

Citizenship and Legal Statuses

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1. Introduction

In European migration-receiving countries the integration of migrants and – especially– refugees has been traditionally based on the assumption that their stay is temporary rather than permanent: as a result, integration policies have been ad hoc at best and lacked a focus on the comprehensive immersion of migrants into the host societies. One of the best ways to achieve becoming a full and equal member of society is by securing a route towards citizenship through naturalization. Citizenship is an important measurement of integration because it extends rights to unconditional residence and political participation and because naturalization represents a deliberate choice by immigrants to link their future with that of the host country. Yet, citizenship acquisition rates in Europe remain relatively low –with significant variation between countries and between migrant groups– and policies outlining comprehensive pathways towards citizenship are the exception, rather than the rule. ‘Citizenship policies remain a major area of weakness for most European countries’, concludes the Migrant Integration Policy Index (MIPEX). ‘The highly discretionary and costly path to citizenship often discourages rather than encourages immigrants to apply and succeed as new citizens.’²

Recent comparative research on citizenship for immigrants has focused on issues such as: the conditions for acquiring citizenship of the host country, how they differ between countries, how they change over time and how they distinguish various classes of would-be citizens. Recent research has also examined the overall effect of citizenship policies and naturalization on various integration indicators (Bauböck et al, 2013; OECD 2011). The available evidence on the ‘citizenship premium’ for

¹ The research discussed in this paper draws on ongoing collaboration within the European Union Democracy Observatory on Citizenship (EUDO CITIZENSHIP) and the Maastricht Center for Citizenship, Migration and Development (MACIMIDE). The paper also outlines a research agenda for a new five-year project ‘Migrant Life Course and Legal Status Transition’ (MiLifeStatus), funded by a Consolidator Grant from the European Research Council (grant no. 682626). See for updates of that project: <https://macimide.maastrichtuniversity.nl/milifestatus/>.

² Quoted from <http://mipex.eu/access-nationality> [accessed 16 September 2016].

integration provides a mixed picture, both across domains, across migrant groups and across countries. Generally, however, permanent residence and ultimately citizenship are seen as crucial opportunities especially for those migrants who are most in need of a secure legal status and those who face the greatest hurdles towards building a new life in the host society.

In light of the long-term status of refugees that are currently entering Europe, the more immediately relevant question is what kind of legal statuses and protection the new refugees are offered. In this paper, I reflect on the relevance of citizenship acquisition -and legal status transition more broadly- for migrant integration. After a summarizing discussion of the literature on citizenship and integration, I present and discuss existing evidence with regard to three questions. First, what do we know about the variation in requirements for citizenship acquisition across European countries? I focus especially on ordinary naturalization procedures and compare these with those providing facilitated access to citizenship for refugees. Second, what do we know about the extent to which migrants actually acquire citizenship? I present available statistics and key findings from the literature with a focus on cross-national variation. Third, what do we know about how citizenship matters for integration? I present and discuss the key findings from the literature and identify some notable gaps. I conclude the paper with reflecting on how these findings can be used to contribute to current policy debates and on some key theoretical and empirical challenges.

2. Citizenship and immigrant integration

For foreign-born residents and their children, attaining citizenship in the host country confers membership, rights and participation opportunities, and encourages a sense of belonging (Bloemraad 2006). Yet, whether and especially under which conditions citizenship stimulates integration remain open questions. Both immigrant naturalisation rates and associated integration outcomes are characterised by significant heterogeneity. To put it simply, not all migrants have an equal interest in acquiring destination country citizenship and even when they naturalize, this new status does not carry the same consequences to all.

Citizenship is a legal status and relation between an individual and a state that entails specific legal rights and duties, such as the right to reside without restriction on the territory of the state of one's citizenship, the right to vote in elections, or the right to hold public office or be employed in selected public sector jobs.³ If migrants

³ See e.g. the Citizenship Glossary of EUDO CITIZENSHIP, at <http://eudo-citizenship.eu/databases/citizenship-glossary/glossary#Cithip> [accessed 13 September 2016]. In some

hold the citizenship of the country where they reside this is commonly viewed as the most advanced legal status they could obtain. However, a range of alternative legal statuses may be available to them, either related to the grounds on the basis of which they have been admitted to the territory of the state, such as residence permits related to work, study, family reunification or humanitarian grounds, or a residence status proving the right to permanent residence, such as the Green Card in the US or the long-term residence permit in the EU for so-called ‘third country nationals’, i.e. persons without the citizenship of one of the EU member states who have resided legally and continuously within the territory of a member state for five years immediately prior to the submission of the relevant application’ (Directive 2003/109/EC, art. 4, under 1).⁴

In this paper I understand ‘integration’ in a broad sense as the process by which immigrants become accepted into society, both as individuals and as groups (Penninx 2003). This definition views integration deliberately as a process, rather than as an endpoint and also is deliberately open as to what precisely determines the acceptance of immigrants in a society, which may –after all– vary from one receiving society to the other. In a formal sense, the acquisition of citizenship itself may be viewed as the ultimate form of integration, at least in the legal sense of migrants acquiring a status that provides (nearly)⁵ equal rights to the majority population, such as the right of abode, of diplomatic protection, of political franchise, and of access to public sector jobs that are restricted to citizens. In a practical sense, citizenship may not ‘matter’ much, if naturalized immigrants continue to face discrimination e.g. on the labour market or lack the human capital to make full use of their newly acquired status. For some migrants, the residence security and access to the labour market tied to permanent residence may provide sufficient legal security and opportunities, without seeing a need to naturalize.

Investigating the relation between citizenship and integration poses methodological challenges, as better-integrated immigrants are also more likely to naturalise (OECD 2011). A key limitation of existing studies is also that these mostly investigate these

countries, the status may be called ‘nationality’ rather than citizenship and the persons holding the status are referred to as nationals rather than citizens. For the sake of consistency, I refer to ‘citizenship’ throughout the paper, except when citing legal documents directly referring to ‘nationality’.

⁴ Citizens of EU member states do not need a residence permit and have the right to move and reside freely within the territory of the Member States, within the constraints set by Directive 2004/38/EC.

⁵ In some countries the rights of naturalized immigrants may be restricted due to selected high political offices which are only open to ‘natural born’ citizens. Countries may also apply denaturalization rules, which allow deprivation of citizenship within a certain time period after naturalization (e.g. on the basis of being convicted for major crimes or terrorist activities), which in practice leads to a form of conditional citizenship.

relationships within one societal context only. This is problematic if one assumes, as I do (building on Yang 1994; Dronkers and Vink 2012; Vink, Prokic-Breuer and Dronkers; Peters and Vink 2015; Peters, Vink and Schmeets 2016a, b), that:

- migrants have different motivations to naturalize and these are associated partly with origin factors and the individual life course –hence demographic contexts and family situation matter greatly;
- pathways into citizenship are conditioned both by the institutional context in origin and destination countries with regard to dual citizenship acceptance, length of required residence and language and integration requirements and the socioeconomic context; and
- the potential ‘integration premium’ associated with naturalization is conditioned by the trajectory into citizenship –especially the time to naturalization.

Hence, citizenship does not matter in the same way, if it is acquired by a young immigrant of working age after only a few years of residence in the destination country, or by an older immigrant near the end of her or his working life after having lived in the country already for years. Immigrants naturalizing to secure citizenship for their children, as is often necessary in Europe, also tell a different story than educated immigrants in the US whose native-born children are already citizens since birth and who seek better employability in the public sector.

From this perspective, the ambiguous findings from the literature on the consequences of citizenship are hardly surprising. For example, whereas some find evidence of a positive association between citizenship and labour market integration (Bratsberg et al 2002; Steinhardt 2012; Helgertz et al 2014), others find no such effect (Chiswick 1978; Bevelander and Veenman 2006; Scott 2008). Remarkably, however, these varying outcomes are often seen as undermining the overall significance of citizenship for migrants with scholars and decision-makers arguing in favour or against the existence of a citizenship premium, especially in the context of labour market integration. Yet rather than focusing on *whether* immigrant legal status transitions matter, especially those from being a foreigner to being a citizen, I argue that the focus should be on *why*, *how* and *for whom* such transitions matter.

There are two key implications of such a view on naturalization, which builds on recent applications of the sociological life course paradigm to the literature on migration and integration (Wingens et al 2011). First, we should think about the relevance of legal status transitions from a double contextualized perspective: the relevance of naturalization depends both on the institutional context under which citizenship (or alternative legal statuses) is made available, as well as on the personal context of the country of origin and the life situation of an individual migrant. Second, viewing the relevance of legal status transitions within the life course

trajectory of migrants also means that we should think about citizenship acquisition less as a one-off transition from foreigner to citizen, and more as a pathway or a 'road to citizenship' (Aptekar 2015).

Whereas most of the literature is focused on the 'citizenship premium' in the labour market, or on citizenship and political participation, there is additional –though patchy– evidence about how legal status transitions matter to living conditions, mobility trajectories, as well as educational outcomes among the migrant children, among others (see Bloemraad 2017 for a broad overview). The remainder of this section briefly reviews the state of the art in these various domains.

Citizenship and socioeconomic integration

Given the structural challenges on the labour market faced by immigrants (Algan et al 2010), citizenship provides the potential to mitigate some of these disadvantages as it removes restrictions on public sector jobs, increasing employment opportunities, and lowers the administrative costs of hiring and retaining a migrant (Bauböck et al 2013). However, the sociological life course points to the hypothesis, which has not yet been systematically tested, that the impact of citizenship acquisition on labour market outcomes is conditioned both by the institutional setting of the destination context and by the demographic composition of its migrant population. Sweden, for example, houses a relatively large number of refugees, who are highly motivated to naturalize in order to reinforce their legal position in the host country. Yet refugees are particularly disadvantaged on the labour market (Krahn et al 2000), which may go some way to explaining ambiguous findings on the relationship between citizenship and labour market integration in Sweden. Understanding the potential impact of a life event as naturalization requires taking a biographical perspective. For example, Steinhardt (2012) finds that naturalization offers no wage benefit for women, which may be understandable from the perspective that women who have chosen to remain highly active on the labour market in spite of alternative life course patterns (part-time work or leaving the labour market) are positively selected. The challenge is thus to identify how the impact of naturalization is mediated by factors (being married and having children, as well as contextual factors that facilitate the integration in the labour market), which in themselves influence the propensity to naturalize. In other words, while recognising that naturalization is a selective process and may be influenced reversely by labour market performance, both individual-level and contextual factors are expected to mediate this relation.

Citizenship and political participation

Beyond work and income, citizenship is closely tied to democratic participation as naturalization gives access to rights that are often, though not always, exclusive to

citizens. Besides voting, however, citizenship may encourage political participation in a broader sense. Examples of non-electoral forms of political participation, may include conventional acts (such as contacting a politician or government official, participating in a political campaign, or being a member of a political party), as well as 'unconventional' types of political activities (protests, boycotts, and signing petitions). These forms of non-electoral participation are, at least theoretically, equally open to natives and immigrants (whether citizens or non-citizens) alike, yet one would not expect all residents in a country to be equally active. A number of individual resources are typically viewed as the prerequisites of political participation – time, money, civic skills, civic engagement, and language skills – and differences would in the first place be expected on the basis of socio-economic background, especially educational attainment. In addition to such factors, immigrants come from countries with often dramatically different political cultures than those of their countries of destination and for them, participation in political activities, especially those that go beyond the act of voting, requires additional effort and is less self-evident than for natives. It is sometimes argued that citizenship, as the most secure legal status provided to immigrants and also including a set of entitlements providing access to co-determining political decision-making in a country, may encourage immigrants to engage in political activism beyond the exercise of suffrage.

Previous research, however, has produced mixed results. Some North American studies (e.g., Verba et al. 1995; Barreto and Muñoz 2003, Levin 2013) have found little correlation between citizenship status and participation, whilst others (e.g., Leal 2002) have found the opposite. In Europe, some single-country or limited multi-country studies literature suggest the existence of a positive relationship between citizenship and non-electoral political participation of foreign-born residents (e.g., Giugni and Passy 2004; Bevelander and Pendakur 2011). Based on a larger comparative study, Just and Anderson (2012) reveal a positive relationship between citizenship and non-electoral political participation among foreign-born residents, but find that citizenship is a statistically significant determinant of political action only among those respondents who arrived from less democratic countries, and only for non-institutionalized political acts. De Rooij (2012: 469) draws similar conclusions, determining that the effect of citizenship on unconventional participation is significant only for non-Western immigrants.

Citizenship and living conditions

Employment and income are evidently crucial to the societal incorporation of immigrants and reflect relative success of migrants in this regard; yet labour market outcomes only tell part of the story. One important area that has received some attention in the literature, though mostly in an American context, is the role of citizenship in relation to immigrants' living conditions. Key indicators in this area are,

among others, poor dwelling, measuring the physical quality of accommodation and location of immigrants' housing, and levels of home ownership among immigrants. Research shows consistently better outcomes among naturalized immigrants (Borjas 2002; Hutcheson and Jeffers 2012). However, doubts are raised as to whether citizenship status can overcome the broader phenomenon of residential crowding, net of increased employment opportunities and income premiums associated with naturalization (McConnell 2015). Improvements in living conditions likely depend significantly on demographic background, life course stages, economic resources of individuals and contextual conditions, such as public sector involvement in housing sectors (Arbaci 2007). Based on these previous findings, it is expected that most of the upward mobility in terms of living conditions can be explained by positive selection into naturalization and, for selected groups (eg highly educated immigrants) by a citizenship premium on the labour market. For home ownership, which requires interaction with financial and legal institutions, one may expect an additional positive impact of naturalization for these groups. These hypotheses have so far not been tested systematically in a cross-national context with appropriate longitudinal data.

Citizenship and out-migration

While a legal status transition from foreigner to citizen may be viewed as full assimilation in the destination context, transnationalist theories point to a more complex reality where migrants are not *either* settled in the destination country *or* returning to the origin context, but may share intensive interactions in both context (Faist 2000). Rather than resulting in stable settlement of migrants in the destination contexts, naturalization may encourage return migration to the origin country or out-migration to another destination. Return migration can be viewed as part of an optimal life-cycle residential location sequence (Borjas and Bratsberg 1996). Yet the naturalization literature is almost completely focused on the single transition from foreigner to citizen, rather than viewing this as part of a larger life course trajectory. One exception are Kuhlenkasper and Steinhardt (2012) who find that out-migrants are less likely to be naturalized German citizens and on average have spent fewer years in Germany than their counterparts who stay in Germany. This study demonstrates the need to consider heterogeneity among immigrants, as this 'negative mobility' only applies to non-Turkish immigrants. It is unclear whether these findings can be generalised beyond the German context and, if so, whether timing of naturalization and/or having children with destination country citizenship matter for these out-migration decisions.

Citizenship and the life course of migrant children

Citizenship also plays a crucial role in the lives of children themselves, either directly through children's citizenship status, or indirectly through the citizenship status of

the parent(s). Granting citizenship at birth is 'likely to exert an effect on children's human capital because it raises the likelihood of a future in the host country and thus parents' expectations on the returns to host country specific human capital investments' (Saurer and Felde 2014: 8). Vice versa, growing up in a country without being formally recognized as a full member of society can adversely affect assimilation processes, in a context where socioeconomic background and racial discrimination already challenge modes of incorporation. Yet, the role of citizenship in the life course of native-born descendants of immigrants (2nd generation) and children arriving in the destination country before adolescence (1.5 generation) has so far been largely excluded from the literature. Especially in Europe citizenship is attributed predominantly by descent from citizen parents (Vink and De Groot 2010). As a result, children of the second or even subsequent immigrant generations acquire residence country citizenship only at a later age, if at all. The most significant policy change in recent times was in Germany, where since 2000 children born in the country automatically receive German citizenship, under certain conditions. Studies show a positive impact of the introduction of birthright citizenship in Germany on educational attainment (Saurer and Felde 2014). Yet comparable research is scarce. Kilpi-Jakonen (2014) demonstrates that, after controlling for the higher propensity of having citizenship among immigrant parents with higher education, second-generation students with Finnish citizenship are more likely to choose general rather than vocational upper secondary education compared to their peers without Finnish citizenship. Given the potential occupational and earnings opportunities associated with citizenship, naturalization of parents also impacts the educational attainment of migrants' descendants (Bean et al 2011). These hypotheses lack systematic comparative testing so far.

3. Access to Citizenship

According to international convention states are sovereign in determining their own constituent population, which entails that they can, within certain limits set by international law, exclude populations inside their territory from their citizenry or include others beyond their borders. As a result there is significant variation between states both with regard to the rules governing the access to citizenship as well as the loss of it (see Vink and Bauböck 2013; Vink 2017).

For access to citizenship, we can distinguish, on the one hand, between ascriptive membership conceptions, mostly applicable through the acquisition of citizenship at birth, and voluntary membership conceptions, which imply a degree of openness in terms of individual choice, both regarding to acquisition (e.g. through ordinary naturalization) as well the loss of citizenship (e.g. through voluntary renunciation of

the status). Most states in Europe prioritize descent-based transmission of citizenship but use territorial access to citizenship to prevent what is generally accepted as an undesirable phenomenon of statelessness, as in the case of newborns found on the territory of a state whose descent cannot be established (Vink and De Groot 2010; cf. Vink and De Groot 2016). Vice versa, other states prioritize territorial access to citizenship, as in most states of the Americas, but simultaneously maintain rules allowing citizens residing outside the territory of the state –under varying restrictions– to transmit citizenship to their offspring. In the sense that citizenship for most people is tied up with the mere fact of being born to citizens or at the territory of the ‘right’ country, there is a strong degree of arbitrariness in the way in which welfare entitlements associated with citizenship are distributed among the world population (Shachar 2009).

In addition to regulations determining citizenship at birth, states also maintain a variety of rules regarding the acquisition of citizenship after birth, such as by ordinary naturalization or by facilitated naturalization for spouses of citizens, persons with cultural affinity to the political community or refugees. Not only the rules on the *acquisition* of citizenship vary between states, so do the rules on the *loss* of citizenship. Due to the space limitations of this report, I focus here exclusively on rules on the acquisition of citizenship after birth, especially those provisions related to ordinary naturalization and facilitated naturalization for refugees.⁶

Ordinary naturalization

Ordinary naturalization is a mode of acquisition of citizenship after birth of a citizenship not previously held by the target person that requires an application by this person or his or her legal agent. Whereas traditionally naturalization required a discretionary act of granting citizenship by a public authority, increasingly often countries in Europe have laws that provide for the nearly automatic acquisition of citizenship by a person who evidently fulfills the eligibility criteria and is thus *entitled* to such acquisition upon application. Yet, in the EU, only 7 out of 28 member states currently have such an entitlement to citizenship in their ordinary naturalization procedure.⁷ Hence in most countries the acquisition of citizenship remains based on a discretionary decision by, usually, administrative officials.⁸ Such discretion reflects

⁶ See <http://eudo-citizenship.eu/databases/modes-of-acquisition> and <http://eudo-citizenship.eu/databases/modes-of-loss> for a comparative database of existing regulations on acquisition and loss of citizenship in 77 countries.

⁷ See <http://eudo-citizenship.eu/databases/modes-of-acquisition>, mode A06 [accessed 15 September 2016]. See also Goodman (2010) for a comparative report on naturalization policies in Europe.

⁸ In Switzerland, until recently, some municipalities used referendums to decide on the citizenship applications of foreign residents. Hainmueller and Hangartner (2013), based on an original quasi-experimental design, demonstrate that discrimination on the basis of the origin country characteristics of applicants had a significant impact on naturalization rates among immigrant groups.

a contractual view of citizenship, where explicit consent is required, both by the person applying for citizenship *and* the community granting it (Orgad 2017).

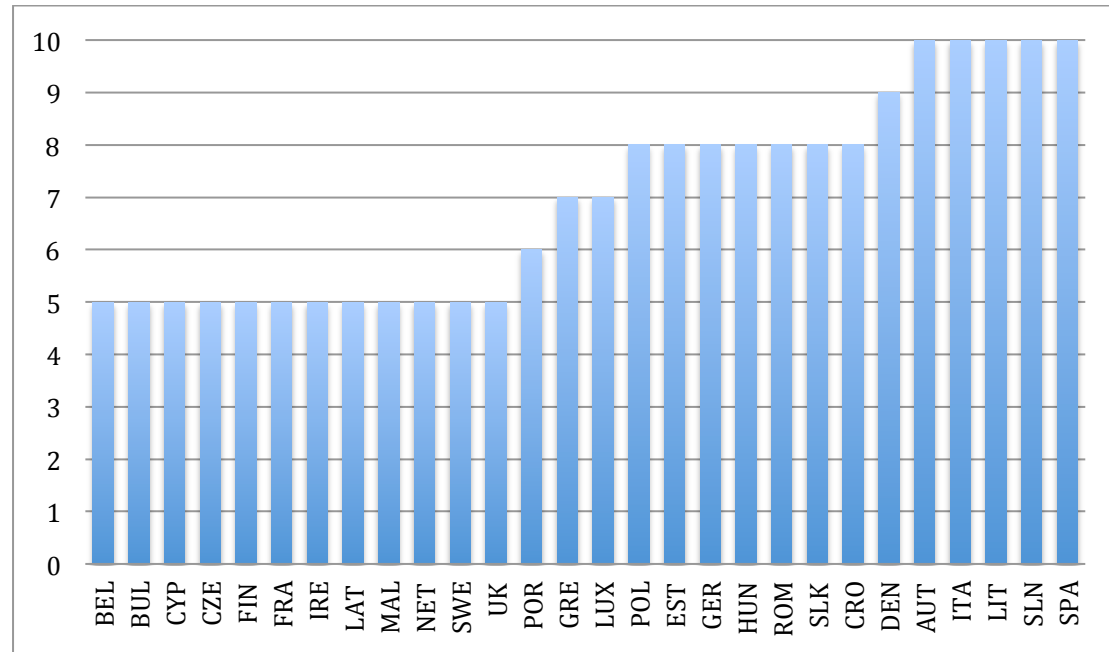
Apart from the legal uncertainty deriving from a discretionary application procedure, a key implication of a contractual view –which seems widely held among politicians and electorates designing these procedures- is that the way in which eligibility requirements for naturalization and other procedural requirements, such as fees, are designed are structurally biased towards the ‘supply side’, i.e. the state ‘supplying’ citizenship.⁹ In other words, certainly in those economically most developed states in Europe, naturalization policies reflect a seller’s market where there is great demand but limited supply and ‘buyers’ of citizenship are at the mercy of what ‘sellers’ demand for it.¹⁰ Such asymmetry between the interests of the citizenship-granting state and the citizenship-requesting individual is at odds with a ‘citizenship stakeholder’ principle, which assumes that the interests of the community and the prospective citizen are mutually constitutive (Bauböck 2016; Bauböck 2017). In this alternative view, naturalization policies should take into account not just supply-side concerns, but also demand-side concerns and provide a pathway to citizenship to newcomers and their children as part of a general concern of democratic inclusion.

The European Convention on Nationality (ECN), signed by 29 states and ratified by 20 of those, provides ‘that internal law should contain rules which make it possible for foreigners lawfully and habitually resident in the territory of a State Party to be naturalised’ (Article 6, under 3). While the ECN allows considerable discretion for states to ‘fix other justifiable conditions for naturalization, in particular as regards integration’ (ECN, Explanatory Report, under Article 6, paragraph 3), it does set a maximum period of residence which can be required for naturalization, namely of ten years (before the lodging of an application). When we look at the current residence requirements in all 28 member states of the EU, we see that no state exceeds the maximum of ten years, yet there is considerable variation ranging from the most common requirement of 5 years in 12 countries to a 10-year requirement in Italy, Lithuania, Slovenia and Spain (Figure 1). The average residence requirement is 6.8 years.

⁹ A further consequence, which I do not elaborate here, is that a contractual view implies contractual allegiance by both parties to the contract, which sees this allegiance as conditional: ‘allegiance and protection are the quid pro quo of a mutual contract in which each is given in return for the other’ (Orgad 2017). The increasing popularity of citizenship deprivation rules can be viewed as a consequence of such a view: certain acts (criminal, terrorist) are seen as violating the citizenship ‘contract’ and thereby constitute a legitimate ground to end this contract.

¹⁰ The ‘citizenship for sale’ or ‘golden visa’ provisions in some countries reflect a different scenario, where states seek to attract economic investment through offering facilitated access to citizenship or residence (Dzankic 2012; Schachar and Bauböck 2014).

Figure 1. Residency requirement for ordinary naturalization in EU28 (in years)



Source: www.eudo-citizenship.eu (situation 1 January 2016)*

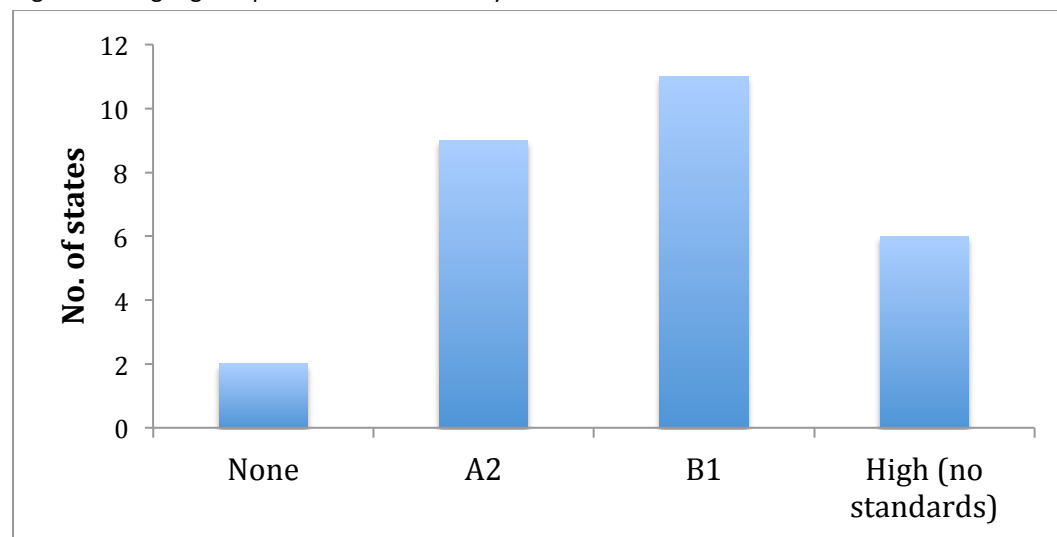
* Additional residence requirements may apply.

The nominal residence requirements in citizenship laws need to be interpreted with great care, as often additional residence requirements will apply, such as the need for the residence period to be uninterrupted or the requirement to have permanent residence, either at the moment of application or even at the moment of starting to count the years of residence (Goodman 2010: 8-9). For example, whereas in Poland the citizenship law nominally requires 3 years residence, persons need to be in possession throughout this period of a permanent residence permit or a long-term EU residence permit, for which 5 years residence are required. Hence the minimum residence requirement for ordinary naturalization in Poland is 8 years in total. In Portugal, 6 years legal residence is required, without any need of having permanent residence. In Denmark, by contrast, 9 years residence is required with a permanent residence permit at the time of application. In Austria, by far the country with the most strict residence requirements, 10 years residence in Austria is required, of which 5 years with a permanent resident permit immediately before the application. In practice, such additional residence requirements can have a significant impact on the eligibility for naturalization.

The access to ordinary naturalization is also conditioned by the existence of, among others, a) language requirements, b) so-called integration requirements, c) economic requirements and d) by the fees required to start the application procedure. As for *language requirements*, we find that most EU member states nowadays have a formalized language requirement, either at level A2 ('Can understand sentences and frequently used expressions related to areas of most immediate relevance') or level

B1 ('Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc.') from the Common European Framework of References for Languages (CEFR). Some states maintain high, but unstandardized language requirements, as is the case in Hungary, Italy, Malta, Romania, Slovakia and Spain (MIPEx 2015). Only two countries, Ireland and Sweden, have no formal language requirements at all in the citizenship law (Figure 2).

Figure 2. Language requirements for ordinary naturalization in EU28



Source: MIPEx (2015)

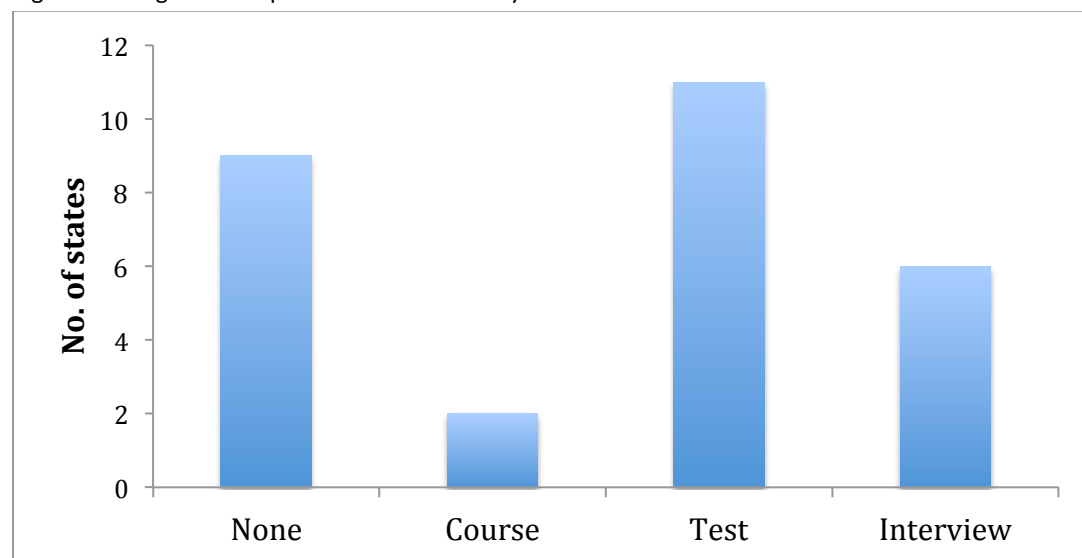
While having language skills enables a person to participate in society, for example in the labour market and in political decision-making (e.g. elections), and thus ensures a basis for active citizenship, too high requirements may also provide a significant barrier to accessing citizenship. Barriers may relate both to the literacy requirements and to the costs associated with acquiring such language skills, as in many states it is up to the immigrant to arrange and finance her or his own language training. According to Goodman (2010), the number of countries with a formal language test increased from six in 1998 to sixteen in 2010.

Integration requirements also vary significantly between states. Such requirements demand sufficient knowledge of a country's history, political institutions and/or of the habits and traditions of a society and are often seen as part of a trend towards 'fortifying citizenship' (Goodman 2012).¹¹ They may be found either as requirement for permanent residence or for citizenship, or for both. Whereas for language skills the argument that these provide an important basis for a migrant's integration within society, requiring migrants to obtain and reproduce such 'civic knowledge' has been much more contested (e.g. Bauböck and Joppke 2010). According to

¹¹ How to categorize and measure such integration requirements is subject of considerable controversy (Goodman 2010; Michalowski and Van Oers 2012).

information from MIPEX (2015), in 2015 eleven EU28 states required a formal citizenship test. Two states, Belgium and Luxembourg, only required applicants to have taken an integration course, whereas in six states integration was assessed in an informal interview. Nine states had no formal integration requirement for citizenship acquisition. Barriers to citizenship relate both to the intellectual requirements and to the costs associated with acquiring sufficient knowledge, as in many states it is up to the immigrant to arrange and finance her or his own training. Only in two countries where there is a formal test, does the state provide sufficient courses to succeed (Estonia, Germany). In the other nine countries it is up to the immigrant to arrange to herself (MIPEX 2015).

Figure 3. Integration requirements for ordinary naturalization in EU28



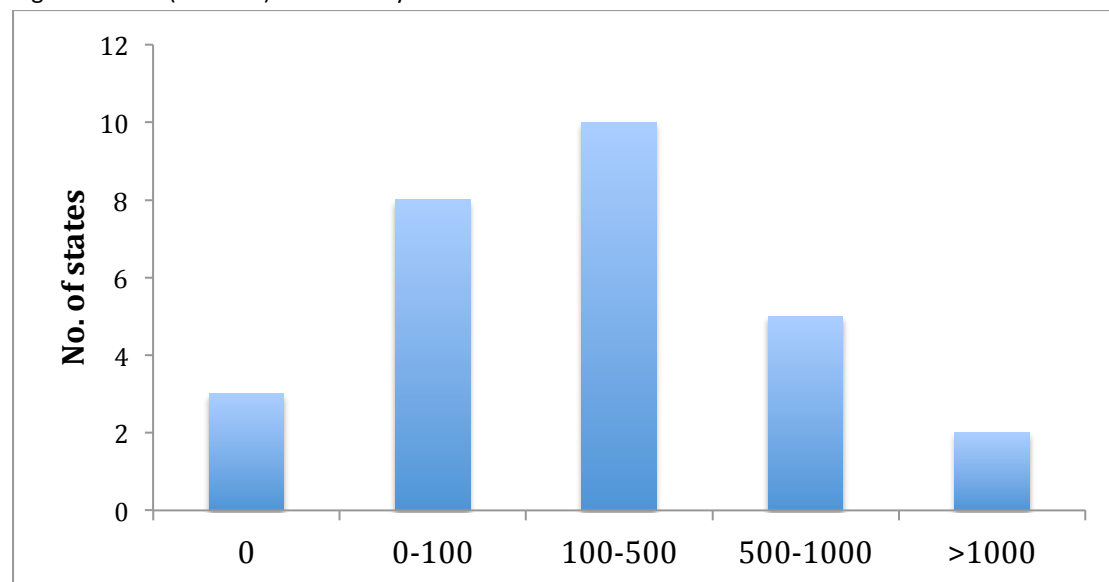
Source: MIPEX (2015)

In terms of *economic requirements*, about half of the EU28 states, mostly in Central and Eastern Europe plus Austria, Denmark and Italy, require applicants to demonstrate having a stable and sufficient source of income, or some similar type of requirements. Other states, such as the Netherlands or the UK, do not have such income requirements but instead require applicants to pay a considerable *fee*. In the Netherlands, a single application for naturalization costs €840 and an application for a family of two parents and two children would amount to €1320. Note that these fees are to be paid irrespective of the outcome of the application and do not include additional costs for language training and civics courses.¹² In the UK, the fee for ordinary naturalization is £1236 for each adult applicant and £936 for each child under the age of 18 (plus an additional £80 to cover the ceremony fee should the

¹² See <https://ind.nl/EN/individuals/dutch-citizenship/costs-income-requirements> [accessed 17 September 2016].

child turn 18 during the application process).¹³ According to MIPEX (2015), the average fee in the EU28 is around €250 per person, yet there is considerable variation. Only in 11 states do the application costs remain under €100 per person, whereas in 17 others states fees exceed €100, in two states (Austria, besides the UK) even over €1000 per person. This makes naturalization prohibitively costly.

Figure 4. Fees (in euros) for ordinary naturalization in EU28



Source: MIPEX (2015)

Finally, additional procedural requirements may still discourage immigrants from applying or may lead to rejections for those who do apply. For example, in the Netherlands the Research Department of the Ministry of Security and Justice recently investigated why so few migrants, whose asylum applications had been rejected but who had been granted a regular residence status as part of an extraordinary regularization in 2007, had submitted an application for naturalization (only around 30% have naturalized). Not being in possession of the right documents from the country of origin was indicated as by far the main obstacle for the respondents of a survey (71% indicated not to have the appropriate documents, even though nearly all said they had tried to come by these documents). Whereas recognized refugees are exempted from such identity requirements, as they cannot be expected to return to country from which they fled, these ‘regularized migrants’ had to fulfill the regular identity requirements, even though many cite opposition from authorities, difficulties traveling to the country of origin and the high costs involved in trying to obtain the proper paperwork as the main problems they encounter. Under current regulations in the Netherlands it is difficult to prove one cannot get the documents needed and exceptions are rarely made (WODC 2015).

¹³ See <https://www.gov.uk/government/publications/fees-for-citizenship-applications> [accessed 17 September 2016].

Facilitated naturalization for refugees

The 1951 Refugee Convention requires that 'Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.' (Article 34). In his commentary on the Convention, Grahl-Madsen (1963) emphasizes that '[n]aturalization in a country of refuge is one of the possibilities for putting an end to a person's refugee character.' (comment 1 under Article 34).

What it meant in Article 34 is in fact the laying of foundations, or stepping stones, so that the refugee may familiarize himself with the language, customs and way of life of the nation among whom he lives, so that he - without any feeling of coercion - may be more readily integrated in the economic, social and cultural life of his country of refuge.

Language courses, vocational adaptation courses, lectures on national institutions and social pattern, and above all stimulation of social contacts between refugees and the indigenous population, are but some of the means which may be employed for the purpose.

By facilitating "assimilation" the Contracting State is to a certain extent also facilitating the naturalization of refugees: In the sense the word is used in Article 34, "assimilation" is "an apt description of a certain stage in the development of the life of the refugee and of the general refugee problem"; indeed it "clearly corresponded to the conditions the refugee should fulfil in order to qualify for naturalization" (*ibid.*, comment 3).

Naturalization may be facilitated in a number of ways, for example by a 'less rigid implementation of financial criteria', by waiving the requirement to be released from one's former citizenship, or by a shorter residence requirement. Grahl-Madsen argues that Article 34 of the Convention requires fair treatment of refugees, but no better treatment than that accorded to other aliens, if that treatment is a favourable one (*ibid.*, comment 4).

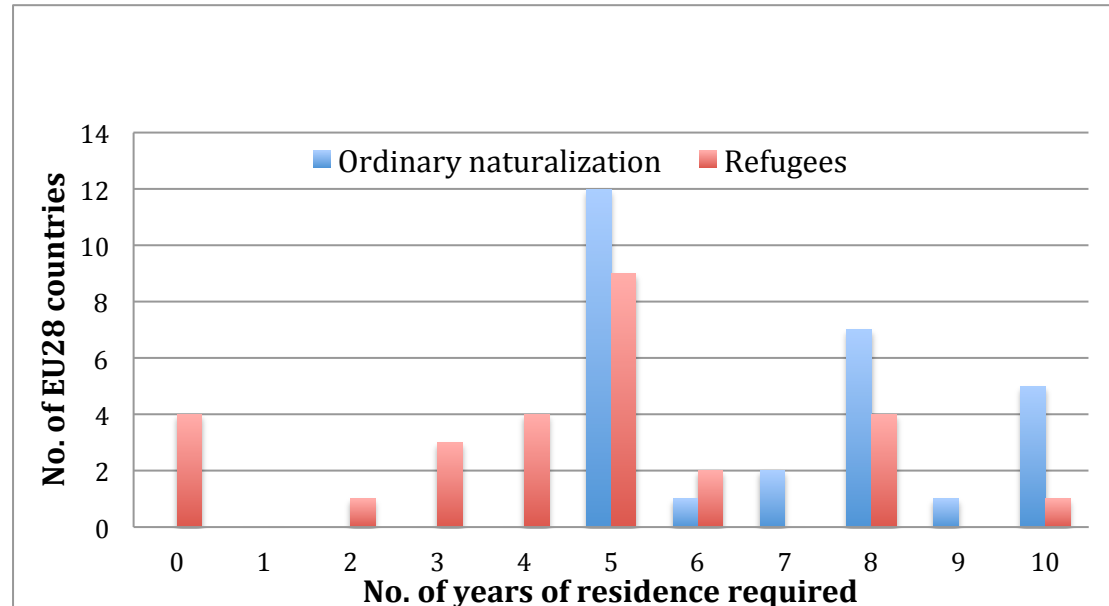
A comparable requirement to facilitated the acquisition of citizenship for 'recognised refugees' can be found in the ECN (Art. 6, under 4(g)). The Explanatory report clarifies this obligation as follows:

In order to comply with this paragraph, it is sufficient for a State Party to ensure favourable conditions for the acquisition of nationality for the persons belonging to each of the categories of persons listed in the sub- paragraphs. Examples include a reduction of the length of required residence, less stringent language requirements, an easier procedure and lower procedural fees. States Parties still retain their discretion to decide whether to grant their nationality to such applicants. Where the generally required conditions are already very favourable (for example a short period of residence for all applicants for naturalisation), such States are not required to take additional measures (Explanatory Report to the ECN, Art. 6, paragraph 4, consideration 52).

When looking at the existing regulations in EU member states, it is remarkable that 8 states have no specific provisions related to refugees. In other states, facilitation is

minimal. In the Netherlands, the only facilitation mentioned in the law itself is a waiver of the requirement to renounce one's previous citizenship (additionally, the naturalization fee is lowered from €840 to €625). In Denmark, the residence requirement is lowered from 9 to 8 years.

Figure 5. No. of EU28 countries with certain residence requirement (in years)



Source: www.eudo-citizenship.eu (situation 1 January 2016)*

* Additional residence requirements may apply.

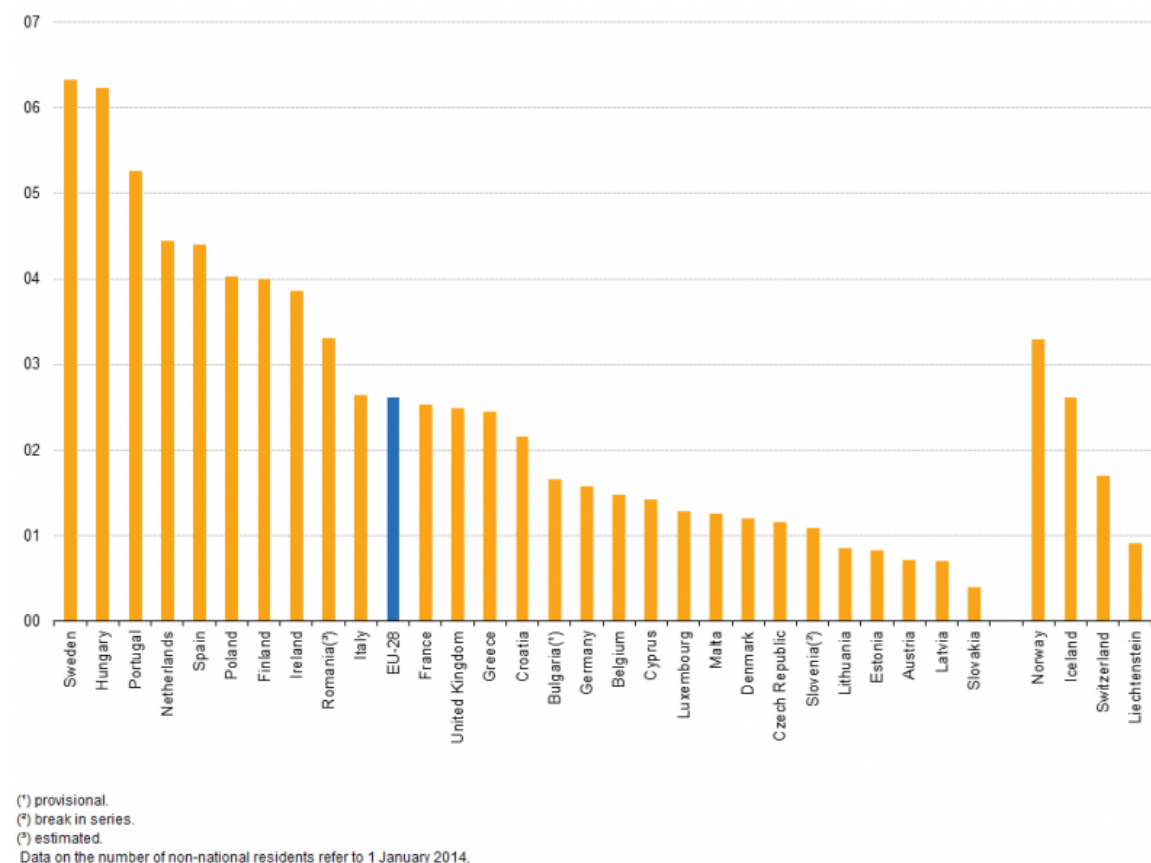
Overall, whereas the average number of years of residence required for ordinary naturalization in the EU28 is 7 years, for refugees this is 4.5 years. While this amounts to a considerable facilitation, still in 16 member states the residence requirement for naturalization by refugees is more than five years. One state (Lithuania) requires the same extraordinary high number of years (10) for both ordinary naturalization and for naturalization by refugees (Figure 5). Such requirements clearly violate what the UNHCR considers best practice 'in order to restore an effective nationality to refugees and to enable their full integration into society', namely a residency requirement not exceeding five years (UNHCR 2009: 3). UNHCR is also concerned that time spent by refugees prior to determination of their application do not 'slow down refugees' route to citizenship' (*ibid.*). In Ireland, discretionary exemption from residence and other requirements is possible and in practice refugees are exempted from income requirements; yet time spent in the country as asylum seeker is not reckonable for the purpose of making an application, according to a High Court judgment (Becker and Cosgrave 2013: 4).

4. Acquisition of Citizenship

So what do we know about how many migrants acquire citizenship in the EU? Overall, based on statistics reported by the member states, we know that on average around 850 thousand persons per year acquired the citizenship of one of the EU28 member states between 2009 and 2014 (Eurostat 2016).

On a population of over 500 million inhabitants, that number is not very significant (around 0.17 percent). Even when looking at the citizenship acquisition rate among the resident foreign population (a standard measurement for relative societal impact of the number of naturalizations), only 2.6 per one hundred resident non-nationals were granted citizenship in one of the EU's member states in 2014 (Figure 6).

Figure 6. Annual rate of acquisition of citizenship per 100 resident foreigners, 2014



Source: Eurostat (2016: Figure 5)

More meaningful estimates of citizenship acquisition rates among the foreign-born population are available based on micro-data from comparative surveys. For example, on the basis of data from the 2008 Labour Force Survey Ad Hoc Module on the labour market situation of migrants and their descendants in the EU15, we found that only 19% of the immigrant population has acquired citizenship after 10 years of residence, on average (Table 1). Yet there is significant variation, with up to 60% of

the immigrant population having naturalized in Sweden yet only 2% in Luxembourg. After twenty years of residence the average acquisition rate increased to 45% (and 85% in Sweden). Among the population resident longer than 20 years, on average 63% has naturalized in the EU15. While this is a significant percentage, this still means that there is a group of nearly 40% of immigrants (and 80% in Luxembourg) who had not naturalized after residing over 20 years in a country.

Table 1. Cumulative rate of acquisition of citizenship among foreign-born population in EU15 (per cohorts of years of residence), in %, 2008

	Years of residence		
	6 to 10	11 to 19	20+
AUSTRIA	18.90	41.60	62.76
BELGIUM	24.07	50.40	55.52
DENMARK	14.36	52.13	61.86
FRANCE	18.54	36.91	60.55
GERMANY	28.72	56.97	46.38
GREECE	7.57	25.61	56.77
IRELAND	12.01	32.78	56.44
ITALY	7.98	17.66	60.19
LUXEMBOURG	2.05	8.22	19.61
NETHERLANDS	36.70	70.22	80.23
PORTUGAL	3.93	31.45	58.55
SPAIN	13.26	31.77	54.46
SWEDEN	60.94	85.40	79.18
UK	26.30	51.70	66.51
Mean	18.81	45.40	62.70

Source: Vink and Prokic-Breuer (2012)*

* Data from LFS Ad Hoc Module 2008. No data available for Finland

Analyzing micro-level survey data also allows for a better understanding of the relevance of individual, origin country and contextual level factors for the acquisition of citizenship by migrants. The following paragraphs summarize the results of a comparative study by Vink, Prokic-Breuer and Dronkers (2013) on the effects of citizenship policies in European countries on the propensity to naturalize, taking into account not only characteristics of individuals, but also their origin country features. In particular, the study looked at the relevance of destination country policies *in the context of origin country features*, such as the level of development of the origin country, as well as dual citizenship policies. The study was based on a sample of 7.489 foreign-born residents in 16 European countries, collected by the European Social Survey. The study is innovative because, in as far as any comparative research has been done on the effects of destination country policies, these have concluded that indeed ‘policy matters’ (Bloemraad 2002; Reichel 2011; Dronkers and Vink

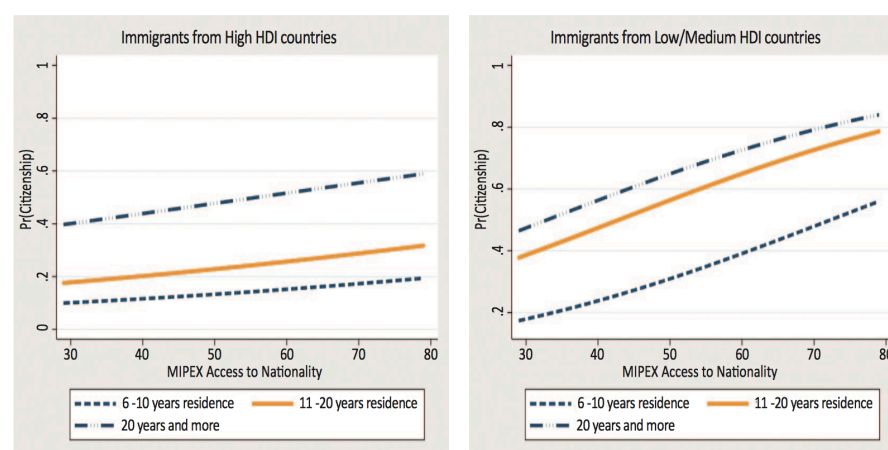
2012). However, few scholars investigate the question *to whom* citizenship policy matters most (or at all).

Vink *et al* (2013) first look at typical factors, such as origin country and individual level variables. The level of human development of countries of origin accounts for the vast difference among immigrants in their propensity to naturalize. Immigrants in Europe coming from medium and under-developed countries are on average 2.5 times more likely to have citizenship than those originating from highly developed countries, including EU member states and other OECD countries. These findings are in line with the literature and can be understood in terms of the perceived payoff attached to citizenship (Jasso and Rosenzweig, 1986: 303; Bueker, 2005; Logan et al, 2012). Acquiring destination-country citizenship has a much higher potential pay-off for immigrants originating from low-income countries than for those coming from developed and more prosperous societies.

Crucially, because large differences exist between immigrants in their motivation to naturalize, Vink *et al* (2013) show that the impact of citizenship policies varies for these two groups (Figure 7). The legal framework set by the citizenship laws in the destination countries, as discussed previously, accounts for different naturalization rates, yet only for immigrants from less developed countries. In fact, not only are these immigrants twice as likely to naturalize in countries with very open citizenship policies, but they are also the ones particularly affected by these policies.

Figure 7. The relation between citizenship policies and immigrant naturalization rates, EU15 (by level of development of origin country)*

Probability of acquisition of citizenship in EU-15 countries



Source: Vink, Prokic-Breuer and Dronkers, 2013

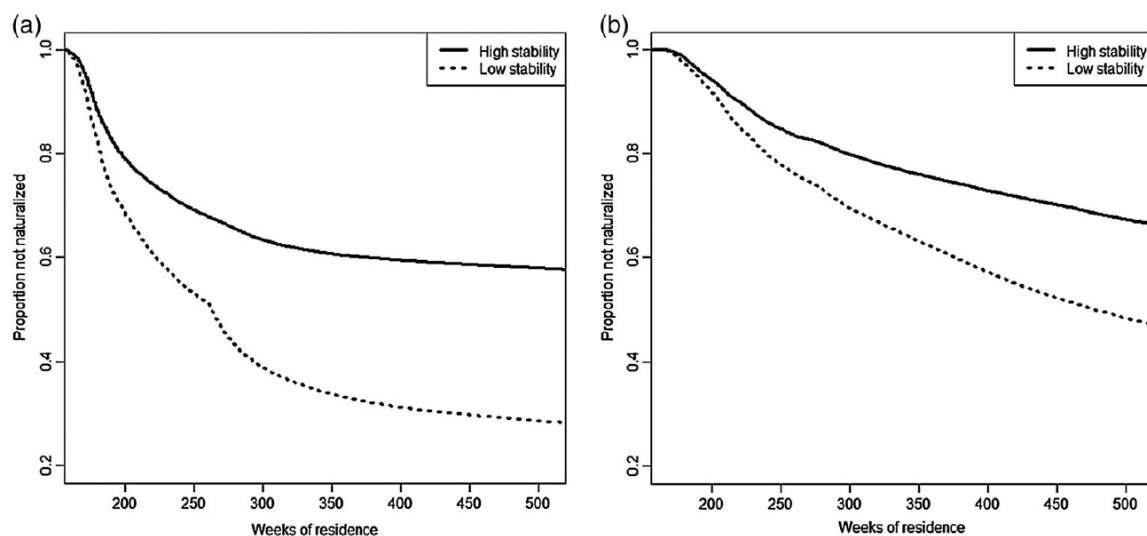
* HDI = Human Development Index

Vink *et al* (2013) demonstrate the relevance of policy by introducing an indicator that captures the openness of citizenship policy in the destination countries for first

generation immigrants, with regard to residency and integration requirements for naturalization (MIPEX Access to Nationality). They observe that an increase of 1 unit on the MIPEX scale leads to a 2.4 percent increase in the likelihood of having destination country citizenship. However, only in the case of immigrants from under-developed countries do they observe a sharp increase in citizenship take-up rates. For immigrants from highly developed countries the positive relation between citizenship policy and naturalization rates is weaker and not significant.

Second, the analysis by Vink *et al* (2013) shows that this origin factor is also related to the role of individual characteristics in immigrants' decisions to naturalize. Differentiated analyses of citizenship take-up among two immigrant groups, from highly developed (incl. the EU) and from medium/under-developed countries, show that different determinants play a role for different groups. Socio-economic features such as human capital (e.g. language skills) and employment status indeed play significant roles in the take-up of citizenship, but only for immigrants from less developed countries. Historical and cultural ties between the origin country and the destination country also matter, for example in the context of former colonies.

Figure 8. Cumulative acquisition rates (proportion not naturalized or foreigner) among migrants cohorts 1995-1997 (a) and 2000-2002 (b), by political stability of origin country, in the Netherlands



Source: Peters *et al* (2016), Figure A1

We find a similar differentiated impact of citizenship laws on naturalization rates when looking in more detail at longitudinal data from the Netherlands. In research with Floris Peters and Hans Schmeets, we analyze population register-data from the Netherlands over the period since 1995. In this analysis we look at foreign-born residents in the Netherlands and include statistical controls for origin country and individual characteristics of immigrants (Peters *et al*, 2016a). We find that the restriction of Dutch citizenship law in April 2003 had a significantly negative impact

on immigrant naturalization rates. Among immigrants who arrived in Netherlands in 1995, 1996 or 1997 on average 58 percent is naturalized after 10 years. Yet, among cohorts from 2000, 2001 and 2002, only 42 percent was naturalized after a similar period. These differences are even greater if you look at those groups who are most in need of citizenship, such as immigrants from less developed countries or those from political unstable countries (Figure 8). We compare immigrants from cohorts that could still naturalize under the pre-2003 legislation and those who could only do so under the stricter 2003 law.

We find that for immigrants from politically stable countries the propensity to naturalize is virtually the same between cohorts that fall under the pre and post 2003 legislation. However, for immigrants from politically unstable countries, the difference is significant: immigrants from cohorts that fall under the stricter 2003 legislation naturalize later *and* less often. In other words: we see that policy does matter, especially for those immigrants who are most interested in acquiring citizenship of the country in which they live. It is not just that, under the 2003 law, these immigrants postpone naturalization, they seem to be put off altogether.

5. Pathways to Citizenship and Socio-Economic Integration

In this section I provide some brief evidence from ongoing research with Peters and Schmeets on the relation between citizenship acquisition and socio-economic outcomes, in particular having paid employment, among migrants in the Netherlands.

Anticipating citizenship (Peters et al, 2016b)

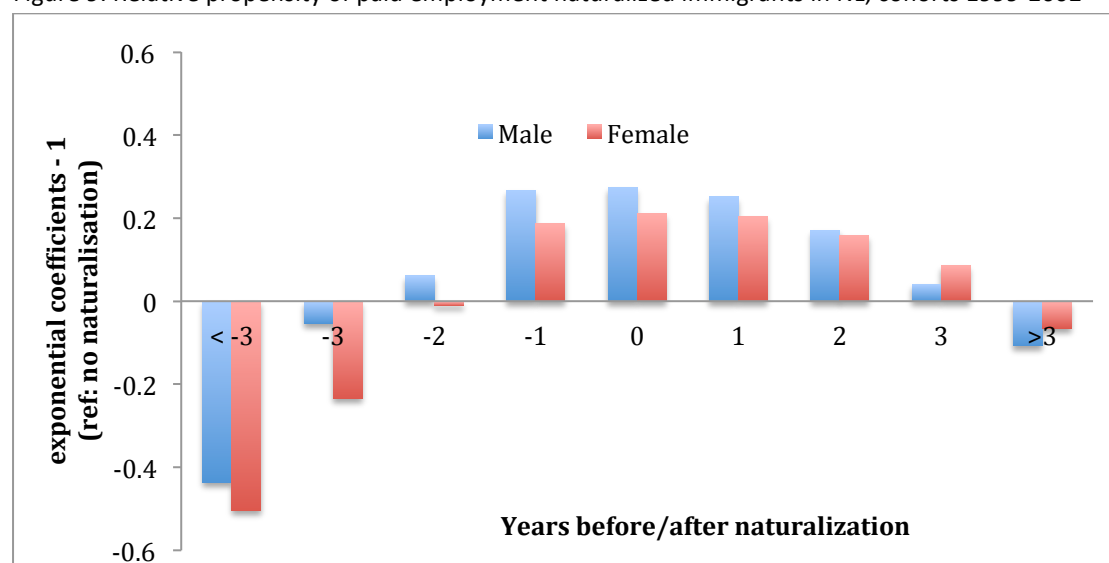
Can citizenship improve the economic integration of immigrants? In this paper we develop the argument that migrants anticipate rewards of citizenship by investing in their human capital development, such as acquiring language skills. In line with a life course approach to immigrant naturalization (Peters and Vink 2016) we hypothesize that this anticipation mechanism is reflected in improved labour market outcomes, not so much –or certainly not only- after naturalization, as assumed in most of the literature, but already *before* the acquisition of citizenship.

To test this argument we use unique micro-level register data from Statistics Netherlands from 1999 until 2011 (N = 94,320). To analyze these data in further detail, and in line with contemporary studies in the literature, we use individual fixed-effects regression (Bratsberg et al, 2002; Helgertz, et al, 2014; Steinhardt, 2012). The main reason for this approach is that it addresses potential bias resulting

from self-selection inherent in the naturalization process by controlling for differences between individuals in terms of unmeasured characteristics.

The results show that initially, male and female immigrants who will naturalize at some point in the future perform worse on the labour market than their counterparts who never naturalize. The probability of having paid employment of migrants who will naturalize more than three years in the future is 44 percent lower for male immigrants, and 50 percent lower for female immigrants, compared to migrants who will never naturalize, all else constant (Figure 9). This confirms that naturalization is attractive to immigrants who struggle on the labour market. We observe a steep increase in the probability of having paid employment as migrants approach the moment of naturalization. From two years prior to naturalization onwards, the employment probability of male immigrants exceeds that of migrants who never naturalize, and no longer statistically differs for naturalizing female immigrants. The probability of having paid employment peaks at the year of naturalization, rising to almost 28 percent above the level of those who never naturalize for male immigrants and to more than 21 percent for female immigrants.

Figure 9. Relative propensity of paid employment naturalized immigrants in NL, cohorts 1999-2002



Source: Peters et al (2016b)

Graph based on analyses controlling for years of residence, partner status, having young children in the household

These findings contrast with the traditional, causal theory of the citizenship premium in the literature, where positive labour market outcomes are assumed to be the direct result of citizenship acquisition (OECD 2011; Helgertz et al 2014: 344). The observed increase in the probability of having paid employment leading up to the moment of naturalization shows that immigrants anticipate the reward of citizenship and that employers recognize and respond to the developing skills of potential

workers, rather than citizenship acquisition itself. Indeed, two years after naturalization, the employment probability gradually decreases again, indicating that migrants who never naturalize eventually catch up with their naturalizing counterparts. As such, naturalized immigrants enjoy an accelerated integration process, rather than a sustained, long-term advantage on the labour market.

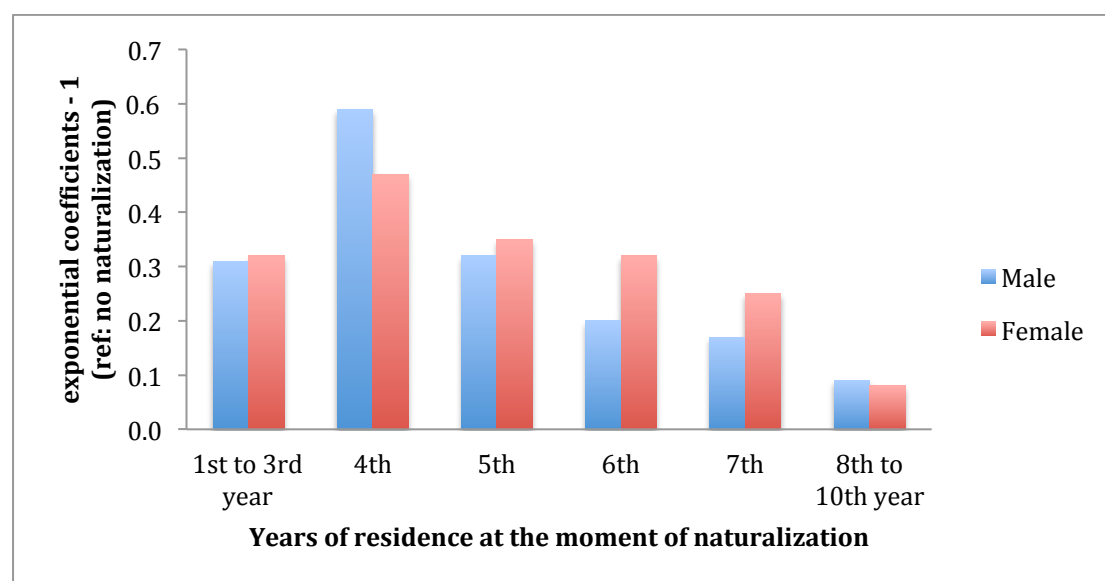
Further analyses differentiated by origin country show that male immigrants from less developed countries enjoy a steeper increase in the probability of having paid employment than those from more developed countries of origin. The year prior to naturalization, the employment probability of migrants from less developed countries is more than 51 percent higher than for migrants who never naturalize, whereas the discrepancy in the employment probability stagnates at 39 percent for those from more developed countries. Similarly, for female migrants from less developed countries we observe a stronger effect of citizenship. The probability of having employment peaks the year prior to naturalization, being 45 percent higher than migrants who never naturalize, compared to 39 percent among those from more developed countries the year after naturalization.

The faster, the better (Vink et al, 2016)

In a second paper, we argue that the potential positive impact of citizenship acquisition on labour market outcomes is conditioned by the *trajectory* into the acquisition of this legal status and test the hypothesis that the longer the ascension period the smaller the impact of citizenship. The idea behind this hypothesis, in line with a life course perspective on naturalization, is that citizenship acquisition no longer positively affects the labour market outcomes after an immigrant has already resided in the destination country for a significant period. This is not to say that citizenship will not have specific benefits at that stage (e.g. it will offer more flexible mobility and may facilitate return migration) but we would not expect that it affects a migrant's human capital development in the way that it would if the migrant would naturalize after just a few years of residence (when it may encourage a fast-track integration trajectory through anticipation mechanisms, as demonstrated above).

To test this argument we use micro-level register data from Statistics Netherlands from 1999 until 2011 (N = 197,245) and apply a logistic regression method to analyze the propensity of having paid employment. We include a 1-year lagged dependent variable in the module to control for otherwise unobserved personal characteristics.

Figure 10. Relative propensity of paid employment naturalized immigrants in NL, cohorts 1999-2002, by years of residence at moment of naturalization



Source: Vink et al (2016)

Graph based on analyses controlling for years of residence, age at migration, partner status (foreign partner, foreign-born Dutch, native-born Dutch, no partner), having young children in the household, origin country (EU v third country) and a 1-year lagged dependent variable.

We show that the positive impact of citizenship is visible especially in early years of the residence in the new country, but that after seven years these rewards diminish significantly (Figure 10). Migrants who naturalize within ten years after having arrived in the Netherlands have a higher propensity of having paid employment. However, this propensity is significantly higher when migrants naturalize relatively early on, especially in the fourth year after arrival (59 percent for men, 47 percent for women).¹⁴ Yet men who naturalize after five years of residence in the Netherlands (hence in the sixth year) still have a 20 percent higher chance of having paid work, compared to those migrants who do not naturalize at all; among women this propensity is even 32 percent higher. From the eighth residence year, naturalization has a much lower impact (respectively, 9 and 8 percent among men and women). From this perspective, there is no empirical evidence to support the current legislative proposal (approved by the Lower House, pending discussion in the Senate) to increase the residence requirement from five to seven years (or even to ten years, as some parties are proposing in their current electoral manifestoes). These findings chime with evidence from Hainmueller et al (2016) who find that lengthy asylum processes decrease employment among refugees.

¹⁴ Under Dutch legislation, these will be migrants with a Dutch partner, who are allowed to naturalize after 3 years of marriage or civil partnership. We include a statistical control for having a Dutch partner, foreign-born or native-born, which has an independent significant positive impact on having paid employment

6. Concluding reflections

How to yield information from these findings for targeted policy decisions aimed at maximizing settlement success for immigrants and their children? Both these studies discussed in the previous section illustrate that citizenship status relates significantly to integration outcomes among immigrants, in this case with regard to paid employment, but that we should start thinking about the relevance of legal status beyond seeing it as some kind of ‘magical device’ that may provide struggling migrants with e.g. better access to the labour market (as implicit in the ‘signalling device’ assumption). Migrants actively plan their lives and anticipate potential rewards and opportunities of naturalization by investing in their own future. Yet, approaching citizenship as a ‘reward for integration’, as is often heard in political circles, from this perspective is a self-defeating prophecy, as integration is not a clearly defined end-state, but rather a process, and making citizenship conditional upon ever-stricter criteria makes ‘becoming more accepted in society’ an elusive ambition, instead of realistic goal.

Analysing how and under which conditions status transitions affect migrant life course trajectories allows us to better inform policy-makers on the outcomes of immigrant naturalization policies. These policies have been characterised by two developments over the past three decades: on the one hand, citizenship has become increasingly instrumentalized as part of a broader immigrant integration agenda, while, on the other hand these policies have also become increasingly politicised (Vink and De Groot 2010). These two trends clearly have contradictory effects in terms of making citizenship, respectively, both more and less accessible to migrants and their offspring. While researchers have provided significant input for evidence-based policymaking in this domain, in Europe (OECD 2011), existing research does not facilitate informing decision-makers for two main reasons.

First and foremost, by focusing research on the binary question *whether* citizenship matters for immigrants, the literature overlooks significant heterogeneity and misses out on identifying *why*, *under which conditions* and *to whom* citizenship matters. In other words, whereas heterogeneous outcomes are often seen as undermining the overall significance of citizenship for immigrants, scholars should recognize and communicate to policymakers that what matters is the pathway into citizenship, not just the acquisition of the status as such (Bevelander and DeVoretz 2014). Researchers should also invest further efforts, not just in sophisticated methodological strategies to deal with ‘the causality problem’ in research on citizenship and integration, but also in theoretical models that allow us to hypothesize these differential pathways, in a broad range of life course domains. The examples presented in section 5 illustrate such an approach in the most commonly

investigated domain, of labour market integration, but as outlined in the literature review in section 2, these models can and need to be applied in other fields also.

Second, partly driven by the high demands on longitudinal data, the most advanced research in the field focuses on single countries or at best includes a limited comparison. As a result, existing research does not facilitate drawing conclusions on the question most relevant to policy-makers, that of the variable impact of policies on naturalization outcomes. This is partly because suitable longitudinal data are scarcely available (though data derived from population registers as in the Netherlands and Scandinavian countries provides a promising starting point) or under-used (when intra-country variation over time currently is not optimally utilised to analyse the impact of policy changes). Moreover, whereas much of the research focuses on the symbolically and arguably in practice most relevant legal status transition, i.e. the transition towards citizenship, there is much less evidence on the relevance of other types of legal status transition, such as from asylum seeker towards recognized refugee, or from temporary migrant to migrant with a permanent residence. Again, this is partly a reflection on available data (e.g. in surveys and population registers information on citizenship status is often included, yet information on other types of statuses mostly lacking). Whereas increasingly better comparable data exist on citizenship and integration policies, how such policies affect relevant outcomes still leaves much to be investigated.

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