

# WORK IN PROGRESS / PLEASE DO NOT SHARE

Title: Immigrants' access to Portuguese and Spanish citizenship in the XXI century: towards a convergent Iberian model?

Citizenship became an increasingly contested issue in the political systems of Western European states (Goodman and Howard, 2013). This trend reflects the challenges engendered by immigration over the sovereignty of the nation states. This social phenomenon involves the crossing of international borders as well as the settlement of large contingents of foreign citizens within the national territory of host states. Sovereign states continue to uphold the right to regulate the admission and settlement of foreign citizens in their national territories, as well as the access to nationality. Immigrants can only evade the immigration controls by accessing to the national citizenship, which ascribes the formal membership of the political community. Furthermore, citizenship assigns civic, political and social rights to individuals, as well as the obligations that follow formal membership (Marshall, 1954). Thereby, this concept contains a double character: its 'internally inclusive' by fostering the establishment of formal membership status within the national community; and simultaneously 'externally exclusive' towards the foreigners that are excluded from such equal membership (Brubaker, 1992).

Within this context, this article will compare immigrants' access to national citizenship in Portugal and Spain in end of the 20<sup>th</sup> century and at the dawn of the 21<sup>st</sup> century. A cross-national convergence towards the liberalization of the access to nationality was observed across west European states before the 2000s (Baubock et al., 2006). Naturalization became regarded as an instrument to promote foreign citizens' integration in the host society. This trend involved the promotion of more inclusive pathways for second generation immigrants, reduction of residence criteria to access naturalization, and the increasing tolerance towards dual nationality. These policy developments strengthened the validity of the thesis of liberal convergence across most industrialized nations, which stresses an increasing similarity of national policies towards foreign citizens, especially at the regional level (Cornelius et al, 2004). Nonetheless, recent research

highlights the observation of a potential restrictive backlash that involves the introduction of further restrictions on access to the national citizenships of Western European states (Joppke, 2010). This shift involves the introduction of new civic requirements involving tests to assess the candidates' language proficiency and their knowledge of national culture, as well as limitations on dual nationality (Goodman and Howard, 2013).

Regarding the convergence on the liberalization of immigrants' access to full citizenship, scholars developed two main theoretical perspectives to explain this trend based either on the supranational or national levels (Freeman, 2006). Some authors predict a convergence towards the devaluation of national citizenship after the hegemony of the human rights regime at the global level and the widespread dissemination of equal treatment of individuals regardless their nationality (Jacobson 1997; Sassen, 1998). Others suggest a convergence towards more inclusive criteria to access national citizenship among liberal democracies following the influence of domestic rather than exogenous factors (Howard, 2009; Janoski, 2010). Following this perspective, it was highlighted that national liberal regimes suppose the adoption of de-ethnicization procedures and liberal citizenship rules (Joppke, 2003). Unlike most available research, this study will evaluate the explanatory power of distinct theoretical perspectives to explain the development of the Portuguese and Spanish citizenship regimes in the selected timeframe (Koopmans et al., 2012).

Furthermore, these two southern European countries have been categorized under a single 'exceptional model of immigration' alongside Italy and Greece, which is supposedly distinct from the remaining European countries (King et al., 1999; Peixoto et al. 2012). However, there is increasing skepticism concerning the validity of Portugal and Spain's grouping under a common and exceptional model, which may neglect substantial divergences across the selected case studies (Baldwin-Edwards, 2012). Past cross-national studies on the citizenship regimes of 15 European states highlighted the southern European countries as deviant cases from the convergence hypothesis due to the variations observed across Greece, Italy, Spain and Portugal even after the experience of large scale immigration. According to the international survey conducted by MIPEX (2017), Portugal is ranked in the second position regarding the best practices on the access to nationality whilst Spain ranks on the tenth position. Drawing from a comparative approach, this article contributes for clarifying the extent to which the citizenship regimes in the two countries can be ranked under a similar citizenship model.

To attain the proposed objectives, this article is divided into two main parts. The first part develops the theoretical framework that supports this investigation whilst the second part presents the empirical analysis of the policy regimes in the two cases. Thereby, the citizenship models and the proposed hypotheses to understand policy developments will be explored through the next section, followed by the justification of the employment of a most similar cases research design. The second part of this article develops the empirical analysis of the Portuguese and Spanish citizenship regimes regarding immigrants' access to national citizenship in two different sections. The case studies will explore the political processes that established the pathways to immigrants' access full citizenship and the subsequent naturalization rates. The proposed hypotheses will be examined initially throughout the single case studies and then evaluated at the cross-national level in a final section that includes a comparative synthesis. The final section highlights the contribution of this investigation to the wider literature on foreign citizens' access to national citizenships and southern European countries.

### [Theoretical background and hypotheses](#)

Following a typology proposed in the early 2000s by Castles and Miller (2003, 245), the variations observed across the incorporation of immigrants in the most industrialized nations can be divided into three categories: the differentially exclusionary model, the assimilationist model, and the multicultural model. The first category encompasses cases wherein state membership is interpreted as a 'community of birth and descent'. The access to citizenship is characterized by the dominance of *ius sanguinis* and naturalization rules with a restrictive character. Immigrants are integrated into particular sectors of society (labour market) and simultaneously excluded from other areas of the public sphere (such as welfare system, citizenship and political participation). Foreign citizens are therefore perceived as "second-class" citizens deprived of political rights. According to the assimilationist model, the host state welcomes immigrant integration in the society but only of those who are willing to assimilate the linguistic, religious and cultural traits of the nation. Thereby, immigrants are expected to abandon their native customs and to necessarily incorporate the dominant social and cultural practices of the host society.

Immigrants can therefore access to full citizenship if they fulfil the requirements of assimilation as the host state favors social homogenization. Access to nationality is granted to the first generation after demonstration of assimilation whilst second generation's access depends on

modified jus solis (where the child born in the host state of foreign citizens is granted citizenship at majority) or double jus solis (where children of second generations born in the country is automatically granted national citizenship at birth). Lastly, the multicultural model supposes that foreign citizens should be granted equal rights in all spheres of society, whilst full participation in civil society is desirable and promoted by the host state. Ethnic diversity is tolerated or promoted. The process of naturalization for first generation of immigration is very accessible whilst unconditional jus solis for second generation is perceived as ‘often the rule’ of the multicultural model (Money, 2010). Unlike the assimilationist model that argues that dual citizenship prevents immigrants’ integration, double nationality is accepted on a universal basis following the multicultural model.

These analytical models have been criticized for their static, mutual exclusive character and the lack of a theory of change. However, this proposal provides valuable tools to compare national approaches to immigrants’ access to full citizenship. To overcome the latter shortcoming, this article proposes a four set of hypotheses to understand the policy developments and potential liberalization in Portugal and Spain. First, the literature suggests that the combination of three factors will lead to liberalization of citizenship regimes: entrenchment of liberal values, stable borders, and the ‘self-perception’ as countries of immigration (Weil, 2001). Whereas an initial convergence is observed over the tightening of access to nationality when the procedure is perceived as undemanding, the constraints on the second and third generation access to full citizenship are expected to be progressively overturned in the long term.

H1 – liberalization of citizenship policies of Portugal and Spain will be enhanced by the consolidation of both immigration and national borders, as well as the entrenchment of liberal-democratic values.

A second hypothesis can be drawn for the path dependency theory that highlights the historical relationships between the host and sending societies. According to this perspective, western states with a colonial past are particularly constrained on the range of policy options regarding immigrants’ origin from countries with historical ties.

H2 - liberalization of the citizenship regimes in Portugal and Spain will be enhanced by the special ties towards the former colonies

A third strand of analysis to explain liberal reforms of citizenship regimes suggests that direction of policy reforms is contingent upon the political ideology of national governments – left-wing government adopt de-ethnicization (which lowers the threshold of citizenship acquisition for immigrants) whilst right-wing governments promote re-ethnicization (reinforcing the ties with foreign-born generations) (Joppke, 2003). The ideological positioning of political parties and especially the universalist demands of left wing parties incentivizes their liberal stances towards immigrants’ access to citizenship.

H3 - liberalization of the citizenship regimes in Portugal and Spain is enhanced by the centre-left parties hold of national government

A fourth hypothesis found in the literature associates the lack of a liberal reform with the mobilization of far right or populist parties (Howard, 2009). The activities of these xenophobic parties stir public hostility towards immigration and prevent the liberalization of the citizenship regimes towards foreign citizens. Demands of social groups in favor of liberalization will be trumped by the restrictive preferences of public opinion.

H4 - liberalization of the citizenship regimes in Portugal and Spain is enhanced by the absence of the extreme right parties in the mainstream party system.

As it will be seen throughout the comparative synthesis, the four hypotheses fail to enhance understanding of the divergences identified across the citizenship regimes regarding immigrants’ access to the Portuguese and Spanish nationalities in the twentieth first century.

### Case selection

The present case selection of Portugal and Spain follows the comparative framework of most similar systems, as the countries share important characteristics that can influence their national citizenship regimes. First, both countries share a long history of colonialism in the South American and African continents, after they developed permanent settler colonization in those territories. Consequently, both countries share important historical relationships with third countries that can influence the shape of the citizenship regimes towards immigrants’ access to Portuguese and Spanish nationalities (Howard, 2009). In parallel, Portugal and Spain’s colonial legacies in addition to the persistence of intense emigration rates in actuality led to the presence of large

national communities settled abroad. This trend incentivizes both countries to re-ethnicize their citizenship regimes to reinforce ties with foreign-born generations (Joppke, 2010). Therefore, the presence of a large national community abroad the national territory may incentivize policy reforms to strengthen the ties with the diaspora.

Thirdly, immigration only developed into the two countries after the 1980s and this social phenomenon developed mostly through irregular means in the context of restrictive channels for labour immigration. Thus, the evolution of inflows has been quite similar in the two countries and should enhance a common experience across the Iberian Peninsula regarding immigrants' access to full citizenship. Fourthly, both countries share an authoritarian legacy and democratization only developed in the 1970s, when these countries became the forerunners of the third of wave of democratization at the global level. The timing of democratization and subsequent the institutionalization of liberalism was deemed crucial in past studies (Howard, 2009), and the entrenchment of the ideology of liberalism only occurred at a late stage in the Iberian Peninsula. A final salient similarity consists of the absence of extreme right parties in the Portuguese and Spanish party systems unlike most of the western European countries. Hence, immigration was not yet mobilized as a salient topic of political competition between mainstream parties in the two countries. The next two sections present the empirical analysis of the citizenship regimes towards immigrants in the two selected cases.

## Portugal

The democratization process after the 1974 revolution was followed by the de-colonization of newly independent African countries, which led to the promulgation of Portuguese nationality law to determine national citizenship. In the context of this downsizing process, the Decree Law 308/75 suppressed the *ius solis* principle that prevailed in the previous legislation. Portuguese nationality was thus restricted to those who had born in Portugal and those born overseas that held long-term residence in Portugal (Baganha and Sousa, 2005). This restrictive trend was completed with the enactment of Law 37/81, which privileged the *ius sanguinis* as the primary criteria concerning acquisition of nationality at birth. Naturalization by foreign citizens depended on proof of effective

integration in the Portuguese society plus six years of legal residence, an increase of three years in comparison to the past legislation established in the end of the 1950s. The access to Portuguese nationality by the second generation of foreign citizens born in national territory became dependent of an expression of intent and on the parents' previous regular residence for a period of at least 6 years (Carvalhais, 2010). This legislation also introduced complete full tolerance towards dual nationality (Baganha and Sousa, 2005), which meant that multiple national memberships was not perceived as a peril to the immigrants' integration.

Access to the Portuguese citizenship was reformed by the Law 25/94 after the observation of significant inflows of immigrants from the former colonial territories, mainly through irregular means,<sup>1</sup> and the Portugal ascension to the European Community. This legislation linked the access to the Portuguese nationality with the immigrants' possession of a residence authorization issued by the national authorities. Considering most of the immigrants settled in Portugal possessed an irregular status or temporary residence permits, this legal requirement constituted a salient obstacle to the immigrants' access to the national citizenship. Moreover, the Law 25/94 established a preferential treatment on the naturalization procedures in benefit of immigrants' origin in Portuguese speaking countries, who were required 6 years of legal residence with a residence authorization whilst other nationalities were required at least 10 years with a similar residence permit. Access to the Portuguese nationality by the second generation of immigrants also reflected this preferential treatment and became dependent on the parents' residence for a period of six years if origin in the Portuguese speaking countries and 10 years for other foreign nationalities.

After several media reports on white marriages, the legislator imposed a three-year probationary period before foreigners married to Portuguese citizens could be entitled to access the national citizenship (Carvalho, 2009). Whereas the legislative debate in the 1980s concerned the reinforcement of ties with the emigrant community, the political agenda in the 1990s was dominated by the intention to restrict access to the Portuguese nationality to the increasing number of immigrants settled in the country (Baganha and Sousa, 2005). Consequently, the Law 25/94 followed the "European fortress" paradigm that was hegemonic at the European level (Geddes, 2003), which enhanced the restrictive approach on immigration deployed by the government led

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<sup>1</sup> In 2006, estimates highlighted that half of the 437,000 foreign citizens settled with a regular status in Portugal benefited from the implementation of regularisation programmes (Peixoto et al, 2009).

by the centre-right party - Partido Social Democrata. This bill was ratified in parliament by the PSD alongside the centre-left party Partido Socialista and the right-wing Centro Democrático e Social, which suggested an important interparty consensus across mainstream parties.<sup>2</sup>

In short, the Portuguese legislation on the foreign citizens' access to full citizenship promulgated in the 1990s conformed to the assimilation model, wherein immigrants' integration was welcomed if they conformed to the national cultural idiosyncrasies. The preferential treatment granted to the foreigners' origin in Portuguese speaking countries was also an instrument to attain geostrategic objectives beyond the European context and to strength the historical ties with the past colonial territories. Remarkably, Portugal continued to recognize unrestricted dual citizenship in spite of the assimilative character of the legislation. However, the instability observed across the legal status of most immigrants settled in Portugal due to their overwhelming insertion in the informal economy and the lack of a regular working contract prevented their access to long-term residence authorizations, and subsequently to the Portuguese citizenship. These obstacles also deprived the second generation from accessing Portuguese full citizenship despite being born in Portuguese territory.

Regarding the relationship between the proposed hypotheses and the restrictive character of the reform of the Portuguese nationality law in 1994, this shift was positively related with the expansion of immigration at a time when the legislation was perceived as undemanding by the national government as Weil (2001) suggested. Secondly, the introduction of the preferential treatment towards immigrants' origin in Portuguese speaking countries strengthened the thesis of path dependence, which highlights the role of historical linkages to understand policy preferences. Thirdly, the restrictive character of the legislation conformed with the right-wing positioning in the ideological spectrum of the Portuguese government led by the PSD, which suggests that liberal approaches will most likely be developed by centre-left parties. Fourthly, the lack of politicization of immigration due to the absence extreme right parties in Portugal or the interparty consensus diverges from the restrictive character of the legislation promulgated in the early 1990s. After this reform, the access to Portuguese citizenship dropped out of the political agenda until the mid-2000s.

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<sup>2</sup> The Portuguese Communist Party and the Greens Party voted against the new legislation in parliament.

Nonetheless, developments at the international and domestic level increased the salience of this topic across the national legislators. In the late 1990s, a Portuguese centre-left government led by the PS signed and later ratified the European Convention on Nationality that sets the international standards on access to the national citizenships of adherent states (Oliveira et al., 2017). Consequently, the national legislation diverged from the recommendations of this convention regarding the withdrawal of nationality after dissolution of marriage, the abolition of preferential treatment on the grounds of sex, religion, race or ethnic origin, and the absence of direct reference to the third-generation of immigrants (Carvalhais, 2010).

On the domestic level, Portugal observed the sudden expansion and diversification of the origins of the foreign population settled in the country after the development of significant irregular inflows from Eastern Europe from the end of the 1990s onwards. Consequently, the immigrant population in Portugal duplicated in terms of dimension in the early 2000s while Ukrainians became the second largest foreign community settled in the country. In parallel, there was a significant contingent of second generation of immigrants born in Portugal whose access to full citizenship was prevented by the irregular status of their parents. As it was acknowledged by a PSD member of parliament, these individuals remained with the nationality of their parents despite the complete lack of ties with their parents' origin countries.

In this context, the Portuguese citizenship regime was reformed in 2006 under the stewardship of a centre-left government led by the PS. On the parliamentary debate, the legislator adopted a consensual approach whilst the opposition parties reiterated the necessity to devise a new citizenship law. The bill was presented by the Minister of Presidency Pedro Pereira as a mean to restate the relevance of *ius solis*, and to remove the barriers on naturalization of foreign citizens. Furthermore, the Portuguese government abolished the preferential treatment provided to foreign citizens' origin in Portuguese speaking countries and rejected proposals of the PSD to maintain and to extend the positive discrimination to the nationals of member states of the European Union. According to the Minister of the Presidency, this proposal was contrary to the international convention on nationality. In the parliamentary commission, the PSD successfully introduced an amendment to facilitate the access to Portuguese nationality to the grandsons of emigrants living abroad (Botelho, 2006). The final text was voted favorably by the PS, PSD and the Portuguese Communist Party and the abstention of the CDS-PP and the left wing party Bloco de Esquerda.

The legislator established a new regime that sought both to promote the ties with the emigrant community and to remove the barriers observed on the foreign citizens' access to the national citizenship.

Table 1 – Access to Portuguese citizenship by foreign citizens since 2006

	First generation	Second generation	Third generation
Legal requirements	Legal residence for a period of 6 years, sufficient knowledge of Portuguese language, and the lack of a criminal record.	Voluntary acquisition dependent on: a) the parents lack of criminal conviction for period of more than 3 years, b) parents' sufficient knowledge of Portuguese, c) and one of the parents' legal residence for a period of five years previous to the application, or that the children have completed the first cycle of compulsory education in the country.  Voluntary acquisition dependent on the regular residence for a period of 10 years, but subjected to state's appreciation.	Automatic acquisition dependent on the proof of one of the parents' birth in national territory and residence in the national territory at the time of the children's birth

In short, the Portuguese citizenship regime conformed to the assimilationist model observed in the 1990s that embraced preferential treatment of foreign citizens' origin in Portuguese speaking countries. This positive discrimination was justified by the historic relationships between Portugal

and former colonial countries, which enhanced cultural and religious uniformity. Those immigrants that assimilated Portuguese culture were provided a more favorable treatment than immigrants whose customs diverged from national standards. This pattern seemed to conform to path dependency theories that highlight the role of historic relationships to understand liberal approaches to particular immigrant groups (Hansen, 2002). Nonetheless, the Portuguese citizenship regime adopted a multicultural outlook in 2006 that recognized equal rights between foreign citizens independently of their cultural heritages, as the national political elite accepted the reality that immigration would not be exclusively origin in Portuguese speaking countries.

In order to promote the integration of all immigrants and to remove the barriers observed on the second and third generations (even of immigrants of Portuguese speaking countries), the Portuguese government dropped the past assimilationist stance.

Regarding the relationship between the liberal developments observed on the Portuguese citizenship regime in 2006 and the behavior of the proposed hypotheses, this policy reform coincided with the entrenchment that Portugal became an immigration country and the awareness of the gap between the 1994 citizenship law and the demographic reality in the mi-2000s. Therefore, Weil's (2001) theory suggesting that states initially restrict access to citizenship in face of a novel phenomenon and then remove barriers to the second and third generations of immigration seems valid in the Portuguese case study. Secondly, the de-ethnicization of Portuguese legislation can also be associated with the centre-left ideological positioning of the national government led by the PS. Thirdly, this trend can also be associated with the lack of a relevant extreme-right party and the absence of political mobilization against immigration in Portugal. The next sections will examine the Spanish citizenship regime.

## Spain

Spain lacks specific legislation to regulate access to national citizenship, which is regulated by through particular articles of the Civil Code since 1889 (Marín et al. 2014). This trend has been associated with the low profile of this policy area in the Spanish political agenda (Perez and Fuentes, 2012). In parallel, this exceptionalism can be associated with the potential difficulty to elaborate a unique nationality law in a country that assumes itself as plurinational in the 1976

national constitution text and contains independence movements in the autonomic regions, most prominent in Catalonia and in the Basque country. The 1978 constitutional text set basic principles to be respected by the regulation of nationality, especially concerning dual citizenship. According to the Article 11.3, the national government can sign dual nationality agreements with ibero-american countries, as well as with other the countries that had special ties with Spain. Thereby, general dual citizenship was envisaged with distrust by the national political elite in the period of democratic transition, a trend that seems to persist in actuality.

After the transition to democracy initiated in the mid-1970s, citizenship policy only ascended to the fore in the early 1980s and attained very little salience in the political agenda (Perez and Fuentes, 2012). The 1982 citizenship law adopted the most favorable preferential treatment to citizens of former colonial territories observed across European former colonial powers, whilst access to Spanish nationality by other foreign nationalities depended on legal and lengthy period of residence in national territory (see Table 2). Remarkably, Spain adopted a liberal regime towards the second generation of immigrants inspired by the *ius solis* principle, which only demands a single year of residence to candidates born of foreign parents on Spanish soil. This liberal provision was framed by political elites as a mean to prevent the “perpetuation of generations of foreigners” settled in the national territory rather than an instrument to promote political incorporation of immigrants in the host society (Perez and Fuentes, 2012). Dual citizenship is accepted in cases of countries (south and central American countries) with bilateral agreements whereas immigrants of other origins are compelled to renounce their citizenship of origin (Marín et al, 2014).

Consequently, the Spanish citizenship regime conforms to the assimilationist model, wherein immigrants are accepted as full citizens if they have assimilated the cultural and religious heritage of the host society. Effectively, requirements are eased and dual citizenship is recognized to the first generation of immigrants’ that share the catholic religion and the Spanish language. The liberal regime towards the second generation of immigrants suggests that the Spanish state considered that those who have born in national territory will more easily assimilate into their host society than the first generation of immigrants. The legislation lacked any provisions related with the third generation of immigrants.

Table 2 – Access to Spanish citizenship by foreign citizens since 2006

	First generation	Second generation	Third generation
Legal requirements	<p>Foreign nationals who have resided in Spain legally for 10 years</p> <p>Refugees ought to live in Spain for five years.</p> <p>Candidates from Central and South American countries, Andorra, the Philippines, Equatorial Guinea and Portugal require two years of legal residence.</p> <p>Those married to a national citizen for at least one year can apply after one year of residence.</p>	<p>Those born of foreign parents can obtain Spanish nationality after one year of residency</p>	

Henceforth, the foreign citizens' access to Spanish nationality never climbed to the top of Spanish political agenda as the minor legislative amendments over the citizenship regime mostly focused on promoting ties with emigrants and their descendants abroad. In the early 1990s, a reform introduced by the centre-left government led by the Partido Socialista Obrero Español (PSOE) led to a more favorable treatment of refugees and the introduction of restrictions to avoid marriages of convenience. Proposals of the far left party (Izquierda Unida) to reduce the general residence requirements imposed on the first generation of immigrants' access to Spanish nationality from 10 to 5 years were rejected by the centre-left government. Similarly, the proposal of the PNV to reduce the requirement for nationals of European Community countries was also denied by the

government. These policy proposals were rejected by a political elite that perceived the legislation as quite liberal (Perez and Fuentes, 2012)

In the second half of the 1990s and during the legislative term dominated by the centre-right party Partido Popular, four parliamentary initiatives were presented by opposition parties to reduce the naturalization requirement of 10 years of continuous and legal residence to five years. The PSOE proposals presented in 1999 and 2002 included among other measures pure “*ius solis*” for second generation of immigrants, the reduction of the general residence requirements from 10 to 5 years, widespread acceptance of dual nationality or the suppression of the prerequisite of legal residence to access Spanish nationality. In 2002, the centre-right government rejected these proposals because the legislative framework was considered as advanced, generous and flexible. Notwithstanding the liberal proposals presented by the PSOE in opposition, the legislation on immigrants’ access to Spanish nationality remained untouched during the terms in 2004 and 2008 led by the PSOE prime minister - José Zapatero. This ambiguity was associated with pragmatism by Perez and Fuentes (2012, p. 644) due to the lack of social and political mobilization demanding the reform of access to full citizenship from civil society.

Nevertheless, these authors notice two public initiatives in the late 2000s by the “Forum for Integration of Immigrants” and the regional parliament of Catalonia proposing the reduction of the residence requirement for naturalization, which were neglected by the PSOE government (Perez and Fuentes, 2012). By contrast, the centre-left government promoted the 2007 ‘Ley de Nietos’ that facilitated access to Spanish nationality by the descendants of political exiles and re-ethnicised the legislation on national citizenship (Marin et al., 2015). These trends suggest that the PSOE failed to perceive the legislation on immigrants’ access to full citizenship as problematic and an obstacle to the promotion of immigrants’ integration. Effectively the PSOE electoral manifesto for the 2004 general election proposed the reform of the citizenship regime to prevent obstacles to reacquisition of Spanish citizenship by emigrants’ descendants (PSOE; 2004, 27), whilst there was no reference to facilitate immigrants’ access. Similarly, the 2008 and 2011 political manifestos failed to include any similar references (PSOE; 2008; 2011). Political reform of access to citizenship was only included in the 2015 electoral manifesto with the aim to reduce the residence requirements, to revise the renouncement of past nationality, and the valorize the integration of immigrants (PSOE, 2015, 260).

The legislation on foreign citizens' access to Spanish nationality was reformed by the centre-right government led by Mariano Rajoy after the 2011 general elections. The PP's 2011 electoral manifesto stated that access to Spanish citizenship would depend on proof of knowledge of Spanish language and way of life. Following a reform of the civil registry in October 2015 promoted by the PP government, the access to Spanish nationality by foreign residents was turned dependent on proof of knowledge of Spanish language and culture through a national exam administered by the Instituto Cervantes.<sup>3</sup> Thereby, the Spanish citizenship regime observed the introduction of a new requirement, which constituted a stronger obstacle for immigrants that did not share Spanish as mother tongue than to the foreign citizens' born in Ibero-American countries. This policy development reinforced public perceptions that certain immigrants were failing to integrate the host society and managed to obtain national citizenship without fulfilling their duties and obligations. However, this policy development cannot be associated with higher levels of politicization of immigration in the early 2010s than in the past as suggested in the literature (Goodman and Howard, 2013).

Regarding the relationship between the proposed hypothesis and the legislation of foreign citizens' access to the Spanish nationality, the consolidation of national borders and immigration in Spain was not followed by the liberalization of the citizenship regime. Secondly, the preferential treatment towards the foreign citizens' origin in former colonial territories granted by the Spanish state was positively related with the relationships established in the past. Thirdly, the lack of liberalization of the citizenship regime towards immigrants diverged from the PSOE hold of national government during two consecutive terms in the 2000s. Fourthly, both the absence of liberal reforms and the introduction of further restrictions in the mid-2010s regarding the legislation of foreign citizens' access to Spanish liberal regime cannot be associated with the presence of a salient extreme right party in the national political system. In short, the historical relationships can be regarded as the most salient explanatory factor to understand the present Spanish citizenship regime.

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<sup>3</sup> Until then, the legal requirement of "evidence of sufficient integration" for naturalisation was assessed through a discretionary interview with a judge of the Civil Registry.

## Comparative synthesis

Drawing from a comparative approach between the two selected cases, both Portugal and Spain promulgated their legislative framework on the foreign citizens' access to national citizenship in the 1980s. The Portuguese legislation established in the 1981 accepted dual nationality and imposed a general residence requirement of six years whilst the Spanish legislative promulgated in 1982 limited dual nationality and imposed a requirement of ten years. Nonetheless, the Spanish legislation provided the most favorable treatment of foreign citizens' origin in the former colonies by imposing a residence requirement of two years only. Portugal only introduced the preferential treatment of citizens from Portuguese-speaking countries alongside the increase of the general residence requirement up to ten years in the early 1990s. Similarly, Spain established a very liberal approach towards the integration of second generation of foreign citizens in the 1980s whilst Portugal adopted a more restrictive approach (table 1 and 2). Hence, this analysis suggests that Spain adopted a clear assimilation paradigm on immigrants' access to national citizenship from the early 1980s onwards whilst Portugal converged towards a similar model in the 1990s.

The Portuguese and Spanish approaches towards foreign citizens' access to national citizenships observed further divergences when the Portuguese state ratified the European Convention on Nationality signed in 1997 whilst Spain failed to endorse this international agreement. This supranational agreement recommended the abolition of preferential treatment of immigrants' according to their national origins or cultural backgrounds. Notwithstanding the continuous growth of the foreign population settled in the two countries, only Portugal promoted a liberal reform of the naturalization processes in the 2000s whilst the Spanish legislation was only partially reformed in the early 2010s to introduce new requirements. Whereas Portugal shifted towards a multicultural model and dropped the preferential treatment of immigrants from Portuguese-speaking countries, Spain maintained its assimilation model. Consequently, Spain failed to integrate the wider convergence observed at the international level towards more liberal naturalization processes unlike Portugal. By contrast, the introduction of new requirements in the early 2010s suggest that Spain conformed to a broader restrictive backlash observed at the European level whilst the Portuguese regime remained untouched.

Regarding the proposed hypotheses to understand the promotion of liberal reforms of naturalization processes, the growth of the foreign population (in Portugal only until 2008) settled

in the two countries against the background of consolidated national borders failed to enhance the promotion of liberal reforms in both Portugal and Spain. Secondly, the historical linkages between these two colonial powers and their overseas territories help to understand the prevalence of the preferential treatments towards foreign citizens' origin in former colonies in both Portugal and Spain until the mid-2000s. In opposition to Spain, path dependence effects fail to enhance understanding of the liberal policy reform promoted by the Portuguese state in 2006 and the imposition of universal residence requirements in detriment of the preferential treatment granted in the past. Therefore, the historical linkages failed to determine the citizenship regime in Portugal.

Thirdly, centre-left parties held executive powers in both countries during important periods in the last twenty years with the Portuguese socialist party having longer tenures in power than the PSOE. The liberal policy reform introduced by the PS government in 2006 was positively related with the party's positioning on the left-right political spectrum, but the Spanish socialist counterpart failed to promote a similar reform in Spain during the two terms observed in the 2000s. Fourthly, the absence of extreme right parties in mainstream politics of both countries and the low politicization of the topic of immigration in their political agendas is positively related with the promotion of a liberal reform of naturalization processes in Portugal but diverges from the absence of similar action in Spain. Furthermore, electoral factors related with far-right parties also fail to enhance understanding of the Spanish centre-right government's introduction of new requirements on naturalization processes in the early 2010s, but it may help to explain the absence of policy reforms in Portugal since the mid-2000s.

In short, the four proposed hypotheses fail to enhance understanding of the observation of a liberal reform of the foreign citizens' access to Portuguese nationality and the absence of a similar reform in Spain. This comparative analysis suggests that centre-left parties' ideological positioning and their universalist stances seems to be a necessary condition for the observation of policy reform, but this single explanatory factor is insufficient to enhance its observation. Thereby, the centre-left parties' ideological positioning does not determine their approach to the foreign citizens' access to national citizenship. Further analysis should be developed to assess the explanatory factors that propel centre-left parties to perceive the national legislation as problematic and an obstacle to the promotion of immigrants' integration. This awareness will lead to introduction of this topic in the political manifesto of the centre-left party that sets the policy agenda of a potential

government. As we have seen, the PSOE only included the reform of naturalization procedures in the party's electoral manifesto in the mid-2010s whilst the Portuguese PS adopted this political pledge a decade earlier on.

Further research should assert the extent to which the different approaches of the Iberian centre-left parties can be explained by the stronger mobilization of immigrant, or by the presence of a larger contingent of second generation of immigrants deprived of national citizenship organizations in Portugal than in the Spain, or simply due to different ideological approaches towards immigration and naturalization processes. The successive amendments to facilitate access to Spanish nationality to the descents of emigrants contrast heavily with the lack of concern with the naturalization processes. Similarly, the analysis of parliamentary debates in both countries suggests that Spanish political elite tend to envisage naturalization processes as a privilege for the few that conform to the legislation (which is perceived as quite liberal; Perez and Fuentes, 2012) approved in the 1980s whilst access to the Portuguese nationality is conceived as a right of foreign citizens that should be actively promoted by the host state. Thereby, the 2006 nationality law was ratified by over 90 per cent of the Portuguese parties with parliamentary representation and without votes against the bill. Lastly, the Spanish political elite seems comfortable with the prevalent assimilation model and the preferential treatment granted to the immigrants considered closer in terms of culture and tradition in detriment of other nationalities and cultural backgrounds.

[Conclusions](#)

[Bibliography](#)



