/externe/2013/04/05/corespondenta-scandal-in-parlamentul-de-la-chisinau-din-cauza-judecatorilor-curtii-constitutionale-care-detin-si-cetatenia-romana-11-42-32 (accessed: 10 July 2014).

Aspinwall M. (2000). Structuring Europe: Powersharing Institutions and British Preferences on European Integration. *Political Studies* 48(3): 415–442.

Bakić-Hayden M. (1995). Nesting Orientalisms: The Case of Former Yugoslavia. *Slavic Review* 54(4): 917–931.

Brubaker R. (1992). *Citizenship and Nationhood in France and Germany*. Cambridge, MA: Harvard University Press.

Buchowski M. (2006). The Specter of Orientalism in Europe: From Exotic Other to Stigmatized Brother. *Anthropological Quarterly* 79(3): 463–482.

Caşu I. (2010). Stalinist Terror in Soviet Moldavia, 1940–1953, in: K. McDermott, M. Stibbe (eds), *Stalinist Terror in Eastern Europe: Elite Purges and Mass Repression*, pp. 39–56. Manchester: Manchester University Press.

Daddow O. (2013). Margaret Thatcher, Tony Blair and the Eurosceptic Tradition in Britain. *The British Journal of Politics & International Relations* 15(2): 210–227.

Diez (2015). *Zboară la Londra sau Bologna cu 50 de euro. Wizz Air lansează noi rute din Chişinău* [*Flights to London or Bologne, from 50 Euros. Wizz Air Launch New Routes from Chişinău*]. Online: http://diez.md/2015/06/16/zboara-la-londra-sau-bologna-cu-50-de-euro-wizz-air-lanseaza-noi-rute-din-chisinau/ (accessed: 3 May 2016).

Dumbrava C. (2014). *Nationality, Citizenship and Ethno-Cultural Belonging: Preferential Membership Policies in Europe*. Basingstoke: Palgrave Macmillan.

European Parliament (2010a). *Answer to a Written Question – EU Response to Massive Passport Issue by Certain Member States*. E7923/2010. Online: http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2010-7923&language=CS (accessed: 31 March 2016).

European Parliament (2010b). *Written Question – EU Response to Massive Passport Issue by Certain Member States*. E7923/2010. Online: http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2010-7923&language=CS (accessed: 31 March 2016).

European Parliament (2010c). *Written Question Romanian Passports for Inhabitants of the Republic of Moldova*. E7524/2010. Online: http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2010-7524&language=CS (accessed: 31 March 2016).

European Parliament (2013). *Written Question Trade in EU Passports*. E013318/2013. Online: http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2013-013318&language=SK (accessed: 31 March 2016).

European Parliament (2014a). *Answer to a Written Question – Issuing Passports to Citizens of Non-EU Countries*. E000061/2014. Online: http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2014-000061&language=EN (accessed: 31 March 2016).

European Parliament (2014b). *Debates – EU Citizenship for Sale*. Online: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20140115+ITEM-017+DOC+XML+V0//EN (accessed: 1 April 2016).

European Parliament (2014c). W*ritten Question – Association Agreement with the Republic of Moldova*. E000061/2014. Online: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2014-009011+0+DOC+XML+V0//EN&language=en (accessed: 31 March 2016).

European Parliament (2014d). *Written Question – Issuing Passports to Citizens of Non-EU Countries*. E000061/2014. Online: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2014-000061+0+DOC+XML+V0//EN&language=it (accessed: 31 March 2016).

Ford R., Goodwin M. J., Cutts D. (2012). Strategic Eurosceptics and Polite Xenophobes: Support for the United Kingdom Independence Party (UKIP) in the 2009 European Parliament Elections. *European Journal of Political Research* 51(2): 204–234.

Gabrielatos C., Baker P. (2008). Fleeing, Sneaking, Flooding. A Corpus Analysis of Discursive Constructions of Refugees and Asylum Seekers in the UK Press, 1996–2005. *Journal of English Linguistics* 36(1): 5–38.

Gleissner M., Vreese C. H. (2005). News About the EU Constitution Journalistic Challenges and Media Portrayal of the European Union Constitution. *Journalism* 6(2): 221–242.

Greenslade R. (2005). *Seeking Scapegoats.The Coverage of Asylum in the UK Press*. Asylum and Migration Working Paper 5. London: Institute for Public Policy Research.

Halikiopoulou D., Vlandas T. (2016). Risks, Costs and Labour Markets: Explaining Cross-National Patterns of Far Right Party Success in European Parliament Elections. *JCMS: Journal of Common Market Studies* 54(3): 636–655.

Hall S. (2001). The Spectacle of the 'Other', in: M. Wetherell, S. Taylor, S. Yates (eds), *Discourse Theory and Practice: A Reader*, pp. 324–344. London: Sage.

Hansard (2013). *Daily Hansard – Westminster Hall, Bankbench Business: Immigration (Bulgaria and Romania)*. Online: http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130422/halltext/130422h0001.htm (accessed: 4 April 2016).

Hansen L. (2006). *Security As Practice: Discourse Analysis and the Bosnian War (New International Relations)*. New York, NY: Routledge.

Hawkins B. (2012). Nation, Separation and Threat: An Analysis of British Media Discourses on the European Union Treaty Reform Process. *JCMS: Journal of Common Market Studies* 50(4): 561–577.

Ibrahim Y., Howarth A. (2016). Constructing the Eastern European Other: The Horsemeat Scandal and the Migrant Other. *Journal of Contemporary European Studies*, February 3, 2016. DOI: 10.1080/14782804.2015.1135108.

Iordachi C. (2002). Citizenship and National Identity in Romania: A Historical Overview. *Regio-Minorities, Politics, Society* 13(1): 3–34.

Iordachi C. (2009). Politics of Citizenship in Post-Communist Romania: Legal Traditions, Restitution of Natioanlity and Multiple Memberships, in: R. Bauböck, B. Perchinig, W. Sievers (eds), *Citizenship Policies in the New Europe*, pp. 177–210. Amsterdam: Amsterdam University Press.

Ipsos MORI (2016). *Immigration Is Now the Top Issue for Voters in the EU Referendum*. Ipsos MORI Political Monitor – June 2016. Online: https://www.ipsos-mori.com/researchpublications/researcharchive/3746/Immigration-is-now-the-top-issue-for-voters-in-the-EU-referendum.aspx (accessed: 13 January 2017).

Isin E. F., Turner B. S. (2007). Investigating Citizenship: An Agenda for Citizenship Studies. *Citizenship Studies* 11(1): 5–17.

Khaleeli H. (2016). 'A Frenzy of Hatred': How to Understand Brexit Racism. *The Guardian*, 29 June, https://www.theguardian.com/politics/2016/jun/29/frenzy-hatred-brexit-racism-abuse-referendum-celebratory-lasting-damage.

Knott E. (2015a). Generating Data Studying Identity Politics from a Bottom–Up Approach in Crimea and Moldova. *East European Politics & Societies* 29(2): 467–486.

Knott E. (2015b). What Does It Mean to Be a Kin Majority? Analyzing Romanian Identity in Moldova and Russian Identity in Crimea from Below. *Social Science Quarterly* 96(3): 830–859.

Knott E. (2016). *Strategic, Symbolic or Legitimate? Analyzing Engagement with Dual Citizenship from the Bottom–Up*, paper delivered at the conference titled *Strategic Citizenship: Negotiating Membership in The Age Of Dual Nationality*, Princeton, NJ, 7–8 March 2016.

Kosmarskaya N. (2011). Russia and Post-Soviet 'Russian Diaspora': Contrasting Visions, Conflicting Projects. *Nationalism and Ethnic Politics* 17(1): 54–74.

Krippendorff K. (2004). *Content Analysis: An Introduction to Its Methodology*. Thousand Oaks, London, New Delhi: Sage.

Kundera M. (1984). The Tragedy of Central Europe. *The New York Review of Books* 31(7): 33–38.

Kuus M. (2004). Europe's Eastern Expansion and the Reinscription of Otherness in East-Central Europe. *Progress in Human Geography* 28(4): 472–489.

Liebich A. (2009). Introduction: Altneulander or the Vicissitudes of Citizenship in the New EU States, in: R. Bauböck, B. Perchinig, W. Sievers (eds), *Citizenship Policies in the New Europe*, pp. 21–44. Amsterdam: Amsterdam University Press.

Light D., Young C. (2009). European Union Enlargement, Post-Accession Migration and Imaginative Geographies of the 'New Europe': Media Discourses in Romania and the United Kingdom. *Journal of Cultural Geography* 26(3): 281–303.

Marshall T. H. ([1950] 1998). Citizenship and Social Class, in: G. Shafir (ed.), *The Citizenship Debates: A Reader*, pp. 93–112. Minneapolis, MN: University of Minnesota Press.

Mogos A., Calugareanu V. (2012). *How to Buy EU Citizenship*. Online: http://euobserver.com/justice/117551 (accessed: 10 June 2014).

Mudde C. (2007). *Populist Radical Right Parties in Europe*. Cambridge: Cambridge University Press.

Neofotistos V. P. (2009). Bulgarian Passports, Macedonian Identity: The Invention of EU Citizenship in the Republic of Macedonia. *Anthropology Today* 25(4): 19–22.

Neuendorf K. A. (2002). *The Content Analysis Guidebook*. Thousand Oaks, London, New Delhi: Sage.

Neumann I. B. (1998). *Uses of the Other: 'The East' in European Identity Formation*. Minneapolis, MN: University of Minnesota Press.

Offe C. (1993). Disqualification, Retribution, Restitution: Dilemmas of Justice in Post-Communist Transitions. *Journal of Political Philosophy* 1(1): 17–44.

Ponsford D. (2015). NRS: Daily Mail Most Popular UK Newspaper in Print and Online with 23m Readers a Month. *PressGazette*, 26 February, http://www.pressgazette.co.uk/nrs-daily-mail-most-popular-uk-newspaper-print-and-online-23m-readers-month/.

Said E. (1979). *Orientalism*. New York: Vintage.

Semetko H. A., de Vreese C. H., Peter J. (2000). Europeanised Politics – Europeanised Media? European Integration and Political Communication. *West European Politics* 23(4): 121–141.

Shevel O. (2011). Russian Nation-Building from Yel'tsin to Medvedev: Ethnic, Civic or Purposefully Ambiguous? *Europe–Asia Studies* 63(2): 179–202.

Spiro P. J. (2007). *Beyond Citizenship: American Identity After Globalization*. Oxford: Oxford University Press.

Suveica S. (2013). 'Entering the EU Through the Back Door'?! Debates on Romanian Citizenship for Moldovans. *Eurolimes* 16 (Supplement): 272–284

The British Election Study Team (2016). *What Mattered Most to You When Deciding How to Vote in the EU Referendum? By Chris Prosser, Jon Mellon, and Jane Green*. Online: http://www.britishelectionstudy.com/bes-findings/what-mattered-most-to-you-when-deciding-how-to-vote-in-the-eu-referendum/#.WHkS8vntmko (accessed: 13 January 2017).

Todorova M. (2009). *Imagining the Balkans*. Oxford: Oxford University Press.

Tressell R. ([1914] 2004). *The Ragged-Trousered Philanthropists*. London: Penguin.

Turcanu A., Nani A., Basiul V. (2011). *Vladimir Plahotniuc, oligarh şi al treilea om în stat, are dublă identitate: una în Moldova, una în România* [*Vladimir Plahotniuc, Oligarch and the Third Man in the State, Has a Dual Identity: One in Moldova, One in Romania*]. Online: http://adevarul.ro/news/eveniment/vladimir-

plahotniuc-oligarh-treilea-om-stat-dubla-identitate-moldova-romania-1_50ad6e177c42d5a66394ff29/index.html (accessed: 10 June 2014).

UK Home Office (2016). *Hate Crime, England and Wales, 2015/16*. Online: report-it.org.uk/files/hate-crime-1516-hosb1116.pdf (accessed: 13 January 2017).

Vink M. P., Bauböck R. (2013). Citizenship Configurations: Analysing the Multiple Purposes of Citizenship Regimes in Europe. *Comparative European Politics* 11(5): 621–648.

Waterbury M. A. (2014). Making Citizens Beyond the Borders. *Problems of Post-Communism* 61(4): 36–49.

Annex 1

Table 1. Table of sources for UK media coverage

	Headline	Source	Date
1.	Revealed: How 20 000 Indians Have Slipped into UK on Portuguese Passports... All Legally!	*Daily Mail*	17/01/2016
2.	Migrants Exploiting 'Passport Loophole' Jetting into UK – and There's NOTHING We Can Do	*Express*	21/12/2015
3.	Wizz Swizz; Loophole Opens Door EU to UK for Non-EU Workers	*The Sun*	20/12/2015
4.	Low Cost Jets Bring Moldova Migrants	*The Sun*	20/12/2015
5.	We Are a Mecca for Eastern Europe	*Express*	21/03/2014
6.	Russia's Nervous Neighbours	*Independent on Sunday*	09/03/2014
7.	Yes, I Welcomed them it. But the More They Come, the Faster We Will Head for EU Exit	*Mail on Sunday*	05/01/2014
8.	Passport to UK for Europe's Poorest; Passport Agreements Mean Free Movement Will Extend Far Beyond EU	*Daily Telegraph*	01/01/2014
9.	Ghost Towns Left Behind by Bulgarians Seeking Work	*Daily Telegraph*	01/01/2014
10.	Moldova the Border	*The Sun*	01/01/2014
11.	Non-EU Citizens Will Be Able to Work in Britain After Bulgarian Restrictions Lifted	*Daily Telegraph*	01/01/2014
12.	Hundreds of Thousands from Outside EU Could Head for UK in Passport Loophole	*Daily Mail*	31/12/2013
13.	Non-EU Citizens Will Be Able to Work in Britain After Bulgarian Restrictions Lifted	*Daily Telegraph*	31/12/2013
14.	Moldova on the Cusp of the EU Club	*Sunday Telegraph*	10/11/2013
15.	Gangsters to Flood UK	*Express*	04/11/2013
16.	Moldovan Conduit: How Alleged Hitman Was Said to Have Taken on London Hit	*Guardian*	09/04/2013
17.	Now Moldovans Plot a Move to Britain Using 'granny' Loophole	*Express*	22/03/2013
18.	Loophole Could Allow Thousands of Moldovan Immigrants to Enter Britain	*Daily Telegraph*	22/03/2013
19.	Moldovans 'Using Passport Loophole' Claims Tory Backbencher	*Independent*	21/03/2013
20.	Now the Moldovans Are Heading for Our Shores; Romanian 'Granny' Loophole Will Allow Migrants to Work in UK	*Sunday Express*	17/03/2013
21.	BACK DOOR TO BRITAIN; THE Sun Sunday INVESTIGATION Thousands of Moldovans Queue for Passports to UK in Euro Loophole	*The Sun*	14/10/2012
22.	Euro Jobs Con Boast	*Daily Star Sunday*	06/05/2012
23.	Time to Close the Border to Immigration	*Express*	08/01/2011

24.	I'll Get Hungarian Papers First Then Head for the UK. The Kids Are Already Watching Cartoons in English	*The Sun*	30/12/2010
25.	Bulgaria Opens EU Doors to 500 000	*Daily Mail*	24/09/2010
26.	Migrant Threat to Homes	*Express*	24/09/2010
27.	Life of Pain for the Farmer Who Sold His Kidney to Buy a House	*Times*	22/09/2010
28.	Millions Win Right to Enter Europe by Back Door... And Then UK	*Sunday Express*	15/08/2010
29.	Backdoor to Britain for 2 Million Migrants	*Daily Mail*	06/08/2010
30.	Moldovans Could Get a Passport to Britain	*Daily Telegraph*	19/07/2010
31.	1M Moldovans Head for Britain	*Express*	19/07/2010
32.	The Country Can't Cope	*Express*	19/07/2010
33.	Romania Opens EU Back Door to 1M Moldovans	*Sunday Times*	18/07/2010
34.	It's Time to Reconsider Our Membership of EU	*Express*	02/02/2010
35.	Now Moldovans Will Win the Right to Live in Britain	*Express*	02/02/2010
36.	It is Time Britain Took Back Control of Its Own Destiny; LEADER	*Express*	12/05/2009
37.	Britain Welcomes Million Moldovans	*Daily Star*	18/04/2009
38.	One Million of Europe's Poor Offered Way Into UK	*Express*	18/04/2009
39.	Moldova Threatens Europe's Eastern Overtures	*Financial Times*	17/04/2009
40.	Mob 'Boss' Held	*The Sun*	23/05/2008
41.	Moldovans Suspicious of Bigger Neighbour's Intentions	*Financial Times*	08/12/2007
42.	Drive to Emigrate Is Easing MIGRATION: About 2M Are Already Abroad and Earning Much Higher Wages	*Financial Times*	02/03/2007
43.	From New Europe to Old Europe by Coach – All Change at Cologne	*Times*	01/01/2007
44.	Romanians Get Key to Britain's Door	*Sunday Times*	31/12/2006
45.	Coming to Britain Next Week, the People Even Their Own Nation Is Glad to See the Back of	*Daily Mail*	28/12/2006
46.	How Many More Can Britain Take?	*Daily Mail*	27/12/2006
47.	Mail Impaled on Its Mania for Romania	*Observer*	15/10/2006
48.	Reid Signals End of Open-Door Policy on Migrants to Britain	*Daily Mail*	07/10/2006
49.	300,000 Moldovans Could Seek Work in EU	*Daily Telegraph*	06/10/2006
50.	Here Come the Moldovans	*Daily Mail*	06/10/2006
51.	Pouring in	*Daily Star*	06/10/2006
52.	Now 80 000 Moldovans Eye UK Move	*Mail on Sunday*	17/09/2006

Table 2. Table of coverage of other cases

	Headline	Source	Date	Country
1.	Malta's Golden Passport Scheme Draws Fresh Criticism	*Financial Times*	08/04/2016	Malta, Cyprus
2.	Not Romanian? No Problem, Here's an EU Passport: Agencies with Links to Russian Mafia Offer Back-Door Route to Millions	*Mail on Sunday*	30/11/2014	Romania, Hungary, Latvia
3.	Half a Million EU Passports Given Away to Eastern Europeans by Hungary which Allow them to Live in Britain	*Daily Mail*	21/06/2014	Hungary
4.	Britain's Borders and a Passport to Abuse	*Daily Mail*	21/06/2014	Hungary
5.	EU Citizenship for Sale to Non-Europeans in Bulgaria for As Little As £150 000	*Daily Telegraph*	14/03/2014	Bulgaria
6.	TOM UTLEY: Call Me Loopy but There's Something Mystical About a UK Passport. Flogging them to Oligarchs Just Feels Tawdry	*Daily Mail*	28/02/2014	UK
7.	Hundreds of Foreign Millionaires Apply for Maltese Passports that Give them the Right to Live in Britain – and Even to Claim Benefits	*Daily Mail*	20/02/2014	Malta
8.	Want to Buy Citizenship? It Helps If You're One of the Super-Rich	*Guardian*	10/12/2013	Malta
9.	Cash for Passports	*Financial Times*	10/12/2013	Malta
10.	Malta to Sell Citizenship for £500 000 with Buyers Allowed to Live and Work ANYWHERE in the European Union	*Daily Mail*	10/12/2013	Malta
11.	Maltese Passport and Life As an EU Citizen for Anyone with £546 000	*Daily Telegraph*	13/11/2013	Malta
12.	There Is No Sacrilege in Flogging EU Passports	*Financial Times*	13/10/2013	Malta
13.	The New Imperialism. How Brussels Bullies Budapest for not Conforming to 'European Values'	*Daily Mail*	10/04/2012	Hungary
14.	Now Is not the Time to Turn Our Backs on Enlightenment Values	*Guardian*	08/01/2012	Hungary
15.	Bulgarian Passport Farce Could Lead to New Immigrant Wave	*Daily Star*	25/09/2010	Bulgaria
16.	Passport Giveaway Opens UK Back Door: 2M More Hungarians Will Have Right to Work Here	*Daily Mail*	06/08/2010	Hungary

Central and Eastern European Migration Review
Received: 13 June 2016, Accepted: 13 June 2017
Vol. 6, No. 1, 2017, pp. 98–119
doi: 10.17467/ceemr.2017.15

— RESEARCH REPORTS —

The Transformation of Russian Citizenship Policy in the Context of European or Eurasian Choice: Regional Prospects

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Acquiring citizenship in the country of resettlement is the ultimate step on the integration pathway of a resettled person. For people from countries of the former Soviet Union (fSU), we can see a great variety in patterns of citizenship acquisition and changes in migration policy governing the granting of citizenship. Russia is the main player in this field. As a descendant of the fSU, the country uses its right to determine whether or not to grant its citizenship to people in the new independent countries as a way of maintaining its influence on the post-Soviet and even the former Russian Empire regions. Russian citizenship was granted to m 8.6 million people between 1992 and 2016 (excluding the Crimean population), more than 92 per cent of whom were from the fSU. Russia employs a range of different policies, starting with its compatriot policy for individual resettlement; then comes its not formally declared policy of issuing Russian passports for the population of non-recognised states (such as Transdnestria) and finally there is Russia's policy of automatically granted citizenship for 2 million Crimean people. This paper explores the phenomenon of Russian citizenship policy and compares it with European or Eurasian policy governing fSU countries. It also discusses the implementation of this policy at both regional and global levels.

Keywords: citizenship policy; migration; resettlement; Russia; fSU

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Introduction

The dissolution of the USSR in 1991 left about 25 million Russians[1] and 3 million other titular nationals as foreigners in the newly formed countries that used to be part of the Russian Empire and the Soviet Union. Unsurprisingly, between 1992 and 2013, about 9.6 million persons resettled in Russia from former Soviet Union (fSU) countries. Russian citizenship was obtained by 8.6 million persons between 1991 and 2016. About 2.2 million persons acquired this citizenship in Russian consulates, mainly in fSU republics, before resettlement in Russia (Chudinovskikh 2014). Some even became citizens of Russia either without ever having set foot in the country (including citizens of unrecognised states like Transnistria, South Ossetia and Abkhazia) or while living in Tajikistan or Turkmenistan and having dual or even triple citizenship.

In this paper, I discuss how the new Russian state has built citizenship policy from 1991 and ask two pertinent questions:

- What trends and patterns can be identified in the development of citizenship policies in post-Soviet countries in the context of Russian migration policy?
- What are the main ideologies and strategies used by Russia in the development of its citizenship policy?

I argue that political decisions in the sphere of Russia's national and foreign policy and the delivering of citizenship are partly related to the (sometimes inconsistent) way of thinking of the country's elite but can also be regarded as predetermined by the historical situation of the past. The traditional political culture of Russia as a state of nations with an imperial background has been coloured by its leader's personality, which has impacted on the policy-making process, making it sometimes situational and full of contradictions. Neither cultural traditions nor ideological motives are any less important than purely pragmatic reasons and the elite's vision of the place of Russia in the region and in the world.

To understand the meaning of Russia's national and foreign policy in relation to the historical situation of this state, with its imperial background, I use the comparative model of 'state-nation' (Stepan 2008). This model demonstrates more than one cultural tradition and identity, federal system (often asymmetric) of governance and parliamentary republic. This approach was adopted by scholar Alexei Miller (2016: 103) in his discussion of the Russian Empire and its successor states. From the moment that many non-Russian ethnic groups politically mobilised and did not see themselves as a minority but, rather, as owners of national autonomies inherited from the Soviet period, he argued that this Soviet 'heritage' of the legacy of territorialisation and the institutionalisation of ethnicity that exists in the post-Soviet space now makes it impossible to build, in Russia, a classical national state.

I think that a similar vision may well be typical for Russians who live in some regions of the fSU who accept Russia as their historical indigenous 'Motherland'. So I think that Russia, in its internal and external citizenship policy, is trying to manoeuvre and avoid rigid barriers against ethnic groups of the fSU in their desire for unity under the country's umbrella. Therefore, the definition of 'compatriots' has expanded in Russian policy over the years. This approach helps Russia to reach some demographical, geopolitical and national goals, as I show in this paper.

This argument will be discussed in the first, theoretical, part of the paper, while the second part will outline the main directions taken by citizenship policy in Russia and its implementation in relation to migrants from different countries. Special attention will be paid to the main forms of naturalisation that enable simplified access to Russian citizenship, as used by the majority of people from the fSU (forced migration, resettlement policy and dual citizenship via international agreements).

The paper discusses the 1991 and 2002 citizenship laws and all amendments to them on 10 May 2016.

Theoretical discussions

Discussions of immigration and citizenship policy usually are based on two approaches. Proponents of the first approach believe that the laws of any country in the field of citizenship depend largely on the way of thinking of the country's elite which, in turn, reflects the political culture prevailing in that state. Based on his studies of immigration policy and policy on citizenship in France and Germany, the political culture of elites, in Brubaker's (1992) opinion, reflects their attitude towards immigration and immigrants' possibilities for naturalisation and is determined by their understanding of the meaning of 'nation' – the 'imagination of the nation'.

Here, there are also two options. One is the understanding of 'the nation' in political terms as 'the community formed by a common territory, as a civil community' (Malakhov 2012). In this case, as Brubaker discussed (1992), the law on citizenship will be more 'inclusive'. Immigrants can relatively easily become citizens (through the naturalisation process), as can their children – through *jus soli* or the 'right of the soil'. In contrast, if the 'nation' is understood, in 'ethnic terms', as a group united by a common origin, the law on citizenship based on *jus sanguinis* or the 'right of blood' is a more 'exclusive' version and does not allow the automatic naturalisation of immigrants and their descendants, as it does in Germany.

Proponents of the second understanding of policy-making in the field of citizenship support a situational approach (Weil 1996, 2008). Arguing against Brubaker's position, Patrick Weil holds that the legislation on citizenship reflects the geographic and historical situation of the particular country. As this situation changes, the legislation also changes. Weil agrees that 'legal traditions' exist in every country but he thinks that they ultimately change under the pressure of modern processes and situational factors.

Russian scholar Vladimir Malakhov (2012) pointed out that both statements can be observed in today's modern European regulation of citizenship policy. European countries instead employ rational choice pragmatism but in combination with national ethnic interests.

Until World War 2, all states of continental Europe, with the exception of Switzerland, were countries of emigration, mainly losing their population. However, in the decades since then, these flows of migrants have changed the ethnic composition of their host countries' populations and induced changes in the citizenship regulations in European countries. These changes encompassed extensions of the *jus soli* mode of citizenship acquisition – for example, in the 1990s some EU countries introduced the possibility for the children of migrants born on their territory to naturalise (Malakhov 2012).

Despite a tendency to adopt the common European migration policy developed following the European Council meeting in Tampere in 1999, the approach to naturalisation differs across EU countries (Pratt 2009). The development of citizenship law and practices in Europe indicates a simultaneous process of convergences and particularism – as in the case of the Baltic States. Some of them are more liberal, others more restrictive (Malakhov 2014). As highlighted in the works of Tilly (1995) and Polanyi (2006), different citizenship policies create situations in which the opportunities for the 'inclusion' of people into the host society vary from one country to another. The modern policy of Russia on granting or denying citizenship can also be evaluated from this perspective, as evidenced by the mixture of different approaches: *ethnic* (the inclusion of indigenous Russians and descendants from the Russian Empire) and *territorial* (the different ethnic groups who live within the boundaries of the former USSR and even the Russian Empire). The choice of approach depends on both the political and the geopolitical situation in the country.

In this context, the interrelations between citizenship and national belonging are crucial. According to Tilly (1995), we can observe four 'ideal types' of relation between national belonging and citizenship in the context of the 'exclusiveness' and 'inclusiveness' of naturalisation policy (see Table 1). One type of relation between national belonging and citizenship is a nation understood as a territorial community based on Foulquié's (1982) primordial exclusive model (as in the case of Israel) – a Jew is a person who was born to a Jewish mother, or

who adopted Judaism. The primordial inclusive type is represented by two Empires – the Ottoman and the Russian. In both empires, different ethnic groups were citizens, but being baptised into the Orthodoxy in Russia, or the adoption of Islam in the Ottoman Empire gave extra evidence of 'loyalty' to the state, promoted inclusion and opened up career opportunities (Malakhov 2014: 215). The second type of relation is a classic example of the exclusive type, such as France, where citizenship aims to eliminate all the ethnic characteristics of minorities in the public space. This is why France did not sign the European Charter for Regional or Minority Languages. A prime example of the inclusive type is the USA, which presents unity on the federal level (and in some ways can be seen as a kind of federal 'empire'); however, in contrast to France, the US nationality does not exclude identification with any other ethnic backgrounds of individual citizens (Malakhov 2014: 215, 217).

Table 1. Types of relations between national belonging and citizenship

Type of national belonging /citizenship	Exclusive	Inclusive
Primordial	Israel	Ottoman and Russian Empire
Acquired	France	USA
Post-socialist, post-imperial	Hungary	Russia

Source: Author's own elaboration on the basis of Tilly (1995) and Malakhov (2014: 215).

In the context of our discussion of Russian citizenship policy, we can frame it as a post-socialist and post-imperial model with some hidden elements of irredentism. Citizenship legislation and repatriation policy are anchored in the past. People obtain an additional citizenship but remain (or may remain) in other countries. I would argue that the 2010 Hungarian law on citizenship concerning ethnic Hungarians who either live on the territory of former socialist countries or were born on Hungarian territory before Stalin's border engineering after WWII reflects their right to simplified naturalisation if they show evidence of Hungarian kinship. Therefore the law uses a combination of territorial and ethnic belonging. With some variations, this approach was also taken in the citizenship legislation of Romania for the citizens of Moldova and of Bulgaria for Bulgarian minorities in other countries (Mogoş and Calugareanu 2012; Paskalev 2014). I think that the terms *post-socialist* and *post-imperial* reflect the aspirations of Russia and Hungary to include into their sphere of influence their compatriots and their descendants, even those from the time of the Tsarist and Austro-Hungarian dual empire. Examples of such post-imperial actions by Russia include granting Russian citizenship to citizens of other states that are now non-recognised territories – such as Transnistria, South Ossetia and Abkhasia.

Nowadays, Russian naturalisation policy is inclusive for citizens of the fSU. About 98 per cent of all cases use liberal naturalisation based on either Russian kinship (compatriot policy), the citizenship of another fSU country or international agreements on simplified naturalisation between Russia, Belarus, Kazakhstan and Kyrgyzstan.

For Russian citizens, the meaning of national belonging or ethnicity as being a member of an ethnic group with its own cultural individual characteristics is very important. Russia is a multiethnic state. In Soviet times, ethnicity was reflected in the internal Soviet passports that existed till 1994. They indicated the holder's ethnicity (for example Jew, Tatar or Russian), similar to the South Africa identity papers that were based on the race approach. No person in the fSU had any choice of ethnicity other than that of his/her parents.

Among the nations of former Soviet republics, Russians were the state-building nation that formed the USSR – and its national belonging was the most attractive option. In the case of mixed marriages, parents usually chose Russian nationality for their children's birth certificate, believing that it would facilitate their

offsprings' future career development. During the last years of the USSR, a supranational identity – known as 'Soviet' nationality (*sovietskii narod*) – was constructed by the Communist Party. It was only reflected in international passports as Soviet citizenship. Nowadays Russian (*Rossiiskaya*) citizenship of all Russian citizens is not the same as Russian (Russkaya) ethnicity. The name of the country, *Rossiiskaya Federatsia*, does not mean 'Russian federation for ethnic Russians' but, rather, a broader multiethnic union (for more details, see Miller 2016: 123–124).

When, on 12 June 1990, the First Congress of People's Deputies of the RSFSR adopted the Declaration on State Sovereignty of the Russian Soviet Federative Socialist Republic (RSFSR) as a part of the USSR, Article 11 of the Declaration stated that 'the Republican Citizenship of the RSFSR is settled on the whole territory of the RFSFR and every citizen of the RFSFR retains the citizenship of the USSR' (Salenko 2012: 8). After the dissolution of the USSR there were no debates about rights in Russia as the successor of the Soviet Union. This is why Russia prolongated the process of validation of fSU passports several times, with a special document attached to the passport indicating citizenship of the Russian Federation. The process of passport change from Soviet to Russian was initiated only after 2007, although the old USSR passport was valid until 2002.

Citizenship in the fSU and nation-state building

After the dissolution of the USSR, almost all countries of the fSU (with the exception of Estonia and Latvia) introduced 'the zero option' model for 'newly founded states' (Brubaker 1992), granting the opportunity for new citizenship to all people who lived in the new state at the time of dissolution. For 25 years, there were two laws on citizenship adopted after the collapse of the USSR: the first citizenship law No. 1948-1 of the RSFSR was adopted by the Supreme Council of RSFSR on 28 November1991[2] and was replaced in 2002 by the second Federal Law No. 62-FZ on citizenship of the Russian Federation, in force from 1 July 2002. The 2002 Federal Law passed through 21 amendments.

In contrast to the majority of fSU countries, in 1991 the governments of Estonia and Latvia introduced a 'special' re-obtained version of citizenship which was extremely rigid and exclusive for non-indigenous ethnic groups. The reason was the influx of Russian-speaking migrants from other regions of the USSR after the Second World War. In Estonia the share of non-Estonians in the population increased from around 10 per cent in 1940 to an unprecedented 38.5 per cent in 1989 (Järve and Poleshchuk 2013: 3) – they were presented as a threat to Estonian identity and security. This way of granting citizenship was grounded in a person being of Estonian ethnic origin[3] or of their residence in Estonia before the interruption of their sovereignty in 1940. All these non-indigenous people become stateless after the law came into force. The naturalisation requirements proposed loyalty and language tests and some conditions concerning the time of settlement.

In Latvia, as in Estonia, the share of non-Latvians also reached about 30 per cent of the total population at the moment of dissolution (Krūma 2013). Russian-speaking migrants and their children received a 'non-citizens' document confirming their 'stateless' status while, in Estonia, they were granted 'aliens' documents together with a permanent residence permit. Yet, according to the 2007 EU regulation, this population was granted the right to EU freedom (access to free movement, to the labour market etc.) (Molodikova 2009a). Russia, since 2008, also allows 'alien' persons from Latvia and Estonia access to the free-visa regime.

Nowadays, national doctrine adopted by President Vladimir Putin presents an 'ideal' of civic '*rossiianin*' or citizenship of Russia as appropriate for the people of the Russian Federation (Putin 2012). It is based on the perception of Russia as a state with a multicultural, poly-confessional population and a long history of coexistence in the Eurasian region. The Russian government has therefore promoted a vision of '*Rosiiski*' citizenship as the membership of individuals of different ethnic groups who live in a multicultural state, with their ethnic, cultural and religious identity in the background (Molodikova and Watt 2013: 181).

In this context we should highlight the fact that the Russian Federation is among the top three countries in the world for the highest stock of labour migrants. The number of foreign migrants in Russia oscillates around 10 million people – in 2016 it was 9.6 million, according to the Ministry of Internal Affairs (MIA 2017) – but Russian society and its elite are still not ready to accept publicly the fact that Russia is an immigration country (Molodikova 2009b).

In comparison to other immigration countries, the main channels of naturalisation are not through labour migration. At least 10 channels now exist for simplified naturalisation in order to obtain Russian citizenship (see Table 2), the majority of which were created since the time of Vladimir Putin's presidency.

To understand how far the decisions of the national elite on nation-building are influenced by national tradition or the extent to which their decisions depend on the situation, analysis of the development of citizenship policy of Russia, its neighbouring fSU countries and migration processes is essential. According to rational choice theory, political decisions are determined by the ratio of costs to benefits, which are not always material but can also be symbolic. One such an example would be the country's reputation in international affairs – important for Russia, a country that is searching for its place among the world powers (Malakhov 2012). For example, the inclusion by Russia of the Crimea Republic, after the Crimea status referendum on union with Russia, can be seen as a geopolitical step. Sevastopol city is the only military base of the Russian fleet in the Black Sea and the gateway to the Mediterranean. Russia also gained demographically because the territory is inhabited by almost 2 million Russian-speaking people. After the referendum, Vladimir Putin justified the inclusion of Crimea and the granting of Russian citizenship to its population. In his message of 18 March 2014, he claimed the country for historical and cultural-ideological motives: 'Crimea (…) is the symbol of Russian military glory and unprecedented prowess'. He added that the peninsula is historically linked with the names of world-famous Russian writers like Tolstoy, Bunin and Chekhov (Kremlin 2014a).

Russian citizenship policy under Yeltsin: moral obligations of a successor state

The first law on citizenship was in force between 1992 and 2002 and allowed naturalisation in Russia based on the principle of *jus soli* for all fSU citizens who were either born in the RSFSR after 30 December 1922 or who had at least one parent who was a citizen of the fSU and who lived in Russia on the day of dissolution. The law was adopted in 1991 and all registered citizens (on *propiska*) at that time were granted citizenship by zero option. Persons living in other fSU republics were also eligible to obtain Russian citizenship simply through registration at any office of the Russian Ministry of the Interior (MoI). From 1993, they could obtain it through the Federal Migration Service (FMS) after their resettlement in Russia or at Russian consulates before it (Table 2).

Such simplified naturalisation was in force until 2002 (when the new law on citizenship was adopted). At the same time, Russia experienced an enormous inflow of Russian-speaking people in the 1990s. In 1992, the government created the Federal Migration Service (FMS), adopted the federal state programme *Migration* from 1999 to 2001 to provide assistance to resettlers and adopted laws on the assistance given to refugees and forced resettlers; this helped 200 000 forced migrants per year to gain Russian citizenship. The Russian government used the 'tragedy of the Russian people' abroad to blame the governments of, especially, Estonia and Latvia for their discriminatory policies toward Russians.

All unsolved conflicts manifested themselves through violence. Like the Kosovo scenario, Transnistria's, Abkhazia's and South Ossetia's claims for sovereignty were rejected by the Georgian and Moldovan governments and led to the emergence of the unrecognised states of Transnistria, South Ossetia and Abkhazia. Russia opened consulates there and, based on the 1991 law, a significant portion of the inhabitants from these non-recognised states were granted Russian passports.

Russia initiated the creation of the CIS institution and the agreement for free movement (the Bishkek Treaty) in 1992 was an attempt at 'civilised divorce', to give people from the former Soviet countries an opportunity to choose their place of residence and citizenship. Nevertheless, the Russian government did not urge people from the fSU to resettle, but only provided them with opportunities for naturalisation (Vykhovanet and Zhuravsky 2013).

The behaviour of the Russian elite was quite reactive to the massive return of fSU citizens. The exception was the Congress of Russian Communities on 30 January 1994, which represented almost 50 associations (*obshchiny*) from various former Soviet republics. It proposed, for the first time, the term 'compatriot' (Laruelle 2015: 91). The *Declaration of the Rights of Russian Compatriots* defined a 'compatriot' as: 'every person residing in the territory of the USSR who is a citizen of the former USSR, (...) if he [*sic*] considers Russian language as his native language; if he considers his belonging to the Russian civilisation, and the descendants of these people' (Russkg 2015). However, this initiative was not developed further. Only five years later, in May 1999, a significant step in compatriot policy was made by the adoption of Federal Law 99-F3 on the state policy of the Russian Federation regarding compatriots abroad, which defined a 'compatriot' as 'a person or his/her descendants who live outside the Russian Federation (…) and also (…) a person whose relatives in direct parentage used to live in the territory of the RF, including persons who had citizenship of the USSR, used to live in states that were the part of USSR and have acquired citizenship of this state or become stateless persons' (Zevelev 2008).

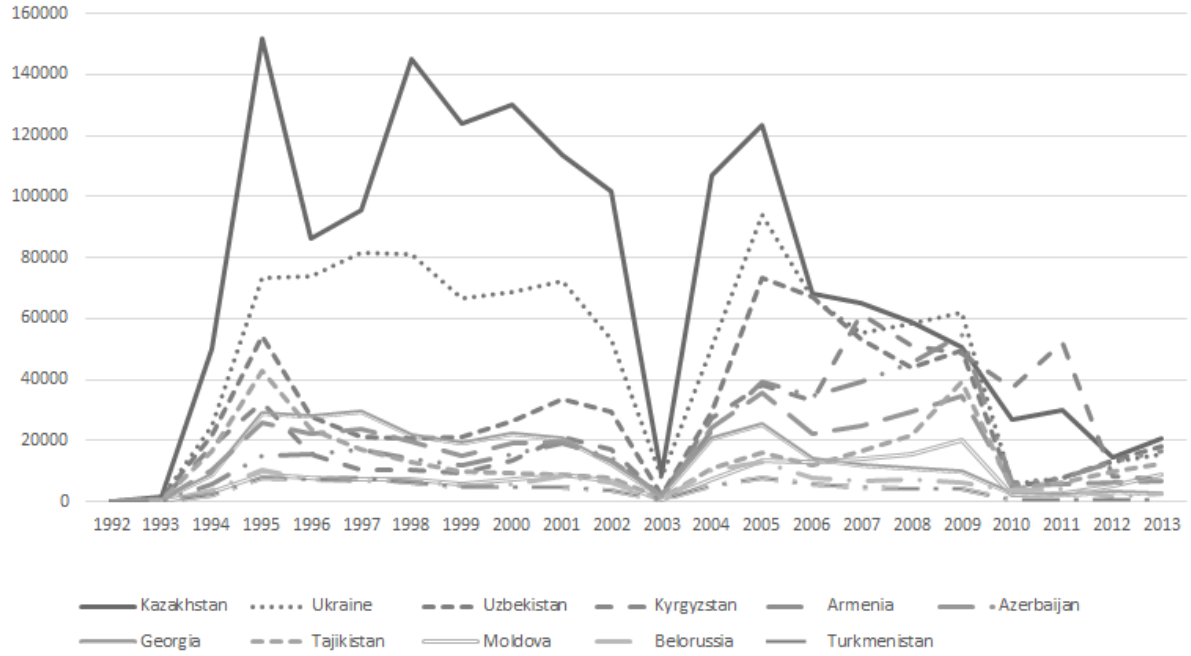
Russia claimed responsibility for these people but did not propose their resettlement in policy at that time, and did not include any reference to compatriots in amendments to the first law on citizenship of 1991.

Once it became clear that this massive repatriation migration into Russia would not quickly be over, the window for simplified naturalisation was extended until 2002. This opportunity was widely used. Figures 1, 2 and 3 show how the inflow of forced migrants from fSU countries, together with naturalisation, peaked in 1995, when citizenship was granted to 700 000 out of nearly one million applicants (Molodikova 2007). After that time, migration from the Baltic States experienced a 14-fold drop for Latvia and Estonia, alongside a decrease in acquisitions of Russian citizenship by people from the two countries (see Figure 2). This process was partly related to the depletion of migration potential and partly to the accommodation of Russians to the situation. The number of applicants from other, then fSU, countries (see Figure 3) was very modest and reached a maximum of about 22 000 in 2005 and 2013.

In total, about 2.2 million persons used the consulate channel for naturalisation. The majority of them – 1 650 million people – applied between 1992 and 2002 and 'only 0.5 million persons obtained Russian citizenship in consulates between 2003 and 2013' (Chudinovskikh 2014: 12, 37–38).[4] In addition to the above channel, there were two other possible ways for obtaining citizenship. One of them is dual citizenship – proposed by the Russian Federation – that is the opportunity to acquire Russian citizenship without the need to renounce a previous citizenship. This path was available to citizens of CIS countries. However, most fSU countries tended to perceive this regulation as a threat to their sovereignty. Nevertheless, treaties on dual citizenship were signed with Turkmenistan[5] in 1993 and Tajikistan in 1996.

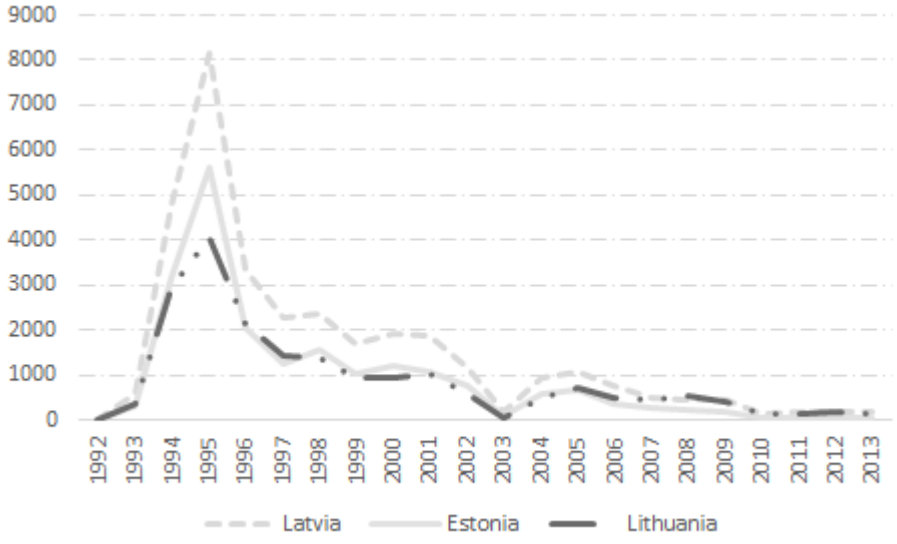
Another option was simplified naturalisation (only three months after application) based both on bilateral agreements signed with Kyrgyzstan in 1996 and Kazakhstan in 1996, and multilateral agreements with Belarus and Kyrgyzstan in 1999 on simplified naturalisation for the citizens of one signatory country, if they live in another signatory country. The Belarus–Russia Treaty (1999) on Union stated that the two countries formed a state in which the citizens of each countries have equal rights in the partner country. This channel was used by about 25 per cent of naturalised people from these particular CIS countries between 1992 and 2013 (Chudinovskikh 2014: 35) (Table 1).

Figure 1. Persons obtaining naturalisation through the Federal Migration Service (FMS) or branches of the Ministry of the Interior in the country of origin, 1992–2013



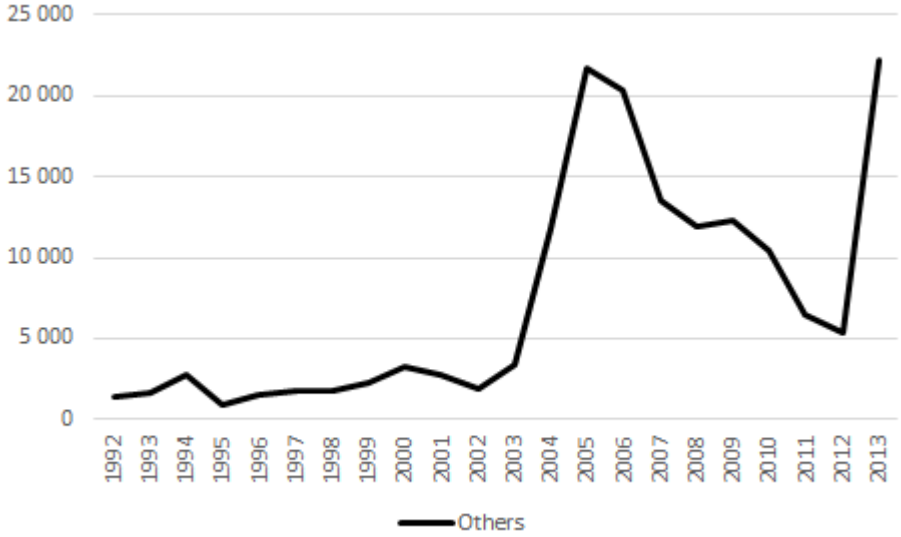
Source: Federal Migration Service.

Figure 2. Persons from the Baltic States obtaining naturalisation through the Federal Migration Service (FMS) or branches of the Ministry of the Interior, 1992–2013



Source: Federal Migration Service.

Figure 3. Persons from states other than those of the fSU obtaining naturalisation through the Federal Migration Service (FMS) or branches of the Ministry of the Interior, 2002–2013



Source: Federal Migration Service.

The only exception was in 1998, with the humanitarian assistance of Russian government for compatriots of non-Russian and non-Christian ethnic group – through the resettlement and naturalisation of 42 families of Adhygs from Kosovo. It cost the Russian government about 20 million USD. However, this was a symbolic step to strengthen Moscow's image in the North Caucasus after it was defeated in the first Chechen war. A governmental source described this act as 'not a big but a fine gesture towards the people of the North Caucasus. Moscow expected that it would be valued and Moscow's image in the region (which was shocked by the Chechen war) could be restored' (Kommersant 1998).

Summing up, we can evaluate the first law on citizenship as one of the most liberal in Europe (Chudinovskikh 2014; Salenko 2012). Russia's citizenship policy tries to create broad set of legal norms to soften the collapse of USSR. For example, marriage cases in the law on citizenship did not indicate how long a person had been married before naturalisation, and foreigners who lived in Russia at the moment of the collapse of the USSR also could apply for Russian citizenship for one year after dissolution. So, 98 per cent of those naturalised between 1991 and 2002 were citizens of the fSU, thus the first law supported their repatriation and helped them to return (Figures 1 and 2).

Citizenship policy under Putin's governance: building empire or a supra-national state?

The first decade of the twenty-first century brought dramatic changes to citizenship policy in Russia, due to a number of factors. The massive forced migration inflow dried up by the end of the 1990s and was replaced by extensive labour migration. Both the government and the population viewed this new tendency somewhat negatively and did not want to accept Russia as an immigration country. In addition, in the aftermath of 11 September 2001, the threat of terrorism emerged (Molodikova 2009a). Under the presidency of Vladimir Putin, the geopolitical place of Russia and its relationships with other, particularly neighbouring, countries has dramatically changed. The change of leadership in the country, on the one hand, and relations between Russia and the fSU, on the other, clearly indicate a cleavage between Russia and those countries (Georgia, Ukraine and

Moldova) that chose a Western orientation, the observer countries (Azerbaijan, Uzbekistan and Turkmenistan) and other countries that 'remained with Russia' (Belarus, Kazakhstan, Armenia, Kyrgyzstan and Tajikistan) (Mukomel 2005). The new citizenship policy influenced the different channels of naturalisation.

New law regulations

At the start of Vladimir Putin's presidency, Russia's policy on citizenship was somewhat contradictory. On the one hand, Putin signed, in 2001, the *Concept on the Demographic Development of Russia 2001–2025* as a response to the demographic crisis in Russia that had seen the country lose about one million people annually due to natural decrease. On the other hand, however, the second law on citizenship – N62-FZ –was adopted in 2002, and came into force in 2003. This new law, unlike the previous one, entailed rigorous steps for the obtention of citizenship. It withdrawn the *jus soli* grounds for naturalisation, and citizenship of the fSU was no longer valid (see Table 2). The law entailed four requirements: a residence permit (five years) or a permit for temporary stay (three years before any application for a residence permit), a legal source of income, lawful behaviour and the successful completion of a Russian language exam. As shown in Table 2, concessions were made for those who had served in WWII, those who had served in the Russian army and those who had graduated from Russian special and higher education institutions before 1 July 2002 (Salenko 2012: 11).

These requirements dramatically reduced the number of naturalisations from 272 463 in 2002 to 31 528 the following year for the CIS countries (see Figure 1) (Chudinovskikh 2014: 67). About one million individuals who had not registered for a residence permit at FMS offices by 2002 instantly became stateless persons with a passport from the former USSR (Molodikova 2007) that was not valid any more. Access to citizenship was paralysed. By the end of 2003 it rapidly became clear that the new law needed extensive revision because it failed to consider the migration processes in the fSU space. In total, therefore, 21 amendments were introduced between 2002 and 2016 for its liberalisation (Pravo 2016).

International treaties channel

When the second law on citizenship came into force in 2002, the channel of naturalisation through simplified procedure of registration was no longer available and a more popular path, based on international treaties of some CIS citizens, led to the acquisition of Russian citizenship. As Table 3 shows, use of this channel rose from 22–28 per cent of all applicants in 2002 to 54–56 per cent in 2010 for citizens of Kazakhstan, Kyrgyzstan and Belarus (Chudinovskikh 2014: 35). It was in operation until the end of 2011, when some limitations were introduced to this way of naturalisation; however, other channels were opened.

On 21 October 2011 the amendment to the international agreements between Russia, Belarus, Kazakhstan and Kyrgyzstan on simplified naturalisation was tightened, with the introduction of requirements for temporary settlement or residence permits that had not existed in international treaties between these countries and Russia before. For Kyrgyzstan, this treaty was even denounced by Russia, which argued that Kyrgyzstan had abused it due to many people obtaining Russian citizenship without resettling in Russia or renouncing their previous citizenship according to the treaty conditions (Chudinovskikh 2014). This decision by Russia to denounce the treaty led to a dramatic decrease in the number of naturalisations of Kyrgyzstan citizens (see Table 3 and Figure 1).

Table 2. Reasons for simplified naturalisation under the law on citizenship (1991, 2002, amendments of May 2016)

1991	2002	2016
Simplified naturalisation if the applicant: 1) is the spouse of a Russian citizen or any person with a close relative who had Russian citizenship; 2) is a child whose parents were citizens of the RF at the time of his/her birth irrespective of the place of birth of the child; 3) is a child of a former RF citizen who was born after termination of his/her parents' citizenship and who could apply within five years of reaching the age of 18; 4) is a USSR citizen who was a permanent resident on the territory of the fSU before 1 September 1991 if they were not citizens of those republics and if they declared their wish to acquire Russian citizenship within three years of the Russian citizenship law coming into force; 5) is a stateless person at the date of the Russian citizenship law coming into force who permanently resided in the RF or fSU before 1 September 1991 if they declared their wish to acquire Russian citizenship within one year of the law coming into operation; 6) is a foreign citizen/stateless person irrespective of place of residency if they themselves or at least one of their parents was a Russian citizen at birth and within one year of this law coming into force they declared their wish to acquire Russian citizenship.	Simplified naturalisation if the applicant: 1) is a foreign citizen or stateless person at the age of 18 and who has a dispositive capacity if s/he: • has at least one parent who is a Russian citizen and resides in the RF; • has had USSR citizenship and residence and has not become a citizen of an fSU state and as a result remains a stateless person; • is a citizen of the fSU and has received secondary-level professional/higher education at institutions in the RF after 1 July 2002. 2) is a foreign citizen or stateless person residing in the RF if s/he: • was born in the RSFSR and has been a citizen of the fSU; • has been married to a citizen of the RF for at least three years; • is a disabled person with an able-bodied son/daughter who has reached the age of 18 and is a citizen of the RF. 3) is a disabled foreign citizen or stateless person who came to the RF from an fSU republic and was registered at their place of residence in the RF before 1 July 2002; 4) is a foreign citizen or stateless person who was a USSR citizen who came to the RF and who is registered at their place of residence / received a temporary residence permit in the RF before 1 July 2002; 5) is a WWII veteran who was a citizen of the fSU and resides on the territory of the RF and renounces any other foreign citizenships; 6) is a child or disabled person who is a foreign citizen or stateless person who can be granted Russian citizenship under the following conditions: • is a child with a parent who is a citizen of the RF – on the application of this parent and the other parent's consent to the child's becoming a citizen of the RF; • is a child or disabled person in custody or guardianship, on the application of the custodian or guardian or who is a citizen of the RF.	Simplified naturalisation if the applicant: 1) has been married to a Russian citizen for at least three years; 2) is educated in Russian special professional and higher-education institutes (three years of work); 3) is an asylum-seeker (after one year), but less time for Ukrainians; 4) is a business person invested under certain conditions (three years of residence, investment and tax requirements); 5) is a highly skilled labourer (three years if the profession is on the Ministry of Labour's list); 6) is a veteran of WWII; 7) is a child or disabled in some categories with parents or guardian with RF citizenship; 8) has Russian as the mother-tongue – '*nositel russkogo iazika*'; 9) is a participant in the rogramme on the voluntary resettlement of compatriots; 10) is covered by international agreements (Belarus–Kazakhstan–Kyrgizstan; Abkhazia and South Ossetia); 11) has at least one parent with RF citizenship and who resides in Russia; 12) used to live or lives in an fSU republic but does not have citizenship or is a stateless person; 13) was born in the RSFSR and had citizenship of the USSR; 14) has special achievements in art, culture and science.

Table 3. Naturalised persons due to intergovernmental agreements (’000) and their percentage of all naturalisations in Russia

Republics	2007	2008	2009	2010	2011	2012	2013
Belarus (’000)	**5.0**	**5.1**	**4.9**	**3.4**	**3.4**	**0.7**	**1.6**
% naturalisations due to international agreements	75.5	72.3	81.5	86.4	86.0	43.2	62.7
Kazakhstan (’000)	**43.0**	**45.3**	**35.5**	**22.3**	**23.3**	**1.8**	**2.6**
% naturalisations due to international agreements	66.3	77.1	70.1	82.4	77.8	12.3	12.5
Kyrgyzstan (’000)	**56.4**	**47.7**	**44.7**	**34.9**	**49.1**	**3.0**	**0.6**
% naturalisations due to international agreements	92.1	72.3	81.5	86.4	86.0	43.2	62.7
Total naturalisations due to international agreements (’000)	**104.3**	**98.1**	**85.2**	**60.6**	**75.9**	**5.4**	**4.8**
Total citizenships due to other reasons (’000)	**367.7**	**361.4**	**394.1**	**111.3**	**135.0**	**95.7**	**135.8**
% total citizenships due to international agreements	**28.4**	**27.1**	**21.6**	**54.4**	**56.2**	**5.7**	**3.5**

Source: Form 1 and 2-RD RD, FMS Russia, Chudinovskikh (2014: 36).

Surprisingly, this step was done in parallel with the strengthening of cooperation between Russia, Belarus, Kazakhstan and Kyrgyzstan and the creation of the Eurasian Custom Union in 2010. Later, the presidents of Belarus, Kazakhstan, Armenia and Russia signed an agreement establishing economic integration through the Treaty on the Eurasian Economic Union, which would come into force on 1 January 2015 and unite the labour markets of the countries concerned (RIA Novosti 2014).

Naturalisation through labour migration

As previously mentioned, 98 per cent of people obtained Russian citizenship not through work permits, in spite of the fact that Russia was one of the top three immigration countries with several millions of labour migrants. The paragraph below describes why it is almost impossible in Russia to be granted naturalisation through labour activities.

Up until the mid-2000s, the discourse was formulated in Russian society that labour migrants and their inclusion in Russian society were undesirable. Right-wing nationalist parties like Rodina (Homeland) and some communists supported this attitude. During the Duma election campaign, they called for a limitation of migrants’ activities in Russia and supported the introduction, in November 2006, of a law prohibiting foreigners from trading on Russian markets. Together with movements like ‘Our Russia’ (*Nasha Rossia*), ‘Russian March’ (*Rysskii Marsh*) and the ‘Movement against Illegal Immigration’ (DPNI), they presented a plethora of arguments against labour migrants in Russia. These parties supported the debates on the migration issue in the Russian media and even assisted the anti-migrant riots, especially the first major one in Kondopoga, by recruiting skinheads (Laruelle 2015; Molodikova 2009b).

A problem existed with the definition of 'foreigner' in Russian legislation, before the new law on foreigners came into force in 2002. Until that time, migrants from CIS countries with USSR passports were not perceived as foreigners. The new 2002 law on foreigners, together with the new 2002 rules for the registration of labour migrants meant that more than 80 per cent of labour migrants became illegal. Obviously, the opportunities for naturalisation through labour activities in such a situation were small. The brief liberalisation of labour registration between 2007 and 2009 legalised 6.5 million people but the economic crisis again rendered many of them illegal. Instead of a quota system, a new certificate (patent) system of access to the labour market for migrants from visa-free countries of the fSU was introduced in 2010 to enable migrants to work in private households and from 1 January 2015 to allow them to work in businesses – a move which was seen by migrants as a liberation from the outrage of many employers. Unfortunately, already by 1 January 2015, three obligatory exams had been introduced (on Russian language, Russian history and migration legislation) as one of the conditions permitting the obtention of a patent for labour migrants – conditions that were not necessary for citizens of the Eurasian Union (EAEU), i.e. from Kyrgyzstan, Kazakhstan, Belarus and Armenia. The illegal labour activities of citizens from other fSU countries rose dramatically and deportations in 2015–2016 affected 1.5 million people. The model of the EAEU is based on that of the EU, with its free movement of persons, capital, labour and good. The structure of governance is also very similar. It is too early to evaluate possible transformations in citizenship policy but the economic crisis has not helped the intentions of labour migrants to go to Russia. In 2016 alone their number decreased by more than 1 million people (FMS 2016; MIA 2017).

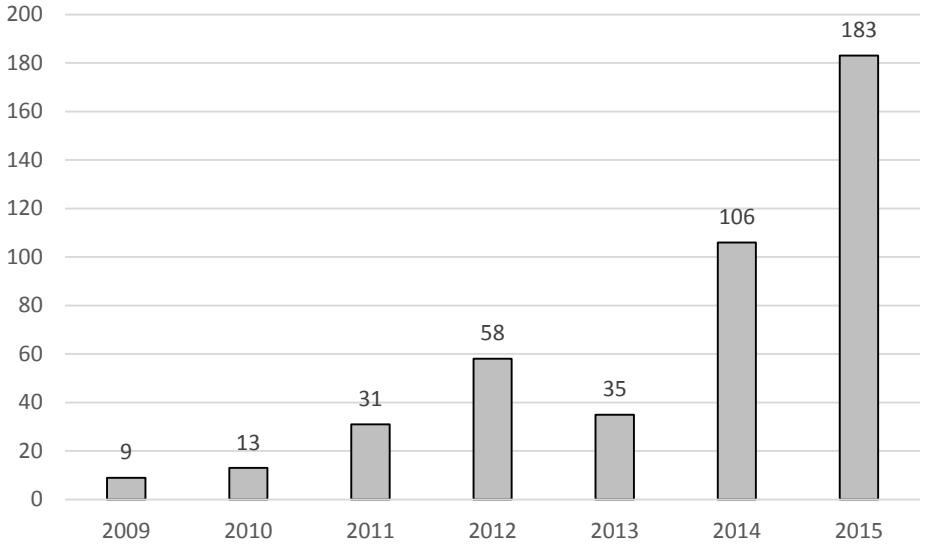
Compatriots' policy channel

Many times in his speeches, Russia's President Putin talked about the tragedy for Russians abroad after the dissolution of the USSR (Kremlin 2014a, 2014b). In one of his first speeches in October 2001, at the first World Congress of Compatriots Living Abroad, Putin stated: 'Russia is interested in the return of compatriots from abroad'. *Principal Directions of the Russian Federation Towards Compatriots Living Abroad in 2002–2005* were published for the first time, outlining the range of possible actions that Russia could take on this issue.

The state programme on the *Voluntary Resettlement of Compatriots from Abroad* and the *Russian World* concept were initiated in 2006 (Molodikova 2007). The resettlement programme was followed by a simplified procedure for obtaining residence and work permits and a one-year application for citizenship. However, implementation of this programme suffered because of both a lack of interest from regional authorities and difficulties obtaining registration for citizenship applications. Thus, for the first two years the programme did not work properly and only about 8 000 people arrived instead of the 300 000 expected annually (Figure 4).

In the 2010 amendment to the law on compatriots, the definition of 'compatriot' was expanded to include 'any citizen of the former SU even if she or he or their descendants had never lived in the RSFSR (now the Russian Federation)'. The list of persons eligible to participate in resettlement programmes and simplified naturalisation was also extended to include migrants who were already temporarily or permanently living in Russia. These amendments led to an increase in the number of arrivals from 8 000 in 2008 to 57 000 in 2012; in 2015 it reached 183 000 through the participation of Ukrainian asylum-seekers and to 124 000 in 2016 (Figure 4).

Figure 4. People who resettled in Russia as participants in a state programme on the voluntary resettlement of compatriots, 2009–2015 ('000)



Source: Federal Migration Service.

Right-wing nationalist parties like the LDPR, Rodina and the Communist Party and their Duma deputies supported the discourse on Russian compatriots and the state federal programme on the *Voluntary Resettlement of Compatriots from Abroad*. The new party, Rodina, sought to restore Russian influence over the 'near' abroad, and to create a supra-state encompassing Russia, Belarus, Ukraine and Kazakhstan, as well as the pro-Russian secessionist regions of Transnistria, Abkhazia and South Ossetia. Marlene Laruelle (2015: 89) argued that the nationalist storyline – namely that of 'Russia as a divided nation' – has gone from being politically incorrect to becoming part of state policy. Over the years, the necessity to unite Russian 'divided society' and the 'Russian world was formulated and contextualised into the national policy' (Laruelle 2015: 89).

Selective compatriot policy naturalisation

The colourful revolutions in a number of CIS countries influenced some geopolitical decisions of the Russian elite. The selectivity of compatriot policy-making for access to citizenship manifested itself several times. For example, at the time of the Russia–Georgia conflict in 2008 there were about 1 000 South Ossetians who were granted legal status and further citizenship. In contrast, the Russian government is not ready to accept the repatriation of about 100 000 Adhygs from Syria. It has agreed to the resettlement of a modest 100 families annually, thereby avoiding mass repatriation by the Syrian Adhyg diaspora.

The Rose and Orange revolutions in Georgia and Ukraine in 2004 and 2005 together with the 'twitter revolution' in Moldova in 2009 influenced the development of these countries towards EU integration and NATO membership. The Russian–Georgian five-days war led to flows of asylum-seekers from both sides and about 34 000 South Ossetians moved from South Ossetia to the North Ossetia Republic of the Russian Federation (RIA Novosti 2008). The war ended with the official recognition by Russia of South Ossetia and Abkhazia on 26 August 2008. Much later, on 18 March 2015, Russia signed a treaty on alliance and integration with South Ossetia and Abkhazia according to which citizens of these states can apply for Russian citizenship in addition to their own. Like Transnistria, they use the Russian channel for the naturalisation of their own population.

Highly skilled labour naturalisation

The *Concept of State Migration Policy* was adopted in 2012 and stressed the resettlement policy for compatriots as one of the main strategies for replenishing population resources and attracting highly skilled migrants. To facilitate the migration of these latter, several steps were taken in 2010. A new 'education migration' was proposed as an additional resource for population increase. An amendment to the law on citizenship and on foreigners in 2010 opened up the opportunity for highly skilled workers to apply for a residence permit and citizenship after three years, in comparison to the eight years proposed for labour migrants.

The education migration channel

In 2012, there were about 165 000 foreign students studying in Russia. The law on citizenship gave those coming from CIS countries the opportunity to stay in Russia after completing their studies (Romodanovski 2013). Later, however, this amendment was withdrawn, in spite of the fact that, every year, the Russian government funds between 15 000 and 18 000 fellowships for the education of the children of compatriots in higher education institutes in Russia.

FMS statistics in Figures 1, 2 and 3 clearly demonstrate that citizenship policy very strongly affects the process of naturalisation of people from fSU countries. We can observe the sharp decrease in the number of naturalisations as a consequence of the new citizenship law in 2002 or of the requirements for residence permits and citizenship renunciation in 2010–2011. Another tendency can be observed in Figure 2, on the Baltic States. Their Russian-speaking populations have several options for international migration: to other EU countries or to Russia. Consequently, the acquisition of Russian citizenship is less attractive for them than for citizens of other fSU countries. For the latter group, with limited opportunities for emigration to the EU, Russia continues to be the regional centre of attraction with regard to labour migration and naturalisation.

Summing up, we can see that the Russian government has made a number of efforts to reverse its attraction as a place for qualified persons, but its labour policy was controversial and did not support the rise of citizenship through the granting of work permits. The legal amendments regarding acquiring citizenship have pushed the majority of fSU migrants to use the channels of the Soviet roots, kinship or place of birth as the main reasons.

The Ukrainian crisis and the collisions of dual citizenship

The novelties of asylum policy and the refugee crisis

In 2014 a new approach to granting citizenship emerged during the Ukrainian crisis and its consequences stimulated the development of legislation on citizenship again in different, sometimes contradictory directions. According to the 1989 Census, the Russian diaspora in Ukraine was the biggest in the world (about 8 million people). The Southern and Eastern regions of Ukraine have historically been areas where the majority of Russians live.

One consequence of the success of Crimean conversion is the enormous public support that Vladimir Putin has had in Russian society since March 2014. Putin has also enlarged his own repertoire of arguments on relations with the 'Russian world': 'The Russian nation became one of the biggest, if not *the* biggest, ethnic groups in the world to be divided by borders' (Kremlin 2014b). He pointed out that Russia's relationship to 'Russian-speakers' abroad is an important emotional issue. The Kremlin officially recognises the gap between Russia's territorial body and its 'cultural body'. Thus the country's 'cultural body' was accepted as being larger

than its territory, which has shrunk from the Soviet-era borders that were typical of many former empires (Laruelle 2015: 94–95).

Responding to Crimean inclusion in May 2014, the government introduced new measures – through a special constitutional act – to offer citizenship to 2 million Crimean citizens. Crimean inhabitants automatically received Russian citizenship. About 20 000 Ukrainians left Crimea and about 5 000 people refused to apply for citizenship. For those who rejected the offer and kept their Ukrainian citizenship, a permanent residence permit was proposed (Concept 2015).

Between 1 April 2014 and February 2016 about 1.3 million forced migrants left the territory of Ukraine for the Russian Federation as a result of violent conflicts in Donetsk and Lugansk. In 2015, the Federal Migration Service of Russia received 1.3 million applications for refugee status and temporary asylum from Ukrainian citizens. About 170 000 people signed up for the programme of voluntary resettlement of compatriots and can acquire Russian citizenship for a year (FMS 2016; Concept 2015). The greatest barrier to apply for any kind of protection status for them was the compulsory withdrawal of Ukrainian passports and the prohibition to leave the Russian Federation until citizenship had been granted for one year in exchange for a certificate of refugee status. Many forced migrants have relatives in Ukraine and do not want to lose the opportunity to visit them. The new amendments in July 2014 shortened the time for a decision on asylum to be made from three months to three days and opened access to massive participation for Ukrainians in the compatriot resettlement programme; this improved their access to naturalisation and temporary residence permits with access to the labour market.

In May 2016, President Putin signed the order on the simplification of registration for further naturalisation and access to jobs only for Ukrainian forced migrants (Pravo 2016). To obtain Russian citizenship, Ukrainians no longer need to present confirmation from the Ukrainian authorities of the renunciation of their previous citizenship but instead write a letter of commitment that they promise to do so as soon as possible. The visa-free regime granted by the EU to Ukraine on 11 June 2017 led to discussions in the Ukrainian parliament on the introduction of a visa regime with Russia. In July, in order to prevent a massive return of Ukrainian labour migrants from Russia, the Russian parliament adopted a special regulation on the simplification of naturalisation for Ukrainians who live in Russia. They can apply for Russian citizenship by presenting a document confirming the notarised copy of their refusal for citizenship of Ukraine. If the Russian president signs this regulation it will come in to force on 1 September 2017 (Dukhanova 2017).

Dual citizenship – dual standards

Simultaneous to the liberalisation of Russia's refugee and citizenship law in 2014, which allowed fast-track naturalisation, an unexpected legal act was passed on 4 June 2014. An amendment to the citizenship law required Russian citizens (resident in Russia) to inform the FMS of their dual citizenship or residence permit of other country. Failure to do so will mean that they are subject to Criminal Code penalties – a fine of 5 000 euros (as of July 2014) or up to 400 hours of forced labour. These people cannot occupy governmental positions or be elected. According to an FMS 2016 report, about 1 million persons informed the FMS about their dual citizenship and more than 40 000 Russians were fined for concealing it (EUDO Citizenship Observatory 2015). In 2016 alone, about 69 600 Russians sent letters to the FMS about their dual citizenship[6] (MIA 2017).

Even more controversial political steps were taken by the Russian government six months later, on 23 January and 18 March 2015, when treaties on unity and strategic partnership were signed with unrecognised states such as Abkhazia and South Ossetia, granting all citizens of these states access to Russian citizenship and opportunity to jobs for Russian government services (Lenta 2015). *De jure*, Russia accepted the dual citi-

zenship that existed *de facto* in these countries. However, Russian citizens are now in a less-favourable situation to people from non-recognised states, because double citizenship does not give the right to work in state structures to ordinary citizens of Russia

In Transnistria we can observe similar strategies as in other non-recognised states. Some of the population there (around 300 000 people) were granted citizenship of Moldova, around 300 000 of Russia and around 100 000 of Ukraine. In all, between 30 000 and 50 000 people have dual citizenship – combination of Russian and Romanian or Bulgarian, or Moldova and Ukraine, or Russia and Ukraine – and even triple citizenships – Moldovan, Russian and Ukrainian (Rosbalt 2006).[7]

The new options for nativity channel

The sanctions introduced against Russia after its inclusion of Crimea led to further alienation of the country from the West. As a result, Russia now attracts as many people as possible through naturalisation. From April 2014, a very 'exotic' category for simplified naturalisation, known as 'native in Russian language' or 'Russian native-speaker' (*nositel russkogo iazika*) was created by an amendment to the law on citizenship. It provides the opportunity to obtain citizenship after less than one year without a prior residence permit. Individuals can ask for a special one-year visa for such an application and for settlement. The new Article 33 specifies that a foreign citizen or stateless person, according to the results of investigation by the special commission on 'nativity', now recognises persons as a Russian native-speaker (*nositel rysskogo iazika)* those who use Russian in everyday family life regardless of his/her citizenship, if he/she or close relatives live or used to live in Russia, or the fSU or the Russian Empire (Concept 2015).

It has been mentioned by current Russophile representatives that there are many indigenous populations of fSU republics such as Georgians, Kyrgyz, Moldovans and Tajiks who can be considered as '"native speakers in Russian" because they use [the] Russian language at home' and thus acquire Russian citizenship in a simplified way. It seems that 'Russia is ready to drag into Russian citizenship half of the world' (Chudinovskikh 2014: 56). However, as a necessary condition, applicants have to resettle in Russia and renounce their previous citizenship before being granted Russian citizenship. The risk of becoming a stateless person means that this procedure was completed by only 500 out of 5 000 who received the certificate of the commission on 'nativity' in 2015 (Concept 2015).

The 'nativity' channel was introduced on the periphery of mainstream citizenship naturalisation policy (as a favour to persons from the fSU) in August 2015. This pragmatic approach was used in the latest amendments designed to attract high-skilled experts and investors. It has been used by many developed countries (Concept 2015). Law-makers opened up greater opportunities for naturalisation for highly skilled people who work in Russia in special fields where there is much demand (a list of 73 such professions was prepared by the Ministry of Labour). The foreign investors who have business in Russia and invest in the Russian economy are also the subject of this amendment. Both categories have to work in Russia for three years before the application and can apply for Russian citizenship in a simplified way (Table 2). In 2016, about 7 000 foreigners were granted naturalisation in this way, out of 9 600 foreigners who applied (MIA 2017).

The Parliament of the RF also adopted, in July 2017, regulations on the conditions under which migrants with Russian citizenship may lose their right to it if they are found to be preparing, attempting or committing terrorist acts and extremist actions, if a corresponding court verdict came into force. This amendment to the law 'On citizenship' and 'On foreigners' was initiated after a suicide bomber (a migrant from Kyrgyzstan) blew himself up on the St Petersburg underground in spring 2017 (Dukhanova 2017).

Conclusions

This paper presents the peculiarities, complexities and mixed nature of the factors that influence the development of citizenship policy in Russia. During the time of Yeltsin's government, the law on citizenship reflected the repatriation character of migration processes in the fSU. It was supported by other laws, such as that on refugees and forced resettlers (*o vinyzdennii pereselenetseh*), and was very liberal in nature. Until 2002 it served as a kind of 'transitional' law, based on the concept of expatriates returning to the Russian motherland. Residency permit options for labour migrants were underdeveloped and did not play an important role in the naturalisation process, either.

The new citizenship law of 2002 introduced, in its first version, a rather modern variant of immigration regulation, taking into consideration the fact that the majority of migrants were motivated by economic reasons and were primarily searching for work. However, the law was unable to reach the desired results and, after 21 amendments that were introduced over the years, it eventually looked very similar to the previous law. It no longer reflected the government's initial idea to promote the integration of labour migrants. Rather, it supported resettlement from the fSU and other territories for several reasons:

- for historical reasons, the share of those in countries of the fSU who have relatives in Russia and who want to resettle to Russia is high;
- labour regulations which are unrealistic do not allow the majority of labour migrants to have access to legal registration and residence permits, which is a pre-condition for citizenship;
- labour-market policy towards migrants in Russia has been inconsistent and oscillated between being liberal and being restrictive; and
- the country's need for both skilled and unskilled labour because of the demographic crisis faced hidden resistance from the elite, which only supported ethnic repatriation programmes, and became undermined by xenophobic attitudes towards migrants generally.

Russia, which became an independent state in 1991, tried to formulate its national discourse around the idea of national identity in the 2000s. There are at least two major strands of national discourse: one is based on multiethnicity and the other on a territorial approach (based on the territory of the Russian Empire and the fSU), which sees Russia as a divided nation. This conflict led to an unclear goal of nation-building, which could possibly use a mixed model, but needs to be clearly articulated. Hence, Russia's naturalisation policy has suffered from inconsistencies and contradictions, resulting in the introduction of a very controversial naturalisation regime in recent years.

Unfortunately, the policies of the Russian citizenship regime are not clearly articulated (either for Russian society or for immigrants). They should be more thoughtfully designed and differentiated between the various categories of migrant. For example, priority access to citizenship for highly skilled migrants and migrant investors is feasible and economically warranted, and is offered by many countries. However, the 2014 regulations on dual citizenship and the naturalisation process that was formulated in response to the crises in Crimea or Transnistria are unclear.

It seems that the decision-making process in Russia over the past couple of years has become more situational and, to a great extent, dependent on leadership personality. Amendments to the citizenship law were adopted very quickly without any public discussion after government leaders presented their vision on the problem.

Following the creation of the Eurasian Union (EAEU) in 2015, access to its labour market for migrants from non-member states of the union has deteriorated. That reduced the access of non-member migrants to

legal residence permits and future citizenship due to unfavourable labour conditions. Opportunities for labour migrants ofEAEU countries, however, have increased. Nevertheless, the statistics show that people from EAEU and other CIS countries continue to mainly use the same liberal naturalisation strategies as in the 1990s and 2000s.

In opposition to the policy of integration of migrants, the Russian government developed a geopolitical approach for citizenship policy, gathering together the remnants of the former Soviet Empire, through the creation of a supra-national Eurasian Union and granting a certain status and Russian citizenship to un-recognised states in the fSU.

Geopolitical factors, mainly the NATO eastward advancement and the EU to the Russian borders, goaded Russia into creating its own 'circle' of friends (even non-recognised states) and precipitated the formation of different political and economic unions (as the EAEU, for example). In its citizenship policy, Russia is trying to manœuvre in a difficult geopolitical situation. As a consequence, the definition of 'compatriots' has been expanded over the years. This approach helps Russia to reach certain demographic, geopolitical and national goals that were proclaimed in government programmes and strategies.

There is no principle of *jus soli* in the law, in fact, because it covers the territory of the fSU and even of the Russian Empire, which no longer exist. Demographic factors are among the most important ones for the future development of Russia. Achieving the goal of increasing the permanent Russian population, especially of working age, is made difficult by the limited interest of the Russian-speaking expat population to return to the motherland. This situation led to the acceptance of the numerous amendments to the law adopted in 2002. Russia as a regional hub is attractive only for people from fSU countries, and the demographic crisis does not give the Russian government many choices other than to accept migrants from fSU countries. The country needs an increased labour force, needs to attract not only compatriots, but also high-skilled professionals and investors of non-Russian origin, but this discourse is underdeveloped in its citizenship policy and in the discussions of the elite.

Notes

[1] The number of 25 million Russians was taken from the 1989 Census as the last data before the dissolution of the USSR.

[2] Later, after the new Constitution was adopted, special amendments were made to the 1991 citizenship law in order to replace 'RSFSR' with 'the Russian Federation' (Salenko 2012).

[3] The formal rules on granting citizenship refer to the time when Estonia and Latvia existed as independent states after the revolution of 1917. Their independence was lost by the inclusion of the two countries into the fSU as union republics in 1940. However, *de facto* this regulation was created to prevent the access of the Russian-speaking population to naturalisation, because of their high number (more than 20 per cent of the total population of these countries) – Estonians and Latvians were afraid of the influence of Russians on elections results and reforms.

[4] The grounds for the simplified naturalisation of applicants from abroad are a permanent settlement permit, the existence of close relatives, being a citizen of Russia living there permanently and the existence of citizenship of an fSU country.

[5] Until 2015, there were only two countries in the CIS (Tajikistan and Turkmenistan) which signed the treaties on the regulation of dual citizenship (*Dogovor ob uregulirovanii voprosov dvoinogo grazdanstva*). Turkmenistan froze the implementation of this agreement unilaterally in 2003 and denounced it in 2015. The bilateral treaty between Russia and Tajikistan continues to operate (Euraziiskoe prostranstvo 2014).

[6] According to the new regulation of 2014, it is obligatory and, if any relevant information is concealed, can incur a criminal penalty.

[7] Pridnestrovie government website: http://pmr-pridnestrovie.es-pmr.com.

Conflict of interest statement

No potential conflict of interest was reported by the author.

References

Brubaker R. (1992). *Citizenship and Nationhood in France and Germany*. Cambridge, Mass.: Harvard University Press.

Chudinovskikh O. (2014). *Gosydarstvennoe regulirovanie priobretenia grazdanstva Rossiiskoi Federatsii: politica and tendentsii* [*State Regulation of Citizenship Acquisition of the Russian Federation: Policy and Trends*]. Moscow: Vischaia Shkola Ekonomiki.

Concept (2015). *Konseptsia gosydarstvennoi migratsionnoi politiki na period do 2025 goda: zayavlennie plany i realnaya zyzn, Komitet grazdanskih initsiative, Fond Migratsia XXI vek, Moskva, Mart 2015* [*Concept of the State Migration Policy to 2025: Declared Plans and Realities of Life*]. Online: kontseptsiya-gosudarstvennoy-migratsionnoy-politiki-na-period-do-2025-goda-zayavlennye-plany-i-realn.html (accessed: 25 June 2017).

Dukhanova P. (2017). *Passport na zameny: Gosdyma yproschaet poluchenie rossiiskogo grazdanstva dlia ykraintsev* [*Passport Exchange: State Duma Simplifies Naturalisation for Ukranians*]. Online: https://russian.rt.com/russia/article/410405-grazhdanstvo-ukraincy-rossiya (accessed: 22 July 2017).

EUDO Citizenship Observatory (2015). *Over 40 000 Russians Fined for Concealing Dual Citizenship*. Online: http://eudo-citizenship.eu/news/citizenship-news/1317-over-40-000-russians-fined-for-concealing-dual-citizenship (accessed: 22 June 2017).

Euraziiskoe prostranstvo (2014). *Tajikistan: Rukovoditel FMS Rossii v Tajikistane otvetil na voprosi o dvoinom grazdanstve* [*Tajikistan: The Head of Federal Migration Service of Russia Answered Questions on Dual Citizenship*]. Online: http://eurazvitiye.org/publication/20141107-0 (accessed: 15 July 2016).

FMS (Federal Migration Service) (2016). *Itogovii doklad o migratsionnoi situatsii, rezultatah I osnovnih napravleniah deiatelnosti Federalnoi Migratsionnoi slyzbi za 2015 god* [*Final Report on Migration Situation, Results and Main Directions of Federal Migration Service in 2015*]. Moscow: Federal Migration Service. Online: https://www.fms.gov.ru/documents (accessed: 20 May 2016).

Foulquié P. (1982). *Dictionnaire de la Langue Philosophique*. Paris: Presses Universitaires de France.

Järve P., Poleshchuk V. (2013). *Country Report: Estonia*. San Domenico di Fiesole: European University Institute, EUDO Citizenship Observatory.

Kommersant (1998). *Rossia pereselit adygov iz Kosovo* [*Russia Will Resettle Adhygs from Kosovo*]. *Kommersant*, 9 July. Online: www.kommersant.ru/doc/201491 (accessed: 22 June 2017).

Kremlin (2014a). *Message from the President of the Russian Federation*, 18 March. Online: http://kremlin.ru/events/president/news/20603 (accessed: 30 June 2017).

Kremlin (2014b). *Direct Line with Vladimir Putin*, 17 April. Online: http://eng. kremlin.ru/news/7034 (accessed: 22 June 2017).

Krūma K. (2013). *Country Report: Latvia*. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Laruelle M. (2015). Russia As a 'Divided Nation', From Compatriots to Crimea. A Contribution to the Discussion on Nationalism and Foreign Policy. *Problems of Post-Communism* 62(2): 88–97.

Lenta (2015). Gosduma retifitsirovala dogovor s Abkhaziei [State Parliament Ratified the Treaty with Abkhazia]. *Lenta*, 23 January. Online: https://lenta.ru/news/2015/01/23/abkhazia (accessed: 10 December 2015).

Malakhov V. (2012). *Citizenship and Immigration in Liberal Democracies: Between Ideology and Pragmatism.* Online: http://demoscope.ru/weekly/2012/0525/analit01.php (accessed: 10 December 2015)

Malakhov V. (2014). *Kulturnie razlichia i politicheskie granitsi v epohy globalnih migratsii* [*Cultural Differences and Political Boundaries in the Epoch of Global Migration*]. Moscow: Novoe Literatyrnoe Obozrenie.

MIA (Ministry of Internal Affairs) (2017). *Itogi dieatelnosti Glavnogo ypravlenia po voprosam migratsii MVD Rossii i podrazdelenii po voprosam migratsii territorialnih organiv MVD Rossii za 2016*. [*The Results of Work of Headquarter and Regional Units on Issues of Migration of MIA RF in 2016*]. Moscow: Ministry of Internal Affairs.

Miller A. (2016). *Natsia. Moguschestvo Mifa* [*Nation. The Power of Myth*]. Saint Petersburg: European University in Saint Petersburg.

Mogoş A., Calugareanu V. (2012*). Citizenship-Traffickers Are Making Zou a Romanian, Using False Papers* (translated by A. Stavila). Online: http://eudo-citizenship.eu/docs/Hotnews%20translation%20EN.pdf (accessed: 4 July 2017).

Molodikova I. (2007). Transformation of Migration Patterns in Post-Soviet Space: Russian New Migration Policy of 'Open Doors' and Its Effect on European Migration Flows. *Review of Sociology* 13(2): 57–76.

Molodikova I. (2009a). Patterns of East to West Migration in the Context of European Migration Systems (Possibilities and the Limits of Migration Control). *Demográfia* 51(5): 5–35.

Molodikova I. (2009b). New Russian Migration Policy and Old Phobia Toward Ethnic Migrants, in: J. C. Zmegal, C. Voss, K. Roth (eds), *Co-Ethnic Migrations Compared. Central and Eastern Contexts,* pp. 231–250. Munich, Berlin: Verlag Ois Sagner.

Molodikova I., Watt A. (2013). *Growing Up in the North Caucasus: Society, Family, Religion and Education*. London: Routledge.

Mukomel V. (2005). *Migration Policy of Russia (Post-Soviet Context)*. Moscow: Institute of Sociology of the Russian Academy of Sciences.

Paskalev V. (2014). *Bulgarian Minister Proud of Cutting Down Fast Track Naturalisations*. Online: http://eudo-citizenship.eu/news/citizenship-news/1213-bulgarian-minister-proud-of-cutting-down-fast-track-naturalisations (accessed: 4 July 2017).

Polanyi K. (2006). *Vilikaia transformatsia* [*The Great Transformation*]. Moscow: Visshaia Shkola Ekonomiki.

Pratt S. (2009). *Managing Migration in the European Union*. Presentation delivered at the *IMISCOE Intensive Training Course*, Moscow, Russian State Social University, 20–24 April.

Pravo (2016). *Zakon Rossiiskoi Federatsii O irazdanstve RF*, 2002 (version 1 May 2016) [*Law on Citizenship of the Russian Federation*]. Online: http://pravo.gov.ru/proxy/ips/?docbody=&nd=102076357 (accessed: 22 June 2017).

Putin V. (2012). Russia: The Ethnicity Question. *Nezavisimaia Gazeta*, 23 January.

RIA Novosti (2008). RF Vipolniaet Mirotvorcheskyy Missiy Tolko v Yuznoi Ossetii [Russian Federation Conducts Peace-Keeping Mission only in South Ossetia]. *RIA Novosti*, 10 August. Online: https://ria.ru/world/20080810/150234479.html (accessed: 10 March 2016).

RIA Novosti (2014). Belarusian President Signs Law on Eurasian Economic Union Treaty Ratification. *RIA Novosti*, 9 October. Online: https://sputniknews.com/politics/20141009193869886-Belarusian-President-Signs-Law-on-Eurasian-Economic-Union-Treaty (accessed: 22 June 2017).

Romodanovski K. (2013). Migration Strategy of Russia, in: *Migration in Russia 2000–2013*, pp. 36–49. Moscow: Russian International Affairs Council.

Rosbalt (2006). *CHISINAU Overstates the Number of Moldovan Citizens Living in Transnistria*. MD: Press. Online: http://km.press.md/archiv/09_06/pridn2.html (accessed: 25 May 2016).

Russkg (2015). *Russkii ob'edinitelnii souz sootechistvennikov v Kirgizstane* [*Russian Union of Compatriots of Kyrgizstn*]. Online: http://russkg.ru/index.php?option=com_content&view=category&id=11&Itemid=12 (accessed: 2 June 2016).

Salenko A. (2012). *Country Report: Russia*. San Domenico di Fiesole: EUDO Citizenship Observatory, European University Institute.

Stepan A. (2008). Comparative Theory and Political Practice: Do We Need a 'State-Nation' Model As Well As a 'Nation-State' Model? *Government and Opposition* 43(1): 1–25.

Tilly C. (1995). The Emergence of Citizenship in France and Elsewhere. *International Review of Social History* 40(3): 223–236.

Vykhovanet O., Zhuravsky A. (2013). The Issue of Repatriation in Russia, in: *Migration in Russia 2000–2013*, pp. 60–78. Moscow: Russian International Affairs Council.

Weil P. (1996). Nationalities and Citizenships: The Lessons of the French Experience for Germany and Europe, in: D. Cesarini, M. Fulbrook (eds), *Citizenship, Nationality and Migration in Europe*, pp. 74–87. London: Routledge.

Weil P. (2008). *How to Be French? Nationality in the Making Since 1789*. Durham, London: Duke University Press.

Zevelev I. (2008). Russia's Policy Toward Compatriots in the Former Soviet Union. *Russia in Global Affairs* 1. Online: http://eng.globalaffairs.ru/number/n_10351 (accessed: 10 February 2015).

Central and Eastern European Migration Review
Vol. 6, No. 1, 2017, pp. 120–126

— BOOK REVIEWS —

Izabela Grabowska (2016). *Movers and Stayers: Social Mobility, Migration and Skills*. Franfkurt am Main: Peter Lang, 242 pp.

Are migrants 'special individuals'? This apparently innocent question has been long overlooked by migration studies and by sociology more generally. It is only relatively recently that it has been picked up as a specific key research issue. And with good reasons: with the world migrant population expanding, 'international mobility' has been highlighted as a significant cleavage that cuts across societies and cohorts, possibly shaping emerging inequalities and socio-cultural differences. Existing migration theory can, at best, account for the direction and (rough) size of population flows in aggregate terms, but it remains almost blind to the profile of who is going to move and who is, in fact, more likely to stay put in sending communities. This is a serious limitation in both theoretical and policy-oriented terms.

Grabowska's book addresses the issue openly with reference to the single largest nationality of migrants within Europe – Poles. She relies on a multiplicity of quantitative and qualitative sources, navigating through data collected between 1996 and 2012. But first of all it grounds data analysis in a preeminent theoretical preoccupation: what makes some people move and others not? To this end, Grabowska delves primarily into social theory, focusing on the 'agency vs structure' debate (Chapter 1). Among all possible social behaviours, migration – being a life-changing course of action – is a good litmus test of the relative importance of external constraints and intentional choices in human behaviour. Grabowska evokes Anthony Giddens' structuration theory and Margaret Archer's morphogenesis as particularly inspiring perspectives that reconcile opposite takes on migration choices. Relying mostly on Archer, her secondary reading of existing research, especially but not only on Polish migrants, leads her to highlight reflexivity as topical to migration accounts in different settings. In her view, reflexivity serves as an interface between structure and agency – although eventually with a prevailing agency twist.

Grabowska's methodological underpinning is Adaptive Theory (AT) – in fact, more an epistemological stance than a theory in itself. Chapter 2 is indeed a plea for the triangulation of data sources, the assemblage of factual and subjective information, the merging of deductive and inductive theorising. There is no doubt that all this sits well in a critical positivist approach, but perhaps the author should have better detailed how this overall framework applies to her own study of social and spatial mobility. In fact, the following chapters follow this general inspiration, but do not translate it into a tightly knit (and hard to achieve) combination of structural and agent-based information. What is rather reported is an assemblage of quantitative and qualitative information. In the author's defence, it is fair to acknowledge that most self-defining mixed-method studies end up being a juxtaposition of different types of data (typically, survey-generated information and open-ended interviews). This book is no exception.

Chapter 3 tackles the core theme of the volume – that is, the relationship between spatial and social mobility. Grabowska has the merit of perusing the classics of social mobility research – back to pioneering research from the 1930s – in the light of spatial mobility, at times venturing into ex-post conclusions, such as: 'in industrial societies migration is a result not a cause of social mobility' (page 62). This effort spans space, time and disciplines, also discussing the work of economists (in particular, Chiswick and associates) and serving as an antecedent to her own analyses of Polish migration in the post-communist decades. A clear divide is outlined. Migration out of Poland before EU enlargement used to be short term,

from the countryside and prevalent among low-qualified workers. Accession to the EU reshuffled the profile of Polish migrants. Compared to stayers, the post-2004 migrants are younger, much more likely to be men, and somewhat more likely to be highly educated and already employed (as well as over-represented among qualified workers and owners of firms). This latter characteristic is perhaps the most unexpected from a strictly economic viewpoint. Financial resources (and thus, having a decent job already) are a pre-condition to migration plans – which is, by the way, what most research on less developed countries attests as well.

The spatial-social mobility nexus is explored through population surveys carried out in 1999, 2007 and 2008. In a comparison of first and last jobs in individual careers, Grabowska finds that the social mobility rates of Polish movers have departed from those of the stayers since EU accession (page 85). This increased social mobility occurs both downwardly and upwardly. However, migrant-only surveys nuance this picture by showing that the social mobility rates of more recent migrants are lower than those of their predecessors in the 1990s (page 86). Apparently, social mobility has declined for all, movers and stayers, in Poland. Why? Grabowska mentions areas of origin of migrants as a possible root cause of differing trajectories but, unfortunately, does not carry out any multivariate analysis to control for other covariates that may in fact condition social mobility outcomes. Additionally, she does not discuss the social class schema that undergirds her analysis and that, to some extent, does seem to depart from standard classifications (such as EGP[1]) used internationally. All this makes her findings rather shaky and inconclusive.

Perhaps a deeper analysis of only the largest nation-wide datasets would have yielded more insightful results. And indeed, Chapter 4 concentrates on one of these surveys, applying sequence analysis. Four types of career sequences are identified: 'anchoring', 'improvement', 'degradation' and 'zig-zag'. While the typology makes sense, it would have been appropriate to make its construction explicit. How are sequences clustered? Which technique was used? Not surprisingly, movers are more likely than stayers to experience both 'improvement' and 'degradation' over their occupational careers. Unexpected, in fact, is the difference in the role of education: definitely more closely associated with upward mobility among movers than stayers. Migration, therefore, appears to amplify the social mobility potential of human capital – something that the Polish context may not be able to trigger. This is an intriguing finding that may well be tested in other contexts.

In Grabowska's strategy, quantitative analyses are complemented by qualitative work histories of 18 return migrants interviewed in 2011–2012, along the lines of seminal work by Daniel Bertaux. The author explores how work careers are interpreted and filled up with meanings by migrants. The structural forces that make careers oscillate along a 'changeability vs stability' axis intersect with the subjective perception of job sequences as 'conditioned vs planned'. Accounts of 'incidents' and 'anchors' are contrasted to those that hinge around 'explorations' and 'projects'. According to Grabowska, what makes people opt for one or the other vocabulary is each person's degree of reflexivity – the capacity to engage in an inner conversation about one's place in the world. Following Archer, reflexivity is nuanced and knows different manifestations, not necessarily leading to the same course of action. Curiously, risk-taking is not evoked here as a critical ingredient in catalysing reflexivity into action. On the one hand, bringing psychology in could be the next step in this line of analysis about the functioning of migrants' life choices. On the other, however, there could be more to these life histories than the author's categorisation implies. For instance, the existence of dual careers, one in the country of origin and the other abroad (seasonally), does not necessarily reflect limited agency and planning. While routinised and income-oriented, this type of arrangement has its sophistication and may in fact express a deep thrust towards experimentation that transcends its declared goal (i.e., to make extra money). More or less consciously, such an experience can well affect identities and orientations. In other words, a rhetorical emphasis on instrumentality does not prevent expressive aspirations, which may nonetheless remain in the

background in the interview situation. As any interviewer knows, however thick respondents' narratives are, they can also be incomplete and 'adapted' to the prevailing interpretive framework.

The final chapter looks at in-depth interviews from a different angle: the skills acquired as migrant workers. In the particular case of post-accession Polish movers, market demand was higher for jobs at the low end of the service sector in which, apparently, 'serving skills' are trained and appreciated. Such skills, Grabowska holds, nurture the practice of reflexivity through the monitoring of clients' emotions and interaction dynamics. Post-Fordist employment matches with the migration experience to raise 'awareness of one's self and others in the context of opportunities and constraints', endowing migrants with 'the skill of being mobile both mentally and physically' (pages 192 and 194). While suggestive, these conclusions are again not entirely warranted by the data at hand and could well be challenged in causal terms. It is indeed the same author who oscillates between considering 'reflexivity' sometimes a pre-requirement of migrant selectivity and sometimes an effect of the migration experience. Perhaps future research may seek to disentangle this dilemma with an appropriate (panel-like) research design.

The book suffers from some language imperfections and would have benefitted from more thorough editing. Moreover, it is made heavier by redundancies in discussing well-established concepts ('social structure', 'social mobility', 'career') that would be more appropriate in a PhD thesis or a handbook than in a research monograph. Literature reviews are also extremely detailed but perhaps occupy too large a space in the volume, taking centre stage where they should only form the backdrop to the original analyses. Overall, however, these are minor shortcomings that do not diminish the originality of this work, which launches a bridge between migration and social mobility research – two thriving domains of sociology from which there are surprisingly few examples of cross-fertilisation. *Movers and Stayers* poses an important question – what is the contribution of migrants to home and host societies' social mobility? – with original materials and sensitivity. The answers may be partial and still tentative, but should not be neglected in future studies on this topic.

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Notes

[1] 'Goldthorpe class scheme', in: *A Dictionary of Sociology*. Retrieved May 28, 2017 from Encyclopedia.com: http://www.encyclopedia.com/social-sciences/dictionaries-thesauruses-pictures-and-press-releases/goldthorpe-class-scheme.

Michał P. Garapich (2016). *London's Polish Borders. Transnationalizing Class and Ethnicity Among Polish Migrants in London*. Stuttgart: Ibidem-Verlag, pp. 343.

This long-awaited book is a recent addition to the considerable volume of important research on post-enlargement Polish migration in the UK. Originally guided by a methodological nationalism paradigm, Garapich's study on Poles in London approaches the topic of migration and ethnic identity from a different perspective. In contrast to other works within this field, which prefer to study sameness and uniqueness, the author focuses on class and intra-ethnic divisions within migrants' boundaries, deploying other important concepts from related disciplines, such as 'imagined community' and discourse. But what makes this book even more special is its examination both of how Poles makes sense of the super-diverse locality of a global city with its own complex ethnic relationships, and of how they use, perform, thrive in, but also sometimes struggle with, transnational living. By the same token, a vigorous ethnographic methodology, rich sites of data collections, a thorough examination of multi-genre data (i.e., qualitative interviews and focus groups coupled with field notes from participant observations), as well as a richness of examples from the field to illustrate the author's point, all turn this book into a fine example

of a distinguished research monograph. The author chooses to collate and to blend data harvested from several of his ethnographic projects, including his original PhD thesis, spanning roughly the first decade of Polish EU membership between 2003 and 2013.

Thematically, the book is organised in eight chapters, and a preface, which sets the scene not only for Poles in London but also of the multicultural politics of the city. It draws on a range of settings, both institutional and formal (Westminster, Polish cultural centres) and informal (workplaces, homeless shelters). The author analyses the top–down hegemonic discourse of ethnic and national identity and its convergence with meta-narratives of Polish migratory ways, including those that are politically motivated. In addition, however, the volume brings together a multitude of bottom–up voices of migrants coming from diverse socio-spatial settings (*chłoporobotnicy, blokowiska*). Mobility is discussed as a strategy to cope with the social, economic and political changes of the Polish post-communist transformation, but also as a transnational way of life in the enlarged European Union. What brings these two types of discourse together is a notion of class and in-group power play within a migratory context.

Thus, in Chapter 1, Garapich presents relevant sociological and anthropological concepts, and their application to his ethnographic material. He writes: 'My theoretical position followed here is based on a classical notion of an anthropological enquiry as a search for the meaning of people's actions, practices, discursive performances, and agency' (p. 21). Such meaning can only be understood in a certain time and place. Therefore, the complex historical discourse of Polish migration and its present manifestation is not only shaped by a notion of ethnicity and class, but also contextualised in globalisation and transnational modernity. As the historical roots of Polish settlement in the UK cannot be marginalised in a discussion about present-day Polish Londoners, the continuity of consecutive waves of Polish migrants, seen through a lens of class, moral obligation and political responsibility, is scrutinised and challenged in Chapter 2. Chapter 3 connects the topic of post-Second World War groups with present migrants, focusing on the early 1990s and the process of EU enlargement. The chapter describes how both processes influenced and shaped development of the ethnic community. The following chapters (4, 5 and 6) are devoted to a detailed examination of the everyday practices of post-enlargement migrants in a transnational social field; here individuals and their agency become a core topic of this study. Next, in-group power play, competitive discourses of hierarchy and moral rights of representation, together with internal forces of group-making, are explored in Chapter 7. Finally Garapich once more shifts his interest from the group to the individual in Chapter 8. Here, the reader learns that 'the major conclusion of this book is that from the perspective of social actors, this transnational reflexivity through physical and mental manoeuvring across borders and the complex reconstructions of social class and ethnicity combine ways of being and ways of belonging, which paradoxically reproduce national borders' (p. 318).

I am particularly interested in how this conclusion raises the question of individual migrants' subjectivity and agency, as well as their ability and power in the context of (social) change making (Grabowska, Garapich, Jaźwińska and Radziwinowiczówna 2016). As Garapich argues, there is a duality of potential in transnational social fields. First, they can be seen as an arena that provides an opportunity for an individual to take action, which weakens the influence of the nation-state. Second, on the other hand, the nation-state has the ability to fire back with a dominant nationalistic discourse that penetrates both 'leaver' and 'stayer' groups. This kind of discourse influences the competing narratives about post-enlargement migration that are produced and circulated within public as well as private and semi-private spheres, both at home and abroad (see also Galasinska and Horolets 2012). The complex interdependence of these forces creates tensions between the dominant narratives and their everyday practices, and this book elegantly depicts how people negotiate, challenge and indeed succeed in easing these tensions.

The diversity of topics considered by the author in this book, as well as the broad range of rich ethnographic data, make the volume a good point of reference for academics and students interested in a specific case study of post-enlargement Polish migration. But this diversity, while a clear strength of the book, is also its shortcoming. At times the text drifts between historical underpinnings of the recent wave of Polish Londoners evaluated by the author and his take on the present-day practices of migrants; between the lens of the group and that of the individual; between the local and the transnational; between the macro and the micro. Having offered this minor critique, I do wonder whether a more robust and clear thematic cohesion is possible when one is trying to depict the complexity of the field. However, I would definitely welcome a more focused methodological approach in the application of terms such as 'discourse' and 'narrative', which at times are taken for granted by Garapich. Indeed, while investigating developments of the discursive construction of ethnicity and identity within the migratory context, researchers do pay particular attention to political processes influencing and shaping the discourses under investigation and see discourse *inter alia* as 'integrating various different positions and voices' (Wodak 2009: 39). Such positioning should be acknowledged and discussed further by the author. Regrettably, this interesting volume is pitted with editorial and technical errors which are quite irritating and spoil its enjoyment.

Overall, I recommend the book as an important and informative contribution to the current debates on both Polish migration and transnationalism, where issues of class and ethnicity within the migratory context of a global city are explored in interesting and intellectually stimulating ways.

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References

Galasinska A., Horolets A. (2012). The (Pro)Long(ed) Life of a "Grand Narrative": The Case of Internet Forum Discussions on Post-2004 Polish Migration to the United Kingdom. *Text & Talk* 32(2):125–143.

Grabowska I., Garapich M. P., Jaźwińska E., Radziwinowiczówna A. (2016). *Migrants As Agents of Change. Social Remittances in an Enlarged European Union.* Basingstoke: Palgrave Macmillan.

Wodak R. (2009). *The Discourse of Politics in Action. Politics As Usual.* Basingstoke, New York: Palgrave Macmillan.

Olga Sasunkevich (2015). *Informal Trade, Gender and the Border Experience. From Political Borders to Social Boundaries*. Farnham: Ashgate, 199 pp.

Informal Trade, Gender and the Border Experience provides a significant contribution to the existing theoretical, methodological and empirical literature on trade and border studies with a post-positivist approach.

Professor Sasunkevich states that economic globalisation has advanced rapidly over the past three decades, albeit with a slowdown following the global economic crisis. Trade and foreign direct investment flows increased from 17 per cent and 0.9 per cent of global GDP respectively in 1990 to 28 per cent and 3.2 per cent in 2016, while cross-border movements of people have also been on the rise, with about one in ten people now living in OECD countries born abroad. These developments have facilitated productivity gains and global economic growth, the integration of emerging economies into global markets and the lifting out of poverty of hundreds of millions of people, while also bringing important non-economic gains including increased linkages between our societies and better knowledge of other cultures (p. 24).

Globalisation has also been a vector for the dissemination of technological advances, in particular digitalisation, which in many cases have been transformative. Digitalisation vastly reduces the transaction costs of communicating and coordinating globally, enabling fragmented production processes that take advantage of expertise and comparative advantages that exist globally. It can also improve access to health

care, skills development or other services and provide entirely new ways for people to connect, socialise, collaborate and participate in societies. It provides opportunities to produce more and better products and services more cheaply, thus increasing consumer welfare. With the processes of globalisation and digitalisation intertwined, so too are their effects on the economy and people's well-being.

The drive for deregulation at the domestic and international levels, while bringing benefits in terms of growth and innovation, has also hit some people and firms that were not well placed to compete in global markets, and has added to the consequences of market distortions that have undermined fair competition in some sectors. Reliance on metrics such as GDP per capita that provide information only on averages, as well as on models that do not fully capture the complexity of the global economy, is one reason why policies have been too weak or insufficiently tailored to address the challenges of open economies and to avoid the financial crisis (p. 51).

One of Sasunkevich's main arguments is that there are several mechanisms through which globalisation and technological change may have contributed to the stagnation of middle-class living standards and to the widening of the gap between the latter and those of the top 1 per cent. In particular, there is some evidence that these processes have: contributed to the fall in labour's share of national income; aggravated local blight and regional inequality; fed the dominance of leading firms in some sectors; allowed the rise of some market distortions; fuelled the process of financialisation; and added to pressure to shift taxation from wealth and high-income individuals onto labour. The combination of technological change and globalisation has put at risk many jobs involving routine tasks, while digitalisation appears to be contributing to the polarisation of labour markets.

There is no consensus about the extent of the various possible downsides to globalisation, but in current circumstances, it is worth addressing the problems even before this uncertainty is fully resolved. For unless the various sources of dissatisfaction with economic globalisation are addressed, political pressure to reverse at least some aspects of globalisation may endanger the great benefits that have been generated by growing openness to trade, investment and movements of people.

A policy response is therefore urgently needed to make globalisation work for all and avoid the onset of a damaging retreat from economic openness. But such a response is only likely to succeed if it goes beyond trying to 'fix' aspects of globalisation that are the subject of discontent. It should be framed in the context of a new policy narrative based around the concept of inclusive growth, aimed at improving multi-dimensional well-being in increasingly open and digitalised economies, which would help improve the living standards of those that have been left behind. Not all elements of such a policy response are yet fully developed, and more work, sharing of practice and innovative thinking will be needed to grasp and address the challenges of an increasingly connected and digital world. However, a number of policy directions at the national, sub-national and international levels suggest themselves (p. 120).

At the national level, governments should step up their efforts to bolster people's ability to cope with change and succeed in a globalised and digital world. Social protection and safety nets need to be adapted and improved, especially in the light of the changing work environment created by digital technologies, without creating disincentives to increased innovation and productivity. However, protecting and compensating will certainly not be enough. Equally important will be the move towards an 'empowering state' which finds creative solutions to ensure universal access to quality health care and education, develops stepped-up active labour market and skills policies, shifts the tax burden away from labour, develops a strategy for small and medium-sized enterprises and strengthens technology diffusion and the integration of migrants.

At the sub-national level, regional development policy approaches should focus on reinforcing each region's advantages rather than simply on redistribution. In addition, there is often a need to strengthen ties between rural and urban areas, and to create employment and skills policies as well as strategies for

entrepreneurship, innovation and investment that respond more appropriately to local circumstances. Improved policy coordination and metropolitan governance arrangements can reduce municipal fragmentation and residential segregation by income.

Finally, at the international level, there is a need for the governance of globalisation to catch up with the globalisation of economic activity, while taking due account of concerns about national sovereignty. One aspect of this is strengthening international standards and making them more effective in helping to level the playing field and improve inclusiveness. In particular, greater international collaboration on competition, state-owned enterprises, business accountability, fighting corruption and illicit trade would make a significant difference. Full implementation of existing agreements to crack down on tax avoidance and tax evasion is also key. The other main area concerns bilateral and plurilateral trade and investment agreements. Government officials should be encouraged to further consult with their constituents and other affected stakeholders on trade and investment policy; engagement at the local level would help to improve understanding of the likely impact of trade and investment reforms on communities.

Sasunkevich's piece opens up new avenues not only for further research, but also for the reinterpretation of the empirical material on human mobility already amassed, and this makes it an important fixed point for both researchers and practitioners.

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