

CITIZENSHIP POLICIES IN EASTERN EUROPE
ACQUISITION AND LOSS OF CITIZENSHIP IN SIXTEEN
POSTCOMMUNIST COUNTRIES

By

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Introduction

Citizenship is a multilayered normative concept and an intricate political and legal instrument to draw political communities. The interest in citizenship has grown in the last decades due to genuine transformations at different levels: global (increased economic interdependence, human rights revolution), regional (fall of communism in Eastern Europe, regional integration) and domestic (welfare, migration and minority issues).

The existing literature in the field is primarily focused on different normative aspects of citizenship (ideological ingredients, normative strata, models and challenges). Rather than assessing or improving the available normative framework on citizenship, I will deal with the configuration and evolution of particular citizenship policies- more specifically, the formal regulations enforced by certain states in order to control the access to and the exit from the polity.

The premise of this study is that before posing any question about content (rights, duties) or character (unitary, fragmentary) of citizenship, an answer to a preliminary question must be delivered: who is a citizen? Limited research on empirical citizenship (formal rules and regulations) has been conducted recently and the existing works are most often non-systematic or case-based centered and their focus rarely goes beyond the Western world (West/non-communist Europe and North America). Conclusions and models based on Western experience, shaped by specific historical and actual factors, pose several theses that may have little application outside the Western context (liberalization, ethnicization, relative convergence).

Apart from the Western settings (although not in complete isolation), complex political transformations in postcommunist Eastern Europe re-opened (if ever closed) the question of national-state building. In this context, citizenship regulations have played a privileged role in redrawing the boundaries of the new/liberated national states.

In order to grasp the overall picture of patterns and transformations of citizenship rules in postcommunist Eastern Europe, the study provides a comprehensive analysis of citizenship laws and other related legal instruments (Constitutions, kin-minority protection laws). The main objective of the study is not to explain why things happened but rather to clarify what and how they happened. How did citizenship policies evolve in the last decade? Are they more liberal/open/ethnic/European? Are they more convergent?

The first part of the paper gives brief guidelines on citizenship theory and situates the analysis in normative and historical context. After deconstructing the concept of citizenship and underlining the importance of citizenship in its national determination, preliminary indications about West /East cleavage are given.

In the second part, the study concentrates on the most important theses regarding the evolution of citizenship policies in the Western world, pointing out the concrete challenges that underpin them. Three major tendencies celebrated in the western literature are addressed: liberalization, ethnicization and Europeanization.

The core of the analysis is laid down in the third part, systematically presenting data extracted from the citizenship regulations of sixteen Eastern European countries. The employed approach is twofold comparative: countries are compared among each other in two different periods (1990s and 2000s) and also between themselves at different moments within the same interval. Discursive arrangements and numerical scales are constructed for different branches of regulations in order to compare and measure the policy in the light of their open-ness v. restrictiveness.

Finally, the last part of the thesis generates a summary of the findings and provides certain interpretations. In this process, the different theses advanced in the western literature are confronted, and additional comparative instruments are suggested.

Citizenship- conceptual and practical challenges

There is a human right to be able freely to leave one's country but not a corresponding human right to enter another."

T. Hammar

Normative aspects of citizenship

Beginning with the last decades of the previous century, western political philosophy has experienced a revival of interest in theory and practice of citizenship around salient issues in different parts of the world (welfare and neo-liberalism in the UK, affirmative action and cultural rights in the USA and Canada, migration and social integration in Western Europe). In the 1990s, the question of citizenship has been raised in relation to the dramatic political and social changes in Europe and elsewhere: the fall of communist regimes in Central and Eastern Europe, the ethno-national conflicts that followed, the acceleration of the regional integration processes, the growing of international migration¹.

Citizenship is one of the basic concepts of the modern liberal democracy, although not invented or exclusively tied to it. The historical model of citizenship, provided by the small *polis* of Ancient Greece and its theoretical sedimentation in Aristotle's work, set up a myth² to which all the competing visions of the political community have to be confronted³.

¹For an instructive introduction in the study of citizenship: G. Andrews, ed., *Citizenship*. (Lawrence & Wishart, London, 1991); also: Turner B. and Hamilton, P, eds., *Citizenship Critical Concepts* (London and New York: Routledge, 1994); R. Beiner, ed., 'Theorizing Citizenship', (Albany: State University of New York Press, 1995).

²Ignatieff, Michael, The Myth of Citizenship, in *Theorizing Citizenship*. Ed. R. Beiner, 53-78.

³For a synthetic analysis of different ideological visions of citizenship: Kymlicka, Will and Wayne, Norman, in "Return of the Citizen. A Survey of Recent Work on Citizenship Theory", *Ethics*, vol. 104, No.2, (1994):352-381; also: Beiner, Ronald. *Liberalism. Nationalism, Citizenship: Essays on the Problem of Political Community*. (Vancouver and Toronto: UBC Press, 2003).

It is a common analytical method to deconstruct citizenship along three major elements: status (rights), participation and identity. The pioneer in the study of citizenship, T.H. Marshall, defined citizenship as “a status bestowed on those who are full members of a community”⁴. Drawing his conclusions from the experience of the modern industrialized England, Marshall advances a template of modern citizenship that is continuously inclusive in terms of content (extensive rights-civil, political, social) and beneficiaries (the rich, men, everybody). However, many objections have been raised against the Marshallian theory: reductionism, contextualism, national-state centrism⁵.

One of the major questions of citizenship is: who is a citizen? What characteristics, virtues or fortunes make an individual a member of a particular community? As history shows, all political communities have been rather exclusive clubs, defined in terms of ‘us’ and ‘them’. The external boundary that separates citizens from non-citizens has always been doubled by an internal boundary, differentiating between various categories of citizens. Any regime of citizenship is, to a certain degree, exclusivist and hierarchical.

Starting with the end of the eighteenth century, the nation-state has been imposed as the prevalent vision of political community in Europe. Despite all historical differences, new national-states have been driven by the imperative of forging political boundaries over the ethno-cultural ones, according to the ideas that “the world could be comprehensively divided into political entities grounded in similar modes of internal (‘national’), and external (‘international’)

⁴Marshall, T. H., *Class, Citizenship and Social Development* (Garden City and New York: Doubleday, 1965).

⁵Barbalet, J. M., *Citizenship. Rights, Struggle and Social Inequality*, (Milton Keynes: Open University Press, 1988).

organization, and the assumption that subjects or citizens of a nation state belonged to a single national community”⁶.

With little exceptions, all individuals are citizens of a particular state. But this does not mean that all individuals enjoy the same benefits and live under the same duties; different states enforce different citizenship regimes and shape different citizens. There is an ongoing debate about the substance of citizenship, whether it refers to a formal status (different rights) or it includes also a good practice (participation, responsibility, virtue).

As the Marshallian scheme shows, in all societies citizenship policies evolved towards a progressive inclusion, oscillating between more restrictive or more liberal accounts. If formal citizenship, granting basic civic and political rights to those recognized as citizens, is an unquestionable issue not only for democratic states, substantial citizenship is a challenging model due to its controversial ideological grounds and its practical consequences (redistributionist claims). A socialist state may advocate a generous ‘everything-for-everyone’ concept of citizenship, but it may also find itself unable to offer much due to economic scarcity and/or managerial inefficiency. The debate over cultural rights and group recognition can also be interpreted in terms of struggle over resources within a state divided along ‘cultural’ lines. Who takes what is a question to be answered after settling the issue if divisions within citizenship should be allowed at all.

A basic postulate of modern liberal philosophy says that all persons are morally equal. Consequently, the modern idea of citizenship was designed to transcend particularity and difference between individuals and groups. Historically, the different routes that western states

⁶Grillo, R.D., *Pluralism and the Politics of Difference. State, Culture and Ethnicity in Comparative Perspective*. (Oxford: Clarendon Press, 1998), 119.

took made that so-proclaimed equality-for-all to be interpreted as equality-for-few, if not oppression or disregard for many (the poor, the women, the young, the foreigners, the disabled).

Despite the modern homogenization processes, even nowadays it is unlikely to find a political community (read state) that is culturally “pure”, in which there are no cultural differences or, what matters most, there are no “cultural” claims following linguistic, ethnic or religious lines. What are the normative implications of this actual social and cultural pluralism? Should state break up with the universalistic rhetoric and recognize and foster difference within society? Is ‘differentiated citizenship’⁷ attractive or even possible?

Any conception of differentiated citizenship that requires the state to acknowledge and support individual or group differences need to safeguard a minimum idea of ‘common-ness’ even though it sacrifice the modern idea of ‘same-ness’. What citizenship entails and how citizenship should relate to socio-cultural diversity are serious and fascinating questions that have to remain short of answer here since the present study is focused on more empirical aspects of citizenship.

National/ postnational

Citizenship can be roughly defined as membership to a political community. It implies access to certain rights and imposes specific obligations to the holders. Regardless the fact that the emphasis is put on status and rights or duties and participation, citizenship presupposes the existence of a political organization.

Some optimist voices have proclaimed the beginning of a new era of citizenship that would overcome the outdated model of national citizenship. Global developments pose serious

⁷Young, Marion Iris, *Polity and Group Difference: a Critique of the Ideal of Universal Citizenship* in Beiner, R (ed), ‘Theorizing Citizenship’, pp. 175-208.

challenges to the concept and practice of national citizenship: internationalization of the labor market and migration waves that it generates, the development of cultural claims of the minorities within national communities, the emergence of various forms of transnational polities that create new channels for social mobilization, the development of a global discourse of human rights that disconnect person's rights from the framework of the national state⁸. National citizenship presupposes a link between membership in a nation and residence on the territory of a state. On the contrary, postnational citizenship, as advocated by Soysal, leaves room for a 'fluid membership' allowing individuals to advance claims although they do not formally belong to the national community of the state in which they reside.

Is national citizenship obsolete? Rather than playing a visionary card, we need to look into the actual rules and mechanisms related to citizenship. Granting certain rights to diverse categories of non-citizens is a practice still confined to a limited group of states, mainly from the Western world. Even in those cases, the so called "denizens"⁹ enjoy a less privileged status than the ordinary citizens and are discriminated in terms of social benefits, mobility or political rights¹⁰.

It is possible that certain rights and forms of protection are developed outside the terrain of citizenship, however they remain limited and beyond the control of their beneficiaries, since

⁸Soysal, Yasemin Nuhoglu, "Changing Citizenship in Europe. Remarks on Postnational Membership and the National State", in *Citizenship, Nationality and Migration in Europe*, eds. Cesarini, D. and Fulbrook, M. (London: Routledge, 1996),19.

⁹Hammar, Tomas, *Democracy and the Nation State. Aliens, Denizens and Citizens in a World of International Migration* (Ashgate Publishing, Aldershot, 1990).

¹⁰Howard, M. M., "Comparative Citizenship: An Agenda for Cross-National Research", *Perspectives on Politics*, Vol. 4(3), (2006), 443-455.

“only nationals enjoy full range of rights and privileges, and must fulfill the full range of obligations that are linked to citizenship”¹¹.

Ever since the establishment of the modern national states, the question of individual membership (subjecthood or citizenship) has been almost exclusively a domestic issue. Timid attempts to bring the matter under international control were related to isolated problems such as dual allegiances and, more recently, statelessness and non-discrimination. However, the international norm is weak and states preserve their original powers to settle which individuals and under what circumstances are granted citizenship status.

West/ East

The aim of this study is not to offer a comparative analysis of citizenship policies in Western and Eastern Europe. Rather, it is concerned with a particular dimension of citizenship policy (access and loss of citizenship) in sixteen Eastern countries only. It is a fact that most of the research in the area of citizenship has been conducted and focused on western cases. A preliminary reading of these accounts will be offered because, before going into an empirical research on citizenship rules, it is important to understand what the general policy is and how these rules have been interpreted and explained in other contexts.

The policy backgrounds in West and East were different in the 1990s and remained different enough a decade after. The main driving force in reshaping policies of access to citizenship in the West has been the need to integrate immigrant populations, while in the East it

¹¹ Hansen, Randall and Weil, Peter, “Introduction: Citizenship and Nationality. Towards a Convergence in Europe” in *Towards a European Nationality: Citizenship, Immigration and Nationality Law in the European Union*. Ed. Weil, P. and Hansen, R. (Basingstoke: Palgrave, 2001), 2.

was the necessity to re-define the national polity¹². Most of the western states have recently reformed their citizenship policies in order to face the challenges coming from immigration and regional integration- even the conservative UK introduced a formal British citizenship in 1981 in order to replace the fragmented and hierarchical practice of British subjecthood.

The studies on citizenship policies in Western Europe conclude that citizenship policies tend to converge either through liberalization or through enhanced fortification. The liberalizing trend characterized the reforms in Northern Europe in the 1990s and was targeted at ensuring facilitated access to citizenship for second generation immigrants. In contrast, the fortification trend has characterized the transformations in Southern Europe where countries modified their regulations in order to respond to the unexpectedly large waves of immigration. More recently, a new trend of fortification has been identified in Northern Europe through the introduction of restrictive integration tests for newcomers.

Following the Hammar's scheme, citizenship status is only the last gate of access that newcomers have to pass after they have already overcome two others: physical access (visas) and physical presence (residence status). This is why the evolution of citizenship policies in Western Europe should be placed in the more general context of border containment of the European Union. The fortification trend regarding access to citizenship can be seen as an extension of the establishment of a strict regime of access to the territory of the EU.

At the other end, the collapse of communism generated a huge impetus for state and national reconstruction throughout all the countries of Eastern Europe. In the context of complex institutional and economic transformations, new citizenship rules have been established to demarcate the political boundaries of the re-shaped states.

¹²Kovacs, Maria, "The politics of non-resident dual citizenship in Hungary", *Regio: a Review of Studies on Minorities, Politics and Society*, Budapest, 8, (2005): 50-72.

One of the main peculiarities of the region lies in the fact that the modern process of national-state building started rather late and did not actually finish. Specific historical conditions, related to the overlap of multiple imperial regimes and the long and contested process of state establishment, generated a map of complex ethno-national political communities.

The reorganization of citizenship rules in postcommunist Eastern Europe has followed a general pattern of national integration: promoting the titular nation (and kin-ethno-national groups from the near abroad) and excluding the others. The policies range from ethnic cleansing and expulsion (Yugoslavia), to denaturalization (Slovenia, Latvia, Estonia), to positive discrimination of co-nationals, former nationals or co-ethnics from outside the national borders—repatriation and dual citizenship for co-ethnics (Poland), dual citizenship for former citizens (Romania), special status (Hungary)¹³.

Integrating migrant populations and safeguarding national bodies seem to be the two major drives in designing citizenship rules in the two parts of Europe. In an anecdotic tone, it is paradoxical how in the West some individuals are trying to enter the state (immigrants) while in the East some others are trying to exit (national minorities)¹⁴.

¹³Iordachi, Constantin, “Dual Citizenship and Policies toward Kin-Minorities in East-Central Europe: A Comparison between Hungary, Romania, and the Republic of Moldova” in *The Hungarian Status Law Syndrome: A Nation Building and/or Minority Protection*, eds. Zoltán Kántor, Balázs Majtényi, Osamu Ieda, Balázs Vizi, Ivan Halász (Sapporo: Slavic Research Center, Hokkaido University, 2004), 239-269.

¹⁴Ronen, Dev and Pelinka, Anton, *The Challenge of Ethnic Conflict and Self-Determination in Central Europe* (London: Frank Cass & Co Ltd., 1994).

Western trends in citizenship policy

“Most liberal national states (think of Norway, France, and the Netherlands) are more like Quebec than Canada. Their governments take an interest in the cultural preservation of the majority nation (...) all national states act for to reproduce men and women of a certain sort: Norwegian, French, Dutch or whatever”
M. Walzer

The nexus between citizenship and immigration in western societies and the highly politicized nature of the issues prove that national citizenship matters. Even in the context of extended supra-national human rights and genuine sub-citizenship rights, the status offered by formal membership in a national state is the only instrument to guarantee full access to social benefits. The “emergent consensus”¹⁵ among specialists has been that citizenship policies, at least in Western Europe, are becoming more convergent. How convergent? Four main trends in citizenship policies are taken into discussion here: liberalization, fortification, ethnicization and Europeanization.

Liberalization: citizenship- instrument of or reward for socio-cultural integration

The liberalization of citizenship has been understood mainly as relaxation of the rules of access. In this direction, Joppke identifies three dimensions: conditional *ius soli* for second- and third-generation migrants, facilitated naturalization rules (lower residence time requirements, lower degrees of cultural assimilation and more friendly administrative procedures) and greater toleration of dual citizenship (as following the 1997 European Convention of Nationality).

¹⁵Joppke, Christian, *Comparative Citizenship: A restrictive Turn in Europe*, [on-line]; available from < <http://www.rg-law.ac.il/workshops/2007/articles/joppke.pdf> > accessed 02 April 2007.

Early in the 2000s, Weil challenged Brubaker's account of the transformation of citizenship rules rejecting his cultural determinism (conception of nationhood) and linking the liberalization of citizenship policies with: a certain configuration of legal tradition, a significant pressure coming from immigration, and a general framework of democracy and stable statehood¹⁶.

In his turn, Howard¹⁷ validates the liberalization thesis with respect to the states of EU 15 by looking into three main elements of citizenship regulations: citizenship right at birth (*ius soli* for second generation immigrants), residence requirements (minimum period of residence before submitting an application for naturalization) and dual citizenship (if allowed for naturalized persons). Using a numeric scale (citizenship policy index- CPI), Howard compares and classifies the citizenship policies in two different moments (1980s- 2000s). The conclusions are that ten out of the fifteen EU countries have changed their citizenship policies in a liberal direction. However, Howard's findings are at least puzzling since the key factors that he takes into consideration may not be sufficient to depict the real character of the reforms. The CPI "swallows some important changes"¹⁸, among which the introduction of integration tests in some Northern European countries.

The liberalization trend registered in the 1990s seems to be compromised by a new "restrictive turn" in citizenship policies characterized by harsher conditions of access. The change is manifest in the attempts to adjust old legacies (i.e. removing *ius soli* in Ireland), to hold back the mechanism of family reunification or to link access to solid proofs of socio-cultural

¹⁶Weil, Peter, "Access to Citizenship: A Comparison of Twenty-five Nationality Laws" in *Citizenship Today: Global perspective and practice*. Eds. Alexander T. Aleinikoff and Douglas Klusmeyer (eds.), (Carnegie Endowment for International Peace, 2001), 17-35.

¹⁷Howard M. M., "Variation in Dual Citizenship Policies in the Countries of the EU", *International Migration Review* 39.3 (2005): 697-720.

¹⁸Joppke, *Comparative Citizenship*.

integration. The introduction of civic integration tests for newcomers (Austria, Denmark, France, the Netherlands and Germany) shifts the weight of policy from rights to obligations, individuals being required to show proof of integration before acceding to citizenship. This restrictiveness may not be outright illiberal but it stands for a “repressive” form of liberalism since liberal aims are pursued by illiberal means¹⁹.

If liberalization is understood as relaxation of rules, then any reform that will introduce additional requirements will appear as illiberal. But what kind of liberalism is referred to? Normatively, liberals have been committed to design and promote a fair organization of the state based on a rightful relationship between citizens and the state and among citizens themselves. In the same way as the democratic principle²⁰, the liberal norms cannot help with deciding the legitimate boundaries of the polity more than, maybe, requiring fair or transparent rules of access. Most of the liberal works, including Rawl’s, take for granted the existence of the established national states and their legitimate control over their territorial and human borders.

Historically, all the states have been organized like selective clubs, making a clear distinction between citizens and foreigners and deciding autonomously, and sometimes arbitrarily, which of the foreigners and under what circumstances are they to become citizens. It is dubious to label “liberal” a state that does not require anything from foreigner in change of citizenship status and “illiberal” a state that imposes numerous conditions. In this regard, the international norms on citizenship talk about a “genuine link” between citizens and the state, a statement that would appear superfluous, therefore disregarded, by a true “liberal” state.

¹⁹Joppke, Christian, “Beyond National Models: Civic Integration Policies for Immigrants in Western Europe”, *West European Politics*, Vol. 30, 1, (2007): 1-22.

²⁰Dahl, Robert, *Democracy and its Critics* (New Haven: Yale University Press, 1989).

Ethnicization: Citizenship- means of selective inclusion

Along with the restrictive shift in citizenship policies, some European countries have opted to strengthen the ties with the expatriates or ethnic/cultural relatives from abroad (France, 1992; Italy, 1992; Spain, 2002). For example, in the same year (2003), when the Netherlands introduced new integration tests for naturalization of immigrants, it also lifted a regulation that prescribed the loss of Dutch nationality after ten years of residence abroad. In many places around Europe, harsher rules for admittance of new citizens go hand in hand with milder rules for keeping or reacquiring citizenship status for emigrants or cultural relatives. Therefore, in these countries “the ties of soil and socialization are generally downgraded while the ties of blood and filiation are upgraded”²¹.

It is paradoxical how certain states would choose to offer access to citizenship for some individuals that may have a very weak connection to the state (on ethnic or cultural grounds) and, at the same time, they would refuse or make more conditional the status of citizenship for skillful workers- Germany, Israel, Japan²². The immigrants are asked to prove their “genuine link” with the state and to have an undivided loyalty towards their new state (renouncing their actual citizenship) while emigrants and their descendents are automatically granted citizenship rights without the requirement to take up residence in the territory or to abandon their second citizenship.

It is not clear why an unrestrained *ius sanguinis* (in order to secure the tie with the emigrants) should count as “re/ethnicization”. With few exceptions (Germany, Israel) the “right to return” or to retain citizenship is not granted to co-ethnics *per se* but to former citizens (and

²¹Joppke, *Comparative Citizenship*.

²²Baubock, Rainer, “Introduction”, in *Migration and Citizenship. Legal Status and Political Participation*. Ed. Baubock R (Amsterdam: Amsterdam University Press, 2006), 18.

their descendents) or actual citizens of a selected category of countries (former colonies, cultural relatives) regardless of the ethnic background of the applicants. The widening of the gap between the burdens that newcomers and former citizens have to carry is indeed unfair and, on this ground, may be qualified as “illiberal” but there are still questions related to the “re/ethnicization” thesis. To refer again to international norms, nothing in the wording or spirit of the European Convention on Nationality forbids preferentialism in granting citizenship- it does not count as discrimination on any ground²³.

Although general trends may be identified (liberalization, fortification, ethnicization, relative convergence), there is little evidence of historical determinism in maintaining or changing citizenship regulations. New challenges determine new regulations. Sometimes, the preservation of specific laws may be nothing more than a “mere accident” caused by the lack of incentives for policy change- for example, the inheritance of *ius sanguinis* from the Habsburg Empire by the successor states²⁴. When there is no public pressure on the issue of citizenship, the task of designing and assessing the suitability of regulations rests with a small group of individuals, experts, scholars and lawyers that do not follow a coherent philosophical model of nationhood.

²³*Explanatory Report of the European Convention of Nationality*, [on line], available from: <http://conventions.coe.int/Treaty/EN/Reports/Html/166.htm>; accessed 13 March 2007.

²⁴Kraler, Albert, “The legal status of immigrants and their access to nationality” in *Migration and Citizenship*, 52.

Europeanization: citizenship- product of regional integration

A range of explanations have been advanced with regard to the evolution of citizenship policies: legal traditions, migration and democracy²⁵, comprehensive philosophies of nationhood²⁶, globalization and human rights revolution²⁷, ideological orientation of the governments²⁸, political mobilization²⁹, structures of opportunity³⁰ etc. Another important approach deals with the impact of the Europeanization process on the citizenship policies of the member states of the European Union.

At first glance, there is no European policy on citizenship. Even the formal establishment of the citizenship of the Union in 1991 was not intended to replace but to be “additional” and to “complement” the national citizenship³¹. However, some scholars argued that even though the European citizenship *per se* has little effect on the national regimes, the whole Europeanization process did influence the national policies either by pushing towards increased coordination between the member states (harmonization) or by direct regularization through specific EU acts- rules of residence for third-country- nationals, common immigration policy³².

In the case of the UK, for example, a long tradition of fragmented subjecthood has been replaced with a homogenous legal framework of citizenship, partly because domestic pressure to

²⁵Weil, Peter, “Access to Citizenship”.

²⁶Brubaker, Rogers, *Citizenship and Nationhood in France and Germany* (London: Harvard University Press, 1992).

²⁷Soysal, Yasemin, *Limits of Citizenship: Migrants and Postnational Membership in Europe*, (Chicago: University of Chicago Press, 1995).

²⁸Joppke, Christian, “Citizenship between De- and Re- Ethnicization”, *European Journal of Sociology* XLIV(3), (2003): 429-458.

²⁹Howard, M. M., “Comparative Citizenship”.

³⁰ Vink, Maarten, *Limits of European Citizenship. European Integration and Domestic Immigration Policies* (Palgrave Macmillan, 2005).

³¹De Groot, Gerard-Rene, “Towards a European Nationality Law”, in *ECJL*, Vol. 8.3, (2004).

³²Rostek, K. and Davies, G., “The impact of European Citizenship on National Citizenship”, *European Integration online Papers*, vol. 10, (2006).

regulate immigration and partly because of the European pressure to obtain a clear definition of British citizens that were to count for “nationals of the member states”³³. Although irrelevant (for holding political or property rights) and formally inexistent (until 1981), British citizenship was devised recently to uniform the heterogeneous statuses of the British subjects (that differed according to their residential status or linkage to the UK) and to cut the access of new immigrants from ex colonial territories³⁴.

A second example is offered by the case of Italy where the acquisition of rights has always been related to citizenship (understood as nationality) and has never been shaped by immigration policy. Nevertheless, the recent waves of immigration and the EU pressures to comply with the provision of the Amsterdam Treaty in the field of common immigration policy determined Italy to revise its citizenship regulations.

Briefly, in these two cases the Europeanization of citizenship has led to strong institutional relationship between citizenship, nationality and immigration. In the UK nationality- that traditionally has been linked to immigration- became associated with citizenship, while in Italy citizenship- that has been traditionally related to nationality- was connected to immigration policy³⁵.

The European convergence in the area of citizenship is still limited by reluctant reactions from the member states. Looking into the case of the Netherlands, Vink offers an analysis of the level of the devaluation of national citizenship in relation to the EU pressures in three policy areas: asylum, resident status, nationality. He argues that limited Europeanization of domestic

³³Dell’ Olio, Fiorella, *The Europeanization of Citizenship. Between the Ideology of Nationality and European Identity* (Aldershot, Hants: Ashgate, 2005).

³⁴Cesarini, David, “The Challenging Character of Citizenship and Nationality in Britain”, in *Citizenship, Nationality and Migration in Europe*. Eds. Cesarini, D. and Fulbrook, M. (London: Routledge, 1996).

³⁵ Dell’ Olio, Fiorella, *The Europeanization of Citizenship*.

immigration policies proves the viability of the national models. There is a superficial correlation between domestic and international/European developments.³⁶

The European Union did not create a comprehensive policy on citizenship but it created a common framework for immigration and border control and it regularized the status of third country nationals in order to control the two preliminary gates before citizenship status. Related European norms in the area of fundamental rights (non-discrimination), freedom of movement, obligation of solidarity among member states set limits and bring into the same channel the domestic citizenship policies. Furthermore, the need to settle issues such as multiple citizenship and “majority”³⁷ of the Union population- as relevant for the EU decision-making process will inevitably lead towards an increased coordination in the area.

Citizenship policies in postcommunist Eastern Europe: a survey

*Citizenship is a sorting device for allocating
human populations to sovereign states.*

Rainer Baubock

Methodology and terminology

Methodology

The major part of this study is the analysis of citizenship regulations (citizenship laws and additional relevant legislation) in sixteen post-communist countries in two periods of time: Albania (1998), Bosnia and Herzegovina (1997), Bulgaria (1989/2001), Croatia (1993), Czech Republic. (1993/2003), Estonia (1995/2004), Federal Republic of Yugoslavia (hereafter,

³⁶Vink, Maarten, *Limits of European Citizenship*.

³⁷De Groot, Gerard-Rene, “Towards a European Nationality Law”.

FRY)/Serbia (although, after the separation of Montenegro, FRY ceased to exist, we considered appropriate to make the comparison between the citizenship laws of FRY and of one of its successor states- Serbia) (1996/2004), Hungary (1993), Latvia (1994/1998), Lithuania (1992/2003), Former Yugoslav Republic of Macedonia (hereafter, Macedonia) (1992/2004), Moldova (1994/2004), Poland (1962/2000), Romania (1991/2003), Slovakia (1993-7), and Slovenia (1992).

Despite the fact that the time span is vaguely defined (1990s- 2000s) and rather short, the survey is relevant due to the major and dense transformations occurred in the region (related to state and national reconstruction, political reconfiguration, economic transition, regional integration etc.). In the 1990s all states from Eastern Europe, except Poland (that added a piece of legislation regarding the expatriates in 2000) adopted new citizenship laws (some earlier- Romania, successor states; some later- Albania, Bulgaria). Some of the states did not change their citizenship regulations in the first postcommunist decade or changed them superficially (Croatia, Hungary, Macedonia), some others did modify them either repeatedly or significantly (Bulgaria, Estonia, Lithuania, Romania).

The survey focuses on the regulations regarding the acquisition of citizenship- at birth (*ius soli*, *ius sanguinis* and overlapping), through naturalization (normal and facilitated) and national re-integration (former citizens and/or co-ethnics) - and the loss of citizenship (voluntary and non-voluntary). Two different numeric scales have been constructed to measure the “restrictive”-ness of citizenship rules (0-18 for acquisition of citizenship and 0-7/8 for loss of citizenship).

The measurement does not follow any thick normative line; it starts from the intuitive perception that the most “open” state will grant citizenship automatically to anybody (non-residents, non co-ethnic, not married with a citizen and not former citizen, not proficient in the

language or knowledgeable of the political or societal culture, possessing other or no citizenship and not willing to take any oath of allegiance, poor and maybe gravely ill and with criminal record) and the most 'restrictive' will grant citizenship only after satisfying a great number of conditions or it will not grant citizenship at all.

The divide open/restrictive does not reiterate a substantive distinction such as: good/bad, liberal/illiberal, lawful/un-lawful. However, in the measurement of the loss of citizenship, a minimal normative stance has been taken in line with the recent developments of international norms regarding nationality. A regulation is considered unrestrictive when it does not forbid voluntary renunciation except when it motivates the refusal on the ground of avoiding statelessness (no proof of possessing/acquiring other citizenship). In contrast, a regulation is considered restrictive when it adds other conditions for the voluntary loss, it discriminates between different categories of citizens (original/ naturalized) and provides for deprivation of citizenship on any ground (except the cases of unlawful acquisition of citizenship). In general lines, an "open" state should unrestrictedly without discriminating allow renunciation of citizenship (unless it generates stateless persons) and should refrain from depriving of citizenship regardless of the gravity of the offence (except fraud in acquisition). Before going into analysis, some clarification of the concepts and further methodological indications are needed.

Citizenship, Nationality and Ethnicity

Citizenship and nationality are sometimes used interchangeable but they are not similar terms. Nationality and ethnicity may also be encountered as designating the same thing. Defining the three terms would be a fascinating though hazardous task in itself due to the puzzled mosaic of interpretations and overlapping that they have generated.

Generally, citizenship stands for membership to a political community- originally a small, robust city-state. It endows the bearer of such status with certain exclusive rights and duties, including the right and duty to political participation. The relationship between a state and its subjects has not always been based on formal citizenship not even in democratic states (i.e. British subjecthood until 1981) and citizenship status did not constitute a uniform concept or practice in different times (i.e. antique Greece, republican Rome, medieval cities, modern national states) or space (liberal citizenship, socialist citizenship). The classic Marshallian interpretation of modern citizenship linked citizenship status to citizen's rights but recent developments made possible granting rights (although not political) to non-citizens, residents within the state territory.

Nationality stands for membership to a specific form of ethno-cultural community- the nation- that may or not be organized in a political form (nation-state). For example, the “question of nationalities” in Central and Eastern Europe throughout the nineteenth century and culminating with the First World War referred to the fight of the “national” groups or “peoples” to free from imperial rule and to forge independent states for themselves. For those who had succeeded the terms “citizenship” and “nationality” became interchangeable with the small but significant exception of certain groups left outside the borders (external “national” minorities) that kept being considered as having the nationality though not (yet) the citizenship of the corresponding state.

Finally, ethnicity is one of the ingredients of the nationality and it is usually referred to as a common descent or origin of a particular group. The distinction between “nations” and “ethnies” is not unambiguous and it may be understood in terms of quantitative evaluation (how many), historical chance and/or strategic maneuver (i.e. not sooner than with the establishment of the state of Israel have the Jewish been accepted as a true “nation”). What is relevant for this

study is the fact that ethnicity does matter for citizenship purposes and that national states often offer automatic or privileged admission to citizenship for individuals that are considered as belonging to the “nation” or sharing the same “origin” or “ethnie”.

A convenient distinction³⁸ would link nationality with external aspects related to membership to a political unit (international relations)- and indeed, the term is preferred in the wording of international law- and preserves the term citizenship for internal aspects (domestic law). For the purpose of this study the citizenship equates nationality in all the aspects and ethnicity is considered where the specific piece of legislation makes reference to “ethnic”, “origin” or “nationality” as a special status ascribed to groups or individuals not yet citizens or outside the field of formal citizenship.

Ius soli/ ius sanguinis/ naturalization

States have unrestricted powers to decide who their citizens are. An emergent international norm regarding nationality is limited to issues such as statelessness, non-discrimination, citizenship in successor states. In determining or preserving their human lot, states use certain techniques that may or may not be the object of frequent restructuring.

Citizenship status is basically granted by birth right- ius soli (birth in the territory), ius sanguinis (descent from citizen/s) or combinations- and naturalization (normal or facilitated-marriage, statelessness, second generation residents, co-ethnics etc.). Auxiliary roads to citizenship are: marriage (in recent times marriage does not lead to automatic admission but only to facilitated naturalization), adoption, option (in special cases, such as secession, succession, repatriation).

³⁸Baubock, “Introduction” in *Migration and Citizenship. Legal Status and Political Participation*. Ed. Baubock R. (Amsterdam: Amsterdam University Press, 2006).

The distinction between *ius soli* and *ius sanguinis* has been often used to back up the dichotomy between civic and ethnic. The rule of membership based on place (*soli*) corresponds to a civic conception of the nation and the rule based on blood (*sanguinis*) corresponds to an ethnic model of nationhood. However, the said principles alone do not indicate the character of nationhood; they are different techniques to forge and reproduce a political community to be used in a non-exclusive and contextual way. Basically, *ius soli* has been used by settling societies (i.e. USA, Canada, and Australia) in order to automatically integrate second generation of immigrants, while *ius sanguinis* has been privileged by sending communities in order to maintain a link with their emigrants³⁹. While *ius soli* alone is rather an exception in Europe (Ireland removed it in 2005, France saved it in a modified form), and *ius sanguinis* is most frequently used, the common strategy is to utilize them in combination and tied to certain conditions (*ius soli* for stateless children, *ius sanguinis* for repatriates etc.).

For the purpose of this study, “single” *ius sanguinis* stands for the cases where only one parent is citizen and “double” *ius sanguinis* for the situation when both parents are citizens. Also, “exceptional” *ius soli* is used whenever the right is granted exceptionally, in situations independent of the actions/options of the child or his parents (statelessness, foundlings) and “conditional” *ius soli* for the cases where certain conditions need to be satisfied (registration, consent, residence, etc.).

Naturalization is the policy area where the greatest variety rests: some countries would require the minimum- limited time of residence and thin proofs of loyalty or integration, some others the maximum- long residence, thick proofs of cultural integration, criminal, political and moral record, undivided loyalty (renunciation of other citizenship), evidence of legal income and

³⁹Kraler, Albert, “The legal status of immigrants and their access to nationality” in *Migration and Citizenship*, 52.

even health check. As discussed above, western countries seemed to have moved the accent from residence and single loyalty to linguistic and cultural integration as well as personal morals and conduct. Also, they moved towards granting or securing rights to citizenship for their former or potential co-nationals from abroad, with or without an invitation to return (France, Ireland, Italy, Norway, Spain etc.).

In order to measure the restrictiveness of the naturalization regulations, the present codification took into consideration five categories of requirements: residence (4 points), integration- language and society/constitution (2+2 points), personal record- criminal and political (2+2 points), loyalty- dual citizenship and oath of allegiance (2+1 points) and welfare- income and medical situation (2+1 points). In order to obtain a balanced representation of all factors, the score for oath and medical situation has been diminished (the oath does not stand for a special material or physical accomplishment and the proof of medical record is a rather unusual requirement).

Multiple citizenship/ statelessness

In early modern time, citizenship corresponded to an exclusive relation between an individual and a/one state. In the rare cases of mixed marriages the rule was that the wife would obtain the citizenship of the husband and could not transmit her citizenship to her children. Cases of naturalization were infrequent and the idea of dual or multiple citizenship inadmissible- mainly for military and economic reasons. The picture has changed in the second half of the last century due to increased global communication (advanced freedom of movement, unconstrained mixed marriage), change in the character of the state (less martial) and the revolution of human rights,

especially with regard to non-discrimination and gender equality⁴⁰. Previous international norms in the field of dual citizenship⁴¹ have been retracted and replaced by new more favorable ones⁴².

Although dual/multiple citizenship is increasingly tolerated, there are few countries that accept it without restrictions. With the exception of the extreme cases where dual citizenship is considered a criminal offense (i.e. Saudi Arabia), it is common for states to allow dual citizenship without recognizing it as relevant for the domestic law. The great test is taken when they regularize the acquisition of citizenship. States may opt to withdraw the birthright (“single” ius sanguinis) to a child to whom only one of the parents is citizen and the other foreigner or to make it conditional upon certain administrative procedures (registration, option, declaration of consent) or residence in the territory. It is also usual to require renunciation of actual citizenship for naturalization purposes with or without the possibility of reacquisition.

A last important problem related to citizenship regulations is the existence of stateless persons- individuals who do not hold any citizenship. There are certain causes of statelessness: voluntary renunciation (without naturalization in other country), deprivation, “unfortunate” birth (in a no man’s land, to stateless parents, to parents that cannot transmit their citizenship due to the local or their state’s laws), complicated or opaque administrative procedures (i.e. “the erased”

⁴⁰Iordachi, Constantin, “Dual Citizenship and Policies toward Kin-Minorities in East-Central Europe: A Comparison between Hungary, Romania, and the Republic of Moldova” in *The Hungarian Status Law Syndrome: A Nation Building and/or Minority Protection*. eds., Zoltán Kántor, Balázs Majtényi, Osamu Ieda, Balázs Vizi, Ivan Halász (Sapporo: Slavic Research Center, Hokkaido University, 2004), 239-269.

⁴¹1963, *Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality*, [on line]; available from: <<http://conventions.coe.int/Treaty/en/Treaties/Html/043.htm>> accessed 3 April 2007.

⁴²1993, *Second Protocol amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality*, [on line]; available from: <<http://conventions.coe.int/treaty/en/Treaties/Word/149.doc>> accessed 3 April 2007; also 1997 *European Convention on Nationality*, [on line]; available from: <<http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm>> accessed 3 April 2007.

people in Slovenia), historical events (conflict, state dissolution, border changes) etc. As mentioned above, avoiding statelessness is a matter of sustained international concern and many states have introduced special provisions into their domestic laws in order to tackle the problem.

Both issues are taken into consideration in our framework either in the section dedicated to rules of naturalization (minimum points for unconditional acceptance of dual citizenship, intermediate scoring for cases of general acceptance but renunciation at the moment of naturalization, and maximum points for total rejection of dual citizenship) or in the chapter dealing with loss of citizenship (condition for avoiding statelessness).

Acquisition and loss of citizenship in sixteen countries- 1990s

Acquisition of citizenship at birth (1990s)

The main legal technique to “produce” citizens is granting citizenship through birth right. Theoretically, a state may choose to grant citizenship to any child born to one or both parents who were citizens at the moment of the child’s birth (*ius sanguinis*) or to all children born in its territory (*ius soli*), regardless of the status of their parents. Practically, states use the two principles in combination, solely or together with additional conditions (the status of parents, whether the child is found or stateless, whether other procedural steps are undertaken etc.).

Most postcommunist states from Eastern Europe reformed their citizenship rules in the early 1990s- with few exceptions: Poland kept in place the citizenship law of 1962, Albania did not operate any change before 1998 and FRY and Bosnia Herzegovina introduced new laws in 1996, 1997 respectively.

All sixteen countries included in the survey provided for unconditional double *ius soli* and, (with the exception of Macedonia that made it conditional upon the parental consent),

automatic single *ius sanguinis* in correlation with *ius soli* (see Table 1). Eight of the countries opted for unconditional single *ius sanguinis* not associated with *ius soli*, and all others required additional conditions: parental consent (Albania, Latvia, and Lithuania), registration with the

Table 1 Acquisition of citizenship at birth (1990s)

State	Descendents				Non descendents
	Born in		Born out		Born in
	Single	Double	Single	Double	
Albania (1998)	Automatic	Automatic	Conditional ⁴³	Automatic	Exceptional- stateless / foundlings Ius soli- generation residents ⁴⁴
Bosnia H. (1997)	Automatic	Automatic	Conditional ⁴⁵	Automatic	Exceptional- stateless / foundlings
Bulgaria (1989)	Automatic	Automatic	Automatic	Automatic	Exceptional- foundlings
Croatia (1993)	Automatic	Automatic	Conditional ⁴⁶	Automatic	Exceptional- stateless / foundlings
Czech Rep. (1993)	Automatic	Automatic	Automatic	Automatic	Exceptional- stateless / foundlings
Estonia (1995)	Automatic	Automatic	Automatic	Automatic	Exceptional- foundlings
FRY/Serbia (1996)	Automatic	Automatic	Conditional ⁴⁷	Automatic	Exceptional- stateless / foundlings
Hungary (1993)	Automatic	Automatic	Automatic	Automatic	Exceptional- foundlings/ Second generation residents- stateless ⁴⁸
Latvia (1994)	Automatic	Automatic	Conditional ⁴⁹	Automatic	Exceptional-foundlings
Lithuania (1992)	Automatic	Automatic	Conditional ⁵⁰	Automatic	Exceptional- foundlings Second generation residents- stateless ⁵¹
Macedonia (1992)	Conditional ⁵²	Automatic	Conditional ⁵³	Automatic	Exceptional- foundlings
Moldova (1994)	Automatic	Automatic	Automatic	Automatic	Exceptional- foundlings
Poland (1962)	Automatic	Automatic	Automatic	Automatic	Exceptional- stateless / foundlings
Romania (1991)	Automatic	Automatic	Automatic	Automatic	Exceptional- foundlings
Slovakia (1993-7)	Automatic	Automatic	Automatic	Automatic	Exceptional- stateless / foundlings
Slovenia (1991)	Automatic	Automatic	Conditional ⁵⁴	Automatic	Exceptional- stateless / foundlings

⁴³The consent of the non-citizen parent is required.

⁴⁴Art 8 (2), Law on Citizenship: “A child born within the territory of the Republic of Albania, by parents having another citizenship, who are legally residing in the Republic of Albania, may acquire the Albanian citizenship by consent of both parents”.

⁴⁵Registration with the competent authority abroad or permanent residence in the territory (by 23)

⁴⁶Registration with the competent authority abroad or permanent residence in the territory.

⁴⁷Registration with the competent authority abroad (by 18).

⁴⁸Section 5/A, art 1 (b), Act LV:” [...] if born on the territory of the country and was not awarded his/her parents' foreign citizenship as a birthright, under the law of the state where the parents hold citizenship, provided that the declarant was domiciled in Hungary on the day of his/her birth and was residing in Hungary for at least five consecutive years”.

⁴⁹The consent of the parents is required or residence in territory.

⁵⁰The consent of the non-citizen parent is required.

⁵¹Art 10, Law on Citizenship: “A child whose parents are persons without citizenship and permanent residents in Lithuania, shall acquire citizenship of the Republic of Lithuania”.

⁵²The consent of the non-citizen parent is required.

⁵³Registration of the child with the competent authority abroad.

competent authority (FRY and Macedonia), registration or residence in the territory before coming to a certain age (Bosnia and Herzegovina, Croatia and Slovenia). All the countries granted exceptional *ius soli* for children to unknown parents, found in the territory (foundlings) but only ten made citizenship available for stateless children (Hungary and Lithuania specified that parents should be permanent residents). Conditional *ius soli* is provided only by the Albanian law (1998) in the case of children to resident parents (under parental agreement).

After 1989 a great number of people in Eastern Europe remained statelessness due to the reconfiguration of states (former Yugoslavia, Czechoslovakia), the adoption of exclusionary citizenship rules (Estonia and Latvia) or simply due to administrative faults (Slovenia). The issue has become important in the international arena and has been used as a benchmark to measure compliance and successful change in countries such as Estonia and Latvia by international organizations such as OSCE, the Council of Europe, and the European Union.

Acquisition of citizenship through naturalization (1990s)

The second legal way to create citizens is to grant citizenship to foreigners (or stateless) through naturalization. Unlike the first technique, citizenship acquired through naturalization is not based on a “right” (there are few countries providing for such right; i.e. Germany after 2000) but depends on procedural arrangements not always free from certain degree of administrative discretion.

The great diversity in the area of acquisition of citizenship lies with the rules of naturalization. The case of postcommunist Eastern Europe in the 1990s does not represent an exception; countries like Bulgaria and Poland- with minimum requirement- share the floor with

⁵⁴Registration with the competent authority abroad permanent residence in the territory (by 23).

countries like Lithuania and Latvia- with numerous conditions and constraints (*see* Table 2). A usual requirement for naturalization is having completed a minimum period of residence within the territory of the state, either as simple resident or as permanent resident (some countries do not specify). Except FRY (no past residence), all the other states required a minimum residence ranging from 5 (the most common- ten countries) to 15 years (the extreme case- Macedonia).

Table 2 Acquisition of citizenship through naturalization- no facilitations (1990s)

State	Codification	Past Residence	Integration		Personal record		Loyalty		Welfare		Total 0-18
			Lang.	Constit. Society	Criminal	Politic	Dual citizenship	Oath	Income	Health	
			No/ 0p 0-3/ 1p 4-5/ 2p 6-9/ 3p 10+/ 4p	No/ 0p Informal eval./1p Test/2p	No/ 0p Informal eval./1p Test/2p	No/ 0p In/ 1p In+ out 2p	No 0p Yes 2p	Allowed 0p Renunc. 1p Rejected 2p	No 0p Yes 1p	No 0p Yes 2p	
Albania	2/Lawful	2	2	2	0	1 ⁵⁵	1	2	0	12	
Bosnia H.	3/Lawful	2	0	2	0	1 ⁵⁶	0	0	0	8	
Bulgaria	2/ Simple	0	0	0	0	1	0	0	0	3	
Croatia	2/Lawful	2	1 ⁵⁷	0	0	1	0	0	0	6	
Czech Rep.	2/ Simple	1	0	2	0	2	1	2	0	10	
Estonia	2/Perm.	2	2	2	0	2 ⁵⁸	1	2	0	13	
FRY/Serbia	0/Actual	0	1 ⁵⁹	2	0	1 ⁶⁰	0	2	0	6	
Hungary	3 /Simple	1	2	1	0	0 ⁶¹	1	2	0	10	

⁵⁵Art 3, Law on Citizenship: “The Albanian citizen can also be a citizen of another country”; but Art 27: “The Albanian State preserves the right to, in compliance with the spirit of the international covenants for elimination of dual citizenship or statelessness, request from its citizens or the applicant for the Albanian citizenship to choose only one citizenship”.

⁵⁶Art 39, Law on Citizenship: “All persons who before the entry into force of this law voluntarily acquired another citizenship lose the citizenship of BH, if they do not, within 5 years from the date this Law enters into force, renounce the other citizenship, unless a bilateral agreement provides otherwise”.

⁵⁷Art 8 (5) Law on Citizenship: “[...] that a conclusion can be derived from his or her conduct that he or she is attached to the legal system and customs persisting in the Republic of Croatia and that he or she accepts the Croatian culture”.

⁵⁸Art 1 (2) Citizenship Act: “An Estonian citizen shall not simultaneously hold the citizenship of another state”, also Art 3 Prevention of multiple citizenship.

⁵⁹Art 12 (1) 5), Citizenship Act, 1996:” [...] that it may be concluded from his behaviour that he/she will be a loyal Yugoslav citizen”.

⁶⁰Art 5 (1): “A Yugoslav citizen having a citizenship of another country is considered to be a Yugoslav citizen when on the territory of the Federal Republic of Yugoslavia”.

⁶¹Section 2, Art 2, Act LV: “Unless an Act provides otherwise, a Hungarian citizen who is simultaneously also the citizen of another state shall be regarded as a Hungarian citizen for the

Latvia	2/Perm.	2	2	2	2 ⁶²	1 ⁶³	1	2	0	14
Lithuania	4/Perm.	2	2	2	0	2 ⁶⁴	1	2	1 ⁶⁵	16
Macedonia	4 ⁶⁶ /Lawful	2	0	2	0	1 ⁶⁷	0	2	0	11
Moldova	4/ Simple	2	2	0	2	2 ⁶⁸	1	0	0	13
Poland	2/Perm.	0	0	0	0	2 ⁶⁹	0	0	0	4
Romania	2/Lawful	1	0	2	0	0	1	2	0	8
Slovakia	2/Perm.	1	0	2	0	1 ⁷⁰	0	0	0	6
Slovenia	4/Lawful	2	0	2	0	1 ⁷¹		2	0	11

purposes of the application of the Hungarian law”. There is no requirement of renouncement the actual citizenship for the applicants to naturalization.

⁶²Art 11, Citizenship Law, 1994, Restrictions on naturalization: persons who “through the use of anti-constitutional methods have turned against Republic of Latvia's independence, its democratic parliamentary state system or the existing state authority in Latvia, if such has been established by a court decree; after May 4, 1990, have propagated fascist, chauvinist, national-socialist, communist or other totalitarian ideas or have stirred up ethnic or racial hatred or discord, if such has been established by a court decree [...]; have been employees, informants, agents or have been in charge of conspiracy premises of the former USSR (LSSR) KGB or other foreign security service, intelligence service or other special service, if such a fact has been established according to the procedures established by law; [...] after January 13, 1991, have acted against the Republic of Latvia through participation in the CPSU (LCP), Working Peoples' International Front of the Latvian SSR, United Council of Labor Collectives, Organization of War and Labor Veterans, or the All-Latvia Salvation Committee and its regional committees”.

⁶³Art 9 Citizenship Law, 1994:” (1) The granting of Latvia citizenship to a person shall not lead to dual citizenship; (2) If a citizen of Latvia simultaneously can be considered a citizen (subject) of a foreign country in accordance with the laws of that country, then the citizen shall be considered solely a citizen of Latvia in his/her legal relations with the Republic of Latvia”.

⁶⁴Art 1, Law on Citizenship: “A citizen of the Republic of Lithuania may not at the same time be citizen of another state, except in cases provided for in this Law”; also Constitution, 1992, Art 12.

⁶⁵Art 13, Law on Citizenship- precludes from acquiring citizenship: persons who [...] are chronic alcoholics or drug addicts and [...] ill with especially dangerous infectious diseases.

⁶⁶ 15 years of lawful residence.

⁶⁷Art 2: “A national of the Republic of Macedonia may also be a national of another state” and [...] “shall be considered in the Republic of Macedonia solely as a national of the Republic”.

⁶⁸Constitution of Moldova, 1994, Art 18:”except in those cases where international accords adhered to by the Republic of Moldova has different provisions; no citizen of the Republic of Moldova may be simultaneously a citizen of another country”.

⁶⁹Citizenship Law 1962: “A person who is a Polish citizen under Polish law cannot be recognized at the same time as a citizen of another state”.

⁷⁰Art 7 (2), Law on Citizenship requires renunciation of other citizenship for the naturalization.

⁷¹Art 2, Citizenship Act, 1991: “Unless defined otherwise by an international agreement, a citizen of the Republic of Slovenia having at the same time also the citizenship of a foreign country, is considered a citizen of the Republic of Slovenia while on its territory”.

Another common prerequisite for naturalization is the knowledge of the official language of the state (or at least one of the official languages) to be proved through formal or informal evaluation. The great majority of the countries in the survey provided for such a proof of socio-cultural integration- with the exception of Bulgaria, FRY and Poland. In half of the cases, the knowledge of the Constitution or the history of the country has been enlisted among the requirements. A special preoccupation with the personal quality of the would-be citizens have driven most of the states to ask for the criminal record of the applicants, either from within the country where the application is submitted or more extensively- from previous countries of residence. In exceptional cases (Moldova and Latvia) the present or past political activity or status of the applicant could lead to the rejection of the application for citizenship. In even more exceptional cases (Lithuania) the medical situation of the applicant- serious illness, may constitute a legitimate grant to decline the application. The feasibility check is also made by requiring proof of personal income (ten of the cases) in order to avoid any additional burden on the national social security system (major argument in the West).

Provisions regarding dual or multiple-citizenship are an alternative field of discordance in citizenship policies all over the world. The recent tendency to tolerate dual allegiance has limited impact in postcommunist Eastern Europe where five of the states clearly rejected dual citizenship (Czech R., Estonia, Lithuania, Moldova, Poland) while other nine made the acquisition of citizenship conditional upon the renunciation of any other citizenship. However, many exceptions and uncertainties have been related to the situation of double citizenship. In some cases, individuals may not obtain a proof of release from the original state which is unwilling or unable to produce it, and in some others, states cannot easily verify the provided data in the absence of a coherent framework of international cooperation.

The scores registered in the present codification show a great deal of divergence in general terms and along all the separate requirements (except political and medical records). In this sense, a classification of the countries according to their relative restrictiveness in naturalization rules is to be provided in the last part of this study.

As mentioned above, the regulations of access to citizenship constitute a complex field dealing with general rules but also with exceptions and special cases. Different persons have to bear different conditions based on their specific individual status (marriage), history (birth, parentage) or merit (exceptional contributions). It is common for legislators to provide for facilitated procedures regarding the naturalization of persons who have married a citizen either by waiving all the conditions (a tradition challenged nowadays in order to fight arranged marriages), or diminishing the amount of the burden of the requirements. In the survey (*see* Table 3) most of the countries offered facilitated naturalization to spouses of citizens (with two exceptions: Estonia and FRY), some of them erasing all the conditions- Bulgaria and Slovakia. Five of the states annulled the conditions regarding the knowledge of language and five (almost the same with a shift between Albania and Bulgaria) waived the requirement of renunciation of other citizenship. All of the countries that provided for such facilitation with the exception of Latvia reduced or removed the prerequisite of past residence. Spectacular changes were made in the case of Latvia (waiver of all conditions except residence), which used to count as one of the most restrictive countries with regard to naturalization rules.

Table 3 Acquisition of citizenship through naturalization- facilitation/marriage (1990s)

State	Codification	Past Residence No/ 0p 0-3/ 1p 4-5/ 2p 6-9/ 3p 10+/ 4p	Integration		Personal record		Loyalty		Welfare		+/- Normal	Total 0-18
			Lang.	Constit. Society	Criminal	Politic	Dual citizenship	Oath	Income	Health		
			No/ 0p Informal eval./1p Test/2p	No/ 0p Informal eval./1p Test/2p	No/ 0p In/ 1p In+ out 2p	No 0p Yes 2p	Allowed 0p Renunc. 1p Rejected 2p	No 0p Yes 1p	No 0p Yes 2p	No 0p Yes 1p		
Albania		1	0	2	2	0	1	1	2	0	-3	9
Bosnia H.		1	2	0	2	0	1	0	0	0	-2	6
Bulgaria		0	0	0	0	0	0	0	0	0	-3	0
Croatia		0	0	1	0	0	0	0	0	0	-5	1
Czech Rep.		0	1	0	2	0	2	1	2	0	-2	8
Estonia		2	2	2	2	0	2	1	2	0	-	13
FRY/Serbia		0/Actual	0	1	2	0	1	0	2	0	-	6
Hungary		1	1	2	1	0	0	1	2	0	-2	8
Latvia		2	0	0	0	0	0	0	0	0	-12	2
Lithuania		0	2	2	2	0	2	1	0	1	-4	10
Macedonia		1	0	0	2	0	0	0	2	0	-6	5
Moldova		1	2	2	0	2	2	1	0	0	-3	10
Poland		0	0	0	0	0	2	0	0	0	-2	2
Romania		0	1	0	2	0	0	1	2	0	-2	6
Slovakia		0	0	0	0	0	0	0	0	0	-6	0
Slovenia ⁷²		0	2	0	2	0	1	0	2	0	-4	7

A second ground for facilitations is birth in the territory. Unlike in the Western countries, in Eastern Europe there has been little pressure to grant *ius soli* for second or third generation foreign- residents (limited immigration). In the late 1990s only Albania introduced such a provision at the moment when some other countries in the area were still lagging behind with the adoption of provisions for integrating stateless minors. No more than four countries regulated special conditions of naturalization for persons (adults) who were born in the territory (*see* Table 4): Bulgaria (renunciation), Croatia (language), Czech R. and Romania (residence).

⁷²Art 12, Citizenship Act, 1991: “If such act is in accordance with the interest of the State for national reason, the competent authority may within its discretion admit to the citizenship of the Republic of Slovenia the person who has been married to a citizen of the Republic of Slovenia” .

No spectacular modifications have been brought in the area and the few countries that took a stance had already open or moderate policies of (normal) naturalization.

Table 4 Acquisition of citizenship through naturalization- facilitation/birth in the territory (1990s)

State	Codification	Past Residence	Integration		Personal record		Loyalty		Welfare		Normal +/-	Total 0-18
		No/ 0p 0-3/ 1p 4-5/ 2p 6-9/ 3p 10+/ 4p	Lang.	Constit. Society	Criminal	Politic	Dual citizenship	Oath	Income	Health		
			No/ 0p Informal eval./1p Test/2p	No/ 0p Informal eval./1p Test/2p	No/ 0p In/ 1p In+ out 2p	No 0p Yes 2p	Allowed 0p Renunc. 1p Rejected 2p	No 0p Yes 1p	No 0p Yes 2p	No 0p Yes 1p		
Albania	-	-	-	-	-	-	-	-	-	-	-	-
Bosnia H.	3	2	0	2	0	1	0	0	0	0	-	8
Bulgaria	2	0	0	0	0	0	0	0	0	0	-1	2
Croatia	2	0	1	0	0	0	0	0	0	0	-3	3
Czech Rep.	0	1	0	2	0	2	1	2	0	0	-2	8
Estonia	2	2	2	2	0	2	1	2	0	0	-	13
FRY/Serbia	0	0	1	2	0	1	0	2	0	0	-	6
Hungary	3	1	2	1	0	0 ⁸	1	2	0	0	-	10
Latvia	2	2	2	2	2	1	1	2	0	0	-	14
Lithuania	4	2	2	2	0	2	1	2	1	0	-	16
Macedonia	4	2	0	2	0	1	0	2	0	0	-	11
Moldova	4	2	2	0	2	2 ¹⁵	1	0	0	0	-	13
Poland	2	0	0	0	0	2 ¹⁶	0	0	0	0	-	4
Romania	0/actual	1	0	2	0	0	1	2	0	0	-2	6
Slovakia	2/Perm.	1	0	2	0	1	0	0	0	0	-	6
Slovenia	4/Lawful	2	0	2	0	1 ¹⁸		2	0	0	-	11

National re-integration through citizenship (1990s)

Many states choose to keep the link with their non-resident citizens and their descendents by enforcing *ius sanguinis* rule; also very often the former citizens retain their right to citizenship or enjoy a preferential treatment in case they decide to regain their former citizenship. The political changes in Eastern Europe led to the creation and re-organization of the states, and implicitly to new or substantially redefined citizenries. The exclusion of certain categories of undesirable individuals (sometimes residents) went hand in hand with the inclusion of other people (sometimes never residents or never citizens). The picture is however complex (*see* Table

5) and this study only shows the general features according to which all the countries (except Albania and Estonia) made citizenship available (automatic or conditional) either for former citizens or residents, or former citizens- emigrants (Bosnia and Herzegovina, Macedonia, Moldova, Romania, Slovenia), repatriated (Poland, Romania), arbitrarily deprived (Bulgaria, Croatia, Hungary)- former residents (Moldova), former citizens of the federations from which they departed (Bosnia and Herzegovina, Czech R., FRY) etc.

An interesting case of preferential inclusion is represented by the co-ethnics, people considered to have the same origin, ethnicity or nationality in correlation or without association with the formal link provided by former citizenship. Ten of the countries (*see* Table 6) had offered facilitated naturalization for individuals on the ground of their “origin” (Albania, Lithuania, Macedonia, and Slovenia), “nationality” (Bulgaria, Hungary, Poland, Slovakia), membership to the “people” (Croatia, Latvia). The facilitation ranged from waving all the requirements (Latvia, Poland, Slovakia) to substantial (Bulgaria. Croatia, Hungary and Lithuania) or minimum (Albania) lessening of the conditions.

The qualification criteria for facilitations also varied: written statement (Croatia), formal proof of former citizenship (Hungary) informal proof of national “origin” (Bulgaria), proof of “active link” (Slovenia), evidence of cultural and language awareness” (Slovakia), undefined (Macedonia). It is worth noticing that some of the most restrictive countries in terms of naturalization rules (Latvia and Lithuania) opted for smoothening the way to citizenship for co-ethnics by waving all or almost all of the requirements.

Table 5 National re-integration through citizenship- former citizens (1990s)⁷³

State	Codification	Past Residence No/ 0p 0-3/ 1p 4-5/ 2p 6-9/ 3p 10+/ 4p	Integration		Personal record		Loyalty		Welfare		Total 0-18
			Lang.	Constit. Society	Criminal	Politic	Dual citizenship	Oath	Income	Health	
			No/ 0p Informa eval./1p Test/2p	No/ 0p Informa eval./1p Test/2p	No/ 0p In/ 1p In+ out 2p	No 0p Yes 2p	Allowed 0p Renunc. 1p Rejected 2p	No 0p Yes 1p	No 0p Yes 2p	No 0p Yes 1p	
Albania		-	-	-	-	-	-	-	-	-	-
Bosnia H. ⁷⁴		2	0	0	0	0	1	0	0	0	3
Bulgaria ⁷⁵		0	0	0	0	0	0	0	0	0	0
Croatia ⁷⁶		0	0	1	0	0	0	0	0	0	1
Czech Rep. ⁷⁷		1	0	0	2	0	2	0	0	0	6
Estonia		-	-	-	-	-	-	-	-	-	-
FRY/Serbia ⁷⁸		0/Actual	0	0	0	0	0	0	0	0	0
Hungary ⁷⁹		0	0	0	0	0	0	0	0	0	0
Latvia ⁸⁰		2	0	0	0	0	0	0	0	0	2
Lithuania ⁸¹		0/Actual	0	0	0	0	0	1	0	0	1

⁷³Including ex-citizens of other republics resulted from the same federation.

⁷⁴Restoration of citizenship for those who were citizens of the Republic of Bosnia and Herzegovina before the adoption of the Constitution and until April 6 1992; also, former citizens of the former SFRY if resident since 1992 and if within two years after the adoption of the law are still resident; also, former citizens of the former SFRY if they establish residence in BH within one year after the adoption of the law and hold residence for three years more. The returning emigrants are allowed to have dual citizenship.

⁷⁵Art. 30, Act 1968: Restoration- persons who lost Bulgarian citizenship under the 1948 Law.

⁷⁶Art 15, Law on Citizenship: “A Croatian citizen who petitioned for and had his or her Croatian citizenship revoked for the reasons of acquiring citizenship in another country [...], can regain Croatian citizenship although he or she does not meet the prerequisites...”

⁷⁷Act No. 91/1993, Special Provisions in Connection with the dissolution of the Czech and Slovak Federal Republic- acquisition of Czech citizenship by Slovaks through option (till Dec. 31 1993) with certain conditions; also for Slovaks that were in the past residents of the Czech Republic and of whose at least one parent holds Czech citizenship.

⁷⁸Art 47, Citizenship Act, 1996: The Yugoslav citizenship may be acquired by a citizen of the SFRY who had the citizenship of another republic of the SFRY who on the date of proclamation of the Constitution of the FRY has residence on the territory of Yugoslavia as well as the children of that citizen born after that date as well as a citizen of another republic of the SFRY that has accepted to be transformed into a professional commissioned officer and professional non-commissioned officer, i.e. civil person employed by the Yugoslav Army and member of his/her immediate family (spouse and children) - if he/she does not have another citizenship”.

⁷⁹Section 5/A, art 1 (a), Act LV- reacquisition by declaration for persons who have been deprived of Hungarian citizenship by virtue of previous acts or whose Hungarian citizenship was terminated by expatriation between 15 September 1947 and 2 May 1990.

⁸⁰Art 13 (1) 6), Citizenship Law, 1994- facilitated naturalization for those who were Lithuanian or Estonian citizens on June 17, 1940 and their descendants, if they or their descendants have permanently resided in Latvia for no less than five years.

Macedonia	0 ⁸² /4 ⁸³	2/0	0	2/0	0	1/0	0	2/2	0	7/6
Moldova ⁸⁴	0	0	0	0	0	2	0	0	0	2
Poland ⁸⁵	0	0	0	0	0	2	0	0	0	2
Romania ⁸⁶	0	0	0	0/2 ⁸⁷	0	0	1	0	0	1/3
Slovakia ⁸⁸	0	0	0	0	0	0	0	0	0	0
Slovenia	1 ⁸⁹ /0 ⁹⁰	2/0	0	2/2	0	0	0	2/0	0	7/2

⁸¹Art 1 Law on Citizenship- re-granting citizenship for citizens (and 2 generation descendents) prior to 15 June 1940, permanent residents in Republic between 1919-1940 (and descendents) who are permanent residents on the day of the entry in force of the law, persons who acquired citizenship of the Republic or had it restored to them prior to 4 November 1991.

⁸²Art 8: “An emigrant from the Republic of Macedonia, as well as his descendant up to first generation may acquire citizenship [...] by naturalization although not meeting the conditions”.

⁸³Art 26, Act on Citizenship: “The nationals of the other republics of former SFRY and the nationals of former SFRY with registered residence on the territory of the Republic of Macedonia may acquire citizenship of the Republic of Macedonia by lodging a request within one year from the date this Act takes effect, in case they have permanent source of funds, they are adults and before the filing the request legally resided on the territory of the Republic of Macedonia at least 15 years”.

⁸⁴Art 24, Restoration of citizenship for: persons (and descendents) born in Moldova, North Bucovina, Hertza Region, and the M.A.S.S.R until 28 June 1940, who were deported or have emigrated since 1940; also, Art 1 extends Moldovan citizenship to persons who returned to Moldova; and made the citizenship available for those persons who were in June 1991 permanent residents with a legal source of income and continued to be so after (option within 1 year), persons born in territory without citizenship, permanent residents with a source of income.

⁸⁵Art 12, Citizenship Law, 1962:”Persons arriving to Poland as repatriates acquire Polish citizenship by the force of law”.

⁸⁶Decree Laws 7/1989, 21/1990, Citizenship Law 1991 restores Romanian citizenship to former Romanian citizens from abroad (upon request) without taking residence in the territory.

⁸⁷Former Romanian citizens who do not repatriate must have a clean criminal record.

⁸⁸Art 7 (5), Law on Citizenship: “A person, whose former Czechoslovak citizenship expired or who lost the Czechoslovak citizenship due to long absence according to [...] law L/1879, or by way of marriage [...], this person can be granted the citizenship of the Slovak Republic even though the conditions [...] were not met”.

⁸⁹Expatriates- Art 12: “If such act is in accordance with the interest of the State for national reason, the competent authority may within its discretion admit a Slovenian expatriate and his/her descendant to the third generation in direct descent to the citizenship [...]”.

⁹⁰Former citizens of other republics, Art 40: a citizen of another republic that had permanent residence in the Republic of Slovenia on the day of the Plebiscite and actually lives here, (application with the competent agency). Art 39, Citizenship Act,1991- is considered citizen a person who had a registered permanent residence on December 23 1990 in the Republic of Slovenia and has permanently and actually lived here since that date, provided that person acquired the citizenship of the Republic of Slovenia according to Art 37 of Citizenship Act of the Federal People’s Republic of Yugoslavia [...] provided that the person applies for the recognition of the citizenship present the evidence of the legal basis on which the entry to the register of citizenship was made in any other republic of the former Socialist Federal Republic of Yugoslavia.

Table 6 National re-integration through citizenship- co-ethnics (1990s)

State	Codification	Past Residence No/ 0p 0-3/ 1p 4-5/ 2p 6-9/ 3p 10+/ 4p	Integration		Personal record		Loyalty		Welfare		Total 10-18
			Lang.	Constit. Society	Criminal	Politic	Dual citizenship	Oath	Income	Health	
			No/ 0p Informal eval./1p Test/2p	No/ 0p Informal eval./1p Test/2p	No/ 0p In/ 1p In+ out 2p	No 0p Yes 2p	Allowed 0p Renunc. 1p Rejected 2p	No 0p Yes 1p	No 0p Yes 2p	No 0p Yes 1p	
Albania ⁹¹		1	2	2	2	0	1	1	2	0	11
Bosnia H.		-	-	-	-	-	-	-	-	-	-
Bulgaria ⁹²		0	0	0	1	0	0	0	0	0	1
Croatia ⁹³		0	0	1	0	0	0	0	0	0	1
Czech Rep.		-	-	-	-	-	-	-	-	-	-
Estonia		-	-	-	-	-	-	-	-	-	-
FRY/Serbia		-	-	-	-	-	-	-	-	-	-
Hungary ⁹⁴		1	0	0	0	0	0	0	0	0	1
Latvia ⁹⁵		0	0	0	0	0	0	0	0	0	0
Lithuania ⁹⁶		0/Actual	0	0	0	0	1	1	0	0	2
Macedonia ⁹⁷		0	0	0	0	0	0	0	0	0	0
Moldova		-	-	-	-	-	-	-	-	-	-
Poland ⁹⁸		0	0	0	0	0	0	0	0	0	0

⁹¹Art 9 (7) Law on Citizenship refers to "a foreigner of Albanian origin up to the second-generation; be it even from one parent".

⁹²Art. 10, Act No. 79: "a person of Bulgarian nationality" that may acquire Bulgarian citizenship through facilitated naturalization; also, Art 25 (2) Constitution 1991: "a person of Bulgarian origin shall acquire Bulgarian citizenship through a facilitated procedure".

⁹³Art 16, Law on Citizenship: "A member of the Croatian people who does not have a place of residence in the Republic of Croatia can acquire Croatian citizenship if he or she meets the prerequisites [...] and if he or she issues a written statement that he or she considers himself or herself to be a Croatian citizen"; also Art 30: "A member of the Croatian people who, by the date on which this Law takes effect, is not a Croatian citizen, and on the said date has registered place of residence in the Republic of Croatia, shall be deemed to be a Croatian citizen if he or she issues a written statement that he or she considers himself or herself a Croatian citizen."

⁹⁴Section 4, Art 3 (b) Act LV: "a non-Hungarian citizen claiming to be a Hungarian national who has lived in Hungary for at least one year [...], and at least one of whose relatives in ascendant line was a Hungarian citizen, may be naturalized on preferential terms".

⁹⁵Art 13 (1) 1), Citizenship Law, 1994- Exceptions to naturalization requirements: persons of parent- Latvian or Liv and who permanently reside in Latvia or have repatriated.

⁹⁶Art 17, Law on Citizenship: "[...] other persons of Lithuanian origin who are residing in foreign states or on the territories governed by said states".

⁹⁷Art 11: "[...] an alien at the age of 18 may acquire a citizenship of the Republic of Macedonia by naturalization if it is of special scientific, economic, cultural and national interest, and more particularly for all Macedonians by origin residing outside the borders of the Republic".

⁹⁸Art 12, Citizenship Law, 1962: "Persons arriving to Poland as repatriates acquire Polish citizenship by the force of law. Under this Law a repatriate is a foreign citizen of Polish nationality or Polish parentage, who arrived in Poland to take up permanent residence and who obtained permission from the appropriate Polish authority".

Romania	-	-	-	-	-	-	-	-	-	-
Slovakia ⁹⁹	0	0	0	0	0	0	0	0	0	0
Slovenia ¹⁰⁰	0	0	0	2	0	0	0	2	0	4

Loss of citizenship (1990s)

The recent literature on citizenship policies is mainly concentrated on the regulations regarding the acquisition of citizenship and pays only modest attention to the rules concerning the loss of citizenship. The present survey took into consideration the two main possibilities of loss (by renunciation and by deprivation) measuring the general applicability, conditioning and the compliance with two basic international norms regarding citizenship: avoiding statelessness and non-discrimination. Generally, it is considered positive if a country allows renunciation of citizenship (with the minimum condition of requiring proof of acquiring other citizenship) and it does not deprive of citizenship any of its citizens. The Universal Declaration of Human Rights clearly states that “everyone has the right to nationality” and “no one shall be deprived of or denied the right to change his nationality”¹⁰¹. The European Convention on Nationality (1997)

⁹⁹Law 70/1997 on Expatriate Slovaks allows Slovak Expatriates to “apply for state citizenship of the Slovak Republic for outstanding personal reasons” (Art 6.1.c). The Law defines a Slovak Expatriate as “an individual without Slovak citizenship, if he/she has Slovak nationality or Slovak ethnic origin and Slovak cultural and language awareness [...] he/she or any of his direct ancestors up to the third generation had Slovak nationality” (Art 2.2 and 3).

¹⁰⁰Art 13a, Citizenship Act of the Republic of Slovenia 1991: “Notwithstanding the conditions [...] a person over 18 years of age may obtain citizenship of the Republic of Slovenia through naturalization if that person is of Slovenian origin through at least one parent and his/her citizenship of the Republic of Slovenia ceased due to dismissal, renunciation or deprivation or because the person has not acquired Slovenian citizenship due to historical circumstances”; also Art 4.5, Resolution 35-2280/1996 on the position of autochthonous Slovene minorities in neighboring countries: “It is in the interest of the Republic of Slovenia that Slovenes living abroad and their descendants return to Slovenia [...] that persons of Slovene origin who have an active link with Slovenia and wish to acquire Slovene citizenship have the opportunity to do so”.

¹⁰¹Art 14, *Universal Declaration of Human Rights*, (UN, 1948), [on line], available from: <<http://www.un.org/Overview/rights.html>> accessed 13 March 2007.

provides for making the loss of citizenship possible only if there is clear evidence that the statelessness is avoided¹⁰².

Table 7 Voluntary loss of citizenship (1990s)

State	Codification	Voluntary loss				Total 0/6
		Applicable	Avoiding Statelessness	Discrimination between citizens	Facilitated re- acquisition	
		0p-yes/unconditional ¹⁰³ 1p-yes/other conditions 6p-not applied	If applied: 0p- condition specified 2p- condition not spec.	If applied: 0p -no 2p -yes	If applied: 0p-yes/ request 1p-not specified	
Albania (1998)		1 ¹⁰⁴	0	0	0	1
Bosnia H. (1997)		1	0	0	1	2
Bulgaria (1989)		1 ¹⁰⁵	0	0	0	1
Croatia (1993)		1	0	0	0 ¹⁰⁶	1
Czech Rep. (1993)		0	0	0	1	1
Estonia (1995)		1	0	0	1 ¹⁰⁷	2
FRY/Serbia ('96)		1	0	0	0	1
Hungary (1993)		0	0	0	0	0
Latvia (1994)		1	0	0	1	2
Lithuania (1992)		1	0	0	0	1
Macedonia (1992)		1	0	0	0	1
Moldova (1994)		1	0	0	1	2
Poland (1962)		0	0	0	1	1
Romania (1991)		1	2	0	1	4
Slovakia (1993-7)		1	0	0	1	2
Slovenia (1991)		1 ¹⁰⁸	0	0	0	2

In the survey all the countries allow the citizens to renounce their citizenship (*see* Table 7) and make the renunciation conditional upon the submission of proof of possessing or acquiring other citizenship (with the exception of Romania). However, the renunciation is unconditional only for three cases (Czech R., Hungary and Poland), while all other states impose additional

¹⁰² Art 7.3, *European Convention on Nationality*.

¹⁰³ Any condition other than that of possessing or acquiring other citizenship in order to avoid statelessness- category treated separately in the next panel.

¹⁰⁴ Among other conditions- residence in a foreign country.

¹⁰⁵ Art 29, Act No. 79- obligation to leave the country within one year.

¹⁰⁶ Art 15: regaining citizenship for those who revoked it for the purpose of acquiring another citizenship; also for person who lost their citizenship as minors.

¹⁰⁷ Facilitated re-acquisition only for persons who lost the Estonian citizenship as minors.

¹⁰⁸ Among other conditions: that the person actually lives in a foreign country.

conditions: residence abroad (Albania and Slovenia), obligation to leave the country (Bulgaria) fulfilled military obligations, no public or private debts etc. There are no examples of discrimination between natural and naturalized citizens and facilitations for re-acquisition of citizenship are available in half of the cases.

A great number of citizenship laws in postcommunist Eastern Europe provided for non-voluntary loss of citizenship (*see* Table 8) on different grounds such as: acquisition of other citizenship (Croatia, Czech Republic, Poland), severe crimes against the state (Bulgaria, Poland), service in a foreign army or office (Estonia, Lithuania), permanent residence abroad (Lithuania, Poland). Unlike the voluntary loss, deprivation is possible without the condition of avoiding statelessness in nine (out of ten) cases and discrimination between natural and naturalized citizens is in place in three countries (Czech R., Estonia and Romania). The general tendency in the region was to make the renunciation of citizenship as conditional as possible and to leave room for maneuver to the state to punish individuals by unilaterally withdrawing their citizenship. A rough measurement of restrictiveness in terms of loss of citizenship places Romania and Estonia among the most restrictive, and Hungary, Albania, Croatia, FRY and Macedonia among the most open countries- scores that do not perfectly match the ones obtained when measuring the restrictiveness of (normal) naturalization conditions.

Table 8 Non-voluntary loss of citizenship¹⁰⁹ (1990s)

State	Codification	Non- Voluntary loss				Total 0/7	Cumulate scores Voluntary+ Non voluntary
		Applicable	Avoiding Statelessness	Discrimination between citizens	Facilitated re- acquisition		
		0p-no 2-yes	If applied: 0p- condition specified 2p- condition not spec.	If applied: 0p -no 2p -yes	If applied: 0p-yes/ request 1p-not specified		
Albania (1998)		0 ¹¹⁰	0	0	0	0	1
Bosnia H. (1997)		2 ¹¹¹	2	0	1	5	7
Bulgaria (1989)		2 ¹¹²	2	0	1	5	6
Croatia (1993)		0 ¹¹³	0	0	0	0	1
Czech Rep. (1993)		2 ¹¹⁴	0	2	1	5	6
Estonia (1995)		2 ¹¹⁵	2	2	1	7	9
FRY/Serbia ('96)		2	0	0	0	0	1
Hungary (1993)		0 ¹¹⁶	0	0	0	0	0
Latvia (1994)		2	2	0	1	5	7
Lithuania (1992)		2 ¹¹⁷	2	0	0	4	5
Macedonia (1992)		0	0	0	0	0	1
Moldova (1994)		2	2	0	1	5	7
Poland (1962)		2 ¹¹⁸	2	0	1	5	6
Romania (1991)		2	2	2 ¹¹⁹	1	7	11
Slovakia (1993-7)		0 ¹²⁰	0	0	0	0	2
Slovenia (1991)		2 ¹²¹	2	0	1	5	7

¹⁰⁹Except cases of unlawful acquisition.

¹¹⁰Art 19, Constitution, 1998:“A citizen may not lose his citizenship, except when he gives it up”.

¹¹¹Citizenship is lost by acquiring other citizenship, if no agreement between states.

¹¹²Art. 24: “Person who has acquired Bulgarian citizenship by naturalization can be deprived of it if he is convicted by enacted sentence for severe crime against the republic [...]”.

¹¹³Art 9 (2) Constitution, 1990: “No citizen [...] may be deprived of citizenship [...]”.

¹¹⁴Art. 17, Citizenship Law: “A citizen of the Czech Republic loses his/her citizenship at the moment he/she acquires at his/her own request, citizenship of another country with the exception of cases of acquisition of citizenship of another country by marriage or birth”.

¹¹⁵Conditions for revocation of citizenship: acquiring other citizenship, service in a foreign army, foreign public office without permission etc.

¹¹⁶Art 69 (1), Constitution (1949/2003): “In the Republic of Hungary no one shall be denied of his Hungarian citizenship against his will [...]”.

¹¹⁷Art 12, Law on Citizenship- a person may be recognized as having lost citizenship if he or she severs the actual links with the State by residing abroad more that three years without valid passport, joining the military service of another state or taking employment as a state official in another state without the permission of the competent bodies of the Republic.

¹¹⁸ Art 13, Law on Citizenship, 1962: “The acquisition of foreign citizenship automatically results in the loss of Polish citizenship”; also, Art 15- other grounds applicable to residents abroad: residence abroad and violation of the duty of loyalty, actions against state interests, criminal sentence.

¹¹⁹ Art 5 (2) Constitution, 1991: “Romanian citizenship cannot be withdrawn if acquired by birth.

¹²⁰Art 5.2, Constitution, 1992:”No one must be deprived of the citizenship [...] against his will”.

Acquisition and loss of citizenship in sixteen countries- 2000s

Political and constitutional reforms in Eastern Europe were not over with the turmoil of the early 1990s; on the contrary, domestic factors (economic transition, democratization, political shifts etc.) and external factors (bi- and multi-national agreements, membership conditionality of the Council of Europe, the European Union etc.) determined a series of legislative re-adjustments that affected also the field of citizenship. Indeed, two of the countries in our survey modified their citizenship rules in the late 1990s (Albania and Latvia) and others in the early 2000s (Bosnia and Herzegovina, Bulgaria, Czech Rep., Estonia, Serbia, Lithuania, Macedonia, Moldova, Poland and Romania).

This part of the paper deals with the citizenship regulations regarding acquisition and loss of citizenship in the 2000s offering preliminary evaluation of the nature and the degree of changes occurred in the area.

Acquisition of citizenship at birth (2000s)

Despite the adoption of new regulations, little changes have been effected with reference to the acquisition of citizenship through birth right. Double *ius sanguinis* has not been challenged while single *ius sanguinis* in association with *ius soli* remained automatic with the exception of the Macedonian case (where the parental consent is required). The most important changes (*see* Table 9) have been made by the Latvian and Estonian laws that provided for special naturalization procedure for the stateless children born after the moments of proclaiming of state independence. A major improvement was made by Moldovan law that granted *ius soli* for children of foreign citizens that are resident in the territory. The number of states that do not give

¹²¹Art 26, Citizenship Act 1991- grounds for deprivation applicable to residents abroad: activities contrary to the international and other interests of the Republic of Slovenia.

exceptional ius soli to stateless children has decreased to only two (Bulgaria and Romania) after Estonia, Latvia, Macedonia and Moldova amended their laws.

Table 9 Acquisition of citizenship at birth (2000s)

State	Descendents				Non descendents
	Born in		Born out		Born in
	Single	Double	Single	Double	
Albania (1998)	Automatic	Automatic	Conditional ¹²²	Automatic	Exceptional- stateless/ foundlings Ius soli- second gen. residents ¹²³
Bosnia H. (2005)	Automatic	Automatic	Conditional ¹²⁴	Automatic	Exceptional- stateless/ foundlings
Bulgaria (2001)	Automatic	Automatic	Automatic	Automatic	Exceptional- foundlings
Croatia (1993)	Automatic	Automatic	Conditional ¹²⁵	Automatic	Exceptional- stateless/ foundlings
Czech Rep. (2003)	Automatic	Automatic	Automatic	Automatic	Exceptional- stateless/ foundlings/
Estonia (2004)	Automatic	Automatic	Automatic	Automatic	Exceptional- foundlings Naturaliz. stateless minors ¹²⁶
FRY/Serbia (2004)	Automatic	Automatic	Conditional ¹²⁷	Automatic	Exceptional- stateless/ foundlings
Hungary (1993)	Automatic	Automatic	Automatic	Automatic	Exceptional- foundlings/ Second gen. residents- stateless
Latvia (1998)	Automatic	Automatic	Conditional ¹²⁸	Automatic	Exceptional-foundlings Special Naturaliz. stateless minors ¹²⁹
Lithuania (2003)	Automatic	Automatic	Conditional ¹³⁰	Automatic	Exceptional- foundlings/ Second gen. residents- stateless ¹³¹
Macedonia (2004)	Conditional ¹³²	Automatic	Conditional ¹³³	Automatic	Exceptional- foundlings/ stateless
Moldova (2004)	Automatic	Automatic	Automatic	Automatic	Exceptional stateless/ foundlings/ Second generation residents ¹³⁴
Poland (2000)	Automatic	Automatic	Automatic	Automatic	Exceptional- stateless/ foundlings
Romania (2003)	Automatic	Automatic	Automatic	Automatic	Exceptional- foundlings
Slovakia (1993-7)	Automatic	Automatic	Automatic	Automatic	Exceptional- stateless/ foundlings
Slovenia (1992)	Automatic	Automatic	Conditional ¹³⁵	Automatic	Exceptional- stateless/ foundlings

¹²²The consent of the non-citizen parent is required.

¹²³Ius soli for the child born in the territory if the parents are non-citizen legal residents.

¹²⁴Ius sanguinis for the child born abroad, of one parent citizen under the condition of registration or permanent residence in the territory (by the age of 23).

¹²⁵Birth right for the child born abroad; conditions: registration or residence in the territory. .

¹²⁶Facilitated naturalization for stateless minors born after 26.02.1992 of parents permanent residents for at least 5years.

¹²⁷Registration until its 18th year as a Yugoslav citizen with the competent authority.

¹²⁸Consent of the parents or residence in Latvia.

¹²⁹Facilitated naturalization for stateless minors (under 15) born after 21.08.1991of whose parents are permanent resident for at least 5years.

¹³⁰The consent of the non-citizen parent is required;

¹³¹Birth right for the child, whose parents are stateless, permanent residents.

¹³² The consent of the non-citizen parent is required.

¹³³Registration of the child with the competent authority abroad.

¹³⁴Art 11 c): “Citizen of the Republic of Moldova shall be the child born in the territory of the Republic of Moldova, whose parents possess the citizenship of another state, or one of them is stateless and the other one is a foreign citizen.”

Acquisition of citizenship through naturalization (2000s)

A tendency towards moderation can be identified in the evolution of the citizenship policies with regard to naturalization (*see* Table 10). There is no country without specific

Table 10 Acquisition of citizenship through naturalization- no facilitations (2000s)

State	Codification	Past Residence No/ 0p 0-3/ 1p 4-5/ 2p 6-9/ 3p 10+ / 4p	Integration		Personal record		Loyalty		Welfare		Total 0-18
			Lang.	Constit. Society	Criminal	Politic	Dual citizenship	Oath	Income	Health	
			No/ 0p Informal eval./1p Test/2p	No/ 0p Informal eval./1p Test/2p	No/ 0p In/ 1p In+ out 2p	No 0p Yes 2p	Allowed 0p Renunc. 1p Rejected 2p	No 0p Yes 1p	No 0p Yes 2p	No 0p Yes 1p	
Albania		2/Lawful	2	2	2	0	1 ¹³⁶	1	2	0	12
Bosnia H.		3/ Lawful	2	0	2	0	1 ¹³⁷	0	0	0	8
Bulgaria		2	2	2	1	0	1	0	2	0	10
Croatia		2/Lawful	2	1	0	0	1	0	0	0	6
Czech Rep.		2	1	0	2	0	2	1	2	0	10
Estonia		2	2	2	2	0	2	1	2	0	13
FRY/Serbia		1/Perm.	0	0	0	0	1	1 ¹³⁸	0	0	3
Hungary		3/Simple	1	2	1	0	0	1	2	0	10
Latvia		2/Perm.	2	2	2	2	1	1	2	0	14
Lithuania		4/Perm.	2	2	2	0	2	1	2	0 ¹³⁹	15
Macedonia		3 ¹⁴⁰ /Perm.	2	0	2	0	1	1	2	0	11
Moldova		3/Lawful	2	2	2	0	1	0 ¹⁴¹	2	0	12
Poland		2	0	0	0	0	2	0	0	0	4
Romania		3/ Lawful	1	1	2	0	0	1	2	0	10
Slovakia		2/Perm.	1	0	2	0	1	0	0	0	6
Slovenia		4/Lawful	2	0	2	0	1 ¹⁸		2	0	11

¹³⁵Registration with the competent authority abroad or residence in the territory (by 18).

¹³⁶Dual citizenship is allowed but renunciation to any other citizenship is required for applicants.

¹³⁷The term for renouncing to the second citizenship was extended to 15 years by the Law on Amendments to the Law on Citizenship, 2002 (until 2013).

¹³⁸Art 14 (4), Bill on the Citizenship, 2004: “[...] a written statement that he or she considers the Republic of Serbia to be his or her own state”.

¹³⁹Law on Citizenship, 2002 removes all the references to the medical situation of the applicants.

¹⁴⁰In 2004 the minimum period of residence for naturalization is reduced from 15 to 8 years.

¹⁴¹Art 24 (1), Citizenship Law, 2004: “The Republic of Moldova shall allow multiple citizenship to: a) children who acquired automatically at birth the citizenship of the Republic of Moldova and the citizenship of another state [...] when the other citizenship is automatically acquired by marriage; children [...] by adoption; if this results from provisions of the international agreement to which the Republic of Moldova is a Party; if the renunciation or loss of the citizenship of another state is not possible or cannot reasonably be requested”; also, Art 24 (3):” (3) Acquisition by the citizen of the Republic of Moldova the citizenship of another state does not attract the loss of the citizenship of the Republic of Moldova”.

requirement related to past residence (in the 1990s, there were two) and the most encountered minimum period is five years. Two countries have significantly changed their naturalization rules- Bulgaria and Romania- and they did so mainly by upgrading their requirements related to residence and socio-cultural integration. Extreme requirements such as lengthy residence (15 years in Macedonia) and absence of severe illness (Lithuania) have been withdrawn. The reform of the Moldovan citizenship law is not totally shown in the codification due the fact that significant changes in the direction of open-ness (reduction of residence requirement and toleration of dual citizenship although the condition of renunciation remained in place) are counterbalanced by the introduction of the oath.

All of the laws provide for special naturalization rules in case of marriage with a citizen (except the Estonian law). Exceptions vary (*see* Table 11) from waving the residence condition (8 countries), to reduction of the residence requirement (six countries), to annulment of the language condition (five countries) and allowance of double citizenship (five countries). Like in the 1990s, the spectacular case is the Latvian one in which all the (many) requirements, except residence, have been withdrawn.

The second traditional ground for facilitated naturalization, birth in the territory, is taken in consideration only by five countries (Bulgaria, Croatia, Czech R., Serbia and Romania) and it has generally limited influence on the policy (*see* Table 12). The facilitations range from waving the requirement of residence (Czech R. and Romania) or reduction of the minimum period of residence (Bulgaria) to annulment of the language condition (Croatia) or of the requirement of renunciation of other citizenship (Croatia, Serbia).

Table 11 Acquisition of citizenship through naturalization- facilitation/marriage (2000s)

State	Codification	Past Residence	Integration		Personal record		Loyalty		Welfare		+/- Normal	Total 0-18
			Lang.	Constit. Society	Crimina	Politic	Dual citizenship	Oath	Incom	Health		
			No/ 0p 0-3/ 1p 4-5/ 2p 6-9/ 3p 10+/ 4p	No/ 0p Informal eval./1p Test/2p	No/ 0p Informal eval./1p Test/2p	No/ 0p In/ 1p In+ out 2p	No 0p Yes 2p	Allowed 0p Renunc. 1p Rejected 2p	No 0p Yes 1p	No 0p Yes 2p		
Albania	1	0	2	2	0	1	1	2	0	-3	9	
Bosnia H.	1	2	0	2	0	1	0	0	0	-2	6	
Bulgaria	1	2	2	1	0	1	0	2	0	-1	9	
Croatia	0	0	1	0	0	0	0	0	0	-5	1	
Czech Rep.	0	1	0	2	0	2	1	2	0	-2	8	
Estonia	2	2	2	2	0	2	1	2	0	-	13	
FRY/Serbia	0	0	0	0	0	0	1	0	0	-2	1	
Hungary	1	1	2	1	0	0	1	2	0	-2	8	
Latvia	2	0	0	0	0	0	0	0	0	-12	2	
Lithuania	0	2	2	2	0	2	1	0	0	-6	8	
Macedonia	0	0	0	2	0	0	1	2	0	-6	5	
Moldova	1	2	2	2	0	1	0	2	0	-2	10	
Poland	0	0	0	0	0	2	0	0	0	-2	2	
Romania	0 ¹⁴²	1	1	2	0	0	1	2	0	-3	7	
Slovakia	0	0	0	0	0	0	0	0	0	-6	0	
Slovenia	0	2	0	2	0	1	0	2	0	-4	7	

Table 12 Acquisition of citizenship through naturalization-facilitation/birth in the territory (2000s)

State	Codification	Past Residence	Integration		Personal record		Loyalty		Welfare		+/- Normal	Total 0-18
			Lang.	Constit. Society	Crimina	Politic	Dual citizenship	Oath	Income	Health		
			No/ 0p 0-3/ 1p 4-5/ 2p 6-9/ 3p 10+/ 4p	No/ 0p Informal eval./1p Test/2p	No/ 0p Informal eval./1p Test/2p	No/ 0p In/ 1p In+ out 2p	No 0p Yes 2p	Allowed 0p Renunc. 1p Rejected 2p	No 0p Yes 1p	No 0p Yes 2p		
Albania ¹⁴³	-	-	-	-	-	-	-	-	-	-	-	-
Bosnia H.	3	2	0	2	0	1	0	0	0	-	8	
Bulgaria	1	2	2	1	0	1	0	2	0	-1	9	
Croatia	2	0	1	0	0	0	0	0	0	-3	3	
Czech Rep.	0	1	0	2	0	2	1	2	0	-2	8	
Estonia ¹⁴⁴	2	2	2	2	0	2	1	2	0	-	13	
FRY/Serbia	1 ¹⁴⁵	0	0	0	0	0	1	0	0	-1	2	

¹⁴²Law of 1999 changes the minimum period of marriage to be considered for facilitated naturalization from 3 to 5 years.

¹⁴³Ius soli for a child born in the territory, to parents-residents, if the they apply;

¹⁴⁴Facilitated naturalization for stateless minors born after 26.02.1992 to parents-residents for at least 5 years.

¹⁴⁵A reduction from 3 to 2 years has been offered- not registered by the present codification.

Hungary	3	1	2	1	0	0	1	2	0	-	10
Latvia	2	2	2	2	2	1	1	2	0	-	14
Lithuania	4	2	2	2	0	2	1	2	0	-	15
Macedonia	3	2	0	2	0	1	1	2	0	-	11
Moldova¹⁴⁶	-	-	-	-	-	-	-	-	-	-	-
Poland	2	0	0	0	0	2	0	0	0	-	4
Romania	0	1	1	2	0	0	1	2	0	-3	7
Slovakia	2	1	0	2	0	1	0	0	0	-	6
Slovenia	4	2	0	2	0	1		2	0	-	11

National reintegration through citizenship (2000s)

As in the 1990s most of the laws (except the Albanian and Estonian ones) provide for special integration of former citizens into the citizenry of the state. Preferential treatment is made available for: former citizens (Bosnia Herzegovina, Czech R., Estonia, Latvia, Macedonia), emigrants (Bulgaria, Hungary, Moldova), arbitrarily deprived (Bulgaria, Poland), former residents (Moldova).

Ten of the countries opted for preferential treatment of co-ethnics in acquisition of citizenship, basically almost the same as in the 1990s with one exception (a shift between Serbia and Macedonia). In the new citizenship law of 2004, Macedonia defined citizenship as “a legal link between the persons and the state” which “does not indicate the ethnic origin of the persons”. Other five countries continued to have no special preference for co-ethnics (Bosnia and Herzegovina, Czech R., Estonia, Moldova and Romania) - although, except Estonia, all of them enforced special regulations regarding facilitated access for former citizens (in a broad or limited sense).

¹⁴⁶Birth right for children born in the territory, to parents- residents/foreign citizens.

Table 13 National re-integration through citizenship- former citizens (2000s)¹⁴⁷

State	Codification	Past Residence	Integration		Personal record		Loyalty		Welfare		Total 0-18
		Lang.	Constit. Society	Criminal	Politic	Dual citizenship	Oath	Income	Health		
		No/ 0p 0-3/ 1p 4-5/ 2p 6-9/ 3p 10+/ 4p	No/ 0p Informal eval./1p Test/2p	No/ 0p Informal eval./1p Test/2p	No/ 0p In/ 1p In+ out 2p	No 0p Yes 2p	Allowed 0p Renunc. 1p Rejected 2p	No 0p Yes 1p	No 0p Yes 2p	No 0p Yes 1p	
Albania	-	-	-	-	-	-	-	-	-	-	-
Bosnia H. ¹⁴⁸	0	0	0	0	0	2	0	0	0	0	2
Bulgaria ¹⁴⁹	0	0	0	0	0	0	0	0	0	0	0
Croatia	0	0	1	0	0	0	0	0	0	0	1
Czech Rep. ¹⁵⁰	0	0	0	0	0	2	1	0	0	0	3
Estonia	-	-	-	-	-	-	-	-	-	-	-
FRY/Serbia ¹⁵¹	0/Actual	0	0	0	0	0	1	0	0	0	1
Hungary ¹⁵²	0	0	0	0	0	0	0	0	0	0	0
Latvia ¹⁵³	2	0	0	0	0	0	0	0	0	0	2

¹⁴⁷Including ex-citizens of other republics resulted from the same federation.

¹⁴⁸Restoration of citizenship to those for those who were citizens of the Republic of Bosnia and Herzegovina before the adoption of the Constitution and until April 6 1992.

¹⁴⁹Re-granting citizenship to all persons who lost Bulgarian citizenship under the 1940/1948 Citizenship Laws; also to persons who were released from Bulgarian citizenship without having filed request and those who emigrated- within one year.

¹⁵⁰Act No. 193/1999 on nationality of some former Czechoslovak nationals, Art 1 “ Any natural person who lost the nationality of the Czechoslovak R., the Czechoslovak S. R., the Czech S. R. or the Czech R. during the period of 25th of February 1948 to 28th of March 1990 by being released from the state relationship or in connection with acquisition of the nationality of another country with which the Czech R. had or has an agreement regulating the question of prevention dual nationality is entitled to acquire the nationality of the Czech R. by statement of nationality of the Czech R. unless the aforesaid international agreement does not state otherwise”. Also, Act No 357/2003 § 18b (1) “The native born citizen of the Slovak R. who - as of December 31, 1992 – had the nationality of the Czech and Slovak Federative R. and who was granted the nationality of the Slovak R. between January 1, 1994 and September 1, 1999 can make the affirmation on the acquisition of the nationality of the Czech., unless that nationality has, in the meantime, been already acquired otherwise”.

¹⁵¹Art 23, Bill on Citizenship, 2004: “a person born in another republic of the former SFRY who had the citizenship of that republic or has the citizenship of another state formed in the territory of the former SFRY and who resides in the territory of Serbia as a refugee, expellee or displaced person or has taken refuge abroad may be accepted into the citizenship of the of Serbia”.

¹⁵²Section 5/A, art 1 (a), Act LV- reacquisition by declaration for persons who have been deprived of Hungarian citizenship by virtue of previous Acts (1946, 1947, 1948, 1957, or whose citizenship was terminated by expatriation between 15 September 1947 and 2 May 1990.

¹⁵³Section 14, Citizenship Law, 1994/1998- Naturalization outside of the general order: persons who, on 17 June 1940, were citizens of Lithuania or Estonia and the descendants- permanent residents for not less than five years; persons who, on 1 September 1939, were citizens of Poland and the descendants of such persons- permanent residents for not less than five; and persons who

Lithuania	0/Actual	0	0	0	0	0	1	0	0	1
Macedonia ¹⁵⁴	4/Perm.	2	0	2	0	0	0	0	0	8
Moldova ¹⁵⁵	0	0	0	0	0	0	0	0	0	0
Poland ¹⁵⁶	0	0	0	2	0	0	0	0	0	2
Romania	0	0	0	0/2	0	0	1	0	0	1/3
Slovakia	0	0	0	0	0	0	0	0	0	0
Slovenia	1/0	2/0	0	2/2	0	0	0	2/0	0	7/2

Table 14 National re-integration through citizenship- co-ethnics (2000s)

State	Codification	Past Residence	Integration		Personal record		Loyalty		Welfare		Total 0-18
			Lang.	Constit. Society	Criminal	Politic	Dual citizenship	Oath	Income	Health	
		No/ 0p 0-3/ 1p 4-5/ 2p 6-9/ 3p 10+/ 4p	No/ 0p Informal eval./1p Test/2p	No/ 0p Informal eval./1p Test/2p	No/ 0p In/ 1p In+ out 2p	No 0p Yes 2p	Allowed 0p Renunc. 1p Rejected 2p	No 0p Yes 1p	No 0p Yes 2p	No 0p Yes 1p	
Albania ¹⁵⁷		1	2	2	2	0	1	1	2	0	11
Bosnia H.		-	-	-	-	-	-	-	-	-	-
Bulgaria ¹⁵⁸		0	0	0	1	0	0	0	0	0	1
Croatia		0	0	1	0	0	0	0	0	0	1
Czech Rep.		-	-	-	-	-	-	-	-	-	-
Estonia		-	-	-	-	-	-	-	-	-	-

have been married to a citizen of Latvia for not less than ten years- permanent residents for not less than five years; also: citizens of Latvia and their descendants who, during the period from 17 June 1940 to 4 May 1990, left Latvia as refugees, who were deported without being able to return although they have become naturalised during this time in a foreign state.

¹⁵⁴Art 14: “The nationals of the other republics of the former SFRY and the nationals of the former SFRY who on 8 September 1991 had a registered domicile, until the submission of the application have been permanently living in the territory of the Republic of Macedonia and have a genuine and effective link with the Republic of Macedonia may acquire citizenship of the Republic of Macedonia if within two years after the entry into force of this law they have submitted an application [...]”.

¹⁵⁵Recognition as citizens for: a) those born in the territory of Moldova or at least those, one of whose parents, or grandparents were born in the territory; b) those who before 28 June 1940 resided in Basarabia, in the North Bucovina, Hertza Region, and the M.A.S.S.R., their descendants, if they have lawful and habitual residence in the Republic; c) the deported or those who have fled the Republic of Moldova, since 28 June 1940, and their descendants.

¹⁵⁶The Repatriation Act, 2000 grants citizenship to repatriated persons Polish extraction who are persons “declaring Polish nationality and meeting jointly the following conditions: 1) at least one of person's parents or grandparents or two great grandparents were of Polish nationality, 2) that person is able to demonstrate links with Polish provenance, in particular by cultivating Polish language, traditions and customs”.

¹⁵⁷Art 9 (7) Law on Albanian Citizenship refers to” a foreigner of Albanian origin up to the second generation; be it even from one parent...”

¹⁵⁸SG 136 1998, Additional provisions 2.1”person of Bulgarian origin’ is a person whom at least one of the ascending is a Bulgarian”.

FRY/ Serbia ¹⁵⁹	0	0	0	0	0	0	1	0	0	1
Hungary	1	0	0	0	0	0	0	0	0	1
Latvia	0	0	0	0	0	0	0	0	0	0
Lithuania	0	0	0	0	0	1	1	0	0	2
Macedonia ¹⁶⁰	-	-	-	-	-	-	-	-	-	-
Moldova	-	-	-	-	-	-	-	-	-	-
Poland ¹⁶¹	0	0	0	2	0	0	0	0	0	2
Romania	-	-	-	-	-	-	-	-	-	-
Slovakia	0	0	0	0	0	0	0	0	0	0
Slovenia	0	0	0	2	0	0	0	2	0	4

Loss of citizenship (2000s)

All the countries in the survey allow renunciation of citizenship (*see* Table 15) and four of them pose no conditions other than proof of possessing or acquisition of other citizenship (Czech R., Hungary, Moldova and Poland). Also, all the countries took into account the international norms concerning avoiding statelessness and non-discrimination between different categories of citizens. Cases where non-voluntary loss of citizenship is possible have slightly decreased (*see* Table 16) due to reforms of three citizenship laws in Serbia, Bulgaria and Moldova. In rough lines, the most restrictive countries remained Romania and Estonia while the most open Hungary and the same group of four (Albania, Croatia, Serbia and Macedonia).

¹⁵⁹Art 23, Bill on the Citizenship, 2004: “A person belonging to the Serbian or some other nation or ethnic community from the territory of the Republic of Serbia, who has no permanent residence in the territory of the Republic of Serbia, may be accepted into the citizenship of the Republic of Serbia if he or she has attained 18 years of age and has not been deprived of his or her legal capacity and if he or she files a written statement that he or she considers the Republic of Serbia to be his own state”.

¹⁶⁰Art 11, Law of 2004- The reference to Macedonians by origin is removed from the paragraph stating conditions for exceptional naturalization; also, Art 1 (2):“Citizenship is a legal link between the persons and the state and does not indicate the ethnic origin of the persons”.

¹⁶¹The Repatriation Act, 2000 grants citizenship to repatriated persons of Polish extraction- persons declaring Polish nationality and meeting certain conditions.

Table 15 Voluntary loss of citizenship (2000s)

State	Codification	Voluntary loss				Total 0/6
		Applicable	Avoiding Statelessness	Discrimination between citizens	Facilitated re-acquisition	
		0p-yes/ unconditional ¹⁶² 1p-yes/other conditions 6p-not applied	If applied: 0p- condition specified 2p- cond. not specified	If applied: 0p -no 2p -yes	If applied: 0p-yes/ request 1p-not specified	
Albania (1998)		1 ¹⁶³	0	0	0	1
Bosnia H. (1997)		1	0	0	1	2
Bulgaria (2001)		1 ¹⁶⁴	0	0	0	1
Croatia (1993)		1	0	0	0	1
Czech Rep. (2003)		0	0	0	1	1
Estonia (2004)		1	0	0	1	2
FRY/Serbia (2004)		1	0	0	0	1
Hungary (1993)		0	0	0	0	0
Latvia (1998)		1	0	0	1	2
Lithuania (2003)		1	0	0	0	1
Macedonia (2004)		1	0	0	0	1
Moldova (2004)		0	0	0	0	0
Poland (2000)		0	0	0	1	1
Romania (2003)		1	0 ¹⁶⁵	0	1	2
Slovakia (1993-7)		1	0	0	1	2
Slovenia (1992)		1	0	0	0	2

Table 16 Non-voluntary of citizenship (2000s)¹⁶⁶

State	Codification	Non- Voluntary loss				Total o/7	Cumulate Voluntary + Nonvoluntary
		Applicable	Avoiding Statelessness	Discrimination between citizens	Facilitated re-acquisition		
		0p-no 2-yes	If applied: 0p- condition specified 2p-condition not spec.	If applied: 0p -no 2p -yes	If applied: 0p-yes/ request 1p-not specified		
Albania (1998)		0	0	0	0	0	1
Bosnia H. (1997)		2	2	0	1	5	7
Bulgaria (2001)		2 ¹⁶⁷	0	2	1	5	6
Croatia (1993)		0	0	0	0	0	1
Czech Rep. (2003)		2 ¹⁶⁸	0	2	1	5	6

¹⁶²Any condition other than that of possessing or acquiring other citizenship in order to avoid statelessness- category treated separately in the next panel.

¹⁶³Among other conditions- residence in a foreign country.

¹⁶⁴The obligation to leave the country within one year after the release from citizenship.

¹⁶⁵Art 1 (13), Law 192/1999 for Amending and Supplementing the Law on Citizenship makes the renunciation of Romanian citizenship conditional to acquiring or possessing other citizenship.

¹⁶⁶Except cases of unlawful acquisition.

¹⁶⁷Art. 24: "Person who has acquired Bulgarian citizenship by naturalization can be deprived of it if he is convicted by enacted sentence for severe crime against the republic, on condition that he is abroad and does not remain without citizenship".

Estonia (2004)	2 ¹⁶⁹	2	2	1	7	9
FRY/Serbia (2004)	0	0	0	0	0	1
Hungary (1993)	0	0	0	0	0	0
Latvia (1998)	2	2	0	1	5	7
Lithuania (2003)	2	2	0	0	4	5
Macedonia (2004)	0	0	0	0	0	1
Moldova (2004)	2	0	0	1	3	3
Poland (2000)	2	2	0	1	5	6
Romania (2003)	2	2	2 ¹⁷⁰	1	7	9
Slovakia (1993-7)	0	0	0	0	0	2
Slovenia (1992)	2	2	0	1	5	7

Citizenship policies in postcommunist Eastern Europe: an assessment

Unlike in Western Europe, states in Eastern Europe do not face significant challenges related to labor immigration. The main issue associated with integration through citizenship is the presence of a great number of stateless persons and refugees throughout the area. Before commenting on the citizenship rules in Eastern Europe it is worth noticing that immediately after communism most of the states in the zone confronted a great deal of salient problems ranging from civil war to economic and political struggles, in the shade of which citizenship issues could be easily overlooked. The modest public pressure put on issues of citizenship had also to do with the long history of the authoritarian regimes in which “citizenship was devoid of most rights normally attached to it and, as a consequence, largely irrelevant as a ‘political’ good in the eyes of citizens”¹⁷¹.

¹⁶⁸ Automatic loss of citizenship when acquiring other citizenship- except by birth or marriage.

¹⁶⁹ Conditions for revocation of citizenship: acquiring other citizenship, service in a foreign army, foreign public office without permission etc.

¹⁷⁰ Art 1 (12), Law 192/1999: “Romanian citizenship cannot be withdrawn if acquired by birth”.

¹⁷¹ Kraler, Albert, “The legal status of immigrants”. and their access to nationality” in Baubock R. (ed.) *Migration and Citizenship*, p. 42.

Restrictive-ness vs. open-ness

According to our findings, a relative opening of the citizenship policies may be traced down in the area of acquisition of citizenship at birth (*see* Table 17). One more citizenship law provided for unconditional *ius soli* (Moldova, 2004) while in other three cases the situation of the stateless minors have been regularized (*ius soli* for stateless minors of resident parents- Macedonia, 2004, and special naturalization procedure for stateless minors of resident parents- Latvia, 1998; Estonia, 1998). Moreover, there are still two countries that do not have provisions for integration of the stateless children (Bulgaria, 2001 and Romania, 2003).

Table 17 Acquisition of citizenship at birth- policy evolution 1990s- 2000s

State	Descendents				Non descendents
	Born in		Born out		Born in
	Single	Double	Single	Double	
Albania (1998-)	/	/	/	/	/
Bosnia H. (1997/2005)	/	/	/	/	/
Bulgaria (1989/2001)	/	/	/	/	/
Croatia (1993-)	/	/	/	/	/
Czech R. (1993/2003)	/	/	/	/	/
Estonia (1995/2004)	/	/	/	/	+ Special naturalization- stateless minors, to parents permanent residents
FRY/ Serbia (1996/2004)	/	/	/	/	/
Hungary (1993-)	/	/	/	/	/
Latvia (1994/1998)	/	/	/	/	+ Special naturalization- stateless minors, to parents permanent residents
Lithuania (1992/2003)	/	/	/	/	/
Macedonia (1992/2004)	/	/	/	/	+Exceptional <i>ius soli</i> - stateless minors, to parents permanent residents
Moldova (1994/2004)	/	/	/	/	+ Exceptional <i>ius soli</i> - children of foreign residents
Poland (1962/2000)	/	/	/	/	/
Romania (1991/2003)	/	/	/	/	/
Slovakia (1993-7)	/	/	/	/	/
Slovenia (1992-)	/	/	/	/	/

It is obvious that the citizenship rules in Eastern Europe were not convergent in 1990s and are continued not to be so in 2000s. Applying Howard's aggregate scheme that takes into

consideration *ius soli* for second generation residents, residence period for naturalization and permission of citizenship (*see* Table 18) cannot help much with the assessment of citizenship policies in Eastern Europe since it throws the cases in only two categories: “restrictive” (five in 1990s and four in 2000s) and “medium” (eleven in 1990s and twelve in 2000s).

Table 18 Howard’s Citizenship Policy Index- extended and updated

	1990s				Codification: 0-1= restrictive 2-4= medium 5-6= liberal	2000s				90s- 2000s +/-
	Ius Soli 0p no 2p yes	Resid. 0p >10 1p 6-9 2 p <5	Dual citiz. 0p Renunc 2p no ren.	Scores 0/6		Ius Soli 0p no 2p yes	Resid. 0p >10 1p 6-9 2 p <5	Dual citiz. 0p Renunc 2p no ren.	Scores 0/6	
Albania (1998)	2	2	0	4	Albania (1998)	2	2	0	4	-
Bosnia H. (1997)	0	1	0	1	Bosnia H. (1997)	0	1	0	1	-
Bulgaria (1989)	0	2	0	2	Bulgaria (2001)	0	2	0	2	-
Croatia (1993)	0	2	0	2	Croatia (1993)	0	2	0	2	-
Czech Rep. (1993)	0	2	0	2	Czech Rep. (2003)	0	2	0	2	-
Estonia (1995)	0	2	0	2	Estonia (2004)	0	2	0	2	-
FRY/Serbia ('96)	0	2	0	2	FRY/Serbia (2004)	0	2	0	2	-
Hungary (1993)	0	1	2	3	Hungary (1993)	0	1	2	3	-
Latvia (1994)	0	2	0	2	Latvia (1998)	0	2	0	2	-
Lithuania (1992)	0	0	0	0	Lithuania (2003)	0	0	0	0	-
Macedonia (1992)	0	0	0	0	Macedonia (2004)	0	1	0	1	+1
Moldova (1994)	0	0	0	0	Moldova (2004)	2	1	0	3	+3
Poland (1962)	0	2	0	2	Poland (2000)	0	2	0	2	-
Romania (1991)	0	2	2	4	Romania (2003)	0	1	2	3	-1
Slovakia (1993-7)	0	2	0	2	Slovakia (1993-7)	0	2	0	2	-
Slovenia (1991)	0	0	0	0	Slovenia (1992)	0	0	0	0	-

Beyond the problematic association between “liberal” and “non-restrictive”, Howard’s scheme does not clearly differentiate between various categories of applicants: *ius soli* for which category of applicants (stateless children, foundlings, children of foreign citizens)? Whose naturalization (of simply foreigners, spouses of citizens, co-ethnics)? Furthermore, the scale itself is very narrow because it does not include important requirements and possible burdens for applicants, such as language tests, criminal records or legal proof of income. It also fails to grasp the policy evolution, for example by overrating the changes in Moldovan law or by underestimating the modifications of the Bulgarian and Romanian regulations. Finally, the

liberal/restrictive scheme is constructed to deal with western cases (therefore, the weight put on *ius soli*) and, when applied in other contexts, it leads to an artificial convergence by omission.

In order to avoid such shortcomings, a more comprehensive and neutral codification needs to be devised, eventually replacing the term “liberal” with “open”. The fact that some states are not “open” (according to the scores) does not necessarily mean that they are not liberal-exclusion and national privilege come together with many practices of any liberal state. In any case, the question of open-ness and restrictive-ness is relevant most of all with regard to issues of naturalization. Little variance may be encountered in the regulations regarding acquisition of birth. Privileging one principle (*soli* or *sanguinis*) to the detriment or disregard of the other does not say much about the open-ness or restrictive-ness of the policy. Important questions arise in relation to the justifications and normative or practical consequences of the state’s choices in this regard but it is not the purpose of this study to deal with such issues.

Naturalization rules are the privileged source of diversity in citizenship policies. To begin with, we limit the analysis to the normal route of naturalization (no facilitations). For this purpose, a supplementary scale has been constructed in order to aggregate the scores registered in the codification (*see* Table 19). One will easily notice that in the 1990s countries spread along all the six categories of the scale, with one case on each of the extreme and almost half of the cases (seven countries) concentrated in the middle (with a slight bias towards the restrictiveness side). For the period of 2000s (when ten of the countries operated changes in their citizenship rules) the naturalization scale indicates five shifts in the positioning of the countries: three upwards (Serbia, Lithuania, and Moldova) and two downwards (Bulgaria- the most spectacular, and Romania). Despite the fact that no case is to be found at the restrictive end of the scale, and that more countries moved upwards than downwards, the whole scale moved in a restrictive direction with an accumulation of cases (eight) on the moderate-restrictive level.

Table 19 Naturalization scales (no facilitations)1990s- 2000s

1990s						
Category	Level	Scores	Countries	Cases		
Open	Very open	1 - 3	Bulgaria	1	5	7
	Open	4 - 6	Poland, Croatia, FRY, Slovakia	4		
Moderate	Open	7 - 9	Bosnia and Herzegovina, Romania	2	7	9
	Restrictive	10 - 12	Albania, Czech R., Hungary, Macedonia, Slovenia,	5		
Restrictive	Restrictive	13- 15	Estonia, Moldova, Latvia	3	4	
	Very restrictive	16- 18	Lithuania	1		
2000s						
Open	Very open	1 - 3	Serbia	1	4	5
	Open	4 - 6	Croatia, Poland, Slovakia	3		
Moderate	Open	7 - 9	Bosnia and Herzegovina	1	9	11
	Restrictive	10 - 12	Albania, Bulgaria , Czech R., Hungary, Macedonia,, Moldova, Romania , Slovenia	8		
Restrictive	Restrictive	13- 15	Estonia, Latvia, Lithuania	3	3	
	Very restrictive	16- 18	-	-		

The two countries that significantly changed their naturalization rules, Bulgaria and Romania, moved both towards more restrictive policies (residence, socio-cultural integration). However, extreme requirements such as minimum residence of 15 years (Macedonia) and the discriminatory reference to medical status of the applicant (Lithuania) have been removed.

In the case of facilitated naturalization on ground of marriage the divergence is even greater (*see* Table 20). Countries with significant facilitations (Latvia, Lithuania, Macedonia and Croatia) share the floor with countries with minimum or no facilitations (Estonia), while the general tendency follows the pattern of change from the normal naturalization. Also, the few provisions that stipulated facilitations (however modest) on the ground of birth in the territory have been renewed according to the general trend from the normal naturalization. The situation is counterbalanced only by the exceptional case of the Moldovan law (following the Albanian one) that conferred *ius soli* to children to foreign parents- residents.

Table 20 Acquisition of citizenship through naturalization- policy evolution 1990s- 2000s

State	Normal Naturalization			Naturalization/ marriage			Naturalization/ birth in		
	1990s	2000s	Diff.	1990s	2000s	Diff.	1990s	2000s	Diff.
Albania (1998-)	12	12	/	9	9	/	¹⁷² -	/	-
Bosnia H. (1997/2005)	8	8	/	6	6	/	8	8	/
Bulgaria (1989/2001)	3	10	+7	0	9	+9	2	9	+7
Croatia (1993-)	6	6	/	1	1	/	3	3	/
Czech R. (1993/2003)	10	10	/	8	8	/	8	8	/
Estonia (1995/2004)	13	13	/	13	13	/	13	13	/
FRY/Serbia (1996/2004)	6	4	-2	6	1	-5	6	2	-4
Hungary (1993-)	10	10	/	8	8	/	10	10	/
Latvia (1994/1998)	14	14	/	2	2	/	14	14	/
Lithuania (1992/2003)	16	15	-1	10	8	-2	16	15	-1
Macedonia (1992/2004)	11	11	/	5	5	/	11	11	/
Moldova (1994/2004)	13	12	-1	10	10	/	13	¹⁷³ /	+
Poland (1962/2000)	4	4	/	2	2	/	4	4	/
Romania (1991/2003)	8	10	+2	6	7	+1	6	7	+2
Slovakia (1993-7)	6	6	/	0	0	/	6	6	/
Slovenia (1992-)	11	11	/	7	7	/	11	11	/

Little changes have occurred in the policy area of loss of citizenship during the first postcommunist decade in Eastern Europe. Although there is no country to impose permanent allegiance to its citizens, in many cases renunciation of citizenship is conditional upon a series of factors (*see* Table 21). The international norm of avoiding statelessness has been successfully implemented only in the case of voluntary loss while in seven out of nine cases where deprivation of citizenship is possible (on grounds other than unlawful acquisition) avoiding statelessness is not taken into consideration. In this regard, no significant changes have occurred in most of the countries with the exception of Moldova (no additional conditions for voluntary loss and deprivation conditional upon avoiding statelessness) and Romania (compliance with the norm regarding statelessness in allowing voluntary loss of citizenship).

¹⁷²Birth right for a child born in territory to parents residents, foreign citizens (if they apply).

¹⁷³Birth right for a child born in territory to parents residents, foreign citizens.

Table 21 Loss of citizenship- policy evolution 1990s- 2000s

State	Voluntary loss of citizenship			Non voluntary loss of citizenship		
	1990s	2000s	Diff.	1990s	2000s	Diff.
Albania (1998-)	1	1	/	0	0	/
Bosnia H. (/1997)	2	2	/	5	5	/
Bulgaria (1989/2001)	1	1	/	5	5	/
Croatia (1993-)	1	1	/	0	0	/
Czech R. (1993/2003)	1	1	/	5	5	/
Estonia (1995/2004)	2	2	/	7	7	/
FRY/Serbia (1996/2004)	1	1	/	0	0	/
Hungary (1993-)	0	0	/	0	0	/
Latvia (1994/1998)	2	2	/	5	5	/
Lithuania (1992/2003)	1	1	/	4	4	/
Macedonia (1992/2004)	1	1	/	0	0	/
Moldova (1994/2004)	2	0	-2	5	3	-2
Poland (1962/2000)	1	1	/	5	5	/
Romania (1991/2003)	4	2	-2	7	7	/
Slovakia (1993-7)	2	2	/	0	0	/
Slovenia (1992-)	2	2	/	5	5	/

Ethnicization

It is a peculiarity of the region that the notions of state and nation do not coincide perfectly, and that many states have manifested a special preoccupation for the betterment of various categories of individuals that are considered “nationals” although not (yet) citizens. Basically, the mismatch between territorial authority and citizenship can be solved in three ways: bringing the co-ethnics inside the borders by redrawing the borders (revisionism), transforming co-ethnics in citizens without requiring them to actually move in the state territory (non-resident citizenship), and offering kin-state support by providing co-ethnics with some benefits and entitlements¹⁷⁴. The first alternative is highly problematic (with some exceptions such as German reunification) and it is not a way that will easily, if ever, gain international support. The second

¹⁷⁴Fowler, Brigid, *Fuzzing citizenship, nationalizing political space: A framework for interpreting the Hungarian “status law” as a new form of kin protection in Central and Eastern Europe*, EASRC, Working Papers 40/02 (2002).

path also raises issues of trans-national policy convergence (permission for dual citizenship) and is confronted with practical dilemmas (overloaded immigration, political participation). The last way brings a compromise between revisionism and cross-national citizenship by inventing a special status and attaching some socio-economic, cultural, symbolic and residential benefits to it. Various forms of state support for kin-minorities abroad have been designed throughout Eastern Europe after 1989. Formal laws have been passed in different states: 1996, Resolution on the protection of autochthonous Slovene minorities in neighboring countries (...); 1997, Law on Expatriate Slovaks (...); 1998, Law regarding the support granted to the Romanian communities from all over the world; 2001, Law for Bulgarian living outside the Republic of Bulgaria; 2001, Act LXII on the Hungarians living in neighboring states/ amended by the Act LXVII, 2003¹⁷⁵.

In our survey, the number of countries that opted for facilitated naturalization of co-ethnics (*see* Table 22), in addition or not (i.e. Albania) to that of the former citizens remained unchanged – ten (with a shift between Serbia and Macedonia). Although deeper research needs to be conducted on this issue, our preliminary findings confirm the presence of “ethnicity” in the regulations of citizenship in Eastern Europe. However, the inclusion of co-ethnics does not go unproblematic and sometimes remains linked with the rhetoric of nationalism rather than with public policy or legal norms (Hungarians boycotted a referendum on dual citizenship for co-ethnics in neighboring countries, Romania strengthened the rules of facilitated access for former citizens- basically Moldavians).

¹⁷⁵Hornburg, Helge, “Transnational Minority Protection in CEE and EU Community Law” in *The Hungarian Status Law: Nation Building and/or Minority Protection*. eds., Zoltán Kántor, Balázs Majtényi, Osamu Ieda, Balázs Vizi, IvánHalász (Sapporo: Slavic Research Center, Hokkaido University), 139-158.

Table 22 National re-integration through citizenship- policy evolution 1990s- 2000s

State	National re-integration former citizens			National re-integration co-ethnics		
	1990s	2000s	Diff.	1990s	2000s	Diff.
Albania (1998-)	-	-	-	11	11	/
Bosnia H. (/1997)	3	2	-1	-	-	-
Bulgaria (1989/2001)	0	0	/	1	1	/
Croatia (1993-)	1	1	/	1	1	/
Czech R. (1993/2003)	6	3	-3	-	-	-
Estonia (1995/2004)	-	-	-	-	-	-
FRY/ Serbia (1996/2004)	0	1	+1	*	1	*
Hungary (1993-)	0	0	/	1	1	/
Latvia (1994/1998)	2	2	/	0	0	/
Lithuania (1992/2003)	1	1	/	2	2	/
Macedonia (1992/2004)	6/7	8	+1/2	0	*	*
Moldova (1994/2004)	2	0	-2	-	-	-
Poland (1962/2000)	2	2	/	0	2	+2
Romania (1991/2003)	1/3	1/3	/	-	-	-
Slovakia (1993-7)	0	0	/	0	0	/
Slovenia (1992-)	2/7	2/7	/	4	4	/

In both parts of Europe, regulations on citizenship have provided for special treatment of certain categories of individuals. Unlike in the East, in the West the ground for preferentialism in access to citizenship is not offered by ethnicity but by the existence of particular historical and cultural ties. The second feature of the re-ethnicization process- provisions for unrestricted transmission of citizenship through *ius sanguinis*- has been present in most of the cases from Eastern Europe since the early 1990s. As mentioned before, the association of *ius sanguinis* with ethnicity or “blood rule” is not accurate since the right of citizenship is transmitted by citizens, regardless of their ethnic background. An “ethnic-ized” rule of *ius sanguinis* would be that the right of citizenship is to be transmitted by descent only in the case of certain categories of citizens- original ethnics or nationals.

Europeanization

The term “Europeanization” may stand for different things. In a specific sense, it refers to processes through which the European Union influences the states (members and candidates) in terms of law, policy, best practices¹⁷⁶. In a general sense, Europeanization stands for the relative homogenization of the laws, practices and identities of the European countries as a result of manifold processes of socialization and communication rather than formal coordination and compliance. The fall of communism in Eastern Europe has been seen as a great opportunity to “re-unite” Europe in general sense, and also as creating the ground for the integration of the new/liberated states into the formal framework of the European Union.

At the moment of 2007, ten of the countries included in the survey were members of the European Union, after they had completed shorter or longer periods of preparations for accession. Although, the absence of standards was not always a motive for the European Union to refrain from demanding compliance with certain external norms in some related areas- such as minority protection¹⁷⁷, citizenship regulations were not involved in the negotiation process. Limited European interest in the area was only shown in the extreme cases of the Baltic States where the European Union backed up other European organizations (OSCE’s High Commissioner on National Minorities, the Council of Europe) in their pressures to solve the problem of stateless populations¹⁷⁸.

¹⁷⁶Featherstone Kevin, “Introduction: In the Name of ‘Europe’” in *The politics of Europeanization*. Eds. Featherstone K. and Radaelli C. M. (Oxford: Oxford University Press, 2003), 3- 26.

¹⁷⁷Hughes, J., Sasse G., “Monitoring the Monitors: EU Enlargement Conditionality and Minority Protection in the CEEC’s”, *JEMIE* No.1/2003; also Sasse, Gwendolyn, *EU conditionality and Minority Rights: Translating the Copenhagen Criterion into Policy*, EUI Working Papers RSCAS No 2005/16.

¹⁷⁸Kelley, Judith, *Ethnic Politics in Europe. The Power of Norms and Incentives* (Princeton UP, 2004).

Policy compliance in areas such as immigration, asylum and border control are the most significant factors of “Europeanization” of citizenship in the new member states since access to citizenship is only the last step that comes after the acceptance in the territory and the registration of residence. Research is still to be done on the impact on these policies on the citizenship regimes of the new member states¹⁷⁹.

Beyond the formal frame of the European Union, the “Europeanization” of citizenship is a debatable issue. If Europeanization stands for “liberalization” in Howard’s terms, then some of the non-member states from Eastern Europe are more “European” than the new members (Albania and Moldova). Also, in our naturalization scale, the new member states are spread among all the categories, two of them having moved towards more restrictive policies (Bulgaria and Romania). On the other hand, if Europeanization stands for ethnicization, in Joppke’s sense, then almost all countries from Eastern Europe qualify as “European”.

The great variety of the rules in acquisition and loss of citizenship in Eastern Europe and their uneven transformation in the last decade seem to prove that citizenship regulations in the East are “European” just because they are as diverse as those existent in Western Europe.

¹⁷⁹A series of studies have already underlined the complex transformations caused by the EU’s extension of the containment policy, such as: Favell A., Hansen, R. “Markets against politics: migration, EU enlargement and the idea of Europe”, *Journal of Ethnopolitics and Migration Studies*, Vol. 28, No. 4, (2002): 581-601; Mitsilegas, V., “The Implementation of the EU Acquis on Illegal Immigration by the Candidate Countries of Central and Eastern Europe: Challenges and Contradictions”, *Journal of Ethnopolitics and Migration Studies*, Vol. 28, No. 4, (2002): 685-682; Rigo, Enrica, *Implications of EU Enlargement for the Border Management and Citizenship in Europe*, EUI Working Papers RSCAS No 2005/21.

Conclusions and further research

The paper brings a contribution to the field of the comparative study of citizenship policies. It is focused on a specific area of regulations- acquisition and loss of citizenship- and on a particular geographical area- Eastern Europe (sixteen postcommunist countries). The fact that most of the studies in the field of citizenship have been focused on the Western World, determined a preliminary engagement with the theoretical findings based on Western literature.

During the last decades citizenship policies have been reformed in many countries from both Western and Eastern Europe. In the literature on citizenship, theories of historical determinism have been overcome by different accounts emphasizing the role of particular domestic and contextual factors in determining the configuration and change of citizenship rules. Following this direction, authors have underlined the different dynamics that lie at the base of policy change in different parts of Europe: integration of immigrants in the West and national consolidation in the East. Different contexts are expected to generate different rules. The main question of the study was: how different?

The analysis provided that citizenship policies in the Eastern Europe were divergent in the 1990s (when most of them were designed) and remained divergent enough one decade after (although many of them have been reformed). In order to avoid normative ambiguity and technical imprecision (convergence by omission) the liberal/restrictive-type scheme (Howard's style) was replaced with an open/restrictive scale. In terms of naturalization rules, countries have spread along all six categories of the scale (with extreme cases at both ends: Bulgaria and Lithuania). When measuring the character of change one has to conclude that citizenship regulations in Eastern Europe have not been altered substantially in the past years. Limited changes were related to a relative general opening of the regulations regarding acquisition of

citizenship at birth (integration of stateless persons in Estonia, Latvia and Macedonia) and loss of citizenship, and a relative restricting of the regulations regarding naturalization (with Bulgaria and Romania in the first line).

Connecting these findings with the Western theories on citizenship policies, one can easily see that citizenship policies in some Eastern countries did not become less “liberal” (open) because they were “illiberal” (restrictive) in the first place (Baltic States, Moldova). On the other end, in the case of Bulgaria more restrictive policies were adopted in order to replace the extremely open ones. In the same context, Joppke’s term of “re-ethnicization” may be replaced by simply “ethnicization” since there has been no special trend to upgrade ethnicity in the last decade but to maintain its privileged status already in place in the 1990s. An interesting topic of research would be a comparison between the regulations existing before 1989 and those referred to in this paper, especially in the particular aspect of ethnicity.

Citizenship rules do not seem to be the most privileged instrument to promote national consolidation in many of the countries. They were used early in 1990s in Latvia and Estonia in order to keep out the Russian speaking minority populations and in all other successor states in order to demarcate between the human shares of the new states. However, a constant international pressure from the international organizations (mostly, the OSCE’s High Commissioner of National Minorities and the Council of Europe) determined the change of the citizenship regulations in some specific aspects (stateless minors, deprivation of citizenship, non-discrimination).

Different projects of national consolidation have been developed additionally or alternatively to citizenship benefits (i.e. the Hungarian Status Law granted various economic and socio-cultural benefits to Hungarian nationals from the neighboring countries but not citizenship status). The analysis provided here remained general in scope and short in means to challenge

important aspects related to citizenship as an instrument of national re-integration. It only showed that in the majority of the cases formal provisions have been adopted in order to reintegrate different categories of individuals left outside the boundaries of the polity after the dramatic changes from the beginning of the 1990s. Further research is needed to address important citizenship issues related to state succession, denaturalization, stateless persons, and refugees in the region.

In any case, only reading the citizenship regulations is never enough for understanding the substance of the policies. The administrative and political discretion that rests with the application of the rules may lead to completely different outcomes than those envisaged in the text of the laws. In this direction, further research has to be done to assess the reality of the citizenship regulations and the inevitable practical shortcomings attached to them (complicated, opaque administrative procedures, high fees, arbitrariness, political bias etc.).

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