

Chapter 8

The Danish Turn Towards Dual Citizenship

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Abstract

This chapter gives an account of the Danish turn towards dual citizenship, which began after the start of the new millennium and ended in December 2014 with the adoption of an act on dual-citizenship acceptance that entered into force on 01 September 2015. The chapter examines the Danish path towards dual citizenship from a legal and political perspective and argues that the idea of dual-citizenship acceptance matured gradually in the context of international and Nordic interdependence. Thus, the Danish approach resembles that of most other countries. I argue that the Danish slowness in terms of dual-citizenship acceptance is not a reflection of a Danish particularity but, rather, reflects an extraordinary political constellation in the Danish parliament during the first decade of the new millennium. Hereby, I dissociate myself from claims in the comparative literature that the opportunity to strip Danish dual citizens of their Danish citizenship was a key argument for Denmark's turn towards dual citizenship.

1. Introduction

Today, most of the world's countries have accepted dual citizenship defined as the simultaneous possession of two or more citizenships (multiple or plural citizenship) by the same person.¹ Relatively late, in 2015, Denmark joined the company of accepting states. This chapter gives an account of the Danish turn towards dual citizenship, arguing that, despite its lateness, the Danish acceptance of it did not come as a surprise, as elsewhere argued (Midtbøen 2019, 299). Instead, the idea of accepting dual citizenship matured gradually in the context of international interdependence, as has been the case in most other countries (Vink et al. 2019).

Insofar as the Danish tardiness has been seen as an expression of a Danish particularity, the swiftness of response of the other Nordic countries has often been the standard of reference. I maintain that there are good reasons to assume that Denmark's acceptance of dual citizenship more than a decade after its acceptance in Sweden, Finland and Iceland is not an expression of Danish particularity. Rather, the policy on dual citizenship may be explained by who has had the political majority at a given time and in a given place

¹ See the European Convention on Nationality (1997) article 2(b).

(Joppke 2003). Arguably, the prolonged Danish turn towards dual citizenship reflects the extraordinary political constellation in the Danish parliament within the crucial period after the turn of the new millennium.

This chapter outlines the process of the Danish turn toward dual citizenship to explore the validity of this hypothesis. It starts with a quick look back at the historical development of Danish citizenship law and the influential external factors. Thereafter, it gives a brief overview of the content of the Danish act on the acceptance of dual citizenship and evaluates the country's dual-citizenship acceptance in the light of the phenomenon of immigrant integration and securitisation. The chapter concludes with some general observations.

2. Danish citizenship in a historical perspective

In 1776, the Danish King promulgated the act "*Indføds-Retten*" (*ius indigenatus*), which reserved all public positions in His Majesty's Kingdom exclusively to native-born subjects and those who were considered to be their equal. Effectively, the act was not a citizenship law – at least not in the current sense of the term – but it still had many of the characteristics of a citizenship law. During the latter part of the nineteenth century, the 1776 act interacted with the first Danish Constitution of 1849, which used and uses the concept "*indfødsret*" as one of citizenship. Among other things, the constitution made *indfødsret* a condition for the acquisition of electoral rights at parliamentary elections.

According to the constitution, foreigners could only acquire *indfødsret* by statute. This is still the case; cf. the present Danish constitution's section 44, which lays out the responsibility for the unique Danish system according to which naturalisation is granted by the legislature. Around the mid-nineteenth century, Denmark became a country of emigration. Factors such as a growing population, poverty, low incomes, high prices for land, unemployment and better possibilities for transportation made many – especially young – Danes emigrate overseas, first and foremost to America. At that time, the concept of *indfødsret* had become the legal expression of being "Danish"; however, Denmark had not adopted any provision on the renunciation or loss of *indfødsret*. In an age of emigration, this legal situation became impractical, since foreign states, among which the United States, often required the renunciation of all legal connections with immigrants' countries of origin as a condition for naturalisation (Spiro 2016, 27–29). Denmark could, in such a situation, release the country's emigrants from their status as Danish subjects; this, however, would not imply a loss of Danish *indfødsret*.

To solve the problem, in 1871 Denmark adopted an act on the loss of *indfødsret*² and, in 1872, concluded a convention with the United States on the avoidance of dual

² Act No. 54 of 25 March 1871 including an Addition to the Act on *Indfødsret* of 15 January 1776.

citizenship (the Bancroft Convention). According to this latter, Danish subjects who naturalised within the US should be held by Denmark to be citizens of the US; reciprocally, citizens of the US who naturalised in Denmark should be held by the US to be Danish subjects. The two countries could readmit their former citizens/subjects and allow them to become their citizens/subjects again. In such cases, the other country should refrain from claiming these persons as its citizens (based on their former naturalisation).³ From 1886–1889, the concrete naturalisation acts made it explicit that the renunciation of a foreign citizenship was a condition for the acquisition of Danish citizenship.

In 1898, Denmark adopted its first genuine citizenship act, which introduced *ius sanguinis* as its principle of fundamental acquisition while maintaining the *ius soli* principle by establishing that a person born and brought up in Denmark automatically acquired Danish *indfødsret*, *ex lege*, at the age of 19.

In general, the rejection of dual citizenship infused the act's provisions on the acquisition and loss of citizenship. A child born in wedlock acquired Danish citizenship if the father was a Danish citizen; a child born out of wedlock acquired Danish citizenship if the mother was a Danish citizen. Due to the husband's principal status, a foreign woman acquired the husband's Danish citizenship by marriage, as did the couple's children (a foreign woman would normally lose her citizenship of origin on marriage). Moreover, when a man acquired Danish citizenship through naturalisation, this would normally also comprise his wife and children. Conversely, a Danish citizen who acquired foreign citizenship would lose his or her Danish citizenship; if a husband's foreign citizenship were extended to his wife and children, then they would normally lose their Danish citizenship.

In principle, the Danish citizenship act of 1925 was – with minor changes – based upon the 1898 act's provisions on the acquisition of citizenship.⁴ However, as a novelty, the 1925 act provided for the loss of Danish citizenship due to birth and residence abroad. As a rule, a Danish man and an unmarried Danish woman who were born abroad and had never resided or stayed in Denmark under circumstances that indicated some association with the country would lose their Danish citizenship upon attaining the age of 22. If a married man lost his citizenship in this way, the loss would include his wife and any children born to the marriage. The same applied to an unmarried woman and her children. Amendments to this provision, in 1968 and 1998, prevent such a loss if the target person and/or his or her children would thereby become stateless.

The existing 1950 act introduced the principle of gender equality and, consequently, a Danish woman would no longer lose her citizenship by marrying a foreigner. Still, due to the disfavour of dual citizenship, the 1950 act did not give a Danish married woman

³ See Patent No. 25 of 18 March 1873 concerning the convention of 20 July 1872 on Danish subjects naturalised in the US and American citizens naturalised in Denmark.

⁴ Act No. 123 of 18 April 1925 on Acquisition and Loss of Nationality, replacing Act No. 42 of 19 March 1898 on Acquisition and Loss of Nationality.

the right to pass her citizenship on to her children.⁵ Hitherto, the acquisition of a foreign citizenship had led to the loss of Danish citizenship, regardless of whether the acquisition was voluntary or involuntary. According to the 1950 act, which ended this principle, Danish citizenship was automatically lost if

- a person acquired foreign citizenship upon application or with his or her express consent;
- a person acquired foreign citizenship by entering the public service of another country; or
- an unmarried child under 18 years of age became a foreign citizen by the fact that either parent holding or sharing custody of the child acquired foreign citizenship (unless the other parent retained Danish citizenship and shared custody of the child).

Moreover, the 1950 act changed the earlier rule on immigrant descendants' entitlement to Danish citizenship, making the right dependent on a declaration to that effect between the ages of 21 and 23. A person who was stateless or who would lose his or her foreign citizenship by the acquisition of Danish citizenship could make such a declaration after having attained the age of 18.

An amendment of 1968 changed the declaration rule in such a way that birth on Danish territory was no longer a requirement for the acquisition of Danish citizenship. Instead, the second and the so-called 1.5 generation⁶ could acquire citizenship by declaration between the ages of 21 and 23 years, insofar as they had lived in Denmark for at least five years before the age of 16 and permanently between the ages of 16 and 21. The rule also applied to persons aged 18 who had lived in Denmark permanently for the previous five years and prior to that for a total of at least five years if they were stateless or would automatically lose their foreign citizenship because of the acquisition of Danish citizenship.

In 1972, Denmark ratified the 1963 European Convention on the reduction of cases of multiple nationality and military obligations in cases of multiple nationality. However, shortly after this, the elimination of discrimination against women became a priority,⁷ which led to a greater toleration of dual citizenship. Consequently, the Danish citizenship act was amended in 1978 in such a way that children born in wedlock acquired Danish citizenship at birth if either the mother or the father were a Danish citizen. The change allowed children born in mixed marriages to acquire dual citizenship at birth.

⁵ As an exception, a married woman could pass her citizenship on to the children in cases where the husband was a stateless person or where the child would not acquire the citizenship of the father at birth.

⁶ Those born abroad who enter a host country while still minors.

⁷ See also the Convention on the Elimination of all Forms of Discrimination against Women (1979).

3. The increasing tolerance of dual citizenship

In the 1980s, a broader acceptance of dual citizenship developed due, among other things, to intensified movements across borders. Settled immigrants and their descendants needed to complete their integration through acquisition of the host state's citizenship. Therefore, many European states had come to favour a more liberal approach to dual citizenship. Several states, among others Sweden, requested the Council of Europe's Committee on Legal Cooperation (CDCJ) to consider a less restrictive attitude towards it.⁸ Consequently, the Council of Europe asked a Committee of Experts on Multiple Nationality (CJ-PL) to examine the question of dual-citizenship tolerance. As a result, in 1993, the Council of Europe adopted a second protocol to the 1963 convention that allowed dual or multiple citizenship in more cases.⁹

The member states agreed during the Expert Committee's work on the protocol that the committee should prepare a new convention dealing more generally with matters relating to nationality.¹⁰ The Expert Committee and a working group took on the task and eventually, in 1997, the Council of Europe adopted the European Convention on Nationality, which recognised that each state was free to decide which consequences it attached in its internal law to a citizen's acquisition and/or possession of another citizenship.¹¹ Nevertheless, in several specified cases, the convention demanded that state parties accept dual citizenship.

On 06 November 1997, 15 states, among which the Nordic states, signed the European Convention on Nationality (ECN). Hitherto, the Nordic states had cooperated on citizenship matters and, until the late 1970s, their citizenship laws had been almost identical. However, to comply with the ECN, all the Nordic countries needed to adopt amendments. Finland, Norway and Sweden took the opportunity to thoroughly reform their laws, while Iceland and Denmark limited themselves to amending their existing citizenship acts. Already, at the beginning of the 1990s, Finland had started discussions on a new citizenship act, largely evolving around the issue of multiple citizenship. Formally, however, the reform preparations began in 1997 (Fagerlund and Brander 2013).¹² Almost at the same time, the Swedish government assigned to a parliamentary committee the task of reviewing the Swedish citizenship act and, by a supplementary directive, the task

⁸ See Slutbetänkande av 1997 års medborgarskapskommitté (SOU) 1999:34, p. 164. For development in Sweden, see Spång (2007, 103ff).

⁹ The second protocol amending the 1963 convention opened to signature on 02 February 1993. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007bf4c> (accessed 26 November 2020).

¹⁰ See, among other things, the interim report of the Committee of Experts on Multiple Nationality (CJ-PL) on Matters relating to Nationality DCCJ (93) 1 and CJ-PL (93) 11.

¹¹ See the preamble of the European Convention on Nationality (1997).

¹² See also the Finnish government proposition RP 235/2002.

of investigating, without any preconditions, the issue of dual citizenship.¹³ In February 1999, Norway followed suit and assigned to a Norwegian Expert Committee the task of preparing a Norwegian citizenship law reform, among other things, by investigating the question of dual citizenship.¹⁴ In 1998, Denmark, which did not embark on such ambitious reform preparations, became the first Nordic country to amend its citizenship legislation in a way that allowed the ratification of the ECN.¹⁵

The bill that should pave the way for Denmark's ratification of the ECN did not suggest amendments that deviated from Denmark's obligations according to the 1963 convention.¹⁶ Already beforehand, the Danish legislation complied with the ECN's minimum requirements for dual-citizenship acceptance¹⁷ and there were other signs that the Danish approach towards dual citizenship had become more tolerant. Firstly, the 1998 act repealed a provision on the possible loss of Danish citizenship based on interstate agreements that applied to Danes born and raised abroad. Secondly, the act softened the residence requirements for immigrant descendants' entitlement to Danish citizenship although this would imply more dual citizens.¹⁸ The explanatory notes to the bill referred to the European trend towards greater acceptance of dual citizenship and the fact that this status no longer caused so many concerns.

Still, Denmark did not (yet) fully embrace dual citizenship. In this respect, Sweden became the pioneer among the Nordic states.¹⁹ In 2001, the Swedish citizenship reform on full dual-citizenship acceptance entered into force. Finland and Iceland followed suit

¹³ SOU:34 *Svenskt medborgarskap, Slutbetänkande av 1997 års medborgarskapskommitté*.

¹⁴ See NOU Norges offentlige utredninger 2000: 32: Lov om erhverv og tap av norsk statsborgerskap, at: <https://www.regjeringen.no/contentassets/7f010dcc7b77416c81368385374ae5c3/no/pdfa/nou200020000032000dddpdfa.pdf>.

¹⁵ Act no. 1018 of 23 December 1998 on the amendment to the Danish citizenship act (Ratification of the ECN, etc.).

¹⁶ Bill L 69, FT 1998-99, at: <https://www.folketingstidende.dk/samling/19981/lovforslag/L69/index.htm>.

¹⁷ Cf. note of 07 April 1998 on dual citizenship from the Ministry of Justice to the Parliamentary Naturalisation Committee (The Naturalisation Committee annex 22). The note that was prepared for the committee's discussions of the renunciation requirement in naturalisation cases stated that, where an applicant was granted asylum or where renunciation or loss were not possible or could not reasonably be required, Denmark did not make renunciation or loss of another citizenship a condition for naturalisation. The other Nordic states followed a similar practice (except Iceland, which generally did not require renunciation of a former citizenship in naturalisation cases).

¹⁸ By the amendment, young persons who were brought up in Denmark were entitled to Danish citizenship by declaration from the age of 18 although they might not lose their foreign citizenship at such a young age (so far, the minimum age limit had been 21). The note concluded that, generally, there was a tendency towards citizenship toleration and that only a few countries, like Germany, still maintained the principle of avoiding dual citizenship as far as possible.

¹⁹ See SOU:34 *Svenskt medborgarskap, Slutbetänkande av 1997 års medborgarskapskommitté*.

in 2003, while a similar change in Norway did not materialise – although, in 2000, a majority among the Norwegian citizenship committee’s members had recommended full acceptance of dual citizenship.²⁰

Arguably, for Denmark – in terms of dual-citizenship acceptance – 2001 became a decisive year. That year, the country held a general election and a Liberal-Conservative government replaced the former Social Democrat-led government. This Liberal-Conservative government stayed in office for four terms, from 2001–2011, with support from the Danish People’s Party, which totally opposed dual citizenship. The Danish Prime Minister, who took office in 2001, had developed a so-called “contract policy”, according to which any necessary reforms of the social welfare system, etc. had to be announced before an election and to be carried out afterwards – as contracted by the electorate (Lidegaard 2014). Thus, it became of the utmost importance for the government to fulfil its promises to the voters. This proved possible with the support of the Danish People’s Party, which had the number of seats needed to secure a majority vote in parliament and the willingness to cooperate in return for concessions, especially regarding the restrictions of the aliens and citizenship legislation.²¹

Regarding citizenship legislation, another important event was the election of two charismatic pastors – Krarup and Langballe – who had a national-conservative approach and a particular interest in citizenship matters as Members of Parliament and prominent members of the Parliamentary Naturalisation Committee. Both represented the Danish People’s Party and both had long been members of the theological movement *Tidehverv*, which espouses a strict, conservative Lutheranism and rejects humanism and human rights (international conventions). According to them, the meaning of being a national is to be born in a given place within a given people and in a given historical context. To quote one of them, the writer Søren Krarup (1987, cited in and translated by Haugen 2011, 482): “We are created by God, and to creation belongs earthliness, history and hence nationality: to be born in a particular country and people”. Thus, to them, dual citizenship was an absurdity.

Arguably, this make-up of the Danish parliament during the first decade of the new millennium may in part explain why Denmark needed more time before decisively turning towards dual citizenship. The next section further explores this hypothesis.

4. Idling at the crossroads

As mentioned, Denmark applies a unique naturalisation arrangement according to which the legislature has the naturalisation power and a majority in parliament agrees upon the

²⁰ Norway accepted dual citizenship in 2018; see below in Section 10.

²¹ For more about the Danish People’s Party see https://vbn.aau.dk/ws/portalfiles/portal/14109015/widfeldt_-_FINAL.pdf.

naturalisation criteria. The political composition in parliament during the first decade of the new millennium made it possible for the Liberal-Conservative government to rule exclusively with the support of the Danish People's Party. In 2002, 2005 and 2008, the two governing parties and the Danish People's Party agreed upon new and continually more restrictive naturalisation criteria.

In addition, in 2005 and 2008, the three parties agreed to initiate a study on the possibilities of adjusting the naturalisation practice with a view to limiting cases of dual citizenship.²² They assigned to the Ministry for Integration the task of preparing a draft report on the rules for dual citizenship in Denmark, other countries and international law, which would be presented to the Minister for Integration and the agreement parties.²³ The Liberal-Conservative government could have no doubt that a turn towards dual-citizenship acceptance might jeopardise its naturalisation agreements with the Danish People's Party and, even worse, might have immeasurable consequences for the government's general ability to find majority support for its policies in parliament.²⁴ Even so, during the period from 2001 to 2011, the Danish parliament discussed dual-citizenship toleration several times. Private persons, expat organisations and opposition parties called for such a debate, as did legislative initiatives in other Nordic countries.

In 2002, the government presented a bill in parliament to amend, among other things, the citizenship act's provision on Nordic citizens' acquisition of Danish citizenship by declaration. Thus far, this provision had not included a renunciation demand, since all Nordic states had provided for the automatic loss of citizenship by voluntary acquisition of a foreign citizenship. However, since Sweden had repealed such an automatic loss in 2001, Swedish citizens might become dual Danish-Swedish citizens by declaration if Denmark did not amend its declaration rule. Because this would be against the premise behind the rule, Denmark had to make a change.²⁵ The aim of the Danish 2002 bill was to "neutralise" the effects of Sweden's acceptance of dual citizenship by introducing a renunciation requirement.²⁶ Therefore, the proposed amendment did not raise much controversy. As explained by the spokesperson for the Social Liberals during the first

²² See circular letter no. 9 of 12 January 2006 and circular letter no. 61 of 22 September 2008.

²³ See the statements about the draft report in the Statelessness Commission's report of 2011, p. 1835 f at: https://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/statsloesekommission_bind_6.pdf.

²⁴ By its compliance with the tightening of the aliens and citizenship law, the government could normally count on the Danish People's Party in, for instance, negotiations on the state budget.

²⁵ Bill No. 160, presented in parliament on 13 March 2002 and accessible here <https://www.folketingstidende.dk/samling/20012/lovforslag/L160/index.htm>. On 14 January, the Nordic states had changed the Nordic agreement on citizenship in such a way that, henceforth, it was for each country to decide whether it would apply a renunciation requirement as a condition for acquisition of its citizenship; see the Nordic Agreement of 14 January, article 7.

²⁶ *Ibid.* See explanatory notes to the bill.

reading of the bill, Denmark had ratified the 1963 convention and the logical corollary was to adjust Danish citizenship legislation because of Sweden's acceptance of dual citizenship. Consequently, in May 2002, the Danish parliament adopted the bill unanimously.²⁷ Nonetheless, several political parties wanted to seize this opportunity to discuss whether Denmark should also accept dual citizenship, referring to the development in the neighbouring Nordic countries and in Europe more broadly.²⁸

In the years that followed, many individuals and civil society organisations, especially emigrant organisations like Danes Worldwide and www.statsborger.dk, approached the Minister for Integration and/or the Naturalisation Committee, arguing in favour of the acceptance of dual citizenship. Some of the political parties in parliament followed suit by presenting motions for parliamentary resolutions on the acceptance of dual citizenship. In April 2008, a new political party – New Alliance – presented a motion for a parliamentary resolution, B 87, on the acceptance of dual citizenship.²⁹ In this connection, the Naturalisation Committee decided to convene a closed expert hearing with, among others, representatives from Norway and Sweden. During the first parliamentary reading of the motion, most parties expressed a wish for more knowledge on the advantages and disadvantages of changing the “immemorial principle” of the avoidance of dual citizenship.³⁰ Several individuals and organisations approached the Parliamentary Naturalisation Committee, which also received a petition on the acceptance of dual citizenship with 9,400 signatures collected by three Danish expat organisations.³¹ After the first reading of Motion B 87, the Naturalisation Committee held the closed parliamentary expert hearing.³² However, due to parliament's summer recess, the motion lapsed.

In November 2008, the Social Liberals and the Liberal Alliance presented two new motions on dual-citizenship acceptance to parliament.³³ Again, several individuals and

²⁷ Bill No. 160, adopted unanimously by parliament on 30 May 2002.

²⁸ Arnfinn H. Midtbøen (2019, 299) argues that, during the debate, the Red–Green Alliance was the only party to “vote for an acceptance of dual citizenship”. This is not an adequate description, since the debate was about adaptation of the Danish citizenship act triggered by the Swedish citizenship reform.

²⁹ See Motion B 87, FT 2007-08. At: https://www.ft.dk/samling/20072/beslutningsforslag/b87/20072_b87_som_fremsat.htm.

³⁰ See the first reading of Motion B 87 FT 2007-08. Available at: <https://www.ft.dk/samling/20072/beslutningsforslag/B87/BEH1-63/forhandling.htm>.

³¹ The different approaches are listed here: <https://www.ft.dk/samling/20072/beslutningsforslag/B87/bilag.htm>.

³² The hearing included two presentations on dual citizenship from a historical perspective (among others, from this author), followed by presentations from representatives of the Swedish and Norwegian citizenship authorities, based on these countries' preparatory reports and experiences regarding dual citizenship.

³³ Motions B 55 and B 56 are accessible at <https://www.ft.dk/samling/20081/beslutningsforslag/b55/index.htm> and <https://www.ft.dk/samling/20081/beslutningsforslag/b56/index.htm>.

expat organisations supported the requests.³⁴ In early 2009, parliament discussed the two new motions collectively and their deliberations resembled former debates. One of the proposers summed up the debate in this way: “Of course I am disappointed by the forbearing of the minister and the grand parties regarding dual citizenship. However, I notice that what has been said is in fact that, yes, we know very well that this will come sooner or later but we prefer it to be later”.³⁵

In April 2009, the Ministry of Integration sent its report on dual citizenship to the Naturalisation Committee.³⁶ The report included references to the reports from the Swedish and Norwegian committees on, *inter alia*, the pros and cons of dual-citizenship tolerance. The report pointed out that, for countries which, in principle, did not accept dual citizenship, one of the reasons was that they saw citizenship as an important symbol of allegiance and loyalty to a country and that therefore, in principle, a person could have only one citizenship. Besides, dual citizenship was opposed for practical reasons such as the avoidance of legal conflicts in matters of international private law, criminal law and diplomatic protection and to prevent people from having several sets of rights – for instance voting rights – in more than one country. The committee concluded that “This, however, must be coupled with the experiences of more countries that the potential conflicts may be avoided by international agreements, multi- or bilateral”.³⁷

Eventually, in May 2009, a majority in parliament, consisting of the Liberals, the Conservatives, the Social Democrats and the Danish People’s Party, turned the motions down. In the Naturalisation Committee’s report, the majority referred to two points from the ministry’s report – namely that the acceptance of dual citizenship might hamper the diplomatic protection of dual Danish citizens abroad and their extradition for prosecution in Denmark. The Danish People’s Party stated in an addendum that it follows from the nature of citizenship (*ius indigenatus*) that the concept’s exclusive meaning is the obligatory allegiance to one single country.³⁸

³⁴ The Campaign for Dual Citizenship, www.statsborger.dk, presented a report on “Dual Citizenship for Danes” of 13 May 2008, at: <https://www.ft.dk/samling/20072/beslutningsforslag/B87/bilag/5/558531.pdf>; Danes Worldwide appeared before the Naturalisation Committee in May 2008, presenting a note of 20 May 2008 and a statement of 26 May 2009. Available at: <https://www.ft.dk/samling/20081/beslutningsforslag/B55/bilag/14/691874/index.htm>.

³⁵ See the parliamentary debate during the first reading of the motions: <https://www.ft.dk/samling/20081/beslutningsforslag/B55/BEH1-56/forhandling.htm>.

³⁶ Report of 24 April 2009 on the rules of dual citizenship in Denmark, in other countries and in international law: <https://www.ft.dk/samling/20081/beslutningsforslag/B55/bilag/11/675611/index.htm>.

³⁷ *Ibid.*, see Section 9 summary.

³⁸ See the Naturalisation Committee’s report of 14 May 2009: <https://www.ft.dk/samling/20081/beslutningsforslag/B55/bilag/13/691626/index.htm>.

The minority in parliament (the other political parties) argued that the majority's evaluation of the ministry's report was disproportionate, since the report demonstrated that there were far more advantages than disadvantages linked to the acceptance of dual citizenship.

In March 2011, the Social Liberals presented another motion on the acceptance of dual citizenship to parliament with the aim of equalising Danish citizenship legislation with that of other European countries.³⁹

In April 2011, the first reading of the new motion took place in parliament and followed, to some extent, the same lines as the earlier parliamentary debates on the acceptance of dual citizenship – except that the Liberals admitted that the development in other countries made it more and more difficult for Denmark to maintain its traditional resistance.⁴⁰ Parliament did not take a final decision on the motion before the summer recess. Thereafter – and following a general election – Denmark reached a distinct turning point in the move towards dual-citizenship acceptance.

5. Agreement on dual-citizenship acceptance

The general election took place on 25 August 2011 and eventually, on 3 October 2011, the Social Democratic Party succeeded in establishing a minority government together with the Social Liberals and the Socialist People's Party and with the support of the Red–Green Alliance. The three parties agreed in their government platform of October 2011 – “A Denmark that stands united”⁴¹ – that the government would accept dual citizenship. The reason was as follows: “Denmark is a modern society in a globalised world. Therefore, it must be possible to have dual citizenship”. In December 2012, the government appointed a cross-ministerial working group to draft a report on dual citizenship, in which they should propose different models for the acceptance of dual citizenship and outline the consequences of the different models.⁴²

In May 2013, the Liberal Party announced its commitment to dual-citizenship acceptance. Apparently, the party had some difficulty in explaining its change of mind. In a bungled TV interview, the ex-Prime Minister claimed that the party had changed

³⁹ Motion B 82 (2010-11), at: <https://www.ft.dk/samling/20081/beslutningsforslag/B55/bilag/13/691626.pdf>.

⁴⁰ The first reading of motion B 82, 2010-11, is available here: <https://www.ft.dk/samling/20101/beslutningsforslag/B82/BEH1-84/forhandling.htm>

⁴¹ Government platform of October 2011, *Et Danmark der står sammen*, is accessible here http://www.stm.dk/publikationer/Et_Danmark_der_staar_sammen_11/Regeringsgrundlag_okt_2011.pdf

⁴² See the introduction of the Working Group on Dual Citizenship's report of March 2014, at: <https://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2014/Arbejdsgrupperapport%20om%20dobbe>

its position but not its attitude. In this regard, he referred to “the present parliamentary situation”.⁴³ On Denmark’s Constitution Day, 05 June, the ex-Prime Minister admitted that his explanation had been somewhat opaque.

In March 2014, the working group finalised its report on dual citizenship – outlining the following options:

- full acceptance of dual citizenship;
- dual citizenship for emigrants but not for immigrants;
- dual citizenship for citizens from EU member states, EEA countries and Switzerland;
- dual citizenship for Nordic citizens;
- dual citizenship for citizens from member states of NATO; and
- dual citizenship for citizens from countries that have bilateral agreements with Denmark.

The working group stressed that the last two models might raise questions on unlawful discrimination based on nationality. In any case, denunciation of (part of) the 1963 convention, with a period of notice of one year, was obligatory. In a press release of 14 March 2014, the Minister for Justice presented the report,⁴⁴ stressing that it was important for the government to achieve broad parliamentary support for the new rules on dual-citizenship acceptance.⁴⁵

On 04 June 2014, the government announced that it had reached a broad agreement on full acceptance of dual citizenship. Only the Conservatives and the Danish People’s Party did not agree.⁴⁶ On this occasion, the Minister for Justice made the following statement:

Legislation on dual citizenship means a lot for many people since it touches upon national identity and attachment. In a globalised world, this means a lot. Many choose to settle in foreign countries while still maintaining a strong connection

⁴³ See the interview on 24 May 2013 on *TV2 News*, at: <https://www.youtube.com/watch?v=yd6S35Pn0sU>. See also <https://nyheder.tv2.dk/article.php/id-68706188%3AIAfÆ’Å,Å,kke-vi-har-skiftet-standpunkt-ikke-holdninger.html%29> As outlined, semantically there is actually a difference between attitude and position.

⁴⁴ See the Ministry for Justice’s press release at: <https://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2014/justitsminister-bred-adgang-til-dobbelt-statsborgerskab>.

⁴⁵ In a newspaper interview on the same day that the Minister for Justice informed on the government’s proposal, she mentioned the derived possibility for citizenship revocation, which the Liberal spokesperson on citizenship matters had also spoken of as a “little twist”; see: <https://www.berlingske.dk/politik/dobbelt-statsborgerskab-kan-foere-til-flere-udvisninger-af-kriminelle>.

⁴⁶ See the Minister for Justice’s announcement of the agreement at: <https://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2014/regeringen-indgaar-bred-aftale-om-dobbelt-statsborgerskab>.

to their country of origin. We must not force people to choose among affiliations. Therefore, a broad political majority supports full acceptance of dual citizenship. Such access to dual citizenship will promote the integration of all people from all over the world.⁴⁷

6. The law-making process

In October 2014, the Minister for Justice presented a bill in parliament on the full acceptance of dual citizenship, according to which Danes could retain Danish citizenship after having moved abroad and obtained a foreign citizenship and foreigners residing in Denmark could become Danish citizens without a renunciation requirement. Moreover, the bill proposed two transitional arrangements – one for former Danish citizens who could re-acquire Danish citizenship by declaration within a transitional period of five years and one for foreigners who could acquire Danish citizenship by declaration within a two-year period if they had been naturalised conditionally and had not yet fulfilled the requirement of being released from their foreign citizenship. The changes were designed to enter into force on 01 September 2015, when the Danish denunciation of the 1963 convention's Chapter 1 would have taken effect.

On 11 November 2014, at the first reading of the bill, the spokesperson for the Liberals stressed that parliament, that very day, had written a small part of Denmark's history by adopting a paradigm shift to full dual-citizenship acceptance, as several other states had done. He explained by example how dual citizenship would benefit emigrants as well as immigrants. Lastly, he wished to point out that dual citizenship would make it possible for Denmark to expel Danish citizens who had committed crimes against the state – for instance, terrorism. If they had dual citizenship, he explained, they could be deprived of their Danish citizenship and expelled to their country of origin. Of course, he said, this was not the most important argument for acceptance of dual citizenship but was part of it.⁴⁸

The spokesperson for the Social Democrats welcomed the Liberals' positive attitude and the positive bill, confirming that there was this "extra twist" in that the acceptance of dual citizenship might make it easier to expel persons who misused their citizenship, for instance by engaging in terrorism. The spokesperson for the Danish People's Party did not respond to the argument on denationalisation, etc. but, instead, maintained that a person can only have "one nationality, one fatherland, one identity, one mother

⁴⁷ *Ibid.*

⁴⁸ See the debate on 13 November 2014 at the first reading of the L 44, bill on the change to the Danish citizenship act, accessible here <https://www.ft.dk/samling/20141/lovforslag/L44/BEH1-18/forhandling.htm>.

tongue and one citizenship".⁴⁹ The Social Liberals welcomed the broad acceptance of dual citizenship that they had fought for over many years. The Red–Green Alliance, the Socialist People's Party and the Liberal Alliance were equally happy. The Conservatives, who opposed the change, worried about the concept of national allegiance and loyalty. Furthermore, they envisaged several practical problems related to voting rights in more than one country, diplomatic protection, family relations and legal proceedings across borders. Lastly, they raised the question of multiple citizenship. The Social Democratic Minister for Justice concluded the debate by pointing out that, among other things, it was important to focus on integration and that, in this regard, citizenship meant a lot for very many people.

Thereafter, the bill was sent to the Naturalisation Committee for further consideration. During the committee's deliberations, the Danish People's representative, the then-chair of the committee, asked the Minister for Justice whether she expected that dual-citizenship toleration would entail an increase in the number of citizenship revocations and expulsions. The Minister explained that much would depend on the regulations in the countries of origin. In some countries, a person might lose his or her citizenship automatically on acquisition of a new citizenship; some might even choose to renounce their foreign citizenship. Besides, according to Danish law, proportionality was a precondition for citizenship revocation. Thus, it was difficult for the Minister to give a more specific answer to the question.⁵⁰

On 11 December 2014, the Naturalisation Committee submitted its report on the bill to parliament⁵¹ and the final parliamentary debate on the bill took place on 18 December 2014.⁵² Usually, a final debate is very brief and often no one asks for the floor. This time, however, the spokesperson for the Liberals wished to express his regret that parliament had not unanimously adopted the bill and repeated his earlier point that dual citizenship made citizenship revocation possible.⁵³ He was sorry that this argument had not gained a greater degree of acceptance. Following this and another brief intervention, parliament adopted the act on dual-citizenship acceptance with 89 votes for and 19 votes against.

⁴⁹ The two pastors mentioned in Section 3 (Krarup and Langballe) had left parliament but had been succeeded by one of their children; among these latter, Christian Langballe, who was also a pastor, had become the party's spokesperson on citizenship matters and the chairman of the Naturalisation Committee.

⁵⁰ See the Minister's answer of 02 December 2014 to Question 3 concerning Bill L 44, accessible here <https://www.ft.dk/samling/20141/lovforslag/L44/spm/3/1423188/index.htm>.

⁵¹ Naturalisation Committee Report on bill L 44 FT 2014-15, at: <https://www.ft.dk/samling/20141/lovforslag/l44/bilag/10/index.htm>.

⁵² The third reading, on 18 December 2014, of Bill L 44, can be found here <https://www.ft.dk/samling/20141/lovforslag/L44/BEH3-38/forhandling.htm>.

⁵³ The Liberals had also added this point to their reasons for dual-citizenship acceptance, mentioned in the Naturalisation Committee's report on the bill, cf. Footnote 51.

The following year was an election year. At the general election in June 2015, the Social Democrats and their supporting parties received 49.3 per cent and the former opposition 50.7 per cent of the votes. Subsequently, the Liberals formed a single-party minority government. Under the new Liberal government, on 01 September 2015, the dual-citizenship act entered into force.⁵⁴ The same evening, the expat organisation Danes Worldwide held a celebratory party to express their gratitude to those who had supported the acceptance of dual citizenship, among whom some Liberal politicians.⁵⁵

7. The Dual-Citizenship Act

In accordance with the political agreement of 04 June 2014, the dual-citizenship act introduced access to dual citizenship for all Danes and foreigners, thus repealing all the Danish citizenship act's renunciation requirements.⁵⁶

In addition, the act introduced a five-year time-limited transitional arrangement for former Danish citizens who had lost their Danish citizenship through the acquisition of a foreign one. Former Danish citizens and their minor children (regardless of whether the children had been Danish or not) could (re)acquire Danish citizenship by declaration within five years of the date at which the dual-citizenship act entered into force. This transitional possibility expired at the end of August 2020.⁵⁷ However, in the Law Programme for the parliamentary year 2020–2021, the current Social Democratic government has announced that, in spring 2021, it will present a bill in parliament to restore the transitional arrangement for former Danes for another five-year period (thus running until 1 April 2026).⁵⁸ Notably, according to the transitional arrangement, any former Danish citizen who is sentenced to imprisonment in the intermediate period, cannot re-acquire Danish citizenship by declaration.⁵⁹ However, in certain cases, such

⁵⁴ Act No. 1496 of 23 December 2014, amending the Danish citizenship act (acceptance of dual citizenship, etc.), accessible here <https://www.retsinformation.dk/forms/r0710.aspx?id=167199>.

⁵⁵ See information about the celebration, accessible here <https://hasseferold.blogspot.com/2015/09/double-citizenship-from-19-2015.html#/2015/09/double-citizenship-from-19-2015.html>. See also the magazine *Danes* No. 5, 2015, in which the Secretary General of Danes Worldwide expresses her gratitude to those who had worked for dual-citizenship acceptance. Among others, she thanked several Liberals in favour of dual citizenship who had convinced other more-reluctant Liberals. One of them was the former Minister for Integration, Bertel Haarder; another was Jan E. Jørgensen, the spokesperson of the Liberals, who had tried to convince the Danish People's Party by using the citizenship revocation argument.

⁵⁶ Act on Dual Citizenship Section 1, repealing the Citizenship Act's Sections 4 A (1), 5 (2) and 7.

⁵⁷ The Dual-Citizenship Act, Section 3(1). The transitional period expired on 01 September 2020.

⁵⁸ Arguably, the need for a prolongation of the transitional rule was foreseeable, see Ersbøll (2015). The Danish government's law programme for 2020–2021 is accessible here <https://www.stm.dk/statsministeriet/publikationer/lovprogram-for-folketingsaaret-2020-2021/>.

⁵⁹ The Dual-Citizenship Act, Section 3(2).

a person may re-acquire it through naturalisation if acceptable to the Naturalisation Committee.⁶⁰ Reacquisition is only possible for persons who have lost their Danish citizenship through the acquisition of a foreign citizenship. The Citizenship Act's provision on the loss of Danish citizenship due to birth and residence abroad until the age of 22 still applies.⁶¹

Moreover, the dual-citizenship act introduced another transitional rule, which expired at the end of August 2017. This rule applied to foreigners who had been naturalised conditionally since December 2012, dependent on their release from their foreign citizenship within a two-year period and who had not yet been granted such release. These persons could acquire Danish citizenship by declaration within two years of the date at which the dual-citizenship act entered into force.⁶²

8. Effects of dual-citizenship acceptance

Before parliament's adoption of the dual-citizenship act, the government had estimated that dual-citizenship toleration would entail an increase in the number of naturalisations and cases of retention of Danish citizenship.⁶³ To some extent this proved correct although the full effects were not ultimately felt, probably due to the subsequent restrictions of the general requirements for naturalisation, agreed upon by the new political majority and the Social Democrats in 2015 and 2018.⁶⁴

Figure 8.1 shows the huge variation in the annual grants of citizenship since 1993. The distinct increase in 2016 cannot be ascribed to the acceptance of dual citizenship as of September 2015 alone. To some extent, the increase reflects the effects of the general election, due to which the biannual bill on naturalisation was discontinued in 2015 and the accumulated number of applicants who naturalised by the end of the year were registered as Danish citizens in January 2016. Moreover, in spring 2016, two bills on naturalisation were adopted (instead of the usual biannual one), also due to the general election in 2015. Grants of Danish citizenship declined thereafter. Similarly, the 2018 – 2019 decrease and subsequent increase in 2020 may be attributed to effects of the 2019 general election.

⁶⁰ This may be possible when the committed offence is not punishable by imprisonment in Denmark and when the waiting period provided for in the naturalisation circular for the committed offence has expired.

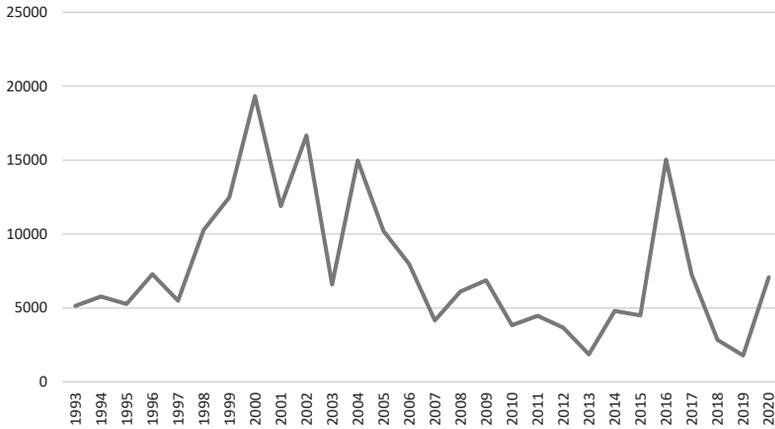
⁶¹ The Dual-Citizenship Act, Section 3(3).

⁶² The Dual-Citizenship Act, Section 4. The rule expired on 01 September 2017.

⁶³ See the Ministry of Justice's estimation of 03 December 2014 concerning the additional costs in connection with the handling of cases on Danish citizenship, accessible here: <https://www.ft.dk/samling/20141/lovforslag/L44/bilag/7/1431079/index.htm>.

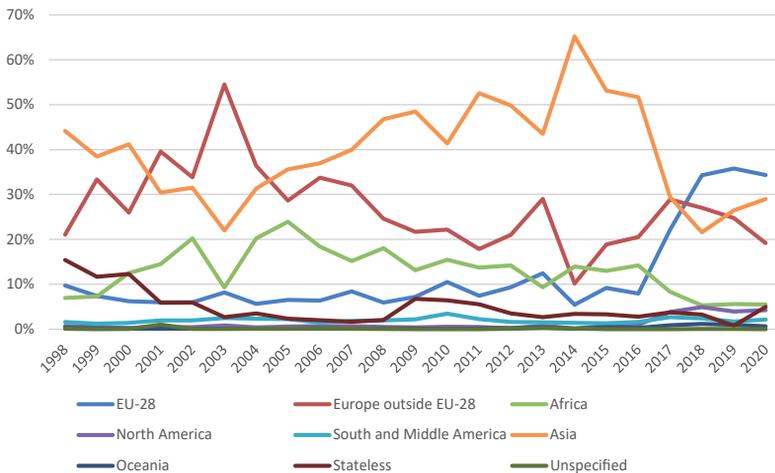
⁶⁴ See Naturalisation Circulars Nos 10873 of 13 October 2015 and 9535 of 02 July 2018.

Figure 8.1. Acquisition of Danish citizenship, numbers per year



Danish emigrants have benefitted from the dual-citizenship reform, since they may now acquire the citizenship of their country of immigration without losing their Danish one. Moreover, many former Danes have used – and will probably within the coming years use – the (reinstalled) transitional option to re-acquire their lost Danish citizenship. About 600 immigrants and others have benefited from the other transitional arrangement that applied to persons who, between December 2012 and 01 September 2015, had been conditionally naturalised.

Figure 8.2. Acquisition of Danish citizenship, share per year by region of origin



A clear result of the acceptance of dual citizenship is that the composition of the group of applicants for naturalisation has changed, as shown in Figure 8.2.

Figure 8.2 shows that, since 2014, the share of applicants from Europe and, in particular, EU member states has increased. This is no surprise, since Europeans – especially EU citizens with union citizenship rights – are generally not inclined to naturalise unless they can do so without losing their original citizenship. Nevertheless, there may be more specific explanations for the changes in acquisition rates.

Obviously, the number of applicants from the UK has risen due to Brexit. Up to October 2016, the biannual number of British citizens who naturalised did not exceed 20. However, within the last three years, citizens from the UK account for the highest share among the different nationalities who naturalise; for instance, the biannual naturalisation bill of October 2019 revealed that almost one seventh of the applicants were British (489 out of 3,566). Likewise, German citizens have naturalised increasingly since 2016. To some extent, this may be explained by the fact that, since 2018, Danish-minded Germans belonging to the Danish minority residing in Southern Schleswig (the German *Land of Schleswig-Holstein*) may, under certain circumstances, naturalise in Denmark (regardless of their residence abroad).⁶⁵

Apart from Britons and Germans, Poles and Romanians in particular have increasingly applied for Danish citizenship, as have citizens from the US, Russia, Ukraine, Bosnia and Pakistan. Turkish citizens and stateless persons, including Danish-born stateless persons entitled to Danish citizenship by naturalisation, quite constantly naturalise. Against this, there has been a clear decrease in the number of naturalisations of citizens from Iraq, Afghanistan and Somalia – nationalities which, in the years 2014–2016, accounted for the highest shares of applicants for naturalisation.⁶⁶ This decrease has, of course, to do with the shifting influx of refugees from Asia, the Middle East and Africa.⁶⁷ However, the recent restrictions of the naturalisation requirements, agreed upon in 2015 and 2018, may also have played a role.⁶⁸ After 2015, there has not been much public debate about the significance of dual-citizenship acceptance.⁶⁹

⁶⁵ See Naturalisation Circular No. 9779 of 14 September 2018, as amended by Circular No. 9043 of 28 January 2020, annex 1, p. 5.

⁶⁶ These nationalities were generally not affected by the dual citizenship reform since they were mostly refugees who had not been required to renounce their previous nationality.

⁶⁷ Nationality lists are published together with the biannual naturalisation bills; see, for instance, the list of October 2019 (with 489 British applicants): <https://www.ft.dk/samling/20191/lovforslag/L41/bilag/1/2094455.pdf>.

⁶⁸ Again, Denmark now has the toughest language requirement in Europe. For traumatised refugees and applicants with limited school attendance, this requirement may be difficult to fulfil. Furthermore, the conduct requirements have been strengthened unprecedentedly.

⁶⁹ A small reservation may be that some dual citizens in Denmark have felt offended by an offer of financial support for repatriation from Denmark to their other country of citizenship. After an amendment in 2018, the repatriation act extended the group of beneficiaries of repatriation

9. Reflections on the Danish turn towards dual citizenship

In the previous sections, I have outlined the Danish turn towards dual-citizenship acceptance. In my review of the political arguments for and against the policy shift, I have focused on arguments concerning integration and the possibilities for citizenship revocation and the deportation of terrorists.

I have brought the citizenship revocation aspect into focus because, in the recent literature on dual-citizenship acceptance, Denmark has been singled out as a country that has attached crucial importance to this angle. The Norwegian scholar, Arnfinn Midtbøen, has made this argument with reference to the recent Danish parliamentary debates on dual-citizenship acceptance. According to him (Midtbøen 2019, 300), the Danish debate “reveals that two distinct arguments for dual citizenship were used”. First, that Denmark “should allow dual citizenship to allow Danish emigrants to keep or regain their Danish citizenship; in other words, a re-ethnicisation of citizenship, in Joppke’s (2003) terms”; second, that “accepting dual citizenship would allow for citizenship revocation of dual citizens who engage in or support acts of terror”.⁷⁰

To boil down the Danish debate on and arguments for dual-citizenship acceptance in this way, in my opinion, gives a distorted picture of the background to and the reasons for Denmark’s acceptance of dual citizenship. From the parliamentary debates on dual-citizenship acceptance over the last decade, it appears that – apart from the Danish People’s Party – none of the political parties has taken a firm dismissive position on future dual-citizenship toleration. Some parties have been sceptical and many have wanted more information on the matter but most have welcomed the discussions of the issue. Notably, the Danish People’s Party has constantly argued for its wholesale rejection.

Obviously, some political parties have had a more positive attitude towards dual-citizenship acceptance than others and, within each individual party, there have been different opinions – especially within the Liberal Party, which accounts for both conservative and more liberally oriented members.⁷¹ The Liberal spokesperson on the Naturalisation Committee, Jan E. Jørgensen, who put forward the citizenship revocation argument, is a “genuine liberal”,⁷² while Inger Støjberg who, in 2015, became Minister for Immigration and Integration, has a national-conservative approach and several viewpoints similar to

aid to dual citizens who are released from their Danish citizenship within a two-year period – in particular, dual citizens who were born and raised in Denmark have felt offended by being offered financial support for “repatriation”.

⁷⁰ The argument is repeated in Brochmann and Midtbøen (2020).

⁷¹ For more information about the Danish political parties and especially the Liberals see <https://www.yourdanishlife.dk/the-rules-of-the-game-the-danish-political-system-for-beginners/> and <https://www.thelocal.dk/20190510/the-locals-guide-to-denmarks-election-parties-part-one-the-right>

⁷² Author of the book, *A Genuine Liberal* (in Danish: *En Ægte Liberal*), accessible here <https://www.arnoldbusck.dk/boeger/politik-debat/en-aegte-liberal>.

those of the Danish People's Party. In addition, the different parties' "bloc-alignment" has played a role – be it to the red or the blue bloc.

I have argued that it would not have been possible for members of the Liberal Party or the Conservative Party to fully commit themselves to dual-citizenship acceptance in the first decade of the twenty-first century, when the two parties governed the country with the support of the Danish People's Party. This viewpoint seems substantiated by statements from the Liberals, among which that from the former Prime Minister on the significance of the "present parliamentary situation", as quoted in Section 4. A commitment to dual-citizenship acceptance could have jeopardised the peaceful coexistence between the government and the Danish People's Party. Nevertheless, there seems to have been a general awareness that it was not a question of *whether* dual citizenship would be accepted but only of *when*. The window of opportunity opened after the general election in 2011, when the parliamentary party composition changed. Immediately, the new government took the position that it would accept dual citizenship. The commitment was inscribed in the government platform.

The new three-party government committed itself unconditionally to dual-citizenship acceptance and, in 2013, the Liberals endorsed the commitment. In the 2014 report, the ministerial working group on dual citizenship stressed the positive aspects of its acceptance for both emigrants and immigrants, as did the Minister for Justice in her subsequent announcement of the broad political agreement on the acceptance of dual citizenship. Consequently, the bill highlighted the positive aspects for emigrants as well as immigrants, as did the Liberal spokesperson in his presentation of the bill to parliament.⁷³ Thus, I find it difficult to identify re-ethnicisation as a key argument for dual-citizenship acceptance. Rather, the debate was, in my opinion, characterised by a remarkable absence of attempts to "ethnicise" Danish citizenship – taking into consideration that ethno-cultural viewpoints have influenced the Danish citizenship debate both before (Ersbøll 2010) and after the debate on dual-citizenship acceptance, reflected *inter alia* in the law on the obligatory handshake in naturalisation cases.⁷⁴

Certainly, in arguing for dual citizenship, the spokesperson for the Liberals outlined problems for Danes abroad (higher inheritance tax, job barriers and a lack of democratic rights); however, subsequently he mentioned problems for foreigners in Denmark – prob-

⁷³ See the first reading of Bill L 44 at: <https://www.ft.dk/samling/20141/lovforslag/L44/BEH1-18/forhandling.htm>

⁷⁴ See the reasoning in the explanatory notes to the so-called "Handshake Act", Act No. 1735 of 27 December 2018 on the amendment of the citizenship act. According to the notes it is, in the opinion of the government, not in accordance with fundamental Danish values and respect for Danish society and culture norms if an applicant, during a naturalisation ceremony, refuses to shake hands with a representative of the Danish authorities; see notes to Bill L 80, 2018–19: <https://www.ft.dk/samling/20181/lovforslag/l80/index.htm>.

lems that the Liberals would be ready to solve.⁷⁵ It is true that the Liberal spokesperson rounded off by adding the controversial argument on better possibilities for citizenship revocation. However, he played down the importance of the argument by formulating it thus: “At last, I would also like to mention ... dual citizenship makes it possible to extradite Danish citizens who commit crimes against Denmark, for example terrorism. [...] this is of course not the most important argument for dual citizenship, but it is part of it”.⁷⁶ Arguably, this was first and foremost directed to the Danish People’s Party. The Liberals were quite confident that they would re-occupy the post of Prime Minister after the forthcoming general election and, presumably, it would be convenient not to have too divergent opinions on this essential issue in the blue bloc.⁷⁷

The former Liberal Prime Minister had experienced difficulties when asked to explain why the Liberals had changed their “position” or “attitude” and it came as no surprise that, in parliament, the Danish People’s Party would also demand an explanation for the Liberals’ policy shift. This might be forestalled by the citizenship revocation argument. Finally, the Liberals’ spokesperson expressed his hope that the Danish People’s Party might also change their minds. Although, realistically, this might be a lost cause, the representative of the Liberals yet again asked the party’s representative whether the citizenship revocation argument did not make an impression; however, he did not even receive an answer concerning this viewpoint – which only the representative of the Social Democrats acknowledged as “an extra twist”.⁷⁸ More generally, however, she stressed that the bill would benefit very many people – both immigrants and emigrants.

Against this background, I cannot support the viewpoint that “the legal opportunity to strip terrorists from their Danish citizenship” was a key argument “that enabled Denmark’s U-turn on the question of dual citizenship” nor the claim that this “argument created a new alliance between the left, the centre and the centre-right in Danish politics” (Midtbøen 2019, 301–302).

Of course, it is not possible to reject altogether the notion that the citizenship revocation argument has played any role. When questioning its significance, however, it is natural to rely on the Liberal spokesperson himself when, during the last reading of the

⁷⁵ See the first reading of Bill L 44 at: <https://www.ft.dk/samling/20141/lovforslag/L44/BEH1-18/forhandling.htm>.

⁷⁶ *Ibid.*

⁷⁷ For the result of the 2015 election and the many seats of the Danish People’s Party, see: <https://www.robert-schuman.eu/en/doc/oeo/oeo-1600-en.pdf>

⁷⁸ Notably, the Social Democrats knew that several general elections had been decided by the parties’ viewpoints on immigration policies and that the Danish People’s Party had won over many former Social Democratic voters with its restrictive immigration policy. In order to win these voters back, the Social Democratic Party was prepared to change its aliens policy accordingly (see Nedergaard 2017).

bill on dual citizenship, he deplored the fact that the citizenship revocation argument had not gained a higher degree of acceptance.

Therefore, it seems fair to conclude that Denmark accepted dual citizenship in the context of international interdependence and largely for the same reasons that have influenced other states to accept it. Denmark was, as other countries have been (Vink et al. 2019), increasingly under pressure from expatriate organisations and expatriates who wanted to be able to naturalise abroad without losing their original citizenship. Danish expatriates' viewpoints on the importance of having access to dual citizenship seem to have had a spill-over effect for Denmark's immigrants.

10. Future prospects

Despite the above account of the Danish debate, I round off this chapter by examining whether the citizenship revocation argument might more generally be of significance for dual citizenship in the future. This is, among other things, motivated by the fact that Norway recently accepted dual citizenship with reference to the citizenship revocation possibility.

In this connection, I examine Midtbøen's argument (2019, 303) "that the urge to introduce citizenship revocation on the ground of terrorism in single-citizenship countries needs to be linked to acceptance of dual citizenship" and that this development "fundamentally challenges established theories of dual citizenship".

Midtbøen refers to an interview of 20 December 2017 with the Norwegian Minister for Immigration, who represented the Norwegian Progress Party – a sister party to the Danish People's Party. She linked dual-citizenship acceptance with the possibility of citizenship revocation in this way: "Dual citizenship is a prerequisite for depriving people of their Norwegian citizenship if they have committed terrorist acts or the like. This is one of the reasons why the Ministry for Justice now proposes allowing dual citizenship".⁷⁹

On the same day, the Norwegian Ministry for Education and Research (responsible for integration) had sent out for consultation its proposal on the amendment of the Norwegian citizenship act.⁸⁰ The proposal argued that "loss of citizenship presupposes dual citizenship".⁸¹ Some of the organisations consulted opposed this angle, stating that they could not support the ministry's proposal to put such emphasis on the possibility of citizenship revocation. Still, the ministry maintained that such a loss would not have "full effect" without an amendment of the rule on single citizenship. According to the

⁷⁹ See the interview of 20 December 2017: <https://www.vg.no/nyheter/innenriks/i/BJl83E/aap-ner-for-dobbelt-statsborgerskap-for-aa-avskrekke-terror>.

⁸⁰ See Prop. 146 L (2016-2017) on the amendment of the citizenship act (acceptance of dual citizenship: <https://www.regjeringen.no/no/dokumenter/horing-om-forslag-til-endringer-i-statsborgerloven--avvikling-av-prinsippet-om-ett-statsborgerskap/id2582695/?expand=horingsbrev>).

⁸¹ *Ibid.*

department, dual-citizenship acceptance could contribute to the “prevention of terrorist activities in Norway” and that “the rules could prevent a Norwegian passport from being used, for instance, in terrorist activities”.⁸²

With the proviso that I am not an expert on Norwegian citizenship legislation nor Norwegian politics in general, I assume that these statements reflect a given political context. Based on the experiences of the Danish Liberal Party, which had difficulty explaining its turn towards dual citizenship, I would guess that the Norwegian Progress Party – known for its restrictive immigration policy – might have faced similar explanatory problems when turning to dual-citizenship acceptance.⁸³

In Norway, the Conservatives and the Progress Party had governed together since 2013. In 2017, the Liberals entered the government and the three parties decided on their government platform to accept dual citizenship. If the Progress Party had thought that their acceptance of dual citizenship might be a problem in the eyes of their constituents, they might have assumed that the possibility of citizenship revocation could alleviate potential criticism. This, of course, is only a hypothesis, based on the Danish case.

Anyhow, I remain unconvinced that the urge to introduce citizenship revocation on the grounds of terrorism in single-citizenship countries *needs* to be linked to the acceptance of dual citizenship. Neither am I convinced that the “securitisation of dual citizenship needs to be added to the mix of key drivers in the post 9/11 era” nor that we, for that reason, may be entering a third phase in the history of dual citizenship (Midtbøen 2019, 303).

Arguably, the citizenship revocation argument does not carry enough weight to be a key argument for dual-citizenship acceptance nor, *vice versa*, does dual-citizenship acceptance seem to be suited to securing the “full effect” of any citizenship revocation rule.

Taking some Danish politicians’ statements as a point of departure, the shift to dual-citizenship acceptance is tantamount to a change to an “immemorial principle” and new “history writing”. Arguably, the implied possibility of what may be a few more cases of citizenship revocation may not count for much in such a situation.

For the same reason, it is questionable whether dual-citizenship acceptance may secure the full effect of a citizenship revocation rule. Luckily, most countries have relatively few citizenship revocation cases caused by terrorism, so that dual-citizenship acceptance may not provide for many more revocation possibilities. Notably, the 1961 convention on the reduction of cases of statelessness and the ECN together prevent citizenship

⁸² See the Ministry for Education and Research’s (*Det Kongelige Kunnskapsdepartement*) Prop. 111L (2017–2018) Proposition til stortinget (forslag til lovvedtak), Endringer i statsborgerloven (avvikling av prinsippet om ett statsborgerskap): <https://www.regjeringen.no/no/dokumenter/prop-111-l-20172018/id2608945/>.

⁸³ The Progress Party left the Norwegian government in January 2020 in protest after the Norwegian authorities, with the acceptance of the government, had let a so-called “ISIS wife” and her two children return to Norway from a Syrian detention camp.

revocation in several cases, since they prohibit the rendering of people stateless and demand proportionality assessments.⁸⁴ Dual citizenship is a by-product of migration (Spiro 2016). Therefore, in many countries that have only recently become countries of immigration, the clear majority of people are and will remain mono citizens. Notably, dual citizenship is always co-produced by two independent states (see Chapter 3 by Bauböck in this volume).

Regardless of whether or not a state fully accepts dual citizenship, the state may have a considerable share of dual citizens. As mentioned in Section 2, in several cases, international law demands that they accept dual citizenship. A person may become a dual citizen by birth or by extension when a parent naturalises or by his or her own naturalisation because renunciation of a foreign citizenship is not possible or is an unreasonable requirement. For these reasons, before Denmark and Norway accepted dual citizenship, 40 to 50 per cent of all their naturalised citizens had not been asked to renounce their citizenship of origin. Finally, dual citizenship is not an obligation but a right; dual citizens may apply for and be granted release from one of their citizenships. Thus, with or without dual-citizenship acceptance, some citizens may be deprived of their citizenship while others may be protected from it.

Against this background, the Danish Prime Minister has argued that to take care of Denmark, “we must start using means which we previously did not need nor want”.⁸⁵ Among such new means is a newly adopted exemption rule in the Danish foreign affairs act. This rule allows the Minister for Foreign Affairs to cut or limit Danish citizens’ access to consular protection abroad if there is reason to believe that they have entered or stayed in a conflict area abroad without permission or have participated in activities that may imply a security threat.⁸⁶ Thus, states may interfere in citizens’ rights; not only Denmark but also other states have shown an unwillingness to take back their own citizens from conflict areas. Lastly, the Danish Minister for Immigration and Integration has announced that he will enter into a dialogue with the relevant organisations and like-minded countries with a view to strengthening the possibilities for citizenship revocation in relation to, for instance, foreign fighters. The starting point will be that the convention’s protection

⁸⁴ Therefore, two political parties in the Danish parliament have argued for non-compliance with the conventions and the Danish Social Democratic Prime Minister has expressed the viewpoint that “the conventions protect the wrong persons” – namely foreign fighters who have no place in Denmark (see the Prime Minister’s statement during parliamentary question time: <https://www.dr.dk/nyheder/politik/se-hoejdepunkterne-mette-frederiksen-blev-grillet-af-de-andre-partiledere>).

⁸⁵ See the Prime Minister’s statement in a newspaper interview: <https://politiken.dk/debat/ledere/art7477909/Igen-itaales%C3%A6tter-Mette-F.-et-Danmark-i-eksistentiel-krise-truet-af-unavngj-vne-farer-som-nu-m%C3%A5-beskyttes-med-alle-midler>.

⁸⁶ See Section 2 of Act No. 23 of 28 January 2020 amending, *inter alia*, Section 1(4) in the act on foreign affairs: <https://www.retsinformation.dk/Forms/R0710.aspx?id=212654>.

against statelessness in certain cases is too far-reaching. The minister has made clear that the over-extensive protection against statelessness is seen in cases where foreign fighters have only Danish citizenship.⁸⁷

Summing up, for many countries, the turn towards dual-citizenship acceptance constitutes a momentous turnaround. Therefore, in my opinion, marginally better possibilities for citizenship revocation and expulsion can hardly qualify as a fundamental new rationale for dual-citizenship acceptance; likewise, the fact that several countries have introduced citizenship revocation as part of their counter-terrorism strategies hardly qualifies as a proper indicator of an emerging third phase in the history of dual citizenship.

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⁸⁷ See the Minister for Integration's answers of 09 June 2020 to Question 206 from the Immigration and Integration Committee (UUI Alm. Del) and of 26 June 2020 to Question 115 from the Naturalisation Committee: <https://www.ft.dk/samling/20191/almdel/uui/spm/206/svar/1668701/2206007.pdf> and <https://www.ft.dk/samling/20191/almdel/ifu/spm/115/svar/1675614/2217464.pdf>.

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