

# **WORKING PAPER SERIES**

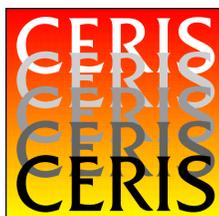
## **CITIZENSHIP, MIGRATION, AND SOCIAL INTEGRATION IN SWEDEN: A MODEL FOR EUROPE?**

**Elena Dingu-Kyrklund**

**CERIS Working Paper No. 52**

**January 2007**

**Series Editor for 2006/07  
Michael J. Doucet, PhD  
Department of Geography  
Ryerson University  
350 Victoria Street  
Toronto, Ontario  
M5B 2K3  
mdoucet@ryerson.ca**



**Joint Centre of Excellence for Research  
on Immigration and Settlement – Toronto**

## **The CERIS Working Paper Series**

**Manuscripts on topics related to immigration, settlement, and cultural diversity in urban centres are welcome. Preference may be given to the publication of manuscripts that are the result of research projects funded through CERIS.**

**All manuscripts must be submitted in both digital and hard-copy form, and should include an Abstract of 100-200 words and a list of keywords.**

**If you have comments or proposals regarding the CERIS Working Paper Series please contact the Editor at:**

**(416) 946-3110 or e-mail at <[ceris.office@utoronto.ca](mailto:ceris.office@utoronto.ca)>**

**Copyright of the articles in the CERIS Working Paper Series is retained by the author(s)**

**The views expressed in these articles are those of the author(s), and opinions on the content of the articles should be communicated directly to the author(s) themselves.**

**JOINT CENTRE OF EXCELLENCE FOR RESEARCH  
ON IMMIGRATION AND SETTLEMENT – TORONTO (CERIS)  
246 Bloor Street West, 7<sup>th</sup> Floor, Toronto, Ontario, Canada M5S 1V4  
Telephone (416) 946-3110 Facsimile (416) 971-3094**

**Citizenship, Migration, and Social Integration in Sweden:  
A Model for Europe?<sup>1</sup>**

**Elena Dingu-Kyrklund  
Centre for Research in International Migration and Ethnic Relations  
Stockholm University  
106 91 Stockholm, Sweden  
E-mail: Elena.Dingu-Kyrklund@ceifo.su.se**

**ABSTRACT**

Transnational migration has been a constant element of human existence. Admission and integration of migrants has, in time, become an increasingly important element of decision-making policies in many nations. Classifications of voluntary and involuntary migrants according to their reasons for migrating and the socio-economic and political reasons for the acceptance of such individuals by the receiving countries have been the object of numerous national and international pieces of legislation. This has served to underscore the importance of belonging for all parties involved: both migrants (more or less welcome in their adoptive countries) and states alike. In a formal sense, the ultimate signal of unlimited acceptance remains the granting of citizenship by his/her new country to the “adoptee-resident.” Only citizens normally enjoy an unconditional right to live and reside without restrictions in a given country. Traditionally, this ultimate form of acceptance was (mutually) exclusive, which, for a long time, made it practically impossible for a person to be a citizen of more than one state. Gradual globalization and an unprecedented development of the very concept of citizenship, from a horizontal, national perspective to an emerging vertical, supra-national level (consider, for example, the concept of EU-citizenship and the special case of the Nordic states), required, at some point, a redefinition and re-evaluation of the concept of citizenship, in both formal legal and more informal terms. This paper examines this redefinition and re-evaluation within the context of Sweden.

**KEY WORDS:** (im)migration, integration, citizen(ship), naturalization, residents, immigration policy.

---

<sup>1</sup> Editor’s Note: While the subject matter of this paper does not fall within the normal CERIS research mandate, which is focussed on immigration and settlement issues in Ontario, including pan-Canadian perspectives, this paper is being published as part of the CERIS Working Paper series because it was presented at a CERIS Seminar on 19 October 2005. Nevertheless, most Canadian readers should find the discussion of the debate over the acceptance of dual citizenship in Sweden to be of considerable interest in light of recent debates over this issue in Canada.

## **ACKNOWLEDGMENTS**

My sincere thanks to those colleagues, who encouraged me to pursue this research, especially to Professor Emeritus Tomas Hammar, for all his support and valuable comments. Thanks are also due, if indirect, to the European Commission and DG-research, who funded the NATAC-project, for which a good part of the background information, upon which this work is largely based, was initially collected.

A special acknowledgment to my family, for their constant support: my husband and friend Linus, my first reader, who put up with my late nights' working, and my wonderful daughter Johanna Marie-Christine, who had to put up with all my books and papers invading our private sphere, and who has always been a constant inspiration to me.

## LIST OF ABBREVIATIONS

DsA – *Departement serien, arbetsmarknad*

FB – *Föräldrabalken*, Parentage Law

Ju – Justitiedepartementet, The Justice Department's series

MdbL – *Medborgarskapslagen*, The Citizenship Act

MIA – *Myndigheter för internationella adoptionsfrågor*, The Swedish Intercounty Adoptions Authority

NIPU – Ny instans och processordning (I migrationsfrågor): Utredning; New Instance and Procedural Order (in migration matters): Official Committee Report

Prop. – *Proposition*, a Government legislative proposal/Bill to the Riksdag, a legal document preceding the adoption of a new law or amendment of a law

PUT – *Permanent uppehållstillstånd*, permanent residence permit (as opposed to TUT – *Temporärt uppehållstillstånd*, temporary residence permit)

RÅ – *Riksåklagaren*, State Prosecutor

RF – *Regeringsformen*, "The form of government", one (the main) out of four constitutive parts of the Swedish Constitution

RPS – *Rikspolisstyrelsen*, Central Department of the Police

Rskr – *Riksskrivelse*, governmental writ

SÄPO – *Säkerhetspolisen*, Swedish National Security Police

SCB – *Statistiska Centralbyrån*, Statistics Sweden

SIV – *Statens invandrarverk*, Immigration Board until 1 July 2000 when it became *Migrationsverket*, The Swedish Migration Board

SÖ – *Sveriges överenskommelser (med främmande makter)*, Sweden's agreements (with foreign powers), the special collection of laws enacting treaties and agreements with other countries in the Swedish legislation

SOU – *Statens offentliga utredningar*, Official Committee Reports series

UtlL – *Utlänningslagen*, The Aliens Act

UtlN or UN – *Utlänningsnämnden*, The Swedish Aliens Board, until March 31st 2006, when it was abolished. After this date, migration matters fall under the Swedish judicial system and are handled by a specialised Migration Court of Law, *Migrationsdomstolen*, that is to act as an Appellation Court in matters of migration (for example, immigration, citizenship) instead - with decisions taken by the Swedish Migration Board in the first instance.

## Table of Contents

ABSTRACT .....	i
KEY WORDS .....	i
ACKNOWLEDGMENTS .....	ii
LIST OF ABBREVIATIONS .....	iii
PATTERNS OF MIGRATION, INTEGRATION, AND CITIZENSHIP .....	Page 1
IMMIGRATION, INTEGRATION AND CITIZENSHIP POLICY:	
THE SWEDISH CONTEXT .....	Page 3
Some General Characteristics .....	Page 3
Immigration, Integration, and Citizenship in Post-WW II Sweden .....	Page 5
The Post-WW II to 1975 Period .....	Page 5
The 1975-1994 Period: From Assimilationism to Integration Policy .....	Page 6
From 1994 to the New Millennium – Post-Multiculturalist Policies? .....	Page 7
ACCESS TO CITIZENSHIP AND POLITICAL INTENTIONS .....	Page 9
The Importance of Citizenship for the Integration Process .....	Page 9
Influencing Numbers: Incentives and Inhibitative Factors with Regard to Naturalisations .....	Page 11
DEMOGRAPHIC AND STATISTICAL DEVELOPMENTS –	
FROM A MONO-CULTURAL TO A MULTINATIONAL STATE? .....	Page 13
General Features: An Historical Overview .....	Page 13
Sweden: A Homogenous Land? .....	Page 14
Specific Groups and Migrants .....	Page 17
Impact of the 2001 Reform .....	Page 18
Political or Social Goals and Migration/Integration Policies .....	Page 20
Political Background .....	Page 21
Political Debates .....	Page 22
Current Policies and Institutional Arrangements .....	Page 24
Special Institutional Arrangements: The Swedish Legislative Process .....	Page 24
THEORIZING CITIZENSHIP: CONCEPTUAL BASICS .....	Page 25
Citizenship as an Evolving Concept and Its Significance .....	Page 25
Main Modes of Acquisition and Loss of Citizenship in Sweden:	
From <i>Jus Sanguinis</i> to <i>Jus Domicilii</i> .....	Page 30
General Features: A Summary .....	Page 30
Historical Development .....	Page 31
From the Pre-Constitutional Period to the Post-WW II Years .....	Page 31

Some Pre-Modern Historical Outlines .....	Page 32
From the 1809 Constitution to WW II .....	Page 34
Post-WW II to 1984: The Modern Swedish Citizenship Act (1950: 382) .....	Page 35
1985-2005: The Path to the New Swedish Citizenship Act (2001: 82) .....	Page 36
The New Citizenship Act (2001: 82) .....	Page 38
CITIZENSHIP IN PRACTICE .....	Page 40
Main Modes for the Acquisition of Nationality .....	Page 40
Acquisition by Children .....	Page 40
Jus Sanguinis: Automatic Acquisition at Birth .....	Page 40
Foundlings: <i>Jus Sanguinis</i> Assumption (by Presumption) at Birth .....	Page 40
Acquisition by Children after Birth .....	Page 41
Filial Transfer/ <i>Jus Sanguinis</i> : Acquisition by Extension .....	Page 41
Filial Transfer: Acquisition by Legitimation .....	Page 41
Filial Transfer: Acquisition by Adoption .....	Page 42
Jus Soli: Stateless Children Born in Sweden .....	Page 42
Jus Soli: <i>Jus Domicilii</i> by a Child Born or Grown Up in Sweden Stateless .....	Page 42
Automatic Subsidiary Extension to a Child .....	Page 43
Acquisition by Youth and Adults .....	Page 43
Acquisition of Swedish Citizenship by Youth Grown Up in Sweden ( <i>Jus soli</i> ) .....	Page 43
Reacquisition by a Person over 18 Years of Age .....	Page 43
Acquisition by Adults .....	Page 44
Loss of Citizenship .....	Page 44
Loss by Renunciation of or Release of Citizenship – by Application .....	Page 44
Automatic Loss by Statutory Limitation ( <i>Preskription</i> ) .....	Page 45
Dual Citizenship: An Evolving Debate .....	Page 46
Dual Citizenship by Naturalisation/Notification .....	Page 47
Counteracting Statelessness .....	Page 49
IMPLEMENTING CITIZENSHIP POLICIES .....	Page 51
Competent Bodies in the Swedish Legal System: Practical Procedural Aspects ....	Page 51
Differences in Implementation? .....	Page 52
Mechanisms of Appeal .....	Page 53
CONCLUDING REMARKS .....	Page 53
REFERENCES .....	Page 55
Published Works .....	Page 55
Laws and Ordinances .....	Page 57
Preparatory Works .....	Page 59
International Conventions .....	Page 61

Case Law .....	Page 62
Statistical Data .....	Page 62
Press Articles .....	Page 62

## PATTERNS OF MIGRATION, INTEGRATION, AND CITIZENSHIP

According to current estimates, “one in every 35 human beings is ... an immigrant living in a ‘foreign country’ [...] and more than 175 million people, temporarily or permanently, live outside their countries of origin” (Schneider 2005, 9).<sup>2</sup> This can be seen as one of the major impacts of globalisation, with its growing interdependencies between various parts of the world. Migration and integration patterns are interrelated. Migrants need to be accepted as belonging to their adoptive country, and feel sufficiently motivated to belong, before citizenship can become a realistic subject. According to various statistical sources, during the past half a century, Sweden has received about one million voluntary and involuntary migrants. Some migrant groups have been more numerous than others, and their willingness and motivation to naturalise has varied, often in relation to the motivation that brought them to Sweden (Table 1). At times, migration has compensated for negative demographic trends in Sweden, thus preventing a population reduction. Between 1900 and 2003, the percentage of foreign-born among the total Swedish population rose steadily, from a ratio of less than one in a hundred in the former year to one of almost one in eight by the most recent count. The 12 per cent foreign-born figure for Sweden in 2003 is not that far removed from better known immigrant-receiving nations. For example, the figure for foreign-born residents in Canada in 2001 was 18.4 per cent.

After the first waves of war-related asylum seekers, during the first decades after WW II, labour migrants began to constitute a majority of Swedish immigrants. Unlike other countries, Sweden didn't apply a *gastarbeiterpolitik*; rather it encouraged migrants both to bring their families and to become naturalised. Numerous groups of labour migrants arrived from Yugoslavia, Turkey, and Italy. Moreover, by the first half of the 1970s, more than 50,000 Finns and around 11,500 Norwegians became naturalised Swedish citizens. After the events in Hungary and Czechoslovakia during the 1950s and 1960s, many asylum-seekers also began to arrive from these countries and, later, from others, like Poland. Many of these, especially the Hungarians (over 5,000), became naturalised Swedish citizens, as did almost 17,000 Germans, many of whom most likely had come from the East, and 3,556 Americans.

During the late 1970s and the 1980s, the dominant categories of migrants came either for reasons of family reunification or to seek asylum. After 1973, however, Sweden's immigration policy became increasingly restrictive. Those already domiciled in Sweden were encouraged to become naturalised citizens. The second half of the 1970s and the 1980s were mostly dominated by family reunification and the arrival of other categories of asylum-seekers. Of these, migrants from Greece and Yugoslavia were the most dominant. After the Asian conflicts of this period, many Swedes adopted children from Korea (almost 9,000 in total) and Vietnam (almost 10,000). The development of tourism to remoter destinations has led to many arrivals of immigrants as spouses (mainly women) from countries like Thailand and the Philippines, of which a few thousand also have become naturalised.

Until 1989, the dominant categories of newly arrived immigrants continued to be family members and new waves of asylum-seekers fleeing from new zones of conflict, such as Chile, Argentina, and Uruguay, and also from Eastern European countries like Estonia and Hungary. Yet,

---

<sup>2</sup> ILO, IOM sources, and OHCHR in Schneider 2005, 9.

the most numerous groups of immigrants in this period were from Iraq, Iran, and Lebanon, and included some stateless Palestinians. Many Eastern Europeans continued to migrate to Sweden from Poland, Romania, and Bulgaria, but the most dominant groups were former Yugoslavs (more than 100,000), especially persons from Bosnia-Herzegovina, and, beginning in 1999, Croatians and other former Yugoslavs. The 1990s brought continued turmoil in the Middle East and new conflicts in Africa, especially in Ethiopia, Somalia, and Eritrea. These also were the countries whose citizens were the most prone to become naturalised in Sweden during this period. After 1995, Sweden became a member of the European Union (EU), which led to a certain amount of intra-European migration, a phenomenon including many Swedes who moved abroad. While those born in the Nordic region and the rest of Europe still constituted 58.3 per cent Sweden's foreign-born in 2003, those born in Asia accounted for some 27.4 per cent of the total, and had become more numerous than those born in the Nordic region. Those born in Africa and South America also have become more numerous among foreign-born Swedish residents, especially since 1980 (Table 1).

**Table 1: Swedish Population by Country/Region of Birth for Selected Years, 1900–2003**

Birth Country/Region	Year								
	1900	1930	1950	1960	1970	1980	1990	2000	2003
<b>Sweden</b>	5,100,814	6,080,534	6,844,019	7,195,250	7,539,318	7,690,282	7,800,185	7,878,994	7,897,595
<b>Nordic, except Sweden</b>	21,496	33,232	99,080	174,043	320,913	341,253	319,082	279,631	279,160
<b>Europe, except Nordic</b>	7,010	15,117	77,310	78,984	176,463	190,990	220,806	330,018	349,873
<b>Africa</b>	79	328	355	596	4,149	10,025	27,343	55,138	62,339
<b>North America</b>	5,254	9,141	11,334	11,665	15,629	14,484	19,087	24,312	26,040
<b>South America</b>	90	261	412	679	2,300	17,206	44,230	50,853	54,371
<b>Asia</b>	102	456	992	1,678	9,841	45,112	150,487	253,024	295,304
<b>Oceania</b>	59	66	93	211	558	962	1,866	2,981	3,405
<b>Soviet Union</b>	1,506	2,990	8,097	31,861	7,244	6,824	7,471	7,584	7,104
<b>Unknown</b>	46	66	137	162	488	97	73	257	479
<b>Total Born Abroad</b>	35,627	61,657	197,810	299,879	537,585	626,953	790,445	1,003,798	1,078,075
<b>% Born Abroad</b>	0.7%	1.0%	2.8%	4.0%	6.7%	7.5%	9.2%	11.3%	12.0%

**Source: Statistics Sweden, *Befolkningsstatistik del 3, 2000***

The beginning of the 2000s has been characterised by a double migration process. On the one hand, there were attempts to both block unwanted immigration from third countries and to encourage both intra-EU and intra-Nordic freedom of movement. On the other hand, Sweden began preparing to compensate for its future estimated shortages in the labour market with efforts to attract new, and highly skilled “labour” immigrants. While there is nothing in the Swedish integration policy to suggest that future naturalisations should be hampered, indeed, the opposite is true, access to resident status, which is a condition for most non-automatic naturalisation modes, is most likely to continue to be restricted.

At this moment, almost one million naturalised persons are estimated to be living in Sweden. This equates to about 12 per cent of the current population (Table 2). This paper has a double focus: 1) to depict some major correlations and interrelations between migration as a process and integrational patterns that have led, or not, to acquisition of citizenship in Sweden, and 2) to place some focus on citizenship as a conceptual construction and, on this basis, examine its practical and legislative evolution in Sweden.

## **IMMIGRATION, INTEGRATION AND CITIZENSHIP POLICY: THE SWEDISH CONTEXT**

### **Some General Characteristics**

International migration and integration are directly connected to the right to stay and the possibility of enjoying (equal) rights, first as a resident and ultimately as a citizen. In the Swedish context, a resident enjoys almost the same rights as citizens – in social, economic, and political terms, however, some important differences remain. These include: the right to vote in national elections and, especially the unrestrained, inalienable right to reside, which are still exclusively reserved to citizens. The country’s immigration and integration policies also reflect the general development of society and the changes occurring within it. Thus, the citizenship issue, to a large extent, has been a secondary issue; the main and most difficult concern for non-Swedes remains that of immigration, which involves basic admission to and becoming officially domiciled in the country.

In considering the importance of citizenship in the Swedish context, its ultimate significance as grounds for indefinite residence (see above) should not be underestimated.<sup>3</sup> Citizenship in Sweden has not been a static concept. In light of both EU-integration and globalisation, a number

---

<sup>3</sup> A recent instance of this ultimate importance is a case that made headlines at the beginning of 2005, when a Turkish citizen domiciled for 38 years in Sweden (arrived 1968, PUT since 1971), whose entire family, now all Swedish citizens, live in Sweden, suddenly had his residence permit withdrawn. The reason given was that, after retirement, he had “lived about half the time in Turkey” and “there is hardly any dependency relationship to the children living in Sweden” (excerpt of the motivation to the expulsion decision published in METRO on 15.10.2005, p.13). Even an initial appeal was rejected, until the pressure of the public opinion, stunned by this unbelievable occurrence, led to a modification of the decision of the Aliens’ Appeals Board. It should also be mentioned that it is otherwise very common among Swedish retirees to spend long months abroad every year – preferably in warmer places, very often outside Europe.

**Table 2: Naturalised Persons Living in Sweden**

<b>Birth-country/-place</b>	<b>Pre- 1967</b>	<b>1967-70</b>	<b>1971-80</b>	<b>1981-90</b>	<b>1991-95</b>	<b>1996</b>	<b>1997</b>	<b>Total</b>
Total naturalised pers.	122,123	36,546	150,589	169,761	160,270	25,190	26,074	690,553
<i>Nordic non-Swedish</i>	58,249	13,816	52,381	32,549	9,416	923	782	168,116
<i>of which Finnish</i>	35,619	10,508	44,310	27,340	7,662	707	608	126,754
<i>European non-Nordic</i>	45,835	6,688	29,709	32,305	31,611	4,151	8,525	158,824
<i>of which Yugoslavians</i>	854	620	5,445	5,096	17,400	1,869	4,741	36,025
<i>African</i>	1,982	78	2,116	5,802	10,584	2,974	2,060	25,596
<i>of which Ethiopians</i>	237	17	599	1,665	5,025	1,586	839	9,968
<i>North America</i>	6,477	137	871	941	1,247	278	291	10,242
<i>of which USA</i>	5,287	94	418	191	108	25	22	6,145
<i>South America</i>	2,459	58	2,907	12,651	9,900	1,343	1,061	30,379
<i>of which Chileans</i>	559	2	2,054	6,017	6,125	669	466	14,992
<i>Asian</i>	4,220	643	12,186	36,743	56	8,895	7,223	125,567
<i>of which Iranians</i>	458	26	546	3,046	18,382	2,387	1,967	26,812
<i>&amp; Turks</i>	233	28	523	6,206	8,002	1,241	787	17,020
<i>Oceania</i>	514	5	86	60	35	5	12	717
<i>of which Australians</i>	437	5	72	39	20	1	8	582
<i>* Soviet Union</i>	2,363	128	657	831	1,473	329	214	5,995
<i>Unknown</i>	24	-	1	8	9	-	13	55
<i>Stateless</i>								
<b>Sweden born - Total</b>	...	14,993	49,675	47,871	40,338	6,292	5,893	165,062
<b>Foreign - Total</b>	122,123	21,553	100,914	121,890	119,932	18,898	20,181	525,491
<b>Idem - incl. Sweden</b>	122,123	36,546	150,589	169,761	160,270	25,190	26,074	690,553

Source: Statistics Sweden

of modifications have been made lately to Swedish legislation. For example, the requirement of Swedish citizenship to occupy certain positions has been modified, and now includes only judges, general directors, and the like (see RF §6: 9; Dingu-Kyrklund and Kyrklund 2003, 93; and Prop.2001/02: 92).

### **Immigration, Integration, and Citizenship in Post-WW II Sweden**

The Swedish political arena can be characterised by its concerted tendencies to avoid conflict, trying instead to find acceptable consensus agreement terms, especially when important matters, with a potentially wide impact on the entire society, have been at stake. A good illustration of this was the adoption of the 1976 Constitution, which was negotiated from 1973 to 1976. At the time, the Social Democratic government wanted to insert a general right to a dwelling as a Constitutional right, while the right-wing block<sup>4</sup> wanted to have a Constitutional Court. The impasse was ended when both sides gave up agreeing upon the mutual renunciation of their respective demands. It also should be noted that during that period, the Social Democrats had to govern by ballot, due to the even mandates between the blocks. This proved to be symbolic of future problems for the Social Democrats, and, indeed, they lost the next election in 1976, thus ending 40 years of absolute domination in Swedish politics. This would be the first of three instances in which the quasi-uninterrupted dominance of the Social Democratic Party was broken. The only other times when this has happened were in 1991, when they lost again, and on 17 September 2006. In these most recent elections, the voters brought to power a four party centre-right-wing alliance comprising: (*Nya*) *Moderaterna* – The New Moderate (Liberal Conservative) Party, *Folkpartiet* – The Liberal Party, *Centerpartiet* – The Center Party, and *Kristdemokraterna* – The Christian Democrats. Together these four formed the so-called Alliance that successfully agreed to present a common platform to the electorate as a government alternative to the Social Democrats. In both of the earlier cases, their defeat could be related to a moment of socio-economic crisis and a certain degree of international political instability. In the first case, defeat came after the oil crisis shock. In the second case, it was related to unprecedented levels of unemployment leading to a general crisis in the economy that jeopardised the welfare system. At the same time, the international arena was being shaken by the fall of the Eastern European block, and the consequent rise of a right-wing political wave. The Swedish welfare system presupposes almost total employment levels, and high levels of unemployment, thus, remain Swedish society's Achille's heel. That is why to "do your bit," "*att göra rätt för sig*," in the society has become almost a socio-cultural mantra of integration or disintegration, which has led to the paradox of immigrant integration, in a way, but can also explain, at least to some extent, a number of the characteristics of Swedish immigration policy development over time.

#### *The Post-WW II to 1975 Period*

The first portion of the post-WW II period in the Swedish context stretches from the end of the War to the time of the Oil Crisis in 1972-73. This was a period of intensive growth, both economically and demographically. During this interval, Sweden became a net immigration country, and even actively imported

<sup>4</sup> The Moderate Party (*Moderaterna*), the Liberals (*Folkpartiet*), and the Center Party (*Centerpartiet*).

labour from countries such as Italy, the former Yugoslavia, and Turkey. Collective labour force importation, however, occurred for the last time during the budgetary year 1971/72 (SOU 1982: 49), after which the number of labour immigrants accepted was gradually and then drastically reduced.<sup>5</sup> During the first decade, just the will to come and work had been sufficient to gain admission. Everybody was welcome to stay for a shorter or longer period of time – or forever, and labour migrants were free to bring their families to Sweden, if they so chose, and to become naturalized, if they so desired. The passage of new legislation on citizenship in 1950, in a way, had been intended to preserve earlier traditions, even as the realities of the time called for a more liberal approach. Politically and internationally, this piece of legislation developed in sync with the reconstruction initiated through the Marshall Plan, the evolution of the UN system, and the groundwork that was being done for the future European Union. On the national level, this was a period with an economy in full swing, and a period when the Social Democrats managed to establish a welfare system symbolically rooted in the so-called “Folk/Peoples’ Home” concept, (*Folkhemmet*). This approach recognized the state’s responsibility to provide a decent place to live for everyone. The first immigrant integration measures date from around 1965, when the first courses in Swedish for immigrants were inaugurated. This marked a turn from the earlier free immigration to a new policy based on regulated immigration that was meant to redirect resources to foster the integration of those persons already living in the country. A 1968 *Riskdag* decision (Prop. 1968: 142) initiated a principle of equal opportunities and an assimilation policy for immigrants. This would crystallize during the following years, leading to the first Immigrant investigation (*Invandrarutredningen*). Its Committee Report (SOU 1974: 69) led to a new policy for immigrants and minorities. Its three main principles: *equality*, *freedom of choice*, and *partnership* (or cooperation), as articulated in Proposition 1975: 26, are still considered basic slogans in Sweden (Westin and Dingu-Kyrklund 1997, 8). A consequence of this policy was a trend to encourage the naturalisation of permanent residents, something that has developed throughout the years.

### *The 1975-1994 Period: From Assimilationism to Integration Policy*

At the beginning of the 1970s, the character of immigration to Sweden changed, from a labour- to a refugee-dominated flow. The large numbers of persons waiting for decisions on their status and the concentration of resources on an asylum policy, raised new questions during this period. In fact, immigration and integration policies began to compete for the same resources. At the same time, the concept of “minorities” ceased to be used with reference to immigrants. Nevertheless, the 1975 slogans continued to form the backbone of Swedish integration policy.<sup>6</sup>

In 1984, a new Official Committee Report on “Immigrant- and Minority Policy” was released. This Committee had been appointed in 1980 to investigate both immigration and integration policy, and, in the end, it formulated a new version of this policy (SOU 1984: 58). Even though some considered this report to be indicative of a change of direction, it really confirmed the continued development of Swedish policy in the same direction, whereby immigrants’ needs should be fulfilled within the framework of general policy, and not through special measures. The formulations that were adopted seemed to add a fourth basic integration

---

<sup>5</sup> By 1967, a requirement to get a residence and work permit before arrival, which only applied to labour immigrants, had been introduced.

<sup>6</sup> At this time, the focus in Sweden was on integration rather than assimilation.

principle to those already in place, namely, that of “good ethnical relations.” In Prop. 1990/91:195, it was considered, among other things, that the freedom-of-choice principle needed to be further clarified (SOU 1996: 55, p.69).

The beginning of the 1990s in Sweden was characterized by an economic recession and concomitant levels of unemployment that reached around 10 per cent, an unprecedented figure in post-war Sweden. For the first time, even academics and other professionals, such as jurists, who had never before been affected by unemployment, found no jobs. Moreover, 1991 was the year when the right wing, for only the second time in Swedish history, won a national election, breaking for the second time since 1976, the otherwise uninterrupted Social Democratic dominance in Swedish politics. As a clear result of significant public discontent, the election of 1991 brought to the Riksdag for the first, and so far only time, an extreme right wing party called The New Democracy (*Ny demokrati*). A first consequence of this change was that Prop. 1990/91:195, mentioned above, was withdrawn. This decision influenced, to a certain extent, Swedish immigration policy, leading to new amendments that, in the short term at least, drastically reduced the possibility for certain categories of refugees to seek shelter in Sweden, even if they had been able to do so previously (Prop. 1994/95: 179, Amendments in the Immigration Act). There was, however, hardly any impact of that change with regard to Swedish citizenship legislation, apart from some increased attention devoted to the good conduct clause (SOU 1994: 33, The Importance of Good Conduct in Citizenship Matters), resulting in an amendment (1995: 774) which imposed a harsher application of the good conduct clause, which had been in force since 1 July 1995. That same Committee Report (SOU 1994: 33) had proposed the introduction of a clause allowing for the loss of citizenship for naturalised citizens who committed serious crimes, thus making possible their expulsion. That proposal was rejected at the time, but that did not preclude the possibility of reopening the discussion in the future.

#### *From 1994 to the New Millennium – Post-Multiculturalist Policies?*

The Social Democratic government returned to power in 1994, but many of the Party’s positions adopted since then seem to have been crafted to attract right-wing voters. Increasing parts of their policy have been shifted to the right/centre right, and, on occasion, the Social Democrats even have been accused of adopting the policies of the right-wing parties. On migration issues, the adoption/enactment of both the Dublin

Convention<sup>7</sup> (Prop. 1996/97: 87) and the Schengen Agreement<sup>8</sup> (Prop. 1997/98: 42, Prop. 1999/2000: 64) led to increased attention devoted to such matters as identity issues and the need to adapt Swedish policy to the common immigration and integration policies of the EU. Towards the end of 1994, a new official investigation was initiated regarding Sweden's immigration and integration policies. It was completed two years later and led to a new Citizenship Act (SOU 1996: 55/56/57; Prop. 1997/98: 16). Thus, in Sweden during this period, there were tendencies with paradoxical directions; on the one hand, more liberal yet, at the same time, more restrictive in some areas. The term "multicultural society," which has been very fashionable ever since, also was minted during this same period of time.

In 1996, the Swedish Riksdag decided to pursue a new direction in immigration and integration policy, laying down the principles for a "Swedish policy on migration in a global perspective" (SOU 1996: 55, "Sweden, the future and multiculturalism," Prop.: 1997/98: 16, "*Sverige, framtiden och mångfalden*"). The main features of the new integration policy underlined the need to consider the ethnic and cultural diversity now characterizing Swedish society as a starting point for an integrated policy for the entire society. It was felt that such a policy should be "characterised by equal rights, duties and opportunities for all, irrespective of ethnic and cultural background . . . everybody should participate and mould [the policy]." At the same time, it was argued that the formal and informal barriers faced by persons with immigrant backgrounds must be identified and, as much as possible, removed (SOU 2000: 106 "Citizenship in the Swedish Legislation," p.101). Moreover, Prop. 1997/98: 16, regarding political integration, pinpointed the importance of integrating and reflecting Swedish society's inherent multiculturalism in its labour market. The same point of view was expressed in public administration policy, as formulated in Prop. 1997/98: 136. The legislation (1999: 130) concerning measures against ethnic discrimination in the labour market was based on the central idea that

---

<sup>7</sup> **The Dublin Convention** (see Official Journal C 254, 19/08/1997 p. 0001 – 0012), was signed by the EU-Member States in Dublin on 15 June 1990 and entered into force on 1 September 1997 for the 12 original signatories, on 1 October 1997 for Austria and Sweden and 1 January 1998 for Finland. It was meant to ensure that Member States were to carefully examine any applications for asylum, a matter not settled by the Geneva Convention on the status of refugees. The Dublin Convention established the so-called "first asylum-land principle," according to which the country with which an asylum-seeker first had contact was the one charged to examine and decide in the matter of accepting or not that applicant. According to Art. 3, if the applicant has a family member recognized as a Geneva Convention refugee in a Member State, or him-/herself has a valid residence permit, or even an expired visa issued from that Member State, or it is proved that the applicant first entered that Member-State's territory coming from a non-member state, that is also where the person's application will have to be examined. The only real exception to these provisions is that there can be a free decision of each and every Member-State that may, "for humanitarian reasons" examine an application for asylum at the request of another Member-State "provided that the applicant so desires" (Art. 9). In practice, Member-States seem to prefer to comply with their restrictive obligations under the Dublin Convention, referring an applicant to another, first asylum-land, as often as it is possible to do so.

<sup>8</sup> **The 1985 Schengen Agreement** between, as of 2006, 26 countries, includes all EU-nations except Ireland (partly associated, yet not included in the unique visa-system) and the United Kingdom. It also includes non-EU (EEA-members) Iceland, Norway, and Switzerland. The Schengen Agreement enabled the creation of a common border system, allowing free movement of legally residing persons within the so-called "Schengen-area." At the same time, it established common immigration policies. As compensatory measures, immigration check points were moved to its common external borders, strengthening the internal legal cooperation of the members and both harmonizing and tightening controls over the entry of third-country citizens into the zone and, thus, helping to stop illegal immigration. SIS (The Schengen Information System) and the SIRENE (Supplementary Information Request at the National Entry) systems have been established to enable as close cooperation as possible through a continuous data exchange. Following the EU-enlargement, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union became operational 2005. The Dublin Convention applies in asylum matters within the Schengen area.

employers should direct their efforts towards actively promoting ethnic and cultural diversity in the labour market (SOU 2000: 106 “Citizenship in the Swedish Legislation,” p.102). Its implementation led, among other things, to a governmental decision on 7 October 1999 (Ju 1999/4086/PP) which stated that there was now an obligation for all state authorities to make special plans of action to promote ethnic diversity among their employees. Subsequently, the Department of Culture noted that for several authorities (especially within the Defence Department), Swedish citizenship was a requirement for employment. This was considered to be a problem, and a barrier to progress. This marked the first time that the importance of citizenship had been underlined in such an explicit and pragmatic way (SOU 2000: 106 “Citizenship in the Swedish Legislation,” p.103).

## **ACCESS TO CITIZENSHIP AND POLITICAL INTENTIONS**

Citizenship is regarded as an essential vehicle for full participation in society at all levels. Access to citizenship has both formal and informal connotations, related, on the one hand, to legal status and non-discriminatory treatment claims, and, on the other hand, to the perception of a connection between the individual and society, as well as a relationship to the group(s) to which one belongs. Facilitating the acquisition of Swedish citizenship, and now even accepting dual citizenship, represented important initiatives in the immigrant integration process. Subjectively, this has meant allowing a formal legal expression of double belonging, beyond a recognition of mere cultural aspects, and in objective terms it has entailed enabling residents to get and feel more involved in the societal life of their chosen country of residence, perhaps even through enhanced political participation. Such changes imply not only a certain democratization of the structures shaping the society and its various aspects, but also a conceptual shift between the theoretical and practical aspects involved.

### **The Importance of Citizenship for the Integration Process**

The 1997 Committee Report on Citizenship (SOU 1997:162 “Citizenship and Identity”) concluded that the dominant policy trends during the previous several decades had facilitated the acquisition of Swedish citizenship, which created better conditions for an increased solidarity within the country. Indeed, the possibility of becoming a Swedish citizen was deemed to be a very important element in the integration process. For example, for children born or growing up in Sweden, this meant they could feel as if they truly belonged in Swedish society, which “[created] good prerequisites for integration, thereby reducing, at the same time, the risk of exclusion” (cited in SOU 2000: 106, p.103). The 1997 Committee also proposed holding special ceremonies for new citizens, as is done in Canada, to strengthen their integration feelings.

The same year, 1997, the Swedish government appointed a Citizenship Committee to 1) revise the 1950 Citizenship Act, 2) analyse special questions related to certain aspects of citizenship, and 3) propose measures meant to strengthen the status of citizenship. A year later, an additional task was added, namely, that of analysing the issue of dual citizenship, and its consequences, and also considering the implications of the 1997 European Convention on Citizenship (*Tilläggsdirektiv till 1997 års medborgarskapskommitté*, Dir. 1998: 50). The resultant Committee Report (SOU 1999: 34, “Swedish Citizenship”) formed the basis for a revised

Swedish Citizenship Act (2001: 82). The report showed, among other things, that, in practical terms, there had been an extensive agreement in the Riksdag as to the necessity for reconsidering the earlier Swedish position with regard to dual citizenship. In fact, since the beginning of the 1990s, representatives of almost all of the parties represented in the Riksdag had handed in motions in support of the acceptance of dual citizenship.<sup>9</sup>

The Committee Report (SOU 2000: 106, “Citizenship in the Swedish Legislation”) followed as a consequence of this policy line. This came about in response to a perceived need to reconsider the justifications for the requirement to be a Swedish citizen in order to apply for certain official positions. As a result, it was decided that for a number of positions, including lawyers, assessors, and the holders of a number of other official positions, it would no longer be required that applicants had to be Swedish citizen, but the domicile condition would be deemed to be sufficient.<sup>10</sup>

The new Swedish Citizenship Act (2001: 82) came into force on 1 July 2001. Building on the earlier initiatives to encourage the acquisition of Swedish citizenship, the provisions of this law enhanced the possibilities for naturalisation, with the most important reform being the acceptance of dual citizenship. There has been good political consensus around this law and its more lenient conditions, with a single exception, but one which is, however, quite typical of the response to the shift in the European political climate during the few last years. In Sweden, this opposition has come from the Social Liberal Party (*Folkpartiet*), whose representatives had some unexpected electoral victories during the 2002 elections with their campaign advocating the introduction of a Swedish language test as a condition for being granted Swedish citizenship.<sup>11</sup> As yet though, this issue remains under discussion, and it is not clear what changes the 2006 elections will bring about in this area. Lately, the general climate has tended to be harsher towards immigrants than at earlier times, and the earlier debate about the possibility of the withdrawal of citizenship has been reopened. In fact, a recent Committee Report (SOU 2006: 2, “*Omprövning av medborgarskap*” – Revocation of Swedish citizenship) about the possibilities of withdrawing Swedish citizenship, was presented in January of this year. It proposed that a possibility to withdraw Swedish citizenship should be introduced in cases when it had been obtained in a fraudulent way or had been granted based on false pretense (wrong personal information). Very recently, in October 2006, the Migration Board agreed with this point of view and confirmed that such a modification to the law is going to be made, but the intended time frame for this change remains unclear at this moment.

---

<sup>9</sup> Motions 1989/90: Sf637 and 1991/92: Sf608 – The Liberal Party (*Folkpartiet*); Motion 1991/92: Sf621 – The Social Democrats; Motion 1996/97: SfU622 – The Liberal Conservative Party (*Moderaterna*); 1998/99: Sf608 – The Center Party (Centerpartiet – former Farmers’ Party); 1998/99: f626 – The Environmentalist Party (Miljöpartiet) – the latter three were rejected before publication of the Committee Report.

<sup>10</sup> See also: Ordinance 1975: 608 regarding the requirement of Swedish citizenship for access to certain official positions, abolished on 1 July 2001 by Prop. 2001/02: 92, which lifted the requirement of being a Swedish citizen for lawyers and certain other positions.

<sup>11</sup> In the 2002 elections, the Social Liberal Party won 48 seats in the 349-member Riksdag, a gain of 31 from the 1998 election. This left them in third place behind the Social Democrats (144 seats) and the Moderates (55 seats).

## **Influencing Numbers: Incentives and Inhibitative Factors with Regard to Naturalisations**

At present, to qualify for Swedish citizenship, there are no requirements for language proficiency or knowledge either of the country's history or its political institutions. There is, however, a good conduct clause requirement. Applications for Swedish citizenship may be rejected, and have been rejected, or postponed for a given period of time (proportional to the seriousness of the punishable deed), in cases where the applicant had been sentenced for criminal offences or even for having been found guilty for certain misdemeanours.<sup>12</sup>

In order to encourage naturalisations, especially among older immigrants who had lived for long periods of time in Sweden but still felt reluctant to renounce their original citizenship, a legislative proposal from 1999 led to the full acceptance of dual citizenship. This was codified in the 2001 Citizenship Act, thus departing from the old European Convention for limiting multiple citizenship, which dated from 1963.<sup>13</sup> The latter now has been renounced in favour of the more lenient position of the 1997 European Convention on Citizenship, which was ratified by Sweden in the same year in which the new Citizenship Act was adopted (SÖ 2001: 20).

The main question as far as immigration is concerned remains the right to stay, a concept that has been consolidated as a permanent right to reside. This right can best be guaranteed through access to citizenship. The factors influencing the propensity to naturalise are diverse, and range from personal considerations to policies in both the sending and receiving countries. Decisions frequently are based on the objective and subjective factors that are most likely to influence one's everyday life, with many pros and cons attached to each consideration. Citizenship has a highly symbolic significance for the creation of a sense of belonging, which can be crucial for individuals if they are to feel integrated and an accepted part of Swedish society. That is why it may have been very difficult for persons who still felt very attached to their country of origin to even consider abandoning what may be their last link to their earlier life. Such circumstances underscore the importance of accepting dual citizenship. Objectively, only citizenship can ensure one's unlimited right to stay in a country without ever risking deportation.

No organized Swedish migration policy seems to have existed before 1975. Prior to that date, citizenship-related-policies had been incorporated into a more general integration policy. An Official Committee Report from 1967 (*Invandringen/The Immigration*), concluded that "during the 1940s, 21,000 foreigners became Swedish citizens, 86,000 during the 1950s and 46,000 during 1961-1965, [totaling] 153,100 between 1945-1965." Most of these persons came from the Nordic and neighbouring countries like the Baltic states, Poland, Russia, Germany, Hungary, and Austria, with some also from the USA. Among these, the most prone to naturalise came from Finland, the Baltic states, and Germany, all of whom had two-digit naturalisation rates. During this period, immigration was a welcome phenomenon, one more closely

---

<sup>12</sup> The good conduct clause plays an important role in the naturalization procedure and the prolonged waiting time for applying for citizenship in such cases is clearly stated by the authorities and is directly related to the gravity of the crime or misdemeanour. Thus, besides criminal offences leading to a prison sentence, even if suspended, or fines, even such misdemeanours as: not having paid taxes, fines or other fees, not having paid child alimony (even delays are deemed), etc., may lead to prolonged waiting periods, so-called *karenstid*, that can amount to 1-10 years or more waiting after served sentence.

<sup>13</sup> The European Convention for Human Rights was altered in 1999 in so many ways that it is considered as a "new" Convention today.

related to labour market needs than to those of governmental bodies. At that time, however, a new Report was expected with the hope that it would contribute to laying the foundation for a new Swedish immigration and integration policy, which would, thus, be upgraded to a higher control level.

A later Committee Report with similar goals (SOU 1982: 46, *Invandringspolitiken/The Immigration Policy*) showed that, between 1967-1980, 220,801 persons had become naturalised, once again with an absolute dominance of Finns (65,000). Other important sources of new naturalised citizens came from the rest of the Nordic countries (14,267 together), the rest of Europe (44,838), and non-Europeans (22,548). According to the 1982 Report, the naturalisation data available until 1973 were unreliable due to discrepancies among the various statistical data from different sources that failed to corroborate each other. A large part of the naturalisation boost during this period could be attributed to adoptions.

The immigrant policy goals formulated in 1975 (SOU 1974: 69), namely: *equality, freedom of choice, and cooperation* (see above) have been referred to ever since as embodying the essence of constructive Swedish immigrant integration policy. The Immigrant Proposition (1975: 26) had expressed concern about achieving equality between Swedes and immigrants. This discourse was carried over in the 1982 Official Committee Report.

In 1996, another Official Committee Report (SOU 1996: 55, *Sverige, framtiden och mångfalden/Sweden, the Future and Multiculturalism*) stated that Sweden had now become a multicultural society needing new political goals, which included: *the new immigration policy, the general policy in the multicultural society, and a plan of action*. All of these comprised a multitude of components of a very concrete character that needed to be considered. Such tasks included: creating a new immigrant authority, devising measures related to the introduction program, targeting instruction in Swedish and implementing a number of programs of an educational character, particularly as related to improving immigrants' chances for success in the labour market. The report noted that there were more than 700,000 people of foreign origin (with at least one parent born outside Sweden), and a total of 936,000 persons (11 per cent) who had been born in another country. At that time, 438,700 persons living in Sweden had foreign citizenship. Beyond these few statistics, citizenship matters received very little mention in this Report.

To understand the relatively modest space devoted to citizenship in these Official Reports, it is necessary to understand the Swedish political model, which prioritises other aspects of integration, especially those considered to be of more practical importance. This is largely because, apart from the specific protection against deportation that only citizenship offers, the rights of residents and citizens are almost entirely similar, with fewer and fewer exceptions as time passes. The tendency to become naturalised should, therefore, be linked to personal factors and the degree of comfort with Swedish society, a point that seems to be underscored in the naturalisation rates for persons coming from neighbouring countries. Other factors, especially if they are correlated with several related indicators of integration, also may play a role in some situations. To sum up, Sweden has encouraged the acquisition of citizenship by permanent residents, but, at the same time, has had a tendency to develop an increasingly restrictive model of integration where the importance of citizenship has neither been minimized, nor exacerbated. The Social-Democratic dominance in the Swedish political landscape (with only two short interruptions in half a century) partially explains this policy framework. To some extent, this mirrors the structure of the Swedish social system. Nevertheless, large numbers of migrants continue to remain on the outskirts of the system for intolerably long periods of time.

## DEMOGRAPHIC AND STATISTICAL DEVELOPMENTS: FROM A MONO-CULTURAL TO A MULTINATIONAL STATE?

### General Features: An Historical Overview

One can say that the first immigrants, at least in the modern sense of the term, came to Sweden during the Viking era, when Christian missionaries from Germany arrived. A more systematic immigration of skilled workers from various parts of Europe can be traced back to the Hanseatic period, and many names of respectable old Swedish families proudly bear the traces of that migration flow. During the Hanseatic period, mostly wealthy merchants and craftsmen, especially ironworkers from Germany and the Netherlands, moved to Sweden. Between the 17<sup>th</sup> and 19<sup>th</sup> centuries, subsequent territorial conquests and losses brought about, as side-effects, structural changes among the population, followed by assimilation, displacement, and integration. Subsequently, the only immigration that was encouraged was that of Flemish ironworkers and capital. In the mid-19<sup>th</sup> century, Sweden was one of the poorest countries in Europe. Consequently, about a million Swedes had emigrated to the United States by the early 1930s.<sup>14</sup> About a decade later, the direction of the migration began to change again, first as a refugee stream began to flow to Sweden from neighbouring countries, and the process has been constantly evolving ever since.<sup>15</sup>

The first immigrants statistically registered by Swedish officials date from 1875.<sup>16</sup> At that time, they numbered just 2,805 out of an overall population of 4,383,291. During the 19<sup>th</sup> century and until about the 1920s, Sweden was an emigration rather than an immigration land. Indeed, in 1875, the number of emigrants stood at 9,727, or 6,922 greater than the number of immigrants. In all, about one million Swedes moved to the USA during the half-century after 1875, with most of them driven to move because of poverty. By the time of the First World War, the number of immigrants was much closer to the number of emigrants. After a few crises years during the 1920s, immigration gradually surpassed emigration, clearly indicating a change of pattern.<sup>17</sup> The year 1930 marked a definite shift in favour of immigration, and that trend has prevailed ever since (Table 3). For example, in 1944, the reversal was clear: 13,340 immigrants, compared to 549 emigrants. During WW II, immigration to Sweden was dominated by refugees, mostly from the neighbouring countries. The largest group was from Finland, including 70,000 children, many of whom were adopted by Swedish foster parents.

---

<sup>14</sup> Westin and Dingu-Kyrklund 1997, 2.

<sup>15</sup> Westin and Dingu-Kyrklund 1997, 2-3.

<sup>16</sup> Sweden is one of Europe's oldest and most efficient bureaucracies, and demographic data have been regularly registered since the mid 1700. Data are available on Statistics Sweden beginning with 1749 (see text above), but many parishes have kept very regular statistical registers dating from the mid-1500 or earlier.

<sup>17</sup> For example, there was a new peak of emigration in 1923, when almost 30,000 Swedes emigrated, while fewer than 6,000 persons immigrated to Sweden.

## Sweden: A Homogenous Land?

Many have traditionally considered Sweden to be an ethnically homogenous land, one that has not been affected by trans-national migration. Even historically, many of those considering themselves as genuine Swedes have had, technically speaking, immigrant roots (and their very names stand as proof to that) if traced back far enough. A constant question in immigration matters, in Sweden and elsewhere, has been: how long does it take for immigrants and their descendants to eventually cease being considered as immigrants. Today, there seems to be a certain accepted view that the time limit between being classified as an immigrant, or as having an immigrant background, and becoming a legally recognized minority must be about a hundred years. The main aspects to be followed here will be the demographic development and related formal and informal aspects of immigration and integration policies, from legislative changes to their socio-economical and political implications.

After WW II, the character of immigration to Sweden changed. Between 1949 and 1971, the virtually free labour migration made the phenomenon indistinguishable in statistical terms, especially with regard to the explicit socio-demographic classification of the immigrants. In 1954, the five Nordic countries established a common labour market with free circulation within the area. During the 1950s, companies started to directly recruit workers from Yugoslavia, Greece, Turkey, and even Italy. During 1956-57 some 8,000 Hungarians came to Sweden, a group that proved particularly prone to become naturalized. Some even have suggested that the only Hungarians who did not become naturalized were those who did not fulfil the necessary conditions, especially with regard to the good conduct clause. The mid-1960s marked a time when discussions about residence permits and regulation of the labour market began in Sweden. The first restrictions were imposed around 1967, but these did not directly interfere with the recruitment activities of major companies. Immigration peaked during 1969-1970 at about 70,000 persons per year. Labour immigration from non-Nordic countries, however, practically ceased in 1972, even without an explicit Riksdag decision on this matter. Also during this period, Polish Jews, forced to leave their country, arrived in Sweden. In 1981, when Solidarity was banned, another Polish wave began to arrive.

The next immigration phase was one involving asylum-seekers from Third World countries and/or family reunifications. Among others, a large number of Chilean refugees arrived at this time. During the 1970s and 1980s many refugees arrived from the Middle East, including, for example, a number of Assyrians, a Christian minority from Eastern Turkey, Lebanon, and Syria, who became settled for the most part in Södertälje, near Stockholm. This group became much better known after some of its members founded a local football team that proved to be very successful. In time, the team incorporated representatives from other groups, including Swedes, though it continued to play under its original name *Assyriska*. Another notable group has been the Kurds, who came to Sweden from Eastern Turkey, Iran, and Iraq. By far the largest group of immigrants from the Middle East to date has been the Iranians, followed by Iraqis and Lebanese. African migration during this period saw the arrival of a rather large number of persons from Ethiopia and Somalia.

**Table 3: Evolution of the Swedish Population between 1910 and 1945**

Year	Total Population	Immigrants	Emigrants	Net Migration
1910	5,522,403	8,142	27,816	(19,674)
1911	5,561,799	7,752	19,997	(12,245)
1912	5,604,192	8,296	18,117	(9,821)
1913	5,638,583	8,407	20,346	(11,939)
1914	5,679,607	8,636	12,960	(4,324)
1915	5,712,740	6,357	7,512	(1,155)
1916	5,757,566	6,713	10,571	(3,858)
1917	5,800,847	5,811	6,440	(629)
1918	5,813,850	4,932	4,853	79
1919	5,847,037	7,809	7,337	472
1920	5,904,489	10,841	10,242	599
1921	5,954,316	8,551	8,950	(399)
1922	5,987,520	6,303	11,797	(5,494)
1923	6,005,759	5,827	29,238	(23,411)
1924	6,036,118	5,942	10,671	(4,729)
1925	6,053,562	5,053	11,948	(6,895)
1926	6,074,368	5,388	13,043	(7,655)
1927	6,087,923	5,678	12,847	(7,169)
1928	6,105,190	5,608	13,450	(7,842)
1929	6,120,080	6,336	11,019	(4,683)
1930	6,142,191	7,515	5,682	+1,833
1931	6,162,446	8,390	2,971	+5,419
1932	6,190,364	8,990	2,117	+6,873
1933	6,211,566	7,256	2,417	+4,839
1934	6,233,090	5,707	2,400	+3,307
1935	6,250,506	5,412	2,454	+2,958
1936	6,266,888	4,679	2,371	+2,308
1937	6,284,722	4,470	2,289	+2,181
1938	6,310,214	5,756	2,062	+3,694
1939	6,341,303	7,178	3,580	+3,598
1940	6,371,432	6,784	3,102	+3,682
1941	6,406,474	4,254	1,101	+3,153
1942	6,458,200	3,053	940	+2,113
1943	6,522,827	6,249	687	+5,562
1944	6,597,348	13,340	549	+12,791
1945	6,673,749	21,126	8,261	+12,875

Source: Statistics Sweden

After December 1989, the Social Democratic government decided that asylum applications would be considered on the basis of a stricter interpretation of the Geneva Convention: *de facto*, refugees were no longer accepted on humanitarian grounds. There was a reduced number of asylum-seekers in 1990 as a result. In 1992, there was growing pressure for residence permits for Kosovo Albanians and Bosnians, with about 40,000 waiting for decisions on their status. In 1994, about 100,000 persons from the former Yugoslavia immigrated to Sweden. After that peak, asylum-related immigration became increasingly restricted, in no small part because of increasing pressure stemming from the EU-integration and harmonisation policy with regard to the access accorded to third-country citizens (Table 4).

**Table 4: Post-World War II Immigration: Residence Permits Granted to Foreign-Born Applicants by Category until 1998**

Immigration Grounds	Pre-1970		1970-1979		1980-1989		1990-1998		Total
	Number	%	Number	%	Number	%	Number	%	
Refugees	17	0%	1,125	1%	56,381	27%	136,690	43%	194,213
Relatives to refugees	1	0%	5	0%	8,705	4%	39,637	12%	48,348
Other (close) relatives	221	0%	5,472	4%	36,565	18%	70,462	22%	112,720
Labour market related	6	0%	337	0%	1,275	1%	3,039	1%	4,657
Guest students	1	0%	606	0%	928	0%	2,236	1%	3,771
Adoptees	0	0%	9	0%	3,224	2%	6,293	2%	9,526
EU-citizens	4	0%	2	0%	92	0%	9,155	3%	9,253
Temporary permits	1	0%	0	0%	0	0%	1,668	1%	1,669
Other reasons	0	0%	7	0%	186	0%	3,548	1%	3,741
Missing information	260,686	100%	146,917	95%	98,142	48%	45,112	14%	550,857
<b>Total</b>	<b>260,937</b>	<b>100%</b>	<b>154,480</b>	<b>100%</b>	<b>205,498</b>	<b>100%</b>	<b>317,840</b>	<b>100%</b>	<b>938,755</b>

**Source: Statistics Sweden and Swedish Migration Board (adapted)**

The last decade, thus, mostly has been characterized by an increasingly restrictive immigration policy, under which the majority of new immigrants have arrived for family reunification purposes. Very few other immigrant categories were able to come to Sweden at this time, with over 90 per cent of asylum applications rejected. The aging of the Swedish population, however, may well foster a renewed interest in the idea of a selective “labour” immigration of highly skilled candidates who might help to alleviate future shortages of workers in some areas.

Over time, there have been significant differences in the numbers of immigrants permitted to stay in Sweden on various grounds. Acceptance, for example, as a refugee has been dependent on the general migration-generating situations occurring in various parts of the world. In theory, the extent of the risk encountered by individuals in various countries should be reflected in the acceptance and/or rejection rates in receiving countries. This is why certain categories of immigrants coming from specific countries may be dominant among immigrants during such situations, a pattern that sometimes persists even after a stabilization of the circumstances that forced people to flee. The explosive situations in the Middle East, especially as they played out in Iran, Iraq, Afghanistan, and so on, or in various parts of the African continent, or, earlier, in South America, were directly reflected in an increased number of immigrants coming from those parts of the world

as refugees/asylum-seekers or as individuals accepted on humanitarian grounds. Sweden has not been alone in its response to these general trends. Other trends also have been evident in the patterns of migration to Sweden, such as higher tendencies for immigration to be motivated by a desire for family reunification, a process that, in the Swedish case, often has involved individuals from Thailand, the Philippines, Eastern Europe, Iraq, and Iran.

For those accepted as residents, Sweden always has encouraged naturalisation, but the variations from group to group have been enormous. One group that has been comparatively more prone to become naturalised, of course, has been within the Nordic group, namely the Finns who have exhibited relatively large numbers of naturalisations until the beginning of the 1990s, especially if the figures are not viewed in relation to the rather large number of Finns living in Sweden in comparison with other groups. Many Turks who arrived during the 1960s became Swedish citizens. As a general observation, persons who arrived as genuine political refugees frequently have not been interested in becoming citizens. Many of them clung to the hope of returning home, should circumstances so permit. This clearly was the case with the Chileans who arrived in Sweden during the 1970s, but the opposite may also be true. Many Eastern Europeans (Hungarians, Poles, Romanians, and so on) have decided both to stay in Sweden and to become naturalised. Among the non-Europeans, persons from Iran, Iraq, and Lebanon belong to groups that have been among the most prone to naturalise. Children of immigrants who grow up in Sweden also have tended to become citizens to a rather large extent. Many Africans from Ethiopia, Eritrea, and Gambia also have become naturalised. In many cases, the probability of becoming naturalised has been a complex phenomenon. The peak for naturalisations, around 1994-95, not only can be explained by the high number of applicants, but also by the fact that, at the time, the Swedish Government decided to put more money into the immigration and integration areas, with the result that the Immigration Board hired a lot of personnel and, thus, finally became able to clear a good part of the accumulated back-log of unprocessed applications.

### **Specific Groups and Migrants**

A dominance of the Nordic and, to an extent, Baltic groups (at least during certain periods of time), as well as certain other groups (for example, from Eastern Europe - Polish, Hungarians; the Middle East - Iraq, Iran; Africa - Ethiopia, Somalia, Gambia; Asia - Thailand, the Philippines; and the Americas: USA, Chile) can be easily observed in the statistics on naturalisations. The opposite also has been true: there are individuals, and groups, who apparently feel less motivated to become naturalised, which can be explained either by their hope to return to their countries of origin when safe conditions return or simply on the basis of their attachment to their old roots/countries of origin. In such cases, attitudes towards naturalisation could be bettered through the acceptance of dual citizenship.

Swedish naturalisation policy is rather open, especially from a comparative perspective. As a general rule, apart from persons whose identity is unclear and persons eventually considered as dangerous by the secret security services, there has been an overwhelming tendency to enable residents to become citizens. Indeed, special attention has been devoted during the last decades to children who have grown up in Sweden. For them, the Swedish system has developed an entire range of possibilities for the acquisition of citizenship, often by simplified modes of registration, either through applications by their parents/legal guardians, or based on their own rights, which are separate from those of their parents/guardians.

## Impact of the 2001 Reform

The 2001 reform to the Swedish Citizenship Act implied an obvious liberalisation, widely expanding access to citizenship for all groups. Apart from allowing access to dual citizenship, perhaps the most spectacular change is related to the diversity and extent of simplified acquisition modes by notification. Indeed, the difference in numbers already is visible: the total number of naturalisations actually went down in the 2001-2004 period compared to 1996-2000. The top years for naturalisations were 1998, with 40,900, and 2000, with 40,041 decisions, while 2004, with 22,723 decisions, was the lowest level during this period (the next lowest was 1996, with 23,322 decisions) (Table 5). Part of the explanation for the decline in naturalisations can be attributed to the increase in the number of notification decisions during this same period. These practically tripled after 2001, from levels around 700-900 to levels over 2,000 decisions in 2002 (Table 6).

Technically, Sweden has one of the oldest traditions of collecting statistical data. From 1686-1991, the Parish Offices of the Church of Sweden collected population data locally. The Taxation Authorities took over this task on 1 July 1991. Since 1994, the base of the statistics has been the TPR, the Total Population Register, which includes data on migration. Data on citizenship are reported by the relevant authorities, namely, the Migration Board/*Migrationsverket*, the Administrative County Board/*Länsstyrelsen*, and Statistics Sweden. Unfortunately, detailed data regarding notifications only were available on an annual basis for 1996-2004. This was due to changes in the data system used by the reporting authorities, which made detailed earlier data unavailable after the system shift.<sup>18</sup> Since 1968, the statistical data on naturalisations have been reported in the Swedish computerised population register as changes in citizenship. Parallel statistics based on the number of decisions were also produced by the Swedish Immigration Board, SIV (predecessor of the Migration Board), and the Administrative County Boards, the authorities charged with making naturalisation decisions. Their respective figures presented for the 1968-1973 period do not coincide (Hammar 1993, 6-7), which puts in question the reliability of the statistical data (Table 7). Unfortunately, these discrepancies have continued even in recent years: naturalisation data for the same years from the Migration Board and Statistics Sweden still do not coincide.

There are a number of possible structural explanations that may account for these differences, including methodological differences for reporting/grouping the categories to be included under the same heading (for example, naturalisations may include all modes of acquisition of citizenship in the general figures presented by Statistics Sweden, but become separated by type because of technical reasons in the

---

<sup>18</sup> According to information provided by the Migration Board, to perform archive Research on that level would require material and resources unavailable to the author at this point, and some information simply is not available.

**Table 5: Naturalization Decisions, 1996-2004**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	Totals
<b>Total Naturalized</b>	23,322	27,731	40,900	33,971	40,041	27,926	31,306	26,640	22,723	274,560
<b>Males Naturalized</b>	11,218	13,337	20,106	16,281	19,454	12,955	14,023	12,187	10,578	130,140
<b>Females Naturalized</b>	12,104	14,394	20,794	17,690	20,587	14,971	17,282	14,453	12,145	144,420
<b>Children Naturalized</b>	8,196	10,499	15,874	11,672	14,401	9,137	8,887	8,142	7,002	94,170
<b>Male Children Naturalized</b>	3,916	5,152	7,643	5,658	7,013	4,471	4,517	3,972	3,381	45,723
<b>Female Children Naturalized</b>	4,280	5,347	8,231	6,014	7,388	4,666	4,370	4,170	3,621	48,447
<b>Adults Naturalized</b>	15,126	17,232	25,026	22,299	25,640	18,789	22,058	18,498	15,721	180,390
<b>Male Adults Naturalized</b>	8,188	9,242	13,151	12,032	13,574	10,500	12,765	10,841	8,764	98,697
<b>Female Adults Naturalized</b>	6,938	7,990	11,875	10,267	12,066	8,289	9,293	8,017	6,957	81,693

Source: *Migrationsverket* and Statistics Sweden

**Table 6: Notification Declarations of Swedish Citizenship, 1996-2004**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	Totals
<b>Total Notifications</b>	659	668	732	786	920	1,345	2,072	1,901	1,768	10,851
<b>Male Notifications</b>	341	343	393	373	465	640	992	870	813	5,230
<b>Female Notifications</b>	318	325	339	413	455	705	1,080	1,031	955	5,621
<b>Child Notifications</b>	226	239	398	458	525	669	1,119	1,085	1,079	5,798
<b>Male Child Notifications</b>	103	111	206	207	253	319	525	496	514	2,734
<b>Female Child Notifications</b>	123	128	192	251	272	350	594	589	565	3,064
<b>Adult Notifications</b>	433	429	324	328	395	676	953	816	689	5,053
<b>Male Adult Notifications</b>	238	232	187	166	212	321	467	374	299	2,496
<b>Female Adult Notifications</b>	195	197	147	162	183	355	486	442	390	2,557

Source: *Migrationsverket* and Statistics Sweden

figures presented by the Migration Board. Moreover, there may be technical gaps in including/reporting figures coming from Administrative County Boards, and the like). Time gaps in including/reporting decisions may well be another factor leading to the divergent totals.

**Table 7: Comparison of Two Series of Naturalization Statistics in Sweden 1965-1975**

Year	Number of Naturalization According to Number of:	
	Decisions Made as Reported by the Swedish Immigration Board	Citizenship Changes as Reported by Statistics Sweden
1965	10,529	n.a.
1966	11,535	n.a.
1967	9,431	n.a.
1968	8,164	10,317
1969	11,655	12,736
1970	11,539	13,028
1971	9,421	11,577
1972	10,305	10,824
1973	12,900	13,570
1974	n.a.	16,153
1975	n.a.	16,705

**Source: Swedish Migration Board**

### **Political or Social Goals and Migration/Integration Policies**

There is, of course, a general desire among Swedish politicians, with minor exceptions, to stimulate the political participation of migrants. This can clearly be seen in the encouragement given to them to become Naturalized, which would open the possibility for them to participate in Parliamentary elections, both as electors and as candidates. Constant efforts have been made, both by special public programs, and by the parties (particularly during the elections in 2002), to persuade immigrants to vote. However, even the participation of those already entitled to vote in the national elections diminished – a phenomenon also evident among the Swedish-born electorate (Table 8). A discourse indicating feelings of rejection based on structural discrimination and exclusion has been identified (see SOU: 2005, “The Glass House”). This discourse has revealed complaints against the establishment, which has been accused of lacking the capacity to solve some

specific problems affecting certain groups and individuals more than others. Among immigrant groups, as expected, the participation of persons with political interests has been higher, as it was for persons with a higher level of education, those who had become more established in the society (for example, through their participation and success in the labour market), and for those with higher incomes. The opposite is also true.

**Table 8: Turnout in Swedish Municipal Elections 1976-2002 (selective data)**

<b>Election Year</b>	<b>Immigrant Voters (%)</b>	<b>Swedish Voters (%)</b>
1976	60	90
1994	40	87
1998	34	81
2002	35	78

**Source: Dingu-Kyrklund 2001, 64 (updated) (see also Dingu-Kyrklund 2003b)**

From this point of view, it should be instructive to follow the aftermath of the 2006 elections, when tensions might be expected in relation to a multitude of socio-economic developments, but also because of the already declared and accomplished intention of the right-wing coalition to take over the power from the Social-Democrats who have held it almost uninterruptedly for half a century. If immigrants are more prone to react to and be affected by such a political change, their position in the electorate has the potential to change visibly, and on both sides of the ballots: as electors and as elected. The main difficulty remains how to solve their grievances as “immigrant” representatives who often feel trapped, used, and abused, “counted in” but left out of positions of real power, and without real influence.

### **Political Background**

As mentioned earlier, the Swedish political environment has been dominated by the Social-Democratic Party for most of the last fifty years. The last of the previous two times – the first one was in 1976 – when the Conservative Liberal party (*Moderaterna*) won the elections was in 1991. In power, they were unable to convince large enough segments of the electorate to support them, and their attempts to impose new demands as conditions for acquisition of citizenship failed. What is interesting at the moment is the obvious increased awareness of the growing importance of the non-Swedish-born electorate. All Swedish parties are attempting to catch the attention of this portion of the electorate, while worrying about the reaction of the Swedish electorate to their proposed integration policies – especially after one of the liberal parties (*Folkpartiet*) had managed to win a lot of votes in 2002 (an unexpected 12 per cent) on the basis of a sudden and assertive proposal. These gains have been attributed to the *Folkpartiet*'s advocacy of a tougher, more demanding line of integration, the most debated aspect of which has been a demand to include a language proficiency test in Swedish as a condition for Naturalization. This demand has been rejected by the other

parties. Nevertheless, the *Folkpartiet*, which boasts of having many persons with immigrant backgrounds on their electoral lists, made attempts during the 2006 elections to catch the attention of the electorate with the same proposals. This time, however, it had the opposite effect, even if their losses were minimized by the common victory of the four-party Alliance to which the party belongs.

At the moment, the four main right wing parties are working hard to present themselves as a strong, united coalition. It will, however, take some time to be able to assess the probable impact of this attempt, but it would be foolish to dismiss it entirely, especially given the most recent election results.

There also has been an on-going discourse in some quarters regarding the low levels of representation in public office by members of the immigrant population. This may also come to influence, at least to a certain extent, the political debate.

Another element to consider is the on-going fragmentation of the Swedish political landscape, with two political groups apparently ready to challenge the established parties. One of them is a left-wing faction trying to impose a different approach from within. The other challenger is a feminist group that seems to have decided to register as a political party. At the moment, it is too early to speculate about either the probabilities of success for these new groups or their possible impact on Swedish citizenship and related policies.

### *Political Debates*

A characteristic of the Swedish political landscape has been an inherent fear of conflict, leading most discussions, whatever their nature, and including political debates, to some sort of mutually acceptable resolution at the negotiating table. This does not necessarily exclude more or less intense discussions; however, there is a probability that most questions will be discussed around some sort of negotiating table.

Most legislative changes, especially when subjects like the Citizenship Act have been concerned, have not led to spectacular debates. Rather they have tended to be handled through a more limited discussion within the preparatory committee (*utskott*) and among those parliamentary representatives who, at that moment, were interested in the particular subject.

Swedish citizenship legislation has evolved over time from a non-formalized form of acceptance to being an expression of a common Nordic view on the subject, to becoming a very liberal, in many ways advanced, modern piece of legislation that has become integrated into a larger and still-evolving European context. There have been relatively few more spectacular aspects of Swedish life that have received such extensive debate. Among these, the changing status of women (primarily married women), but also of women as mothers, was part of a larger, more thorough discussion. Enabling children to acquire citizenship in their own name, independently from their parents, was another important example of this. The latter was part of a larger discussion on children's entitlement to citizenship, and was related to ongoing international debates concerning the best interests of a child, even if opposed to those of her/his parents. Another interesting example was the debate concerning whether or not to enable asylum seekers to apply for citizenship even if they could not decisively prove their identity. The acceptance of dual citizenship after the adoption of the 1997 Convention on citizenship was another subject that received a similar degree of attention.

The subjects noted above have been extensively debated at various times, but still mostly within the parliamentary framework. Considerations about dual citizenship, though, have received a wider degree of attention. For the most part, the discussions have been confined to academia and parliamentary debate, but this matter also has received some public attention. Already during the 1980s, dual citizenship had become a subject of discussion among researchers, of which one of the most convincing was Tomas Hammar (1981, 1985, 1989), who analyzed the potential of dual citizenship as an integration tool.

Dual citizenship has “traditionally” been considered a problematic concept, mainly from an international and diplomatic point of view. In the Swedish context, the potential to accommodate alternative identities by legally opening the possibility of belonging in the double world of Swedish society and an immigrant’s identity generated considerable public attention. In 1985, the issue reached the next stage, becoming the subject of a parliamentary investigation (DsA 1986: 6, *Dubbelt medborgarskap*). The Commission concluded that instances of dual citizenship already existed, and recommended, among other things, that the subject be discussed at the international level, both in Europe and within the Nordic cooperation system. They also considered facilitating integration by applying more liberal citizenship legislation and through the acceptance of dual citizenship. There was, though, no conclusion to that work, as a Government Bill supporting the idea was withdrawn in 1991 after the sitting Social-Democratic Party lost the elections and was replaced by a centre-right coalition, that had no interest in the issue (Gustafsson 2002, 468). After the return of the Social-Democratic government four years later, a new Parliamentary Committee was appointed in 1997. It endorsed a radical change, replacing the Citizenship Act then in force with a new law fully accepting of dual citizenship. The Committee report was presented 1999 (SOU 1999: 34). After an extensive consultative procedure, a Government Bill was presented to the Riksdag in June 2000, passed in February 2001 (with only the Liberal Conservative Party, *Moderaterna*, against with their 23 per cent of the votes), and enacted in July 2002 (Gustafsson 2002, 469; Dingu-Kyrklund 2001, 54-55; Dingu-Kyrklund 2003).

To date, the involvement of immigrant organizations and NGOs in Swedish affairs has been modest. It should also be noted that the involvement of such organizations in Sweden has been limited in general. Debates about immigration issues also has been rather limited in the mass media, only occasionally have these involved representatives from actual immigrant organizations. In the political arena, the main argument in favour of the allowing dual citizenship has been the integration element, with expectations that both older and younger immigrants would consider taking advantage of this opportunity. Globalization and internationalism have been the chief points employed against the acceptance of dual citizenship, bringing to the surface the old conservative arguments about military duty, loyalty conflicts, and diplomatic protection risks. The latter included the practical problems raised by the special situation of persons imprisoned by the US government as terrorists at Guantanamo. This was used as a reminder of the insecure situation arising from the possibility that dual nationals could be retained and/or prosecuted in their countries of origin.

Other subjects of discussion were related to which positions within the Swedish bureaucracy and judiciary should be restricted to citizens. After the adoption of the new legislation, these were reduced to a very few positions for which there remained a justification for such a restriction. For example, only some top positions in the judicial system (judge, prosecutor) and some few top administrative positions still require Swedish citizenship. Others, such as ordinary juridical and related positions (lawyers, jurors) that previously had required Swedish citizenship, are now no longer so restricted.

## Current Policies and Institutional Arrangements

### *Special Institutional Arrangements: The Swedish Legislative Process*

Currently, citizenship matters are handled by the Swedish Migration Board. At present, this body falls under the wider competence of the Justice Department, but has been placed under the authority of a department led by a specialized minister, who is different from the Minister of Justice, (whose competence is wider).

The Swedish legislative process begins with the appointment of a specialized committee that is given a mandate to investigate the question to be legislated. This committee produces a report with a suggestion for new legislation, a so-called SOU or Ds.<sup>19</sup> This report will be circulated for comments among the authorities and other actors concerned with the legislation in question, who are expected to send their points of view to the committee (the so-called *remiss* procedure). Thereafter, the matter will be prepared by the Ministry/Department in charge to be presented to Parliament as the government proposition for a law. This normally will pass through Parliament without problems for two reasons. First, the real political discussion already has taken place during the committee's work and, second, the government always has a majority in Parliament, even if via coalitions, to support its own suggestions. If the government expects to lose, it will not present the proposition, or it will withdraw it. There are occasional debates in the Swedish Parliamentary chamber, but normally these are held without any major impact on the proposition as its content already has been "secured" in the preparatory work of the committee.

Such committee reports and propositions are vital parts of the legislation, being the so-called "pre-works" that all judges and other jurists consult in their work to correctly interpret the legislation. In this regard, their role is comparable to that of case law in the Common Law system.

In Sweden, nationality law does not differ from any other legislative act. Sweden has a one-chamber legislative system, where the national parliament, the Riksdag, takes its decisions by simple majority vote. Matters concerning nationality are handled by specialized bodies under the Justice Department. These included, until March of 2006, the Swedish Migration Board at the first instance and the Aliens Appeals Board at the appellation instance, but without including the actual Courts of Justice. Consequently, the bodies that deal with nationality matters were lacking, to some extent, the judicial transparency of a Court, whose final decisions should be more easily accessible to the public. Since March 2006 though, the Aliens Appeals Board has been abolished and replaced by a judiciary system. This was accomplished through the creation of a specialised Migration Court of Justice that acts as an Appellation Court for decisions taken by the Migration Board as a first instance. The role of the Constitutional Court is much more limited in Sweden than in other countries, and has been practically without any major impact on nationality law.

---

<sup>19</sup> SOU – Sveriges Offentliga Utredningar (Sweden's Public Investigations); Ds – *Departements serien* (Ministry series, a smaller, shorter form of public investigations handled within the ministry in question).

## THEORIZING CITIZENSHIP: CONCEPTUAL BASICS

### Citizenship as an Evolving Concept and Its Significance

Citizenship has traditionally been a specific attribute of the nation-state, as an expression of the reciprocal relationship between a state and its citizens, conditioning each other's existence by protecting each other's rights. Citizenship and nationality have developed as very close notions, synonymous to a certain extent, because in many ways they seemed to convey about the same basic content, but the concepts do not totally overlap. Indeed, citizenship, nationality, and ethnicity do converge conceptually. In reality, however, things have never been so simple. States or other such entities that, on the surface, appear to be functionally alike, seldom have been entirely homogenous ethnically, and the citizens of states have not necessarily had the same national or ethnic background either. Discrepancies between the unity of the nation-state as an expression of common or community grounds, as an entity characterized by a community of territory and linguistic communication, and its factual ethnic/cultural fragmentation, underscore the need to update definitions.<sup>20</sup> This is especially true when the more contemporary realities and the traditional understandings clash.

The dramatic changes in our times, which have made supranational political structures a tangible and influential reality, and the global community more than a theoretical slogan, require these basic notions to be revised in the light of on-going realities, thereby necessitating an updating of theory to encompass a system of concepts and definitions that more closely correspond to contemporary practice. Many aspects associated with the new structural realities of states (as well as their traditional prerequisites), along with insufficiently identified transformations of on-going, large-scale, super-state integration, remain in need of further analysis. As yet, there are many unanswered, or insufficiently answered, questions regarding content, definitions, and feasibility.

Citizenship, however, remains the basic expression of the formal relationship between an individual and a state in point of (mutual) rights and duties.<sup>21</sup> This includes considerations of the legal meaning of citizenship beyond the borders of a particular state, in other words, its specific national and international legal implications. The formal side of citizenship relates to the conditions under which a person is to be considered to be a *citizen* of a particular state. By extension, EU citizenship confers an additional and new vertical dimension to the traditional ones usually associated with national citizenship. This additional legal dimension confers on the bearer a legally defined privileged status outside the borders of her/his own state. Such a privilege is of concrete importance, especially when compared to the differential treatment applied to other citizens or, rather, non-citizens or non-members of the 'club.' In this case, national citizenship gets an expanded significance that extends its meaning beyond the national borders, something that is markedly different from earlier reciprocity forms. The material side of this 'privileged' form of citizenship, with its vertical features, also is, as a consequence, to be found not only nationally, but also in the supra-national legislative documents which govern it, namely, EU-law. This legislation contains legally valid international provisions that are directly or indirectly applicable to the (national) individual. As such, this double,

---

<sup>20</sup> Oommen 2001, 30.

<sup>21</sup> SOU 1999: 34, *Svensk medborgarskap*, p.109.

concomitant dimension of national and EU citizenship can be compared to other horizontal (and sometimes problematic) forms of citizenship, such as: 'ordinary' (national) citizenship, dual citizenship, statelessness, non-citizenship/denizenship (that is, long-time residents lacking their residential state's citizenship), and third-country citizens. The latter's position within the EU-borders has become increasingly symptomatic of a world still not liberated from international conflict, but constantly confronted with accelerated international migration. Settled migrants often enjoy a somewhat blurry, frequently uncertain, legal status whose real contents and consequences still need to be more clearly defined from case to case.

Citizenship also raises multiple questions under the concrete and on-going process of establishing and giving some distinct content to *EU citizenship* by reciprocal integration, especially after the implementation of the Schengen agreement. As an unavoidable subsidiary question, it is related to the status of EU citizenship and what it ought to be, or become. For many reasons, a citizenship-like, clear, and homogeneously recognized legal and political-administrative construction is necessary to clarify and establish the existent reality of *long-time residents* or *denizens*, who still lack sufficiently clear answers. The deep meaning of citizenship as a reality is that of membership in a more-or-less select, perhaps even selective, club, the membership in which conveys certain exclusive rights and duties to the holder. Moreover, the practical content of citizenship becomes more evident when considering what non-citizenship involves for those concerned with or affected by such status. In the case of denizens, the real problem revolves around the consequences of either belonging or not belonging to a certain such club. This inevitably leads to a double conflict concretized in the same *subject of law*, whose status is continuously and directly affected by the contradiction that she/he belongs to a deviant category, whose existence nobody assumed during that time when the basic notions about citizenship crystallized into its traditional meaning and interpretation. *Jus soli* and *jus sanguinis* traditionally have been sufficient to define citizenship rights for people who normally continued to live in the same territory where they were born for their entire life span. The probability that a person's birth-place, which was directly related to (blood) descent, and the place of permanent residence, or domicile, should, at some point, cease to coincide did not even occur as a potential reality in Sweden – or somewhere else – until about a century ago. Today, this is a reality, one with which ever-increasing numbers of people from different generations and in different parts of the world have to live, not in the least in the EU. This reality requires an updated theoretical and practical framework, capable of redefining the old terms within the new structures.

Citizenship also can be regarded as a specific function of the relationship between states, as reflected in the reciprocal arrangements and differences in treatment to which some citizens are exposed. Even from this point of view, 'classical' and 'deviant' aspects of citizenship, especially in the particular EU-context, where they can be classified for the purpose as 'vertical' and 'horizontal,' need to be analyzed:

**Vertical:** - European citizenship vs. (Euro)national citizenship, in its inclusive and exclusive forms, that is as either *privileged* (EU-citizens) or *non-privileged* (third-country citizens) club members.

**Horizontal** - national citizenship in a multiple international/political/economic context, as bearer of international law norms and principles as well as an expression of a state system.

***Implicit-mix***<sup>22</sup>

- for example, Nordic citizenship, a unique form of close regional cooperation based on historic, ethnic, and traditional kinship preserved and confirmed through a special legal system of close cooperation between the Nordic countries (Sweden, Norway, Denmark, Finland, Iceland and dependent territories), including citizenship-like features of conferring citizens from neighbouring countries similar rights to the country's own, covering practically all aspects of social, political, and economic life.

***Complex***

- dual/multiple citizenship versus national, or 'simple,' citizenship, as a matter of both ***Horizontal national*** and ***international law***. Special cases and illustrative examples of voluntary and involuntary dual/multiple citizenship in a broader, theoretical and practical perspective related to conflicting national and international rules and the direct effect of international and supra-national law at the concerned individual's level can be found.

***(Complex) Vacuum***

- statelessness and its specific problematic questions in the perspective above and in a parallel perspective, also touching specific causes and effects as well as international efforts done to limit the phenomenon (conventions, treaties, national legislation).

One could say that, by the relative degree of protection they do or do not provide, the ***vacuum of statelessness*** and the ***functional complexity of multiple citizenship***, meet at the extremes. While statelessness offers no formal protection at all (though theoretically there should exist some implicit protection under the general concept of human rights), multiple citizenship offers the holder multiple protection from more than one state, though not enforceable against each other. Under given circumstances, multiple citizenship may lead to a paradox of overprotection with possible results comparable to the under-protection of the stateless. It could, in other words, be compared to being insured by two different insurance companies. In cases of need, both companies might "withdraw," suggesting a lack of responsibility for the terms in their contract because of the other firm's concurrent responsibility. A practical example could be that of a person migrating from her/his country of birth because of a conflict with local authorities, without losing his/her citizenship. After a number of years in the host country, the person becomes a citizen there, without being liberated from the old citizenship. The old situation in the country of birth may never have been officially solved, but the person hopes that after all those years, it might be forgotten. Upon a temporary return to meet old friends and family, the person is, however, detained and charged. But even though the accusations are unclear, and potentially unfounded, according to local practices, the person may spend years waiting for due legal procedures, during which time anything might happen. Had the detention occurred in any other country than her/his place of birth, the individual would have had the right to legal and even consular/diplomatic assistance from their new country, but in the situation described, the person's local citizenship takes precedence. So in this case, dual citizenship hardly helps. In Sweden, dual citizens are warned upon receipt of their Swedish citizenship, that there is a risk of not being able to count on the host country's protection while abroad in the country of their other citizenship. What could be further discussed in this regard are the possible implications of international law aspects, the applicability of precedence rules, and the extent to which international law provisions, such as the UN provisions for the protection of human rights, could eventually affect such a case in practice. As

<sup>22</sup> The concept of "Nordic citizenship" actually doesn't exist as such as a legal term, but as a construed, yet consistent, legal reality of Nordic cooperation, with very particular forms associated with it.

long as it is not a clear matter of private international law, however, international treaties-based legal provisions are not meant to be applicable, but rather constitute a base for discussion in principle.

The *horizontal* aspect of national citizenship is related to the interaction between subject/citizen and state of citizenship within the realm of that territorial entity which is the state. It pertains to interaction on a horizontal basis from one state to another and between them, in relationship to each other and third/other states, or even groups of states. The most usual case is still that of a citizen only holding the citizenship of one single state. As a standard situation, that citizenship acts on a one-to-one basis between states as protectors of their citizens, and upon citizens as representatives and subjects of their states. The degree of protection enjoyed by national citizens abroad is dependent on the relationship between the sending and the receiving state, as established by the boundaries set by international agreements – at least when (and to the extent to which) international law is enforceable. As an example, in the case of a conflict arising between two countries, their respective citizens are warned that there might be a risk for them because of the conflict if they are identifiable representatives of their state. Take as an illustration the usual way American, or even Swedish, citizens are warned whenever there is a risk of conflict with other states, and especially about the difficulty to be afforded protection by their country of citizenship in cases when they choose to ignore such warnings.

The *horizontal* scope of national citizenship is limited in terms of vertical interaction when a preemptive opposing citizenship is juxtaposed. In the case discussed above, for a dual citizen, the local/first citizenship exercised a stronger effect on the individual subject than the later-achieved citizenship, whose protective effects were suspended while on the territory of the first country of citizenship. There is a certain vertical interaction among the two, but it tends to result in tension rather than in solutions. A question naturally arising would be, whether it would make any difference if there was a special vertical relationship between the two citizenships; for instance, in a case where there were concurring EU-citizenships, would this render a certain relativity to the principle of territoriality and help to determine the preemptive rule of application of each? Or would the increased convergence of the common level of protection stipulated for the European level by more recent EU documents make any difference (for example, the possibility for a EU-citizen abroad to alternatively seek the protection of another EU-state from his/her own, when the state of origin does not have a local embassy or consulate – see further on *vertical citizenship*)? The answer, most likely, would be: probably none, at least not at this stage.

The *vertical* aspects embody the most recent conceptual trends of citizenship, some of which were absent from earlier formulations, and have enlarged its scope to a new level that now includes supranational aspects which never were imagined in earlier times. Citizenship as a concept was meant to state and confirm a relationship between a subject (of law) and his/her protector, with the state in this mutual relationship conditioning the existence of both. The mass of citizens, together, form the basic middle entity known as the society, which, in some ways, is identified as being the same as, and still parallel to, the state.<sup>23</sup> They are different, yet complementary, share common interests, and condition, in many ways, each other's existence in the created relationship of dependencies and mutual protection implied by each one's rights and duties as legally defined. The creation of the EU, and the concept of European Citizenship, created a totally new, never-intended dimension, namely, the extension of the concept of citizenship rights and duties (though within given, sometimes rather unclear, limits) to the supranational level of the EU-construction. This conferred some

---

<sup>23</sup> In an almost biblical relationship, reminiscent of the way in which the Holy Trinity is said to function: the Father, the Son and the Holy Spirit are different, yet form one functional entity; similarly citizen, society, and state, are on different, yet concurring, levels.

of the relational attributes belonging to the national level to the other member countries than the country of citizenship. In these circumstances, being a citizen of one of the member-states becomes, thus, an expandable relationship to that next level of the entire European Union, at least in theory.

The complexity of the issue increases in the present context when the line between citizenship and residential rights becomes thinner, with every step taken for further integration requiring an increased liberalization of the various dimensions of the freedom of movement within the EU. Not in the least in this regard, is the recent European Citizenship Directive 2004/38/EC, which came into force on 30 April 2006. This limits the date for its transposition in national legislation, and brings together nine earlier directives for different categories of the population. It, thus, is concerned with providing a more widely established legal recognition of the European citizen, while also focusing on their families – third country citizens included, for whom an increased level of protection is thus also established, subject to conditions applicable under the law, both European and local. This can also be seen as a new step which moves from the mere symbolic value that the citizenship of the Union once had to an increasingly concrete, while still rather ambivalent, legal status, whose legal value has been laboriously shaped in the face of the tangible problems the implementation of the concept created, largely because of decisions of the ECJ. According to Koen Lenaerts, a distinguished Judge of the ECJ, “It is a tribute to the Court of Justice that it has managed to gradually shape this ambiguous notion into a concrete legal concept which emphatically demonstrates to what extent European integration has evolved from a project based on economic activities to a political enterprise based on solidarity between the people of Europe.”<sup>24</sup>

As an expression of the desire that a clearer legal value be conferred to the concept, very recently,<sup>25</sup> ECAS, the European Citizen Action Service, started a petition demanding an EP initiative in favour of creating an “authentic European citizenship.” The intention is to take more into account residential rights as a basis for rights (and duties) related to a EU-citizenship status. That already has been done, to a certain extent, by the very directive, in which residence rights get a much stronger position than in the earlier legislation, but what the petition asks is an even more explicit deepening of the defined scope of an acquired status, not only directly as a citizen but also indirectly as a dependent, and as a resident. According to the petition, such a “deepening and widening” of defined status and its effects should petition have an impact on practically all the main aspects of life and social existence of EU citizens. This would include participation in civic society and any implemented fundamental rights and freedoms beyond the right to free circulation, and could be expanded to the domain of education and lifelong learning within the EU. The issue of strengthening the common identity and belonging also mentioned in the documents associated with this petition.

The particular aspects surrounding European citizenship, as well as several parallel aspects related to residence rights within the EU should be discussed in a proper, much more detailed way here, but I will have to do that in a different forum, when enough space might be available for such a specific discussion. In this context, it shall just be mentioned that, so far, the EU-citizenship is the only codified form of vertical citizenship as such, that connects national citizenships to a supranational form of citizenship. EU citizenship is conditioned by the individual’s national one, and yet has features more and more clearly developed in the legal integration practice of the ECJ.

---

<sup>24</sup> See Lenaerts (2006).

<sup>25</sup> 24 May 2006, with the occasion of the conference: “Preparing Cinderella...” organised by ECAS in Brussels.

This proposed theoretical model will not be further developed in the context of this paper, but only implicitly used as a reference to enable and facilitate an enlarged, analytical, and thematic approach. The accent now turns to Swedish legal citizenship as a functional system in development.

## **Main Modes of Acquisition and Loss of Citizenship in Sweden: From *Jus Sanguinis* to *Jus Domicilii***

### *General Features: A Summary*

The Swedish legislation on citizenship is primarily governed by *jus sanguinis*, even though the territorial principle increased in importance after passage of the 2001 Citizenship Act. A relatively wide range of modalities of non-automatic acquisition and loss of citizenship reflect the complexity of situations that may arise. There are no provisions for *jus soli* proper, even though experts consider that territorial considerations have “increased in importance” (Sandesjö and Björk 2005, 17). A number of simplified modalities of acquisition present intermediary features, and are related to residential status and derived rights, or what Tomas Hammar tentatively defined as *jus domicilii* (1981, 1990, 2003). Simplified rules of acquisition are mainly applicable to children who grow up in Sweden, either from an early age, or for a sufficient number of years during their childhood. These rules allow them to achieve what we could call “adoptive children” rights with respect to their country of residence, or a form of applied territoriality, replacing earlier provisions based on the single citizenship quest. Such is an example of *increscens*, “or growing into the Swedish society,” a practice that can be traced back to 1734, the time of the first Swedish codification, (Sandesjö and Björk 2005, 71), or to the option right, which began to be applied in 1924, but today, in practice, is obsolete. Naturalization was codified as such in 1858, when an amendment to the Swedish Constitution (until today regulated in Ch. 8 2§ RF) gave the King the right to naturalize foreigners (Sandesjö and Björk 2005, 16; Lokrantz Bernitz 2004, 75).<sup>26</sup> The first law regulating the conditions for Naturalization also came into effect in 1858.<sup>27</sup>

In the Swedish context, the main consideration remains that of being legally domiciled in the country; becoming a national has been a much less discussed topic. Sweden seems to be among the first countries to have introduced a passport obligation during the 1800s. Until 1809, when a constitutional provision stipulated the formal equality of Naturalized Swedes with the native-born, simply moving to Sweden without the intention to return would be enough to be considered a *de facto* citizen. According to other opinions, however (see Ingrid Belander in Nascimbene 1996, 639), instances of Naturalization can be traced back to the 16<sup>th</sup> century. After 1858, the King could confer Swedish citizenship to a foreign man by royal decree, if certain obligations were fulfilled, one of which was to acknowledge Lutheranism. The subsequent Citizenship Acts of 1894, 1924, and 1950 were the result of Nordic cooperation, and preserved about the same basic content, with *jus sanguinis* and the avoidance of dual citizenship and statelessness as the main principles, while expressing the individual’s relationship with the national state and the special relation created between the Nordic countries and their citizens. The Citizenship Act adopted in 2001 was the first codification not based on Nordic cooperation. In addition, it supported such earlier rejected features as dual citizenship.

---

<sup>26</sup> RF – *RegeringsFormen*, main part of the Swedish Constitution.

<sup>27</sup> Ordinance of 1858 regulating and establishing conditions for a foreign man to become a Swedish citizen.

To sum up, Swedish citizenship can be acquired in five ways:

- 1) **at birth**, automatically - by blood descent (foundlings are included by assumption);
- 2) **by legitimation** - acknowledging Swedish fatherhood;
- 3) **by adoption** (since 1 July 1992);
- 4) **by** simplified procedure of **notification**/declaration as a child growing up in Sweden, alternatively as a young adult until the age of 20; or
- 5) **through Naturalization** by application, as an adult.

Shifting perspective, aside from the main modes of acquisition noted above, there are a few other related modes:

- as a child, by **legitimation**, **adoption**, or **extension** (special modes), alternatively by **extension of acquired citizenship by a parent to minor unmarried child**, who consequently also becomes a Swedish national, or
- as an adult - by **reacquisition**, **notification**, or **application**.

Earlier forms of spousal transfer or Naturalization based on special achievements were consolidated in more general forms of acquisition, eventually leaving some traces as facilitating provisions. Swedish citizenship can be lost automatically, by statutory limitation (*preskription*) (§14) upon turning 22, if born abroad and having no contact with Sweden, nor expressing interest in preserving Swedish citizenship, unless this would result in statelessness, or by application (§15) (see below for a more detailed presentation of modes of acquisition and loss).

## Historical Development

### *From the Pre-Constitutional Period to the Post-WW II Years*

The right of sojourn, the basic right to be in a given geopolitical space, and the right to reside are two levels of the right to stay in a country that are different from that of birthright. Without question, the right to reside indefinitely is the most extensive form of this sort. The sojourn right has “traditionally” been governed by passport regulations. In Sweden, these can be traced back to the 1500-1600 period, and they were reformulated in Ordinances in 1811-12 (Hammar 1964, 7). Residential rights legally allowed foreigners to stay, explicitly, by providing them with a residence permit, and implicitly during periods of liberalization, when access restrictions were lifted, as was the case between 1860 and 1914 (Hammar 1964). The unrestricted right to live and reside, however, normally has been reserved for Swedish citizens.

*Some Pre-Modern Historical Outlines*

In Sweden, the main issue always has been the right to reside. The issue of citizenship mostly has occurred as an explicit expression of the political will to exercise influence and control.

During historical times, the law-rolls of the Swedish provinces (*landskapslagarna*) did differentiate between foreigners and non-foreigners. At that time, however, these terms could mean either persons living abroad, or persons born abroad (Lokrantz Bernitz 2004, 73). During the early Middle Ages, there were no barriers for foreigners wishing to move to Sweden. The so-called Union of Kalmar (*Kalmarunionen*, 1297-1521), when Queen Margaret (also called “with no pants” as a reference to her position as a woman doing a man’s job) temporarily united all Nordic countries and territories under one crown (Dingu-Kyrklund and Kyrklund 2003, 74). This led to some changes in the way rules were applied. The periods that followed were influenced by fluctuating historical and economic events, which directly affected both the extent of and limitations to freedom of movement. During the Hanseatic period, the “welcomed immigrants” were mostly wealthy merchants and craftsmen from various parts of Europe, forming during the 16<sup>th</sup> century a rather cosmopolitan environment, which was enhanced during the 17<sup>th</sup> century through the further immigration of skilled workers (Table 9).

During the 1600-1700 period, there were implied impediments to emigration from Sweden; leaving the country without permission could lead to punishment. Those moving abroad lost their Swedish citizenship, while foreigners moving in were accepted, and allowed to become Naturalized, but seldom via a written document (Lokrantz Bernitz 2004). Nevertheless, this could be considered as an early instance of the application of territoriality in citizenship law. Subsequent territorial conquests and losses led to problems of displacement and integration of the population of immigrant origin, while the country’s economic strength was jeopardized by an adventurous policy. This put an end to Sweden’s attractiveness as an immigration country for quite a while.

The beginning of the 1800s marked the formation and consolidation of modern European states, with increasing awareness about issues of territorial access and population control. For the most part, the period until 1860 was one of initiating control, through the use of passports and limitations on (uncontrolled) immigration. Industrialism, economic liberalism, and mass poverty within the context of increasing population characterized the 1860-1917 period. This era was characterized by both free immigration and mass emigration, with around one million Swedes moving to the USA. The post-WW I period, including the difficult years leading up to WW II, were marked, in Sweden, by increasingly restrictive circulation and immigration rules, culminating in the Aliens Control rules of the 1940s.

**Table 9: Landmarks in Swedish Immigration History**

<b>Approximate Time Period</b>	<b>Historical and Related Events that Affected Migration to/from Sweden</b>	<b>Political Effects and Legal Consequences for Further Immigration</b>
1600 to Early 1800s	Territorial conquests and losses	Encouraged selective immigration
1800 to 1860	The founding and consolidation of today's modern European states. Territorial changes	Pass request introduced. Certain (intended) limitations of (un-controlled) immigration.
1860 to 1917	Increase in population and spread of poverty.	Free immigration and sizeable emigration, especially to the USA.
1917 to 1927	End of WW I. Increasing protectionism of the labour market and stricter immigration controls.	Gradually increased immigration regulations. Pass request reintroduced in 1917. The first Immigration Act dates from 1927.
1927 to 1940	End of WW I and lead-up to WW II in Europe	Immigration control: introduction of legal protection for political refugees in 1937.
1940 to 1948	WW II and related events.	Control of foreigners. Influx of refugees from neighbouring countries.
1949 to 1971	Post-war situation. Lack of labour force and economic development.	Liberal immigration policies.
1972 to 1989	Shock of the Oil Crisis. The 1980 Convention for the Protection of Refugees. Family reunification and third-world refugees.	More restrictive immigration, but guarantees for the rights of foreigners.
The 1990s	Asylum-seekers from eastern Europe and free movement of highly educated specialists within the EU. Ever-harsher attitude towards potentially false asylum seekers. 1995: Schengen, Eurpol, SIS.	Increasingly restrictive legislation on immigration control and EU-integration. Impact of the Schengen Agreement.
Post-1999	Post-Schengen EU integration and harmonization. 2003/04: EU Constitution. Amended Immigration Act to expedite processing of "obviously unfounded asylum applications."	Between a more restrictive and efficient policy and on-going public discourse on the possibility of selective immigration by skilled labour.

**Source: Dingu-Kyrklund 2001, 2003 (updated)**

*From the 1809 Constitution to WW II*

Lokrantz Bernitz (2004, 142), citing Malmar (1936, 14) who, in turn was citing Blomberg (1891, 70; 1903), supposed that before 1809, simply moving to Sweden without any intention to return home was enough to be considered a Swedish citizen. The Swedish Constitution of 1809 (RF §33) formally established that a Naturalized foreigner enjoyed “the same rights ... as an in-born Swedish citizen, but without the possibility of getting appointed as a government member” (as quoted in Sandesjö and Björk 2005, 80). This provision remained unmodified in the 1974 Constitution.

Overall, 1830-1860 was a period of increasing Scandinavism. Sweden and Norway had initiated a Union in 1815, which lasted until 1905, when Norway proclaimed its independence. In the meantime, an increasing spirit of communion and cooperation developed within the region, leading to some convergent legislative inter-Nordic developments.

An 1858 amendment to the Swedish Constitution (RF Ch. 8 §2), which was formalized in a first Ordinance on Naturalization (1858 No. 13, p.2), enabled the King to formally naturalize foreigners. This was the first codification on citizenship in Swedish history, and it defined four conditions to be fulfilled, namely: 1) be 21 years of age, 2) exhibit good conduct, 3) a minimum of three years residence in Sweden, and 4) display a proven self-supporting capacity. No residence permit was required, and exceptions to the 3-years-residence condition could be granted to applicants already in public service, or for special reasons, such as special merits or benefits for the country (Lokrantz Bernitz 2004, 143). Mandatory renunciation of an individual’s previous citizenship, however, was preserved until the adoption of the 2001 MdbL, whose acceptance of dual citizenship rendered that condition obsolete.

The 1894 Law (Nr. 71) on the acquisition and loss of Swedish citizen rights,<sup>28</sup> defined new rules: *increscens* (§2) for acquiring citizenship after uninterrupted residence until the age of 22 (by socialization), loss of citizenship by moving abroad (§7), and reacquisition of citizenship (§8) upon resuming domicile in Sweden (Sandesjö and Björk 2005, 22). Children born in wedlock inherited their father’s citizenship (§1), while those born out of wedlock, got their mother’s (§9). A foreign woman marrying a Swede automatically became a Swedish citizen (§3), and children could gain citizenship by legitimation. A foundling was considered Swedish until anything else was revealed, and there was a rule allowing release from citizenship. Many of these rules remained in effect in Swedish legislation for a long time. Moreover, the Ordinance of 1858 remained in force, even after the adoption of the Law of 1 October 1894, until the adoption of the 1924 Swedish Citizenship Act (1924: 130). At that time, the term “citizen rights” (*medborgarerätt*)<sup>29</sup> was replaced by “citizenship” (*medborgarskap*), as had been proposed by the Constitutional Review Committee (Dingu-Kyrklund 2001).

In many respects, the 1924 legislation was very similar to the 1894 law. Indeed, the latter’s transitional rules on loss and reacquisition in Section 13 (1) were preserved until 2001. New Naturalization conditions adopted in 1924, however, did allow for the abolition of the 1858 Citizenship Ordinance (Sandesjö and Björk 2005, 24). The new conditions were (§5): 1) be over 21 years of age, 2) have accumulated 5 years

---

<sup>28</sup> *Lag den 1 oktober 1894 (nr. 71) om förvärvande och förlust av medborgarerätt.*

<sup>29</sup> This is still used in Denmark: statsborgerret = citizenship; statsborgerskap - nationality.

domicile in Sweden,<sup>30</sup> 3) have exhibited good conduct, and 4) demonstrated a capability to provide for himself and his family. In addition, a fifth condition allowed for the renunciation of a former citizenship. Provisions that could prevent statutory loss of citizenship for expatriates born abroad, the expansion of that loss to a spouse and children (§ 9), and the possibility to ask the for the King's confirmation of being a Swedish citizen (§ 11) also were formulated for the 1924 legislation. Furthermore, a 1933 amendment (Law Nr. 221) gave the King a discretionary right to decide on the extension of Naturalization to a man's spouse and children.

*Post-WW II to 1984: The Modern Swedish Citizenship Act (1950: 382)*<sup>31</sup>

At the end of WW II, neutral Sweden was the only Nordic country that had not been directly affected by the war. In 1948, Iceland became independent, and a year later, in 1949, three of the Nordic countries – Denmark, Iceland, and Norway – joined NATO. There was, nevertheless, a clear and common desire at this time to strengthen the Nordic cooperation.

In 1943, the Danish association “The North” (*Norden*) took the initiative to propose a common Nordic citizenship (Lokrantz Bernitz 2004, 77). The 1950 Swedish Citizenship Act (1950: 382) was (as had been its predecessors) a result of some cooperation with Norway and Denmark (later joined by Iceland and Finland). Nevertheless, the 1950 Swedish legislation did not establish a common Nordic citizenship, as had been intended. At this time, that remained as a purely theoretical concept, based on extensive kinship and assumed similarities (Dingu-Kyrklund and Kyrklund 2003). In practical terms, though, achieving a common system based on equal treatment of each other's citizens remained a central idea.

The 1950 Citizenship Act (1950: 382), which came into effect in 1951, preserved a similar structural content to its 1924 predecessor. It was based on three basic principles: *jus sanguinis*, avoidance of dual citizenship, and avoidance of statelessness. The status of married women radically changed after 1950, from that of legal dependency to a freedom to keep, or not keep, their earlier citizenship. No longer did they automatically acquire their husband's citizenship. The rule also became gender neutral, with the only difference between spouses and other applicants being a certain facilitation of acquisition by allowing spouses to apply for Naturalization a year after receiving their PUT.<sup>32</sup> In effect, this reduced the waiting period to three years, instead of five (§6: 4.2).

In 1969, Sweden ratified the UN Convention on the Reduction of Cases of Statelessness (SÖ 1969: 12). A related effect was that as of 1 July 1969 the requirement to be born in Sweden as a criterion for citizenship was abolished, and the provisions in §3, regulating acquisition of citizenship by socialization (*increscens*) began to apply. At the same time, the demand for uninterrupted domicile in Sweden also became more flexible. Another change was that the children of parents who lost their citizenship by virtue of the

<sup>30</sup> Exceptions are possible with regard to the age and domicile conditions if this is a gain for the country or if a former citizen applies to regain citizenship.

<sup>31</sup> This shall also be further referred as 1950: 382 MdbL (from *MedborgarskapsLagen* – the citizenship law, in Swedish: *medborgarskap*=citizenship, and *lag*=law), using a customary Swedish legal abbreviation.

<sup>32</sup> To avoid the undesirable effects of possible sham marriages, Sweden applies a delayed immigration procedure (*uppskjuten invandringsprövning*), implying that during the first two years after moving to Sweden on those grounds, (s)he will only receive TUT, which provides an insufficient basis from which to seek citizenship, but (s)he benefits still from a shorter waiting period, being allowed to apply after only three years' residence and two years of marriage.

statutory limitation (*preskription*) in §8 ceased to automatically lose theirs by extension, if the child would otherwise have become stateless.

Sweden signed the European Convention on the Adoption of Children in 1967, and ratified it in 1968. When it finally came into force, this Law (1971: 796) provided for the equal treatment of adoptive children. A related amendment to the Swedish Family Law (*Föräldrabalken*),<sup>33</sup> gave adoptees equal status with other children, but without citizenship effects. A new §13a introduced in the then-new Citizenship Act (1950: 382), however, only granted automatic acquisition of Swedish citizenship to children adopted by their natural parents by extension upon adoption. In 1975, Sweden signed the European Convention on the Legal status of Children born out of wedlock, which was ratified in 1976. This represented another step towards the equal treatment of adoptees. Earlier provisions referring to children born in and out of wedlock were reformulated, relating the children's descent right to the civil status of the parents and their respective citizenship, but without any substantial modification of content (§1).

A 1976 amendment shortened the waiting time for Naturalization from 7 to 5 years, and to 2 years for Nordic citizens (§ 6.2). Provisions agreed upon in the Nordic Convention also shortened the residence request for acquisition by notification from 10 to 5 years (§10). The electoral reform of 1976 gave electoral rights for the first time to foreign citizens who had lived at least 3 years in Sweden (Hammar 1977).

A 1979 amendment to the Citizenship Act shifted the main descent rule to the mother (§1), irrespective of the parents' civil status. In the same year, changes to family law granted parents shared custody of children, which also was reflected in the Citizenship Act (§ 2a). This provided an additional, simplified modality for minor children to acquire citizenship. All of these changes should be interpreted as part of a strong initiative towards upholding the best interests of the child, as an independent entity with her/his own rights.

An amendment adopted in 1982 (by Law 1982: 1108) made information from social authorities, which previously had been classified, available for use in citizenship cases (introducing a new §14a, 1950: 382 *MdbL*). This signaled a new tendency to prioritize the provisions of the Citizenship Act over those of the Social Assistance Act (*SocialtjänstLagen*), thus leaving a somewhat secondary role for social services' officials in cases involving children.

#### *1985-2005: The Path to the New Swedish Citizenship Act (2001: 82)*<sup>34</sup>

The 1985 amendments reflected changes to family law, such as the adoption of a Law on international issues regarding paternity (1985: 387), and the amendments introduced by Law (1984: 682), which had some implications for the citizenship field. For instance, the 12-year limit for automatic acquisition of citizenship by adopted children, corresponded to the same 12-year limit after which a child must consent to the adoption according to family law (Ch. 4 §5 FB).<sup>35</sup>

<sup>33</sup> This can be translated literally to "The Law of Parents" or "Parentage Law."

<sup>34</sup> See note 29 above – the same abbreviation *MdbL* will apply for the Swedish Citizenship Act.

<sup>35</sup> FB – *Föräldrabalken*, literally, "Parents' Law," the backbone of the Swedish family law, together with *ÄB* – *Äktenskapsbalken*, "Matrimony Law."

The new Immigration Act, which was adopted in 1989 (1989: 529 UtIL/ *Utlänningslagen*),<sup>36</sup> though often modified since, reflected Sweden's international commitments with regard to the Naturalization of asylum seekers and stateless persons, who began to receive preferential treatment. Refugees were treated as particular categories in Immigration and Citizenship law, but all migrants needed first to be granted a resident status prior to being considered as applicants for Swedish citizenship.

Several amendments were made to the Citizenship Act in 1991, which came into force on 1 January 1992. In this regard, the most important was 1991: 1574, through which, in its section 6, were introduced the possibilities of 1) being granted Naturalization for "reasons gaining the country," which was to be decided by the Government (§ 6: 3 Align. 3), and 2) of extending citizenship to minor unmarried children (§ 6: 3 Align. 5). The rule regarding Naturalization by virtue of "gaining the country" mostly has been used for performance sportsmen who were in need of a speedy procedure that would clear the way to allow them to represent Sweden in international competitions.

An amendment enacted on 1 July 1992 (1992: 392), modified §13a to allow for the extension of citizenship from adoptive parents to adoptees whenever a legal adoption came to stand, whether in a Nordic country (§13a: 1) or according to the 1971 Convention on Adoptions (§13a: 2), including the possibility for parents to adopt their own children (§13a: 3).<sup>37</sup> A new §1a allowed for the automatic acquisition of citizenship by adoptees under 12 years of age, with the sole condition that the adoption was legal, in either Nordic or European legal terms. The 1993 Hague Convention on the Protection of Children and Cooperation with Regard to International Adoptions resulted in another amendment in 1997, granting citizenship to international adoptees. In the same year, an amendment in Art. 13a, section 2 of the Swedish Citizenship Act established the right for children who had been adopted by their natural parents to automatically acquire the parents' citizenship, finally balancing their status with that of children who had been born within wedlock. A 1998 amendment (Law 1998: 321) empowered legal guardians/parents to apply for citizenship on their child's behalf, by the simplified procedure of notification in (§2a).

An important amendment codified the "clear identity" clause condition for Naturalization (§6.1) towards the end of 1998 (Law 1998: 1453). A clearly established identity became a fundamental requirement under national and EU-law obligations. This can be viewed as a counteracting measure against attempts by asylum-seekers with unfounded grounds who might attempt to conceal their identities in order to avoid expulsion and rejection consequent to the application of the "first asylum country" principle in the Dublin Convention. A clearly established identity also was a prerequisite to avoid undue, irrevocable decisions regarding the granting of citizenship on false pretenses. An exception clause, however, enabled even persons with unclear identity to acquire citizenship after 8 years of domicile in Sweden, if plausible arguments in support of the applicant's claim could be presented (§6.4 (3) Align. 2).

---

<sup>36</sup> The earlier was from 1980. Note that UtIL is a customary abbreviation for the Swedish Immigration Act (in Swedish: *UtlänningsLagen* – literally, The Law of Foreigners, from *utlänning*=foreigner and *lag*=law).

<sup>37</sup> See above the first reference to the first introduction of this article in 1971, then only for adopted natural children.

*The New Citizenship Act (2001: 82)*

Half a century after the adoption of the 1950 Citizenship Act, the number of persons of foreign origin living in Sweden had increased spectacularly from about 123,500 in 1950 to around a million individuals towards the end of the 1990s. About a tenth or more of the present population of Sweden, therefore, currently has its roots outside Sweden, notwithstanding members of the second and third generations, who have become partly naturalised. In most respects, persons domiciled in Sweden now enjoy rights similar to those of citizens. Thus, the domicile principle gradually has increased in importance as a basis for enjoying societal/citizenship rights, while globalization effects have prompted an increasing number of Swedes to live abroad.

By the late 1990s, preparatory works (SOU 1999: 34; Prop. 1999/2000: 147) concluded it was time to adopt a new Citizenship Act to better reflect some important new realities. In the words of one document, it had become time to consider “the generally increased internationalisation” which was seen as triggering the need to adapt to “new conditions” (Prop. 1999/2000: 147, p.16; Lokranz Bernitz 2004, 29). Such circumstances no longer were reflected in the existing set of amendments to the relevant pieces of Swedish legislation. A sentiment seemed to be emerging that the time for tinkering with existing laws was over; it was time for some more serious reflection on the matter of Swedish citizenship.

As a consequence, the 2001 Citizenship Act adopted the more flexible views of the 1997 European Convention on Nationality, which was ratified by Sweden about the same time as the new law was enacted.<sup>38</sup> Thus, the more restrictive 1963 Convention, which had been denounced by Sweden, was abandoned in the same year.

*Jus sanguinis* has remained as the main principle for the acquisition of Swedish citizenship throughout history. The provisions for this were expanded in the 2001 Act by making descent from a Swedish father more equal with that from a Swedish mother, though the latter still was the main rule for automatic acquisition – a child always acquires her/his Swedish mother’s citizenship. The same applies when the father is a Swede, providing the child was born in Sweden (§1). If, however, the child was born abroad, the acquisition is not automatic; instead a simplified procedure for acquisition by notification (*anmälan*) applies (§5).

Under the new Act, the domicile principle increased in importance in all other cases of non-automatic acquisition for both children/youths and adults. Children living/growing up in Sweden, were given multiple possibilities to become citizens: by extension, when parents/legal guardians were or became citizens<sup>39</sup> themselves; or as individuals, on their own merits, by socialization, while still minors; or by their own initiative after attaining the age of majority.<sup>40</sup> Most of these provisions already had been adopted in some form or other in the 1950 MdbL, but sometimes they were given extended scope in the 2001 MdbL.

---

<sup>38</sup> The ECN was ratified on 28 June 2001 (SÖ 2001: 20) entering into force on 1 October 2001. The Swedish Citizenship Act (2001: 82), henceforth referred to as the 2001 MdbL/ *Medborgarskapslagen* was enacted on 1 July 2001.

<sup>39</sup> By notification (§10), if a parent is Swedish or parent(s) acquire citizenship according to (§5); or by extension of naturalisation, as “bi-person” to naturalising parents, which implies the minor child’s naturalisation (§13).

<sup>40</sup> Before 18 (§7) of by own notification between 18-20 years of age (§8).

The status of adoptive children became more comparable to that of other children, through the application of both the provisions of Swedish family law<sup>41</sup> and the international obligations assumed by Sweden over the years.<sup>42</sup> For example, a child under the age of 12 who was adopted by a Swedish citizen now automatically acquired Swedish citizenship by adoption if the adopted child had been born in a Nordic country. This provision also applied in situations in which a child was adopted by virtue of a foreign decision which was acknowledged in Sweden according to either the Law regarding international adoptions (1971: 796) or the Law regarding Sweden's accession to the Hague Convention on Protection of Children and Cooperation for International Adoptions (1997: 191) (§1a, 1950: 382 MdbL, enacted in 1992).

Under the 2001 legislation, matters involving national security became subject to a two-step procedure. The first stage was handled by the Migration Board, with the Government itself serving as a second instance of Appeal (§27).

In a world of global migration, dual citizenship can play multiple integrative roles, through both formal integrative and informal symbolic, identity-bearing functions. In the process of migrant integration, acceptance of dual citizenship can be a catalyst, playing an important socio-psychological role, potentially bridging the gap of belonging to more than one society in a uniting symbolic act. The acceptance of dual citizenship, therefore, represents the Swedish acknowledgment that multiple belonging is a fact of life for many in the early twenty-first century. Dual citizenship can be an important tool for the further and deeper integration of long-term immigrants who often wanted, but did not apply for, Swedish citizenship because of personal reasons, mostly related to family- or identity-related issues of no public consequence, but which were very important to those directly concerned.

Beyond making acquisition easier, the new provisions in the 2001 Citizenship Act also had an impact on the modalities of loss of citizenship. No rule of automatic loss of citizenship by virtue of acquiring another citizenship (earlier §7.1 in 1950: 382 MdbL), or for entering the public service of another state (earlier §7.2 in 1950: 382 MdbL) now exists. This change also implied that rules of loss by extension (§7.3 in 1950: 382 MdbL), or lack of option according to the obsolete provisions of §7a, Align. 2-3, also disappeared, or were modified (Sandesjö and Björk 2005, 141-152). The acceptance of dual citizenship is expected to increase the number of naturalizations. Due, however, to a discrepancy between processing and reporting Naturalization applications, as well as the relatively short time since the enactment of the new law, it is difficult to draw any clear conclusions as yet, despite some anecdotal indications of an increase.

On 14 January 2002, Sweden became a party to another Nordic Agreement in matters of citizenship, which was adopted in Swedish legislation two years later (SÖ 2004: 30). But the new Citizenship Acts adopted, or about to be adopted, in the other Nordic countries are less convergent than ever.

---

<sup>41</sup> See the above reference to Parental Law (FB §7) in note 33.

<sup>42</sup> The 1967 European Convention on the Adoption of Children was denounced by Sweden in 2002, effective on 04.01.2003; 1975 European Convention on the Legal Status of Children born out of Wedlock, ratified 1976; 1993 Hague Convention on the Protection of Children and Cooperation with regard to International Adoptions, transferred in the Swedish legislation as Law (1997: 191) regarding Sweden's accession to the Hague Convention regarding protection of children and cooperation in international adoptions, (applied in §3.2, 2001: 82 MdbL) and Law (1997: 706) on public announcement on Sweden's accession to the Hague Convention regarding protection of children and cooperation in international adoptions. See also Prop. 2000/2001: 66, *Residence permit for adoptees*.

## CITIZENSHIP IN PRACTICE

### Main Modes for the Acquisition of Nationality

#### *Acquisition by Children*

##### *Jus Sanguinis: Automatic Acquisition at Birth*<sup>43</sup>

Sweden applies the principle of *jus sanguinis* as its mode for the automatic acquisition by birth (§1). It follows, in the first instance, the maternal line: the child of a Swedish woman always receives Swedish citizenship *ex lege*, irrespective of the birthplace of the child. For the same right to be derived from a Swedish father, the child needs to have been born in Sweden, or the father must be married to the child's mother (which remains valid even if the father is deceased by the time the child is born). The current application of the *jus sanguinis* principle evolved on the basis of automatically conferring Swedish citizenship by birth right from the father, for legitimate children, born within wedlock, and from the mother for children born out of wedlock. Even though this gender-discriminatory approach already was being questioned during the preparation of the documents for the 1950 version of the Citizenship Act (SOU 1949:45, prop. 1950:217), the discussion only took a step forward in conjunction with the adoption by Sweden of the 1997 European Convention on Nationality. This new approach was reflected in the legislative changes associated with the 1997 European initiative (Prop. 1975/76: 136, InU 1975/76: 44, Rskr 1975/76: 400 – family law; InU 1975/76: 136 – Citizenship Law provisions; Resolution 77/13 of the Minister's Committee of the Council of Europe, DsA 1978: 2 “Acquisition of Swedish Citizenship through the Mother” on Nordic cooperation in the field of citizenship, leading to amendments in the Swedish Citizenship Act (1950: 382) in 1979, prepared by Prop. 1978/79: 72, AU 1978/79: 26, rskr. 1978/79: 201). As a result, from 1 July 1979, the rule was to always automatically confer to a child born to a Swedish mother her citizenship at birth.

##### Foundlings: *Jus Sanguinis* Assumption (by Presumption) at Birth

A foundling discovered in Sweden is automatically considered a Swedish citizen (§2) by assumption of *jus sanguinis* affiliation [by presumption], until any indication to the contrary is uncovered. This provision can be linked to Art. 6. 1b in the 1997 European Convention on Citizenship, which states that a foundling shall be considered to be a citizen in the state in which she/he is found *ex lege*, if she/he would otherwise remain stateless (Lokrantz Bernitz 2004, 138).

---

<sup>43</sup> As a general observation, modes involving acquisition of Swedish citizenship by children, based on *jus sanguinis*, imply that the filiation is legally established and the parent (usually the father) on which the descent rule is based, normally also has legal custody of the child – according to International Private Law rules if abroad or outside of Swedish or Nordic jurisdiction.

### Acquisition by Children after Birth

The main modes for acquiring Swedish citizenship by children domiciled in Sweden are either derived from their parents, by (filial) transfer or extension, or by personal, socialisation-based criteria derived from what could be called *jus domicilii*, or simply by growing up in the host country.

#### Filial Transfer/*Jus Sanguinis*: Acquisition by Extension

A child born abroad to a father who is a Swedish citizen (or has been at least since the child's birth), and who has not acquired Swedish citizenship according to either §1 or §4, becomes a Swedish citizen by the simplified procedure of notification, if filed before the child's 18<sup>th</sup> birthday (§5). Consent of the child is required if, at that point, the child is over 12 years of age and has another citizenship, unless she/he, due to a severe impairment, is not in a position to do so. This was formulated as a new provision, as compared to the 1950 MdbL, but only in regard to cases as described above, namely, with a child born abroad to a Swedish father, who was not married to the child's mother. In the preparatory works that were undertaken for the 2001 Citizenship Act (Prop. 1999/2000: 147), such situations were discussed from two points of view. On the one hand, there were strong reasons in favour of the extension of the parents' citizenship to the child; on the other hand, when a child is born abroad, there may arise cases in which there may be insufficient grounds for an *ex lege* application of the filiation principle. For example, contact with the Swedish father, or Sweden (the grounds for citizenship extension) may be rare, or even nonexistent, even though an active notification of the father's wish for the child to be pronounced a Swedish citizen is required. It is instructive to compare this with the option rights provided in the 1924 (§9.1)/1950 (§8) MdbL, and to the provisions in the former §2a in the 1950 MdbL, regarding acquisition by filiation after birth by father's/parents' (as legal guardians) notification. In the latter, nothing was said about the child's birthplace, while the former §8 stated that a child born as a Swedish citizen abroad, but who neither has been domiciled in Sweden nor in any form has shown interest in the maintenance of an active relationship to Sweden, loses his/her citizenship on her/his 22<sup>nd</sup> birthday, unless he/she applies to preserve the citizenship before that date. The provisions in today's §5 (2001: 82 MdbL) can be related to Art. 6 (1a) of the 1997 Convention on Citizenship, allowing for an exception be made with regard to a child born abroad, but also to Art. 6. (3b) which stated that, in such a case, a simplified acquisition procedure shall equally be allowed (Sandesjö and Björk 2005, 61).

#### Filial Transfer: Acquisition by Legitimation

An illegitimate child of a Swedish father who has not acquired Swedish citizenship at birth according to §1, becomes a citizen consequent to her/his parents' marriage (§4) if she/he is still unmarried and under 18 years of age at the time of the marriage. This can be considered a semi-automatic mode of acquisition subsequent to two determining criteria: 1) established paternity and 2) the parents' marriage. The date of the marriage consequently becomes the date when the child becomes a Swedish citizen, even if the paternity is established later (Sandesjö and Björk 2005, 60).

Filial Transfer: Acquisition by Adoption

A child under 12 who is adopted by a Swedish citizen (§3) in Sweden or in another Nordic country (Denmark, Finland, Iceland or Norway) or is adopted by virtue of a non-Nordic decision that is recognised under the Swedish Law on international legal relationships regarding adoption (1971:796), automatically becomes a Swedish citizen, from the moment of adoption, through the legal equation of the status of an adopted child with that of a natural one. This was not entirely the case before the enactment of the 2001 Citizenship Act. For example, the old 1950 Act did not automatically confer Swedish citizenship on children who had been adopted by virtue of a non-Nordic adoption decision, but only extended that possibility through naturalisation. The 2001 Act corrected this discrepancy, by treating adoptees equally in point of acquired rights with those of natural children. It also expanded the inter-Nordic rules of automatic acquisition by adoption, irrespective of whether the decision was Nordic or not (see also Sandesjö and Björk 2005, 53-59).

*Jus Soli: Stateless Children Born in Sweden*

A child, born in Sweden, and involuntary stateless *de jure* or *de facto* and permanently domiciled in the country, acquires Swedish citizenship by notification handed in by the person(s) holding custody of the child before his/her 5th birthday (§6). This provision reflects, among other things, the 1997 UN Convention on the Rights of the Child, the 1997 European Convention on Nationality, the 1961 UN Convention on the Reduction of Cases of Statelessness, and Recommendation No R.99/18 of the Council of Europe/Committee of Ministers on the Avoidance and Reduction of Statelessness. No condition for the establishment of a clear identity is attached to this provision.

*Jus Soli: Jus Domicilii* by a Child Born or Grown Up in Sweden Stateless

A child born in Sweden stateless, and not having acquired Swedish citizenship according to §6 (see above), or only acquiring foreign citizenship at birth, and, alternatively, stateless or foreign-born (including adoptive) children who had grown up in Sweden and had not gained citizenship in any other way, now could acquire citizenship by notification, handed in by his/her legal guardian(s) before her/his 18<sup>th</sup> birthday (§7). There is a condition of permanent domicile attached to this provision, though it is not applicable to Nordic citizens. Moreover, the explicit agreement from a child over the age of 12 also is required. This mode of acquisition is socialisation-based in regard to children who were not born in Sweden, but who grew up there. Children, whose citizenship could not be established, whether born in Sweden or having arrived during their (early) childhood, also are covered by this provision.<sup>44</sup>

---

<sup>44</sup> As a general observation, modes involving the acquisition of Swedish citizenship by children based on *jus sanguinis*, imply that the filiation is legally established and the parent (usually the father) on which the descent rule is based, normally also has legal custody of the child – according to International Private Law rules if abroad/outside Swedish or Nordic jurisdiction.

### Automatic Subsidiary Extension to a Child

If a foreigner acquires citizenship by filial transfer (§5 – A04a), socialisation (§§ 7-8 – A07a-b), or reacquisition (§9 – A16a), then his/her unmarried child(ren) under 18 years of age and domiciled in Sweden automatically acquire citizenship under condition that the respective parent either has sole custody of the child(ren) or shares custody with the other parent who is a Swedish citizen. Alternatively, both parents can become Swedish citizens at the same time and share custody of the child(ren) (§10). This provision is similar to the old §5 in the 1950: 382 MdbL, whose final wording dates from the 1977 changes, which brought about the possibility for shared custody among parents, something that had just been adopted in Swedish family law.

### *Acquisition by Youth and Adults*

#### Acquisition of Swedish Citizenship by Youth Grown Up in Sweden (*Jus soli*)

A foreigner over 18, but under 20 years of age, who has lived in Sweden at least since the age of 13 (15 if stateless – Art. 23d), and who is not possession of a permanent residence permit (PUT) – except for Nordic or EEA-citizens, who are exempted from this requirement – can acquire Swedish citizenship by notification (§8). This socialisation-based provision enables persons who have not acquired citizenship through §6 or §7, when, as children they were dependent on a legal guardian to apply for citizenship on their behalf, to seek citizenship by acting on their own behalf once they reach the age of majority.

Earlier provisions of the 1950 Citizenship Act on *increscens*, or “growing into the Swedish society,”<sup>45</sup> (former §3, 1950: 382) were replaced in modified form by §§ 7-8 (see above). The option right introduced by the 1924 Citizenship Act, and preserved through the 1950 version of the Act, was meant to help individuals to avoid loss of citizenship for those born and/or living abroad and who were without any clear connection to Sweden. This was enhanced after passage of the 2001 Act, which accepted the notion of dual citizenship. No good conduct clause was mentioned in these changes.

#### Reacquisition by a Person over 18 Years of Age

The provision for reacquisition of citizenship was introduced for the first time in the 1924 MdbL. It applied to persons who had had Swedish citizenship, but had lost it without having acquired another, if the person became domiciled in Sweden (§4: §1). This had the automatic effect of providing for the reacquisition of citizenship. The conditions for reacquisition became stricter in the 1950 MdbL, which restricted this possibility to persons born Swedish and who had lived in Sweden uninterruptedly until the age of 18 (not necessarily as a citizen), and who, at the time of application, had been domiciled in Sweden at least two years. This, in fact, was the most restrictive set of conditions for this provision. The 2001 MdbL had, by

---

<sup>45</sup> From the Latin word *incresco* – to grow up.

comparison, more lenient conditions, stemming from a conclusion in the related preparatory documents that the uninterrupted domicile condition was unnecessarily restrictive. Thus, the new law stipulated the following conditions: a person over 18 years of age who has lost or has been deprived of Swedish citizenship can regain it by the simplified procedure of notification if the person: 1) is in possession of a permanent residence permit (PUT), 2) had been domiciled in the country for 10 years before turning 18, and 3) who, at the time of application, had been domiciled in Sweden during the previous two years (§9). The decisive question, at all times, has been whether there has been any sufficiently strong connection to Sweden to justify reacquisition (see Prop. 1999/2000: 147, p. 45, in Sandesjö and Björk 2005, 75). It was considered that the earlier demand for uninterrupted domicile from birth to the age of 18 (§ 4 1950: 382 MdbL) had been too restrictive, and that the new demand for 10 years of residency should be deemed to be sufficient. Another important change was that this mode no longer was restricted only to those having initially acquired Swedish citizenship by birth, but now also has been made available to persons who had acquired citizenship in another way (§ 4 1950: 382 MdbL). Also, since the 2001 MdbL accepts dual citizenship, loss of earlier citizenship is no longer required.

### Acquisition by Adults

A foreigner can be granted Swedish citizenship by naturalisation if she/he: 1) has a clearly documented identity, 2) is over 18 years of age, 3) is in possession of a PUT, 4) has been (permanently) domiciled in Sweden, as a general rule, for 5 years,<sup>46</sup> and 5) has lived, and can be expected to continue to live, a respectable life, that is, fulfils what is defined as a good conduct clause (§ 11). Contrary to tendencies in other countries (such as Austria, The Netherlands, and Denmark), no language or other kind of test currently is required as a condition for the acquisition of Swedish citizenship.

Naturalisation is not a right as such, but a possibility given to persons who have moved to Sweden from abroad to become Swedish citizens, provided that certain conditions have been met. Fulfilling the conditions, however, does not imply an absolute right to citizenship. The authorities in charge have absolute discretion in approving any such decisions (see reg. 2004-09-02 Ju2003/262/IM; also Wahlbäck and Nordström 1952, 35, as cited in: Sandesjö and Björk 2005, 80). As long as they are “giving a reasonable interpretation to the provisions, it is not considered that there are grounds for a decision annulment [*resning*]” (Regeringsrätten 1995-04-10, case 243-1995, as cited in Sandesjö and Björk 2005).

### **Loss of Citizenship**

#### *Loss by Renunciation of or Release of Citizenship – by Application*

Swedish citizenship can be lost voluntarily, by application for renunciation. This is something that usually is accepted if the person is domiciled abroad and has acquired another citizenship. Release from

---

<sup>46</sup> The only exceptions to the five-year requirement are as follows: it is reduced to four years for stateless persons or persons considered to be refugees according to the Geneva Convention – according to ch.3 § 2 in the Immigration Act (1989: 529), and to two years for Nordic citizens (Danish, Finnish, Icelandic or Norwegian),

citizenship can, in such a case, only be denied if special circumstances exist (§15, 2001: 82). The provisions are almost the same as those found in earlier legislation dating from 1894 (§5), 1924 (§10), and 1950 (§9) (Sandesjö and Björk 2005, 150). Before 1894, there were no direct provisions regarding loss of citizenship, but reference was made to case law (Blomberg 1891, 137 and Naumann 1883, 38, as cited in Lokrantz Bernitz 2004, 148). Under the provisions of the 1894 Citizenship Act (§5), citizenship could be lost through naturalisation in another state, irrespective of domicile. It also could be lost through marriage to a foreign national (automatically according to §6, Align. 1 in the 1894 Citizenship Act, and conditioned by the actual acquisition of the husband's citizenship in §8, 1924 MdbL). According to the 1924 Citizenship Act (§8), Swedish citizenship could be lost by naturalisation in another state or marriage, when the person became domiciled abroad (Lokrantz Bernitz 2004, 149). By virtue of provisions in the 1950 Citizenship Act, Swedish citizenship was lost through the voluntary acquisition of another citizenship by application or through the consequent loss by consent, following the acquisition of another citizenship. This would appear to imply that the loss of Swedish citizenship had ceased to be automatic and/or domicile-related. The explicit consent clause was introduced to make it easier for a Swedish woman, who automatically acquired foreign citizenship by marriage, to preserve her citizenship (see RÅ 1982 1: 36, Prop. 1950: 217, 47, as cited in Lokrantz Bernitz 2004, 149). Thus, the adoption of the 1950 Citizenship Act saw the removal of the provision for loss of citizenship by marriage. Another form of loss, namely by legitimation due to the parents' marriage, already had been abolished in the 1950 Citizenship Act, and that was maintained in an amendment introduced in 1979 (Lokrantz Bernitz 2004, 149).

#### *Automatic Loss by Statutory Limitation (Preskription)*

A Swedish citizen born abroad and who has never been domiciled in Sweden and has not had contact with the country under circumstances suggesting some significant connection to Sweden automatically loses citizenship upon reaching 22 years of age, unless she/he would thus become stateless. This can be avoided if the person applies to preserve her/his Swedish citizenship before reaching the age of 22 (§14). The main elements in this loss mode are that the provision only is applicable to persons born abroad, whether they acquired citizenship from birth or by other modes (for example, legitimation, naturalisation, and the like), and who are domiciled abroad or rather, have never been domiciled in Sweden, and are not keeping contact with Sweden, at least not to an extent that would justify the maintenance of Swedish citizenship. The last criterion is an element about which arguments can arise, and whose interpretation has varied over time. In the 1924 MdbL, studies or military service were mentioned as valid evidence of a connection, while in the 1950 MdbL, such examples were discarded as having the potential to lead to misinterpretations. At the time, among other things, it was noted that the simple fact of getting a part of one's education in a certain country did not necessarily indicate any particular connection to it (see Sandesjö and Björk 2005, 142-143). Nor were three visits of 4-6 months considered to constitute a strong enough connection to another country to trigger a statutory limitation of citizenship (Reg. 1984-08-30 U 1494/84). Indeed, repeated visits to Swedish grandparents during the summers, and sometimes autumns, before the age of 22 were considered sufficient to indicate that a statutory limitation had not occurred in the meaning of the 1950 MdbL (Case UN 03/04026 2003-05-05) (Sandesjö and Björk 2005, 142-143). The ability to speak Swedish and/or regular contact with relatives or others in Sweden were, on the other hand, considered valid arguments for acknowledging a connection. Yet, details, such as the actual duration and regularity of visits to Sweden or the degree of fluency in Swedish led to a variety of outcomes in various cases, both positive and negative. This provision, moreover,

was not applicable if the person had lived for at least 7 years in any other Nordic country (Sandesjö and Björk 2005, 142).

An adaptation to the 1997 European Convention on Citizenship was introduced in 2000 (Law 2000: 298) in §8. align. 2 in 1950: 382 MdbL. It stipulated a limitation to the extension of loss of citizenship to the children of foreign-born Swedes (expatriates) who had lost their citizenship by statutory limitation (*preskription*) upon reaching the age of 22, if such a loss of citizenship would make the child stateless.

When dual citizenship became fully accepted under Swedish legislation due to provisions in the new Citizenship Act (2001: 82), the possibility of avoiding the statutory limitation by option, as provided in the 1950 MdbL, was changed. It no longer required an exclusive choice.

### **Dual Citizenship: An Evolving Debate**

Normatively, both statelessness and dual citizenship have been considered as things to be avoided in Nordic legislation. Dual citizenship has been an extensively debated issue (see, for example, DsA Report 1986: 6, p.121). In part, this has been due to the complex problems that the concept of dual citizenship involves for both the individuals and countries concerned. The 1930 Hague Convention mainly dealt with issues involving conflicts between competing sets of national laws. It said very little about rules regarding dual citizenship, apart from simplifying the possibility of renouncing one of the citizenships (Art. 6) and the need to operate under the “principle of effective nationality” (Art. 5) from a third country’s point of view (Lokrantz Bernitz 2004, 259-260). Together with *jus sanguinis* and avoidance of statelessness, avoidance of dual citizenship was one of the three basic principles applied in the 1950 Swedish Citizenship Act (1950: 382). This became evident in efforts to promote naturalisation by renouncing earlier citizenship (§6 align. 4), or through the imposition of voluntary loss of Swedish citizenship (by application or consent) by a person acquiring another citizenship (§7), something that became further regulated by the 1963 Convention.

Introduced in 1979, §7a was intended to prevent dual citizenship acquired by birth, providing for automatic loss of the Swedish citizenship when another citizenship also was acquired at birth, as soon as the individual reached the age specified in any bilateral agreement with the other state. Such agreements, however, never were concluded (Sandesjö and Björk 2004, 27). Concomitantly, shifting the main rule of automatic acquisition by birth to the mother in 1979 had the side effect of making dual citizenship for some children a reality (DsA Report 1986: 6, 121). Indeed, this change was occurring throughout the Nordic countries (Denmark, Norway, Finland and Iceland) at this time. It was not, however, meant to increase the acceptance of dual citizenship for adults, though this was expected to rise. Unfortunately, there are no exact statistics on the number of persons living in Sweden who have dual citizenship. A 1984 estimate suggested that the figure might exceed 100,000 persons, including, among others, 4,300 children between 0-16 years born abroad as Swedish citizens and about 1,400 who were supposed to also have received another country’s citizenship by the effect of local rules (DsA Report 1986: 6, 121). Furthermore, the option right codified in the 1924 MdbL (§9), and preserved in the 1950 MdbL (§8), enabled Swedish citizens born abroad to avoid citizenship loss by statutory limitation by notification filed before reaching the age of 22.

The 1983 Electoral Rights Committee concluded that neither dual citizenship, nor the resulting double electoral right, which had proven to be difficult to use in practice anyway, could be avoided (SOU 1984: 11, *The Right to Vote and Citizenship*). The 1985 Citizenship Committee (DsA 1986: 6, *Dual Citizenship*) came to similar conclusions on double voting rights, arguing that, though the issue was mostly of theoretical importance, in practice it affected very few persons, and Prop. 1990/91: 195 confirmed that opinion. After the government shifted in 1991, however, Prop. 1990/91: 195 was recalled.

The 1997 Citizenship Committee Report concluded that even though the disadvantages that might arise from dual citizenship were minor, individual interests should prevail (SOU 1999: 34, p. 215; Prop. 1999/2000: 147, p. 25). By then, there were an estimated 300,000 dual citizens living in Sweden, which supported the idea that, as their existence remained rather unproblematic, the traditional worries about the potentially undesirable effects of dual citizenship may have been exaggerated (Table 10). This was taken to mean that the principle of avoiding these occurrences should now be considered as an indication that thinking on the matter had become “to a large extent modified” (Prop. 1999/2000: 147, 12). The report also noticed that, unlike the 1963 Convention, with its specific directions to prevent multiple citizenship, the 1997 European Convention on Citizenship had a neutral position with regard to dual citizenship (Prop. 1999/2000: 147, 13).

### **Dual Citizenship by Naturalisation/Notification**

The 1999 Official Committee Report concluded that, under the provisions of the 1950 MdbL, cases of dual citizenship could occur due to applicable *jus sanguinis/jus soli* concurrent laws, at birth, and by adoption, legitimation, notification, acquisition of a foreign citizenship, or by permission to keep the Swedish citizenship by avoiding its statutory loss according to §8. The naturalisation procedure in §6 of the 1950 MdbL normally precluded the possibility of acquiring dual citizenship, by providing for the conditional acquisition of Swedish citizenship upon renunciation of the earlier citizenship. However, there were a number of situations when such a renunciation, due to provisions in the other legislation, either was not possible or it was not accepted. Moreover, some viewed this provision as one that set unfair/inequitable or too drastic conditions (for example, a fee exceeding 6000 SEK was required for renunciation, which could justify allowing acquisition of Swedish citizenship unconditionally, an implicit acceptance of the side-effect of dual citizenship).

**Table 10: Estimates Regarding the Occurrence of Dual Citizenship in Sweden,  
31 December 1997**

<b>Dual citizenship by naturalisation/notification</b>	<b>Dual citizenship by birth in Sweden by married parents of which at least one born abroad or foreign citizen</b>	<b>Dual citizenship by birth in Sweden 1979-1997 by unmarried mother born abroad, where she can be expected to have acquired local citizenship extendable to the child</b>
Nordic: 3,500	Nordic: 28,000	30,508 (potential)
Rest of Europe: 82,000		
Africa: 12,000		
North America: 1,500		
South America: 16,000		
Asia: 82,000	Rest of the World: 72,000	
<b>Total: 197,000</b>	<b>Total: 100,000</b>	<b>Probable Dual Citizenship: 2,000</b>

**Source: SOU 1999: 34, p.173-174**

Over time, shifting international legal discourse has served to condition many nations to become more prone to accept dual citizenship. This, in part, can be viewed as a side-effect of Globalization and trans-global migration. Within the Swedish context, dual citizenship was fully accepted in 2001, when Sweden denounced the 1963 Convention on the Reduction of Cases of Multiple Nationality (SÖ 2001: 24) and ratified the 1997 European Convention on Nationality prior to enacting the new Swedish Citizenship Act (2001: 82). By this time, the earlier counter-arguments related to double voting rights, double military service duty requirements, and possible security considerations that might lead to loyalty conflicts had been thoroughly analyzed (most recently in SOU 1999: 34). Ultimately, these were considered of secondary importance to the main argument in favour of accepting dual citizenship as a tool for immigrant integration in a global world. Clearly, thinking on this mattered had evolved since the initial post-WW II debates. The acceptance of dual citizenship was considered particularly important for long-time residents who had not become Swedish citizens because they viewed the preservation of the citizenship of their country of origin as a last link to their identity and family ties. For them, such a loss was unthinkable so long as it was mutually exclusive to acquiring Swedish citizenship, but became a liberating alternative when becoming a citizen of Sweden no longer involved the loss of that last symbolic link to the past and their perceived innermost identity.

From a legislative standpoint, the acceptance of dual citizenship also was indicative of the growing importance of the domicile principle. This reflected recent transformations in contemporary Swedish society that had been brought about by intensive trans-national migration.

Dual citizenship also has been important for Swedish expatriates. Now they have a better possibility for preserving the symbolic citizenship link to their country of origin without being forced to choose between the loss of their Swedish citizenship and an outsider role in their new country of domicile if they felt forced to abstain from applying for that country's citizenship. Of course, dual citizenship still might be problematic for those who reside in countries with legislation that forbids it.

### **Counteracting Statelessness**

As stated above, the Swedish legal system aims to avoid statelessness. There are two main issues related to that: 1) the possibility of withdrawing citizenship from persons who received it on illegal grounds and 2) the complications associated with granting citizenship to stateless persons, whose identity, in some cases, may be unclear.

The protection against loss of citizenship that could lead to statelessness is, in fact, stronger in Swedish legislation than its international commitments demand, and it is stated as a Constitutional right (RF Ch. 2§7). Swedish citizenship cannot be involuntarily lost by a person domiciled in Sweden, even if the person is Naturalized. Even though the possibility of withdrawing citizenship from a person who obtained it fraudulently (as nullity), or has committed serious crimes (which would make possible expulsion based on a good conduct clause applicable to foreigners), has been discussed, so far there is no legal possibility to do that. In this respect, Sweden seems to be the only one among the Nordic countries that still has not introduced such a possibility (Lokrantz Bernitz 2004, 216). The issue came under judicial review in a case taken up by the Appellation Court in Stockholm (*Svea Hovrätt*) on 21 April 1989. Case B 637/89 involved an Iraqi man who had come to Sweden in 1982 and had become a Swedish citizen in 1987, but under a false identity. The Court, in the first instance, had come to the conclusion that, as the decision was based on false premises, from a legal standpoint, it should be regarded as a nullity. Consequently, the man also had been sentenced to expulsion based on a drug dealing sentence, which was common practice as a complementary sentence for foreigners who had convicted for committing serious crimes. The Appellation Court, however, came to the conclusion that it had not been established that the Immigration Board had mistaken him for another person nor that, if the person had presented genuine, instead of fake, ID-information, his application would have been turned down. This meant that the Naturalization decision could not be considered a nullity and, consequently, since Swedish citizens cannot be expelled, nor could this man (Lokrantz Bernitz, 215). In 2002, the question was raised once again after a scandalous case of bribery regarding an official who had wrongly granted citizenship to a number of persons not entitled to it because of their recent criminal activity. This led to an internal investigation, which was unable to come to a different conclusion (Lokrantz Bernitz, 2004, 214).

A person domiciled in Sweden, and officially having permanent-resident status, generally enjoys the same rights as a Swedish citizen or any other foreign citizen/alien in the country. Thus, in accordance with the Law on certain rights for stateless persons and political refugees (1969: 644), stateless persons enjoy equal rights with other aliens, on the condition that they permanently reside in Sweden and have done so for at least three years. On 18 December 1964, Sweden ratified the 1954 UN Convention on the Legal Status of Stateless Persons. According to chapter 3 of the Aliens Act (1989: 529), a stateless person who is a refugee, and thus in need of protection, is entitled to enjoy the same status as a foreign national in the same situation (§2:2). In the same way, a stateless person, who is in a situation other than the one specified above, also is entitled to

protection and, thus, will enjoy the same rights as do other foreign nationals (§3:2).<sup>47</sup> Subject to regulations issued by the government (§8), the right to be granted a residence permit is associated with both these cases (§4). The first important question with regard to such individuals is their right to stay in Sweden, which, in the end, also can help to establish the grounds for their being granted citizenship. Sometimes, a paradoxically “better” situation can arise for stateless persons, who, in practical terms, cannot be expelled because there is no home country to which they could be deported. If, however, they are granted permanent-residence status, then unless there are special reasons precluding them from that (for example, if they are considered to be a national security risk or, nowadays, are found to be associated with terrorism by the SÄPO), they have a good possibility of eventually being granted Swedish citizenship. The 2001 Citizenship Act finally codified what earlier could only be found in case law praxis, namely, granting citizenship to stateless persons, or Geneva Convention refugees, after four years legal residence in Sweden (Lokrantz Bernitz 2004, 99).

To the extent that they exist, stateless persons have been placed on an equal footing with Swedish citizens, with the decisive determinant in their case being their permanent domicile.<sup>48</sup> Statistically, there are very few stateless persons in Sweden. Between 1984-1996, they represented only three per cent of the asylum-seekers. In real terms, for Sweden this meant 10,693 persons out of a total of 320,954 persons, according to figures presented by the National Board of the Police<sup>49</sup> and the National Aliens Board<sup>50</sup> and reported by the National Board of Statistics<sup>51</sup> were considered to be stateless, or, alternatively, as having “unknown citizenship.”<sup>52</sup> According to reports, most of them were Palestinians.<sup>53</sup>

---

<sup>47</sup> The Swedish Aliens’ Law makes a distinction between “persons in need of protection,” *skyddsbehövande*, a category which, practically-speaking, only includes refugees in accordance with the Geneva-convention, and “other persons in need of protection,” *skyddsbehövande I övrigt*, in which are included persons who, even though not qualifying for being considered convention refugees, on similar grounds or humanitarian reasons, also ought to enjoy protection. If otherwise qualifying for being included in any of these categories, stateless persons will receive the same treatment as nationals.

<sup>48</sup> At the end of 1997, 6,139 persons were registered as stateless by the Swedish National Bureau of Statistics. At the same time, another 6,590 persons were considered to have “unknown citizenship.”

<sup>49</sup> *Rikspolisstyrelsen*, RPS, 1984-June 1987.

<sup>50</sup> Statens Invandrarverk, SIV, July 1987-1996.

<sup>51</sup> *Statistiska Centralbyrån*, SCB (1997).

<sup>52</sup> See note 45 above regarding the number of stateless persons and persons of unknown citizenship (cf. SCB 1997).

<sup>53</sup> A 1992 precedent case established the possibility for stateless Palestinians to be granted travel documents and refugee status, which also implied a right to be granted a permanent-residence permit. This precedent was invoked a number of times, among others in an extreme case from 1992 (UN 66/92). It concerned a stateless Palestinian who had been born in Gaza and grew up in Kuwait, and who had arrived in Sweden through a third country that had rejected him. Despite filing an application based on a false pretence, a fact normally sufficient to forfeit any chance of getting a positive decision, the Aliens’ Board, acting as an Appellation Authority, confirmed the initial ruling of the Immigration Authorities. The latter had granted him a permanent-residence permit, despite the lack of grounds for asylum in his case, and took into account the obvious difficulties that the execution of a contrary decision would have created. Another fact invoked in the decision was that UNRWA corroborated the story and the above-mentioned precedent regarding Palestinians. See the decision of the Aliens’ Board - *Utlänningsnämnden*, UN, from 20 March 1992 (UN 47/92).

## IMPLEMENTING CITIZENSHIP POLICIES

### Competent Bodies in the Swedish Legal System: Practical Procedural Aspects

County Administrative Boards (*Länsstyrelsen*), one in each of Sweden's 21 counties, make decisions regarding the acquisition of Swedish citizenship by notification according to §§7-9, 18 or 19 of the MdbL for applications from Nordic citizens (from Denmark, Finland, Iceland or Norway). Swedish Embassies abroad may receive certain declarations/notifications regarding either the preservation or achievement of Swedish citizenship. Even though applications can be handed in at an Embassy, normally they would not be processed there. In most cases, they would be sent to the relevant authority in Sweden for a decision.

In 2000, the Migration Board (*Migrationsverket*), replaced the earlier Immigration Board (SIV – *Statens Invandrarverk*), which had been established in 1969. It makes decisions on immigration and citizenship matters, particularly those regarding the acquisition of Swedish citizenship by notification according to §§5-9 for stateless persons, or persons with a non-Nordic citizenship, or by application for Naturalization according to §§11-13. It also deals with applications to preserve Swedish citizenship according to §14 Align. 2 and to be released from Swedish citizenship according to §15. Negative decisions taken by the Migration Board in notification cases according to §§ 5-9 of the MdbL can be appealed to the County Administrative Court (*Länsrätten*). The Migration Board's decisions in matters of national security according to §27, however, only can be appealed to the Swedish Government. Other decisions, for example, regarding Naturalization according to §§11-12 that are not classified as involving national security, as well as decisions concerning the preservation of Swedish citizenship according to §12 Align. 2 or to the release from Swedish citizenship according to §15, can be appealed to the Aliens Appeals Board.<sup>54</sup> Cases involving aspects of national security (that is, applications rejected by the Secret Services, the SÄPO) are handled by the Migration Board as a first instance, and by the Government only as a second instance of appeal (§27, 2001: 82 MdbL) (see also Sandesjö and Björk 2005, 182-183; Lokranz Bernitz 2004, 158-159).

The Aliens Appeals Board (*Utlänningsnämnden*), was established on 1 January 1992. It handled immigration and citizenship matters as an independent appellation body, and its decisions could be appealed only to the Swedish Government. On 31 March 2006, consequent to the implementation of a new institutional order, this institution was abrogated and replaced by a judicial system (see below).

The County Administrative Courts (*Länsrätten*), one in each of Sweden's 21 counties, has responsibility for appellation cases against decisions taken by both the County Administrative Board and the Migration Board on citizenship matters by notification according to §§5-9, 18 and 19 of the MdbL. As well, this body deals with the Aliens Appeals Board's decisions in cases of pronouncing one a citizen according to §26: 2 of the MdbL. Decisions of the County Administrative Court only can be appealed to the Swedish government.

The Swedish government (*Regeringen*) has the authority to function as the final arbiter of appeal cases regarding Naturalization (§§11-12, 2001: 82 MdbL), preservation of Swedish citizenship (§14, align. 2), and

<sup>54</sup> This provision applied until 31 December 2005. From 1 January 2006 such appeals must be filed with the Administrative Appellation Court (*Kammarrätten*).

requests to be released from Swedish citizenship (§15), if the case is considered of precedent-making importance for the application of the Citizenship Act (§25). In addition, the Swedish government has final authority in appellations against decisions of the Aliens Appeals Board in matters concerning national security (§ 27).<sup>55</sup>

Special mechanisms have been established in Sweden to deal with situations involving adopted children. For example, the Authority for International Adoption Issues (*Myndigheten för internationella adoptionsfrågor* – MIA) confirms the legal validity of international adoptions.

From 31 March 2006, a new institutional order has been in place with regard to citizenship matters in Sweden. After about five years of debates and reports (see, for example, SOU 1999: 16, NIPU), it has been decided that citizenship matters ultimately should be handled by a newly formed special Court of Migration matters (*Migrationsdomstolen*), functioning as an Appellation Court that shall re-examine decisions taken in the first instance by the Migration Board (*Migrationsverket*). This judicial body functionally replaced the Aliens Appeals Board (*Utlänningsnämnden*), the earlier administrative system that was thus replaced by a judicial system integrated within the ordinary Court of Law system. Structurally, the Migration Court (*Migrationsdomstolen*) is being situated as a subdivision of the Administrative Court (*Länsrätten*). This opens, at least theoretically, an additional two-step appellation system for cases regarding immigration and citizenship matters that, furthermore, can be considered by the Appellation Administrative Court (*Kamarrätten*) and the Supreme Administrative Court (*Regeringsrätten*), instead of by the Aliens Appeals Board (*Utlänningsnämnden*). The background to this change is that it now has come to be considered that an ordinary Court of Law, subject as it is to its jurisdictional obligations and limitations, but also to the demands of transparency and predictability for the outcomes expected from a Court system, will be better suited to confer the necessary legal guarantees even in such cases. This was something that the special system previously in use was not always able to ensure.

### **Differences in Implementation?**

The above-mentioned implementation of a new institutional order to deal with matters regarding citizenship in Sweden also is intended to counteract possible differences in the application of citizenship law provisions at various levels, both vertical and horizontal. Achieving a more uniform application of the legislation, therefore, is seen as an important goal for the exercise. At times, accusations of subjectivity in the matter of decisions taken by the Migration Board have been made. In most instances, these have emerged in regard to the Citizenship Act's immigration, and not its Naturalization, provisions.

In Sweden, no divergent implementation is allowed if it leads to the discriminatory treatment of any particular group of persons or individuals. Any person fulfilling the basic conditions for Naturalization may apply. The outcome, however, does not always have to be positive. In other words, the process remains discretionary, where circumstances so warrant.

Naturalization has been much discussed in Sweden as an inherent integration tool, but largely in terms of access and facilitation, rather than in terms of active outreach programs designed to persuade immigrants

---

<sup>55</sup> See Sandesjö and Björk 2005, 30-39.

to become Naturalized. Since decisions regarding obtaining, retaining, discarding, or regaining citizenship are regarded as matters of individual choice, it is not very likely that such campaigns to encourage Naturalization are to be expected in Sweden in the near future. At the moment, it seems that Swedish authorities are more concerned about providing proper information to applicants regarding some of the risks involved in having dual citizenship, especially the chance that it might lead to a lack of protection for those holding dual citizenship while travelling in their country of origin.

### **Mechanisms of Appeal**

As already stated, decisions in matters of citizenship earlier were taken by specialized administrative bodies which functioned like legal hybrids. They made administrative decisions that resembled judicial judgements, but seldom functioned in a way that was comparable to a court of law. The appellation procedure, however, did not follow due course, and, normally, it was only the person directly affected by the decision or, alternatively, an appointed (normally legal) representative, who had the right to start an appellation procedure. Unfortunately, there is no consistent information regarding the rates of success in such appeals, but research probably could be done on this matter, provided the time and resources were available to ask for the information and study it in the archives. As mentioned above, the system recently was shifted to a judicial court system at the beginning of 2006. It is still too early to comment on the impacts of this important structural change.

### **CONCLUDING REMARKS**

In Sweden, the issue of citizenship can be considered to be both extremely important and relatively unimportant. Under both scenarios, citizenship maintains a strong symbolic value: not only as an integration symbol (and also as the only final guarantee against possible expulsion), but also as a symbol of the ultimate rights and duties of citizens as members of Swedish society. Today, its practical value is limited, in light of the fact that a legal (permanent) resident of Sweden basically enjoys the same rights as do citizens, and the number and seriousness of any distinctions has diminished over time. Nevertheless, it still will be easier for Swedish residents to become citizens than for persons not resident in Sweden to acquire “permanent-resident” status, especially given proposed conditions for third-country citizens that can be found in the relatively recent EC Directive 2003/109 on permanent-resident third-country-citizens status (SOU 2005: 15 - *Family Reunion and Freedom of Movement for Third Country Citizens*). At this point, Sweden still has some of the most liberal and extensive citizenship legislation in Europe, and probably in the entire world. That does not preclude, however, possible changes. For example, a Committee Report is being prepared on the possibility for withdrawing Swedish citizenship from persons who can be shown to have obtained it in a fraudulent way. As yet, however, the introduction of new conditions for citizenship, such as the language test for Naturalization recently introduced in The Netherlands, do not seem to be very probable in Sweden. On the other hand, that may change if the newly elected Government decides to take an interest in the subject, for example, by introducing new conditions as prerequisites for granting Swedish citizenship. The probability of that outcome is, however, difficult to estimate at this point, especially in light of the recent and

unconditional acceptance of dual citizenship in Sweden since 2001, but also because of the on-going debate regarding the subject, not only in Sweden, but also in the rest of Europe.

The evolution of Citizenship legislation in Sweden has been rather linear, somewhat like a thread that has been integrated with general immigrant integration policy. In some important ways, the role of citizenship is different in Sweden – and beyond – today than it traditionally used to be in the past. For one thing, there is a much more flexible approach to the notion of Swedish citizenship today compared to earlier times. Many interpretations now are possible, especially if one decides to go back over a sufficiently long period. It seems fair to say that today's approach, with its acknowledgment of dual citizenship and the provisions for exceptions that would have been inconceivable not so long ago (for instance, regarding the “clearly established identity” clause), has completed the circle. What I mean here is there is a need to consider a circular evolution that starts at a time when citizenship could be implicit, that is, simply based upon permanently moving to the territory of a country like Sweden, even if such residency did not bring with it a full set of rights. Over time, citizenship has become more and more a tool for enabling freedom of movement in a globalized society. Thus, it has expanded from the right to stay to the right to more or less freely circulate. For those who hold it, European citizenship embodies, even more than its national counterparts just that, namely the unrestricted right to circulate within the member countries of the European Union. While residence rights increasingly have conferred the same, or at least comparable rights, for residents in comparison with those granted through citizenship, the role of citizenship has expanded to cover other needs over and above those normally associated with belonging to a particular nation-state, that is beyond such things as territorial protection, military service, and patriotic loyalty. Today, for many immigrants applying for Naturalization, citizenship bears a symbolic value, namely, that of belonging. Even though its primary value still may be seen largely in “negative” terms – to prevent an individual from being banished, or becoming banishable – its symbolic worth has an enormous formal, and informal, integrational potential. The ability to be able to make your place of domicile your “home” is important, as both a legal and a personal concept.

In the Swedish legal context, the acquisition of citizenship recently has shifted from a semi-open, semi-judicial process, to a more transparent and accountable procedure, with clear lines of responsibility and defined structures for the appeal of negative decisions. It is far too early to determine whether this radical, judicial make-over is going to make any difference to the way in which immigration and citizenship matters are handled. Despite alterations to some of its traditional features, citizenship remains a major instrument for the regulation of belonging, not only to a sovereign nation, but also within an integrated and globalized state. Above all, it remains the decisive source of rights and duties for the included individual. At the same time, it can serve as a major instrument of legal discrimination for the excluded. At this point, it is difficult to imagine any significant reduction in the importance of Swedish citizenship in the foreseeable future. What can be expected, however, is a further elucidation of its evolving vertical aspects and their functional developments, especially within the contexts of both a deeper and wider EU and further global integration.

## REFERENCES

### Published Works

- Blomberg, H. 1891/1903. *Om svenskt statsborgerskap*, I-III. Uppsala: Almqvist and Wiksell.
- Borevi, Karin, 2002. *Välfärdsstaten i det mångkulturella samhället* Uppsala: Acta Universitatis Uppsaliensis 151.
- Carlsson, Lena 2006. *Medborgarskap som demokratins praktiska uttryck i skolan. Diskursiva konstruktioner av gymnasieskolans elever som medborgare*. Växjö: Växjö University Press.
- Castles, Stephen and Davidson, Alastair. 2000. *Citizenship and Migration. Globalization and the Politics of Belonging*. London: MacMillan Press.
- Catomeris, C. 2004. *Det ohyggliga arvet: Sverige och främlingen genom tiderna*. Stockholm: Ordfront.
- Dingu-Kyrklund, E. 1999. "Women in Sweden. Immigrant Women and Citizenship: Legal, Social and Economic Issues." Paper presented at the International Conference: *Women and Local Environments*, McMaster University, Hamilton, Canada.
- Dingu-Kyrklund, E. 2001. "Citizenship Rights for Aliens in Sweden," in A. Kondo (ed.) *Citizenship in a Global World. Comparing Citizenship Rights for Aliens*. Palgrave, UK
- Dingu-Kyrklund, E. and Kyrklund, L. 2003a. "Nordic Citizenship and EU-citizenship: A Comparative View" (with L. Kyrklund), in A. Kondo and C. Westin (eds.), *New Concepts of Citizenship: Residential / Regional Citizenship and Dual Nationality / Identity*, CEIFO Publications No.93. Stockholm: CEIFO, Akademitryck Edsbruck,.
- Dingu-Kyrklund, E. 2003b. "Politische Partizipation in Schweden und damit verbundene Aspekte der Integration von ImmigrantInnen," in *Wiener Hefte zu Migration und Integration in Theorie und Praxis. Defizitäre Demokratie - MigrantInnen in der Politik. Heft 1-2003*, Drava Förlag. Wien: Wiener Integrationsfonds.
- Dingu-Kyrklund, E. 2003c. "Citizenship – An Idea in Transformation," published on the Internet in December 2003 on: <http://www.opendemocracy.net/debates/article-10-96-1620.jsp>
- Gustafson, P. (2002.) "Globalisation, Multiculturalism and Individualism." *Journal of Ethnic and Migration Studies* 28 (3), 463-481.
- Hammar, T. 1964. *Sverige åt svenskarna*. Stockholm: Caslon Press Boktryckeri.
- Hammar, T. 1990. *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration*, Research in Ethnic Relations Series. Avebury: Gower.

Hammar, T. 2003. "Denizen and Denizenship," in A. Kondo and C. Westin (eds.), *New Concepts of Citizenship. Residential/Regional Citizenship and Dual Nationality/Identity*. CEIFO Publications No.93. Stockholm: CEIFO, Akademityck Edsbruck.

Hammar, T. 1983. *Hemvisttidens beräkning I naturalisationsärenden* Stockholm.

Hammar, T. 1984. *Om utlänningars rättsliga ställning. Delbetänkande av diskrimineringsutredningen*. Stockholm.

Johansson, Christina. 2006. *Välkomna till Sverige? Svenska migrationspolitiska diskurser under 1990-talets andra hälft./ Welcome to Sweden? Swedish migration policy discourses under the second half of the 1990's* Linköpings studies in arts and science No.344. Linköping Universitet.

Kymlicka, Will. 1998. *Mångkulturellt medborgarskap/Multicultural Citizenship*. Nora: Nya Doxa.

Lenaerts, Koen. 2006. "Union citizenship and the principle of non-discrimination on grounds of nationality," in *Festskrift til Claus Gulmann – Liber Amicorum*. København: Forlaget Thomson A/S, 289-309.

Lokrantz Bernitz, H. 2004. *Medborgarskapet I Sverige och Europa: Räckvidd och rättigheter*. Uppsala: Ustus Förlag.

Malmar, F. 1936. *Förvärv och förlust av svensk medborgarskap*. Stockholm: Norstedts.

Naumann, C. 1883. *Sveriges Statsförfattnings-rätt III*, 2 uppl. Stockholm: Norstedts.

Oommen, T. K. 2001. *Citizenship, Nationality and Ethnicity : Reconciling Competing Identities*. Delhi: Polity Press.

Reinans, S. A. and Hammar, T. 1993 *New Citizens by Birth and Naturalisation*. Stockholm: CEIFO.

Sandesjö, H. and Björk, K. 2005. *Nya medborgarskapslagen med kommentarer*. Stockholm: Norstedts Juridik.

Schneider, H. 2005. "Towards a European Migration Policy: From Maastricht to Amsterdam, From Tampere to The Hague," in *Migration, Integration and Citizenship. A Challenge for Europe's Future, Vol. II, The Position of Third Country Nationals in Europe*. Maastricht: Forum Maastricht, Maastricht, 7-33.

Soininen, M. 1999. "The Swedish Model as an Institutional Framework for Immigrant Membership Rights," *Journal of Ethnic and Migration Studies* 25, 689–691.

Szabó, M. 1997. *Vägen mot medborgarskap. Studier i medborgarskapsbyte och integration*. Bokförlaget Arena

Wahlbäck, M. and Nordström, T. 1952. *Lagen om svensk medborgarskap med förklarande anmärkningar*

Westin, C. and Dingu-Kyrklund, E. 1997. *Reducing Immigration Reviewing Integration*, The 1995 Swedish RIMET Report. Stockholm: CEIFO Publications.

## Laws and Ordinances

The Swedish Constitution, *RegeringsFormen* – RF, 1809

Ordinance (Nr. 13, 1858) regarding the [legal] order and conditions for conferring Swedish citizenship to a foreign man (by application/ *ansökan*)

Lag den 1 oktober 1894 (nr. 71) om förvärvande och förlust av medborgarerrätt / Law on acquisition and loss of citizenship rights

*Lag (1924:130) om förvärvande och förlust av svenskt medborgarskap/* Law (1924:130) on acquisition and loss of Swedish citizenship

*Kungörelse (1924:423) angående anmälan om återvinnande av svenskt medborgarskap/* Ordinance (1924:423) regarding notification for regaining Swedish citizenship

Utlänningslag (1927:333) UtIL / Aliens Act of 1927 (1927:333)

Förordningen (1931:429) om vissa internationella rättsförhållanden rörande äktenskap, adoption och förmynderskap/ Ordinance on certain legal relationship regarding marriage, adoption and legal guardianship.

Utlänningslag (1937:344) UtIL / Aliens Act of 1937 (1937:344)

*Lagen om svenskt medborgarskap (1950:382), MdbL./* Swedish Citizenship Act (1950:382)

*Kungörelsen med vissa bestämmelser rörande tillämpningen av lagen den 22 juni 1950 (nr.382) om svenskt medborgarskap/* Ordinance (1950:614) with certain provisions regarding application of the Swedish Citizenship Act (1950:382) of June 22<sup>nd</sup> 1950

Utlänningslag (1945:315) UtIL / Aliens Act of 1945 (1945:315)

*Utlänningskungörelsen (1954:457) /* Aliens Ordinance of 1954 (1954:457)

Ordinance (1969:6) on the application of section 10 a-c in Swedish Citizenship Act (1950:382) – provisions applicable in the Nordic countries/ in relationship to Denmark, Finland and Norway

*Utlänningsförordning* (1954:457)/ Aliens Ordinance of 1969 (1969:136).

*Medborgarskapskungörelse* (1969:235) *MdbO* /Ordinance (1969:235) on Swedish Citizenship Law (1969:644) on certain rights for stateless persons and political refugees

Law (1971:796) regarding international adoptions applied through Citizenship Act (1950:382)

Förordning (1975:608) om krav på svenskt medborgarskap för tillträde till vissa statliga tjänster /Ordinance 1975:608 regarding the requirement of Swedish citizenship for access to certain official positions

RegeringsFormen (RF 1976:871) /The Swedish Constitution.

*Förordning* (1977:819) *om tillämpning av viss bestämmelse i lagen (1950:382) om svenskt medborgarskap* /Ordinance (1977:819) of application of certain provisions in the Citizenship Act (1950:382) (referring to acquisition of citizenship by non-naturalised Nordic citizens)

*Utlänningslag* (1980:376) / Aliens Act of 1980 (1980:376).

Law (1984:682)

Lagen (1985:367) om internationella faderskapsfrågor / Law on international paternity issues.

Law (1985:387) on international issues regarding paternity

*Utlänningslag* (1989:529) *UtlL* / Aliens Act (1989:529), reprinted (SFS 1994:515)

*Utlänningsförordning* (1989:547) *UtlF* /Aliens Ordinance (1989:547), reprinted (SFS 1995:254)

Law (1994:1117) on registered partnership

Lag (1996:633) om avskaffande av *Förordningen (1975:608) om krav på svenskt medborgarskap för tillträde till vissa statliga tjänster* / Law (1996:633) - abolishing 01.07.1996 Ordinance (1975:608) on demanding Swedish citizenship for access to certain public official positions

*Lag (1997:191) med anledning av Sveriges tillträde till HaagKonventionen om skydd av barn och samarbete vid internationella adoptioner.* / Law (1997:191) regarding Sweden's accession to the Hague Convention on children's protection and cooperation with regard to international adoptions

Law (1997:706) on public announcement on the states' accession to the Hague Convention regarding protection of children and cooperation in international adoptions. *Tillkännagivande (1997:706) av staters tillträde till HaagKoventionen om skydd av barn och samarbete vid internationella adoptioner*

Law (1999:130) on measures against ethnic discrimination on the labour market

Lag (2001:82 om svenskt medborgarskap, MdbL /Swedish Citizenship Act (2001:82)

Förordning (2001:218) om svenskt medborgarskap /Ordinance (2001:218) on Swedish Citizenship

**Preparatory Works:** directives, bills (prop./ propositioner), writs (rskr), committee reports (SOU)

Dir. 1998: 50, Tilläggsdirektiv till 1997 års medborgarskapskommitté

DsA 1975: 14, Förvärv av svenskt medborgarskap

DsA 1978: 2, Förvärv av svenskt medborgarskap genom modern/ Acquisition of Swedish Citizenship through the Mother

DsA 1984: 6, Om utlänningars rättsliga ställning

DsA 1986: 6, Dubbelt medborgarskap. Betänkande av medborgarskapskommittén / Dual Citizenship, Report.

Prop. (1950: 217)

Prop. (1968: 142)

Proposition (1975: 26)

Prop. (1975/76: 136)

Prop. (1990/91: 195)

Prop. (1994/95: 179), Amendments in the Immigration Act

Prop. (1996/97: 87), The Dublin Convention

Prop. (1997/98: 16), *Sverige, framtiden och mångfalden* /Sweden, the future and multiculturalism

Prop. (1997/98: 42)

Prop. (1997/98: 136)

Prop. (1999/2000: 64)

Prop. (1999/2000: 147)

Prop.(2001/02: 92), abolishing requirement of being a Swedish citizen for lawyers and others

Rskr (1975/76: 400) – on family law / *Riksskrivelse*, rskr

SOU 1949: 45 - 1998 Agreement with Denmark, Finland, Iceland and Norway

SOU 1974: 69, *Invandrarutredningen 3*

SOU 1982: 49, Invandringspolitiken

SOU 1984: 11, Rösträtt och medborgarskap /The Right to Vote and Citizenship

SOU 1984: 55, Om utlänningars rättsliga ställning

SOU 1984: 58, Invandrar- och minoritetsutredningen /Immigrant- and Minority Policy

SOU 1994: 33, Importance of good conduct in citizenship matters

SOU 1996: 55, *Sverige, framtiden och mångfalden*

SOU 1996: 56

SOU 1996: 57

SOU 1997: 67, Återkallelse av uppehållstillstånd. UD/ Withdrawal of residence permit.

SOU 1997: 116, Barnets bästa i främsta rummet. FN:s konvention förverkligas i Sverige.

SOU 1997: 128, Verkställighet och kontroll i utlänningsärenden.

SOU 1997: 152, Uppehållstillstånd på grund av anknytning

SOU 1997: 159, Ett utvidgat europeiskt område med frihet, säkerhet och rättvisa.

SOU:1997: 162, Medborgarskap och identitet / Citizenship and Identity

SOU 1997: 174, Räkna med mångfald. Förslag till lag mot etnisk diskriminering i arbetslivet mm.

SOU 1999: 8, Invandrarskap och medborgarskap. Demokratiutredningens skriftserie, Ju.

SOU 1999: 16, Ökad rättsäkerhet i asylärenden, NIPU. Slutbetänkande av kommittén om **ny instans** och **processordning** i utlänningsärenden./ Increased legal guarantees in [handling] asylum cases.

SOU 1999: 34, Svenskt medborgarskap. Slutbetänkande av 1997 års medborgarskapskommitté. /Swedish Citizenship...

SOU 2000: 106, Medborgarskap i svensk lagstiftning/ Citizenship in the Swedish legislation

SOU 2002: 13, Vår anhöriginvandring. Delbetänkande av Anhörigkommittén.

SOU 2003: 25, Verkställighet vid oklar identitet m.m. Betänkande av Utredningen om översyn av regler och praxis vid verkställighet av avvísings- och utvisningsbeslut.

SOU 2003: 51, God man för ensamkommande flyktingbarn.

SOU 2003: 89, EG-rätten och mottagandet av asylsökande, Betänkande av utredningen om mottagandevillkor för asylsökande.

SOU 2004: 74, Utlänningslagstiftningen i ett domstolsperspektiv. UD

SOU 2004: 132, Tidsbegränsat uppehållstillstånd vid oklar identitet och resväg. Betänkande av dokumentlöshetsutredningen.

SOU 2005: 15, Familjeåterförening och fri rörlighet för tredjelandsmedborgare. Delbetänkande av Utredningen om uppehållstillstånd för familjeåterförening och varaktigt bosatta tredjelandsmedborgare /Family reunion and freedom of movement for third country citizens ...

SOU 2005: 49, Unionsmedborgars rörlighet inom EU. Betänkande av Utredningen om den fria rörligheten för unionsmedborgare./ Free movement of EU-citizens within the EU.

SOU 2006: 2, Omprövning av medborgarskap. Betänkande av Utredningen om omprövning av medborgarskap.

### **International Conventions**

Resolution 77/13 of the Minister's Committee of the Council of Europe

1930 Convention for solving certain conflicts between citizenship laws / SÖ 1937:9

1930 Protocol regarding Military Obligations in certain cases of dual citizenship

Nordic Pass Convention and the common Nordic labour market.

1954 UN Convention on the Legal Status of Stateless Persons.

1961 UN Convention on the Reduction of Cases of Statelessness

1997 UN Convention on the Rights of the Child

1997 European Convention on Nationality

Page 62

SÖ 2001: 20

SÖ 2001: 24

SÖ 2004: 30, Nordic Agreement in matters of citizenship

EC Directive 2003/109 on permanent resident third country citizens' status

### **Case Law**

Appellation Court in Stockholm (*Svea Hovrätt*) on April 21<sup>st</sup> 1989, Case B 637/89

RÅ 1982 1: 36

UN 47/92, 1992-03-20

UN 03/04026, 2003-05-05

Regeringsrätten 1995-04-10, case 243-1995

Reg. 2004-09-02

### **Statistical Data**

Statistics Sweden, *Befolkningsstatistik del 3*, 2000

Statistics Sweden – SCB *Befolkningsstatistik del 3*, 2003

Statistics Sweden – [www.scb.se](http://www.scb.se)

Migrationsverket, Data provided on demand (see also: [www.migrationsverket.se](http://www.migrationsverket.se))

### **Press Articles**

METRO, daily newspaper – Reportage, Anders Göransson: “Mehmet, 69, utvisas efter 38 år i Sverige” / Mehmet, aged 69, banished after 38 years in Sweden. 15.10.2005, p.13, Stockholm.

METRO, daily newspaper – article by Anders Göransson: “Lagen ger utrymme för *uppehållstillstånd*” / The law gives space for [granting a] residence permit. 15.10.2005, p.13, Stockholm.

Articles published in DN/ Dagens Nyheter, Svenska Dagbladet, Afton Bladet, METRO and City, etc. during the last years (especially during 2003-2005).

## **CERIS**

**The Joint Centre of Excellence for Research on Immigration and Settlement - Toronto (CERIS) is one of five Canadian Metropolis centres dedicated to ensuring that scientific expertise contributes to the improvement of migration and diversity policy.**

**CERIS is a collaboration of Ryerson University, York University, and the University of Toronto, as well as the Ontario Council of Agencies Serving Immigrants, the United Way of Greater Toronto, and the Community Social Planning Council of Toronto.**

**CERIS wishes to acknowledge receipt of financial grants from the Social Sciences and Humanities Research Council of Canada and Citizenship and Immigration Canada and the data provided by Statistics Canada.**

**CERIS appreciates the support of the departments and agencies participating in the Metropolis Project:**

**Social Sciences and Humanities Research Council of Canada  
Citizenship & Immigration Canada  
Department of Canadian Heritage  
Canada Mortgage and Housing Corporation  
Status of Women Canada  
Statistics Canada  
Human Resources and Skills Development Canada  
Atlantic Canada Opportunities Agency  
Royal Canadian Mounted Police  
Public Safety and Emergency Preparedness Canada  
Department of Justice Canada**

**For more information about CERIS contact:  
The Joint Centre of Excellence for Research on Immigration and Settlement - Toronto  
246 Bloor Street West, 7<sup>th</sup> Floor, Toronto, Ontario, Canada M5S 1V4  
Telephone: (416) 946-3110 Facsimile: (416) 971-3094  
<http://ceris.metropolis.net>**

## **The Metropolis Project**

**Launched in 1996, the Metropolis Project strives to improve policies for managing migration and diversity by focusing scholarly attention on critical issues. All project initiatives involve policymakers, researchers, and members of non-governmental organizations.**

**Metropolis Project goals are to:**

- **Enhance academic research capacity;**
- **Focus academic research on critical policy issues and policy options;**
- **Develop ways to facilitate the use of research in decision-making.**

**The Canadian and international components of the Metropolis Project encourage and facilitate communication between interested stakeholders at the annual national and international conferences and at topical workshops, seminars, and roundtables organized by project members.**

**For more information about the Metropolis Project  
visit the Metropolis web sites at:  
<http://canada.metropolis.net>  
<http://international.metropolis.net>**

