



# POLICY PRIMER

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## Citizenship: What Is It and Why Does It Matter?

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This policy primer discusses the objectives and implications of citizenship policy and examines the concept of citizenship in the UK in the light of both its historical context and recent policy changes.

### **The issue: What is British citizenship and why does it matter?**

In its strictest sense, citizenship is a legal status that means a person has a right to live in a state and that state cannot refuse them entry or deport them. This legal status may be conferred at birth, or, in some states, obtained through 'naturalisation'. In wealthy liberal democratic states citizenship also brings with it rights to vote, rights to welfare, education or health care etc. In this formal sense, citizenship acquisition for oneself or one's children is seen as principally related to migrants. However, it is important to recognise that citizenship isn't only about migrants, but is more generally about individuals' relations to the state and to each other. Liberal 'republican' positions in particular have emphasised the relation between citizenship and political participation such as voting, engagement in civil society and other forms of political mobilisation. Moreover, as well as a legal status, citizenship can also indicate a subjective feeling of identity and social relations of reciprocity and responsibility. Sometimes these are described in words like 'loyalty', 'values', 'belonging' or 'shared cultural heritage'. This also points to the complex and often assumed relation between citizenship and belonging to 'the nation'.

The British debate on immigration and citizenship occurs within a context of more than a decade of policies and reviews on citizenship more generally. When the Labour government came to power in 1997 it strongly emphasised 'active citizenship', an attempt to transform citizens from what was perceived as 'passive recipients of public services' to actively engaged participants in public life (Mayo and Rooke 2006). In 1998 a policy review of citizenship education in England was conducted by Sir Bernard Crick. In September 2002, following its recommendation, citizenship education was introduced as a statutory subject in English secondary schools. Also in 2002 The Advisory Board on Naturalisation and Integration (ABNII) was established, again chaired by Sir Bernard Crick, to develop proposals

for language and citizenship courses and tests for applicants to British citizenship. It took place against the background of a number of disturbances in towns in Northern England, including Bradford, in 2001, which given rise to concerns about 'community cohesion' and a lack of 'shared values' (Home Office 2001a; Ryan 2010). The 'Life in the UK Advisory Group' situated its work within a much broader policy remit however, including 'a wider citizenship agenda'.

In 2007 then Prime Minister Gordon Brown requested a review of British citizenship to clarify the legal rights and responsibilities of different categories of citizenship and nationality, and the incentives for residents to become citizens. The 'Lord Goldsmith Citizenship Review' was also requested to 'explore the role of citizens and residents in civic society, including voting, jury service and other forms of civil participation'. The review, while focussing on the legal aspects of citizenship, was again therefore set within a broader policy context.

The new coalition government has continued to emphasise the importance of citizenship, but situating it within the context of the Big Society. This emphasises the responsibility of individual citizens and communities to solve problems build communities. In November 2010 the government announced who had been selected to run the pilot projects for the National Citizen Service. These will run programmes for 16 year olds to develop the skills to be "active and responsible citizens" In sum, the debate on the legal status of citizenship is taking place within a broader debate about Britishness and 'national identity'. The legal status (but often not the broader debate) also has to manage both the legacies of the British Empire and Britain's membership of the European Union. The Labour Government of 1997-2010 increasingly moved to incorporate aspects of subjective identity and social relations into the process of attaining the legal status of citizenship and introduced significant changes to the processes of citizenship and settlement. The naturalisation policy of the coalition government is not yet clear but there is likely to be a policy announcement in the coming months.

## Breaking the link between settlement and citizenship

Citizenship policy is related to, but not identical with, policy on settlement (see the Migration Observatory's briefing on settlement). The legal concept of settlement came into existence through the 1971 Immigration Act. People with certain types of immigration status can acquire the right to remain indefinitely in the UK i.e. become 'settled'. This means they have the right to live and work in the UK without restrictions. Under certain circumstances settled migrants may still be deported, settled status may be revoked, and their children do not necessarily have British citizenship. In order to be 'non-deportable', a person has to have British citizenship. It is possible to apply for British citizenship after a period of settlement. Under UK legislation it is possible to be a dual national, though holders of dual nationality may be stripped of their British citizenship under certain circumstances (Gibney 2008).

UK naturalisation policy takes as its starting point the 1981 British Nationality Act. This Act marked the downgrading of relations with former colonies (former 'British subjects'), and the abandonment of 'ius soli', the right, dating back to 1608, of all those born on British territory to be British subjects. Nevertheless a set period of legal residence continued to be the principal basis for granting citizenship. There was a linguistic competence requirement but this was very rarely enforced. While not overtly stated this assumes that the longer one stays in a country, the closer the links one develops with it: one becomes accustomed to its ways, settles in to a community, and begins to build a life there. In effect, the indicator of 'integration' is length of (legal) stay.

Changes began in 2001. The Cantle Report, commissioned to identify views and practices to promote social cohesion following the Bradford disturbances, emphasised the importance of promoting 'a meaningful concept of citizenship' (Home Office 2001a) and suggested the promotion of English language acquisition and an oath of national allegiance from migrants. There was broad ministerial acceptance of the approach of the Cantle Report in the publication of Building Cohesive Communities also known as The Denham Report (Home Office 2001b). While stating

that 'there is no single dominant and unchanging culture into which all must assimilate', this also identified the importance of 'shared values' (Home Office 2001b). This led to new emphasis on the link between social cohesion and citizenship. The recommendations of the Life in the UK Advisory Group, that applicants either pass a 'citizenship test' or complete an English language with citizenship course, were implemented in 2005. These requirements have been gradually extended, and since 2007 language requirements have been made of certain groups who are applying to enter the UK or who are applying for settlement, as well as those who are applying for citizenship.

Legislation passed in 2009 introduced fundamental changes to obtaining citizenship. In particular it broke the link between length of residence and right to settlement and naturalisation. For those who are eligible, after an initial temporary period (which can run to 5 years), a new status of 'probationary citizen' was introduced which could last for a further 1-5 years. This is not a secure residence status, and does not confer eligibility for most benefits, family reunion or home student fees. While using the terminology of 'citizenship' it brings with it no citizenship rights. Those with this status can then apply for 'permanent residence' (PR i.e. settlement) or British citizenship. The possibility for new and tougher language and knowledge tests to enter both probationary citizenship and citizenship/PR status were also introduced. Processes for acquiring these statuses also offered inducements to apply for British citizenship rather than 'permanent residence'.

Most of these changes are due to be implemented in the summer of 2011. The coalition government has not said what it will do, but has made a commitment that it will make settlement (and by implication citizenship acquisition) more difficult. It has also stated that it will do away with the proposal to encourage migrant volunteering or 'active citizenship' which it deemed 'too complicated, bureaucratic, and in the end ineffective' (Home Office 2010).

## What is the relation between citizenship, belonging and Britishness?

Sawyer (2010) argues that historically 'Britishness' is ambiguous but inclusive. This is not to say that aliens

were treated as if they were British, but that there was in practice considerable ambiguity about who belongs. "It has not been necessary to formally be part of the fabric of society for practical day-to-day purposes, since that depended mostly on actual, rather than even explicitly lawful residence" (Sawyer 2010: 7). She points to the importance of settlement rather than citizenship as an indication of this. The attempt to convert permanent residence into a status primarily for those who are not permitted dual nationality, taken up by very few people marks an important shift. This, together with the breaking of the link between length of stay and right of settlement, means both that the space for 'good enough' belonging without formal citizenship is increasingly narrowed and that the difference in rights between citizens and non-citizens is widened.

There may be unintended consequences of this, not least that far from giving value to citizenship, it risks making the motivation for acquisition of citizenship far more instrumental. It is already noteworthy that EEA nationals are less likely than others to apply for citizenship. Interestingly there has been a decline in applications for British citizenship from the 2004 EU Accession states since EU Enlargement, even though there has been an increase in the numbers of migrants from those states. Rutter et al. conclude that this is 'because this group has the fewest restrictions in the UK on their rights of movement and abode and on their social rights, thus the least 'need' to apply for citizenship' (Rutter et al. 2008). The instrumentalisation of citizenship runs counter to the original policy intention to raise the status of citizenship and makes its acquisition more than a tick box bureaucratic exercise.

The shift to incorporate ideas of identity and belonging into the legal processes of naturalisation emphasises the symbolic dimension of citizenship. Demonstrating 'belonging' is no longer largely a matter of the length of time a person has (legally) been in the UK with the question of settlement or citizenship being a technical one. This means one must answer questions like: What is Britishness? What are British values? What is belonging? The answers to these questions are very difficult to pin down, and one cannot assume that British nationals will not answer these in very different ways. Unlike the straightforward question, 'How long have you legally resided in the UK?' these sorts of value laden

questions do not have settled answers and this allows for new spaces of contestation to open up. The current Conservative Party Chairman Baroness Warsi recently said that she would fail former Conservative Party Chairman Norman Tebbit's cricket test of belonging to Britain because she would cheer on the Pakistani cricket team.

## What is the aim of citizenship policy?

Is citizenship an end point, a reward for being 'integrated', in effect a personal benefit that enables an individual to claim a variety of rights? Or is it part of a process, a social good that facilitates cohesion? Is citizenship an end in itself, or is it a means to a cohesive society? The obvious answer is that it is both an individual reward and a social good, but they have very different policy implications. If citizenship is primarily a reward that gives access to resources its restriction is part of what gives it value, while if it is primarily a social good, that suggests that there is a benefit in facilitating the broadest possible access to it. While the current citizenship debate had its basis in concerns about cohesion, the tests and other restrictions have in practice become obstacles to achieving the legal status, rather than enablers of integration.

Most of the public debate on immigration has been conducted about entry rather than about settlement. However the new focus on net migration is concerned with 'numbers in' balancing 'numbers out'. There is no explicit interest in the citizenship of the numbers in and numbers out, and in 2009/10 for instance the net migration figure increased even though the numbers in declined because fewer British nationals left the UK. The only group whose movement can be directly controlled in and out are non-EEA nationals. The focus on net migration means that there is an interest in discouraging the settlement of non-EU migrants in particular as the one group whose movement out can be overtly facilitated. Current Home Secretary Teresa May has stated that it is 'too easy at the moment to move from temporary residence to permanent settlement' (Home Office 2010). As discussed above, because of the increasingly close relation between settlement and formal citizenship, this has direct implications for citizenship.

Making settlement and citizenship more difficult can help to limit net migration by encouraging churn and in effect may be used to enable long stay to be limited to those with high human capital. However, there are also risks to such policies. Increasing the proportion of migrants who have temporary stay will result in a growing number of people residing in the UK with very limited rights. For migrants who wish to stay longer than the initial period granted by their visa there are three options, overstaying, renewing their visa (i.e. extending their temporary stay), or changing to a different visa status. Depending on how the legislation is implemented and on the particular conditions attached to their entry, this would have different consequences. One consequence of increased numbers of people on temporary visas that are valid for a period of several years is that some will become parents while they are resident in the UK. These children will not be British citizens. In this way there is a risk that citizenship and settlement policies make integration and cohesion more difficult rather than easier.

### **What is the relationship between citizenship, immigration and equality?**

The UK has long been identified as a country of 'civic' rather than 'ethnic' nationalism, where membership of the nation is defined as political rather than ethnic. The reasons for this have been traced back to the development of the state, and also the British Empire which ruled territories and people as British subjects (Shulman 2002). However, not all subjects of the British Empire were equal to one another. MacDonald has cogently argued that 'the Aliens Act 1905 was not merely born out of an enormous anti-Jewish agitation. It also came in the wake of half a century of agitation for the strictest control of non-white immigration throughout the self-governing part of the Commonwealth' (MacDonald 2010).

There continues to be a complex relation between immigration, citizenship and 'race' that is an important component of public debate. The former Archbishop of Canterbury, George Carey, warned for example 'Migration threatens the very ethos or DNA of our nation' (Times, January 7 2010). However, one of the fundamental principles of liberal citizenship is that all

citizens are formally equal to each other. This is the case whether citizenship is acquired by naturalisation or by registration ('by birth'). Notably 'migrant' in the UK is generally officially defined as being 'foreign born' and so British citizens by naturalisation continue to count as 'migrants'; their impact on labour market and costs to welfare state etc are presented accordingly (Anderson and Blinder, 2011). Of course there are many axes of inequality between citizens (by ethnicity, gender, physical and mental disability, income and so on); if there were not there would be no call for anti-discrimination legislation and practices. This is complicated for non-EEA foreign-born migrants (who may also be subject to other forms of discrimination of course) by the fact that, until they obtain settlement, employers are obliged to treat them differently (which some might equate to 'discrimination') on the grounds of their nationality.

### **Implications for debates**

The relation between citizenship and ideals of cohesion, integration and equality, remains unclear. More particularly the aims of citizenship policy are not well defined, in stark contrast to immigration policy. Nevertheless there have been considerable changes to the processes of acquiring formal citizenship, including the introduction of a number of tests. These ostensibly promote citizenship and sense of belonging, but there is also some evidence that they are making citizenship acquisition more difficult, particularly for certain groups (Ryan 2010). It seems that a number of, often competing, ideas about what citizenship is and why it should be valued are being brought to bear on acquisition processes. These formal processes are not necessarily able to accommodate all these ideas.

The breaking of the link between settlement and citizenship represents a fundamental break with past practice by attempting to draw a 'bright line' between those who have citizenship and those who do not. The sharpening differentiation between citizens and non-citizens is occurring at a time of 'super-diversity' (Vertovec 2007), when migrants from many different countries are moving to the UK for very different reasons and lengths of stay. Arguably this makes a more flexible approach more desirable, and there is a risk of creating an ever increasing number of people with extremely limited rights. The question of the relation

between formal citizenship and Britishness, between belonging to the state and belonging to 'the community' will continue to exercise public debate for years to come.

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## The Migration Observatory

Based at the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford, the Migration Observatory provides independent, authoritative, evidence-based analysis of data on migration and migrants in the UK, to inform media, public and policy debates, and to generate high quality research on international migration and public policy issues. The Observatory's analysis involves experts from a wide range of disciplines and departments at the University of Oxford.



## COMPAS

The Migration Observatory is based at the ESRC Centre on Migration, Policy and Society (COMPAS) at the University of Oxford. The mission of COMPAS is to conduct high quality research in order to develop theory and knowledge, inform policy-making and public debate, and engage users of research within the field of migration.

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