

## Chapter 10

# Non-Toleration of Dual Citizenship in Austria

Rainer Bauböck, European University Institute, Florence

Gerd Valchars, University of Vienna

### Abstract

This chapter addresses the puzzle of why Austria has resisted the global trend towards the toleration of dual citizenship, even though none of the common explanations for such resistance apply to the Austrian case. We start by examining the history of Austrian citizenship law and the international conventions that Austria has joined. We then present a detailed analysis of those provisions in Austrian law that are relevant for dual citizenship. We find that Austria has accepted dual citizenship in the case of acquisition by birth but still clings to a general prohibition of dual citizenship in both the naturalisation of immigrants and when Austrians voluntarily acquire another citizenship. We suggest that politicised hostility towards dual citizenship for one particular group of immigrants – those from Turkey – seems to have blocked debates about reform. The chapter ends with the sketching of pathways to policy change and a menu of legislative reforms building on principles – already recognised in Austrian citizenship legislation – that could lead to the toleration of dual citizenship.

### 1. Introduction

Other chapters in this book have shown that the increasing toleration of dual citizenship is a strong global trend (see Spiro's [Chapter 4](#) and Harpaz' [Chapter 5](#)). [Chapter 3](#) (by Bauböck) examined its limits. One of the hypotheses explored there is that certain developing states like China and India resist this trend if they remain obsessed about national sovereignty and security. A second factor triggering resistance to dual citizenship are threats by neighbouring states that claim powers to protect ethnic kin minorities outside their borders. In a third category of cases, the non-toleration of dual citizenship may be a result of policy inertia. If a country has not been exposed to recent large emigration or immigration flows or if it has entrenched a prohibition of dual citizenship in its constitution, then it is more likely that its citizenship laws will remain shaped by a now-defunct principle of international law that dual citizenship is to be avoided.

Austria belongs to the just 18 per cent of countries worldwide that do not tolerate dual citizenship either in outgoing naturalisations (i.e. for Austrians voluntarily acquiring another citizenship) or incoming naturalisations (i.e. for naturalisation applicants in Austria who have to renounce all previous citizenships – see [Chapter 3](#) in this volume).

Although there are exceptions, Austria seems to be stricter in this regard than comparable European countries that also cling to symmetric non-toleration. For example, in Germany and the Netherlands, dual citizenship is currently accepted in more than 60 per cent of all incoming naturalisations (Mediendienst Integration 2019; [Chapter 6](#) by Peters and Vink, in this volume).

The case of Austria is a curious one. Austria pooled much of its national sovereignty with other states when joining the European Union in 1995. It has experienced large-scale emigration throughout its modern history and has become one of Europe's foremost immigration states in terms of numbers of foreign-born populations and residents without national citizenship. Austria's citizenship law has become highly politicised since the late 1990s and has since undergone many amendments. The federal constitution also does not spell out any principles for the acquisition and loss of citizenship that would constrain the toleration of dual citizenship. Finally, kin states of Austria's officially recognised ethnolinguistic minorities (Czechia, Slovakia, Hungary, Slovenia and Croatia) have not offered dual citizenship to these populations, whereas the Austrian government of 2017–2019 considered such an option for German-speakers in the Italian province of South Tyrol/Alto Adige. Austrian resistance against dual citizenship therefore does not fit any of the general explanations listed above and remains deeply puzzling. We suggest a few contextual explanations as well as scenarios for change in the concluding section of this chapter. Before doing so, however, we explore the history of Austria's attitudes toward plural nationality and examine in detail the provisions of Austrian citizenship law that aim to prevent dual citizenship as well as the exceptions where the law fails to do so.

In this chapter, we distinguish between three basic ways that dual citizenship can be generated:

- by birth (through the combination of *ius soli* and *ius sanguinis* or through the attribution of citizenship *iure sanguinis* from two parents with different nationalities);
- through incoming naturalisations (when the state whose citizenship is acquired does not require or enforce renunciation of a previous citizenship); and
- in outgoing naturalisations (if a currently held citizenship is not lost when a new citizenship is acquired).

## 2. Dual citizenship in Austrian history: domestic and international law

The first legal provisions concerning the acquisition and loss of Austrian citizenship date back to 1812 and 1832 respectively.<sup>1</sup> These laws were legally valid only in the Austrian part of the Austrian Empire – in Hungary, only some parts of these laws had legal force between 1851 and 1861 (Baumruck 2013; Thienel 1989/1990). According to these provisions,

<sup>1</sup> Articles 28–32 Allgemeines Bürgerliches Gesetzbuch (ABGB), JGS 1811/946 (Civil Code); Auswanderungspatent, JGS 1832/2557 (Edict of Emigration).

non-nationals automatically acquired Austrian citizenship through naturalisation after ten years of residence, by joining the public service or starting a trade. In addition, when fulfilling some naturalisation criteria, citizenship could also be bestowed on applicants as an “act of grace” (Buschmann 1833; Thienel 1989/1990). Automatic naturalisation after ten years of residence, enforced also against the will of the person concerned, caused diplomatic conflicts. It was therefore changed in 1833 from automatic acquisition to naturalisation after application, with ten years as the minimum residence requirement (Buschmann 1833; Thienel 1989/1990). In all these cases, dual citizenship was fully accepted and a renunciation of previously held citizenships was not necessary (Buschmann 1833; Thienel 1989/1990). Only later were several bilateral agreements signed (*inter alia* in 1864 with Prussia) in which the states mutually agreed to accept naturalisations by nationals of the respective other state only after renunciation of the previous citizenship (Thienel 1989/1990).

The same applied to Hungarian nationals after the so-called Austro-Hungarian Compromise of 1867, which established the dual monarchy of Austria-Hungary and divided the two former parts of the Austrian Empire into semi-sovereign entities within one union. As a general rule, citizens of the former Austrian Empire acquired either Austrian or Hungarian citizenship depending on the part of the Empire from which their local citizenship (*Heimatrecht*) originated. Naturalisations of Hungarians in Austria were possible but, in this case, renunciation of the previously held citizenship was necessary (Thienel 1989/1990).

Austrian citizenship, furthermore, was automatically acquired by the marriage of a non-national woman to an Austrian man (but not in the converse case of a non-national man married to an Austrian woman; in this case the marriage led to the loss of Austrian citizenship) and *iure sanguinis* by birth. Children born in wedlock acquired Austrian citizenship if the father was an Austrian national; children born out of wedlock became Austrian nationals only if the mother held Austrian citizenship (Buschmann 1833; Thienel 1989/1990).

At the same time, Austrian citizenship was lost as a consequence of emigration. Acquiring foreign citizenship *per se* did not cause such a loss. Only naturalisation together with emigration led to expatriation (Thienel 1989/1990). In 1870, Austria-Hungary and the United States signed a bilateral treaty<sup>2</sup> to reciprocally recognise naturalisations of their own citizens upon five years of residence in the other state.<sup>3</sup> As the acquisition of a

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<sup>2</sup> These nineteenth-century citizenship agreements between the USA and European states are usually referred to as the Bancroft Treaties (see [Chapter 2](#) by Spiro).

<sup>3</sup> Staatsvertrag vom 20. September 1870 mit den vereinigten Staaten von Amerika wegen Regelung der Staatsbürgerschaft der aus der österreichischen Monarchie nach den vereinigten Staaten von Amerika und aus diesen nach Österreich-Ungarn auswandernden gegenseitigen Staatsangehörigen, RGBl 1871/74 (State Treaty of 20 September 1870 with the United States of America regulating the citizenship of mutual nationals who emigrated from the Austrian monarchy to the United States of America and from these to Austria-Hungary).

foreign nationality after emigration in any case led to expatriation according to Austrian law at the time the agreement was signed and ratified, its practical impact is not evident.

Taking these first legal provisions on Austrian citizenship together, one can conclude that dual citizenship as a consequence of incoming naturalisation was, initially, completely accepted and later limited through bilateral agreements. The loss of citizenship due to emigration prevented dual citizenship in cases of outgoing naturalisation and the regulations concerning acquisition by marriage and by birth completely eliminated dual citizenship by birth.

During the last decades of the Habsburg monarchy, some details of the legal provisions concerning the acquisition and loss of Austrian nationality were modified several times but the law remained constant with regard to the occurrence of dual citizenship. After the end of the First World War and the collapse of the Austro-Hungarian monarchy in 1918, the first law governing citizenship of the new republic, passed in 1925,<sup>4</sup> maintained broad continuity. The acquisition of citizenship by birth and by marriage remained the same. However, with regards to incoming naturalisations, the renunciation of previously held citizenships became the general rule for the first time and dual citizenship was exceptionally tolerated only if it was accepted by the country of origin too. The same regulation can still be found years later in the law passed in 1949 but was interpreted by the Administrative Court in 1965 in a very restrictive way and contrary to the letter of the law. The Court argued for the toleration of dual citizenship only if renunciation of a previous citizenship was legally impossible or possible only under difficult conditions for the individual concerned (Thienel 1989/1990). In the same year, this interpretation eventually became law with the new Citizenship Law of 1965.<sup>5</sup>

As far as outgoing naturalisations were concerned, the law of 1925 also built on previous provisions. Acquiring foreign citizenship led to expatriation; however, the right to retain Austrian nationality could be granted by the provincial government and with the federal chancellor's consent (Thienel 1989/1990). Again, the same regulation pops up in the law of 1949 but here it is the Minister of the Interior, together with the Federal Chancellor, who are able to grant the right to retain citizenship for "solid reasons" (Thienel 1989/1990).

In 1965, several changes were finally introduced in order to eliminate the discrimination of women in citizenship matters (triggered by the intention to adopt the 1957 UN Convention on the Status of Married Women,<sup>6</sup> ratified by Austria in 1968). The automatic

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<sup>4</sup> Bundesgesetz vom 30. Juli 1925 über den Erwerb und den Verlust der Landes- und Bundesbürgerschaft, BGBl. 285/1925 (Federal Law of 30 July 1925 on the acquisition and loss of federal and provincial citizenship).

<sup>5</sup> Staatsbürgerschaftsgesetz 1965, BGBl. 250/1965 (Citizenship Law of 1965).

<sup>6</sup> Convention on the Nationality of Married Women, United Nations, Treaty Series, vol. 309, p. 65, BGBl. 238/1968.

loss of Austrian citizenship by marriage to a foreign male national was abolished and the automatic acquisition of citizenship by marriage to a male Austrian national was transformed into a right to naturalisation by declaration (Neuwirth 2015).<sup>7</sup> Multinational marriage was thus legally accepted for the first time, while individual multiple nationalities of the spouses remained taboo.

The adoption of the UN Convention against the discrimination of women<sup>8</sup> (signed by Austria in 1980 and ratified in 1982) made it necessary to reform the acquisition of citizenship by birth. With the amendment of 1983, the gender-discriminating rule for its acquisition by children born in wedlock was eliminated. Since then, children born in wedlock acquire Austrian citizenship by birth if one of the parents is an Austrian national (Neuwirth 2015); the occurrence of dual citizenship was explicitly accepted (Thienel 1989/1990). However, the acquisition by birth for children born out of wedlock still remained limited to *ius sanguinis a matre*. It was not until 2013 that the law was accordingly amended after a ruling by the Constitutional Court (Stern and Valchars 2013).

Since World War II, international legal norms against the discrimination of women have thus been a major force pushing for the acceptance of dual citizenship in Austria but, at the same time, Austria joined efforts in international law which aimed at constraining this change. Besides the above-mentioned bilateral agreements on naturalisation and the renunciation of the previous citizenship – such as that with Prussia from 1864, followed by agreements with the German Empire and, several years later, with Czechoslovakia (1920/21) and Italy (Thienel 1989/1990) and the Bancroft Treaty of 1870/71 with the USA – Austria was one of the signatory states of the Hague Convention<sup>9</sup> in 1930, although the country never ratified it. In the convention's preamble, the contracting states famously agreed that “every person should have a nationality and should have one nationality only” and hence aimed for “the abolition of all cases both of statelessness and of double nationality”.

Austria was also one of the signatory states of the Strasbourg Convention on multiple nationality<sup>10</sup> in 1963 (only ratified by parliament in 1975) and by now is (together with the Netherlands) one of the two remaining countries that have not denounced its Chapter I on the reduction of multiple nationality requiring the loss of citizenship upon naturali-

<sup>7</sup> In 1983, naturalisation by simple declaration was replaced by a right to naturalisation conditional on fulfilling the general naturalisation requirements (except for a shorter residence criterion) and was, at the same time, extended to include both women and men married to Austrian nationals (Stern and Valchars 2013).

<sup>8</sup> Convention on the Elimination of all Forms of Discrimination Against Women, United Nations, Treaty Series, vol. 1249, p. 13, BGBl. 443/1982.

<sup>9</sup> Convention on Certain Questions relating to the Conflict of Nationality Laws, League of Nations, Treaty Series, vol. 179, p. 89, No. 4137.

<sup>10</sup> Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality, ETS No. 043, BGBl. 471/1975.

sation in another signatory state.<sup>11</sup> The Strasbourg Convention is sometimes mentioned by the Austrian government and some legal scholars<sup>12</sup> as a reason why Austria is obliged under international law to maintain its strict policy of non-tolerance of dual citizenship. However, as an international agreement, the convention's provisions of preventing dual nationality apply only between those states adhering to them. Since 01 January 2020, when Norway's denunciation of Chapter I became effective, the convention only obliges Austria to withdraw its citizenship from Austrians voluntarily acquiring Dutch citizenship and, conversely, obliges the Netherlands to do the same for its nationals who become Austrians by naturalisation. The convention therefore leaves Austria free to tolerate or not tolerate dual citizenship in relation to all other states.

Finally, Austria also joined the European Convention on Nationality or ECN<sup>13</sup> (signed in 1997, ratified in 2000). Unlike the Hague and the Strasbourg Conventions, the ECN does not aim to abolish or even just to reduce multiple nationality but instead provides solutions to its consequences and further acknowledges the states' varied approaches to this question, leaving it up to them whether or not to accept multiple nationality as a consequence of naturalisations. More importantly, Article 14 of the ECN explicitly requires its member states to allow children who have acquired different nationalities automatically at birth and spouses who have automatically been naturalised through marriage to retain these nationalities. Austria did not have to change its law in these respects, since the automatic acquisition through marriage had been abolished in 1965 and gender-neutral *ius sanguinis* (for children born in wedlock) was introduced in 1983. However, in these cases the explicit recognition of dual citizenship in a major international treaty made it clear that the general principle of avoidance had been abandoned.

### 3. Austrian citizenship law and its effects on dual citizenship<sup>14</sup>

#### 3.1 Dual citizenship by birth

There is a long tradition of citizenship *iure sanguinis* by birth in Austria, going back to the earliest citizenship laws. However, as mentioned above, for a long time *ius sanguinis* provisions were limited to children born in wedlock to Austrian fathers and to children of Austrian mothers born out of wedlock. Unconditional *ius sanguinis a matre* and *a patre* were not completed in Austria until 2013. Even today, there is a notable restriction: if born out of wedlock, a child will be an Austrian by birth only if the Austrian father recognises

<sup>11</sup> <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/043/signatures> (accessed 20 June 2020)

<sup>12</sup> See e.g. Obwexer (2018), who argues that Austria would have to denounce the Strasbourg Convention before offering dual citizenship to German-speaking Italians living in South Tyrol/Alto Adige.

<sup>13</sup> European Convention on Nationality, ETS No. 166, BGBl. III 39/2000.

<sup>14</sup> Staatsbürgerschaftsgesetz 1985, BGBl. 311/1985 idF BGBl. I 146/2020 (Citizenship Law of 1985).

the child within eight weeks of his or her birth. Otherwise and for children born before 2013, a special form of facilitated naturalisation is available: if they live in Austria and are younger than 14 years, they can apply for Austrian citizenship by naturalisation. Unlike for regular naturalisation, in this case the renunciation of other citizenships is not required.

Children under the age of six months found on the territory of the republic are considered to be Austrian nationals by descent, although only until proof to the contrary. Persons who are born in Austria and have been stateless since birth may apply for Austrian citizenship between the ages of 18 and 20. The naturalisation requirements in this case are ten years of residence (five years of them uninterrupted immediately before the application); applicants must not have been convicted for criminal acts that threaten national security but must demonstrate sufficient knowledge of the German language and pass the naturalisation test (Ecker 2017).

*Iure sanguinis* acquisition by children born abroad is not subject to any restrictions. Austrian citizenship may be indefinitely attributed to the descendants of Austrian emigrants. This intergenerational transmission will only be prevented if parents of Austrian origin have renounced their Austrian citizenship before the birth of the child in order to acquire the citizenship of another country. Unlike other states, which interrupt the transmission of extraterritorial citizenship at birth after the first generation born abroad, Austria does so indirectly through its prohibition of dual citizenship for expats.

The native-born children of foreign nationals may apply for facilitated naturalisation after six years of legal residence in Austria. In this case, the general requirements for ordinary naturalisation – including the renunciation of previous citizenships – apply, although proof of German-language knowledge and the naturalisation test can be waived. More than one third of all yearly naturalisations in Austria (2019: 35.1 per cent; 2002–2019: 33.9 per cent)<sup>15</sup> are those of applicants born in Austria.

Hence dual citizenship by birth is fully accepted in Austria and may occur as a consequence of bi- or multinational parentage or of the *iure sanguinis* acquisition of Austrian citizenship abroad in a country with *ius soli* provisions. In both cases, multiple citizenships may be held permanently; there are no obligations to opt for only one of the citizenships acquired at birth. In the case of early naturalisation for children born in Austria on the other hand, the usual renunciation requirement for ordinary naturalisation applies. Dual citizenship is accepted only in the case of the naturalisation of children born out of wedlock to Austrian fathers.

### **3.2 Incoming naturalisations**

For incoming naturalisation, the renunciation of previously held citizenships is generally required. The law allows exceptions only in very limited cases. If an applicant is unable

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<sup>15</sup> STATcube – Statistische Datenbank von Statistik Austria, Berichtsjahr nach Anzahl der Einbürgerungen und Geburtsland (accessed 24 June 2020).

or cannot reasonably be expected to relinquish the nationality of his or her previous home country, the law allows its retention. Applicants from countries that do not permit renunciation (such as most Arab states and Iran as well as six Latin American states and a few Asian and African ones) can therefore become dual citizens by naturalisation. In addition, extraordinarily high fees for release are mentioned as a concrete reason for exemption since 1998. Recognised refugees were explicitly exempt by law from the renunciation requirement from 1965 until 1998. Since then, they have regularly fallen under the wider exception provision (Stern and Valchars 2013).

If no exemption applies, previously held citizenships must be renounced by applicants either before naturalisation in Austria or within two years thereafter. The normal procedure is that the Austrian authorities issue a guarantee of the grant of Austrian nationality to applicants once the latter fulfil all naturalisation requirements. This guarantee is issued at the end of the naturalisation procedure but before actually granting citizenship. After providing proof that the previous nationality has been relinquished, Austrian citizenship may be acquired. The guarantee is meant to enable applicants to renounce their previous nationalities and is valid for two years (Thienel 1989/1990).

This procedure is highly problematic: between the day on which an individual actually relinquishes his or her previous citizenship and that when Austrian citizenship is finally granted, applicants become, in most cases, temporarily stateless. Moreover, the Austrian guarantee for the acquisition of citizenship is not an unconditional one: it has to be retracted if any of the naturalisation requirements – except for the income requirement<sup>16</sup> – are no longer met at the time of final acquisition. In other words, after the applicant's renunciation of his or her previous citizenship and before the final granting of the Austrian one, a reassessment of eligibility is needed and naturalisation can be denied. In this case, temporary statelessness becomes permanent. Hence this regulation is considered to violate not only the UN Convention on the Reduction on Statelessness of 1961<sup>17</sup> (signed by Austria in 1972, ratified in 1974) and the ECN but also EU law (de Groot 2020). Currently a preliminary ruling is pending before the Court of Justice of the

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<sup>16</sup> This exception was introduced in 2013 after the Constitutional Court had annulled the previous provision as unconstitutional (VfGH G 154/10-8, VfSlg. 19.516/2011). The case before the court concerned a woman who had received a guarantee of the grant of Austrian nationality and subsequently renounced her former citizenship. Thereafter she lost her job and no longer fulfilled the sustainable income requirement. She thus became stateless. The Constitutional Court found that statelessness was an unacceptable result – considering that she was not to blame for having lost her job – and therefore annulled the whole paragraph on the revocation of the guarantee; shortly afterwards, however, the legislator reintroduced the provision in its current version (Stern and Valchars 2013).

<sup>17</sup> Convention on the Reduction of Statelessness, United Nations, Treaty Series, vol. 989, p. 175, BGBl. 538/1974. Article 7(2) of the convention exceptionally allows for denationalisation based on the assurance of acquiring the nationality of another state. However, in the 2013 Tunis Declaration of the UNHCR on the interpretation of the Declaration, the states agreed that such an

European Union (CJEU) concerning the revocation of a guarantee which left a former Estonian national permanently stateless.<sup>18</sup>

### **JY, an Estonian citizen who became stateless while naturalising in Austria**

In 2008, JY – an Estonian citizen living in Austria – applied for Austrian citizenship. In 2014, more than five years later, the Austrian authorities confirmed that she fulfilled all the naturalisation requirements and issued a guarantee of the grant of Austrian nationality on condition of proof that her previous citizenship had been relinquished. In 2015, she subsequently renounced her Estonian citizenship and presented the necessary documents to the authorities. From that moment on, she was stateless.

Twenty months later, in July 2017, the Austrian authorities revoked the guarantee of the grant of Austrian citizenship and rejected her application to naturalise. JY had committed two administrative offences since the acquisition of Austrian citizenship was guaranteed to her: the failure to provide an up-to-date vehicle inspection disk and driving under the influence of alcohol. The administrative fines together amounted to EUR 412. The authorities argued that these offences – in combination with eight prior offences (all concerning speeding, committed between 2007 and 2013, before the guarantee was issued) – made her ineligible for naturalisation. JY no longer met the condition for a clean criminal record. Her temporary statelessness became permanent.

The applicant appealed to the Vienna Administrative Court but the case was dismissed. It is now pending before the Austrian Supreme Administrative Court which, in February 2020, requested a preliminary ruling from the Court of Justice of the European Union (C-118/20 JY v. Wiener Landesregierung). The Austrian court wants to know whether the situation thus described falls within the scope of EU law and, if this is the case, whether the principle of proportionality has to be applied.

In order to prevent statelessness, many countries of origin do not allow for the renunciation of their citizenship before another citizenship has been acquired. Some, therefore, do not release their citizens based on a mere (conditional) guarantee such as that issued by the Austrian authorities. In fact, as a country of origin, Austria itself would not accept a guarantee like the one it issues. Austrian law therefore provides for conditional naturalisation as a second option. In this case Austrian citizenship is being granted upon

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assurance must be “unconditional” and may not be “retracted on grounds that conditions for naturalization are not met” (quoted in de Groot 2020).

<sup>18</sup> CJEU C-118/20, JY v. Wiener Landesregierung.

fulfilment of the naturalisation criteria although previously held citizenships have to be renounced within two years. If a newly naturalised Austrian fails to do so and exemptions do not apply, Austrian citizenship has to be revoked again – a revocation which must, however, happen within six years of naturalisation. If the authorities fail to check in time, dual citizenship can be retained.

Besides the exemptions for the renunciation requirement in ordinary naturalisations, further exceptions exist for special naturalisations. Austrian citizenship may be granted if the government confirms that this is in the particular interest of the republic due to the applicant's past and expected outstanding achievements. In this case, regular naturalisation requirements (except for a clean criminal record) and the renunciation of any previous citizenship are waived. As a last remnant of historic practices of automatic naturalisation, until 2008 foreign nationals (and their spouses and children) automatically acquired Austrian citizenship when becoming full professors at an Austrian university; renunciation of a previous citizenship was not required. In 1998 (after Austria joined the European Union in 1995) the provision was changed and henceforth applied to third-country nationals only before being generally abolished in 2008. Finally, survivors of the Holocaust who had left the country before 1945 due to political persecution (from September 2020 onwards, also their descendants) can now re-acquire Austrian citizenship by notification, again without renouncing their previous citizenship.

Hence, with regards to incoming naturalisation, Austria follows a very strict single nationality policy. In general, the renunciation of a previous citizenship is a precondition for naturalisation and dual citizenship is avoided, even as a temporary status, during the process of change from one nationality to another. The procedural rules even regularly create temporary statelessness (which might become permanent) in order to avoid temporary dual citizenship. Exceptions allowing dual citizenship only exist in very limited cases, in particular when required by international legal norms and when naturalisation is a special interest of the state.

### **3.3 Outgoing naturalisations**

In the case of both outgoing and incoming naturalisation, in general Austria does not tolerate dual citizenship. Austrian nationality is lost automatically *ex lege* by the acquisition of another citizenship if this citizenship had been acquired upon explicit consent. By contrast, automatic naturalisation (e.g. by marriage) does not lead to the loss of Austrian citizenship. This loss is extended to minor children – unless the other parent retains Austrian citizenship – and becomes effective at the very moment when another citizenship is acquired voluntarily. Authorities may only ascertain later by declaratory ruling that Austrian citizenship had already been lost by operation of law (Peyrl 2017a; Thienel 1989/1990). Nevertheless, since the CJEU rulings in the Rottmann case<sup>19</sup> in 2010

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<sup>19</sup> CJEU C-135/08, Janko Rottman v Freistaat Bayern, 02 March 2010.

and, more particularly, in 2019 in the case of Tjebbes and others,<sup>20</sup> the principle of proportionality has to be applied in cases where the loss of Austrian nationality also leads to the loss of European citizenship (de Groot 2019).<sup>21</sup>

As the loss of Austrian citizenship is automatically triggered by the acquisition of another citizenship, the bilateral exchange of information on naturalisation is crucial in order to administer the Austrian law. The Austrian authorities need to know and interpret the relevant foreign legal provisions on naturalisation – in particular whether, under what circumstances and when exactly citizenship of the respective countries is acquired. Moreover, the Austrian authorities need to be informed about individual naturalisations by Austrian nationals. Article 24 of the ECN provides a legal basis upon which (but no obligation) to share such information. In the 1964 Convention on the exchange of information relating to the acquisition of nationality of the International Commission on Civil Status,<sup>22</sup> the contracting states agreed to inform each other about any naturalisations of their respective nationals. Bilateral agreements exist between Austria and Germany and Denmark respectively.<sup>23</sup> However, as dual citizenship is increasingly tolerated, fewer countries actually have an interest in reciprocally sharing such information.<sup>24</sup> The lack of valid information regarding naturalisation may cause huge problems, as recent developments show (see Section 4).

The retention of Austrian citizenship can exceptionally be permitted if it is in the interest of the republic due to the individual's past and expected achievements or due to grounds deserving particular consideration. If this is considered to be the case, the applicant has to fulfil certain clean criminal-record conditions and the country for whose

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<sup>20</sup> CJEU C-221/17, M.G. Tjebbes and Others v Minister van Buitenlandse Zaken, 12 March 2019.

<sup>21</sup> Following the decision by the CJEU only months later, the Austrian Administrative Court annulled a declaratory ruling by the Austrian authorities ascertaining the loss of Austrian citizenship because of the missing proportionality test (Administrative Court, Ra 2018/01/0477, 30 September 2019).

<sup>22</sup> Convention (No. 8) on the exchange of information relating to the acquisition of nationality, International Commission on Civil Status, Paris, 1964.

<sup>23</sup> Vereinbarung zwischen der Bundesregierung der Republik Österreich und der Regierung der Bundesrepublik Deutschland über den Austausch von Mitteilungen in Staatsangehörigkeitssachen, BGBl. Nr. 45/1959 idF BGBl. III Nr. 170/2008 (Agreement between the Federal Government of the Republic of Austria and the Government of the Federal Republic of Germany on the exchange of communications in matters of nationality); Vereinbarung zwischen der Österreichischen Bundesregierung und der Königlich Dänischen Regierung über den Austausch von Einbürgerungsmitteilungen, BGBl. Nr. 40/1964 (Agreement between the Austrian Federal Government and the Royal Danish Government on the exchange of naturalisation notifications).

<sup>24</sup> Even in 1964, when the convention was originally signed, only ten countries participated. In 2017 (the most recent available information online) only seven countries are still listed as signatory states. Turkey, for example, one of the most important home countries of migrants in Austria, withdrew from the convention in 2010 (<http://www.ciec1.org/> [accessed 28 June 2020]).

citizenship the Austrian national is applying has to consent to the retention (if there are reciprocal arrangements with regards to this question).<sup>25</sup> Since 1999, the retention of Austrian citizenship also has to be permitted for Austrian nationals by descent on the grounds that the applicant's private and family life deserves particular consideration. Thirdly, since 2007, retention has to be granted if it is in the child's best interests (Peyrl 2017b; Thienel 1989/1990).

These rather vaguely described reasons for retention provided by the law leave the provincial authorities in charge of this matter with wide discretion. This is why some legal scholars consider the provisions on the retention of Austrian citizenship in the interest of the republic to be constitutionally questionable and potentially violating the legality principle (Rieder 2016; Thienel 1989/1990). Interestingly, there are no statistics which show how many retention permits are issued by the Austrian authorities each year and for which reasons. While there are detailed yearly statistics on the acquisition of Austrian citizenship, there is no legal instruction to collect corresponding data on the loss of Austrian citizenship or its retention.

Thus, with regards to incoming and outgoing naturalisations alike, Austria does not, in general, tolerate dual citizenship. However, when comparing the exceptions to the general rule it becomes clear that the regulations on both incoming and outgoing naturalisation are not symmetrical. While, in both instances, the toleration of dual citizenship remains limited to exceptional cases, Austrians by descent naturalising in another state are privileged over any other group. The consequences of a loss of citizenship to their private and family life are recognised by law as reasons to retain it while, in the case of naturalised Austrians acquiring a foreign nationality or of foreign nationals applying for Austrian citizenship, such personal disadvantages do not provide for exceptional retention. This discrimination between Austrians by birth and by naturalisation conflicts with a principle promoted by the European Convention on Nationality: "Each State Party shall be guided by the principle of non-discrimination between its nationals, whether they are nationals by birth or have acquired its nationality subsequently".<sup>26</sup>

#### **4. Recent debates and scenarios for future changes**

The striking inconsistencies between Austria's policies on dual citizenship have not led to major public controversies or legal challenges. There was, however, an important debate focusing on enforcing the prohibition of dual citizenship for naturalised Austrians in 2018. This concerned one single origin group that has long been stigmatised. Immigrants from Turkey and their children born in Austria are widely considered to be

<sup>25</sup> Such a requirement of reciprocal consent can be found only in the 1963 Strasbourg Convention (Annex, pt. 3).

<sup>26</sup> European Convention on Nationality, Art. 5 (2). When ratifying the convention, Austria made numerous reservations – but none to Art. 5

less integrated in socio-economic as well as cultural-linguistic terms and, as a mostly Muslim population, they have been targeted by xenophobic propaganda, especially by the right-wing populist Freedom Party.

The naturalisation rates of immigrants from Turkey were very low until the late 1990s, although guestworkers had arrived already in the late 1960s and large cohorts met the ten-year residence condition from the 1980s. Their numbers increased in the late 1990s and reached a peak in 2003 with 13,680 newly acquiring Austrian citizenship in that year. They declined rapidly thereafter and have remained below 1,000 per year since 2014.<sup>27</sup> For migrants from Turkey, the requirement to renounce their previous citizenship has been a major obstacle to their naturalisation. Turkey itself had started to abandon restrictions on dual citizenship for its emigrants in 1981. In the 1990s, the Turkish government worried about attacks on Muslims in Germany and provided two options to Turkish citizens who were concerned about having to renounce their citizenship of origin in order to adopt the German one. One was a new status of external quasi-citizenship introduced in 1995, which guaranteed former Turkish nationals readmission to the territory and the right to operate businesses and to inheritance and real-estate property (Kadirbeyoğlu 2012). This so-called “pink card” (later changed to “blue card”) was not widely picked up by the Turkish diaspora, apparently because of lingering uncertainty about the consequences of abandoning their formal citizenship status (Çağlar 2004). The other option was a way of circumventing Germany’s renunciation requirement, which was perfectly legal until 2000. After renouncing their original citizenship and becoming Germans, former Turkish nationals could easily re-acquire Turkish citizenship through a simple application at a consulate. In response to the mass denationalisation of Jews during the Nazi regime, German law did then not allow a German national residing in Germany to be deprived of his or her citizenship. This so-called *Inlandsklausel* (domestic territory exemption) was dropped in the general reform of Germany’s citizenship law in 1999. Since then, the voluntary re-acquisition of Turkish citizenship has had the consequence of them losing their German one. After the German government stepped up efforts to identify those who had re-acquired Turkish citizenship since 01 January 2000, about 20,000 persons had their German citizenship – and voting rights – nullified prior to the 2005 federal elections (Bauböck 2006).

Under Austrian law, as explained in the previous section, it was never legally possible to re-acquire Turkish citizenship while retaining the Austrian one. It is, however, likely that Turkish consulates also offered the re-acquisition option to newly naturalised Austrians without properly informing those interested about the risks. The case illustrates the fact that the effective prevention of dual citizenship requires cooperation between governments. The Turkish government was, however, neither obliged nor willing to in-

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<sup>27</sup> STATcube – Statistische Datenbank von Statistik Austria, Berichtsjahr nach Anzahl der Einbürgerungen und bisheriger Staatsbürgerschaft (accessed 24 June 2020).

form the German or Austrian authorities about who had re-acquired Turkish citizenship.<sup>28</sup> Circumventing the ban on dual citizenship thus seemed like a loophole that could be safely exploited. However, when the issue became politicised, host-country authorities took action and tried to find documentary evidence.

The issue became salient in 2016 in the wake of demonstrations by Turkish immigrants against the attempted coup in Turkey and resurfaced during the campaigns for the Turkish constitutional referendum in April 2017 and the general elections in June 2018, in each of which the ruling AK Party mobilised the diaspora vote in Austria, Germany and other countries with strong contingents of immigrants from Turkey. Initial interventions by then-Foreign Minister Sebastian Kurz calling for a prohibition of dual citizenship and by the Minister of the Interior Wolfgang Sobotka (both Austrian People's Party, ÖVP) for financial penalties displayed a lack of knowledge of Austrian citizenship law. As explained in Section 3, dual citizenship is not permitted in the relevant cases but nor is voluntarily acquiring a foreign nationality without permission by the authorities a criminal offence either since, in this case, Austrian citizenship is automatically lost by operation of law. In April 2017, Peter Pilz – then a Member of Parliament for the Green Party – and Heinz-Christian Strache, then the leader of the right-wing Freedom Party, revealed that they had come into possession of lists of Turkish citizens who had been registered for voting in elections in Turkey from Austria. They called on the Austrian authorities to identify those on the lists who had obtained Austrian citizenship. On 25 September 2018, Austria's highest administrative court confirmed the loss of Austrian citizenship of a Turkish immigrant naturalised in 1996, based on evidence that his name showed up in the Turkish electoral registry.<sup>29</sup> On 17 December 2018, however, the Austrian Constitutional Court overruled this judgment, arguing that the alleged electoral registry was insufficient evidence that the person had re-acquired Turkish citizenship since the list had never been confirmed as authentic by the Turkish authorities. The court also objected to the way that the authorities had put the burden of proof for a negative fact – that he was not a Turkish citizen – on the shoulders of the accused.<sup>30</sup> A significant number of cases in which Austrians of Turkish origin have been deprived of their citizenship will now have to be revisited. The episode illustrates how excessive political zeal in fighting against dual citizenship can come into conflict with elementary principles of the rule of law. It also shows the impotency of unilateral action in preventing a status that is created by two states acting independently from each other.

As already demonstrated in the previous section, Austria's attitude is also marked by inconsistencies, since dual citizenship is tolerated in many cases. In principle, one could

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<sup>28</sup> In 2010, Turkey also left the 1964 Convention on the Exchange of Information Relating to Acquisition of Nationality (see Footnote 24).

<sup>29</sup> [VwGH Ra 2018/01/0364-5 25. September 2018.](#)

<sup>30</sup> [VfGH E 3717/2018-42 11. Dezember 2018](#)

draw a line between dual citizenship acquired voluntarily and cases where it comes about automatically or cannot be avoided. As explained above, Austria tolerates dual citizenship generally by birth and exceptionally by naturalisation when renouncing a previous nationality would be impossible or very difficult. Yet Austrian law also accepts dual citizenship if naturalisation in Austria or the retention of Austrian citizenship is in the special interest of the republic. Moreover, Austrians by descent who voluntarily acquire another nationality can apply for special permission to retain their Austrian citizenship on grounds that are denied to immigrants who want to obtain it.

The political programme of the government coalition of 2017 to 2019 formed by the Conservative and the Freedom Parties contained proposals for three further exceptions, two of which have not been carried through to the stage of legislative proposals: dual Austrian-Italian citizenship for the German- and Ladin-language groups in South Tyrol and dual citizenship as an option for Austrian expatriates affected by Brexit. The former proposal was promoted mainly by the Freedom Party and seems to have been silently dropped from the government agenda after protests by Italy although, according to media coverage, by September 2018 a draft bill already existed (Perchinig and Valchars 2019). As discussed in the concluding chapter of this book ([Chapter 14](#) by Atz and Haller), the proposal was not even endorsed in a survey by a representative sample of the German-speaking population.

The case for dual citizenship in the context of Brexit was a stronger one, since Austrians residing in the UK would lose their rights as EU citizens if they decided to opt for British citizenship, while risking a worsened status as foreign nationals if they retained their Austrian one. The argument for tolerating dual citizenship for British citizens with long-term residence in Austria would have been even stronger since they have now involuntarily lost their EU citizenship and its right to free movement, although British expats overwhelmingly voted against Brexit. The Austrian government decided, however, to deal with this latter issue through a special “Law Accompanying Brexit” that was passed in February 2019 and which maintains residence and employment rights for British residents in Austria – although not, of course, throughout the European Union.<sup>31</sup> The plan for special toleration of dual citizenship for Austrians in Britain was dropped after Theresa May’s government provided a verbal guarantee that the rights of EU citizens already legally present in the UK would be maintained, although these are still not finally secure at the time of writing, with negotiations over future relations between Britain and the EU stalled and running out of time.<sup>32</sup>

The third proposal of a dual citizenship option for the descendants of Holocaust victims was eventually passed by parliament unanimously in September 2019, during

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<sup>31</sup> Brexit Begleitgesetz, BGBl. I 25/2019 (Law Accompanying Brexit).

<sup>32</sup> See [Chapter 6](#) by Peters and Vink for a similar legislative commitment in the Netherlands in case of a hard Brexit.

the brief period of an unelected caretaker government after the collapse of the Conservative–Freedom coalition in June that year. It aimed to rectify the historic injustice whereby the Austrian citizenship transition law of 1945 excluded Holocaust survivors from restoration of their Austrian citizenship on the grounds that they had adopted another citizenship. The non-toleration of dual citizenship served as an excuse for keeping away the victims, whereas those who had lost their Austrian citizenship as illegal Nazis under the Austrofascist regime between 1934 and 1938 saw their citizenship restored. The argument for also including descendants in direct line of those persecuted by the Nazi regime was that they would have inherited their parents' Austrian citizenship had these latter not been driven into exile (Stiller forthcoming).

## 5. Prospects and proposals for reform

We opened this chapter by arguing that none of the general explanations for the resistance against dual citizenship by other states applies to Austria. Through examining the history of Austrian citizenship law and the impact of international legal norms, we have also demonstrated that Austria's rejection of dual citizenship has already been perforated by general toleration in the case of acquisition by birth and several exceptions in the case of a later change of nationality.

These findings suggest that resistance may be best explained by the evolution of the Austrian party system and government coalitions or by ideologies of national identity. The rise of the right-wing populist Freedom Party since 1986 has produced a politicisation of immigrant integration issues that has triggered frequent amendments of immigration and citizenship laws, nearly all of which were designed to address nativist sentiments through restrictive changes. Lurking behind these trends may also be a shifting discourse on national identity. In the period after World War II, Austrian nationhood had been constructed as grounded in a civic identity in order to defeat the still-strong ideology of pan-German ethnic nationalism, which regarded Austria as part of a larger German cultural nation. Popular self-identification with the Austrian nation grew after the success of economic reconstruction in the 1950s and 1960s and the strengthening of the welfare state in the 1970s. The rise of populist nationalism since the 1980s produced, however, new culturally exclusive notions of Austrian patriotism that have been mainly mobilised against immigrants. Unlike in the Nordic countries, where lobbying by expats has provided much momentum for the policy shift towards the toleration of dual citizenship, the voices of Austrians abroad have carried little weight in public debates, in spite of their strong support for the proposal (see [Chapter 13](#) by Gundl).

If this diagnosis is correct, then changing political constellations and ideologies may unblock the stalled progress towards the general toleration of dual citizenship. We conclude this chapter with a menu of reform options that range from modest corrections of the current law to arguments for a full toleration of dual citizenship. This method of

presentation leaves open two possible pathways towards full toleration: either through a gradual accumulation of more and more exceptions – that make retaining any remaining restrictions increasingly harder to justify – or through a direct leap towards full toleration that abolishes all current restrictions in one go. We cannot predict which of these pathways the Austrian legislator is more likely to travel but we remain optimistic that the reforms we suggest are legally compelling because they build on existing principles and are politically feasible if promoted by a sufficiently strong policy coalition.

### Acquisition by birth

1. The most important overall change in Austrian citizenship law would be to modify the exclusive reliance on *ius sanguinis* by introducing conditional *ius soli* if a parent has permanent residence status. Germany, the paradigmatic case of descent-based citizenship (Brubaker 1992), took this step in 1999. Alternatively, the Austrian legislator could consider a right to citizenship for children socialised in the country according to the Swedish or Greek model. In the Swedish case, this citizenship option is not premised on birth on the territory but merely on three years of residence as a minor, after which a parent can obtain citizenship for a child by mere declaration. In any case, the requirement of renunciation of a citizenship acquired *iure sanguinis* at birth is a strong obstacle for parents considering whether to obtain citizenship for their children. Apart from the obvious benefit for the integration of the so-called second generation, the fact that Austria already accepts a life-long status of dual citizenship when Austrian *ius sanguinis* is combined with foreign *ius soli* provides a good reason for symmetrical toleration if a future Austrian *ius soli* combines with a foreign *ius sanguinis*. This would rule out the so-called option duty. Germany initially forced *ius soli* children to choose one of their two birthright citizenships on becoming adults. In 2014, this policy was abandoned for children with a sufficiently long presence in Germany (see also [Chapter 3](#)).
2. If Austria accepts our reform proposal 10 below and joins the global trend of dual citizenship toleration for emigrants who want to obtain their host country's citizenship, its unlimited *ius sanguinis* rules would become over-inclusive by giving persons with no social ties to the country access to its citizenship – and that of the European Union – based on distant ancestry.<sup>33</sup> In order to avoid this indirect effect of dual-citizenship toleration, Austria should consider limiting its extraterritorial *ius sanguinis* to the first generation born abroad. The children of emigrants could then only pass on their Austrian citizenship to their own offspring if they have had several years of residence in Austria or have otherwise demonstrated sufficiently strong ties to the country.

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<sup>33</sup> See [Chapter 5](#) by Harpaz in this volume.

### Incoming naturalisation

3. The current default procedure for the renunciation requirement in incoming naturalisations creates temporary statelessness and – because of the re-examination of the criminal record check after renunciation – a risk of permanent statelessness. This is unacceptable under existing international law on the prevention of statelessness and possibly also in conflict with European Union norms regarding the loss of EU citizenship. Moreover, since Austria itself requires that its own nationals must already be in possession of another citizenship *before* they can renounce their Austrian one, it should not use a different standard for those acquiring its own citizenship.
4. Austrian citizenship law also applies different standards with regards to individual dual-citizenship permissions for Austrian citizens by descent who voluntarily acquire a foreign nationality and for applicants for Austrian citizenship. The former have to apply for permission to retain Austrian citizenship if reasons related to their private and family life deserve special consideration, while the latter are granted exemption from a renunciation requirement only if the country of origin refuses to release them or makes relinquishing exceptionally difficult. As long as Austria insists on the renunciation of a foreign citizenship as a condition for naturalisation, it should also have to consider how doing so would affect the private and family life of immigrants.
5. Following the German example, the Austrian legislator could provide for a general toleration of dual citizenship for EU citizens who acquire Austrian nationality. Germany had introduced an EU exemption from the renunciation requirement in 1999. Initially, this was limited to cases of reciprocity where the other EU state would also accept that Germans retain their citizenship when naturalising. In 2007, Germany abandoned this difficult-to-handle condition of reciprocity and exempted all EU citizens from the renunciation requirement. Such an EU exemption can be supported by arguing that the prohibition of dual citizenship is premised on distrust towards other states or assumed conflicts between rights and duties, neither of which can apply inside the European Union and its dense legal order. Second, a practical reason is that EU citizens gain very few additional rights through naturalisation in another member state and tend to attribute high value to their citizenship of origin. A renunciation requirement therefore depresses their propensity to naturalise very strongly and thus impedes their full political integration in their host country.
6. Going beyond limited exemptions, the general toleration of dual citizenship in incoming naturalisations could be supported by extending the current principle of exceptional toleration if granting Austrian citizenship is in the special interest of the republic. As a democratic state, Austria must have a general interest in the political integration of its exceptionally large population of non-citizen residents. Such an interest can be argued on two grounds: first, social scientists have demonstrated that naturalisation (if it is not offered too late) works as a catalyst for the further so-

cial integration of immigrants (Hainmueller and Hangartner 2017; Peters, Vink and Schmeets 2018; [Chapter 12](#) by Haindorfer and Haller in this volume). Second, the disenfranchisement of non-citizens who are comprehensively subjected to the law but not represented in legislation diminishes democratic input legitimacy (Scharpf 1999) and the quality of legislative output that fails to be responsive to the interests of a large part of the population. Since high naturalisation rates of the immigrant population are therefore in the general public interest of Austria as a democratic state, the requirement of renunciation should be abolished as a major obstacle to achieving this goal.<sup>34</sup> Adopting such a goal would signal that Austria finally accepts that it has become an immigration country.

### Outgoing naturalisation

7. Permission to retain Austrian citizenship in the case of the voluntary acquisition of a foreign nationality is currently handled by provincial authorities. The criteria for granting such permission on the grounds of an applicant's private and family life are interpreted very differently by these authorities. A minimum reform demanded by the World Association of Austrians Abroad (AÖWB) is that the federal authorities should adopt binding guidelines that prevent the arbitrary denial of the permission to retain Austrian citizenship (Em 2020). Equally important is the abolition of current discrimination between citizens by descent and by naturalisation (see Proposal 4 above).
8. The current law provides for the automatic loss of Austrian citizenship in cases of the voluntary acquisition of a foreign nationality. Like the default procedure for renunciation (see Proposal 3 above), this rule carries a significant risk of producing statelessness. Moreover, because of Austria's non-toleration of dual citizenship even for EU citizens, the deprivation of Austrian nationality also leads, in most cases, to a loss of EU citizenship. The Court of Justice of the European Union has argued in its Rottmann and Tjebbes judgments that a decision to deprive an EU citizen of his or her nationality must be proportionate and take EU law into account. These conditions require an individual examination of each case, which is impossible if the loss occurs *ex lege*. The deprivation of citizenship should therefore always have to be assessed individually and imply a possibility for appeal in court.
9. The reasons for permitting EU citizens to retain their member-state citizenship when becoming Austrians (see Proposal 5) apply conversely to Austrians acquiring the citizenship of another EU country. Whichever of these two reforms is adopted first should naturally trigger the corresponding other one. Privileging Austrian citizens

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<sup>34</sup> See [Chapter 6](#) by Peters and Vink in this volume for empirical evidence that dual-citizenship toleration boosts the propensity of immigrants to naturalise.

by allowing them to retain their nationality while denying the same opportunity to EU citizens who naturalise in Austria would breach European principles of trust and solidarity. When Germany reformed its citizenship law in 1999 it therefore introduced first a principle of reciprocity and then in 2007 the general toleration of dual citizenship in both incoming and outgoing naturalisations involving EU citizens.

10. If Austria generally abolished the rule that its citizenship is lost when a foreign nationality is acquired voluntarily it would follow a strong global trend (Vink et al. 2019). The reasons for doing so are that, like other sending countries, Austria has economic, cultural and social interests in retaining legal ties with Austrian emigrants. Moreover, Austria fails to respect the legitimate interests of its citizens abroad in enjoying a secure status, political participation rights and free movement between their country of origin and of residence if they are asked to choose between one of the two citizenships and penalises their loyalty to Austria by reducing their prospects for full opportunities and membership in their host society.

## References

- Bauböck, R. 2006. Interaktive Staatsbürgerschaft, in Baringhorst, S., Hunger, U. and Hollifield, J. (eds) *Herausforderung Migration: Perspektiven der vergleichenden Politikwissenschaft. Festschrift für Dietrich Thränhardt*. Berlin: Lit Verlag, 129–166.
- Baumruck, R. 2013. *Staatsbürgerinnenschaft. Die Entwicklung des österreichischen Staatsbürgerschaftsrechts für Ehefrauen und Kinder*. Vienna: University of Vienna, dissertation.
- Brubaker, R.W. 1992. *Citizenship and Nationhood in France and Germany*. Cambridge, MA: Harvard University Press.
- Buschmann, G.F. von. 1833. *Ueber die Österreichische Staatsbürgerschaft*. Vienna: Mechtaristen.
- Çağlar, A. 2004. "Citizenship light": transnational ties, multiple rules of membership, and the "pink card", in Friedmann, J. and Randeria, S. (eds) *Worlds on the Move: Globalisation, Migration and Cultural Security*. London: I.B. Tauris, 273–291.
- De Groot, G.-R. 2019. Beschouwingen over het HvJ EU-arrest Tjebbes, *Asiel- en Migrantenrecht*, 444–451.
- De Groot, D. 2020. CJEU asked to rule on acquisition of nationality in light of EU citizenship: the fundamental status on the horizon? *GLOBALCIT Blog*, <https://globalcit.eu/cjeu-asked-to-rule-on-acquisition-of-nationality-in-light-of-eu-citizenship-the-fundamental-status-on-the-horizon-c-118-20-jy-v-wiener-landesregierung/> (accessed 01 December 2020).
- Ecker, J. 2017. § 14, in Ecker, J., Kind, M., Kvasina, I. and Peyrl, J. (eds) *StbG 1985. Staatsbürgerschaftsgesetz 1985. Kommentar*. Vienna: Verlag Österreich, 361–371.
- Em, J. 2020. Kommentar, *Rotweißrot* 1/2020, 9. Available at: <https://www.weltbund.at/rot-weiss-rot/rotweissrot-ausgabe-1-2020/> (accessed 02 December 2020).

- Hainmueller, J. and Hangartner, D. 2017. Catalyst or crown: does naturalization promote the long-term social integration of immigrants? *American Political Science Review*, 111(2): 256–276.
- Kadirbeyoğlu, Z. 2012. *Country Report: Turkey*. Florence: European University Institute, Robert Schuman Centre for Advanced Studies, EUDO Citizenship Observatory, RSCAS/EUDO-CIT-CR 2012/10. Available at: [https://cadmus.eui.eu/bitstream/handle/1814/19640/RSCAS\\_EUDO\\_CIT\\_2012\\_10.pdf](https://cadmus.eui.eu/bitstream/handle/1814/19640/RSCAS_EUDO_CIT_2012_10.pdf) (accessed 02 December 2020).
- Mediendienst Integration 2019. *Staatsangehörigkeit und Einbürgerung*. Available at: <https://mediendienst-integration.de/migration/staatsbuergerschaft.html> (accessed 02 December 2020).
- Neuwirth, K. 2015. Umsetzung von Art. 9 in Österreich, in Schläppi, E., Ulrich, S. and Wyttenbach, J. (eds) *CEDAW. Kommentar zum UNO-Übereinkommen über die Beseitigung jeder Form der Diskriminierung der Frau*. Vienna: Manz, 681–696.
- Obwexer, W. 2018. Rechtliche Rahmenbedingungen für den Erwerb der österreichischen Staatsbürgerschaft durch "Südtiroler", *Journal für Rechtspolitik*, 26(1): 25–48.
- Peters, F., Vink, M. and Schmeets, H. 2018. Anticipating the citizenship premium: before and after effects of immigrant naturalisation on employment, *Journal of Ethnic and Migration Studies*, 44(7): 1051–1080. DOI: 10.1080/1369183X.2017.1367650.
- Perchinig, B. and Valchars, G. 2019. Einwanderungs- und Integrationspolitik, in Tálos, E. (ed.) *Die Schwarz-Blaue Wende in Österreich. Eine Bilanz*. Vienna: Lit Verlag, 413–439.
- Peyrl, J. 2017a. § 27, in Ecker, J., Kind, M., Kvasina, I. and Peyrl, J. (eds) *StbG 1985. Staatsbürgerschaftsgesetz 1985. Kommentar*. Vienna: Verlag Österreich, 504–510.
- Peyrl, J. 2017b. § 28, in Ecker, J., Kind, M., Kvasina, I. and Peyrl, J. (eds) *StbG 1985. Staatsbürgerschaftsgesetz 1985. Kommentar*. Vienna: Verlag Österreich, 510–520.
- Rieder, C. 2016. Zur Bewilligung von Doppelstaatsbürgerschaften im österreichischen Staatsbürgerschaftsgesetz 1985 – eine kritische Analyse, *juridikum*, 3/2016: 339–349.
- Scharpf, F. 1999. *Governing in Europe: Effective and Democratic?* New York: Oxford University Press.
- Stern, J. and Valchars, G. 2013. *Country Report: Austria*. Florence: European University Institute, Robert Schuman Centre for Advanced Studies. EUDO Citizenship Observatory, RSCAS/EUDO-CIT-CR 2013/28. Available at: [https://cadmus.eui.eu/bitstream/handle/1814/60232/RSCAS\\_EUDO\\_CIT\\_2013\\_28.pdf](https://cadmus.eui.eu/bitstream/handle/1814/60232/RSCAS_EUDO_CIT_2013_28.pdf) (accessed 02 December 2020).
- Stiller, M. Forthcoming. Verfolgung, Flucht, Verlust der österreichischen Staatsbürgerschaft. Überlegungen zu Österreichs Maßnahmen im Zusammenhang mit austrofaschistischem und nationalsozialistischem Staatsbürgerschaftsentzug.
- Thienel, R. 1989/1990. *Österreichische Staatsbürgerschaft. Band I und II*. Vienna: Österreichische Staatsdruckerei.
- Vink, M., Schakel, A.H., Reichel, D., Chun Luk, N. and de Groot, G.-R. 2019. The international diffusion of expatriate dual citizenship, *Migration Studies*, 7(3): 362–383.

