

Barriers and solutions to British citizenship *Restrictions on EEA citizens' dual citizenship*

More and more EU citizens choose to become British

There are currently almost 2 million EEA and Swiss citizens granted settled status¹ based on at least five years' residence in the UK. This means these residents are normally eligible for British citizenship after 12 months of being granted settled status (unless they are married or in a civil partnership with a British citizen, in which case they can apply immediately after being granted settled status).

The UK has already seen a 238% increase in citizenship applications from EEA and Swiss citizens between 2016 and 2019². The main reason for this increase appears clear: EU citizens want to secure their rights to stay in the UK now that the UK has officially left the EU.

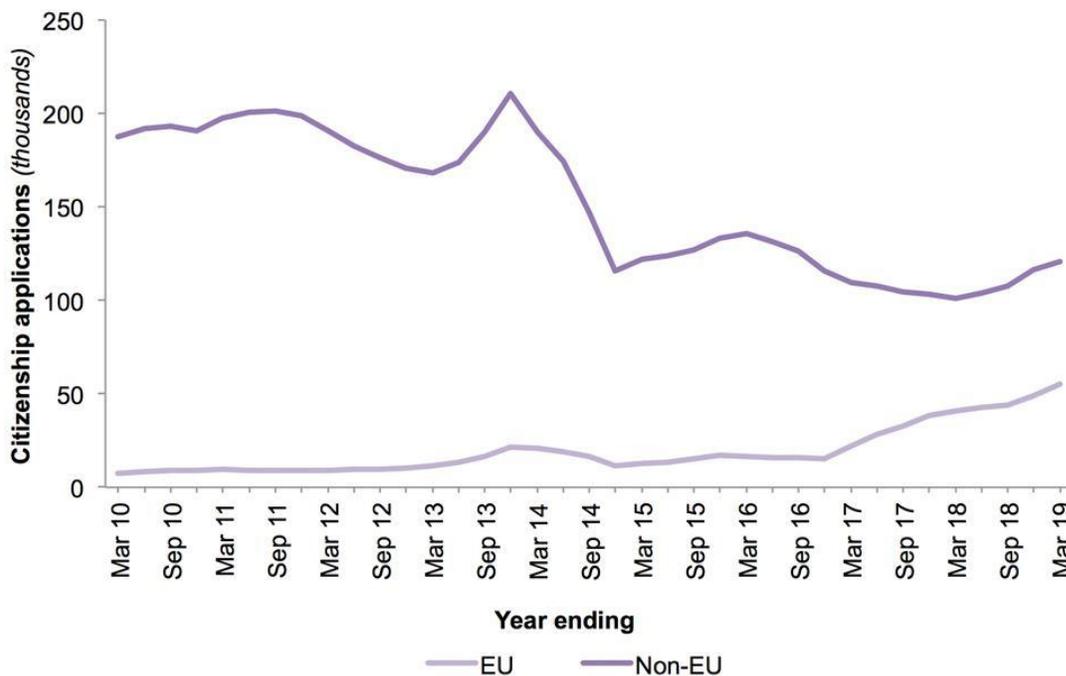


Figure 1: Graph comparing number of citizenship applications made by EU and non-EU citizens since March 2010 - March 2019 (Source: House of Commons Library³)

¹<https://commonslibrary.parliament.uk/the-progress-of-the-eu-settlement-scheme-so-far/>

²<https://www.gov.uk/government/publications/immigration-statistics-year-ending-march-2019/how-many-people-continue-their-stay-in-the-uk#citizenship>

³ See Footnote 2.

However, it must be noted that the number of EEA and Swiss citizens applying for British citizenship has always been lower than non-EU citizens⁴. EEA and Swiss citizens enjoyed free movement rights under EU law and thus did not *need* to naturalise to feel secure regarding their status in the UK. This seems to have changed since the 2016 referendum.

Why aren't more EEA citizens resident in the UK becoming British?

One major reason explaining why there aren't more EEA and Swiss citizens resident in the UK applying for British citizenship is the dual citizenship restrictions affecting some EU countries. Some EU countries, such as The Netherlands and Slovakia, frown upon dual citizenship and create barriers for their citizens while some EU countries don't allow their citizens to take on another nationality. This, understandably, discourages people from applying for British citizenship. Choosing British citizenship and having to renounce an EU member state citizenship would involve not only losing one's nationality of birth, but also EU citizenship and therefore freedom of movement rights.

At the same time, citizenship remains a personal choice and is not a catch all solution for EU citizens to feel secure in the country they call home. Thus, ensuring that the EU Settlement Scheme provides certainty for EU citizens and their families in the UK is complementary, rather than contradictory, to advocating for an easier pathway to citizenship.

Why is this such a problem?

Restrictions on dual citizenship pose many challenges to EU citizens, including:

- Some countries force their citizens to renounce their EU citizenship, this inevitably means they lose generous rights that EEA and Swiss citizens are entitled to.
- Those who are asked to renounce their citizenship so that they can apply for UK citizenship, would face a very difficult personal choice of abandoning their original citizenship which has an important identity value to them.
- For those who choose to keep their EU citizenship, they have no choice other than to hold pre-settled or settled status. There is a feeling of distrust amongst some EU citizens regarding whether the EU Settlement Scheme will protect their rights in the long-term. Meanwhile, some rights, such as voting in local elections, are still subject to bilateral negotiations. Other rights such as voting in general elections are out of reach.

⁴ See Footnotes 2 and 3.

Which EEA countries allow dual citizenship?

Belgium	Bulgaria* ⁵	Croatia	Cyprus, Republic of
Czech Republic	Denmark	Estonia* ^{6 7}	Finland
France	Greece	Hungary	Iceland
Ireland	Italy	Latvia* ⁸	Liechtenstein
Luxembourg	Malta	Norway	Poland* ⁹
Portugal	Romania	Slovenia	Spain* ¹⁰
Sweden	Switzerland		

Which EEA countries do not allow dual citizenship under any circumstances?

Germany has passed a law allowing German citizens to retain their citizenship if their British citizenship application is submitted before 31 December 2020; even if their naturalisation occurs after this date¹¹. This means for German citizens wishing to apply for British citizenship any time after January 2021, they will likely need to renounce their German nationality¹². Technically, it is possible to obtain dual citizenship after 31 December 2020 if one first requests a Beibehaltungsgenehmigung (Permission to retain Citizenship, a certificate issued by the German Federal Government in accordance with Section 25(2) of the Nationality Law). However, in practice this is difficult to obtain.

Which EEA countries allow dual citizenship under strict circumstances?

Austria - Austrians wishing to apply for British citizenship will automatically lose their Austrian citizenship unless they seek permission to maintain their Austrian citizenship. This permission has to be granted *before* the British citizenship application is submitted. However, this permission is only granted in very rare circumstances¹³.

⁵ Dual citizenship is only allowed for native-born Bulgarian citizens, spouses of Bulgarian citizens and other EEA/Swiss citizens who have naturalised into Bulgarian citizenship.

⁶ While Estonia's Citizenship Act does not allow for its citizens to take on another citizenship, Estonia's Constitution overrules this and bans deprivation of citizenship of Estonians born with Estonian nationality. In practice, this means Estonians can hold multiple citizenships.

⁷ <https://news.err.ee/874702/estonia-200-supports-allowing-dual-citizenship-for-all-estonians>

⁸ Latvians can naturalise as British citizens while retaining their Latvian citizenship, because the UK is part of NATO.

⁹ Dual citizenship is frowned upon in Poland but Polish citizens are not penalised for holding foreign citizenships.

¹⁰ Spanish citizens by birth are allowed dual nationality, as long as they express their desire to keep their Spanish nationality within three years of naturalising into another nationality.

¹¹ <https://www.auswaertiges-amt.de/de/aussenpolitik/europa/Brexit/brexit-uebergangsgesetz/2119360>

¹² Currently, Germany continues to allow their citizens to naturalise as British citizens and this will remain until the end of the transition period.

¹³ <https://www.bmeia.gv.at/en/austrian-embassy-london/service-for-citizens/identity-papers-and-other-documents/citizenship-certificate>

Lithuania rarely accepts dual citizenship and its citizenship law is complex. Lithuanians who left Lithuania after 11th March 1990 can only have dual citizenship in exceptional circumstances and may lose Lithuanian nationality if there is no good reason for acquiring another citizenship¹⁴.

The Netherlands typically does not allow dual citizenship and usually, Dutch citizens lose their Dutch citizenship when they acquire a new nationality. However, there are exceptions to this rule.

If a Dutch citizen is married to a foreign spouse and naturalises into their spouse's nationality, they will not automatically lose their Dutch citizenship¹⁵. However, if the Dutch citizen with dual nationality lives outside of the EEA and Switzerland area, they must renew their passport every 10 years otherwise they will lose their Dutch citizenship altogether. In the case of the UK, this 10-year clock will start from 1st January 2021.

Another exception is for Dutch citizens who have lived in the UK for at least five years uninterrupted under the age of 18. They are also able to naturalise as British citizens¹⁶. However, as the UK is out of the EEA and Switzerland area, they will need to renew their Dutch passport at least once every 10 years otherwise, they will lose their Dutch nationality automatically¹⁷.

Slovakia - To apply for British citizenship, Slovaks would have to renounce their Slovak nationality. This does **not** apply to Slovaks with foreign spouses who naturalise into their spouse's nationality, and, Slovaks with foreign nationalities acquired at birth¹⁸.

What's the solution?

It is difficult to find a common solution which fits all EEA and Swiss citizens. However, there are two potential solutions for countries. The UK and certain countries who rarely accept dual nationality could agree on a bilateral citizenship agreement. However, this is unlikely to happen.

The second solution is for the UK to recognise that not all EU citizens will naturalise into British citizenship. This means that the UK government will have to address the concerns raised by EU citizens and organisations about the EU Settlement Scheme, and ensure settled status indeed protects all existing rights of EU citizens who made their home in the UK.

¹⁴<https://www.migration.lt/losing-the-citizenship-of-lithuania>

¹⁵<https://www.government.nl/topics/dutch-nationality/documents/forms/2017/06/16/factsheet-could-i-lose-my-dutch-nationality-automatically-and-how-can-i-avoid-this>

¹⁶ See Footnote 14.

¹⁷ See Footnote 14.

¹⁸ <https://www.dualcitizenshipreport.org/dual-citizenship/slovakia/>