

Migration and Citizenship Law in Spain: Path-dependency and Policy Change in a Recent Country of Immigration

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Abstract

This article analyzes the links between migratory processes and the evolution of nationality legislation in Spain. We argue that this case challenges the theoretical models that link immigration to liberalizing reforms in citizenship law. Despite large-scale immigration experienced over the last two decades, Spanish nationality law has remained strongly focused on keeping ties with Spanish communities abroad. To account for the high degree of stability of Spanish citizenship law we structure our analysis along three basic lines: the historical conceptions derived from Spain's past as a colonial power; as well as its tradition as a country of emigration; the lack of incentives for political actors to introduce the reform of citizenship law in the political agenda; and the strategies adopted by those political actors in relation to the politicization of immigration.

The interrelation between citizenship law and immigration has received increasing attention from scholars and policy-makers in recent years. The gradual consolidation of the process of settlement of immigrant groups in receiving countries has made more salient the need to closely look at the normative mechanisms by which foreigners (and their descendants) become full members of the national community. In this context, a growing body of literature has generated a theoretical toolbox aimed at studying nationality legislation in immigration receiving countries.

This article analyzes the links between migratory processes and the evolution of nationality law in Spain. Although this case constitutes a clear challenge to the theoretical models that prevail in cross-national comparative analysis of nationality legislation (Howard, 2006), it has received relatively little attention to this day (Rubio, 2009; Moreno-Fuentes, 2001). We argue that the Spanish case questions those theoretical models that link the shift from country of emigration to net receiver of migrants with an equivalent change in the goals pursued by citizenship law. Despite the large-scale immigration experienced over the last two decades, Spanish citizenship law has remained clearly framed within the logic of a traditional country of emigration, mainly concerned by its goal of keeping the ties with the émigré communities. Nationality issues have remained practically invisible in the Spanish public and political agendas, and policy debates on the incorporation of immigrants have yet to include discussions on citizenship law.

The main objective of this article is to explain why recent immigration has not led to substantial debates on citizenship law in Spain as it is predicted by the literature (Joppke, 2003). To account for the high degree of stability in this area of legislation we structure our analysis along three main hypotheses. First, we claim that the

evolution of Spanish citizenship law has been affected by a strong path-dependency, linked to Spain's long tradition as a country of emigration, as well as to its colonial and non-democratic history (Howard, 2006). In order to prove the validity of this argument we review the role played by the protection of emigrants in Spanish nationality law, as well as the preferential treatment granted to nationals of former colonies in naturalization procedures.

Our second hypothesis states that, up to this day, Spanish political actors have not had significant incentives to introduce the reform of citizenship law in the political agenda. To test this hypothesis we analyze the processes of agenda-setting and parliamentary discussion within this area of policy over the last 20 years. We will show how right-wing governments followed the pattern that could be expected from them (ethno-nationalistic understanding of nationality law), but left-wing governments kept a very low profile in this domain, without almost any other social and political constituency asking for reform in this area of policy. Moreover, we will explore the role played by the perception largely shared by Spanish politicians that Spain's citizenship law is currently liberal enough to operate as a mechanism for the integration of immigrants in the national community.

Our third hypothesis, partly linked to the previous argument, claims that the debate on the role of nationality law in the incorporation of immigrants has not gained political visibility because of the strategy of centre-left governments aimed at preventing the politicization of this issue. Reviewing parliamentary discussions shall help us understand how political actors, notably from the left, shaped their strategies regarding immigration and the reform of citizenship legislation.

Thus, following our set of hypothesis, the strong inertias derived from the traditional framing of citizenship law in Spain, the weakness of pro-immigrant activism on the

matter, and the will to avoid the emergence of anti-immigrant feelings would account for the prevailing passivity in this area of policy, despite the existing potential for expansive reform.

Matching the structure provided by these arguments the article is divided in four sections. First, we review the literature on nationality law in order to present the main arguments explaining change in this area of legislation in relation to migration processes. We then revise the evolution of Spanish citizenship law throughout the different stages of Spain's insertion in the world migration system, showing the strength of path-dependencies in the cumulative reforms implemented in this area of policy. In the third section we focus on the role played by political parties in recent discussions on nationality law, paying particular attention to the structures of incentives that shaped their strategies. Finally, we analyze the rationale behind the efforts by left-wing political parties not to politicize immigration, and the effect this had on debates on citizenship law.

1. Theoretical links between migration and citizenship law

Historical conceptions of what constitutes the national community have been stressed as one of the most important elements accounting for the general configuration of citizenship law. Brubaker's (1992) comparison between France and Germany helped to explain the relative predominance of the *ius soli* or the *ius sanguinis* principles in those cases, based on each country's specific nation-building process. Our path-dependency argument follows the institutionalist approach stressed by Brubaker by pointing at the effects of specific historical patterns of Spanish national political culture in the definition of citizenship law. A former colonial power which only recently changed its position in the world migration system to become a net receiver

of immigrants, Spain has kept its citizenship law firmly anchored in the traditional focus aimed at maintaining its links with Spanish communities abroad. The small reforms passed during the last decade were, in fact, mainly oriented towards preventing the loss of Spanish citizenship by the descendants of emigrants, or to make it easier for them to recover the nationality of their ancestors.

Path-dependency explanations account for the historical processes of formation of citizenship legislation, while contributing to explain continuity in this area of policy. But they obviously do not help us understand the motivations for reform, or the conditions under which those policy changes may actually take place. In order to go beyond this reasoning on national patterns, and to provide some theoretical tools to understand policy change in nationality legislation, a school of thought emerged in the 1990s introducing immigration into the equation, and shifting the focus towards the 'post-national' character of contemporary notions of citizenship (Soysal, 1994; Joppke, 1999). These arguments were based on the idea that, outside of the application of citizenship law, new instruments could be developed to fully entitle immigrants within host societies. The success of the notion of 'denizenship' (Hammar, 1990) inspired this theoretical current. In recent years, however, the discussion has turned again towards the idea that national citizenship remains important in the process of recognition of immigrants' rights (Feldblum, 2000; Howard, 2006). Nevertheless, the approach on post-national membership remains useful in order to understand societal incentives for change in nationality law (Money, 2010), as well as the complexity of the coexistence of multiple identities within a particular national community (Bauböck, 2001). This certainly applies to the Spanish case, with its increasing federalization, the emergence of 'multilayered identities' in several regions, and its relatively unstable ethno-territorial relations (Moreno, 2002;

1998). However, we will see how the complexity of the Spanish nation-building process only shows up as a very collateral aspect in contemporary political debates on nationality law reform.

Recent accounts of changes in citizenship legislation stress two main driving factors behind those reforms: the shift from country of emigration to net receiver of migratory flows, and the ideology and strategies of the incumbent (Joppke, 2003). According to Joppke, the reception of immigrants may involve changes in nationality law, and the direction of this hypothetical evolution may be accounted for by the politicization of the issue, and more specifically by the enactment of the ideological framework of the ruling party. Thus, left-wing parties would be more prone to liberalize citizenship law (being more favorable to the de-ethnification of national membership through inclusive naturalizations), while right-wing parties would be more inclined to introduce reforms in a restrictive way (re-ethnification of nationality law by strengthening the ties with the national community abroad) (Joppke, 2005). These arguments coincide with Bauböck's (1994) theoretical contrast between ethnic nationalism (related to *ius sanguinis*), and liberal democracy (more inclusive, and focused on *ius soli*). Both authors state that, although citizenship is increasingly territorial rather than ethnic, it remains strongly related to common identities that inevitably lead to legal preferences in relation to the incorporation of new members into society, sometimes leading to ethnicized policies of 'selective immigration' (Joppke, 2005). These contributions also provide tools for a suitable definition of liberalization of citizenship law based on the de-ethnification of national membership and, therefore, on the creation of an inclusive pattern of citizenship through both, easier access to naturalization, and the strengthening of the *ius soli*.

As we argue in this article, Joppke's theoretical model does not hold in the case of Spain, since the shift towards becoming a country of immigration has not implied a parallel change in the orientation of Spanish nationality law. The policy reforms implemented by Spanish right-wing parties seem to fit within Joppke's model, but not those promoted by left-wing governments, which have introduced more 'conservative' changes than those that the model would predict. In this case, we establish a crucial differentiation between the demands of center-left and left-wing parties (the latter more adapted to the expected model), as well as between the same center-left parties when in opposition (claiming for a clear liberalizing shift in policy) and when holding office (following more or less the same policies as previous right-wing governments).

Without openly questioning the basic assumptions of the aforementioned theoretical models, Howard (2006) identifies several additional factors that may contribute to the analysis of nationality law reform in relation to migration processes: the status of former colonial power (countries that fit this category tend to implement more liberal policies to include immigrants from ancient colonies within the national community), and the history of democratization (older democracies are more likely to develop a more inclusive notion of the national community). Following this author's arguments, countries like France, Belgium, or the UK would fit nicely within that model, but the position of Spain (a former colonial power, but with a belated democratization) constitutes an 'unexpected' case: neither too liberal, nor too restrictive. Thus, the Spanish case constitutes a paradox since, despite the lack of political pressures against a liberalization of citizenship law coming from extreme-right parties, it has not moved into a liberalizing direction. Howard stresses the potential for change in Spanish nationality law, but does not explain why this trend has not occurred yet, although an

explanatory hypothesis can be found in his work: countries that are liberal enough do not need to liberalize any further (Howard, 2006). As stated during parliamentary debates on citizenship law (mainly by the main conservative party, but also by centre-left Members of Parliament), the perception that Spanish nationality law is already sufficiently liberal is quite widespread among Spanish policy-makers.

In order to account for this lack of reform in this area we analyze the role played by politicians and other political actors in the definition of the political agenda in this respect. By doing this we follow Money's (2010) focus on political actors' incentive structures when accounting for citizenship law reform. Building up on Joppke's idea that growing immigration tends to imply reforms in citizenship law, Money eliminates the automaticity of the process, and concentrates on the distance between citizens and foreigners in terms of rights and duties in order to explain when reforms would actually take place. According to this author, restrictive changes in citizenship legislation may be introduced when large differences in rights and small differences in duties exist between citizens and immigrants. Liberalizing changes in citizenship law are to be expected, on the contrary, when there are small differences in rights, and large differences in duties between these two legal categories. Although the actors potentially involved in this area of policy may include bureaucracies and the courts (Hofhansel, 2008), Money's analysis focuses exclusively on politicians and political parties by pointing at the estimates these actors make on the costs and benefits of introducing this topic in the political agenda.

By focusing on the structure of incentives of politicians it becomes possible to respond to Howard's puzzles about the Spanish case. In this respect, the relatively small differences between nationals and foreign residents in terms of rights and obligations would not generate large incentives for change in a system perceived as

liberal enough by most Spanish policy-makers. The granting of full civil and social rights to ‘legal’ immigrants considerably reduces the differences between their social and legal status and that of nationals, with the obvious exception of their limited political rights. However, while political rights remain a key component of the category of citizen, several comparative studies show how this aspect constitutes a relatively low priority in the agendas of pro-immigrant activism (Song, 2009; Koopmans, 1999), something that has also been studied in the Spanish case (Toral, 2010; Morales, 2009; Martin-Perez, 2004).

2. Citizenship law and the changing position of Spain in the world migration system

In order to account for the balance between path-dependencies and incentives for reform of Spanish citizenship law we analyze the main features of the transformations experienced by this area of legislation. We claim that this evolution is firmly connected to the role traditionally played by Spain in the world migration system, as well as to its historical processes of colonialism and democratization.

Table 1. Main characteristics of current Spanish nationality legislation.

TYPES OF CITIZENSHIP	CONDITIONS	RATIONALE
Origin	<p>Born from a Spanish parent, sufficient if one of them is a full citizen (<i>ius sanguinis</i>).</p> <p>Born in Spain of foreign parents if at least one of them was also born in Spain (double <i>ius soli</i>).</p> <p>Born in Spain from parents who do not have any nationality, or if the legislation of the parents' country of origin do not attribute a nationality to children born abroad (<i>ius soli at birth</i>).</p> <p>Born in Spain from unknown parents (<i>ius soli at birth</i>).</p> <p>Possibility to 'recover' Spanish nationality if parents or grandparents fled Spain between July 1936 and January 1956.</p>	<p>Rooted in <i>ius sanguinis</i> principle, with <i>ius soli</i> attributing Spanish citizenship automatically to third-generation immigrants and, in some particular situations, to the second generation.</p>
Derivative (through naturalization)	<p>General: 10 years of legal residence.</p> <p>2 years if: national of Ibero-American country, Andorra, the Philippines, Equatorial Guinea, or Sephardic Jew.</p> <p>5 years if political refugee.</p> <p>1 year if:</p> <ul style="list-style-type: none"> - Married to Spanish citizen (<i>spousal transfer</i>). - Born abroad from a Spanish parent or grandparent who was originally a Spanish-born citizen (reinforces <i>ius sanguinis after birth</i>). - Born in Spain of foreign parents (allowing second-generation immigrants to become Spanish citizens fairly easily, establishing some sort of <i>ius soli after birth</i>). <p>"<i>Carta de naturaleza</i>"</p>	<p>Strict requirement of residence for the general category combined with very generous treatment of certain groups based on historical factors.</p> <p>It also facilitates naturalization for those foreigners with a strong connection to Spain (through marriage or because of being born in the country).</p> <p>Discretionary process granted by government in specific circumstances.</p>
Double citizenship	<p><i>De iure</i> with Ibero-American nations, Andorra, the Philippines, Equatorial Guinea, or those with bilateral agreements signed.</p> <p><i>De facto</i> by emigration.</p>	<p>Post-colonial and ethnicized.</p> <p>Facilities to maintain Spanish citizenship if expressing will to do so within three years of having acquired a foreign nationality.</p>

Spanish citizenship law has been regulated by a series of articles of the Civil Code (CC) since 1889, the first time official legislation on nationality was drafted. The absence of a law specifically devoted to this potentially sensitive issue reflects the relatively low profile that this area of policy has had in the Spanish political agenda to this day. Maintaining a complex equilibrium between protecting the communities of Spaniards abroad, and not extending Spanish citizenship to generations of people

living abroad without a real connection with the country of origin of their ancestors, has constituted the main driving rationale of Spanish citizenship law since its early stages. As shown in Table 2, the strength of the *ius sanguinis* principle, together with a relatively liberal system of naturalization for certain groups with historical (post-colonial) connections with Spain, has traditionally characterized a fairly ethnicized system of citizenship.

Table 2. Outline of the evolution of Spanish nationality legislation.

	RESIDENCY REQUIREMENTS	2 ND AND 3 RD GENERATIONS	PASSING OF NATIONALITY	DUAL NATIONALITY	RATIONALE
CIVIL CODE (CC) 1889	General 10 years. 5 years if married to Spanish woman, introduced industry or invention, owns business, or services to the country.	Declaration of will by foreign parents at birth of the child, or declaration at the majority of age.	Automatically by men. Women lost their nationality when marrying a foreign man.	<i>De facto</i> with most Latin American countries.	Combination of <i>ius sanguinis</i> and restrictions to avoid generations abroad without connection to Spain.
1931 CONSTITUTION (back to 1889 CC after end of Civil War in 1939)	General 10 years. 2 years if: national of Latin America, Portugal, or Spanish protectorate in Morocco.	=	Marriage did not imply lost of nationality for women. Women passed Spanish nationality.	Explicit with countries of the Ibero-American community of nations.	Softening of <i>ius sanguinis</i> to increase protection of Spaniards abroad.
REFORM CC 1954	General 10 years. 2 years if: married to Spanish woman or national of an Ibero-American country or the Philippines.	<i>Ius soli</i> for third generation if both parents were also born in Spain, and lived there at birth of the child.	Women lost their nationality when marrying a foreign man. Women did not pass Spanish nationality (with some exceptions).	With countries of the Ibero-American community of nations (if bilateral treaties signed).	Softening of restrictions (consular inscription) to retain Spanish citizenship for first and second generation migrants.
REFORM CC 1975	=	=	Marriage did not imply lost of nationality for women.	=	Increasing gender equality.
REFORM CC 1982	General 10 years. 2 years if: national of Ibero-American country, Andorra, the Philippines, Equatorial Guinea, or Sephardic Jew. 1 year if: married to Spanish person, or born in Spain.	<i>Ius soli</i> for third generation if at least one of the parents also born in Spain.	Marriage did not imply lost of nationality for women. Spanish women passed their nationality regardless of legislation of their husband's country.	<i>De iure</i> with Ibero-American nations, Andorra, the Philippines, Equatorial Guinea, or those with bilateral agreements signed. <i>De facto</i> by emigration.	Adjusting nationality law to the recently established democratic regime.
REFORM CC 1990	5 years if political refugee.	=	=	=	Facilitating the naturalization of political refugees.

The Civil War represented a temporary halt in the traditional migration flow to Latin America, as well as the expulsion of a relatively large number of exiles.² Although Spanish nationals resumed their migration towards Latin America well into the 1950s

(see Table 3), flows towards other Western European countries became much more important after that moment.

Table 3. Spanish emigration by continent, 1885-1995.

YEARS	TOTAL EMIGRATION	AMERICA	EUROPE	AFRICA	REST OF WORLD
1886-95	770,562	545,171	21,263	185,282	18,846
1896-1905	745,093	513,749	15,859	181,427	34,058
1906-15	1,531,541	1,236,637	44,948	243,082	6,435
1916-25	937,993	817,577	19,665	98,059	2,692
1926-35	588,938	411,289	19,584	156,163	1,902
1936-45	99,341	34,556	5,870	58,780	135
1946-55	570,164	408,269	14,351	147,118	425
1956-65	788,823	351,783	414,764	12,988	9,288
1966-75	812,319	69,954	732,675	169	9,521
1976-85	196,246	17,900	147,718	29,796	10,952
1986-95	101,129	7,409	88,790	3,465	1,465

Source: Anuario de migraciones (<http://extranjeros.mtin.es>).

Between 1960 and 1979 nearly two million Spaniards migrated to other European countries, mainly to France, Germany or Switzerland. In 1973 nearly one million Spanish nationals were still living in those countries (Rubio, 1974), and, as shown in table 4, more than 1.5 million Spanish citizens are currently living abroad.

Table 4. Spanish citizens living abroad, 2009-2010*

	2009			2010		
	Total	Men	Women	Total	Men	Women
TOTAL	1,471,691	720,486	751,205	1,574,123	770,555	803,568
France	179,678	89,174	90,504	183,277	90,896	92,381
Germany	103,063	51,729	51,334	105,916	53,036	52,880
Switzerland	87,670	44,776	42,894	90,142	45,938	44,204
United Kingdom	57,770	26,095	31,675	60,368	27,385	32,983
Belgium	40,130	20,449	19,681	43,397	22,088	21,309
Rest of Europe	92,097	43,334	48,763	96,963	45,624	51,339
TOTAL EUROPE	560,408	275,557	284,851	580,063	284,967	295,096
Morocco	5,770	3,028	2,742	6,278	3,285	2,993
South Africa	1,450	744	706	1,521	788	733
Rest of Africa	5,614	2,976	2,638	6,361	3,389	2,972
TOTAL AFRICA	12,834	6,748	6,086	14,160	7,462	6,698
Argentina	300,376	139,868	160,508	322,002	150,107	171,895
Venezuela	158,122	79,401	78,721	167,311	83,964	83,347
Brazil	78,505	40,562	37,943	82,189	42,337	39,852
Mexico	69,571	35,925	33,646	77,069	39,754	37,315

United States	66,979	32,846	34,133	72,730	35,805	36,925
Uruguay	49,443	23,220	26,223	54,544	25,567	28,977
Cuba	42,592	18,192	24,400	52,638	22,994	29,644
Chile	30,709	15,023	15,686	33,725	16,527	17,198
Rest of the Americas	72,267	37,521	34,746	84,493	43,704	40,789
TOTAL AMERICAS	868,564	422,558	446,006	946,701	460,759	485,942
Philippines	2,532	1,250	1,282	2,690	1,332	1,358
China	2,292	1,359	933	2,608	1,568	1,040
Rest of Asia	10,181	5,448	4,733	12,118	6,456	5,662
TOTAL ASIA	15,005	8,057	6,948	17,416	9,356	8,060
Australia	14,532	7,391	7,141	15,323	7,788	7,535
TOTAL OCEANIA	14,880	7,566	7,314	15,783	8,011	7,772

* This data is extracted from the new census of Spanish citizens registered at Spanish embassies and consulates initiated in 2009.

Source: Authors' elaboration from Instituto Nacional de Estadística (<http://www.ine.es>)

Whereas migration towards Latin America had had a more permanent character, most of the Spanish emigrants to other European countries thought of their migration as a strictly temporary experience, and the legislator did not expect the new migratory trends to have further implications for citizenship. Spanish communities in Latin America were the main goal of the 1954 reform of the CC, which exempted first and second (but not third) generation emigrants from the requirement of registering at Spanish embassies or consulates in order to retain their Spanish nationality. This reform also shaped the current system of dual citizenship, through the possibility of establishing dual nationality agreements with countries of the 'Ibero-American community of nations'.³ At the same time, the CC established a preferential treatment for nationals of the 'Ibero-American' countries and the Philippines, requiring only 2 years of residence to qualify for naturalization.

During the transition towards democracy, initiated in the mid 1970s, the main political concern regarding citizenship law continued to be the situation of the Spanish communities abroad. While right-wing parties focused on the ethnic and nationalistic argument to justify the orientation of citizenship legislation, left-wing parties sought the protection of Spanish workers and their families who had been forced to emigrate

or sent to exile. Thus, with the support of all political parties, the 1978 Constitution made explicit the obligation of Spanish authorities to protect Spanish communities abroad, and to facilitate their return to Spain if they wished to do so. The period from the mid 1970s to the mid 1980s was, in fact, characterized by a significant and constant flow of return migration of Spanish nationals from other European countries. Since the early 1980s, the Spanish economy faced important transformations (tertiarization and crisis of labor-intensive sectors) due to its opening to international markets, and to the incorporation to the European Communities (EC). Despite high unemployment (average rate of 20% during the 1980s), the Spanish economy generated jobs in specific niches of the labor market which were, in part, occupied by foreign workers, initiating in this way the transition from country of emigration to net recipient of migratory flows.

Table 5. Foreign residents in Spain, 1975-2009.

YEARS	TOTAL	AMERICA		EUROPE		AFRICA	ASIA
		Latin	North*	EU**	Non-EU		
1975	165,289	37,781	12,361	92,917	9,785	3,232	9,393
1985	241,971	38,671	15,406	142,346	15,780	8,529	19,451
1990	407,647	59,372	21,186	-	-	25,854	29,116
1995	499,773	88,940	19,992	235,858	19,844	95,718	38,352
2000	895,720	184,720	15,244	306,203	55,234	261,385	71,015
2005	2,738,932	986,178	17,052	569,284	337,177	649,251	177,423
2010	5.708.940	1.741.179	28.250	2.346.515	226.379	1.048.909	317.194

* *Except Mexico, included within the Latin-American category.*

***EU figures calculated with the member states of each period (therefore including Romania and Bulgaria after 2008).*

Source: Authors' elaboration with data from Anuario de migraciones (<http://extranjeros.mtin.es>).

In 1995 the total number of foreigners legally residing in Spain was roughly half a million, about half of them coming from developing countries (many of them retired Northern Europeans in search of milder winters). Only fifteen years later those figures had multiplied by more than eleven, with some 5.7 million foreigners living in Spain (more than 12% of the census), most of them coming from Latin America, Eastern

Europe, and North Africa. Among these foreigners, more than one million are now permanent residents.

Table 6. Foreign residents by types of permit and main countries of origin, 2009.

	TOTAL	Temporary work and residence permit	Residence permits Temporary residence permit	Permanent residents	EU residents
TOTAL	4,791,232	889,536	560,432	1,112,064	2,229,200
Morocco	767,784	157,155	144,280	436,363	29,986
Romania	751,688	--	--	--	751,688
Ecuador	440,304	169,658	93,619	150,638	26,389
Colombia	287,205	105,022	56,089	79,558	46,536
UK	222,039	--	--	--	222,039
China	151,547	35,463	37,605	76,087	2,392
Italy	150,667	--	--	--	150,667
Bulgaria	147,080	--	--	--	147,080
Peru	144,620	57,836	27,305	43,617	15,862
Portugal	126,928	--	--	--	126,928
Bolivia	117,106	66,840	37,138	7,946	5,182
Germany	109,438	--	--	--	109,438
Argentina	103,171	31,360	14,413	17,734	39,664
Dominican Rep.	87,201	23,577	14,503	21,604	27,517
Poland	86,314	--	--	--	86,314
France	86,132	--	--	--	86,132
Ukraine	72,837	26,903	14,736	26,555	4,643
Other	939,171	215,722	120,744	251,962	350,743

Source: Authors' elaboration with data from *Anuario de migraciones* (<http://extranjeros.mtin.es>).

As it could be expected, citizenship law was not a policy priority in the very early stages of the shifting position of Spain within the world migration system, so when the issue was brought to the political agenda in 1981, it received little attention by public opinion and political parties. Consequently, the 1982 reform of the CC retained *ius sanguinis* as the guiding principle of nationality law, while granting full gender equality, and slightly liberalizing the application of *ius soli* to attribute Spanish nationality to those born in Spain of foreign parents if at least one of them was also born in the country. Despite the small opening of Spanish nationality to *ius soli* introduced by this reform, the arguments justifying this move were phrased in

negative terms (preventing the perpetuation of generations of foreigners within Spanish territory), rather than in positive ones (incorporating foreigners into Spanish society). Spain was not perceived by any means as a country of immigration. At the same time, the historical and post-colonial logic guiding Spanish nationality law was reinforced by the extension of the privileged system for naturalization to the citizens of Andorra and Equatorial Guinea, as well as to Sephardic Jews. This constitutes, in fact, one of the most generous set of conditions for preferential treatment in naturalization based on historical arguments among the European former colonial powers (Waldrauch, 2006).

Although the debates about the changes introduced in citizenship law in recent years already reflected the tensions between this historical logic prevailing in this area of policy and the new position of democratic Spain in the world migration system, the reforms finally adopted remained strongly anchored within the path marked by the colonial past, and the traditional focus on the protection of the Spanish diaspora. Despite the growing presence of immigrants, and the emerging significance of immigration in the political arena, Spain's citizenship framework has disregarded any consideration on the importance of this area of legislation for the incorporation of immigrants in the receiving society.

The latest legal reforms on citizenship law clearly reflect this situation. In 2006, a 'Statute of Spanish Citizenship Abroad' was passed. This legal text aimed at defining the specific set of rights that the Spanish authorities ought to grant to Spanish nationals settled abroad, including social protection (healthcare, pensions), political entitlements (right to vote in every national, regional and local election in Spain), as well as facilities to return to Spain (to emigrants themselves, as well as to their descendants until the third generation). The final Statute also introduced an additional

clause compelling the government to draft a proposal (aiming at reinforcing once again the *ius sanguinis* principle) within six months on the reform of citizenship law, showing once again the concern of policy-makers for the fate of Spanish emigrants. More importantly, this reform responded mainly to the request of the General Council of the Spanish Emigrants (an advisory body created in 1985 to represent and articulate the interests of Spanish communities settled abroad), which had traditionally pleaded for the full extension of Spanish nationality to the children and grandchildren of Spanish emigrants.

No proposal for the reform of the CC regarding nationality was drafted, but the discussion of the ‘Law of Historical Memory’ held in 2007 ended up including a reform of citizenship legislation extending the right to regain Spanish nationality by the descendants of emigrants, which are now to be considered Spanish nationals ‘by origin’ (not naturalized citizens). Behind this provision was the debate on the need for reparation of the wrongdoings of the Francoist dictatorship, and to compensate to those who had ‘lost their fatherland’ due to political prosecution and exile. This law had a big echo in some Latin American countries, where it was euphemistically named ‘*Ley de nietos*’ (Grandchildren’s Law).⁴ The law was promoted by left-wing parties, and was passed with the reluctance of conservative forces (unwilling to deal with the consequences of the Spanish Civil War or of Franco’s 40-year authoritarian rule). The role played by left-wing parties in this initiative is particularly interesting for our analysis: beyond their well-intended concern for the descendants of exiles, an alternative (to some extent complementary) hypothesis to account for this reform points at the expected political benefits of a measure aimed at consolidating fidelities within the Spanish diaspora in Latin America. These new citizens could vote for those who responded to their demands to ‘regain’ Spanish citizenship.⁵ Thus, both the social

rights recognised by the ‘Statute of Spanish Citizenship Abroad’, and the political rights granted by the ‘*Ley de nietos*’, may have operated as the ‘payoff’ for the already influential Spanish political machine in Latin America.⁶

3. The role of political actors in recent reforms of Spanish citizenship law

In this section we explore the role of political actors, their incentives and strategies in accounting for the striking stability of Spanish citizenship legislation. We analyze the hypothesis that governments of different ideological affiliations have had little incentives for introducing reforms in the orientation of the existing legislation. In order to do this, we mainly concentrate on how the relatively low profile of the debate about the role of citizenship law in the incorporation of immigrant populations in Spanish society is characterized by a low degree of involvement of social actors such as the media and civil society organizations (immigrant associations, pro-immigrant or pro-human rights groups, etc.). We also review the idea that Spanish current legislation is mostly perceived as liberal enough by policy-makers, an argument with different consequences when attributed to right-wing or left-wing political forces.

The parliamentary debates on citizenship law held over the last 20 years show a certain tendency towards a shift in the objectives of Spanish citizenship legislation. This mainly happened, as predicted by theoretical models, through the initiative of left-wing parties, which introduced in the political agenda the argument about the convenience of linking nationality law to a larger strategy aimed at incorporating immigrant populations into Spanish society. However, the reforms finally enacted systematically set aside this shift in the focus of Spanish citizenship law, staying in the traditional pattern of protecting Spanish nationals and their descendants abroad.

The first attempt to change the traditional pattern took place in 1990, when the government of the Socialist Party (PSOE) promoted a minor reform aimed, among other purposes, at incorporating some of the effects of the incipient immigration into citizenship law. Although the initiative ended up with the introduction of only some small changes in legislation, the parliamentary discussion became the first occasion in which the links between immigration and citizenship were publicly discussed. Several political parties expressed their support to the idea of the need to enact specific legislation to regulate nationality outside of the CC, but all proposals pointing in that direction were finally rejected. The main novelty in this regulation was a more favorable treatment of political refugees for naturalization (5 years), with the argument of favoring the integration of this group in Spanish society. Additionally, the new legislation introduced some measures aimed at making marriages of convenience more difficult, as well as a period of amnesty to reacquire Spanish nationality for emigrants who had lost Spanish citizenship when acquiring the nationality of another country. Within the sphere of residence-based naturalization, both the Basque Nationalist Party (PNV), and the coalition of left-wing parties United Left (IU), amended the draft with the objective of reducing the residency requirements for nationals of other EC countries to 2 years, but the proposal was rejected with the argument of not having found any precedent of such preferential treatment in the legislation of other European countries. The comparison with other European countries was used by IU as well when proposing the reduction of the general requirement of residence from 10 to 5 years with the objective of favoring the integration of immigrants, but this proposal was also rejected. Similarly, IU proposed to recognize the right to opt for Spanish citizenship when reaching their majority of age for those foreigners born in Spain in order to facilitate the integration of second-

generation immigrants, but the rest of the political forces thought that the regulation already in place⁷ was even more efficient to attain that purpose. In this case, IU's liberalizing proposal was confronted to a legislation perceived to be already quite liberal by the vast majority of political groups. Beyond this proposal, the main focus of the debate was again directed towards Spanish nationals living abroad. However, political parties thought of this reform as the last one focused on '*...solving the last negative consequences of a historic process –the massive migration of Spanish nationals– difficult to repeat today*' (Preamble to the Law 18/1990, December 17th).

After the conservative Popular Party (PP) got into power in 1996, four projects with the explicit goal of shifting the objectives of citizenship law in order to favor the integration of immigrants were debated in parliament (2 in 1996, one in 1998, and another one in 1999). Centre-left (PSOE) and left-wing (IU) opposition parties led these proposals in which the transformation of Spain into a country of immigration was argued to justify a substantial liberalization of *ius soli* with the objective of granting the full set of civil, political and social rights associated with full citizenship to second-generation migrants. The socialists' proposal aimed at attributing Spanish citizenship to those born in Spain if at least one of the parents was a legal resident. The proposals of IU directly eliminated any requirement on legality of the residency of the parents. In the criteria for naturalization, the proposals of both political parties agreed in the reduction from 10 to 5 years.⁸ Those drafts were finally rejected without much parliamentary or media discussion.

The last revision of citizenship law through a reform of the CC was enacted in 2002. The PP, holding the absolute majority in parliament since 2000, brought about a new initiative limited to small changes, and once again in the direction of protecting the Spanish communities abroad. The new regulation aimed basically at including

facilities to maintain the nationality of their ancestors for the descendants of Spanish citizens living abroad by reinforcing the *ius sanguinis*.⁹ This reform also strengthened Spanish citizenship ‘by origin’, by removing every possibility of losing it as a punishment. These changes were approved with the abstention of most of the opposition parties, which had all of their amendments rejected in Parliament. Not only the general requirements for naturalization remained unchanged, but the parliamentary discussion regarding this reform was brief and superficial, reflecting once again the very low profile of this topic in the agenda of Spanish political parties. As we saw before in relation to the analysis of the 2006-7 legislative reforms affecting nationality law, the protection of Spanish communities abroad remains a widely shared objective by all political forces to this day, largely because of the flexibility in its interpretation and potential political use. For right-wing parties the issue remains the protection of fellow nationals living abroad, while left-wing parties claim to be protecting the ‘victims’ of the structural underdevelopment of Spain and its historical lack of democracy. Thus, as expected, right-wing political forces are oriented towards an ethno-nationalistic argument in their position regarding nationality law, while left-wing parties remain focused on the protection of emigrants as workers and political exiles.

In relation to the incentives for introducing immigration issues in citizenship law there are, however, substantial differences between ideological orientations. Right-wing parties have had a relatively passive role in proposing reforms of citizenship law, and when they have intervened in this area of policy, their proposals have tended, as suggested by Joppke (2005), to the re-ethnicization of nationality legislation. In this respect, since the *status quo* reflects quite directly their view on the matter, right-wing parties have actually had little incentive to introduce the issue in the political agenda.

Also as expected, all parliamentary proposals intended to liberalize citizenship law, in the sense of adapting it to the new position of Spain in the world migration system have been led, in fact, by centre-left or left-wing political parties. This confirms Joppke's hypothesis on the active role of left-wing political forces in implementing liberalizing trends. Nevertheless, it is important to recall that the first time IU and PSOE raised initiatives in this direction was in 1996, shortly after PP got into power. In doing so, IU was following a pattern which fitted well within its ideological profile (its representatives had already mentioned the need of taking into consideration immigration during the discussion of the reform of nationality law passed in 1990), but centre-left PSOE seemed to be paying lip service to a progressive cause by trying to introduce in the political agenda a reform that had not consider convenient during their thirteen years in government (1982-96), and that was never brought back into the political agenda after winning the elections in 2004, or again in 2008. There are, therefore, clear differences in the PSOE's strategy when in opposition (fitting Joppke's expectations), and in government (not too different from the passivity of right-wing governments).

This changing strategy can be understood as an expression of pragmatism. While in opposition, the PSOE acts as a centre-left political force, and thus asks for liberalizing changes in citizenship law that may appeal to a progressive audience at little or no cost. Once in office, the lack of social or political mobilization asking for a redefinition of nationality law to transform it in an instrument for a more effective incorporation of immigrants into Spanish society implies that there are no constituencies to cater to by introducing liberalizing reforms in citizenship law, and therefore, no incentives to do so. This is the case because, despite strong immigration over the last two decades, the mobilization of pro-immigrant organizations has just

called for ‘middle-range objectives’ in the integration of immigrants. These advocacy organizations have concentrated their main efforts in obtaining access to civil and social rights for immigrant populations, and only recently have they started to ask for certain (limited) political rights for these groups (Toral, 2010), leaving citizenship law completely out of their demands (Martin-Perez, 2004). Practically without exception, no civil society organization has ever introduced this question in the public or political agenda, as they focused their demands in other, more precise, issues such as the regularization of undocumented migrants, or the extension of the right to vote in local elections for permanent residents (Morales, 2009; Toral, 2010). As a consequence, transforming citizenship law into an instrument for the integration of immigrants by further strengthening *ius soli*, and by reducing the requirements for naturalization, has remained virtually absent from social demands.

Only two initiatives for the use of citizenship law in favoring the incorporation of immigrants into Spanish society have been recently raised. The first one was promoted during the consultation phase of the ‘Strategic Plan for Citizenship and Immigration’ (PECI) passed by the socialist government in 2007. The civil society organizations represented in the ‘Forum for the Integration of Immigrants’ unanimously suggested that this Plan should include a reduction of the general requirement for naturalization (from 10 to 5 years). A similar initiative was also included in the 2008 ‘Catalan National Agreement on Immigration’, approved by the regional parliament of Catalonia. Neither of those requests was taken into consideration by the PSOE government, mostly proving the weakness of the pressures of pro-immigrant groups in this area of policy.

The perception that socialist policy-makers share with most other Spanish political forces that current legislation is liberal enough to facilitate the integration of

immigrants (something which is indeed the case for some nationalities as proved by recent naturalization data –see tables 7 and 8–, but far from true in relation to many others), constitutes an additional factor contributing to account for the lack of action of the Socialist Party in proposing reform in this area of policy.

Table 7. Naturalizations by continent of origin.

YEARS	TOTAL	AMERICA		EUROPE		AFRICA	ASIA	OTHER
		Latin	North*	EU**	Non-EU			
1960-64	767	74	12	327	134	49	34	65
1965-69	1,162	256	17	539	146	96	65	43
1970-74	2,204	674	37	949	94	192	147	121
1975-79	12,052	5,059	138	4,101	278	968	1,019	179
1980-84	27,310	13,184	335	8,855	596	1,319	2,633	284
1985-89	31,971	10,450	518	5,130	568	12,498	2,567	251
1990-94	32,282	18,718	685	4,940	806	5,745	4,303	256
1995	6,750	4,053	111	616	53	1,059	818	40
1996	8,411	5,410	119	688	59	1,029	1,080	26
1997	10,293	6,204	176	846	81	1,471	1,486	29
1998	13,165	8,024	223	1,137	103	2,149	1,480	49
1999	16,373	10,063	302	1,168	150	2,880	1,756	54
2000	11,996	6,893	254	828	122	2,575	1,283	41
2001	16,735	9,447	395	1,043	192	3,824	1,787	47
2002	21,805	13,382	496	1,226	191	4,325	2,131	54
2003	26,556	13,954	457	1,252	193	8,522	2,122	56
2004	38,335	23,813	573	1,426	295	9,991	2,198	39
2005	42,829	31,290	540	1,146	307	7,346	2,164	36
2006	62,339	50,254	692	1,037	397	7,618	2,303	38
2007	71,810	56,741	725	1,135	445	10,312	2,418	34
2008	84,170	67,443	912	1,404	490	11,201	2,684	36

* *Except Mexico, included within the Latin-American category.*

***EU figures calculated with the member states of each period (therefore including Romania and Bulgaria after 2008).*

Source: Authors' elaboration with data from the Dirección General de Registros y Notariado, Ministerio de Justicia.

The actual implementation of current legislation may confirm the idea that citizenship law is already functioning as a quite liberal mechanism of immigrant integration. Naturalizations have been growing considerably in recent years, with a peak of more than 84,000 in 2008. This tendency may continue to increase in the near future, as more cohorts of migrants may reach their minimum required period of legal residency in Spain, and then apply for naturalization.

Table 8. Naturalizations: main countries of origin, 1999-2008

YEAR	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
Ecuador	374	292	510	1,169	1,948	6,367	10,031	19,461	20,584	25,501	86,237
Colombia	817	594	846	837	1,799	4,189	7,335	12,707	13,836	15,383	58,343
Morocco	2,046	1,908	2,807	3,095	6,822	7,987	5,550	5,652	7,810	8,565	52,242
Peru	2,373	1,487	2,319	3,112	2,930	3,953	3,645	4,710	6,480	8,201	39,210
Dominican Rep.	2,652	1,75	2,122	2,877	2,645	2,828	2,321	2,292	2,799	3,491	25,777
Argentina	1,025	657	790	995	1,006	1,744	2,293	3,535	4,805	5,183	22,033
Cuba	1,109	892	1,190	2,087	1,602	1,885	2,506	2,698	2,461	2,864	19,294
Venezuela	290	197	324	438	528	702	752	907	1,323	1,581	7,042
Philippines	551	364	554	831	668	800	680	762	871	782	6,863
Brazil	307	673	410	474	500	681	694	779	779	1,047	6,344
Rest of the world	4,829	3,182	4,863	5,89	6,108	7,199	7,022	8,836	10,062	11,572	69,563
Total	16,373	11,996	16,735	21,805	26,556	38,335	42,829	62,339	71,810	84,170	392,948

Source: Authors' elaboration with data from the Dirección General de Registros y Notariado, Ministerio de Justicia.

Among the new Spanish nationals, those coming from Latin America represent by far the largest group, reflecting both the preferential treatment they enjoy within Spanish nationality law, and their relative importance in the total stock of foreign residents.

Migrants from Africa and Asia are also starting to acquire Spanish citizenship, although the stricter conditions applied to these groups will imply that this process will take considerably longer to fully develop. Signs of this delayed arrival into naturalization can be already observed in the growing number of African migrants (most of them Moroccans) who obtained Spanish citizenship since the mid 2000s.¹⁰ On the contrary, due to the ample set of rights enjoyed by nationals of other EU member states in Spain (granted through 'European citizenship'), these groups have, in fact, few incentives to apply for Spanish citizenship.

4. Politicization of immigration and citizenship law

Beyond the low level of social mobilization asking for the reform of citizenship law, in this section we analyze how Spanish political actors shaped their strategies

regarding immigration and nationality legislation. We will focus specifically on the efforts of left-wing parties to prevent the politicization of immigration, as well as the development of anti-immigrant feelings, that could facilitate the emergence of extreme-right parties, up to this day virtually absent from the Spanish political scene.

We already discussed how the PSOE, the most likely party to introduce liberalizing changes in Spanish nationality legislation, has adopted a very passive strategy regarding citizenship law reform when in government. This strategy of inaction can be partly explained by Money's (2010) theoretical model of nationality law reform. Following this author, we can argue that with the current balance of rights and responsibilities between citizens and non-nationals, centre-left or left-wing governments in Spain have little incentives to introduce liberalizing changes in citizenship law. Whereas the duties of immigrants in Spain are more or less the same as those of nationals (with some limitations regarding their participation in popular juries and polling stations, as well as their access to the armed forces –immigrants from certain Latin American countries can actually join the Spanish military as volunteers–), their rights have, to a large extent, also converged with those of nationals in at least two key dimensions of citizenship (civil and social rights), with political rights remaining as the main arena for differentiation between immigrants and nationals. Without political incentives for a liberalizing change, centre-left PSOE governments have pursued a strategy aimed at striking a balance between virtually non-existent social demands for liberalization of citizenship law, and the objective of preventing the emergence of potential regressive pressures in immigration-related issues.

In recent years immigration has only been at the core of the Spanish political debate during certain very specific moments (e.g. the debate around the immigration law

passed in January 2000 that revealed the tension between border control and integration policies). Although Spanish media has covered quite extensively the issue of migratory pressures experienced by the country, the difficult living conditions of undocumented immigrants, as well as certain conflicts of coexistence that emerged mostly at the local level, in general terms we can state that to this day immigration has kept a relatively low profile in public and political debates in Spain. Even if only a small number of anti-immigrant political entrepreneurs have appeared in the Spanish political system (and so far mainly at the local level), the development of anti-immigrant feelings in Spanish society –with a gradual deterioration of citizens’ attitudes towards immigrants and immigration in recent years (Cebolla, 2008)–, and the consequences this development may have among traditional voters and supporters of left-wing parties, would account for a strategy of trying to minimize the politicization of immigration-related issues by the PSOE.

The PSOE strategy of supporting the re-ethnicization of nationality legislation by facilitating the acquisition of Spanish citizenship by the descendants of political exiles could also respond to certain preferences regarding immigration policy in Spain. Thus, the legal reform introduced by the 2007 ‘*Ley de nietos*’, could be interpreted as an implicit policy of ‘chosen’ or ‘selective immigration’ according to which Spanish policy-makers would express their preference for ‘immigrants’ holding Spanish passports due to their cultural and ethnic similarities with the Spanish population. Although the debate on the convenience of selecting migrants strongly emerged in recent times in the public agenda of many migration receiving countries (Joppke, 2005), it has never been explicitly addressed by politicians or public officials in Spain. Nevertheless, this hypothesis is confirmed by some informal statements by key political figures who recognize the expected effect of this law in influencing the

nature and composition of migratory flows, as well as in facilitating the arrival of people which would more easily 'integrate' within Spanish society.¹¹

5. Discussion

In this article we have reviewed the evolution and the main characteristics of Spanish citizenship law, by putting to test the main theoretical models available in the literature on the topic. While we have proved the validity and applicability of some of those conceptual tools, we have also shown how the case of Spain emerges in some respects as an 'unexpected' case within the international comparative literature on nationality legislation reform.

As we have seen, Spanish citizenship law has remained strongly embedded within the country's historical legacy as a former colonial power, and as a country of emigration. Spain has virtually circumscribed the debates on this area of policy to the interest of maintaining links with its communities abroad. However, this continuity neither matches the shifting position of the country in the world migration system, nor fits the evolution of the Spanish migration policy paradigm.

As Spain has become a country of immigration by receiving large numbers of immigrants over the last two decades, its immigration policies have been gradually moving towards a 'hard on the outside-soft in the inside' combination (Money, 2010). This reflects the position of the country, between the EU supranational pressures towards border closure, and the pull of the important role played by certain sectors of its labor market demanding unskilled workers. In the migratory context emerged since the mid 1980s, the strategy followed by the Spanish authorities could be described as a toughening in the control of the borders, and the beginning of a policy of integration for the immigrant communities already settled in the country. Since the mid 1990s,

the discussion on the role that citizenship law could play in the incorporation of foreigners started to emerge very weakly in Spanish parliamentary debates, but this discussion was never transformed into an explicit and visible shift in the orientation of nationality legislation.

The main objective of this article was to account for the high degree of stability in this area of legislation. Answering to Howard's puzzle (2006), we can argue that the impact of Spain's belated democratization in the lack of liberalizing changes in nationality law can be traced down to a 'political culture' inherited from both its colonial and authoritarian past that, while expanding an ethno-nationalistic view of Spanish citizenship, pays little attention to citizenship rights for immigrant populations. More specifically, this combination does not contribute to a public debate about the 'fair deal' that should be offered to new members of society.

Bauböck's (2001) argument about the inherent complexity of the definition of citizenship in countries with several competing national identities may apply as well to the Spanish case, with its increasing federalization, the emergence of 'multilayered identities' in several regions of the country, and the relatively unstable ethno-territorial articulation of the state. This certainly does not facilitate the emergence of a debate about the development of a more coherent model of nationality, even though very few demands for this have been raised by regionalist political groups these days.¹²

In order to analyze the specific nature of the lack of attention to this area of policy we have focused on the role played by social and political actors. We have disentangled their structure of incentives with regard to their positions over nationality law reform. In general terms, Spanish political actors have not had significant incentives to introduce the reform of citizenship law in the political agenda. While right-wing governments had a vested interest in maintaining a *status quo* characterized by an

ethno-nationalistic understanding of nationality law, centre-left governments kept a very low profile in this domain due to the lack of social and political constituencies asking for reform in this area of policy, as well as to their interest in preventing the politicization of immigration-related issues. The widely shared perception by Spanish policy-makers that Spain's citizenship law is currently liberal enough to operate as a mechanism for the integration of immigrants in the national community contributed as well to this inaction.

The lack of politicization of this area of policy meets the low level of politicization of immigration issues in general, without the pressure exerted in other countries by extreme-right parties capitalizing on anti-immigrant feelings. If these forces were to appear, the public profile of this area of policy may gain visibility. In that case, the policy environment in which policy-makers have managed to 'muddle-through' during the last years might be significantly transformed. Citizenship law, and the way in which it is granted, may then suffer increasing pressures to address these challenges, but in that case, the most probably in a restrictive way.

Whereas the debate on citizenship legislation maintains a relatively low profile in the Spanish public arena, the increasing numbers of applicants for citizenship are becoming a considerable challenge for the agencies responsible for the management of the naturalization procedure. In fact, the quick increase in the number of applications is saturating the traditionally busy administration of the Ministry of Justice, as well as that of the local civil registries in charge of initiating the procedure (the Ministry of Justice estimates that around 155,000 new naturalization processes were initiated in 2009 alone).¹³ Immigrants are gradually being granted Spanish citizenship through current legislation without much difficulty. This is certainly true for Latin Americans, confirming the strongly ethnicized pattern of Spanish citizenship

law. In addition, the bureaucracy in charge of the implementation of naturalizations is probably the only actor currently exploring the existing potential for policy reform in this domain, by observing the influence of international (notably European) liberalizing tendencies in nationality law (specifically in reducing the residence requirements for naturalization).¹⁴

We have shown how the changing strategies of left-wing parties in relation to citizenship law cannot be reduced to a simple conceptualization of these political forces as liberalizing actors. We have seen that the existing theories sometimes introduce inflexible determinism in an area of policy largely influenced by internal political considerations. Furthermore, although the explanation based on the structure of incentives is certainly useful, and it satisfactorily applies to our case, we have stated that not everything can be explained through the differences in terms of rights and duties between nationals and foreigners.

A research line for future analysis would be to explore the potential role to be played by other social actors in this area of policy, since current theoretical models concentrate mainly on governments and political parties. We have observed the weakness of pro-immigrant activism in this area of policy, and the almost total absence of other potential social advocates in this particular political arena such as trade unions. It seems crucial to analyze the reasons for the absence of these social actors, since the debate on citizenship legislation is not only linked to the settlement of immigrants in their host societies, but to their effective participation in every dimension of social life.

The combination of weakness of pro-immigrant social demands and prevention of politicization of immigration-related issues does not mean that there is not potential for reform in this area of legislation in Spain in the foreseeable future. Such a reform

would probably coincide with the content of the proposals already made by some civil society organizations. Even though it would probably not affect the privileged treatment for Latin Americans (widely accepted by Spanish society),¹⁵ it may probably reduce the general requirement for naturalization to 5 years, introducing in this way a higher degree of equality in the treatment of different immigrant groups settled in Spain.

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² The Francoist regime did not automatically deprive exiles of their Spanish citizenship, but many of them (and certainly their descendants) lost it after gaining the nationality of another country when they refused to establish contact with the bureaucracy of an illegitimate authoritarian regime.

³ This measure fitted well within Franco’s ideological framework that thought of Spain as the epicenter of ‘Hispanity’. During the 1950s and 60s, 12 bilateral agreements on dual nationality were signed with Latin American countries, namely: Chile, Peru, Paraguay, Guatemala, Nicaragua, Bolivia, Ecuador, Costa Rica, Honduras, Dominican Republic, Argentina, and Colombia (Alvarez Rodriguez, 1990:132).

⁴ By December 2009, more than 160,000 applications for a Spanish passport had been presented at Spanish embassies and consulates across the world, two thirds of them in Cuba, Argentina and Mexico alone (Izquierdo Escribano, 2010).

⁵ This accusation, directed by right-wing Popular Party (PP) against the socialist government, claims that by passing the ‘*Ley de nietos*’ the socialists were just trying to exchange citizenship rights for the emigrants’ ballots (particularly important in regions like Galicia or the Canary Islands with large communities of emigrants abroad). In fact, this is not a novelty in the electoral strategies of Spanish political parties. Most of them actually spend significant energies in establishing connections with emigrant communities in México, Venezuela or Argentina.

⁶ It is important to note, however, that on January 2011 a reform of the 1985 electoral law was passed removing the right to vote in local elections to Spanish nationals living abroad, as well as introducing obstacles to their participation in both regional and national elections. This reform was passed with a wide political support emerged from the concern for the negative consequences derived from the appearance of a market for votes among the communities of Spanish emigrants in certain Latin-American countries, which actually had a strong impact in certain regions (notably Galicia, the Canary Islands and Asturias).

⁷ Requirement of 1 year of residence for those born in Spain before their parents, or they themselves after reaching 18, can apply for Spanish nationality.

⁸ In the case of IU’s proposal the period was reduced to 2 years for refugees, the descendants of the populations expelled from Spain between the 15th and the 17th centuries - Sephardic Jews and *Moriscos* (Muslim populations expelled from the Spanish kingdoms in 1609) - and those coming from territories where the different languages of Spain - Spanish, Catalan, Galician, and Basque - were spoken.

⁹ All restrictions on age to opt for Spanish citizenship by descendants of Spanish citizens born in Spain were removed, as well as the obligation of renouncing to their previous nationality.

¹⁰ In this, we find a clear influence of undocumented migration over nationality acquisition in Spain. Although candidates for naturalization must comply with the legal requirements (2, 5 or 10 years of legal residence), most immigrants arrived in Spain without a residence of working permit, which they managed to obtain some years later. The actual period of effective residence in the country before being able to apply for naturalization could then be extended to more than 15 years for some of those immigrants, delaying in this way their incorporation into the national community.

¹¹ The expectation of the Spanish authorities, however, is that most of those ‘recovering’ Spanish nationality through this law will not actually settle in Spain (or even in other EU country for that matter). They believe that the Spanish passport will simply facilitate their travelling out of their country, and will allow them to benefit from a guarantee against possible social, political or economic instability in their countries of residence.

¹² The only reference along recent history to the influence of the increasing federalization over Spain citizenship law was raised in 2009 by the conservative Catalanist party (CiU) during the last debate of the immigration law. Up to this moment, the verification of the integration of immigrants applying for Spanish citizenship remains in the hands of the central government, and is enacted through the coordination of the Ministry of Justice and the Ministry of Interior in charge of verifying the candidates’ criminal records. However, an amendment was introduced aiming at the delegation of the responsibility on this verification to the governments of the autonomous communities (regional level of government). In this respect, each autonomous government would develop its own mechanisms of control, introducing clear and visible differences on the criteria used for different citizenship applicants in each territory.

¹³ As an indication of this, and despite the legally binding responsibility of the administration to solve the naturalization procedure in one year once the file has reached the central services of the Ministry, the average period for a decision to be made is estimated to be of at least 2 years these days. In addition to that, there is extreme variation in the delay for the initial administrative steps taken by local civil registries. While some of them manage to send the applications in around three months, most of them are taking more than one year.

¹⁴ Although no political group represented in Parliament is currently working on any proposal to reform nationality legislation, the administrative authorities of the Ministry of Justice state that they are continuously observing the reforms enacted in other EU countries and the technical aspects of their implementation. For instance, while rejecting current restrictive proposals coming from Italy, the example of Portugal and its last reform of nationality law (establishing a single general requirement of six years of legal residence in order to be eligible for citizenship) has been closely analyzed.

¹⁵ Such a reform would introduce considerable obstacles in the not always easy relations between Spain and Latin America. Besides, this kind of measure would not be coherent with the last reforms introduced to citizenship law, or

with the implementation of the '*Ley de nietos*'.