

TAL TECH

ESTONIA 2019

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Erasmus+

DEFINING CITIZENSHIP



„An Estonian citizen is a person who holds Estonian citizenship at the time of entry into force of Citizenship Act or a person who acquires or restores his or her Estonian citizenship in accordance with Citizenship Act.“

(Citizenship act, §1)

Issues:

- Clear focus on *ius sanguinis*.
- (Ethno-) Conservative views that are related to security issues stemming from the Soviet past.
- 85% of population has Estonian citizenship.
- 6,6% Russian citizenship; 5,9% undetermined citizenship ('gray passports').

ROUTES TO CITIZENSHIP (1)

- Acquired **by birth** (if at least one parent has Estonian citizenship).
- Acquired **by naturalization**; conditions:
 - at least 15 years of age
 - *hold a long-term residence permit or the right of permanent residence **
 - *have a registered place of residence in Estonia **
 - *be proficient in the Estonian language (level B1 as the minimum) **
 - *know constitution of the Republic of Estonia and the Citizenship Act **
 - permanent legal income
 - be loyal to the Estonian state and take an oath.

* Might be omitted if citizenship is awarded based on special merit

ROUTES TO CITIZENSHIP (2)

- **Restored** to a person who lost his or her Estonian citizenship as a minor, if that person:
 - stays in Estonia on a permanent basis, and
 - is released from his or her previous citizenship.
- Acquisition of Estonian citizenship for achievements of **special merit**.
 - For example achievements in science, culture, sports, etc.

TYPES OF CITIZENSHIP

Multiple citizenship

- Multiple citizenship is not allowed.
- In case of multiple citizenships, a person has to decide within 3 years after turning 18, which citizenship to keep.
- Exception: does not apply to a person who applies for the acquisition or resumption of Estonian citizenship if that person has been granted **international protection** by the Republic of Estonia or another member state of the EU.

ACQUISITION OF ESTONIAN CITIZENSHIP FOR ACHIEVEMENTS OF SPECIAL MERIT

Achievements of special merit may be **achievements in the area of science, culture, sports or in other areas**; exceptions to general naturalization conditions.

- No more than 10 persons per year.
- Substantiated proposals by the members of Government.
- If declined, the Government does not have to justify its decision.
- 1992-1995 634 persons were granted citizenship for special merit.
- Since 1995 Estonian citizenship has been granted for special merit to 107 persons.

CHALLENGES TO CITIZENSHIP (1)

Historical background I – Soviet legacy:

- Approximately 5,9% of population with undefined citizenship, mostly in Tallinn and Ida-Viru county bordering Russia.
- 6,6% with Russian citizenship.

Main obstacle: proficiency in the Estonian language, but also willingness to obtain Estonian citizenship.

Lowering requirements is seen as a

- Security risk – questions of loyalty to Estonia and unwanted influence through elections.
- Cultural risk – Estonian language as a key feature of national identity.

CHALLENGES TO CITIZENSHIP (2)

Historical background II – interrupted independence:

- *Ius sanguinis* tied to the Estonian citizenship before 1940.
- > To understand some cases, need to interpret almost century old laws and documents.
- Historians and lawyers do not always agree and their opinions have changed over time.

Globalisation and Europeanisation:

- Multiple citizenship is not allowed, but it is more and more common in practice.
- Citizenship act forces to choose, however, if a person does not, Estonian citizenship (by birth) cannot be taken away.
- > Conflict between the Constitution and the Citizenship Act.

CHALLENGES TO CITIZENSHIP: SMALL STATE PERSPECTIVE

- Historical background, security problems, cultural issues have led to conservative citizenship policy:
 - Importance of language proficiency as a precondition.
 - Problematic reputation internationally – undefined citizenship as an issue.
- Globalisation as a factor:
 - Innovation and economic success vs. ethnic and cultural 'survival'.
 - Small state need to increase workforce.
 - However, acquiring citizenship and longterm residence permits difficult.
 - No political will to lower language requirements.

RESPONSES TO CITIZENSHIP

Instruments to promote proficiency in the Estonian language:

- Reimbursement of language training costs, if the person passes the examination.
- Language courses offered for different levels.
- Exams on four different levels (A2, B1, B2, C1).
- Private and non-profit sector actively involved.
- Increasing the proportion of Estonian language based classes in non-Estonian schools.
- Language Inspectorate responsible for state and administrative supervision.

FLASHPOINTS. CHANGES IN INTERPRETATION – CASE OF ALLI RUTTO (1)

- Alli Rutto, Estonian citizen, with dual citizenship (Estonia and Russia), living in Abkhazia, wanted to renew her Estonian passport in 2018, but was refused; she was not considered a citizen by birth anymore.
- Alli Rutto's grandfather had the certificate of the Estonian citizenship, which allowed her to apply for citizenship by birth in 2013.
- Different legislative interpretations:
 - 2003-2015 Administrative Court ruled that those who received citizenship by option, but did not return to Estonia within a year (in 1920), like Alli Rutto's grandfather, are citizens.
 - after 2018 following a change in administrative practice, the Supreme Court of Estonia said that receiving Estonian citizenship by birth is a mistake in the above circumstances.
- Temporary solution: apology from the minister of interior, referring to changes in administrative practices; new passport issued for 2 years > Rutto must give up Russian citizenship.

FLASHPOINTS. CHANGES IN INTERPRETATION – CASE OF ALLI RUTTO (2)

- The same problem affects almost 200 persons, who between the years 2003-2015 were declared Estonian citizens by birth via ancestors who opted for the Estonian citizenship in 1920ies.
- Public debate: Do Estonians who live abroad, but whose ancestors had Estonian citizenship through option and who preserve the Estonian language and culture, have a right for citizenship by birth?
- Minister of Interior: this problem needs comprehensive debate; no amendment initiated to the Citizenship Act at this point.

ECONOMY, CRISIS AND CITIZENSHIP

- Citizenship policy has been rather stable: the core requirements have not been changed, but some instruments (e.g. language courses) have been added.
- Discussion has grown beyond security and language issues to the effects of globalisation and goals of economic development.
- No real influence by economic crisis of 2008 or asylum crisis of 2015.
- Implementation issues highlighted by notable cases – strict following of rules vs. common sense and humane solutions.
- There are no significant corruption cases lately.

CONCLUSION: PROSPECTS

- Currently no political will to change citizenship policy.
 - Historical background, security concerns and cultural development promote conservative policy.
- Integration is still an issue, and will continue to be due to the increasing immigration.
 - Instruments to promote integration through language and education.
- Future discussions:
 - Multiple citizenship.
 - E-residency as a pathway to citizenship.