

Chapter 2

Acquisition of Nationality as Migration Policy

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Introduction: Positive Discrimination and Nationality

In Spain, the migration policies pursued by successive governments have favored the flows of nationals from Latin American countries at the expense of foreigners from other places, especially Africa (Izquierdo et al. 2003). This preference, ideologically legitimized through the concept of *Hispanidad* (“Hispanic Community”) has its roots in the close historical, cultural and linguistic ties derived Spain’s past as colonial power in the region, as well as in the massive transoceanic emigration that occurred between the late nineteenth and first half of the twentieth centuries (Joppke 2005). The academic literature has shown the methods, such as positive discrimination, that it has adopted and how it has worked through various policy instruments, such as control policies, bilateral labor agreements, extraordinary regularization programs or reciprocal agreements for the recognition of political rights (Ferrero and López Sala 2009; Gil Araújo 2010; Izquierdo 2011). There is a broad consensus among researchers that the Spanish legal and institutional framework—particularly visa policy and the regularizations—has had a major influence on the direction, extent and timing of migration flows from Latin America (Cebrian 2009; Vono 2010; Bertoli and Fernández-Huertas Moragas 2013). There has also been a gradual erosion of this preferential treatment as a result of the Europeanization of migration policies, a fact that has led to a tightening of flow controls and entry restrictions on non-EU nationals (Ayuso and Sánchez-Montijano 2012).

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However, beyond these policies, the Latin American bias takes its most definitive form in nationality law¹. The first sign of special treatment is the possibility these nationals have to apply for naturalization after only 2 years of legal residence in Spain, a requirement that contrasts with the ten required of other foreign nationals (Álvarez 2010). This exception goes hand in hand, at the same time, with the acceptance of dual citizenship under a series of agreements signed with several countries in the region. The second involves the acquisition of citizenship by the descendants of Spaniards living abroad to the extent that the Spanish legal framework has historically prioritized the maintaining of links to the Spanish diaspora by facilitating the intergenerational transmission of nationality (Martín Pérez and Moreno-Fuentes 2012).

In recent years, issues related to the naturalization of immigrants in Spain or the acquisition of citizenship abroad have occupied a marginal place in the academic and political debate on migration management. Maintaining a low profile in these fields contrasts, in our view, with the fact that nationality law has served as a key tool in the Spanish migration model in attracting and selecting the immigrant population. It also contrasts with its importance in shaping migration patterns during the current crisis, especially in relation to circular migration, return migration and re-migration.

In this context, this study analyzes the relationship between Latin American migration and Spanish nationality law. Specifically, we address the way in which the Spanish legal and institutional framework favors the Latin American population in the acquisition of nationality, and to what extent positive discrimination affects the naturalization by residence of foreign immigrants in Spain. To this end, the chapter is divided into six sections, in addition to this introduction. The next section outlines a number of theoretical considerations on the relationship between the processes of international migration and citizenship. Additionally, we also review the recent literature devoted to the comparative study of different nationality schemes as well as several empirical studies that have examined the effect of the legal and institutional framework on the naturalization of immigrants. The third section covers the fundamental aspects of nationality law in Spain, with particular attention to the requirements in the procedures for naturalization by residence. This part dissects the preferences that characterize the Spanish nationality system. The statistical sources and methodology used are presented in the fourth section, which precedes the analysis of the patterns of naturalization by residence in Spain from 2003–2012. Then, the sixth section an approach is made from stock data provided by various statistical sources to the extent and characteristics of the other existing pathways to acquire nationality. In particular, we focus on the Spanish-born children of foreign immigrants and the descendants of the Spanish diaspora. The chapter closes with a summary of the main results and some conclusions.

¹ In this study, we use the term “nationality” rather than “citizenship” to indicate the legal relationship between individuals and the state. In the Spanish context, *ciudadanía* (“citizenship”) has a more restricted meaning than that of *nacionalidad* (“nationality”).

Theoretical Framework

Citizenship or nationality—in the legal sense—refers to the official status establishing a bond between individuals and the state that confers specific rights and obligations such as, for example, voting rights or access to certain state welfare services. Various states have very different ways of determining “who is and who is not a citizen” (Carens 2004, p. 401), stemming from their own individual histories and conceptions of national community (Brubaker 1992). Traditionally, nationality has followed either the principle of *ius soli*—that is, the right by birthplace—or the principle of *ius sanguinis*—the right by descent. From a policy perspective, the predominance of one criterion or another has been associated with opposing models of citizenship: with the civic model, which is more inclusive, promoting the attribution of nationality based on the criterion of *ius soli*, while the ethnocultural one, which is more restrictive, prioritizing intergenerational transmission based on the criterion of *ius sanguinis* (Vink and Bauböck 2013).

Along with such differing legal traditions, international migration is considered to be a key factor for understanding the shaping of and changes in nationality laws and citizenship policies (Weil 2001; Joppke 2003). In fact, migration flows—of both immigration and emigration—create populations of foreign residents inside and expatriates outside of state borders (Bauböck 2010). As a part of the process of incorporating immigrants, many countries have carried out legal reforms in recent years. In this process of institutional change, some authors have identified a certain degree of convergence toward more inclusive schemes to the extent that many states—at least in Western Europe—have softened the principle of *ius sanguinis* by introducing elements of *ius soli* (Bauböck et al. 2006). The settlement of the immigrant population has also led to states redefining the legal status and rights of foreign residents by creating new categories of quasi-citizenship or denizenship (Hammar 1990).

Furthermore, some countries with a long tradition of emigration have taken measures of varying scope to foster links with so-called communities abroad or diasporas (Collyer 2013). Countries in southern and northern Europe have created provisions offering preferential treatment to certain categories of foreigners—as well as to former expatriates—that make it possible to acquire or recover citizenship without requiring residence in the country (Dumbrava 2013). This is the case in Spain, and is known as the Ley de la Memoria Histórica (Law of Historical Memory). This legal reform has allowed a significant number of children and grandchildren who are Spanish “by origin” who emigrated during and after the Civil War, either for political or economic reasons, to acquire nationality (Izquierdo 2011). In external citizenship—together with the growing acceptance of dual citizenship—several authors have noted the erosion of state sovereignty and emergence of transnational citizenship. Beyond its legal and political implications, transnational citizenship has produced complex practices of national belonging and more fluid forms of mobility on the part of migrant populations (Faist and Geddes 2008; Mateos 2014).

For several decades now the relationship between citizenship and migration processes has attracted substantial academic and political interest. More recently, there have been several comparative research projects on nationality law and citizenship policies in Europe and North America. The majority of these studies have focused on the regulation of the acquisition and loss of nationality by immigrants from the construction of complex systems of indicators (see, for example, Howard 2009; Janoski 2010; Huddleston and Niessen 2011). It is worth noting, on this subject, a few aspects of the research carried out by the European Union Democracy Observatory on Citizenship, which studied the legal systems of more than 30 European countries (Wallace 2010; Bauböck et al. 2013). The first aspect is the prevalence of the *ius sanguinis* criterion in the acquisition of nationality in all countries analyzed. However, the *ius soli* criterion is also applied in Belgium, France, Germany, Holland, Portugal and Spain, among other states. A second aspect is the considerable variation among these countries regarding the requirements, as well as the administrative procedures, for naturalization by residence for foreign immigrants. Focusing exclusively on the first dimension, countries with more liberal immigration, such as France and the UK, require a shorter period of residence than other traditionally more restrictive places like Germany, Austria or Switzerland. Similarly, countries that have experienced more recent immigration—such as, for example, Spain, Italy and Greece—also demand a longer period of stay, like the countries that have recently joined the EU.

A second important indicator concerns the requirement for the renunciation of nationality of origin. There is a clear distinction between the countries that have recently joined, where the law makes naturalization contingent upon the renunciation of one's previous nationality, and those countries in the EU-15 group, where dual citizenship is widely accepted—except for Germany, Austria, Denmark and the Netherlands, where there are more restrictions. One final aspect to emphasize is the provisions that favor certain categories of people based on their specific ties to the country, whether individual or collective. More specifically, the former refers primarily to family relationships with nationals or former nationals, while the latter indicates individuals belonging to a group with a cultural, ethnic or religious affinity with the nation and/or historical relationship from its colonial past (Vink and Bauböck 2013, p. 11). In Europe, almost all countries offer, to a greater or lesser extent, special treatment to certain nationals, especially to those from former colonies. For example, Spain facilitates naturalization by residence for people who are related to a Spanish national by marriage or descent, or for nationals of Ibero-American countries, the Philippines, Equatorial Guinea and members of the Sephardic community.

Along these lines, some authors have studied the effect of different institutional frameworks on the naturalization of immigrants and their relation to individuals' characteristics (Dronkers and Vink 2012; Vink et al. 2013). The results of this work highlight the fact that the differing laws of the destination countries—as well as that of the countries of origin—have a significant influence on immigrants' naturalization. In general, immigrants who live in countries with more inclusive systems are more likely to naturalize. However, this effect depends on the so-called “origin fac-

tor”, that is, on the level of development of the immigrants’ country of origin: those immigrants from developing countries have a higher tendency to naturalize than those from more developed regions. This would be consistent with those explanations that, at the micro level, conceive of naturalization as a cost-benefit analysis. Thus, for immigrants from developing countries, naturalization means greater potential benefits in terms of legal stability and security in the country of residence, access to state welfare benefits or occupations reserved for nationals, and greater ease in bringing over family members who are still in the country of origin. Ultimately, as these authors suggest, the naturalization of immigrants is influenced by not only the individual characteristics of each immigrant, but also the conditions in the country of origin and structure of legal opportunities in the country of residence.

The Acquisition of Spanish Nationality: The Political Geometry of Affinities

In Spain, nationality law has been defined by its prioritizing of the maintenance of ties with communities of Spaniards abroad and the establishing of, at the same time, a preferential system that offers special treatment to certain categories of individuals or groups in the naturalization process (Rubio Marín 2006). As we shall discuss below, the change in the migration cycle in Spain has not resulted in a corresponding change in the orientation of the law, which to this day remains rooted in the migratory and colonial past of the country (Martin Pérez and Moreno-Fuentes 2012). Following this, we review the fundamental aspects of the regulation of the acquisition of nationality in Spain, with particular attention to the requirements for naturalization by residence. Although the administrative procedure and loss of nationality are key elements of the legal framework that deserve exhaustive treatment—especially from the perspective of individuals affected by the naturalization process—the scope of such treatment means we are unable to provide it here (see Álvarez 2008).

That having been said, Spanish nationality is regulated by Articles 17–26 of the Civil Code (hereafter referred to as “CC”) and a scattered set of rules establishing the procedure for administrative processing. The statutory scheme sets out two separate access pathways: automatic acquisition (attribution) of nationality by birth or descent, and non-automatic acquisition (Álvarez 2010). The automatic attribution is based on the principle of *ius sanguinis*, although there are some elements of *ius soli* for second- and third- generation immigrants. By means of attribution, the state confers Spanish citizenship “by origin” on the biological or adopted children—regardless of their place of birth, whether in Spain or another country—of either a Spanish father or mother (Art. 17.1. And 19.1. CC). Nationality by origin also extends to children born in Spain of foreign nationals, in the event that at least one of the parents was born in Spain; and to children born in the country of unidentified parents, or ones who might otherwise become stateless, either because the

parents lack nationality or because the laws in their states of origin do not grant it to individuals who are born abroad (Art. 17.1 CC).

In contrast to the first pathway, non-automatic acquisition is voluntary, that is, the state grants “derivative” nationality to those who apply that fulfill certain requirements. Non-automatic acquisition includes three different types: by option (Art. 20 CC), by “possession of status” (Art. 18 CC) and by naturalization (Art. 22 CC). The first is intended for people who have some kind of special connection with Spain. People who fall under this category, for example, are those who are under the legal guardianship of a Spanish national or were born in Spain and whose father or mother is of Spanish origin, regardless of place of residence or age. This option was passed into law in 2002 to provide access to citizenship to the children of Spanish expatriates. More recently, in 2007, the *Ley de la Memoria Histórica* opened the door to applications, for a limited period of time, to those whose father or mother was originally Spanish and to the grandchildren of those who lost or had to give up their Spanish nationality as a result of exile. As to the type “possession of status,” those who have used Spanish nationality for ten continuous years and in “good faith” may acquire it even if they are not legally eligible.

Thirdly, acquisition by naturalization may be granted either by *carta de naturaleza* (discretionary naturalization) (Art. 21 CC) or by residence (Art. 22 CC). The discretionary naturalization is reserved for individuals and groups who qualify under a number of exceptional circumstances. In this sense, the definition of “exceptional circumstances” is determined at the discretion of the government. In practice, the certificate of naturalization has been used for the naturalization of persons of recognized academic and intellectual prestige, elite athletes, entrepreneurs, former presidents of other states and those who fought in the International Brigades in the Civil War between 1936 and 1939. Nevertheless, the Sephardic community has been the group that has benefited most from this in recent years in terms of the number approved by the government,—specifically, 779 between 2006 and 2012 (see Álvarez 2012, pp. 43–45).²

Fourthly, foreign nationals may obtain Spanish nationality through naturalization after a period of 10 years of legal and continuous residence in Spain. As mentioned above, this requirement is one of the strictest among the countries in Europe both for the amount of time required and, above all, the fact that it must be uninterrupted and legal residence, a situation that the Spanish migration model, which could be characterized as tolerated irregularity, does not exactly favor (Izquierdo and Cornelius 2012). However, the Civil Code contains provisions that reduce the time required for different categories of people (Art. 22 CC). Thus, political refugees

² On June 6th, 2014, the Spanish government approved a bill to facilitate the granting of Spanish citizenship to Sephardim through from the reform of Article 23 of the CC (Gobierno de España 2014). With this reform, the granting of Spanish nationality does not require renunciation of their original nationality and also is no longer done on a discretionary basis but rather has come to be considered a right. To acquire nationality, Sephardim must prove their “Sephardic status” and the maintaining of a “special relationship with Spain.” This change demonstrates the pronounced path-dependency of the Spanish law, whose evolution has historically been driven by a post-colonial and ethno-national logic (Martín Pérez and Moreno-Fuentes 2012).

may apply for naturalization after 5 years of residence in Spain, while nationals of the Ibero-American countries, Portugal, Andorra, the Philippines and Equatorial Guinea may do so after only two. Additionally, foreign residents belonging to the Sephardic community may choose this option. Finally, there are six categories of individuals of whom only 1 year of residence is required, specifically: people born in Spain; those who were entitled to acquire nationality by option but did not choose to do so at the time; those who have been under the legal guardianship of a Spanish national or institution for two consecutive years; those which, at the time of application, have been married to a Spanish national for 1 year; widows or widowers of nationals if they, at the time of their spouse's death, were not separated legally or *de facto*; and lastly, people born outside Spain with at least one parent or grandparent of Spanish origin.

To qualify for the granting of nationality, foreigners must demonstrate, in addition to legal and continuous residence, "good civic conduct" and a "sufficient degree of integration" in Spanish society. The law does not define these terms precisely. In practice, the government usually requires applicants to have no criminal record in either the country of origin or in Spain, have sufficient financial means to live in the country and demonstrate adequate knowledge of the Spanish language or the co-official languages of the autonomous communities (Álvarez 2010, pp. 109–112). It should be added that, in recent times, tests of Spanish history and culture have been introduced. This integration requirement has been controversial not only for its lack of any legal basis but also because, along with the demonstration of good conduct, it is one of the main reasons for the rejection of applications (Tjagen and Sánchez-Montijano 2013).

As can be seen, the nationality law contains provisions that confer special treatment on certain categories of individuals or groups who have some kind of relation to the processes of international migration. These provisions are organized on the basis of a set of criteria and reasons, such as the existence of family ties between Spanish and foreign nationals—either by descent or marriage; the recognition of a status of particular vulnerability, such as that of political refugees; having made a special contribution to the country; and, finally, the existence of an ethnic, cultural or historical affinity with certain groups.

According to Mateos and Durand (2012, pp. 17–20), these provisions define a system of preferences organized according to a hierarchy of ethno-cultural distances while, at the same time, establishing different treatment in the acquisition of nationality. This is encompassed by what the French demographer Hervé Le Bras (2012) has described in general terms as a "geography of affinities" when referring to migration policies, which emphasizes the symbolic recreation of the "cultural distances" with regard to national identity, and which we will call the "political geometry of affinities." In the case of Spain, the highest level in the hierarchy is held by those individuals of Spanish origin who were born abroad, to whom the state grants citizenship by virtue of the principle of *ius sanguinis*. On the second level are foreign nationals who were born and live in the country, and those who have a family relationship by descent or marriage with a Spanish national. Individuals in this group enjoy a significant reduction in the required time of residence (from 10 to 1

year) to be eligible for naturalization. Below these are foreign nationals from former colonies, countries with historical links with Spain and the Sephardic community. In addition are those foreign citizens who have refugee status. For all of the above the required time of residence is reduced. Lastly, the lowest level in the hierarchy corresponds to nationals of the other countries not included in the previous categories, for whom acquisition of nationality is much more restricted.

It is important to emphasize that this system of preferences results in special treatment in terms of not only the requirements but also the acceptance of dual citizenship and the possibility of transmission and loss of nationality. In this sense, the preference system overlaps with the other instruments of migration policies implemented by the Spanish government. We refer, on one hand, to the bilateral dual-citizenship agreements signed with 12 Latin American countries during the fifties and sixties that have led to recognition of the system referred to as dormant/active nationality (Rubio Marín 2006, p. 480).³ Additionally, the requirement by law to renounce the nationality of origin does not apply to “naturals” from Latin American countries, Andorra, the Philippines, Equatorial Guinea and Portugal (Arts. 22–24 CC). On the other hand, the preferential system and selective tolerance of dual citizenship work in concert with the rules governing the legal status and rights of foreigners (González-Ferrer and Cortina 2011). Generally, immigration law draws a clear distinction between the set of rules that applies to citizens of the European Union—known as the EU regime—and the one that applies to other foreigners (General regime). These two systems establish significant differences between EU and non-EU citizens as regards their conditions of entry and residence in Spain, access to the labor market and exercise of certain social and political rights (Solanes 2010).

Methodology

Official statistics on nationality in Spain, provided by the Dirección General de Registros y Notariado del Ministerio de Justicia (Directorate General of Registries and Notaries of the Ministry of Justice), only supply information about the acquisition of nationality by residence. There is no data on other methods of acquisition—namely, by option, possession of status or discretionary naturalization—nor on the other method, by attribution. Data on naturalization by residence only include granting of nationality, so the total number of applications and rejections is unknown. Besides the question of the availability of data, there are two other issues with this source. The first is that there is a ‘gap’ between the date of application for nationality and the date of acquisition that is impossible to quantify. This is relevant when analyzing the evolution of naturalization and its relation to the migration phe-

³ The states with which the Spanish state has signed bilateral agreements are Chile (1958), Peru (1959), Paraguay (1959), Guatemala (1961), Nicaragua (1961), Bolivia (1961), Ecuador (1964), Costa Rica (1964), Honduras (1966), the Dominican Republic (1968), Argentina (1969) and Colombia (1978).

nomenon. The second is the discontinuity in the series of aggregated data on the variables of gender, age, previous nationality or reason for granting. This has resulted in our taking only the period from 2003–2012 for analysis, even though there are aggregates from previous years.

To study the acquisition of Spanish nationality, we use the naturalization rate as an indicator of intensity. Basically, this is defined as the number of naturalizations by residence within a given year relative to the total foreign population at the beginning of the year. The main drawback of this measure is that, strictly speaking, the probability of naturalization can not be calculated because in the denominator, the total number of the population that have the opportunity to enter the process, that is to say, the foreign population eligible for acquisition of nationality, can not be determined (Bauböck and Helbling 2011). In the numerator there is a second problem because, as mentioned, the data do not cover all existing types of naturalization. To overcome this limitation, some authors have proposed more specific indicators. For example, Thomas Janoski (2010) suggests including automatic acquisition of nationality by birth to adjust the data on naturalization rates. This approach has been discussed, among other reasons, to avoid the double *ius soli* formula existing in some countries, such as Spain, which automatically grants nationality to children with at least one Spanish parent born in Spain. Others elect to use indicators such as the rejection rate but, in our case, this is not practicable (Hebling 2010).

For the denominators, we use data on the population stock of foreign citizens with a residence permit valid on December 31st of the relevant year. This information is provided by the Ministerio de Empleo y de la Seguridad Social (Ministry of Employment and Social Security). It should be noted that we do not use population data from the Padrón Continuo (Continuous Municipal Register) to calculate rates because this administrative register includes the entire foreign population, irrespective of their legal status in the country. This is relevant due to the scope and characteristics of the phenomenon of irregularity in the country (Recaño and Domingo 2005). For example, the rate of naturalization for the period 2003–2012 is 25% lower on average when calculated from the Padrón data rather than the number of residence permits.

In complementary fashion, stock data from the Padrón Continuo, the Censo de Población de 2011 (2011 Census) and the Padrón de Españoles Residentes en el Extranjero (Register of Spaniards Resident Abroad) collected by the Instituto Nacional de Estadística de España (Spanish National Institute of Statistics) are used. The latter is the source for the number of people with Spanish nationality residing abroad on January 1st of each year.

Naturalization by Residence: Instrumental Assymetries

In recent years, the number of foreigners who have obtained Spanish nationality has continued to rise, reaching a figure of slightly more than 760,000 between 2003 and 2012 (Fig. 2.1). During this period, the naturalization rate has remained fairly

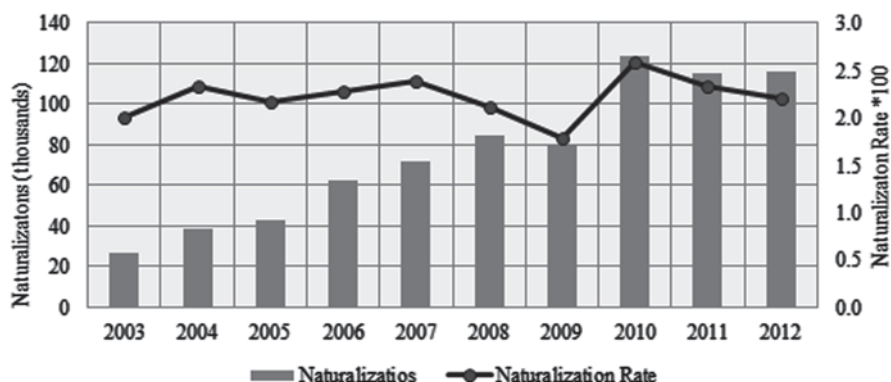


Fig. 2.1 Nationality acquisitions and naturalization rate, 2003–2012. (Source: Acquisition of Spanish Nationality by Residence and Foreigners with a Valid Residence Permit or Certificate (Ministry of Employment and Social Security))

stable at an annual average of around 2.2%. This rate is lower than that recorded by some neighboring countries, which can be explained in part by the fact that Spain has only recently become a migration destination, and by the strictness of the legal framework. On this theme, it is important to place the intensity of the phenomenon and its recent evolution within a broader context to account for the influence of the Spanish legal and institutional framework on the naturalization processes of the foreign population in general, and of the Latin American one in particular.

The first issue to address is the effect of administrative procedures on naturalization patterns. In recent years, the Spanish government has shown itself to be incapable of responding to the constant increase in nationality applications, which has produced a considerable bureaucratic backlog that led to the government launching a “modernization” program of the judiciary in 2009 to expedite a solution. However, this program did not achieve the results expected and, in June 2012, the Ministry of Justice approved a new Plan Intensivo de Tramitación de Expedientes de Nacionalidad (Intensive Plan for Processing Nationality Applications) to resolve as quickly as possible a delay of two and a half years for decisions on pending applications, the number of which stood, at that time, at 465,000.⁴ This fact is relevant for two reasons: first, because any account of the evolution of acquisitions must take into account both the historical sequence of flows—that is, the different cohorts of foreign populations that have fulfilled the requirements to apply—as well as the administrative procedures. In this way the drop in the number of acquisitions in 2009, its sharp increase in 2010, and its subsequent decline can be analyzed; second, be-

⁴ The intensive citizenship plan, called Project GEN, delegated the processing of cases to the Ministry of Justice, the Colegio de Registradores de la Propiedad, Mercantiles y de Bienes Inmuebles de España (Association of Property, Commercial, and Real Estate Registrars of Spain). The latest figures available for July 1, 2014, indicate that from the beginning of the plan, more than 497,000 cases have been opened, of which more than 455,000 have been decided on (see www.mjusticia.gob.es).

cause bureaucratic delays affect the timeframe within which foreign immigrants can become citizens and, in Spain, has been estimated to be 9 years on average—which is reduced to six in the case of foreign nationals eligible for fast-track procedures, such as Latin Americans (Tagden and Sánchez-Montijano 2013).

Related to the above, patterns of naturalization have also been affected by the economic crisis that began in 2008. On one hand, acquisitions can fall—as can be observed in 2011 and 2012—due not only to bureaucratic delays but also to the country's worsening economic situation, which affected the immigrant population to a greater extent. This meant that many foreigners could not meet the requirements for legal residence and integration into Spanish society that, among other tests, asks for proof of sufficient financial means. We have no data on the total number of applications and rejections, so it is actually impossible to tell if there has been an increase or decrease in the rejection rate. On the other hand, the crisis has led to the departure of potential candidates for naturalization from Spain, so the number of applications has also decreased. However, some authors suggest that in the current crisis, naturalization is affecting the timing of return migration or re-migration to other countries because it has become a strategic resource of indisputable value that allows movement within the European Community and with the country of origin (Mateos and Durand 2012; Ortega-Rivera et al. *in press*).

One last factor to note is that the immigration policies implemented by the Spanish government have established, in the end, a model in which irregularity has become a structural feature (Arango 2000; Izquierdo 2011). The inefficiency of migration flow policies and their incompatibility with immigration laws have led to high rates of irregularity. In this situation, the Spanish authorities have had to introduce up to six regularization programs (Finotelli and Arango 2011). Consequently, patterns of naturalization in Spain are subject, at the aggregate level, to changes in the rate of irregularity, which in turn are governed by successive regularizations. However, this can also be seen at the individual level, since the effects of irregularity lead to different legal paths for foreign immigrants, especially for the non-EU population, which does not receive the preferential treatment that, for example, the Latin American one does.

The combination of these three factors, along with the preferential character of the Spanish legal system, has led to the predominance of naturalization procedures of an exceptional nature. As shown in Table 2.1, the majority of foreigners have acquired nationality through the 2-year fast-track procedure (72%) and a much smaller number by marriage to a Spanish national (11%) or by birth in Spain (6%), paths to naturalization that only require 1 year of residence. Therefore, the number of foreigners who have become Spanish citizens through the standard 10-year procedure does not exceed 10% of all naturalizations during the period concerned. When analyzing the different patterns of naturalization, it is interesting to contrast the way different groups of immigrants have obtained nationality. As expected, for Latin Americans the most common pathway of acquisition is the 2-year procedure (88%), while naturalization by marriage to a Spanish national represents a much smaller proportion, around 10% of the total. It is worth noting that, depending on the case, naturalization by marriage reaches very high levels, for example, with

Table 2.1 Naturalizations by country of nationality (regions) and acquisition method, 2004–2012^a. (Source: Acquisition of Spanish Nationality by Residence and Foreigners with a Valid Residence Permit or Certificate (Ministry of Employment and Social Security))

Region prev. nat.	Total	10 years	2 years	Spanish descendant	Marriage	Born in Spain	Others
Africa	107,797	53,377	3730	75	13,029	36,065	1521
Asia	20,315	7333	5509	23	2783	4193	474
European Union	12,400	2429	4013	64	3699	2045	150
Latin America	583,865	716	513,257	3509	60,268	2948	3167
North America	1021	270	62	20	564	84	21
Oceania	107	31	21	—	48	4	3
Rest of Europe	7231	2263	87	19	3497	1000	365
Stateless	189	51	16	—	18	70	34
Total	732,925	66,470	526,695	3710	83,906	46,409	5735

^aInformation on acquisition method is only available from 2004

Mexicans (47%), Venezuelans (37%), Brazilians (33%) and Cubans (30%). However, the data available does not record whether their spouses are also naturalized Spaniards. The small number of acquisitions by descent—mainly to Argentines, Cubans and Venezuelans—and by birth in Spain are unsurprising because those who obtain Spanish nationality by descent tend to do so in the country of origin, while those born in Spain acquire it automatically by birth to avoid becoming stateless—at least some of them, as we shall see in the next section.

The predominance of Latin Americans in the naturalization process contrasts considerably with the position of other groups of foreign immigrants—in particular those from North Africa and the European Community—which have a more consolidated migration trajectory in Spain. Thus, the differences in the incidence of naturalization speak volumes (Table 2.2). During the period 2003–2012, the Latin American naturalization rate reached 5.5%, a figure three times higher than that of Africans (1.6%) and almost five times that of Asians (1.1%). These differences are even more pronounced when compared to those of EU and non-EU as well as North American immigrants, whose rates range from 0.1 to 0.6%. The variation in the propensity to naturalize is explained largely by the position occupied by the various national groups in the preferential system mentioned above. It is important to remember that the special treatment in the legal framework involves not only a relaxing of the residency requirements but also the acceptance of dual citizenship. At the same time, these elements overlap an immigration system that makes a clear distinction between the legal status of EU and non-EU citizens. In line with the academic literature on naturalization both in Spain and in the wider European context (González-Ferrer and Cortina 2011; Reichel 2011; Dronkers and Vink 2012; Vink et al. 2013), the lower likelihood of EU citizens to naturalize—including the relatively privileged Portuguese, whose rate was only 0.8%—is due to the advantages conferred by the EU system, which include great legal stability, freedom of movement

Table 2.2 Nationality acquisitions and naturalization rates by country of previous nationality (continental aggregates), 2003–2012. (Source: Acquisition of Spanish Nationality by Residence and Foreigners with a Valid Residence Permit or Certificate (Ministry of Employment and Social Security))

Country prev. nat.	Total	Total (%)	Naturalization rates (%)		
			2003–2007	2008–2012	2003–2012
<i>Africa</i>	116,319	15.3	1.7	1.5	1.6
Morocco	90,567	11.9	1.8	1.5	1.6
Equatorial Guinea	3925	0.5	6.3	3.8	5.1
<i>Asia</i>	22,309	2.9	1.5	0.8	1.1
Philippines	7094	0.9	4.2	2.2	3.2
<i>European Union</i>	14,431	1.9	0.2	0.1	0.1
Portugal	6024	0.8	1.0	0.6	0.8
<i>Latin America</i>	598,163	78.7	4.8	6.1	5.5
Ecuador	209,385	27.5	4.2	7.3	5.7
Colombia	135,031	17.8	4.8	7.0	5.9
Peru	65,867	8.7	6.5	6.6	6.5
Argentina	40,305	5.3	4.3	5.6	4.9
Dominican Rep.	34,485	4.5	6.3	5.0	5.7
Cuba	26,287	3.5	7.1	6.0	6.5
Bolivia	22,444	3.0	2.2	3.4	2.8
Venezuela	15,690	2.1	4.6	5.9	5.3
Brazil	11,563	1.5	3.6	3.0	3.3
Uruguay	11,101	1.5	3.3	5.3	4.3
Chile	10,200	1.3	4.3	4.9	4.6
Mexico	6389	0.8	5.9	5.4	5.7
Paraguay	3694	0.5	2.6	2.2	2.4
Honduras	2562	0.3	5.1	3.7	4.4
El Salvador	1204	0.2	6.3	5.1	5.7
<i>North America</i>	1134	0.1	0.7	0.4	0.6
<i>Rest of Europe</i>	6773	0.9	0.6	0.5	0.6
Russia	2353	0.3	1.0	0.9	1.0
<i>Oceania</i>	112	0.0	0.7	0.7	0.7
Total	760,237	100.0	2.2	2.2	2.2

and the possibility of reuniting families, among other privileges. In other words, for EU citizens becoming Spanish does not appear to be of great benefit.

However, for non-EU citizens, who do not enjoy privileged treatment, the laws on acquisition of nationality are an obstacle to naturalization due to the significant associated costs involved, not only in terms of the residency requirements but also the requirement to renounce their nationality of origin. Moroccans are a good case in point. Despite being a community that has been settled in Spain for a long time,

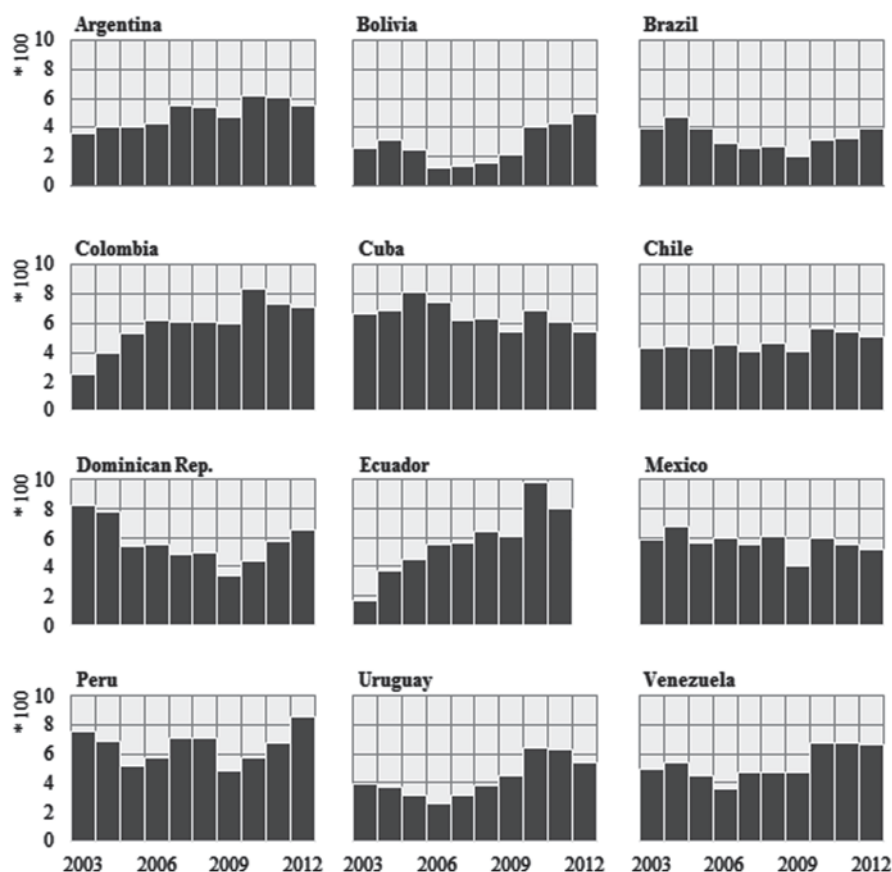


Fig. 2.2 Naturalization rate by previous nationality. Main countries, 2003–2012. (Source: Acquisition of Spanish Nationality by Residence and Foreigners with a Valid Residence Permit or Certificate (Ministry of Employment and Social Security))

they represent only 12% of the naturalizations by residence in the last decade, at a rate not above 1.6%. However, in the next few years we are likely to see an increase in the number of acquisitions by non-EU immigrants once the bureaucratic backlog is cleared and the number of candidates eligible for naturalization grows.

Finally, there are also significant differences in the naturalization rates among the Latin American population, with a range that varies from a low of 2.4% for Paraguayans to a high of 6.5% for Cubans and Peruvians. The arrival sequence of the migration flows and the process of settling in the country are revealed, in this case, as key factors in analyzing the observed differences. A pertinent way of doing so is by examining the change that occurred in naturalization rates in the periods between 2003–2007 and 2008–2012 (Fig. 2.2). The first phase includes the Latin American immigration boom that involved, initially, Ecuadorians, Colombians and Argentines, and subsequently Bolivians, Brazilians and Paraguayans. However,

during these years the highest rates of naturalization were not in these groups, but in others who arrived before, such as the Cubans, Peruvians and Dominicans—nevertheless, the rates of the former are equally high. In the second phase, which coincides with the economic crisis, a significant increase in naturalizations, both in absolute and relative terms, occurs. During these years, there has been a considerable rise in the numbers of Ecuadorians, Colombians, and Bolivians. Undoubtedly, the increased incidence of naturalization in these groups reflects the delayed impact of the extraordinary regularization of 2005.⁵

Statistical Traces of Nationality Law and Latin American Migration

As has been seen, a significant number of foreign immigrants in Spain has acquired nationality through naturalization by residence. The preferential system that characterizes the legal system has led to the predominance of Latin Americans in the naturalization process. However, Spanish law allows for other ways to become a national—both within Spain and abroad—though it is difficult to determine their extent because there are no statistics on the other methods of acquisition, much less the automatic granting of nationality by birth for those who are connected to international migration, especially by children born in Spain to foreign immigrants and the descendants of the so-called Spanish diaspora. For this reason, in this section we attempt to estimate their number and demographic characteristics from the analysis of stock data from various statistical sources, such as the Continuous Municipal Register, Census, and Register of Spaniards Resident Abroad.

Naturalization of Immigrants in Spain

According to the latest data from the *Padrón Continuo* (Continuous Municipal Register) of 2013, the Latin American-born population in Spain is 2,420,000, representing 36.5% of the total foreign-born population. As can be seen in Table 2.3, more than 39% of the Latin Americans here have acquired Spanish nationality—whether by acquisition or attribution—while 4.7% possessed one other than that of their country of birth, mainly Italians. Therefore, the number of Latin American Spanish citizens is far higher than that of the other groups with a significant presence in the country, ranging from 12% for citizens of the EU-27 to 24% for nationals from the rest of Europe. It is worth noting that these continental aggregates mask a high degree of geographical dispersion as a result of asymmetries in the Spanish legal

⁵ The so-called 2005 Normalization permitted the regularization of 578,000 undocumented immigrants. Among Latin Americans, Ecuadorians (127,925), Colombians (50,497) and Bolivians (39,773) were the main groups by number of positive decisions (Finotelli 2011).

Table 2.3 Latin American population in Spain by country of birth and country of nationality, 2013. (Source: Continuous Municipal Register (National Institute of Statistics). Data on January 1st)

Country of birth	Total	Country of nationality			
		Spain	Country of birth	Other country	Spain (%)
Ecuador	456,233	207,909	246,188	2136	45.6
Colombia	370,823	147,845	216,984	5994	39.9
Argentina	271,149	120,320	95,133	55,696	44.4
Peru	195,488	84,220	107,047	4221	43.1
Bolivia	185,194	20,522	163,770	902	11.1
Venezuela	162,144	100,051	51,908	10,185	61.7
Dominican Rep.	155,432	65,933	86,194	3305	42.4
Brazil	125,883	29,758	89,356	6769	23.6
Cuba	125,152	68,056	54,022	3074	54.4
Paraguay	86,526	4412	81,072	1042	5.1
Uruguay	80,891	33,487	34,609	12,795	41.4
Chile	62,280	24,084	33,719	4477	38.7
México	50,569	24,167	23,154	2950	47.8
Rest of countries	91,565	17,487	73,546	830	19.1
Total Latin America	2,419,329	948,251	1,356,702	114,376	39.2

framework and the countries of origin, as well as historical patterns of international migration. For this reason, the high percentage of Spaniards who were born in Switzerland (74%), France (56%) and Germany (30%) is not surprising, even though these groups have very low rates of naturalization by residence. These three countries—and to a lesser extent Belgium and Holland—were the preferred destinations of labor migration flows between the fifties and early seventies (de la Torre and Sanz Lafuente 2008). The composition by age and sex, not shown here, reflects the attribution of nationality to descendants of Spaniards born in those countries, like the progressive return that followed this emigration. In contrast, other groups have, despite their long migratory trajectories in Spain, significantly lower proportions of Spanish nationals. Take, for example, those born in the UK (6%) and Morocco (17%). In the particular case of the Moroccans, toward whom the Spanish legal and institutional system is much more unfavorable, this disadvantaged position is key to interpreting the small number of naturalizations, above all when compared to other groups of economic migrants who have settled here more recently. On top of this difficulty is Moroccan law, in which the acquisition of another nationality means the immediate loss of their Moroccan one, which is an either-or choice that does not have to be made by most Latin Americans. The same is true of other recently arrived immigrant groups, among them Romanians (0.5%), Bulgarians (1%), Pakistanis (4%) and Senegalese (6%).

In the specific case of the Latin American-born population, the special treatment that is conferred on them by law has combined with successive migration phases

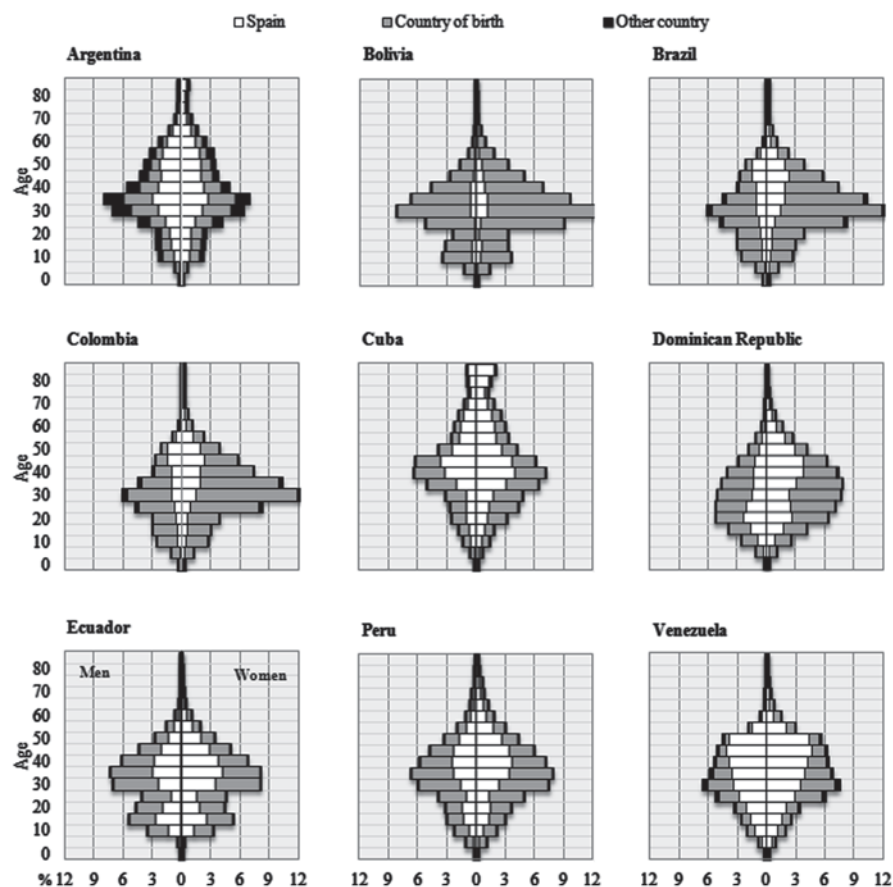


Fig. 2.3 Age pyramids of the Latin American-born population by place of birth and nationality. Main countries, 2013. (Source: Continuous Municipal Register (National Institute of Statistics). Data on January 1st)

that have interconnected the region and Spain since the late nineteenth century (Sánchez Alonso 1995; Palazón Ferrando 2009). It is possible to identify, in this regard, three distinct profiles based on the presence of Spanish nationals among them, their composition by age and sex, and duration and intensity of migration flows (Fig. 2.3). The first group is formed by those born in Venezuela, Cuba, Argentina and Mexico. These populations have very high percentages of Spanish nationals, especially the Venezuelans (61.7%) and Cubans (54.4%). The age composition of the population with Spanish nationality—with a median age of 38 years for Mexicans and 47 for Cubans—indicates the acquisition of nationality by the descendants of Spanish migrants, as well as reflects the longer period of time they have been settled in the country.

A second group is headed by those born in Ecuador and Colombia, who together make up the highest number of immigrants living in Spain. These populations,

whose inflows reached a remarkable intensity during the beginning of the new century, has a percentage of Spanish nationals of 45.6% in the case of Ecuador and 40% in that of Colombia, with average ages of 36 and 39 years, respectively, and a clear gender imbalance in favor of women. This group also includes people from Peru, the Dominican Republic, and Chile, who arrived in Spain earlier and whose proportion of nationals ranges from 37.8% of Chileans to 43.1% of Peruvians. The third group consists of those born in Brazil, Bolivia and Paraguay, in which the proportion of Spaniards is much lower due to their recent arrival. Demographically, their naturalized population is much younger and much more imbalanced gender-wise.

This portrait is not quite complete because those born in Spain with foreign nationality do not appear in it, nor do those born here of Spanish nationality who are descendants of foreign immigrants. Regarding the first group, it is important to keep in mind that the legal system does not grant nationality by birth in this country to the children of foreigners. They usually acquire that of their parents, and in the event that they should want to choose to be Spanish, are required to reside legally in the country for a year. This requirement is problematic because their legal status depends on their parents, a circumstance that prevents those who are in an irregular situation from applying for naturalization. In some cases, depending on the laws of their countries of origin, the state grants nationality to the children of foreign parents to prevent them from becoming stateless. As noted above, this is relevant to the extent that the legal framework of the countries of origin determines a distinct path to becoming a Spanish national from birth, which stands in clear contrast to the preferential treatment given to Latin Americans.

This partially confirms data from the *Padrón Continuo*. In 2013, the foreign population born in Spain was around 470,000 people (1.2% of the total population). The distribution by nationality and age, not given here, shows that significant numbers are children whose origins lie in Morocco (33%), Romania (15%) and China (7%), all of which are countries that do not grant nationality to children born abroad to expatriates. The group of Latin American children represents just over 12% of the total and is primarily composed of people with origins in Ecuador, Bolivia, the Dominican Republic and Colombia. It should be noted that some of these countries—namely Bolivia, Chile and Ecuador—changed their laws in recent years, creating the possibility of granting nationality to the children of expatriates. As a result of this legislative change, the Spanish state has stopped granting them nationality because the possibility of statelessness no longer holds.⁶

As for the Spaniards born in Spain who are descendants of foreign citizens, quantifying them is more difficult because the *Padrón Continuo* does not collect information on the households and/or family relationships of individuals registered. It is therefore impossible to know whether Spaniards born in Spain are, for example, children of two foreigners, mixed couples or two former emigrants born in Spain. However, the latest census of 2011 provides information for the first time

⁶ At present, the Spanish authorities grant nationality to children born in Spain to Argentine, Brazilian, Colombian, Cuban, Peruvian and Uruguayan parents (Álvarez 2010).

Table 2.4 Population resident in Spain by place of birth, nationality and parents' place of birth, 2011. (Source: 2011 Census (National Institute of Statistics). Data on November 1st)

	Total	Country of nationality		
Country of birth		Spain	Foreign country	Spain (%)
Spanish-born	40,925,541	40,419,571	505,969	98.8
Both parents born in Spain	38,947,733	38,913,454	34,279	99.9
One parent born in Spain	1,180,519	1,118,736	61,782	94.8
Both parents born abroad	797,289	387,381	409,908	48.6
Foreign-born	5,649,158	912,768	4,736,417	16.2
Both parents born in Spain	476,044	375,120	100,923	78.8
One parent born in Spain	275,868	130,884	144,984	47.4
Both parents born abroad	4,897,246	406,764	4,490,510	8.3
Total	46,574,699	41,332,339	5,242,386	88.7

about the place of birth of the parents of the population. As shown in Table 2.4, the number of births to two foreign parents in Spain was more than 797,000 in November 2011, while those born to one parent who was born abroad totaled more than 1,180,000. The origin of the parents reveals significant differences in the percentage of the population with Spanish nationality. Thus, the majority of children of mixed couples—that is, one of whose parents was born outside of Spain—are Spanish nationals, while this number drops by more than half among those whose parents were both born abroad.

These figures contrast sharply when compared to those of the foreign-born population, whether children of mixed couples (47%) or people born abroad (8.3%). Among the latter, those born in Latin America stand out in the highest proportions—numbers reflecting their preferential treatment under the law (Fig. 2.4). Lastly, the majority of the foreign-born population of Spanish-born parents, who could be called the children and grandchildren of Spanish emigration, possess the nationality of their parents. Among these, the Latin American-born population has lower figures in acquisition of nationality than the other continental groups, which is explained by their more recent settlement in the country.

Spaniards in Latin America

This last point confirms the predominance of the criterion of descent over that of birthplace in the acquisition of Spanish nationality. This defining characteristic of the Spanish legal framework also has repercussions outside the state's borders. As has already been seen, the foreign-born children of Spaniards “by origin” are automatically granted citizenship. Similarly, children whose parents are of Spanish origin and were born in Spain also have the opportunity to voluntarily acquire nationality, with no time limits and regardless of their age and place of residence.

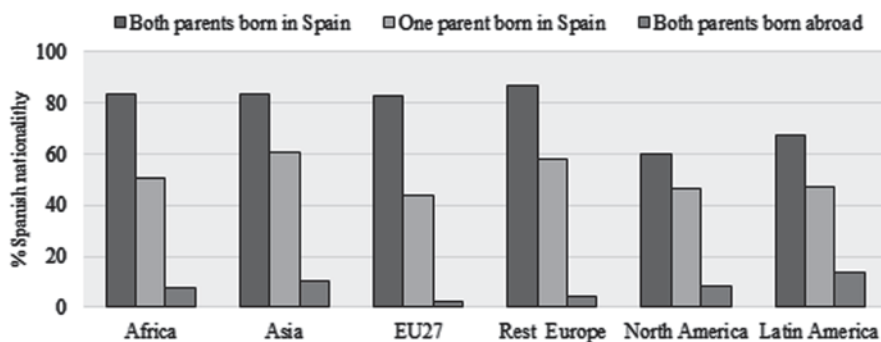


Fig. 2.4 Population resident in Spain by place of birth, nationality and parents' place of birth, 2011. (Source: 2011 Census (National Institute of Statistics). Data on November 1st)

To examine the extent of nationality acquisition by the Spanish diaspora—that is, the migrant population born in Spain whose descendants were born abroad—as well as their demographic characteristics, our source is the *Padrón de Españoles Residentes en el Extranjero* (Register of Spaniards Resident Abroad), which is based on the *Registros de Matrícula de las Oficinas Consulares* (Registers of Consular Registration). Like any other record, the PERE collects the registrations and cancellations of people who fulfill, in this case, two basic requirements: possessing Spanish nationality and being permanent residents abroad. Registrations may result from four different circumstances: by birth, by change of residence or immigration, by omission—in other words, unregistered individuals whose residence is presumed—and by naturalization. The fact that registration is voluntary and provides no significant benefits leads to under-reporting by individuals whose numbers are difficult to determine. With regard to cancellations, they may be due to death or changes of residence to another country and, as with registrations, there is a void in the register when the individuals concerned or their family do not notify the consulate.

As can be seen in Table 2.5, the increase in the numbers of Spaniards living abroad has been spectacular over the last few years. Between 2009 and 2013, the period for which data is available, the population stock has grown by more than 442,000—that is, by 30%—to over 1,900,000 people. Individuals born abroad, especially in Latin America, account for most of this increase. In virtually all of the countries in the region, this group outnumbers the Spanish-born population, reaching very high levels in Cuba (98%), Chile (86%) and Mexico (82.5%). This change in the composition of the population abroad is a result of at least three concurrent factors: First is the aging of the Spanish-born population. As shown in Fig. 2.5, the elderly population born in Spain has high levels of registration, especially among those living in Argentina (83%), Uruguay (79%), Cuba (76.6%) and Brazil (72%). When analyzing these figures it should be noted that this population is over-represented due to under-reporting of deaths. This, together with the limited availability of vital statistics on the Spanish population abroad, prevents us from performing a more thorough analysis of the aging process and its effect on population

Table 2.5 Spaniards resident in Latin America by country of residence and place of birth, 2009–2013. (Source: Register of Spaniards Resident Abroad (National Institute of Statistics))

	2009			2013		
Country of residence	Total	Spanish-born	Foreign-born	Total	Spanish-born	Foreign-born
Argentina	300,376	96,043	204,333	385,388	93,939	291,449
Venezuela	158,122	58,021	100,101	183,163	56,592	126,571
Brazil	78,505	32,243	46,262	110,422	30,392	80,030
Mexico	69,571	17,723	51,848	100,782	17,646	83,136
Cuba	42,592	2669	39,923	97,980	2229	95,751
Uruguay	49,443	13,710	35,733	62,491	13,114	49,377
Chile	30,709	6154	24,555	51,768	7324	44,444
Ecuador	5502	2213	3289	21,009	6650	14,359
Colombia	11,959	3765	8194	18,213	4496	13,717
Dominican R.	12,855	3445	9410	17,382	3623	13,759
Rest of countries	32,339	10,479	21,860	58,519	13,684	44,835
Latin America	791,973	246,465	545,508	1,107,117	249,689	857,428
Total	1,470,859	644,388	813,637	1,913,376	675,862	1,237,514

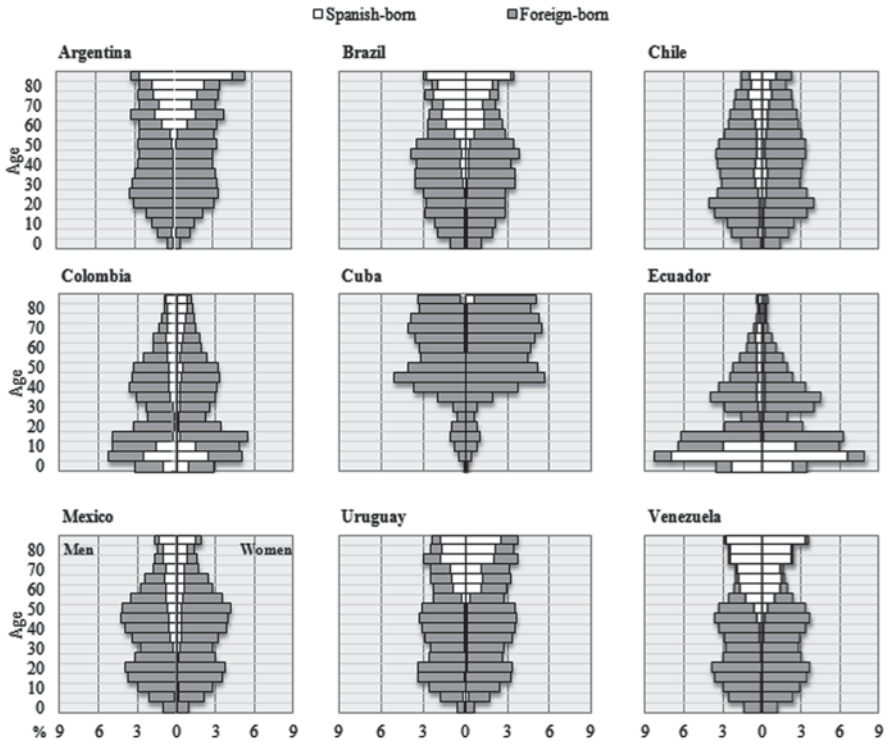


Fig. 2.5 Age pyramids of the Spanish population resident abroad by birthplace. Main countries of residence, 2013. (Source: Register of Spaniards Resident Abroad (National Institute of Statistics))

stocks. The acquisition of nationality by descendants of Spanish nationals is the second—and main—component of change. In this regard, the aforementioned Law of Historical Memory played a decisive role. As discussed in previous sections, this law has allowed descendants of Spanish nationals who had to emigrate for political or economic reasons after the Civil War to acquire Spanish nationality. It has been estimated that the number of applicants while the law was in force, between December 2008 and December 2011, was more than 500,000. Of these, the majority of applications were made from Latin American countries (95%), mainly from Argentina, Cuba and Mexico (Izquierdo 2011). The latest figures released by the Spanish authorities in May 2014 revealed that about 300,000 nationality applications were approved, while around 25,000 were rejected.⁷ Consequently, it is reasonable to attribute much of the change in the stock of Spanish population abroad to the effect of legislation. In fact, the largest increases in the foreign-born population have occurred in some of the countries with the highest number of applications for nationality, such as Argentina, Cuba, Mexico and Venezuela. However, the change in the composition of the Spanish population abroad is not explained only by the diaspora's access to nationality, but also by new Spanish emigration. Although it is an emerging phenomenon that has been little explored, in previous research we have found that in the current Spanish migration, very diverse flows converge, not only demographically but also in the places of origin and destination countries involved. Thus the migration of young people and adults coexists with the re-migration of returning Spaniards and the so-called neo-Hispanic migration, or in other words, the population born abroad linked to previous immigration or in the country that has acquired Spanish nationality (Domingo et al., 2014).

Conclusions: Transnational Communities and Migration Founts

The Latin American migration boom in Spain and the fortunes of its nationals within Spanish borders, can not be understood without taking into account the positive discrimination in Spanish law, as has already been stated in the first chapter of this volume. However, the effects of the crisis must also be included in any understanding, even before considering the comparative advantage that Latin America natives have been given over other immigrants in Spain. Regardless of whether this preference is reflected in greater upward social mobility, it is interesting to note how discrimination that was not intended as a selection tool on migration flows—despite appearances—in particular, nor as part of immigration policy in general, has ended up being so. And how, completely involuntarily, it has, along with previous migratory dynamics, created a transnational community as well as great potential for migration in the future in both directions.

⁷ This information was supplied by the Ministry of Justice to a parliamentary request by a member of Congress, Jon Uñarritu, representing Amaiur. Congreso de los Diputados (2014).

The preference of the law, although ratified in the reform of the Civil Code in 1990, had its roots in the providential discourse on Hispanidad having been established in 1954 during the Franco dictatorship, when the migration situation was very different, that is to say, when those that formed the greater part of the transatlantic flow with destinations in Latin American countries continued to be Spanish. The idea of Hispanidad underlying the positive discrimination for Ibero-American migrants (in which, besides Latin Americans properly speaking, nationals of the Philippines citizens are included and, since the eighties, those of the former colonies of Equatorial Guinea, Andorra and the descendants of the Sephardic population expelled from Spain in 1492), is based on ethno-cultural assimilation of Latin American migration thanks to historical ties and linguistic commonality. In other words, preferential access to Spanish nationality by residence is explained primarily by a discourse related to national identity rather than to flow management or settlement of immigrant stocks.

For the entire immigrant population, at 2.2% per year, Spain has shown relatively low rates of naturalization during the years 2003–2012, or for the complete rise and fall of the migratory wave that was composed chiefly of, among others, Latin Americans. Three principal factors explain this low and outdated level, as compared to other countries: (1) Endemic delays in a bureaucracy characterized by its slowness, in a process already troubled by difficulties; (2) The impact that the economic crisis itself may have had by eliminating candidates and therefore diminishing the final numbers—although the acquisition of Spanish nationality may also have served to slow emigration; and (3) The high degree of irregularity as a structural factor in the Spanish immigration process. It is precisely in this context of relatively low acquisition of nationality that Latin Americans are over-represented not only in general terms, with 78.7% of all acquisitions, but also in relative terms, with 5.5% of annual nationalizations. This is double the level of migration flows with other origins that have historically been more important, such as that of Africans, particularly the Moroccan population. However, the lack of data on acquisitions (and rejections) does not allow us to translate the number of nationalizations into a difference that would suggest added discrimination in the legal procedure.

Obviously, the differences by type of nationalization between different Latin American countries reflect the pace of migration flows. In this way, for nationalities with lower flow levels, the number of nationalizations unrelated to residence has increased (as with, for example, Mexico), while for the rest, there is a deviation from the average that could be the consequence of the process, irrespective of the number of years strictly necessary to acquire nationality, which in practice takes longer than the mandated two for an average of 6 years. Thus, during the first phase, the actors are the pioneers of Latin American migration: Peruvians, for example, although at this time the largest flows are those of the Ecuadorians. The instrumental nature of the acquisition of nationality is reflected in the low percentage of nationalizations by residents from EU countries, even those where Spanish migration was as substantial as that in Latin America during the sixties. It is worth bearing in mind that for non-EU nationals, the acquisition of Spanish nationality means access to better conditions for movement in the rest of the European Community.

Finally, the comparison of the composition of the populations born in Latin America and resident in Spain by their nationality, on the one hand, with that of Spanish residents living abroad by their place of birth, on the other, brings us closer to the possibilities of a population that—thanks to the legal status they enjoy that grants them Spanish nationality—can be considered as both belonging to transnational communities (including people of other nationalities) that reflect recent and past migration pools, as well as being the fount from which possible migratory movements in both directions might some day spring.

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