Dual citizenship:
Policy trends and political participation
in EU member states
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Eva Østergaard-Nielsen

Abstract:
This note was presented by the author for a workshop organised by the Committee on Constitutional Affairs on 25/26 March 2008. Based on a retrospective analysis of the frequency and quality of different forms of dual citizenship the paper evaluates the consequences of recent changes in national immigration and citizenship laws of selected EU member states. Finally, it highlights the tension between the mobility of persons, the interconnectedness of societies and the internal coherence of states.
Introduction

Dual citizenship, alongside general policies on citizenship, is central to debates on incorporation of both immigrants and emigrants throughout the EU. A key issue is whether citizenship is perceived as an exclusive contract between citizens and the state or not. Traditionally the consensus among member states was that dual citizenship is to be avoided. However, over the past decades the number of dual citizens has increased and more member states tolerate dual citizenship.

Dual citizenship is a highly relevant subject in connection with discussions of political participation. The movement of people and borders has long challenged the territorial congruence between states and citizens in Europe. Growing mobility means that immigrant states are confronted with new citizens who are still interested in the politics of their country of origin – or of origin of their parents. For emigrant states dual citizenship can be a way of institutionalizing transnational ties with their emigrant or diaspora population.

Debates about dual citizenship are dominated by concerns with the naturalization and dual attachment of third country nationals rather than EU-citizens. Still, themes of dual citizenship and overlapping membership of different states and polities are relevant to the parts of the working document which concern the lack of European level representation of immigrants and do not view political constituencies as territorially bounded. That is, the issue of political representation based on populations rather than citizens, and the ideas of creating transnational list system, allowing candidates to stand in more than one country and facilitating voting by EU citizens residing in a member state other than their own.

This paper outlines recent trends in policies on and perceptions of dual citizenship among EU member states. It highlights key factors behind the growing tolerance of dual citizenship among some member states and the resistance to it among others. Finally, it discusses the complex relationship between dual citizenship and political participation among both EU citizens and third country citizens residing within the EU.

The meaning of dual citizenship

Dual nationality, also referred to as multiple nationality, is the legal status held by a person simultaneously in two or more states. It can be acquired at birth, in connection with naturalization of immigrants in their country of residence or with the reacquisition of nationality of expatriates or ethnic minorities in their homeland.

Dual citizenship is sometimes incorrectly used synonymously with dual (or multiple) nationality. However, while nationality refers to the membership and subjection to state law and power, citizenship refers to the notion of collective self-determination, the freedoms and rights guaranteed by membership in a political community (Jones-Correa 2001; Faist 2007). Thus the term multiple nationality refers only to the legal status in several states and does not specify the rights and obligations a person holds vis-à-vis the state of second or third nationality where the person does not currently reside (Bauböck et al. 2006a). Some states distinguish between citizenship that can only be held by residents and nationality that may

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2 To that end the paper draws on the rapidly growing body academic and policy relevant analysis of dual citizenship such as (Bauböck et al. 2006a) and (Faist 2007).
also be held by expatriates but without granting any political rights (Jones-Correa 2001; Bauböck et al. 2006a). In the following I will mainly use the term dual citizenship.

For migrants or diasporas dual citizenship has several meanings. The ‘original’ passport is a symbol of membership of another state than that of residence. This is why a demand for renunciation of the other citizenship in relation with naturalization poses a real obstacle for especially first generation migrants. A second or third citizenship is also an important asset in the quest for free mobility and access to jobs, education and social security benefits (Faist 2007). Dual citizenship can, however, also be a trap. If the citizenship in the country of residence is revoked, for instance, due to a criminal offence, then the dual passport holder can be deported.

**Dual citizenship within the EU:**

Overall a growing tolerance towards dual citizenship among member states has been identified (Bauböck et al. 2006a; Faist 2007). This policy trend counters the traditional opposition to dual citizenship among European states. The Strasbourg Convention of 1963 on *The Reduction of Cases of Multiple Nationality and Military Obligations in Case of Multiple Nationals* reflects the consensus among states that people should not hold more than one citizenship. This included both more general arguments about the exclusiveness of national identity and membership and more practical issues of conflicting rights and duties in the two countries of a dual citizen. However with more and more citizens living outside their state of origin and a growing number of children of multi-national marriages, this consensus has been challenged. Two overall developments have stimulated the rise in numbers of dual citizens. Firstly, the increased legitimation of individual rights in human rights conventions in addition to national citizenship. Secondly, the gender equality of citizenship meaning that married women are granted independent citizenship which they can pass on to their children (de-Hart and van-Oers 2006). Consequently, the *European Convention on Nationality* of 1997 is neutral on the subject of dual nationality (Hailbronner 2006).

Among member states, country-specific historical, social, economic and political dynamics influence the different combinations of acceptance or resistance to dual citizenship. Only a few countries, such as the UK, has not paid much attention to the issue of dual citizenship (de-Hart and van-Oers 2006). One way of classifying member states according to their policies and perceptions of dual citizenship is in terms of their trajectory of migration. This makes for three overall categories: 1) *Immigration:* among especially EU-15 member states, policies on dual citizenship have been addressed at the resident immigrant population. 2) *Emigration:* in other member states dual citizenship policies have foremost been aimed at the emigrant population, in order to facilitate their naturalization in their countries of residence. 3) Finally, overlapping with the emigration category, are those member states, especially in Central and Eastern Europe, whose liberalization of dual citizenship is aimed at granting or restoring citizenship to diasporas and kin minorities living abroad. 3

**Immigration:**

Member states have experienced remarkable inflows of migration during the last decades. Currently an estimated 28 million ‘non-nationals’ reside within the EU. Of these

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3 Cyprus and Malta do not fit well into this classification. These are in any case countries with a fairly particular trajectory of citizenship (see (Bauböck et al. 2007)).
approximately 9 million are EU citizens living in a member state other than their own (Eurostat 2007). Consequently, issues of migrant incorporation and citizenship are high on the political agenda throughout the EU.

All member states accept dual nationality when it arises from descent of parents with different nationalities or from the combination of *ius soli* and *ius sanguinis* (Bauböck et al. 2006b). However, ten of the 27 EU member states (six of the EU-15) generally try to make immigrants renounce a previous citizenship when they are naturalizing: These countries are Austria, Denmark, Estonia, Germany, Latvia, Lithuania, Luxembourg, the Netherlands, Slovenia and Spain. In the cases of Germany, the Netherlands and Spain many exceptions are allowed (Bauböck et al. 2006b; Nissen et al. 2007). Moreover, in the case of Germany, supranational EU citizenship facilitates dual citizenship in the sense that Germany does not require citizens of other member states to renounce their former citizenship when acquiring German citizenship. In some member states dual citizenship for immigrants is an ongoing debate. Luxembourg has recently been considering tolerance of dual citizenship and a hearing on this issue will take place in the Danish parliament during spring 2008.

To some extent the recent or current debates on dual citizenship in member states reflect general debates on models of immigrant incorporation. The following is a (not exhaustive) list of the general markers of the national debates on dual citizenship in especially the EU-15 member states:

**Dual citizenship and levels of naturalization:** A key argument for tolerance of dual citizenship is that it facilitates naturalization of immigrants. The demand for renunciation of the other citizenship upon naturalization is a real obstacle for especially first generation immigrants who are reluctant to let go of their original passport. This has been observed in the case of Turkish citizens in Germany (Østergaard-Nielsen 2003b). However, as has been illustrated in debates in countries such as Germany and the Netherlands, opponents of dual citizenship argue that it is the immigrants themselves that need to adjust to their political environment (de-Hart and van-Oers 2006). Naturalization is the prize at the end of a successful process of integration after which the importance of the original passport pales.

**Dual citizenship and political participation:** The presence of large numbers of foreign citizens without electoral rights represents a democratic deficit in member states – especially those that do not grant local voting rights to third country citizens. If tolerance of dual citizenship leads to higher levels of naturalization of immigrants, then this facilitates the political participation of immigrants in local, national, and European elections. Dual citizenship would thus lead to a greater congruence between the population and the citizenry. However, opponents of dual citizenship point to the fact that dual citizenship violates the congruence between states and citizenry because it may lead to situations of

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4 Indeed, some countries who do ask naturalizing migrants to give up their original citizenship allow for so many exceptions that the difference with those countries that tolerate dual citizenship is less clear cut. For instance, Spain allows dual nationality for major immigrant groups such as Latin American countries and the Philippines and not require documentation for the renunciation of the other nationality (de-Hart and van-Oers 2006), Poland applies a highly discretionary implementation of dual nationality legislation (Górny 2006) and legislation in the Czech Republic has become more tolerant despite the official overall policy to prevent dual nationality (Barsová 2006). For an overview of the EU-15 and the EU-10 see (Bauböck et al. 2006a) and (Bauböck et al. 2007).

5 Traditionally, conflicts between citizen rights and obligations, notably military service, have been used to illustrate the impracticality of dual citizenship. However, guidelines on how to resolve such conflicts have recently been provided by international law (Bauböck et al. 2006b).
‘one person, two votes’ as migrants are allowed to engage with the political system of two countries at the same time.\(^6\)

**Dual citizenship and dual loyalties:** Dual citizenship, its proponents argue, sends an important signal of acceptance of the overlapping memberships of immigrants in different states. It accepts that immigrants retain a social, economic or political attachment to their country of origin. However, against this is argued that if immigrants retain their ‘original’ citizenship, then this dilutes their loyalty and allegiance to the country of residence. This was, for instance, one of the key points of the signature campaign of the CDU/CSU against the German governments’ proposal to allow dual citizenship for immigrants in 1999 (Østergaard-Nielsen 2003b). Indeed, the loyalty of immigrants to their country of origin or various international religious organizations/movements has been framed as a security threat for their states of residence. This includes the presence of diaspora political groups engaged in intra-state conflicts in their homelands or the mobilization of Muslim migrants in the aftermath of 9/11 (Gilbertson 2006; Østergaard-Nielsen Forthcoming). Dual citizenship in an immigration political context thus illustrates the ambiguous relationship between the concomitant processes of liberalization and securitization of citizenship (Faist 2007).

**Emigration:**

Although issues of immigration dominate debates on citizenship throughout the EU, member states’ attitudes and policies to dual citizenship have often been shaped by the experience of emigration and relations with emigrant populations. The extent to which states allow their emigrants to reacquire their original citizenship or pass it on to descendants varies (see (Bauböck et al. 2006b). However, in terms of dual citizenship there is a (recent) trend among the EU-15 member states to facilitate emigrants’ possibility to keep their original citizenship when naturalizing abroad (de-Hart and van-Oers 2006). The most recent examples of this are Sweden (2001), Finland (2003) and Belgium (2007). In other cases, such as the Netherlands, more exceptions have been introduced. In the case of Spain (2002), emigrants merely have to state their intention to keep their Spanish nationality when naturalizing abroad (Waldrauch 2006).\(^7\) Among the key features of this development are:

**Maintaining good relations with emigrants:** For emigrant states allowing for dual citizenship is a way of institutionalising the transnational ties with expatriates (Østergaard-Nielsen 2003a). In some cases the emigrants, although long gone, are still perceived as part of the nation. There can also be a persistent myth of their return, as in the case of Italy’s perception of the Italian emigrants (*l’altra Italia*) (Arena et al. 2006). However, there can also be a number of more mundane reasons for extending citizenship to emigrants. First, it can be to keep the remittances flowing and stimulate direct foreign investment. Second, the state may want to tap into the human capital resources of emigrant population. Third, it may wish to counter political dissidence and foment an expatriate population supportive of the domestic and foreign political interests of their country of origin. These explanations are applicable to a range of countries of origin for third country nationals residing within the EU, and may also have been among the historical incentives for member states to reach out to their

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\(^6\) For further discussion of dual nationality and issues of loyalty and political participation see (Bauböck et al. 2006b).

\(^7\) Only the UK and Portugal do not have any rules against dual nationality for emigrants naturalizing abroad. France, Italy and Belgium (see www.diplomatie.be) only have rules for those emigrants residing in states who have ratified the 1963 Strasbourg Convention. A number of other member states, Germany, Austria and Ireland, give emigrants the chance to apply for retention of original nationality although none are as extensive as in Spain. For a detailed overview of the rules of the EU-15 see (Waldrauch 2006). For an overview of the EU-10, see (Bauböck et al. 2007)
emigrants (Østergaard-Nielsen 2003a). However, they seem less relevant to the contemporary socio-economic and political situation of the EU-15 member states.

*Pressure by emigrant groups:* The introduction of dual citizenship can be introduced because of pressure by the emigrants themselves (Jones-Correa 2001; Østergaard-Nielsen 2003a). In the case of Finland and Sweden, two of the member states who have more recently accepted dual citizenship, pressure from emigrant organizations has been identified as one of the reasons (de-Hart and van-Oers 2006).

*The lack of politicization of dual citizenship for emigrants:* While the issue of dual citizenship for immigrants has been highly politicized in several member states, then the introduction of dual citizenship for emigrants has been much less contested. The lack of politicization of dual citizenship for emigrants is related to the fact that several member states have managed to keep the issue of modification of such dual citizenship rules separate from the more sensitive issues of naturalization of immigrants. Indeed, some member states, such as the Netherlands and Austria, have simultaneously facilitated access to dual citizenship for their emigrants and restricted access to naturalization for immigrants. It has also been noted how in a few cases, such as Spain (2002) and Poland, measures towards increased tolerance of dual citizenship for emigrants has not been paralleled by tolerance of dual citizenship for immigrants (de-Hart and van-Oers 2006; Górny 2006).

**Central and Eastern Europe:**

The new member states from Central and Eastern Europe share a number of features with the category of especially emigration and increasingly also immigration countries. However, there are several other issues which are specific to these members and thus form an important part of the reality within the EU. Generally, attitudes to dual citizenship in this region relate to changing borders and post-cold war processes of state-building and democratization of the former communist block (Iordachi 2006). Yet, this region is not uniform in terms of attitudes to dual citizenship (Liebich 2007). The following trends stand out:

*Extending citizenship to diasporas and ethnic kin-groups residing abroad:* In Central and Eastern Europe tolerance of dual citizenship has been related to the revival of national and ethnic policies towards external kin minorities. Such policies have addressed the need for more effective minority protection, but have also been identified as part of wider attempts of cross border nation-building between homelands and diasporas. Countries such as Hungary, Romania and Slovakia tolerate dual citizenship for these reasons. Especially the Hungarian extension of citizenship to ethnic Hungarians in Romania and Slovakia has led to some regional tension (Iordachi 2006).

*Rejection of dual citizenship:* The reluctance of other states, especially those from former communist federal systems, to accept dual citizenship has been related to their recent independence and fragility (Iordachi 2006; Liebich 2007). However, these states face pressure in the opposite direction from emigrant or diasporic populations who are keen on maintaining or re-establishing formal ties with their country of origin without giving up membership in their country of residence. The pressure of the large Polish expatriate

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8 Some emigrant countries have come up with alternative forms of ‘citizenship’ for those citizens who reside in countries not allowing them to keep their original citizenship when naturalizing. For instance, Turkey offers to the so-called ‘Pink Card’ which grants a number of social and economic rights to Turks abroad (Østergaard-Nielsen 2003c)
community is an example of this (Górny 2006). This leads to a continued formal rejection of dual citizenship, but with an inconsistent degree of implementation (Liebich 2007).

**Dual citizenship and transnational political engagement within the EU**

Political participation is at the core of debates on naturalization and dual citizenship. Indeed, how to adapt systems of democratic representation to the increased mobility of both EU citizens and third country citizens within the EU poses a major challenge for national and European policy-makers. Dual citizenship in the sense of dual political rights has been a critical issue in debates on dual nationality in both countries of origin and residence of migrants and is not equally welcomed by all political actors. Indeed, dual nationality does not automatically lead to dual citizenship, because not all emigrant states have granted external voting rights to their citizens abroad.

The provisions for external voting have to be understood in the historical and political context of the country of origin and the interests and political weight of the emigrant population. If we include also countries of origin, such as Turkey and Morocco, whose citizens residing within the EU numerically parallel the population of smaller member states, then the following policies stand out:

*For the major collectives of third country migrants in the EU*, external voting rights span from being denied (Morocco) to being obligatory (Ecuador). In Turkey debates on long-distance voting rights for emigrants has been on the political agenda for decades without being implemented. In Morocco a recent initiative aims to introduce external voting rights in the immediate future. Resistance to grant political rights to non-resident nationals has various explanations. Key political actors may be weary of granting votes to an emigrant population which is not expected to return and thus will not suffer the day to day consequences of the electoral outcome (Østergaard-Nielsen 2003a). This is especially the case for countries with very large expatriate communities with a potential to influence electorate outcomes. Emigrants may also be disenfranchised because of logistical and bureaucratic obstacles to implement voting from afar as in the case of Turkey (Østergaard-Nielsen 2003c).

*Among member states* there is a strong trend towards granting external voting rights to citizens residing elsewhere. No less than 23 of the 27 member states have provision for the participation of extraterritorial electorates (IDEA 2006). Some member states (Italy, France, Portugal and Spain, also allow emigrants to be elected for the first or second chamber (IDEA 2006). However, while engagement in homeland politics for emigrants is accepted, then the same type of cross border political participation among immigrants may not be welcomed (Østergaard-Nielsen Forthcoming). Some countries are weary of the idea of ‘foreign election campaigns’ among immigrant collectives for security reasons. More generally long distance political engagement of migrants can be seen as an obstacle to their integration in the country of residence. Such perception is based on a zero-sum understanding of political participation whereby migrants who are politically engaged in their country of origin are less likely to be politically engaged in their country of residence. However, research on both sides of the Atlantic has demonstrated that mainly well-integrated migrants maintain a political engagement in their country of origin and argued

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9 Cyprus, Greece, Ireland and Malta do not allow external voting. In some countries only limited groups of citizens are eligible to vote (e.g. Denmark) and in other cases a time limit is imposed after which electoral rights lapses (e.g. Germany).
that political participation in the country of origin can reinforce political incorporation in the country of residence (Østergaard-Nielsen 2001; Guarnizo et al. 2003).

Further studies are needed to document the political participation of dual citizens within the EU and the extent to which local and transnational political rights reinforce or dilute the political incorporation of migrants in their countries of residence. It is worth noting that the usage of external voting rights among emigrants is often very low compared to in-country voting rights. Among the factors particular to external voters are the logistical barriers to voter registration and the limited number of polling stations (Østergaard-Nielsen 2003a; IDEA 2006).

The multitude of combinations of external and in-country voting rights reinforces the unequal access to electoral politics among EU citizens and third country citizens. Some migrant collectives are disenfranchised both in their country of origin and residence, while others enjoy voting rights in both. Cross border political engagement should not, however, be reduced to electoral participation. There is growing evidence of an increasingly complex web of transnational political engagement between migrants and their countries of origin. Dual citizenship, in the sense of dual membership and cross-border engagement in civil society or local affairs constitutes an important resource for local and national governments both within and outside of the EU (Østergaard-Nielsen 2007).

Outlook

This review of perceptions of and policies on dual citizenship highlights the tension between the mobility of persons, the interconnectedness of societies and the boundedness of states. Citizens increasingly live their lives across borders. Facilitating their political incorporation, in particular in their countries of residence, poses a key challenge for policy makers:

- Tolerating dual citizenship not only by birth but also by naturalization would be recognition of the fact that migrants identify with both their country of origin and residence. It would facilitate naturalization and thus political incorporation of migrants (Bauböck et al. 2006b)

- In some member states, the policies on naturalization of immigrants have remained or even become more restrictive, while policies of dual citizenship towards emigrants have become more inclusive. This asymmetry reinforces the unequal access to electoral politics among EU citizens and third country citizens. Throughout the EU, policies on dual citizenship aimed at (re) incorporating emigrants need to be aligned with the reality of immigration.

- If the European Parliament moves towards strengthening the cross-border dimension in electoral procedures, this is an important step towards facilitating the dual attachment of a growing number of mobile EU citizens. The priority, however, should be to ensure the political incorporation and representation of the still large collectives of disenfranchised migrants residing within the EU.
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