

# **Between Migration and Belonging: Citizenship Policy in Spain and Ireland in the 21<sup>st</sup> Century**

Kim Covington  
Public Policy Honors Thesis

George-Jordan Dimbo considers himself to be Irish.<sup>1</sup> After all, he was born in Ireland, has been schooled in Ireland, has spent 5 out of his eleven years in Ireland, and, most importantly, he is an Irish citizen. This may not prevent, however, the deportation of his parents, who are both non-nationals from Nigeria. As George and his family navigate a unique limbo between citizenship and deportation, George also navigates a fine border between his “Irishness” and African heritage. In a conversation with a classmate at school, one of George’s friends told him that he “disliked black people”. When George replied that he himself was black, the friend dismissed him, saying, ““No,... You’re Irish.”” Sonya, a Somali immigrant at an Irish primary school, encountered similar experiences on a daily basis in her 5<sup>th</sup> grade classroom.<sup>2</sup> She recalled an experience where a friend, “Louise”, who “doesn’t like black people...said it to my face. I was crushed.”<sup>3</sup> The identity of these children and their peers is challenged on a daily basis. At the innocent age where recess games should be the biggest topic of conversation, children of both Irish and non-national descent are forced to question their sense of belonging in their school, their community and even the country they call home based on their skin color, nationality, ethnic background and religious beliefs.

Meanwhile, in Spain, thousands of North African migrants face harrowing dangers every year to cross the Strait of Gibraltar into Spain. While the 8-mile journey might seem small, the waters of the strait are notoriously dangerous and the boats that many of these migrants pay for passage on are little more than rafts. In 2008, one instance

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<sup>1</sup> Jason DeParle. 2008. Born Irish but with Illegal Parents. *The New York Times*. February 25.

Unless otherwise noted, all information in this paragraph is from this source.

<sup>2</sup> Devine, Dympna and Mary Kelly. 2006. 'I Just Don't Want to Get Picked on by Anybody': Dynamics of Inclusion and Exclusion in a Newly Multi-Ethnic Irish Primary School. *Children & Society* 20, 132.

<sup>3</sup> Ibid.

of a capsized boat carrying nearly 50 migrants from Morocco to southern Spain gained international media attention, but no one knows how many hopeful migrants are lost in such accidents every year.<sup>4</sup> Those who choose to take the journey openly acknowledge the risk, but, as 24-year-old Nigerian Pekky Omordion Vgigabe told a journalist in 2002, “we go because it is easier to take the risk’ than to stay”<sup>5</sup>. Some, like Myriam Bellu, a Nigerian student, crossed the strait while pregnant hoping to receive better medical care for her child in Spain. After this harsh journey, many arrive to a country that is increasingly unwelcoming. One Spaniard from a coastal city expressed a view held by many when he complained that “[t]hey [African immigrants] are ruining our country because they come here starving”<sup>6</sup>.

The identity crisis on the playground in Ireland as well as the flood of illegal North African migrants into Spain only represent a microcosm of the issues that migration has brought to the surface in both countries, legally and socially. After an economic boom in the 1990’s, fondly entitled the “Celtic Tiger”, Ireland has experienced a more concentrated and sudden in-migration than any European country in the past decade, “changing a once homogeneous society into an emerging multicultural”<sup>7</sup> one. Spain too attracted a sudden inflow of immigrants with its economic success beginning in the 1990s and amplified through the early 2000s.

According to census data, nearly 20,000 non-Irish immigrants came to Ireland between 1996 and 2005, with nearly 57000 of those arriving from non-EU countries and

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<sup>4</sup> “Migrant boat capsizes off Morocco; at least 1 dead”. *USA Today*. October 9, 2008.

<sup>5</sup> Alaya, Ana M. “Pieces of a Dream”. *The Star-Ledger*. September 30, 2002.

<sup>6</sup> Alaya, 2002.

<sup>7</sup> Benjamin Kline. 2004. The Changing Social Environment of Modern Ireland: Immigration and the Issues of Politics, Economics, and Security. *Mediterranean Quarterly*: 186.

constituting a 5% increase in the population.<sup>8</sup> According to the 2002 census, the largest non-English-speaking population came from Nigeria.<sup>9</sup> The newly released 2006 census declared that 420,000 foreign nationals now live in Ireland, comprising almost 10% of the Irish population.<sup>10</sup> These immigration patterns have brought significant social changes in the ethnic and racial make-up of Ireland, as well as infusing some religious diversity in the primarily Roman Catholic state. Economically, these immigrants have not been unwelcome; on the contrary, the boom of the 1990's created an undeniable demand for labor spurring the Irish government to "s[EEK] and facilitat[e] the immigration of thousands of capital-bearing migrant, professionals, and skilled workers"<sup>11</sup>. Separate from these economically welcome immigrants, the country has also experienced a dramatic rise in the number of asylum-seekers and refugees, which continues to increase every year. Since 2001, however, the number of successful applications has decreased.<sup>12</sup>

According to the most recent *Instituto Nacional de la Estadística* (INE or the National Statistical Institute of Spain) data from 2006, the Spanish population, while primarily of Spanish or European origin, has a significant immigrant population with the largest groups comprised of immigrants from South America and African.<sup>13</sup> In 2005, about 8.5% of the Spanish population residing in Spain was foreign-born. This is in sharp contrast to 1991 when INE data shows only 360,655 out of the total Spanish population

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<sup>8</sup> Elaine Moriarty. 2005. "Telling Identity Stories: The Routinisation of Racilisation of Irishness". *Sociological Research Online*. 10, no. 3: 2.

<sup>9</sup> Kline, 189.

<sup>10</sup> Seaver, Michael. 2007. Ireland Steps up as Immigration Leader. *Christian Science Monitor*, September 5, 2006.

<sup>11</sup> Tormey, Anwen. 2007. "Everyone With Eyes Can See the Problem": Moral Citizens and the Space of Irish Nationhood. *International Migration* 45, no. 3: 73.

<sup>12</sup> *Ibid*, 74.

<sup>13</sup> INE. Anuario Estadístico de España 2006, Section 2.1 "Población", Table 2.1.7.

of 39, 433,942, or about 0.9%, was foreign-born.<sup>14</sup> Clearly, migrant populations have affected the populations of Spain and Ireland since the early 1990s.

As both of these countries have struggled to redefine and revise their immigration policies to accommodate these changes, one very important piece of the immigration puzzle has also come under scrutiny: citizenship. Although immigration policy affects who may come into and reside in a country, citizenship policy determines to what extent these migrants will be welcomed and integrated into their society. Citizenship policy, then, is a window into how a country defines itself and its willingness to accept foreigners into that defined space. Scholarship has also shown that access to citizenship is “crucial” for their integration into society<sup>15</sup>. Ireland and Spain are two countries that, for most of their history, never had a significant foreign presence that might challenge their definitions of inclusion in this way. This very recent immigration timeline in each, therefore, makes them two very unique environments in which to study citizenship policy.

Modern citizenship policy in Europe also faces unique challenges. As the countries of the European Union strive towards greater political integration in the 21<sup>st</sup> century, Europeans may feel that they have citizenship at both a supranational and national level. Through the 1985 Schengen Agreement and the Maastricht Treaty of 1992, the EU countries have defined, to a certain extent, a European notion of citizenship, but there are still various questions of convergence and divergence in immigration and citizenship policy in the EU. Despite projections that the creation of a supranational

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<sup>14</sup> INE. Anuario Estadístico de España 1990, Chapter 3, Table 3.2.1.

<sup>15</sup> See the European Union NATAC (The Acquisition and Loss of Nationality in EU Member States) project summary report: “Results of the Comparative Project NATAC”, 2006. Available from [http://www.eif.oeaw.ac.at/downloads/projekte/NATAC\\_summary.pdf](http://www.eif.oeaw.ac.at/downloads/projekte/NATAC_summary.pdf)

system like the EU will lead to the irrelevance of the nation-state and national citizenship, there is substantial evidence that national citizenship policy is still very particularized in each EU member state.

Given this confluence of circumstances, the following analysis will attempt to illuminate the ways that citizenship policy at a national level actively influences an immigrant's path to citizenship in each of these countries. By linking the language of these policies to observable data of naturalizations, it will be possible to see more clearly both the implications of these policies as well as possible outside factors that affect who becomes a citizen and how these shape the identity of these two countries.

### **Research Question**

How do the citizenship policies of Spain and Ireland affect who becomes a citizen in each country?

### **Literature Review**

It is important to place this analysis of citizenship policy in the context of both the broader theoretical literature on conceptions of citizenship and more specific analyses of citizenship policies, especially in Europe. There is a significant amount of literature concerned with the question of defining citizenship in a theoretical sense and attempting to explain what it means in the context of national sovereignty and sense of individual belonging. Many authors also address the theoretical issue of defining a supranational EU citizenship and policy convergence across EU member states. On a more concrete policy level, it is important to understand factors that influence decision making about citizenship policy in different political/socioeconomic contexts, a question that has been addressed by various authors in specific studies. These authors define more clearly the

process of citizenship as shaped through policy and how there is fluid movement from residence to citizenship as well as the role that social integration plays in this framework. In this literature political, economic and cultural issues come to the forefront as economic-driven labor migration affects citizenship along with issues of race and ethnicity. There is an important literature in particular addressing the Irish Citizenship Referendum of 2004, which will be particularly important to my analysis.

Theoretical conceptions of and definitions of citizenship comprise a vast literature. In particular there is much discussion regarding theoretical conceptions of citizenship in Europe unique to European welfare states. T. H. Marshall authored the seminal paper on this topic, in which he defined citizenship as inclusive to political, social and civil rights (Marshall, 1950). There have been many revisions to his thesis since then, including Lister, 2005, that suggest that Marshall's definition, while useful in general, ignores issues of gender equality and ethnicity or race.<sup>16</sup> Jorge Benedicto provides a detailed theoretical analysis of the conceptual and practical development of citizenship in Spain, emphasizing the importance of Spain's recent democratization to the formation of the conception of citizenship in the country (Benedicto, 2006). The idea of a construction of citizenship to include multi-dimensional rights beyond only political ones is important to acknowledge in the context of the European welfare state and plays an important role in formulation of citizenship policy. It also begins to acknowledge the political dimension of citizenship policymaking that is connected to concerns of ethnic or political identity.

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<sup>16</sup> Lister, Michael. 2005. 'Marshall-ing' Social and Political Citizenship: Towards a Unified Conception of Citizenship. *Government and Opposition* 40, no. 4, 474.

Marc Howard has made new strides in transnational analysis of citizenship policy in the EU (2010). Through his “Citizenship Policy Index” (CPI), Howard ranks citizenship policy liberalization in the original fifteen EU countries and attempts to explain modern liberalizations and restrictions in these policies. His CPI captures to what degree each country grants *jus soli*, or citizenship by birth, the residency requirement for naturalization and the ability to hold dual citizenship, rating each component on a 0-2 scale for an overall 0-6 scale of policy liberalization.<sup>17</sup> Through this analysis, Howard ranks Spain as a historically and continually restrictive country, while Ireland historically has been and remains one of the most liberal countries in the EU with respect to citizenship policy. Howard emphasizes the politicization of citizenship policy and particularly the role of far-right movements in steering citizenship policy away from liberalization. From this perspective, he sees great potential for liberalization of policy in Spain.<sup>18</sup>

Other literature on citizenship policy in Europe focuses more heavily on the possibility for policy convergence across the EU on migration and citizenship issues. Richard Bellamy offers a nuanced look at the potential for the normative construction of a truly “European” citizenship in the EU (Bellamy, 2008). Building on the work of other authors such as Jacobs (2007), who lay out of legal framework of European citizenship, Bellamy argues that European citizenship should play a complementary role to national citizenship, as it is seen to do now, until there can be a true sense of belonging of Europeans on a supranational level. He also lays out the primary achievements of citizenship in the EU to be strongly tied to the benefits of the welfare state. White

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<sup>17</sup> Howard, 20.

<sup>18</sup> Ibid, 111.



represents an opposing view in the literature that frames citizenship as less connected with the inclusion of the citizen, and more important in terms of maintaining a sense of national sovereignty. Specifically, White analyzes Spanish migration policies and the use of security concerns to assert national sovereignty over supranational power in the realm (White, 2007).

Other studies of EU citizenship focus on issues of ethnic and racial conflict surrounding migration and citizenship across Europe, and EU strategies for attempting to navigate these problems. The European Commission's Race Equality Directives (2000/43/EC and 2000/87/EC) were adopted with the Amsterdam treaty of 1997 to refocus European anti-discrimination policy on grounds beyond nationality and sex (The European Commission). Other studies have made an effort to evaluate "social inclusion" as a measure of successful citizenship policy, by looking at housing policy and how it affects European immigrants across different ethnic and racial backgrounds (Phillips, 2009).

Moving away from the broad EU perspective, specific case studies of Irish and Spanish citizenship policies, as well as policies in other European countries, provide a framework for how citizenship issues have been studied in a national political context.

The scholarship examining the 2004 Citizenship Referendum in Ireland puts a strong emphasis on the role of race and racialization in the formation of the policy. The literature identifies the Irish state's struggle to define "Irishness" and the ways the race has played into that identity construction (Moriarty, 2005; Lentin, 2007). In her article on the census changes, sociologist Rebecca King-O'Riain highlights the "larger and more visible numbers" of non European immigrants as a "challeng[e] [to] existing frameworks

of racial and ethnic understanding”. One of the first Irish responses to this “challenge” that was visible through the census questions. The analysis of King-O’Riain focuses specifically on the construction of these census questions and how this reflected a changing, racialized notion of citizenship (King-O’Riain, 2007). The paper concludes that the census was a critical policy mechanism for implementing a racialized construction of citizenship in Ireland and may have later influenced the policy referendum of 2004 by institutionalizing racial differentiation among Irish residents and allowing racial language to enter government discourse.

Spanish citizenship policy and the possibilities for liberalization are also specifically addressed in the literature. Encarnación presents an argument in line with the claim of Marc Howard that the Spanish political climate for immigration and/or citizenship issues is unique because there is no Spanish anti-immigration political coalition (Encarnación, 2004). In this context, the author sees these political coalitions as the main mechanism for translating public xenophobia into policy (Encarnación, 2004, 168). Since, “[n]o right-wing anti-immigrant party has taken root...[in Spain] to channel citizens’ increasing anxiety about immigration”, Encarnación sees hope for avoiding some of the anti-immigrant rhetoric common in other European states (169). He does recognize, however, the possibility for “anti-immigrant politics” to enter Spain through the mainstream, right wing Partido Popular (PP) (185).

Other studies show that important factors in influencing the formation of citizenship policy include the immigrant’s country of birth and its historical relationship, colonial or otherwise, with the new country the immigrant hopes to naturalize to

(Manzini and Finlay, 2008). Ngai also makes the link between restrictive immigration policies that may lead to more restrictive naturalization policies (Ngai, 1999).

### **Methodology**

The most recent demographic data on immigrant populations to Spain and Ireland reveals important information on the migratory patterns to both countries. As discussed briefly above, census data from both Spain and Ireland shows that each experienced a spike in immigration that has been growing since 1990. A more detailed analysis of the populations arriving gives a better sense of the migratory patterns in each country.

The *Instituto Nacional de la Estadística*, or the National Statistical Institute of Spain (INE), provides the primary source of data on the Spanish population, including migration patterns. The most current INE data shows that the largest immigrant populations to Spain are European, followed by Latin America and Africa. In 2005, the total Spanish population of Latin American origin (combining South American, Central American and Mexican nationals) was 1,778,876, or around 4.0% of the population. Africa presents the third most important source of immigrants with 774,240 Spanish residents of African origin in 2006, or around 1.7% of the total population. Approximately 84% of South American immigrants are not Spanish citizens, while closer to half of Central American immigrants are not citizens. The vast majority of African immigrants come from Morocco,<sup>19</sup> and 85% of all African immigrants in Spain in 2005 were not citizens. Of immigrants from other EU countries, about 70% are not Spanish citizens, while 87% of other European immigrants do not have citizenship. The largest number of European immigrants in 2005 came to Spain from Romania. This data shows the

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<sup>19</sup> For more specific sources of immigration, see Appendix A. A major European source of immigrants to Spain is Romania.

significant presence that African, Latin American and Eastern European immigrants have demographically in Spain, especially considering the former homogeneity of the Spanish population. It is also clear that the vast majority of these immigrants are not yet integrating fully into Spanish society as citizens.

While numerically Spain admits more immigrants than Ireland, as a percentage of population immigrants have a fairly similar presence in both countries, with Ireland accepting a slightly proportionally larger group of immigrants in comparison to their total population. Irish immigration is dominated by inter-European migration.<sup>20</sup> According to 2006 Central Statistical Office (CSO) data, about 10% of all Irish residents not born in the Republic of Ireland are from other EU countries, with particularly large percentages from the UK and Wales, Northern Ireland and Poland. Approximately 1% of residents in Ireland were of African origin that year, but the number of Nigerian immigrants (16,327) was almost identical to the population of Scottish immigrants (16,488). Also there were slightly more residents of African origin than American, and Africa had the third highest population of immigrants behind the EU and Asia.

Demographically, then, Spain and Ireland have both received a proportionally significant immigrant population over the last twenty years. Both of these populations, while highly concentrated in Europe, do also have significant numbers from other geographic areas including Africa and Latin America.

Given this background information on the immigrant population to both countries, the research analysis will concentrate on concessions of nationality in both countries and compare the data on naturalizations to the existing policies in each. Table 1 (below) shows the total number of citizenships conferred in both Ireland and Spain from 1997 to

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<sup>20</sup> See Appendix B for a graphical representation.

2007. In both countries, the total acquisitions of citizenship, or naturalizations, have also been steadily rising like the immigration rates. This provides a solid baseline for research, verifying that both countries are experiencing similar trends across immigration and naturalization rates.

**Table 1: Acquisition of Citizenship Totals (1997-2007)**

	Year										
Country Total	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Spain	10,311	13,177	16,394	11,999	16,743	21,810	26,556	38,335	42,830	62,339	71,810
Ireland	--	1,474	1,433	1,143	2,443	2,817	3,993	3,784	4,079	5,763	6,656

-- indicates that data was unavailable; Source: Migration Policy Institute Data Hub (<http://www.migrationinformation.org/datahub/>) and OECD Statistical Database<sup>21</sup>

### Comparative Policy Analysis

The data on acquisitions of citizenship will be evaluated based on several criteria identified in the citizenship policies of each country. Naturalization trends might be expected to closely mirror the requirements and biases of the citizenship policies if there is a strong degree of influence between the policy and the act of conferring citizenship in the country. This comparison then will serve to qualify the relationship between the policy and how it is carried out in practice in each country to shed light on how these citizenship policies actually affect who becomes a citizen.

The legal definition of Spanish Nationality is laid out in the first title of the Spanish Constitution (Article 11) and the Spanish Civil Code (Articles 17-24) as amended in 2002 and 2007. This code lays out four criteria for receiving Spanish citizenship at birth:

1. Those born to a native Spanish mother or father (*ius sanguinis*).

<sup>21</sup> With data from OECD International Migration Outlook, Special Focus: Managing the Labour Migration Beyond the Crisis (Paris: OECD, 2009). Available at: [http://www.oecd.org/document/51/0,3343,en\\_2649\\_33931\\_43009971\\_1\\_1\\_1\\_37415,00.html](http://www.oecd.org/document/51/0,3343,en_2649_33931_43009971_1_1_1_37415,00.html). (Spain) and

2. Those born in Spain to foreign parents (non-Spanish citizens) when at least one parent was also born in Spain (double *ius soli*)<sup>22</sup>.
3. Those born in Spain to foreign parents when neither parent holds any citizenship or when neither parent's citizenship is conferred on their child.
4. Those born in Spain whose national affiliation is unknown. If a minor's first known place of residence is Spanish territory, the state will presume that they were born in Spain.

In order to gain citizenship by naturalization, the general requirement for residency is ten years. Exceptions exist for refugees, who are eligible to apply for citizenship after five years of residence. Immigrants native to “Ibero-American” countries, or all countries in Central and South America as well as Andorra, The Philippines, Equatorial Guinea, Portugal as well as Sephardic Jews<sup>23</sup> may apply after only two years of residence. Adoptees who are over 18 years old may apply for Spanish citizenship two years after the adoption is finalized. In some instances, the residency requirement is only one year. This applies to spouses of Spanish citizens (who must be married for one year before submitting the application), children born outside of Spain to native-born Spanish parents or grandparents and those born in Spain who are not already citizens, including those born to foreign parents.<sup>24</sup> These persons born in Spain to foreign parents have the option to opt for Spanish nationality by birth within two years of their eighteenth birthday. Any applicants for citizenship must be able to prove legal residence in Spain, exhibit good civil conduct and “sufficient” integration into Spanish society. In general, those seeking Spanish citizenship are required to renounce their former citizenship(s) but there is a broad exception; those who are citizens of countries with a

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<sup>22</sup> There is an exception for children born in Spain to accredited foreign diplomats or consular employees.

<sup>23</sup> This policy addresses the expulsion of this ethnic group of Jews from Spain during the Catholic *Reconquista* of the 15<sup>th</sup> century.

<sup>24</sup> There is an additional procedure called *carta de naturaleza* under which the government can confer citizenship according to its discretion that is used in extremely rare cases, for example for athletes or artists. Since this is so rare it will be disregarded in this analysis.

historical link to Spain (the same countries listed above) are allowed to keep a dual citizenship.

This policy has been reformed three times since 1990. The 1990 revision represented the first citizenship reform to be debated in Parliament since the 1978 Constitution, an important step for political involvement in the citizenship process. The reform first reduced the residency requirement for refugees from ten to five years. It made proof of legal residency the only requirement for naturalization independent of the continuity of residence in Spain after the citizenship application submission. It also, however, required that an application for citizenship based on marriage prove that the marriage had endured for a minimum of one year without separation prior to the application. The 1990 reform also introduced an amnesty provision (later extended through 1995) in which any Spanish citizen who had lost citizenship unintentionally could regain it.

Although rejected by Parliament, there were two citizenship reforms proposed in 1996 that would have significantly liberalized Spanish citizenship policy. The socialist party (PSOE) and the leftist coalition party (IU), in their revisions, proposed a significantly different conception of Spanish citizenship to include an *ius soli* provision, allowing citizenship by birth. The PSOE proposal stipulated that those born in Spain to at least one parent also born in Spain or a legal resident of Spain would automatically gain citizenship. The IU proposal went further, saying that any child born in Spain to at least one parent living in Spain at the time, legally or illegally, would automatically become a citizen. Although this was not implemented, it is significant that the Left's reaction to the larger number of immigrants was to liberalize the policy in order to "facilitate the

incorporation of the second generation of migrants into their host society” (Fuentes & Moreno, 2010, 20). This attempted reform would, therefore, have made Spanish citizenship policy fitting to a vision of Spain as a country of immigrants rather than solely focus on reaching out to Spanish colonial societies.

The 2002 revision, passed under the conservative party government, introduced some subtle reforms that further strengthened ties to emigrant populations abroad. The reform allows for the children of at least one parent who was both born in Spain and originally a Spanish citizen, to opt for Spanish citizenship without age restriction (when previously they had to wait until they reached the age of eighteen). It also stipulated that such candidates for citizenship need not renounce any other former citizenship. The final part of the reform was to ensure that Spanish nationality by origin could not be lost or taken away as criminal punishment.

The final reform to the Civil Code was enacted through the 2007 *Ley de la Memoria Histórica*, or the Law of Historical Memory. In general, this law seeks to address the divisive influence of the unresolved issues of the Spanish Civil War and the authoritarian repression of the Franco regime. In terms of citizenship policy, it added a clause to the Civil Code allowing anyone who could prove that they are direct descents of someone who fled Spain for political reasons between July 18, 1936 and December 31, 1955. This option was open for a two-year period that has been extended through 2010. Although this could potentially have significant impact on naturalizations, the reform is still too recent to have conclusive data on those that have been naturalized through this channel. It will not, therefore, be a part of this analysis.<sup>25</sup>

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<sup>25</sup> For a recent and nuanced political analysis of the 2007 law reform and potential citizenship implications see Fuentes and Moreno.



Irish citizenship policy is governed by the Irish Citizenship Act of 1957 (No. 26 of 1956) as amended by the Irish Nationality and Citizenship Act 1986, or INCA, (No. 23 of 1986), the Irish Nationality and Citizenship Act 1994 (No. 9 of 1994), the Irish Nationality and Citizenship Act 2001 (No. 15 of 2001) and the Irish Nationality and Citizenship Act 2004 (No. 38 of 2004). The policy, as it stands today, allows for three methods of citizenship acquisition.

1. Any person born to at least one parent who is an Irish citizen is also an Irish citizen (*ius sanguinis*). This includes those born to Irish citizens outside of Ireland, as long as they register with the Irish government.
2. Any person born in Ireland after January 1, 2005 to at least one parent who is an Irish citizen or is entitled to be an Irish citizen is also an Irish citizen (*ius soli*).<sup>26</sup> Citizenship will also be granted to the following categories:
  - a. Those born on the island of Ireland who would otherwise be stateless (have no claim to any other nationality).
  - b. Those born on the island of Ireland to at least one parent who held British citizenship or was entitled to reside in Northern Ireland, without time restriction, at the time of birth.
  - c. Those born on the island of Ireland to at least one parent who is entitled to diplomatic immunity in the State when at least one parent is also either an Irish citizen, or entitled to be one, by birth, or complies with the conditions of category (b).
  - d. Those born on the island of Ireland who make a declaration of alienage under the 2004 Irish Nationality and Citizenship Act.
  - e. Those born on the island of Ireland on or after January 1, 2005 who do not qualify under category (a) and is born of parents falling within a residual class of non-nationals not falling under (b) or (c).
3. Citizenship by naturalization.

Naturalizations are granted at the sole discretion of the Minister of the Department of Justice, Equality and Law Reform. To qualify, the applicant must be of age or a minor born in the State, be “of good character”, and meet a residency requirement. The requirement stipulates that the applicant prove “one year's continuous residence in the State immediately before the date of the application” as well as proving a total residence

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<sup>26</sup> This is distinct from the first provision because it includes those whose parents are entitled to be Irish citizens but have not accepted that citizenship. This could apply, for example, to someone born in Northern Ireland to parents entitled to Irish citizenship who do not desire to be Irish citizens.

of four years (may be non-consecutive) during the eight years immediately preceding that period. They must also intend to continue to reside in the State after naturalization and make a declaration of fidelity to the nation and loyalty to the State.<sup>27</sup> Spouses of Irish citizens may apply after one year's continuous residency in the state prior to the application date if they have been married, in good faith, for at least 3 years and are currently living together with their spouse as husband and wife. If they meet these criteria, the residency requirement is reduced to two out of the immediately preceding four years. The Minister of the Department of Justice, Equality and Law Reform has the ultimate authority in the naturalization process and may grant citizenship on a discretionary basis outside of these requirements to applicants "of Irish descent or Irish associations."<sup>28</sup> This applies to parents or guardians acting on behalf of a minor of Irish descent or associations as well as naturalized Irish citizens acting on behalf of a minor child of the applicant, who have resided abroad in public service, or who are refugees or stateless persons.

The Irish policy has been reformed three times since 1990. In 1989 the Irish government informally adopted a controversial policy in which the Minister would consider any investors in Ireland to be "associated" with the state and waive residency requirements. This practice was legitimized further under the 1994 revision, which established a council of advisors to oversee such naturalizations. It was abolished with the 1998 "Good Friday Agreement" which split the territorial unity of Ireland with Northern Ireland. It is interesting that, for so long, Irish citizenship was seen as an

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<sup>27</sup> From the Irish Nationality and Citizenship Act (INCA), Unofficial consolidation, January 2005.

<sup>28</sup> According to the INCA, a person is of Irish "associations" if he or she is related by blood, affinity or adoption to a person who is an Irish citizen or entitled to be an Irish citizen, or he or she was related by blood, affinity or adoption to a person who is deceased and who, at the time of his or her death, was an Irish citizen or entitled to be an Irish citizen.

incentive for investment rather than a more solemn demonstration of loyalty. This reflects on the economic incentives that drew such large immigrant populations to Ireland to begin with, and a demonstrated efforts on the government's part to integrate these economic immigrants into Irish society.

The Good Friday Agreement necessitated the addition of clauses addressing the nationality of those born in Northern Ireland, who may claim either, or both, British and/or Irish citizenship and these were added with the 2001 revision. This revision also added provisions for the citizenship applications of Irish spouses, and clarified some aspects of citizenship by descent in the case of parents eligible for Irish citizenship who had never fully claimed it. The original 1956 Act established *ius soli*, or birth right citizenship so that any person born in the state of Ireland was automatically an Irish citizen. The 2001 revision adjusted the language of this provision to state that anyone born on the island of Ireland was entitled to citizenship to respect the wishes of those in Northern Ireland who did not wish to claim Irish citizenship. The 2004 Citizenship Referendum made the most dramatic change to citizenship policy by reversing the constitutional right to *ius soli*, or citizenship by birth, starting January 1, 2005, children born in Ireland are not entitled to citizenship unless they fall under one of the specific categories above. This reform was in direct reaction to the practice, upheld by Irish courts in the 1990s, of conferring citizenship to non-national parents of children who were Irish citizens. It also abolished the post-nuptial declaration of citizenship, so that spouses of Irish citizens, who could formerly immediately declare citizenship, now have a residence requirement and must apply for naturalization. Given these new restrictions, one might expect to see the number of naturalizations decrease since the means to apply for

citizenship based on association with a child who is a citizen is no longer an option. Similarly the number of conferrals of citizenship based on marriage might also decrease.

Clearly, Spanish citizenship law is most closely focused on maintaining ties to its emigrant populations abroad. This is a trend that dates back to the early 20<sup>th</sup> century and was maintained through the dictatorship of Francisco Franco when large numbers of Spaniards either went into exile in Latin America or emigrated permanently to escape the dictatorship (Fuentes & Moreno, 2010).<sup>29</sup> If naturalizations maintain a close relationship to citizenship policy, then acquisition of citizenship in Spain should be most segmented by country of former nationality, since this is the primary criterion for applying for citizenship. Ireland's policy is less segmented and generally less restrictive than Spain's in terms of the residency requirements for naturalization overall. It does, however, provide notable exceptions for those of Irish descent, showing a concern, very similar to Spain's, for maintaining ties with emigrant populations. It also is stricter on its requirements for applications for citizenship based on marriage.

### **Criteria for Naturalization Data Analysis**

Based on this policy analysis, Spanish and Irish naturalization data will be evaluated based on three criteria:

1. country of former nationality,
2. education level, and
3. mode of citizenship acquisition (through marriage, residence, etc.).

Examining naturalizations over time under these three different criteria will start to paint a picture of whether there are any significant demographic changes across these areas.

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<sup>29</sup> For a detailed but manageable overview of the history and evolution of Spanish citizenship law, see Fuentes & Moreno.

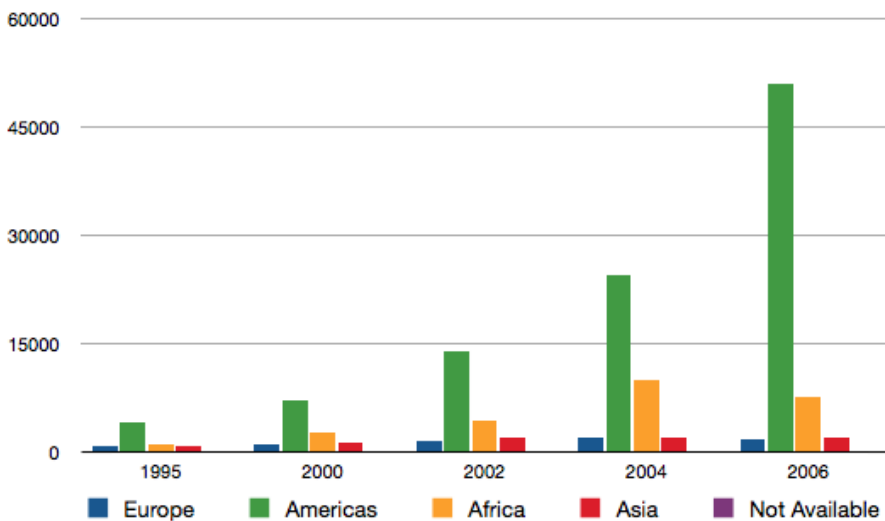
Although education is not specifically mentioned in the citizenship policy of either country, it will give an indication as to whether other factors are at play in who is being naturalized that are not directly stipulated by the policy text. These criteria will be evaluated for the years 1990, 1995, 2000, 2002, 2004, 2006 and 2008 according to data availability.

## Empirical Analysis

### Criteria 1: Country of Former Nationality, Spain

Detailed naturalization data is available from the Spanish Government Secretary of State for Immigration and Emigration’s Permanent Observatory on Immigration (Secretaria de Estado de Inmigración y Emigración y el Observatorio Permanente de la Inmigración) from the Ministry of the Interior (Ministerio del Interior). This information reveals several interesting insights into the naturalized populations in Spain over the years since 1995. As established earlier, the number of naturalizations has grown

**Chart 1: Spanish Naturalization Totals by Region of Origin**



steadily, mirroring immigration rates, and the numbers of naturalized groups from different regions has also grown proportionally by region of former nationality. As Chart 1<sup>30</sup> demonstrates, the largest number of naturalized citizens is

the population of “Ibero-American” origin, as predicted by the policy text. The second

<sup>30</sup> Secretaria de Estado de Inmigración y Emigración, Anuarios, <http://extranjeros.mtin.es/es/InformacionEstadistica/Anuarios/>

highest number of naturalizations comes from those of African origin, followed by Asian and European, both fairly low in comparison. The naturalization of applicants from the Americas has been a dominant trend throughout the years since 1995. The growth in the number of African naturalizations has not been as steady, especially fluctuating in 2004, but has still remained superior to European or Asian naturalizations throughout. Even in 1995, there were 1,060 applicants of African origin naturalized compared with 761 naturalizations of applicants of Asian nationality.

By country, the highest number of naturalized citizens in each year varies. The following table shows the top three countries to have their citizens naturalized in Spain in that year according to the Statistical Annuals on Immigration from those years.

**Table 2: Highest Naturalizations by Country of Origin, by Year**

	Year					
Rank	1998	2000	2002	2004	2006	2008
1.	Peru	Morocco	Peru	Morocco	Ecuador	Ecuador
2.	Dominican Republic	Dominican Republic	Morocco	Ecuador	Columbia	Columbia
3.	Argentina	Peru	Dominican Republic	Columbia	Morocco	Morocco

Secretaria de Estado de Inmigración y Emigración, Anuarios  
<http://extranjeros.mtin.es/es/InformacionEstadistica/Anuarios/>

These figures reflect what the total naturalization numbers show in that they represent countries from the two highest naturalized groups, those of Latin American and African descent. It is interesting, however, that Morocco has such a dominant presence in this list considering there are no particular incentives stipulated in the naturalization policy aimed at residents from African countries.

Other data to consider in relation to naturalizations by country of origin is the number of legal foreign residents in Spain from different countries. Since residency is a

prerequisite for the application for citizenship, one might expect to see a closer relationship between the foreign resident population and the naturalization population

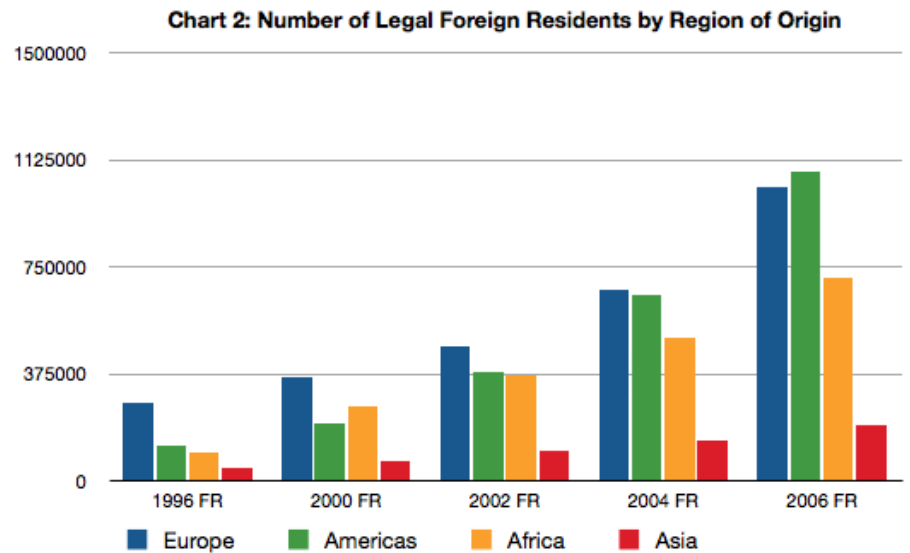
than just the general immigrant population. Chart

2<sup>31</sup> shows the total number of

residents present in Spain in each year, not the additional

residents that have arrived, unlike the naturalization data.

However, looking at the



changes in the number of residents from different regions in a particular year provides an interesting counterpoint to the naturalization demographics. This data indicates that the

total number of foreign residents in Spain is still heavily European (. While the largest

foreign resident population in Spain remained European until 2006, the European population did not make up the largest number of naturalizations in any year. Similarly,

the foreign population from Asia has grown steadily over the years, but the number of

naturalizations of people of Asian nationalities has remained fairly steady from 2002 to

2006, hovering around 2,000 naturalizations a year. The steady growth of legal foreign

residents from Africa does seem to generally match the naturalization trends.

### **Criteria 1: Country of Former Nationality, Ireland**

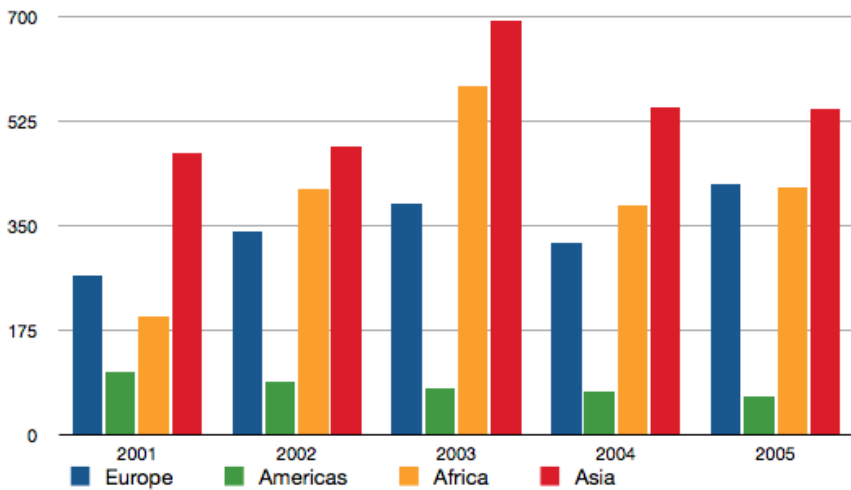
The Irish government publishes all public statistics through the Central Statistics

Office (CSO). This office bases almost all of its reports on Irish Census data, which is

<sup>31</sup> Secretaria de Estado de Inmigración y Emigración, Anuarios, <http://extranjeros.mtin.es/es/InformacionEstadistica/Anuarios/>

only collected every four to six years. Additionally, there is no specific naturalization

**Chart 3: Irish Naturalization Totals by Region of Origin**



data published through the Ministry of Justice, that oversees citizenship and naturalization issues. The lack of more detailed data makes it slightly more difficult to compare Irish trends to the policy as well as to Spanish trends since more detailed data is

accessible from the Spanish government. It is possible, however, to examine naturalization trends from the years 2001 to 2005. This data<sup>32</sup> shows more fluctuation across the years rather than a steady upward trend in any particular regional group, but that may reflect the more condensed data period rather than an overarching trend. Asian populations dominated the naturalizations in every year represented. The number of naturalized citizens from African countries has grown to overtake European naturalizations in this five-year period. The number of naturalized citizens from the Americas has actually decreased since 2001.

The specific countries from which the most Irish citizens were naturalized in these years shed more light on this data. Many of the same countries remained at the top of the naturalization numbers across all five years, in particular Pakistan and Bosnia & Herzegovina. China and India/Bangladesh were also prominent countries of former nationality in the newly naturalized population. This strong presence of Chinese, Indian

<sup>32</sup> Compiled from the Migration Policy Institute, Department of Justice, Equality and Law Reform, Dublin, and OECD International Migration Database



and Bangladeshi immigrants in the naturalization pool may help to explain the high numbers of naturalized citizens formerly of Asian nationalities. Nigeria and Somalia also appear as countries that have sent some of the highest numbers of naturalized citizens in these years. This seems logical based on the fairly high number of total naturalizations of people of African origin, but it might be surprising that more African countries do not have higher impact in the naturalized populations.

**Table 3: Highest Naturalizations by Country of Origin, by Year**

Rank	Year					
	2001	2002	2003	2004	2005	2008
1.	Bosnia & Herzegovina	Bosnia & Herzegovina	Pakistan	Pakistan	Pakistan	Nigeria
2.	Pakistan	Pakistan	India & Bangladesh	Bosnia & Herzegovina	India & Bangladesh	Pakistan
3.	Iraq	China	Somalia	China	Nigeria	India

Migration Policy Institute, Data Hub, Ireland , Eurostat report 36/2010  
 (<http://www.migrationinformation.org/DataHub/countrydata/data.>)  
 (<http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>)

Although consistent data on non-Irish nationals residing in Ireland in the years since 1990 is not available, the CSO published a report on this subject after the 2006 Census<sup>33</sup>. This data divided non-Irish nationals into four groups: United Kingdom, EU 15 (or the original 15 EU member states excluding the UK and Ireland<sup>34</sup>), EU 15-25 (the additional EU member states added since 2004<sup>35</sup>) and the Rest of the World. Even these categorizations are telling since the official state report does not see a need to treat any foreign countries outside of the EU individually in its broad overview of foreign residents. The discussion shows that, as of April 2006, the largest non-Irish group residing in Ireland was from the United Kingdom, with over 112,000 nationals.

<sup>33</sup> “Census 2006: Non-Irish Nationals Living in Ireland”. Central Statistics Office, 2006.

<sup>34</sup> Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain and Sweden

<sup>35</sup> Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia

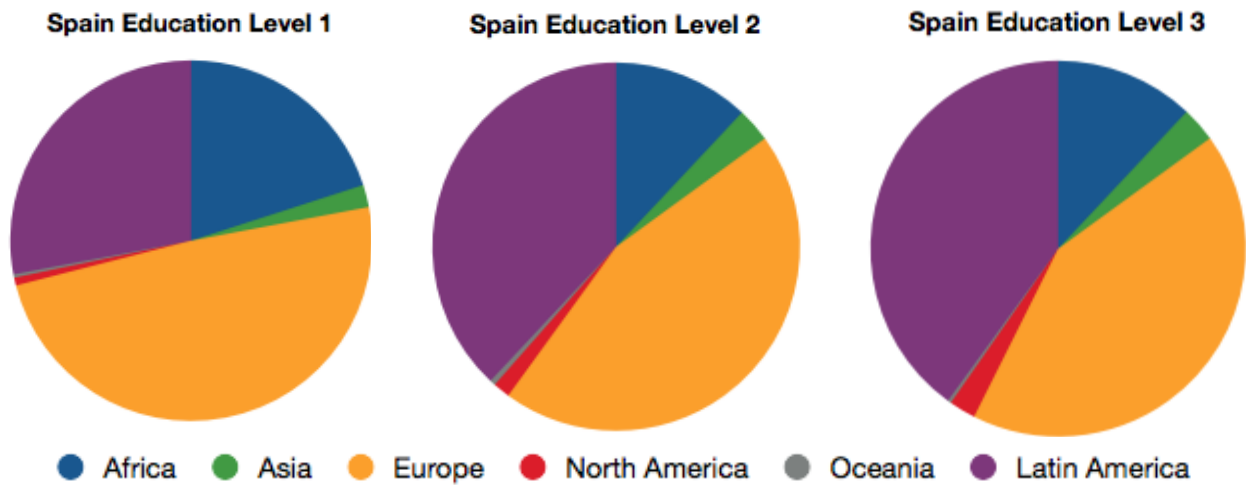
According to the report the majority took up residence during the 1990s, which would suggest migration for economic reasons since this was the peak of the Irish economic boom. For the EU 15 states, a majority arrived between 2001 and 2006 while the EU 15-25 states saw peak numbers arriving in Ireland between 2002 and 2006. The “Rest of the World” category represents a varied group, but principally American, African and Asian nationalities.

The report focuses more closely on several nationalities, including Poles who had a total number of 63,276 residents in 2006. Almost 90% arrived in 2004 or later, showing a direct relationship between EU membership and migration to and residency in Ireland. Lithuanians were the third highest group with 24,628 residents, 12 times the number of Lithuanian residents in 2002. Nigerians were the fourth most numerous group with 16,300 residents, a figure which was 82% higher than the number of residents of that nationality during the 2002 census. Other significant populations included Latvians, US Nationals, Chinese, Germans, Filipinos and French, in order of number of residents from highest to lowest. The Chinese population, which is also significantly represented in naturalizations, had risen 91% since 2002 to a total of 11,161 residents. Interestingly, a large percentage of this group, 43% of residents over the age of 15 were studying in Ireland. Only 28% of this age group had obtained a third-level (equivalent of American university level) degree. The population from Eastern European countries that joined the EU since 2004 has had a high impact on the foreign national residencies in Ireland. While this is not reflected in the top three nationalities to be naturalized since 2001, it may have an influence on the higher number of European naturalizations in 2005.

## **Criteria 2: Education Level, Spain**

The OECD International Migration Database provides data through its OECD iLibrary on the education level of naturalized citizens in all member countries. Educational categories are broken into three levels, Level 1 representing a primary school education, Level 2 secondary school and Level 3 some amount of higher education. These numbers reflect cumulative totals as of 2010.

In Spain for those years, the population of foreign-born citizens who have now become citizens of Spain is divided both across education levels and country of former nationality. Overall, Spain has about twice as many naturalized citizens who have only

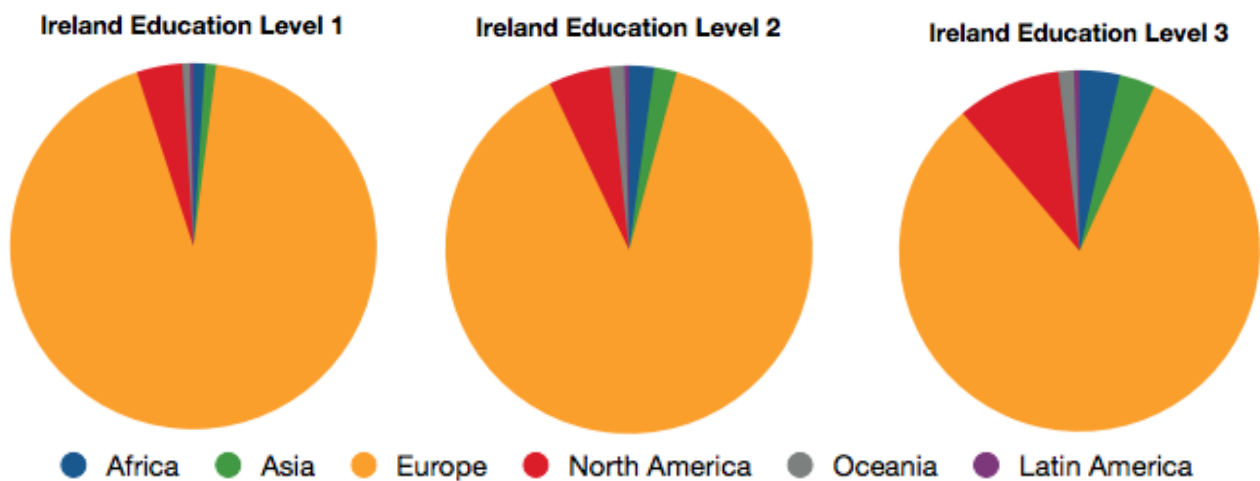


received a primary level of education (291,600) than either those with a secondary (142,100) or university level education or beyond (170,880). It is interesting, however, that people with only a secondary level of education are the lowest represented groups of naturalized citizens, suggesting that either immigrant demographics or naturalizations are skewed toward the two extreme ends of the education spectrum. Broken down by former nationality, the numbers show that, as the level of education increases, Latin American naturalized citizens occupy a higher percentage of the each pool. Although the total numbers change with each level of education, from 81,340 people of former Latin American nationality who have only a Level 1 education to 53, 520 with a Level 2

education and finally 67,820 with a Level 3 education, of every naturalized citizen with a higher level of education in Spain, Latin Americans are the most represented. Their percentage of the naturalized pool grows from 28% to 38% to 40% as the education level increases. The European naturalized population holds a steady percentage, around 45% across all education levels while African naturalized citizens make up a much smaller percentage (12%) of those educated at a secondary or tertiary level than those education at only a primary level (20%).

**Criteria 2: Education Level, Ireland**

The OECD provides identical data for Ireland, showing naturalized populations broken down across the three education levels, as well as by country of former nationality. Overall, Ireland has a fairly similar number of naturalized citizens across all of the education levels, but the most, 53,655, have received a Level 3 education, followed by 46,002 who have received a Level 1 education, with the fewest, 41,523 receiving only a Level 2 education. This mirrors the pattern in Spain of gravitating toward the highest and lowest spectrums of education levels. On the level of specific nationalities, it is clear that, mirroring the overall naturalization trends, the European population remains the most



dominant cumulatively naturalized population in Ireland and this is consistent across all

levels of education. The numbers of naturalized European citizens in Ireland follows the overall population trends so that the most (43,752) have a Level 3 education, followed by 42,588 with a Level 1 education, leaving 36,846 with a Level 2 education. Within each education level, however, the European population loses ground, percentage wise, to other naturalized groups, particularly North Americans who make up close to 10% of the most highly educated, naturalized population in Ireland. The Asian population also occupies a higher percentage as the education level rises. Unlike the European population, those formerly of African and Asian nationalities have population statistics that increase with every education level, so the fewest number of these naturalized citizens only have a primary level education, while more have a secondary level education and the most have a university level education or beyond.

### **Criteria 3: Mode of Citizenship Acquisition, Spain**

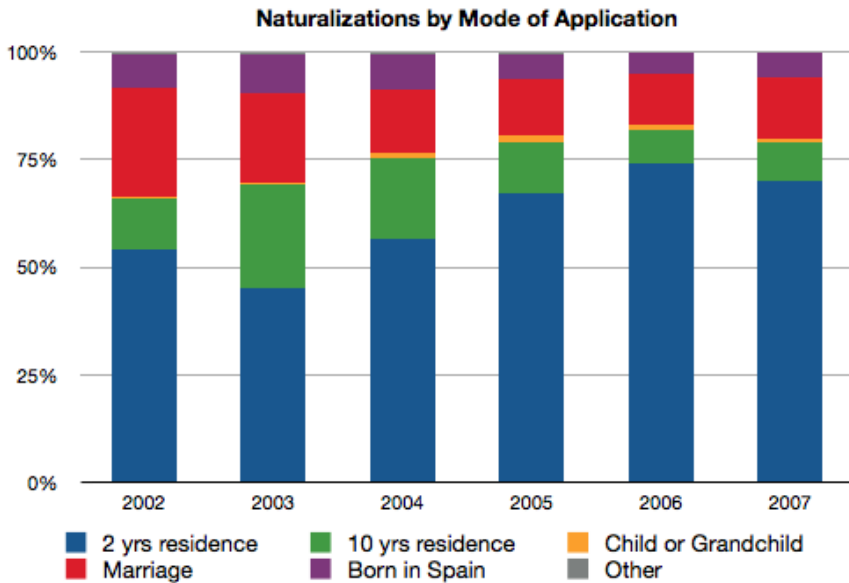
In Spain there are five main possible ways to apply for citizenship; after 2 years of residence, as the son/daughter or grandchild of a parent or grandparent of Spanish origin, through marriage to a Spanish citizen, by birth in Spain, with its accompanying stipulations<sup>36</sup>, or after 10 years of residence. Each of these categories has its own stipulated requirements, which are discussed in more detail in the Methodology section above. The chart below<sup>37</sup> shows each method of naturalization acquisition as a percentage of total naturalizations from 2002 to 2007. It is clear from this information that the 2-year residency requirement, which applies primarily to immigrants of Latin American nationalities, makes up the highest percentage of methods of naturalization in all years.

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<sup>36</sup> Those born in Spain who are not already citizens, including those born to foreign parents may apply for citizenship within 2 years of their 18<sup>th</sup> birthday, but are not automatically conferred citizenship at birth.

<sup>37</sup> Statistical Bulletin of Immigration and Immigration Policy. Number 18, November 2008. Ministry of Labor and Immigration, Spain. Available from <http://extranjeros.mtin.es>.

Since this residency requirement is so short and is targeted specifically at immigrants of Latin American origin, it makes the relationship between the citizenship policy and the



high number of naturalizations of Latin American immigrants even more clear. In 2002, those who gained citizenship by applying as the spouse of a Spanish citizen made up the second highest percentage of naturalizations, making up about one quarter of all naturalizations. That

percentage has steadily declined over the years so that in 2007, only about 14% of naturalized citizens were granted citizenship through marriage, despite any change in the one-year residency requirement or policy related to applications of spouses. The percentage of those who are naturalized through the general, 10-year residency requirement has fluctuated throughout the years, reaching a peak in 2003 of 24% and a low of 8% in 2006. Although applications of children or grandchildren of a person of Spanish origin have had fairly little presence as a percentage of total naturalizations, it is possible that this category, expanded to include a broader group of descendants by the 2007 Law of Historical Memory, would show more impact on naturalizations.

**Criteria 3: Mode of Citizenship Acquisition, Ireland**

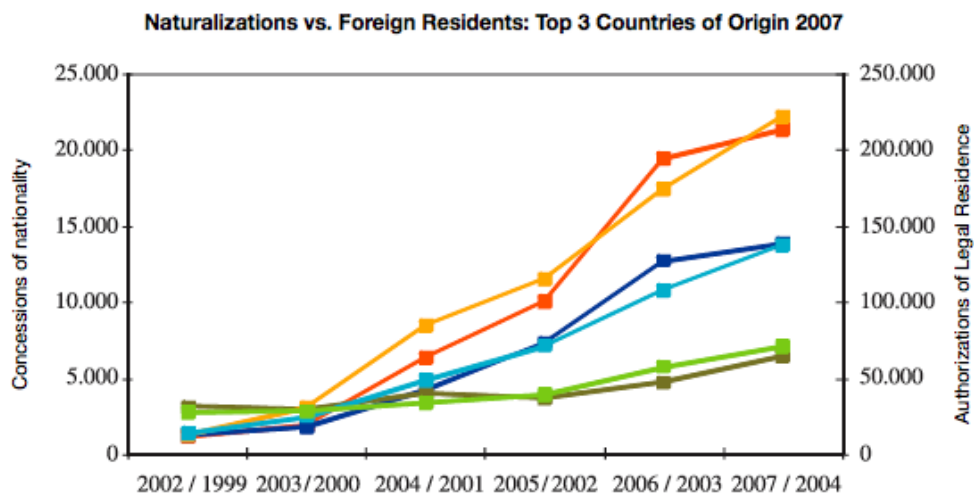
Data is not available on naturalizations by application method in Ireland. However, since there are only two possible application processes, through the general

residency requirement or as a spouse of an Irish citizen, it is understandable that this may not be as telling a statistic as in Spain where the naturalization application requirements are more segmented. It would be helpful, however, to learn how many people are actually granted citizenship on a discretionary basis based on their Irish descent or association. Similarly, it would be telling to see what changes, if any, exist across the 2004 policy reform in terms of applications filed by parents of Irish-born citizens or by spouses of Irish citizens.

## Discussion

### Criteria 1: Country of Former Nationality, Spain

From the data on naturalizations since 1996, it is clear that the dominant group to become naturalized in Spain is comprised of foreign nationals from “Ibero-America”, or the countries of Central and South America, formerly colonized by Spain with lingering cultural and linguistic ties. This relationship is clearly defined by the Spanish citizenship policy that encourages naturalization of immigrants from these countries by lowering their residency requirement to only two years and allowing them to retain dual citizenship. Data from a 2008 report on the naturalized population in Spain shows that the number of naturalizations for some of the top groups of foreign residents in 2007 (Ecuador, Columbia and Peru), closely mirrors the changes in the overall number of



foreign residents in that group, emphasizing again the close relationship between the policy of residency and those that achieve citizenship.

The second highest number of naturalizations across those years was awarded to foreign nationals from Africa. Since Moroccans also consistently were in the top three most naturalized groups in Spain over these same years, it is safe to assume that a large percentage of the newly naturalized, former African citizens came from Morocco. These figures might seem surprising considering most of these immigrants would, barring special circumstances, be subject to the general 10-year residency requirement. Although this immigrant group is not favored by the citizenship policy in Spain, the sheer volume of Moroccan immigrants and foreign residents in Spain partially explains the high naturalization numbers. The percentage of African foreign nationals who are naturalized out of the total population of African foreign residents each year hovers around only 1%. This proportional relationship has remained steady from 1996 to 2006. This suggests that the naturalizations of Africans in Spain has less to do with the Spanish policy than it does with the high immigration rates of Moroccans to Spain, which is the first and closest point of entry for North Africans to Europe. In fact, a 2010 statistical report from the European Union on citizenship acquisition in member countries shows that “almost one new citizen [of an EU country] out of ten was a citizen of Morocco” in 2008.<sup>38</sup> The third highest country to grant citizenship to Moroccans in 2008, after France and Italy, was Spain with 8,615 persons or 13.5% of total naturalizations granted to Moroccans in Europe.

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<sup>38</sup> Eurostat report 36/2010, Population and Social Conditions. “Acquisitions of citizenship slightly declining in the EU”. Available from: <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>.



In contrast to these figures, naturalizations of foreigners of European nationalities remained low throughout this period, while Europeans were the largest or second largest group of foreign residents in Spain in the same years. Although the numbers are not broken down by EU and non-EU member states, it is likely that these low naturalization rates reflect a high number of EU member foreign residents.

### **Criteria 1: Country of Former Nationality, Ireland**

When examining the naturalizations in Ireland by country of former nationality, the discovery that the Asian population had a high number of naturalizations was unexpected. Data from the 2006 census in Ireland shows that Chinese immigrants have built up a significant population of foreign nationals, making up the 7<sup>th</sup> most numerous group of foreign residents in Ireland by 2006 with 11,161 residents in 2005. Of the other top 6 nationalities of foreign nationals residing in Ireland in 2006, only two were not part of the EU: Nigeria and the United States. Furthermore, out of the top 10 most numerous groups of foreign nationals in Ireland, only Nigerians and Chinese nationals were also one of the top 3 nationalities to be naturalized in any year between 2001 and 2008.

### **The Importance of Refugees in Ireland**

Other former nationalities that had the most naturalizations included Pakistan, Iraq, Somalia and Nigeria. All of these countries experienced conditions, such as political unrest, that made them particularly high exporters of refugee and asylum-seekers abroad. A 2009 report from the Irish Reception and Integration Agency, which primarily oversees refugee and asylum applications, shows that the number of refugee applications spiked in the early 2000s, in the same range (2001-2005) as the naturalization data<sup>39</sup>. The

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<sup>39</sup> See Appendix C.

applications peaked in 2002 with 11,634 total. IRIA also shows large numbers of refugee applications from the countries mentioned before. In 2003, the top seekers of asylum were from Nigeria, The Democratic Republic of the Congo, Croatia, the Czech Republic and Somalia. In 2005 Nigeria also made the top of the list followed by Somalia, The Democratic Republic of the Congo and the Sudan, with the overwhelming majority of asylum seekers overall from Africa. In 2007, Pakistan and Iraq appear near the top of the list as well. Ireland's policy allows for discretionary naturalization of refugees without any residence requirement, so these data suggests a strong relationship between this policy and naturalizations since the countries sending high numbers of refugees to Ireland in those years were also the countries whose citizens were granted the highest number of naturalizations.

### **Criteria 2: Education Level, Spain**

The data on education levels of naturalized citizens in Spain shows different findings for different groups. Those naturalized citizens who were formerly nationals of a Latin American country did not follow the overall trends for education levels across all naturalized citizens, where the majority of naturalized citizens have only the lowest level of education. This is slightly surprising because, as the most-naturalized group in recent years, one might expect that Latin Americans would follow, if not in some ways define, the overall trends for naturalized citizens in Spain. Instead, in the education level with the most naturalized citizens, Level 1, the Latin American population is least represented, while Latin America nationals suggesting that the Latin American population that became naturalized in Spain is more highly educated than not. The African population, on the other hand, occupies a lower percentage of the more highly educated groups than

the least educated group. This suggests that the African naturalized population has a more heavily concentrated group that is poorly educated. This corresponds to the desperate poverty that so many North African immigrants leave their home countries to escape. Although certain groups are more highly concentrated in different education levels, it does not appear from this cursory analysis that education has a significant impact on whether an applicant becomes a Spanish citizen or not. There may be a host of other factors at play here as well, however, that were not in the scope of this analysis.

### **Criteria 2: Education Level, Ireland**

In Ireland, the largest percentage of the overall naturalized population is highly educated. Many of the naturalized groups, including those of North American, African and Asian nationalities increase in as the education level increases. In fact, according to 2006 data, 40% of Nigerian nationals in Ireland had completed some level of education with 41% of those completing a degree or higher-level qualification. Chinese nationals showed a very high percentage, 45%, that were studying in Ireland. 40% of the total resident population had completed some degree of education, although fewer, 28% had received a degree or higher. The only group that loses ground, a percentage of the whole, as the education level increases is the European naturalized population. This data suggests that Irish naturalized citizens, on the whole, are more highly educated than not. This might mean that the Irish naturalization process favors more highly education immigrants, or it might reflect the demographics of the immigrant pools that arrive. From 1989 to 1998, for example, Irish citizenship policy highly favored those who came to the country to invest and do business by waiving their residency requirement. While this

might not necessarily be directly related to education level, it is possible that this practice favored more highly educated immigrants when granting citizenship in the 1990s.

### **Criteria 3: Mode of Citizenship Acquisition, Spain**

Spain granted the highest number of naturalizations through the 2-year residency requirement. The prevalence of these citizenship applications in relation to the other methods of application for Spanish citizenship has only grown since 2002. This, again, seems to suggest a strong relationship between Spain's citizenship policy, which establishes this reduced residency requirement to link former Spanish colonies to Spain as well as the ease of obtaining dual citizenship.

### **Larger Trends: Does EU Citizenship Deter Naturalizations?**

Both the Spanish and Irish data points to a larger trend in that, despite having high populations of European foreign residents, neither has a proportionally equivalent number of Europeans who became naturalized in the last 10 to 15 years. This points to a trend that citizens of EU member states may have less incentive to apply for citizenship when living in another EU country. A 2004 report on naturalizations in Europe compiled by IMISCOE (International Migration Social Cohesion) and the Institute for European Integration Research<sup>40</sup> found that "EU citizens have generally very low rates of naturalization in other Member States since their rights are already well protected and their citizenship of origin is often of great importance to them" (6). According to a 2010 study by the European Union's statistical department, Eurostat, less than 10% of those who acquired citizenship in an EU member state where from an EU member state

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<sup>40</sup> European Union NATAC (The Acquisition and Loss of Nationality in EU Member States) project summary report: "Results of the Comparative Project NATAC", 2006. Available from [http://www.eif.oeaw.ac.at/downloads/projekte/NATAC\\_summary.pdf](http://www.eif.oeaw.ac.at/downloads/projekte/NATAC_summary.pdf)

(Eurostat Report 36/2010). The report echoes the IMISCOE findings that “Foreign residents who are third-country [non-EU] nationals generally have a much greater incentive to apply for citizenship of an EU Member State than those who are already EU citizens and therefore already benefit from rights largely comparable to those of the nationals in the host country” (4). Since both Spain and Ireland are EU members, this would seem a likely explanation for the low rates of European naturalizations.

From a certain perspective, this information supports a vision of European supra-national citizenship. Since citizenship in an EU member state entitles any citizen to such mobility across Europe, it seems that this neutralizes any incentive to acquire citizenship in new countries of residence, at least in the case of Ireland and Spain. The IMISCOE study mentioned above support this finding across Europe and show that even states that facilitate naturalization of EU nationals do not see much higher rates of naturalization. There is still room for greater policy convergence in this area, however, and various European bodies have proposed policy reforms to further elevate the importance of European citizenship.

### **Outside the Policy Text: Other Possible Influences on the Citizenship Process**

While this analysis focuses on the direct relationship between the citizenship policy text in each country and the naturalizations, there is a multitude of other possible circumstances that could affect whether a person receives citizenship or not in each country. In particular, one part of the process that has not yet been touched on in this analysis is the actual naturalization application process. In this, there are some interesting differences between Ireland and Spain. In Spain, the application is processed through local Civil Registries closest to the applicant’s place of residence. Along with the

application, they must present proof of identity and nationality (passport, birth certificate), proof of employment and income, proof of legal residence, any criminal records, and other documents depending on special circumstances. The applicant is required to take an oral language and citizenship test in an interview in Spanish. The fact that the exam is oral would indicate that the process does not discriminate based on literacy, but the fact that it is conducted in Spanish does heavily favor immigrants from Spanish-speaking countries. While very little information is published about the interview process through the Spanish government, it is generally seen to be a cursory process that is not like a formal citizenship test. Once the application is accepted, the applicant must swear loyalty to the state of Spain. There is no fee for the application process.

In Ireland, all naturalizations are processed through the Department of Justice, Equality and Law Reform. Documents that must accompany the application are very similar to the Spanish application (and most citizenship applications around the world): “evidence of your identity and nationality...if you are married, your marriage certificate....documents relating to your status and the duration of your stay in the State...documents relevant to your financial and employment status...and confirmation of your income tax situation.”<sup>41</sup> Additional documentation is required to apply as a spouse to an Irish citizen. After all of the materials are submitted and your application is accepted, the applicant must swear an oath of allegiance to the Irish state before a judge as well as pay a fee of €950, in general cases, or a reduced fee of €200 for widows or minors. Refugees and stateless persons have no fee. There is no additional citizenship test

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<sup>41</sup> Information Leaflet 3: Irish Citizenship by Naturalization, Citizenship Division of the Department of Justice, Equality and Law Reform

or interview as part of the process. This fee may be an important consideration as it is not waived or reduced under any circumstance. It would be worth further investigation to see whether the economic demographics of the naturalized populations show any noticeable effect of this requirement. Also, the discretionary power of the Minister to grant or take away citizenship makes the process more insecure for the applicant. In both countries, it would be useful to compare data of citizenship applications to those who are actually naturalized to get a sense of whether this discretionary power of the Minister, or the Spanish interview process can be seen to have any biased effects on who is naturalized.

Another large area that was outside the scope of this research was the relationship between immigration policy, especially granting of legal residence and work permits, and citizenship policy. There could be any number of relationships between the way that immigration policy favors certain demographic groups and the groups that end up being naturalized. In Ireland this is particularly relevant with the introduction in 2008 of a complete overhaul of immigration legislation, called the Immigration, Residence and Protection Bill. Although the legislation has not been enacted, and indeed may not be for some time in light of recent economic issues, the possibility for sweeping reform could significantly affect citizenship applications and naturalizations. Other laws, for example those concerning non-discrimination as well as public referendums on immigrant integration can also reflect on the level concern at the state level for immigrant integration. While citizenship policy is the key aspect of immigrant integration, issues like discrimination and xenophobia in society as can play into the citizenship regime.

Political debate, public involvement and media attention is another factor that could prominently affect these issues as well. These factors have generally been seen to

have little effect on Spanish citizenship issues. While Pérez and Fuentes in their 2010 analysis of Spanish policy have not find much political debate in Spain connected with citizenship issues, their analysis shows that there is growing xenophobia in Spain in relation to immigrants, they see a “lack of politicization” of immigration policy issues in Spain in general and expect this to continue until the conservative right can gain a more legitimized place in this policy debate (Encarnación and Howard, for example). Further research should be conducted into the potential for this kind of conservative shift in light of current economic issues. In Ireland there is no doubt that the political profile of citizenship issues are much higher, especially after the 2004 Citizenship Referendum. Studies of this referendum have focused closely on the role of race in the public and political debate surrounding this issue. It would be interesting, however, to study how the public discourse on immigration and citizenship has been shifting with the economic tide.

## **Conclusion**

As two countries that have been faced with defining their own concept of membership in the face of a recent influx of immigration, Ireland and Spain are still in the process of solidifying this definition through their citizenship policies. From this broad scope analysis, it appears that, in general, the citizenship policy in Ireland and Spain is fairly closely related to who actually becomes a citizen in each country. This is supported most by evidence of the large numbers of Latin American immigrants who are naturalized in Spain, since they are heavily favored in the naturalization policy, as well as the high naturalization rates of refugees in Ireland, who are also favored under the naturalization policy. This data shows that, like its policy text stipulates, Spain continues to cling to its ties to emigrant populations abroad as well as cultural, historical and



linguistic ties to the countries of “Ibero-America”. It has not fully accepted its role as a receptor of immigrants and it not fully committed to integrating immigrants without pre-existing ties to the State. This has not deterred the large numbers of African immigrants, particularly Moroccans, from becoming naturalized, but the data suggests that these numbers reflect less on Spanish policy and more on the high rate of immigration of North Africans to Spain. Ireland, on the other hand, while expressing some level of commitment to its emigrant populations abroad through its citizenship policy, has a policy more committed to immigrant integration, with fewer residence requirements in general and very liberal policies towards refugees. The effects of this policy are very evident in the naturalized population where, despite a very heavily European population of foreign nationals, Ireland has high numbers of naturalizations of diverse groups, especially those from Africa and Asia in recent years.

### **Limitations**

This research seeks to contribute a descriptive analysis of the relationship between naturalization policy and naturalizations in two European countries that have undergone very recent shifts in their net immigration. While this has the power to illuminate certain trends and, perhaps, unexpected data, it is not an exhaustive quantitative analysis and is not intended to draw the same kinds of definitive conclusions that such an analysis might allow. Furthermore, since this analysis relied on the limited data available in the public forum from the governments of each country, the data is neither as broad nor as detailed as necessary to perform more in-depth analysis. This is particularly true of Irish data that was scattered and did not give as full a picture of naturalizations across the 1990s and 2000s. The limited data also did not allow an

examination of naturalization demographics across important policy changes in each country, for example in the years since 2005 after the 2004 Irish Citizenship Referendum reversed birthright citizenship, or the years 2008 to 2010.

### **Further Research**

With the current financial crisis that is still being weathered around the world and particularly in Europe, it will be particularly important to study what effect these economic issues have on citizenship acquisition. Both Spain and Ireland have endured very public financial struggles since the financial crisis of 2008, and are both mentioned in the same breath as Greece as some of the most financially unstable economies in Europe. Since they both also exhibit models of economic-induced immigration, it is highly likely that the economic issues will both stem immigration flows and strain social circumstances for immigrants in both countries. Fairly extensive research has already shown that immigrants around the world have been suffering higher unemployment rates than non-immigrants, but it is unclear what the affect these issues might have on naturalization rates<sup>42</sup>. One interesting theory posited by the European Union Democracy Observatory (EUDO) is that difficult economic times may increase demand for naturalizations in EU member countries. According to a 2010 EUDO report on Spanish citizenship policy, non-EU citizens in Spain who are eligible for citizenship but have become unemployed “could be interested in applying for Spanish nationality not to risk falling into illegality when their working permits expire.”<sup>43</sup> This might be especially true for Latin Americans who can easily achieve dual citizenship after only two years of

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<sup>42</sup> For one example of such analysis see: Papademetriou, Demetrios G., Madeleine Sumption, and Aaron Terrazas with Carola Burkert, Steven Loyal, and Ruth Ferrero-Turrión. 2010. *Migration and Immigrants Two Years after the Financial Collapse: Where Do We Stand?* Washington, DC: Migration Policy Institute.

<sup>43</sup> Fuentes, Alberto Martín Pérez and Francisco Javier Moreno. “Citizenship Policy Making in Mediterranean EU States: Spain”.

residence. Furthermore, this “demand for naturalisation would thus become a strategy to obtain free movement between the country of origin in Latin America and Spain (and by extension the whole EU)” in a time when employment is so uncertain. Beyond just the demand for naturalization, it will also be important determine whether these economic circumstances have any policy impacts, encouraging more restrictive citizenship requirements.

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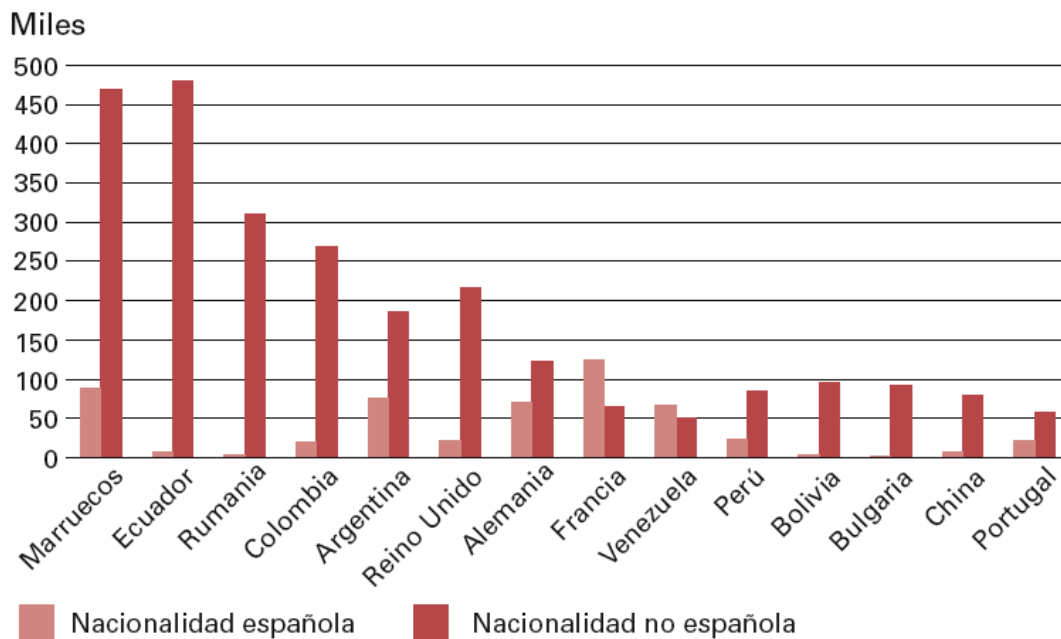
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## Appendix A

### 2.1.G.2. Origen de la población no nacida en España. 2005

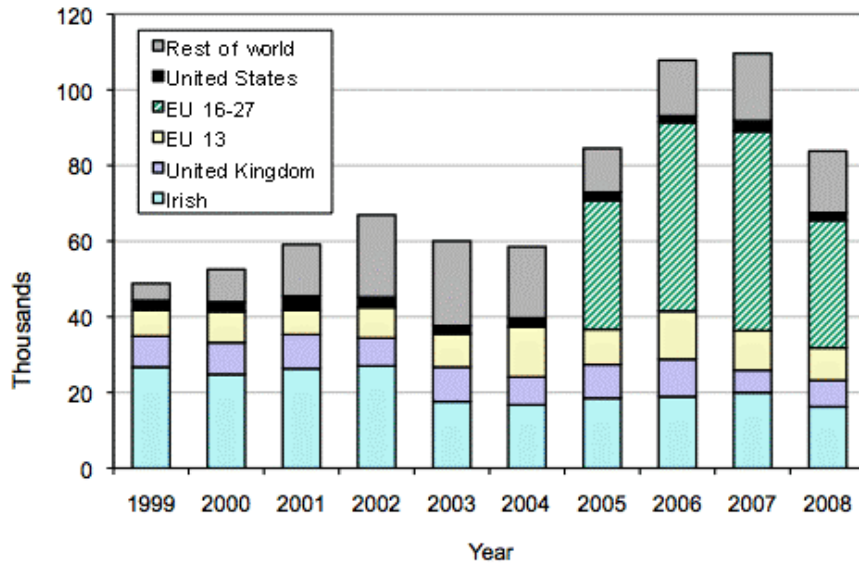


Fuente: Revisión del Padrón Municipal a 1-1-05. INE

Instituto Nacional de la Estadística, Anuario Estadística de España, 2006. Available from: [http://www.ine.es/prodyser/pubweb/anuario06/anu06\\_02demog.pdf](http://www.ine.es/prodyser/pubweb/anuario06/anu06_02demog.pdf).

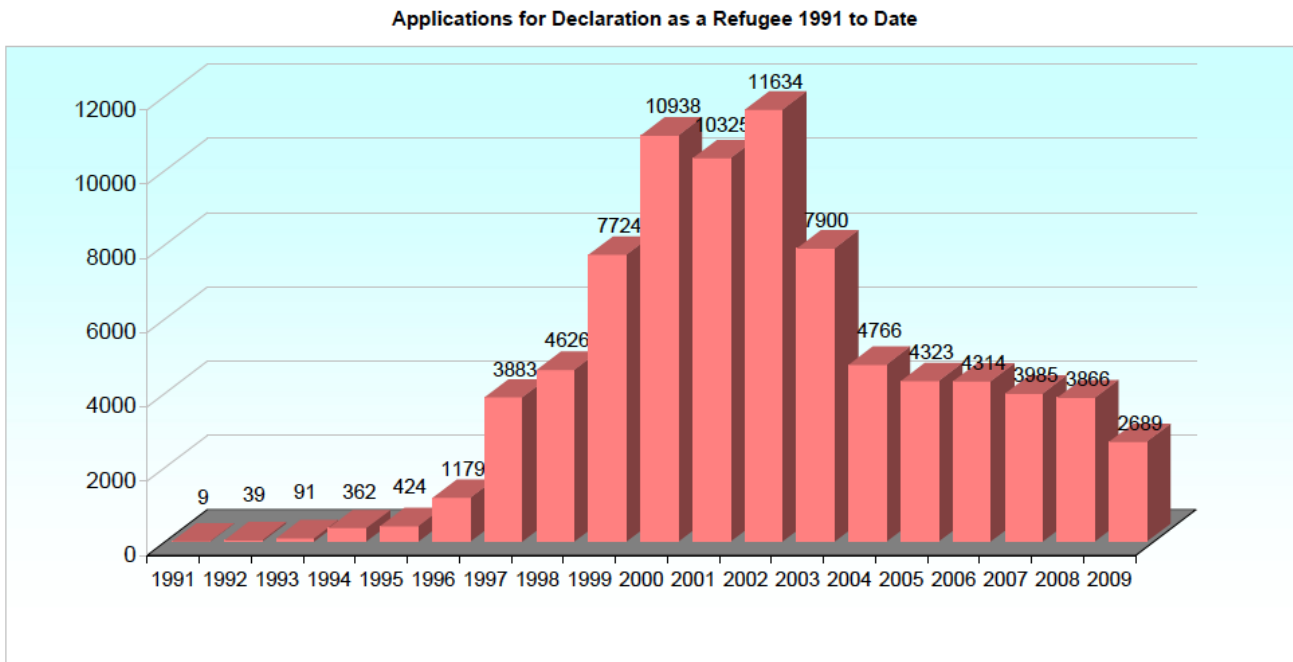
This table shows the strong numbers of Moroccan and Ecuadorian immigrants that resided in Spain as of 2005. It is interesting to note also the comparison of which populations have the largest percentage of Spanish citizenship. Only two countries, Venezuela and France, had more citizens than non-citizens in their immigrant group.

## Appendix B



From the Irish CSO. Available from:  
<http://www.migrationinformation.org/Feature/display.cfm?ID=740>

## Appendix C





## **Glossary**<sup>44</sup>

**Citizenship** means the particular legal bond between an individual and his or her State, acquired by birth or naturalization, whether by declaration, choice, marriage or other means under national legislation.

**EU citizen** means a citizen of a Member State of the EU-27

**EU-27** means

**Foreign-born** is a person whose place of birth, or residence of the mother at the time of the birth, is outside the country of his/her usual residence.

***Ius soli*** is a principle that stipulates that the citizenship of a person is determined by the place where a person was born.

***Ius sanguinis*** is a principle by which a person's citizenship is determined by the citizenship of one or both of their parents. Sometimes referred to as citizenship by descent.

**Non-national or foreign population** refer to persons who are not citizens of the country in which they reside, including persons of unknown citizenship and stateless persons.

**Non-national EU citizens** refer to persons who have citizenship of an EU-27 Member State and who are usually resident in another EU-27 Member State.

**Non-EU nationals or third-country nationals** refer to persons who are usually resident in the EU-27 and who have citizenship of a country outside the EU-27.

**Recognized non-citizen** is a person who is not a citizen of the reporting country nor of any other country, but who has established links to that country including some but not all rights and obligations of full citizenship. Recognized noncitizens are not included in the number of EU citizens.

**Usual residence** means the place at which a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage or, by default, the place of legal or registered residence.

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<sup>44</sup> Definitions from the Eurostat Statistics in Focus Report (25/2010): "Foreigners living in the EU are diverse and largely younger than the nationals of the EU member States".