



Erasmus+

The Challenges of Citizenship in a Small European State

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Defining Citizenship

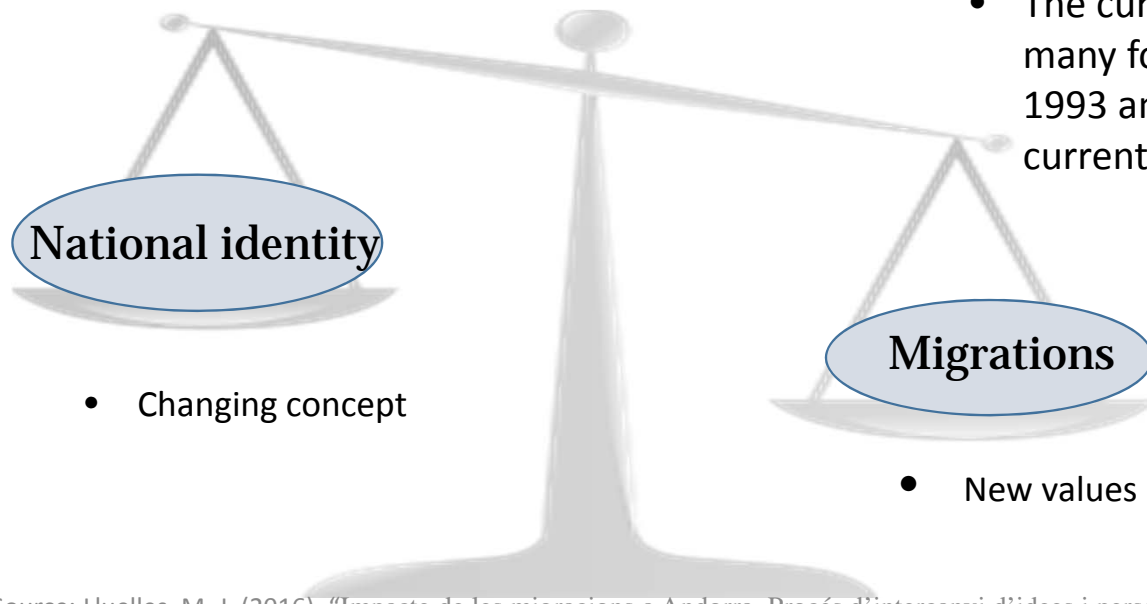
Residency permit linked to labour/ Citizenship can be identified as a Nationality

Citizenship → The Andorran legal framework does not expressly establish the concept of citizenship → equivalence to **nationality**

- **Andorran nationals that have political rights:** Quality enjoyed by Andorran nationals of legal age in full use of their political rights:
 - right to vote
 - to perform public duties and to hold public office
 - to hold institutional positions
 - to create political parties
- The Andorran national who does **not have the right to vote** are Andorran minors, convicts sentenced to deprivation of the right to vote as a primary or secondary penalty and those who are declared incapable by a legal decision expressly declaring the inability to exercise the right to vote.
- The immigrant population exceeds the national one → there has been a tacit agreement to preserve the Andorran national identity. Laws governing the Andorran nationality have been developed with **restrictive criteria**.
- From the Constitution (1993) → Attempt to balance de facto population and the jure population
- 2015: electoral census = the citizenship was 25.109 people → 32% of the total population

Challenges to Citizenship (2)

Influence of migration over identity



- The legislative changes, in the 1990s are done in terms of nationality, will allow to **integrate an important segment** of foreign population, mostly Spanish.
- The Andorran position in the demographic structure will improve due to this integration process.
- Change of millenium for Andorrans to become the first national group again.
- The current economic crisis, which has favored the departure of many foreigners, together with the effects of the nationality laws of 1993 and 1995, have increased the Andorran participation, which currently accounts for half of the population.

Routes to Citizenship

Explain what are the main avenues for securing citizenship in your country.

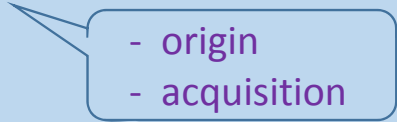
- The Andorran legal framework does not expressly establish the concept of citizenship

→ equivalence to **nationality (political rights)**

- The Qualified Nationality Law provides for the opportunity to obtain the nationality by

- Requirements required to obtain Andorran nationality:

- Renounce nationality of origin
- Integration of the applicant*
- Proof of integration (knowledge of Catalan and Andorran culture)*



- origin
- acquisition

**Those requirements are only applicable for the acquisition of Andorran nationality by marriage or by 20 years of residence*

Types of Citizenship

What categories of citizenship are possible in your country?

1. NATIONALITY FOR THOSE OF ANDORRAN ORIGIN, that are:

- Those born to an Andorran father or mother
- Those born outside of Andorra if at least one of their parents is Andorran and was born in Andorra
- Those born in Andorra who are the children of non-Andorran parents if at least one of their parents was born in Andorra
- Children born or found in Andorra whose parents' identity is unknown
- Those born in Andorra to non-Andorran parents, if both have no nationality (status of stateless persons) or if the legislation of neither grants nationality to the child
- Those born in Andorra of foreign parents, if at least one of their parents has their main and permanent residence in Andorra at the date of birth of the child and has had it during the ten years that preceded this birth

Types of Citizenship

What categories of citizenship are possible in your country?

2. ANDORRAN NATIONALITY FOR ACQUISITION:

- **ADOPTION**
- **ANDORRAN NATIONALITY OF ONE PARENT OR ONE GRANDFATHER** (Those born outside Andorra to a Andorran father or mother (also born outside Andorra) or those grandchildren of a person of Andorran nationality with 15 years of main and permanent residence in Andorra)
- **MARRIAGE WITH AND ANDORRAN** (3 years of main and permanent residence in Andorra continuously for at least three years, before or after the marriage)
- **RESIDENCE** (20 years of main and permanent residence in Andorra or 10 years of main and permanent residence in Andorra and having completed the compulsory education in its entirety in educational centers of Andorra)
- **NATURALIZATION OF ONE PARENT**

Types of Citizenship

- *Is dual/multiple citizenship allowed?*
- All Andorrans of age, in full use of their rights, enjoy the right of suffrage
- Andorran nationals can only have Andorran nationality exclusively
- Dual nationality and multiple nationality are not allowed (Andorran Constitution and Qualified Nationality Law)
 - ❖ When you acquire Andorran nationality and you have another nationality → obligation to renounce the one of origin
 - ❖ The acquisition or retention of a nationality other than Andorran shall entail the loss of the latter, subject to the terms and periods established by law (Article 7 of Andorran Constitution)

Types of Citizenship

- *Can citizenship be offered to foreigners in exchange for services rendered? Under what conditions?*

They acquire Andorran nationality, for the time they exercise their respective functions and professions:

- ❖ The personal representatives of the co-princes in Andorra
- ❖ The judges from the Andorran Constitutional Court
- ❖ The clergymen with ecclesiastical office in Andorra
- ❖ The Parliament, by a majority of two thirds, may grant the title of honorary citizen to any foreigner who deserves it, for his merits and acts in favor of Andorra.



The nationality acquired is not transmissible either by marriage or by affiliation and does not give access to political rights.

Challenges to Citizenship (1)

- *Explain what are the main challenges that emerge as a consequence of the citizenship regime to your country.*
- The main challenge is to place equal rights, rights and obligations on all residents of the country
→ balance de facto population and the jure population
- The integration into the political scene of non-Andorran residents
 - favors the process of social integration
- It has a symbolic value for foreign residents (pride)

There is no consensus among the political forces

Challenges to Citizenship (2)

- *How does being a SMALL STATE nuance / exacerbate / influence these main challenges that have emerged as a consequence of citizenship policies in your country.*
- Being a small state with a lot of immigrant population causes:
 - A part of society has a **sense of loss of Andorran identity**
- The electoral census of 25.000 people (32% of the total population) could be affected by the incorporation of an **important volume of new voters**

Responses to Citizenship

- *Explain what are the main strategies and policies that have been developed (by the State, by NGOs, by local communities . . .) to address the challenges resulting from citizenship issues.*
- The State has made legislative regarding nationality → enlargement of the electoral census
 - Electoral census on **1997**: 10.837 people (**16.6%** of the total population)
 - Electoral census on **2015**: 25.109 people (**32,2%** of the total population)
- Amendments on Law of Nationality from 1990
 - Reduction of 25 to 20 years of residence to obtain nationality (2004)
 - Reduction of other periods to obtain nationality (2004)
 - Expands the possibility of obtaining nationality in cases of adoption (2006)
- NGOs are negligible and have little effect

Flashpoints

- *Describe a particular episode/s that occurred in your country and which highlight/s some of the challenges in addressing citizenship issues appropriately.*

From **1957 the immigrant population exceeds the national one** → Arises the need for legislative changes in order to incorporate foreigners, especially Spanish

Andorrans become, again, the **first national group in 2008**

- Changes in the Qualified Law of Nationality that reduces the periods of access to Andorran nationality

Conclusion: Prospects

- *Looking forward, what can one expect of citizenship policies and practices in your country?*

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialized in questions relating to racism and intolerance. Regarding nationality ECRI have done the following **recommendations**:

- ECRI encourages the authorities to reopen the debate in the light of these factors and reiterates its recommendation that the Nationality Law should be amended to reduce significantly the period of residence required to obtain Andorran citizenship to 10 years as defined by article 6 of the European Convention on Nationality.
- ECRI recommends consider ways of making provision in national law for the possibility of holding dual nationality.

Conclusion: Prospects

- *Looking forward, what can one expect of citizenship policies and practices in your country?*

Believing that the acceptance of **dual nationality** (which would also necessitate a constitutional reform) would create 2 communities of Andorran citizens – those with one nationality and those with more than one, which would, the authorities believe, have undeniable repercussions on identity and sovereignty – the Andorran authorities have been very reserved about taking positive action in this regard.

The Government prefers a more moderate reduction → 15 years residence period.

15.207 foreign residents of Andorra meet the legal requirements to apply for Andorran nationality but have not taken any steps towards doing so

- Feeling of belonging through their children born in Andorra
- The resignation of the nationality of origin is an obstacle

A large part of the population is in favor of introducing changes:

- 64.4% of Andorrans (CRES) agree that foreigners can participate in local elections
- A political party (PS) is favorable to the possibility of having dual nationality
- Political parties and trade unions are in favor of the reduction to 10-15 years of residence to gain access to nationality
- The future association agreement with the EU will become the path to end the dysfunctions

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