



Stricter rules on acquiring Czech citizenship – is it a good idea?

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Abstract:

In October 2012, the Czech government approved a draft bill on citizenship prepared by the Ministry of Interior. Marek Čaněk comments on the implications it would have for settled migrants, should it be adopted by the Parliament.

Let's do the maths first. In the Czech Republic, there were more than 198,000 migrants with permanent residence at the end of 2011. During that year, Czech citizenship was granted to 1,414 persons. At this pace (which is in line with previous years) it would take 140 years for all of them to acquire Czech citizenship – until 2151.

This calculation is, of course, hypothetical and oversimplified. Firstly, it only takes into account acquisition “by granting”, while the bill makes it substantially easier to obtain Czech citizenship “by declaration” for second-generation migrants. Secondly, we make assumption that migrants will actually *want* Czech citizenship. At present they are discouraged from naturalization by the necessity, in most cases, to renounce their original citizenship. The new statute would allow for dual citizenship, significantly improving the situation of migrants living transnational lives between two or more countries. Nonetheless, this has little bearing on Czech Republic's tail-end position in the European comparison of the ratio of naturalized citizens, to the total number of migrants permanently living in the country.

What does the draft bill have to offer to the applicants for citizenship? Guaranteed insecurity. As its explanatory notes put it: “For greater legal certainty, the principle is stipulated, that there is no legal claim for the citizenship of the Czech Republic.” And so, fortuitously, already on submitting her application, the applicant can rest assured, that even fulfilling all of the legal requirements will *not* secure her Czech citizenship. This, apparently, does not mean, that the administrative body can decide as they please. Parts of the statute are sufficiently vague, leaving enough manoeuvring space for the Ministry of Interior to make discretionary decisions within the law – be it the above mentioned “legal certainty” clause, or that negative

outcome of the assessment by law enforcement authorities and security services may not be subjected to judicial review.

The Ministry of Interior understands the procedure of granting citizenship as its last opportunity to control the borderline between migrant and citizen. Migrant's mere presence in the country is suspicious on the fundamental grounds of her non-belonging to the nation state. During the application process, she is suspected of all kinds of things – for instance, as the draft bill puts it, of not being integrated “in terms of family, work, or socially”. Could this be interpreted, say, as not yet measuring up to the national average in divorce statistics? And as for the requirement of work integration – it only highlights the contradiction between, on one hand, precarious work, often the only work available (maintaining the third world within the first one, according to sociologist Abdelmalek Sayad), and, on the other hand, the stable work and wages expected by a government official, who is imagining an ideal world, today often out of bounds even for herself.

Such is the extent of the mistrust, that the Ministry of Interior does not even believe state institutions, such as the tax office, and wants to fill in for them and do its own checks of migrants' incomes. Also, the applicant for citizenship should be assessed, whether or not she “substantially burdens the state social support system or the system of assistance in material need”. Is it not the case, that social rights are a subset of citizens' rights?

And finally, although the proposed legislation is *not* based solely on the idea of ethnically-based membership in the nation state, sometimes it would leave no alternative but to examine, whether an individual has at least a drop of Czech blood in her veins. The bill contains what we consider unacceptable – DNA testing of children of mixed couples.

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Translated by Pavel Sláma

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