



# Executive Summary

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## Citizenship Policies for an Age of Migration

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T. Alexander Aleinikoff and Douglas Klusmeyer  
*Codirectors of the Comparative Citizen Project*





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Over recent decades, we have witnessed a remarkable resurgence of interest in issues of citizenship among policy makers, academics, and the public. An important aspect of the public debate has been the challenge posed by large-scale immigration. For any state, the arrival and settlement of large numbers of newcomers raises important citizenship questions.

For modern liberal-democratic states, citizenship is fundamentally a legal status that designates full membership in that state and as such carries significant rights and duties that establish a formal basis of equality for all of its bearers in a particular state.

Migration makes host societies more culturally and socially diverse. It can bring new talent and energy, expand the creative horizons of all members, and enhance the domestic labor pool. But migration can also be a source of tension and anxiety. Citizenship policy can be an effective tool for promoting the inclusion of new members. Any sound citizenship policy must weigh a variety of complex factors, and it must consider deep questions of belonging, commitment, and social and political integration. In liberal-democratic states, citizenship policy must also be closely guided by the norms of fairness and justice that are fundamental to modern liberal-democratic ideals.

This book provides an extensive set of policy recommendations on citizenship for liberal-democratic states experiencing large-scale immigration. These recommendations are the product of a multiyear study conducted by the International Migration Policy Program of the Carnegie Endowment for International Peace.\* Two volumes of research and analysis have been published previously. The first, *From Migrants to Citizens*, analyzed the citizenship laws and policies of liberal-

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democratic states around world through a set of country reports (Aleinikoff and Klusmeyer 2000); the second, *Citizenship Today*, continued this exploration through a set of comparative studies of major issues of citizenship policy across states (Aleinikoff and Klusmeyer 2001).

For this final volume, working groups of leading international experts on migration and citizenship policy prepared reports with recommendations in four primary areas: access to citizenship, dual nationality, political integration, and social rights and citizenship. The working groups were chaired by Patrick Weil, David A. Martin, Rainer Bauböck, and Michael Fix, respectively. The reports and their recommendations were subject to debate and revision and provide the basis for the chapters in this study. The policy recommendations set forth here, therefore, are based on extensive comparative research and reflect the collaborative efforts of an extraordinarily talented array of international experts. A summary of the major conclusions and recommendations follows.

### **Access to Citizenship**

#### *Birthright Citizenship*

The traditional approach to classifying how states endow citizenship has been to contrast regimes based on *jus soli* (making birth on the state's territory the crucial determinant) with those based on *jus sanguinis* (making descent from a parent with nationality the crucial determinant). We propose a new approach that uses *generations* as the category for analysis. This approach more accurately reflects the social realities of the immigration process by linking acquisition rules to differences in the stages of settlement. It also reflects legal changes in states that have blurred the traditional lines between *jus soli* and *jus sanguinis*.

The first generation consists of people born and raised in another country who immigrate to a new country as adults. The second generation consists of the children of the first generation who are born in the host society or were born in a foreign country but are primarily socialized in the host society. The third generation comprises the grandchildren of the first generation, and whom it is presumed are born and raised in the host society. Pursuant to this generations approach, we recommend:

- Members of the third generation should automatically acquire the citizenship of their parents' host society at birth.
- In *jus sanguinis* states, children born to immigrants on national territory are entitled to citizenship if they or one of their parents have lawfully resided there for a reasonably determined period of years.
- Foreign-born children who immigrate at an early age and who meet specified residency requirements—six years of schooling or ten years of residence in the country in question—should be entitled to citizenship.

#### *Naturalization*

Naturalization is the process by which members of the first generation attain citizenship in a host country. Consistent with an approach that focuses on the growing ties of immigrants to their countries of settlement, the requirements for naturalization should decrease with lengthy residence. Standards may require that an immigrant provide some proof of integration, but the criteria for naturalization should be clear, limited, precise, and objective. Conditions that are not consistent with liberal-democratic citizenship norms should be reconsidered. Specifically, we recommend:

- States may reasonably require a period of residence, knowledge of the language, and take into account a criminal record. A required period of residence should not exceed five years. Language requirements should be related to the circumstances of the applicant. A criminal record should not be a permanent barrier to citizenship where it is not grounds for deportation.
- If knowledge of history and/or culture is required, the standards should be related to circumstances of the applicant.
- Overly broad or vague conditions for citizenship, such as requirements of “good moral character” or “evidence of integration with society,” should be avoided. Official discretion should be limited and subject to judicial review.
- Naturalization fees should be reasonable and not deter access to citizenship. Individuals lacking adequate resources should be exempted from a naturalization fee. States should ensure that adequate resources are devoted to naturalization.

### **Managing Dual Nationality**

In today’s world, dual citizenship is increasingly common, despite international legal norms formally opposed to such a status. Because this opposition is increasingly at odds with the needs and realities of an interconnected globe that is linked by rapidly improving communications, transport, and commerce, actual state policies against dual nationality have widely but unevenly eroded. We conclude that the old stance against dual nationality is no longer appropriate and therefore advocate a more tolerant one aimed at *managing* rather than *preventing* the incidence of dual nationality.

We have found little empirical evidence to support the standard arguments raised against dual nationality and many compelling reasons for modern liberal-democratic states to accept it. Accepting the legitimacy of dual nationality is justified as a matter of respect for a migrant's connections and affiliations with the country of origin. Furthermore, many foreign nationals who are otherwise eligible for citizenship may not apply if attaining citizenship requires them to sever their legal ties to their original country.

More specifically, we recommend:

- States should accept the legitimacy of dual or multiple nationality when it reflects an individual's genuine link to the countries concerned.
- States should repeal legal provisions that require renunciation of former nationalities upon naturalization or that impose the loss of nationality on citizens who naturalize elsewhere.
- States should sustain gender-neutral rules that allow children to inherit the nationality of both parents; and they should not require dual-nationality children to choose among nationalities upon attaining majority.
- States should readily permit the renunciation of a nationality by dual nationals as long as the decision would not leave them stateless. The procedures followed by states should assure a citizen's full deliberation and free choice.
- To ensure a genuine link between a state and a citizen, citizenship should not be perpetuated to distant generations after the family has lost all real contact with the state involved. Nor should a state sell citizenship to persons who have no effective connection with the state.
- In cases where laws, obligations, or entitlements conflict, primacy should be given to the country of the dual

national's principal residence. This applies to military, diplomatic, and other legal conflicts between countries of citizenship.

- Upon taking a high policy-level position in a national government, a dual national should generally be expected to surrender the other nationality. Dual status should not be considered a bar to lower civil-service jobs.

### **Citizenship Policies and Political Integration**

Political integration of immigrants begins prior to naturalization and continues after citizenship has been attained. Promoting political participation of settled foreign nationals recognizes that they are, in the main, fully functioning members of the social and economic life of a society, that they have an interest in their communities, and that they frequently have perspectives on issues that enhance the consideration of public policies. Persons who are subject to the laws of the state, who are currently informed about the issues at stake, and who will be affected by future legislation generally should not be excluded from electing representatives or running as candidates. Structural barriers may produce low voting rates and underrepresentation in public offices of communities of immigrant origin.

Accordingly, we recommend:

- The basic liberties of freedom of thought, expression, association, and assembly are universal human rights, whose exercise should not be dependent on nationality tests.
- In those states with open access to citizenship through naturalization and automatic acquisition, core political rights, such as access to high public office or the right



to vote in national elections, may be reserved for their nationals.

- In contrast to elections for national offices, citizenship should not be used as a relevant criterion for democratic representation in local political communities. Settled foreign nationals should be granted a local franchise.
- Equal formal rights are not enough to achieve effective political participation of groups of immigrant origin. Electoral systems should be scrutinized for overt and hidden barriers that diminish opportunities for members of such groups to vote, to run for office, or to be elected.
- Public policies should encourage the participation of groups of immigrant origin in civil society. Political authorities should establish mechanisms of cooperation and consultation that involve associations of these groups in processes of policy formation and implementation.
- Democratic political parties should list ethnic minority candidates on local and regional primary ballots. They should refrain from campaigns that stigmatize ethnic minorities and from alliances with other parties that incite ethnic prejudice and racial hatred.

### **Social and Economic Rights and Citizenship**

Social benefits, such as job training and welfare, play a major role in integrating noncitizens into society. Settled foreign nationals pay taxes, obey the law, contribute to the community, and bear the same economic and social misfortunes as citizens. Barring them from equal access to public benefits means that they contribute to the state without receiving the benefits that go to other members of the community. Furthermore, restriction on access to benefits creates integration concerns; for example, some restrictions exclude foreign nationals from assistance for job or language training. And de-

nying benefits to noncitizen members of an immigrant family has a negative affect on citizen children in that family. Finally, restrictions can create spillover effects on the citizen members of society to the health and other hazards associated with excluding residents from health care, education, and other basic social supports. As a result, many, but not all, liberal-democratic states that have witnessed high historical levels of immigration at the end of the twentieth century have provided settled foreign nationals with access to benefits and to labor markets more or less on par with citizens.

We recommend:

- Citizenship should not be used to ration access to welfare and other social benefits. Presumptive permanence rather than citizenship should suffice for access to most benefits made available under the welfare state.
- Neither rights to residence nor labor market security (nor rights to naturalization itself) should be jeopardized by intermittent use of benefits among presumptively permanent foreign nationals, that is, long-settled noncitizens entitled by law to settled residence in the state.
- Sponsor support obligations should not impose an open-ended fiscal liability on immigrants' sponsors. Nor should they lead to gross disparities between the obligations imposed on the families of legal immigrants and those imposed on citizens.
- Employment policies, like welfare rules, should be constructed to promote integration of presumptively permanent residents. Hence, citizenship should not be erected as a barrier to the labor market or to self-employment.
- Citizenship should not be a condition for the grant of professional licenses, for apprenticeships, or for entry into the civil service or the great majority of public sector jobs.



- States should implement antidiscrimination policies, which when coupled with a carefully designed and adequately funded enforcement system can be an important tool in ensuring that immigrants' right of access to private employment are protected.

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