




Romanian Citizenship Offer to Moldovans: Exaggerated Fears in the European Union

	<p>Romania's recent offer of citizenship to potentially large numbers of Moldovans has caused great concern in the European Union. There are fears that up to 1 million Moldovans might qualify for Romanian citizenship and could then use their free movement rights as EU citizens to migrate to other member states. Constantin Iordachi (Central European University Budapest) explains for the <u>EUDO citizenship observatory</u> why these fears are exaggerated.</p>
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The [EUDO citizenship observatory](#) currently under construction at the European University Institute in Florence and the University of Edinburgh will provide unique and comprehensive information on citizenship laws, policies, histories and statistics in the EU and neighbouring states. Background reports on [Romanian](#) and [Moldavian](#) citizenship and the [pre-2004 EU-15 member states](#) are already available.

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Political unrest broke out in Moldova after parliamentary elections on 5 April 2009 had been won by the Communist Party. The Romanian government reacted on 15 April by issuing a decree to speed up restitution of Romanian nationality to former citizens and their descendents living outside Romania's territory. Moldova and parts of today's Ukraine (Northern Bukovina and Southern Bessarabia) had been Romanian territory before Soviet occupation and annexation in 1940. The principle of restitution of nationality to former citizens and their descendents was already introduced in 1991 when the new citizenship law offered restitution to those who 'were stripped of Romanian citizenship *against their will or for reasons beyond their control*, and their descendants'. Compared to regular naturalisations, restitution is a simpler and cheaper procedure for applicants. Most importantly, the law allows re-naturalised Romanian citizens to retain their foreign nationality as well as their domicile abroad. Romania has thus created a new category of *non-resident dual citizens* living in neighbouring countries.

From 1991 to 2001, this policy resulted in a steady rate of citizenship restitutions. Various official sources acknowledge a number of 102,000 Moldovan and Ukrainian citizens naturalised during that decade. Since 2001, however, Romania has considerably slowed down the process for several reasons. First, in Moldova and Ukraine Romanian policy was seen to undermine these countries' general prohibition of dual nationality and to contribute to regional instability. Second, the number of applications from Moldova increased

exponentially after January 2001, when Romanian citizens were granted visa-free travel in the Schengen area. Third, during Romania's EU accession negotiations, its policy on restitution of nationality to non-EU citizens was criticized as bypassing restrictive EU immigration regulations. These challenges led to a de facto suspension of the policy through a conscious slowdown in the processing of applications. Overall, in the period 2000 to 2007, the Romanian government awarded 5,734 naturalizations, of which only 2,963 were granted to Moldovan citizens and 77 to Ukrainian citizens.

After Romania's accession to the EU, new amendments to the nationality law passed in September 2007 and November 2008 resumed the process at a faster pace. The overall numbers remained nevertheless relatively low. Under the new terms, the Romanian government granted 11,592 naturalisations, of which 8,274 were awarded to Moldovan citizens and 325 to Ukrainian citizens. During this period the duration of the bureaucratic procedure of restitution was reduced to circa 40 months per applicant naturalised.

The government decree of 15 April should be seen as part of the recent trend to resume the policy of citizenship restitution. Its main aims are to simplify and speed up the lengthy bureaucratic procedure while at the same time expanding the pool of eligible candidates. The decree enhances the administrative capacity of the Citizenship Commission, extends eligibility to third-degree descendants of former citizens, and abolishes the mandatory testing of Romanian language skills in a personal interview. Most importantly, the decree guarantees a *deadline of five months* for Romanian authorities to examine naturalisation applications. This seems to create a huge potential for accelerating the process, but an attentive reading of the decree makes it clear that the five months period starts not from the moment of application but only when demands have been *officially registered* by the Citizenship Commission. According to various official estimates, the number of accumulated applications for restoration of nationality filed by Moldovan citizens is currently between 650,000 and 900,000. Yet in the whole period 2001 to 2007, Romanian authorities officially registered only circa 32,000 requests by publishing them in the *Official Monitor*.

While the recent amendments to Romania's citizenship law accelerate the process of naturalisation and increase the number of Moldovan citizens acquiring Romanian nationality, it is safe to predict that the bureaucratic process will remain slow for years to come. It is expected that the new decree will lead to about 30,000 naturalisations per year.

The European-wide debate about the Romanian naturalisation offer demonstrates nevertheless how citizenship policies of individual Member States can affect other states inside and outside the EU. Romania is not the only country that has opened up its citizenship for populations living outside its territory. Six of the old EU-15 member states have granted their nationality on grounds of cultural or ethnic affinity to persons residing permanently abroad. All EU-12 new member states give privileged access to their citizenship to descendants of emigrants or persons with close cultural affinity, or have at least done so for a certain period after 1989. Hungary, Slovakia and Slovenia have additionally introduced special privileges for co-ethnic minorities in neighbouring countries who do not possess their formal citizenship.

EUDO is a web platform on Democracy in the European Union. For more information on the EUDO citizenship observatory you can contact: EUDOSECR@eui.eu

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