Ancestral Citizenship as Restitution, Or Selective Immigration Policy?

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Abstract

Like several other EU Member States, Austria and Spain have recently opened privileged pathways to external citizenship for descendants of the many people who had fled persecution under previous authoritarian regimes. Ancestral citizenship not only offers mobility and other key rights and opportunities for individual beneficiaries (as well as their children) but also fulfils a range of purposes for the nation-state that grants it, including intergenerational continuity and territorial or at least symbolic inclusion of people with familial ties to that state. This can be part of a necessarily complex and long-term process through which modern nation-states (and their populations) are trying to come to terms with their uncomfortable past. But it can also be seen as a tool for managing the future composition of a country's population and thus function as an ethnically selective complement or even substitute for immigration policy. Based on a comparative analysis of legal documents, media coverage, and political debates around these two reforms and their ongoing implementation, this paper highlights the similarities and key differences between the Austrian and Spanish cases, questions some of the underlying interests, intentions, and official justifications, and thereby helps to explain how and why these reforms have come about. This analysis constitutes the first step of a multi-annual research project funded by the Spanish Ministry of Science that aims to contribute to a better understanding of, and more informed public and political debates about, the role of ancestral citizenship in and for contemporary Europe.

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1. Introduction

Several EU Member States – including Germany, Austria, Spain, Portugal, and Greece – have recently used **citizenship policy as a way of settling a historical debt**. Since September 2020, an Austrian law entitles all descendants of victims of National Socialism in Austria to acquire citizenship without having to comply with the otherwise very restrictive naturalisation requirements. The overall number of people acquiring Austrian citizenship every year has since then almost doubled, with the new law being the basis for around 40 per cent of these acquisitions. More than half a million people worldwide could potentially benefit from this reform[1], which has already led to a significant growth of the number of Austrians living outside of Austria. By the end of 2024, almost 33,000 citizenships had been granted based on this provision, according to official statistics. A very similar step has been taken by the Spanish government in 2022, through the so-called 'Democratic Memory Law' (DML, *Ley de Memoria Democrática*). The latter offers privileged citizenship access to the offspring of Spaniards exiled during the Spanish civil war and subsequent dictatorship under Franco and has been estimated to make around 700,000 people eligible for Spanish citizenship[2]. It thus significantly extends similar legislation already passed in 2007 and will affect many more people than the 2015 law facilitating the naturalisation of Sephardic Jews whose ancestors had been expelled from the Iberian Peninsula more than five centuries ago[3]. By the end of February 2025, almost 680,000 applications had already been made (primarily by people living in Latin America, especially Argentina, Cuba, Mexico, and Brazil), of which around 200,000 new citizenships had been inscribed in the Civil Register, whereas close to half a million cases were still to be processed[4]. An important difference between these two cases is that while the Spanish citizenship offer will close in October 2025, the Austrian law establishes no concrete timeframe for applications. Both reforms not only represent landmarks in terms of how the two countries deal with their uncomfortable past but also provoke many people in different parts of the world to engage with their own family histories that are intimately entangled with this past. For them, the reforms not only offer redress for past injustice, but also insurance against present uncertainty, and **opportunity for future migration – to Europe, as well as intra-European mobility** as EU citizens.

In both cases, this opportunity is officially being framed as nothing but 'a measure of reparation' (as the preamble of the Spanish DML explicitly states) and – for now at least – the public and political discourse and debates around the enactment and implementation of the two laws give no reason to doubt that this is the only underlying aim. But there is also the fact that the reforms come at a time when both countries, as well as the EU as a whole, are facing not only an increasingly **urgent need for (much) more immigration**[5] but also a public opinion and political

[1] In a related motion for resolution (see: https://www.parlament.gv.at/PAKT/VHG/XXVI/UEA/UEA_00288/index.shtml), it is estimated that the reform might benefit between 500,000 and 800,000 people, around 10% of which are expected to apply. It is not entirely clear, however, how this document came up with this estimation. On this question, see also Stiller (2019: 62) and: https://www.timesofisrael.com/thousands-of-jews-from-around-the-world-expected-to-seek-austrian-citizenship/#gs.fpy6x1.

[2] See: https://www.theguardian.com/world/2022/oct/27/spains-new-citizenship-law-for-franco-exiles-offers-hope-in-latin-america.

[3] While the 2007 and 2015 Spanish laws have received quite a lot of scholarly attention (on the former: Izquierdo Escribano 2011, Izquierdo Escribano & Chao Pérez 2015, Golías Pérez 2017, Chao Pérez 2022; on the latter, e.g.: Goldschläger & Orjuela 2020, Kandiyoti & Benmayor 2023) the effects of the latest reform have not yet been analysed comprehensively, nor has the Spanish case been compared internationally (except Portugal).

[4] See: https://elpais.com/espana/2025-04-28/el-atasco-en-los-consulados-deja-a-medio-millon-de-hijos-y-nietos-de-espanoles-a-la-espera-de-su-nacionalidad.html.

[5] See, for example: https://euobserver.com/migration/ar4ef23783.

landscape that is more and more hostile towards immigrants. This arguably provides a good enough reason for being suspicious, since in this very context, ancestral citizenship offers might be **the 'golden bullet'** that the EU and national governments are desperately looking for: A policy that attracts and facilitates both the migration and subsequent integration of a very significant number of people who the same policy automatically preselects on the basis of ethnic origin (thus avoiding the backlash based on fears of migration-related diversity) and who the responsible government will not even have to count as immigrants because it will already have granted them citizenship[6]. As the mayor of Vienna has put it, the Austrian law will "provide many people from all over the world with a path to a violently stolen home/land [*Heimat*]"[7]. The question is whether it is really (just) about providing this path – and thereby making up for past injustice; or also about making (the right) people take this path – and thereby tapping new sources of immigration that European publics might be willing to accept, or unable to recognise as such.

The underlying – empirical – questions are thus not only whether the beneficiaries indeed regard Austria or Spain as their home/land; and how many of them will actually take this path and move to Europe. While these are crucial questions (that this project will also try to answer), the significance and novelty of the CITREST project is precisely that it looks not only at the experiences, practices, and perceptions of those applying for, and eventually acquiring (or not) a second citizenship, but also at the **corresponding state interests**, as well as the practices and perceptions of those state and non-state actors who process or facilitate these applications and eventually grant (or decline) such status. Existing studies highlight significant gaps between (external) citizenship policies, the way they are being framed in public discourses, and the actual experiences of prospective citizens themselves (e.g., Knott 2017, Miller-Idriss 2006). Our investigation will contribute to this literature by covering both the 'supply' and 'demand' side (cf. Harpaz 2015: 2082) of the new opportunities to become Austrian or Spanish.

This (first) working paper puts the **focus on the supply-side**, by starting to look at how the Austrian and Spanish authorities present and justify the respective reforms, and how much room the two legal frameworks leave for interpretation (and administrative discretion) that might either facilitate or obstruct effective citizenship access, both in general and for specific target groups. The next section (2) discusses some of the existing literature on the role of external citizenship conferral more broadly and thereby provides an overview of the various reasons for which modern nation-states decide to offer citizenship access to descendants of emigrants. As a starting point for a more in-depth comparative analysis, I will then highlight and discuss some of the key similarities (section 3) and major differences (section 4) between the Austrian and Spanish contexts and legal frameworks, before coming back to the question of whether citizenship restitution is (also) a form of immigration policy (section 5). The concluding section (6) briefly summarises the main results of this preliminary comparative analysis and highlights some key aspects and questions for further investigation.

[6] From a strictly legal – although certainly not from a sociological, nor a practical – perspective, a person entering his or her country of citizenship is automatically a matter of 'return' rather than 'immigration'; and whereas the latter is in most cases highly conditional, the former is generally recognised as a fundamental right. According to Bauböck (2009: 482), it is precisely this "right to return" that constitutes "the core of external citizenship".

[7] Source: https://www.ots.at/presseaussendung/OTS_20200901_OTS0044/nachfahren-von-opfern-des-ns-regimes-erhalten-erleichterten-zugang-zur-oesterreichischen-staatsbuergerschaft.

2. Why (else) do states grant ancestral citizenship to people living abroad?

Despite its growing empirical significance, the **external dimension of citizenship** has long received comparatively little scholarly attention, and most of it in relation to recent or ongoing emigration (cf. Vink & Bauböck 2013, Harpaz 2015, 2019, Joppke 2019) – rather than future immigration. A close and comparative analysis of the Austrian and Spanish cases can thus make an important and timely contribution to the now fast-growing body of research on the collective meaning and individual experiences of 'expatriate' or 'non-resident' dual citizenship being offered to, and acquired by, people who themselves have not (yet) migrated (e.g., Dumbrava 2014, Waterbury 2014, Harpaz 2015, Bauböck 2009, 2021). A key question in this context is: *Why do states grant external citizenship to descendants of emigrants?*

Citizenship acquisition is not only a matter of 'demand' but also of 'supply' (Harpaz 2015), and external citizenship in particular does not just help individuals improve their own or their children's life, but it also fulfils a wide range of purposes for the nation-state that grants it (e.g., Vink & Bauböck 2013, Domingo & Ortega-Rivera 2015, Joppke 2019). Maarten Vink and Rainer Bauböck (2013) distinguish five main **purposes of contemporary citizenship laws**: In addition to ensuring (1) *intergenerational continuity*, (2) *territorial inclusion*, and (3) *singularity* (in terms of an unambiguous relationship between individual citizens and 'their' respective state); citizenship regimes also seek to secure membership for people with some sort of (4) *special ties* to the country, while also (inversely) avoiding inclusion of those who do not or no longer have (5) *genuine links* with that particular society or polity. Of these various (though overlapping) purposes, the newly extended routes to Austrian and Spanish citizenship seem to be primarily about special ties, even though this raises the question of whether injustice suffered by an ancestor can constitute the basis of such a connection. In addition, the new rules also reflect the idea of intergenerational continuity, which is in line with the principle of *ius sanguinis* that has been a cornerstone of both countries' citizenship policy since their beginnings (on AT: Bauböck & Valchars 2021: 212), although the Spanish regime later also incorporated elements of *ius soli* (Finotelli & La Barbera 2013). In relation to both cases, it is important to note that according to David FitzGerald's (2017: 136) historical analysis, *ius sanguinis* does not necessarily follow a racist (or even just ethnic) logic, but "may simply reflect ideas about family", thereby providing one of many ways "to ensure a substantive tie" (ibid.: 135). *So, what is supposed to be the basis of these ties in the cases to be analysed here?*

Neither the Austrian nor the Spanish citizenship regime – in contrast to those of Italy, Hungary, and several other Eastern-European, countries[8] – do specifically privilege *extraterritorial* naturalization of ethnic kin. In Austria, a proposal to introduce such a policy for the German-speaking minority of South Tyrol has been abandoned, and the previous provision for Holocaust survivors themselves was a case of citizenship restoration following a regime change, rather than a policy targeting ethnic kin. This distinguishes the case from instances of what Myra Waterbury (2014: 36) describes as "the granting of nonresident or external *ethnic* citizenship, which provides a fast track to citizenship for ethnic kin who do not reside – and may have never resided – in the kin-state" (emphasis added). With regard to the underlying purpose, she highlights that especially in post-communist Europe, "[t]he decision to extend citizenship to nonresidents grows out of specific identity projects" (Waterbury 2014: 36), three of which have been particularly common: "(1) internal ethnic homogenization and demographic rebalancing; (2) external influence on the political environment in a neighboring state; and (3) symbolic recognition or augmentation of an existing transborder relationship" (ibid.: 37). While the proposal to extend Austrian citizenship to the German-speaking minority of South Tyrol would arguably fit this depiction, and the privileged access to (in-country) naturalisation of Latin Americans in Spain reflects a historical (colonial) relationship (e.g. Martín Pérez & Moreno-

[8] For an overview of external citizenship rules across the EU, see Dumbrava (2014: 2346-9).

Fuentes 2012), the political logic underlying the granting of citizenship to descendants of political exiles seems to be a different one. *So, why these reforms? And why now?*

The question of why a state would extend external citizenship rights is closely linked to that of how citizenship is bestowed more generally. Here, Sara Kalm (2019: 138) distinguishes **various ways in which citizenship can, in principle, be conferred**: "citizenship can be offered as a gift, it can take the form of a birth right, it may be obtained as a prize that one has achieved, and it can occasionally be bought". Arguably, none of these options adequately describes what is happening in the cases to be analysed here – so how do they fit in this framework? Knott (2017: 76) explicitly highlights that citizenship restitution generally constitutes "a form of granting of citizenship that differs from acquisition by birth or naturalisation". Arguably, however, the new Austrian and Spanish laws, both of which significantly extend the set of existing rules, precisely aim at correcting a past interference with the 'birth right' principle: if the victims had not been expelled and stripped of their citizenship, their descendants would automatically have been citizens *iure sanguinis* (unless the former had voluntarily renounced their citizenship in the meantime). At the same time, the reforms are not intended, nor to be understood, as a sign of generosity on the part of the respective state, as Oskar Deutsch, the president of the Jewish community of Austria, explicitly emphasised in a press statement: "This law is not a gift, but the formal elimination of an injustice. It is about the restitution of citizenship."[9] Seen from this perspective, the bestowing of citizenship can also be part of an ongoing process through which a nation-state and its population are trying to come to terms with their own uncomfortable past. Austria and Spain are certainly not the only countries that have put in place specific provisions for restoring the citizenship of former residents (and their descendants) who were treated unjustly under previous regimes[10].

From a normative perspective, Costica Dumbrava (2014) has argued that the principle of 'just restitution' constitutes a stronger justification for granting external citizenship than arguments based on either 'democratic continuity' or 'national solidarity'. However, there is one aspect that makes this logic of citizenship conferral potentially problematic, as the same author emphasises by raising another crucial question: "How could duties of restitution of citizenship be made compatible with the idea that citizenship should be based on [a] genuine link?" (Dumbrava 2014: 2351/2). One of the normative – and arguably also political – challenges that the new laws thus raise, is that most beneficiaries will fulfil neither of the two key criteria – 'dependency' or 'biographical subjection' – that according to Rainer Bauböck's (2009: 479) 'stakeholder principle' would qualify a person for any particular citizenship.

For Bauböck (2021: 76), the only way to strengthen both the external and internal value of dual citizenship is "by making it available to all those – and only those – who have genuine links to several states." An important normative question that lies at the heart of this research project, is thus: What kind and degree of connection can and should applicants for citizenship be expected to have (or to develop) with a 'homeland' that was 'stolen' not directly from them, but from their ancestors? Or do/should they automatically qualify for full membership even in the absence of such connection? In the face of a global trend towards acceptance of dual citizenship (Vink et al. 2019), Bauböck (2021: 75) identifies the risk of citizenship as such being "devalued internally as a status of equal membership in a democratic polity if individuals *without* genuine ties can not only take up residence but also vote in elections" (emphasis added). Whether (and/or under which conditions) the people who now acquire Austrian or Spanish citizenship

[9] See: https://www.ots.at/presseaussendung/OTS_20200901_OTS0044/nachfahren-von-opfern-des-ns-regimes-erhalten-erleichterten-zugang-zur-oesterreichischen-staatsbuergerschaft.

[10] For a broad range of other examples see the the contributions to the GLOBALCIT Forum Debate *Citizenship as Reparations: Should the victims of historical injustice be offered membership?*, available at: https://globalcit.eu/citizenship-as-reparations-should-the-victims-of-historical-injustice-be-offered-membership/.

actually consider using their right to move to their new "homeland" and/or to vote in national elections is thus an important empirical question. But equally important is it to understand why some states explicitly grant such rights while others do not, and how those that do justify this decision, and later manage its potentially significant effects in terms of future migration.

A close and comparative analysis of the various perceptions, motivations, and practices of acquiring and granting Austrian and Spanish nationality under the new legislations will help to answer these questions, and contribute to a better understanding of contemporary citizenship, both as part of a broader restorative process and an enactment of individual rights as well as emotions. As a first step towards such analysis, the following sections identify and discuss some of the key commonalities and differences between the Austrian and Spanish cases.

3. What do the Austrian and Spanish reforms have in common?

Compared to most other counties in Europe (and the world), Spain and particularly Austria have overall **comparatively restrictive citizenship regimes**, both of which are primarily based on the principle of *ius sanguinis* according to which access to citizenship is transmitted along 'bloodlines'. According to the latest *Migration and Integration Policy Index* (MIPEX) data regarding 'Access to Nationality', Austria was ranked second last (sharing the lowest overall score with Bulgaria) and Spain in 40th place among a sample of 52 countries (Solano & Huddleston 2020). In the case of Austria[11], this ranking not only reflects the highly restrictive acquisition requirements (ius sanguinis, high naturalisation fees, comparatively demanding income, residence, and 'integration' requirements - for a detailed overview see Stiller 2019), but also the general lack of acceptance of dual citizenship. The country has not followed the recent trend towards increasing tolerance of dual citizenship that has been registered within and beyond the EU (Vink et al. 2019, Harpaz & Mateos 2019, Bauböck & Valchars 2021). Currently, Austria is one of only two countries (together with the Netherlands) that still adheres to both parts of the *Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality* (Bauböck & Valchars 2021); while both Austria and Spain are among only seven EU member states, and 18% of countries worldwide, that (still) impose restrictions on dual citizenship for foreigners who acquire Austrian/Spanish citizenship through naturalisation as well as for Austrian/Spanish citizens who voluntarily acquire another citizenship (van der Baaren 2020, Bauböck & Valchars 2021). In the case of Spain, the dominant characterisation as a particularly restrictive citizenship regime has been questioned by authors who highlighted the numerous exceptions that apply to a significant share of the immigrant population (Finotelli & La Barbera 2013, see also Domingo & Ortega-Rivera 2015). Clearly preferential treatment is given to nationals of Latin American countries[12] who are exempt from the general ten-year residence requirement (they can apply for naturalisation after only two years) as well as the obligation to rescind any previous citizenship (which in several other cases can be avoided through a simple declaration[13]). These exceptions clearly reflect a heritage/ethnicity-based preference of Spanish governments and society for immigrants from Latin America, which has long been highlighted as a major determinant of Spanish immigration

[11] Note that in 2015, Austria was ranked 34 of 38 countries, with Slovakia, Bulgaria, Estonia, and Latvia exhibiting more restrictive rules. While many countries, like Germany in 2000, have relaxed their citizenship rules, the overall trend in Austria continues to be one of closure.

[12] As well as Andorra, the Philippines, Equatorial Guinea, Portugal or Sephardic Jews of Spanish origin.

[13] See: https://www.mjusticia.gob.es/es/ciudadania/nacionalidad/que-es-nacionalidad/como-pierde-nacionalidad. It is also worth noting that in 2021 a dual citizenship agreement with France was approved, while a similar agreement is currently being negotiated with Italy (see: https://www.aise.it/lavori-parlamentari/doppia-cittadinanza-italia--spagna-silli-risponde-a-onori-az/216415/116).

and citizenship policy (Izquierdo Escribano et al. 2003) and is also reflected in the new rules facilitating access to citizenship for descendants of Spanish exiles (Pasetti & Schweitzer, *forthcoming*).

It is also important to note that in both countries, the naturalisation of first- or second-generation immigrants, on the other hand, is usually understood and often presented as the endpoint of, and official reward for, their successful 'integration' rather than a potential facilitator of such integration (for the case of Austria see e.g., Stiller 2019: 87-9). Those people who (will) become Austrian or Spanish under the new legislations, in contrast, are not expected to prove or even promise any integration efforts – whether in the form of language proficiency or other cultural knowledge or in economic terms – nor the existence of a 'genuine link' that they (themselves, not some ancestor) have established, or at least seek to establish, with the country (cf. Bauböck, 2019). How these exceptions are being justified by policymakers as well as implementing actors is an important empirical question that this project will help to answer.

The two cases also have some commonalities in terms of **the institutional structure**: In both countries, the legislative competence in the field of citizenship is concentrated at the national level, but the corresponding administrative procedures are devolved to lower levels of government. In Austria – which unlike Spain is considered full-fledged federal system – the administrative decision to grant or deny citizenship is generally taken at the regional/provincial level, depending on where the applicant is registered (Stiller 2019; for an overview of the historical background for this, see Mayrhofer-Grünbühel 2014). In the case of the Austrian law under study, this responsibility predominantly falls to the provincial government of Vienna, which is responsible for all citizenship applications of people living abroad (in addition to those registered in the province of Vienna). In practice, most of the implementing work produced by the Austrian reform is being shared between the embassies and consulates that receive the applications and the responsible department (MA35) in Vienna, where each application is then processed on a case-by-case basis. Within the MA35 a special unit has been created and over 40 additional staff members (including historians and lawyers) had to be hired and specifically trained to ensure a smooth implementation of the new regulations[14]. In the case of Spain, applications for naturalisation are normally presented in person before the Civil Registrar (*Encargado del Registro Civil*) of the locality of residence in Spain, whereas in the case of applicants residing abroad it is done at the corresponding Consular Office. What complicates the process, is that the Consular Office responsible for the case *resolution* is that in the applicant's place of birth (not residence), which then communicates the decision back to the consulate where the application was made[15]. Most of the administrative burden thus falls on the consulates, many of which are struggling to keep up with the huge number of requests[16]. Only legal remedies against negative decisions are handled centrally, by the *Dirección General de Seguridad Jurídica y Fe Pública*.[17]

[14] See: https://www.ots.at/presseaussendung/OTS_20200901_OTS0044/nachfahren-von-opfern-des-ns-regimes-erhalten-erleichterten-zugang-zur-oesterreichischen-staatsbuergerschaft.

[15] As set out in the Instruction of 25th October 2022 and, e.g., explained in the document "informacion especial consulado Miami".

[16] See for example the letter and proposal by the CRE Buenos Aires demanding the opening of more consular offices in Buenos Aires, where the existing one has extended its opening hours (08-20h) and dedicates all afternoons exclusively to processing applications under the DML. At the beginning of 2025, applicants report waiting times of more than 18 months for even receiving the consulate's initial response to their submitted documentation (WAgroup DUDAS CIUDADANIA ESPAÑOLA CABA, 12/3/25).

[17] See: https://www.mjusticia.gob.es/es/ciudadania/tramite?k=interposicion-recurso-sede-resoluciones-encargados-registros-civiles.

In both cases, the implementation of the new rules also strongly relies on a diverse range of **intermediary actors** (including NGOs, specialised lawyers[18], archives, and genealogy research agencies), the key role of which has been highlighted by research on other cases[19]. In Austria, a particularly important role – that is also explicitly mentioned in the new law – is played by the *Austrian National Fund*, which was established in 1995 and is responsible for the recognition of, and restitution payments to, the victims of National Socialism[20], as well as the *Documentation Centre of Austrian Resistance* (DÖW[21]). In the case of Spain, a less formalised but equally key role in the implementation of the new law is played by associations like the transnational *Centre of Spanish Descendants United* (*Centro de Descendientes Españoles Unidos*, Ce.DEU) (Chao Pérez 2022), as well as the various Councils of Spanish Residents (*Consejo de Residentes Españoles*, CRE[22]) that are linked to the consulates and exist in all relevant cities and regions.

There are also notable similarities in terms of the **legal-administrative procedure** itself, which in both cases, is free of charge and, legally speaking, does not constitute an *application* (for naturalisation) but a 'conferral upon declaration' (in German: '*Verleihung auf Anzeige'*; in Spanish: '*declaración de opción*'), which is based upon the applicant's explicit intent to 'activate' an existing right. In Spain, these cases fall under the 'option' category but (unlike other people opting for Spanish citizenship) successful applicants become 'original citizens'[23], a status that is otherwise only conferred at birth (usually to at least one citizen parent) and that is both more difficult to revoke and easier to pass on to foreign-born children. This distinguishes citizenship acquisition under the DML from other naturalisation paths, but also from acquisitions under the 2015 law for Sephardic Jews as well as by those foreigners who had helped to defend the Spanish republic as members of the International Brigades (under the DML 2022, Art. 33), and whose access to citizenship falls under the category of discretional conferral (via '*carta de naturaleza*').

In both countries, the latest reforms build on but significantly extend **previously existing rules or regulations for citizenship restoration**. In Spain, political debates around this issue go back to the beginning of the 2000s and gained momentum under the Socialist government of Luis Rodríguez Zapatero (2004-2011) that put into force the DML's predecessor, the so-called 'Historic Memory Law' (HML, '*Ley de Memoria Histórica*'[24]), which included a similar provision for the restitution of citizenship to the children and grandchildren of political exiles. The latter had been in force between December 2008 and December 2011 and resulted in more than 370.000 grants of citizenship (among almost half a million applications, close to 100.000 were

[18] It should be noted that both governments and their diplomatic representations explicitly highlight that no private lawyer or agent is required in order to carry out a successful application.
[19] For Yossi Harpaz (2019: 107), for example, these are part of a 'citizenship industry', and crucial not only for raising public awareness, but also as "agents of destigmatization" (p.108) and "buffers between applicants and the countries from which they seek citizenship" (p.109).
[20] See: https://www.nationalfonds.org/victims-recognition.
[21] See: https://www.doew.at/english
[22] See: https://www.boe.es/buscar/doc.php?id=BOE-A-2010-44
[23] Spanish citizenship law differentiates between 'citizenship by origin' (*nacionalidad de origen*) and 'derivative citizenship' (*nacionalidad derivativa*) – the latter can be obtained 'through option' (*por opción*), 'through residence' (*por residencia*), or through discretionary conferral (*por carta de naturaleza*). Unlike the 2015 law that fell under discretionary conferral, citizenship acquisition under the DML 2022 (and the HML 2007) falls under the category 'opción' but successful applicants nonetheless become "original nationals" (although in this case from the moment of declaration, not birth).
[24] Ley 52/2007, de 26 de diciembre, por la que se reconocen y amplían derechos y se establecen medidas a favor de quienes padecieron persecución o violencia durante la guerra civil y la dictadura.

rejected)[25]. The 2022 DML essentially re-opened the possibility to apply in the same situations[26] that had already been covered by the 2007 HML, but it also extends this right to (1) foreign-born children of Spanish women who lost their Spanish citizenship upon marriage to a foreigner, and (2) adult children of people who have acquired citizenship either under the 2007 or the 2022 law. In Austria, former citizens who had lost their citizenship due to exile before or during the Second World War, already had a right to restoration of this citizenship since 1993 (Kolonovits 2009), but this right did not extend to their descendants. The reform that came into force in September 2020 thus significantly extended the range of potential beneficiaries of the previously existing provision (§58c StBG) to also include (1) people who had left Austria *after* the end of the war (until the signing of the Austrian State Treaty on 15 May 1955); (2) those who did not hold Austrian citizenship but were citizens of a successor state of the former Austro-Hungarian Monarchy and had their main residence in what until the country's 'annexation' into the German Reich (in March 1938) was Austrian territory; and, most importantly (3) all direct descendants of a persecuted ancestor (also including children who were adopted as minors).

While the two case to be compared here thus have many important things in common, they are also characterised by several significant differences that can be expected to not only influence the take-up but also shape the process of implementation of the new regulations.

4. What are the key differences between the Austrian and Spanish cases?

A first important difference between the two cases is the **broader political context** under which these reforms have been put in place. On the one hand, the issues of citizenship and immigration have over the last decades become much more politicised in Austria than they are in Spain – even though the recent rise of the far-right party VOX is now starting to change this (Pasetti & Schweitzer, *forthcoming*). On the other hand, even a cursory look at the mainstream media coverage of the coming into force of the Austrian and Spanish citizenship reforms makes clear that in Spain, the issue of collective memory and the process of memorialisation of the country's past is much more politicised and (more openly) contested than it is in Austria. It is certainly not uncommon for collective memory to be disputed, since "[t]he same historical event can be interpreted by different segments of society in completely different ways, and, therefore, the implications – or 'lessons' – for current political situations also diverge significantly", as argued by Ariely (2019: 1085). A large and relatively stable share of the Spanish population – 58% in 2008 (CIS 2008) – remembers or at least interprets the Francoist period as one that had both negative and positive sides, an attitude that partly explains the curious fact that both the country's national flag and anthem are still the same as those officially used during Franco's rule. Also in the case of Austria it took many years until (in 1991) the first head of a national government (Franz Vranitzky, SPÖ) officially admitted and apologised for Austria's role and complicity in the Nazi atrocities – which of course were of a different scale than those committed by the Franco regime. But at least nowadays this understanding of the past is accepted common

[25] See: https://www.larazon.es/espana/nuevos-espanoles-ley-nietos-son-374000_202303306424b27e409a6b00015eadff.html.

[26] Arguably, the fact that the DML is often referred to as the 'grandchildren law' ('*Ley de los nietos'*) is misleading in the sense that also the 2007 law already included the grandchildren – who, however, only made up around 6% of the applications received.

sense that no politician would openly question, and it is hard to imagine an Austrian state using any symbolism that is reminiscent of its Nazi-past[27].

These rather different **popular perceptions and collective memories** of the countries' experiences with fascism might have played a role in how the two citizenship reforms have been brought underway. In Austria, the relevant legislative change had initially been proposed by the liberal party (NEOS), and later the Social Democratic Party (SPÖ) and was ultimately adopted under the transition government (formed of unelected officials and experts) that had taken over from the centre-right ÖVP-FPÖ coalition in June 2019 following the so-called 'Ibiza scandal'[28]. In this context, which allowed for alternative legislative coalitions in Parliament, the resulting new law was endorsed across the whole political spectrum, including the far-right Freedom Party of Austria (FPÖ). While the latter tried (unsuccessfully) to link this amendment to the question of preferential access to Austrian citizenship for the German-speaking minority of South Tyrol, during the parliamentary debate all parties acknowledged the historical responsibility of Austria towards the victims of Nacional Socialism and explicitly presented the new law as an integral part of the country's restitution measures (Stiller 2021, see also Kolonovits 2009). And also its coming into force on 1st September 2020 raised surprisingly little media attention, considering that it constitutes the most significant extension of access to Austrian nationality in decades, and in this sense clearly contradicts the country's otherwise explicitly restrictive approach to citizenship. The situation is Spain was very different: On 14th July 2022, the *Democratic Memory Law* was approved by the Congress dominated by a socialist majority[29] after intense political debate[30] – although not specifically about the citizenship clause – and against significant resistance from the opposition[31]. Once in force, also the law's implementation is now facing substantial criticism and resistance from the political right, which also (although not primarily) focusses on the citizenship clause. The main opposition party (*Partido Popular*, PP) has criticised the extension of citizenship rights not only with reference to its potential electoral effects but also (and more specifically) for the key role that political parties, trade unions, and Human Rights organisations are given in its implementation[32]. Soon after its entry into force, the right-wing *Association for Reconciliation and Historical Truth* ('*Asociación por la Reconciliación y la Verdad Histórica*') filed a legal-administrative challenge against the DML for supposed procedural violations[33]. Whether and how the very **different degree of politicisation** affects (a) the implementation and (b) individual perceptions and uses of the two reforms, is another important empirical question that this project will provide answers to.

[27] That said, it should also be noted that representatives the far-right party FPÖ which has recently come close to leading a new Austrian government has been using some highly questionable terminology.
[28] See, e.g.: https://www.theguardian.com/world/2019/may/20/austria-ibiza-scandal-sting-operation-what-happened-why-does-it-matter.
[29] for all relevant documents regarding the parliamentary process see: https://www.senado.es/web/actividadparlamentaria/iniciativas/detalleiniciativa/index.html?legis=14&id1=621&id2=000057#Comision3.
[30] See https://www.congreso.es/public_oficiales/L14/CONG/DS/PL/DSCD-14-PL-202.PDF.
[31] The law was approved with only 173 votes in favour (PSOE, Podemos, PNV, PDCat, Mas País, Compromis, EH Bildu y CC), 159 against (PP, Cs, Vox, Junts y UPN), and 14 abstentions (ERC and other small parties).
[32] See: https://www.larazon.es/espana/20230123/pquhex22rbcy3kmppl7tuv3swq.html. It should also be mentioned, however, that at the same time, several PP-led regional governments (like the *Xunta de Galicia*) are criticising the slow and implementation of the DML since that hampers efforts to attract 'roots migration' through regional and local 'return programmes'.
[33] See: https://www.larazon.es/espana/20230102/ktjaaotyzrhflhuldnaoas2uwm.html.

Other key differences become apparent when looking closer at the legal framework itself. First, and closely related to the point made above, the **nature of the reform** – i.e. the way in/through which the citizenship regime is modified – is different. In Spain, where citizenship is generally not regulated in a stand-alone law but in several articles of the Civil Code, the legal change has been introduced in the form of an additional disposition ('*Disposición Adicional 8ª'*) 'attached' to a much bigger (and much more controversial) legislative proposal. According to Kandiyoti and Benmayor (2023: 12), this "inclusion of citizenship restoration within a landscape of historical memory, for both the descendants of the civil war exiles and of Sephardi Jews, taking place within less than a decade of one another, is viewed as part and parcel of an ethical relationship to the past and the postdictatorial reconstruction of national image". In Austria, where no comprehensive Memory Law exists nor has ever existed[34], the new legislation specifically aimed at reforming the country's citizenship law in a way that allows not only the victims of National Socialism themselves but also their (foreign-born) descendants to become Austrian by declaring that they fall under the therefore specified conditions; and without this change being linked to any other measure of restitution, commemoration, or the like.

A second – and in terms of practical implementation maybe the most significant – difference between the two legal frameworks is that only the Spanish law *a priori* establishes a precise **timeframe for applications** to reach the responsible authority. This limited application period of initially two years has later been extended by one additional year[35], and will terminate on 21st October 2025. The possibility of such extension was explicitly foreseen in the law itself, as had also been the case for the 2007 (HML) and 2015 (Sephardic Jews) laws. Under the Austrian law, in contrast, declarations can be made since the day it came into force (1st September 2020) and no time limit has been established, meaning that potential beneficiaries can file their declarations whenever they want (for as long as the law remains in force). This difference will certainly be reflected in the overall numbers of applications, which in the Spanish case must be expected to rise steeply towards the end of the established period of application[36]. Given the already significant backlog of applications at many Spanish consulates, they have been formally instructed to make sure that all applicants who officially register their claim before the 22nd of October 2025 will be given an appointment and have their cases resolved independent of the official deadline[37].

Further important differences that will also significantly affect overall numbers are related to how (narrowly) the two legal frameworks limit the **circle of potential beneficiaries**. One fundamental disparity here is the number of eligible generations of descendants: The Spanish DML only speaks of children and grandchildren of Spanish exiles (and is unofficially termed the 'grandchildren law'), but it includes a clause (Annex 3) that also extends citizenship access to the adult children of any beneficiary of either the DML or the HML. The latter effectively enables also further generations, especially great-grandchildren, to apply (if they manage to do so in

[34] Instead, issues of restitution as well as prevention of any 're-engagement' with or 'reaffirmation' of National Socialist activities or ideology are instead regulated in separate, and more specific, laws including the "Verbotsgesetz" of 1947, and the "Opferfürsorgegesetz" since 1945, etc.

[35] The extension, approved by the council of ministers in July 2024, was justified with the fact that due to the high number of applicants it will be unlikely that all of them can be summoned and served before the end of the original deadline (see Comm_consejoministros_2024).

[36] In the case of the 2007 HML, the consulate in Buenos Aires alone had received more than 2,000 applications on the very last day.

[37] This had already been foreseen in the Instruction of 25th Oct 2022 (BOE 257, p.145807) and made explicit in the Instruction of 5th Nov 2024 (BOE 272, p.143360).

time). The Austrian legislation, in contrast, explicitly refers to all 'direct descendants' of people who had left Austria due to Nazi-persecution. That said, a motion introduced by members of Social Democrats in December 2018 had suggested to introduce a passage that would have limited eligibility to three generations (i.e. the children, grandchildren, and great-grandchildren of victims), which suggests that this possibility had at least been discussed[38], but was ultimately discarded. In the case of Spain, on the other hand, the inclusion of *further* generations (beyond grandchildren) had been a frequent claim made by the Spanish diaspora.

Related to this last point is the interesting fact that **the Austrian citizenship offer is not limited to descendants of Austrian *citizens*** but explicitly extends to all those whose persecuted ancestor had been stateless or a national of another successor state of the former Austro-Hungarian Monarchy[39], as long as they had their main residence within Austria before being driven into exile. Based on this reliance on an ancestor's effective residence on the territory (rather than citizenship status), a parallel can be drawn with the above-mentioned Spanish Law for descendants of Sephardic Jews (Law 12/2015), whose expulsion from the Iberian Peninsula predates the existence of the Spanish state and of Spanish citizenship (Kandiyoti & Benmayor 2023). Neither them nor the citizens of successor states of the Austro-Hungarian Empire who suffered persecution in Austria had thus been deprived of the citizenship that their ancestors are now given a chance to claim 'back'. Citizenship restitution based on the Spanish DML, in contrast, is strictly limited to people whose parent or grandparent is or was a Spanish citizen 'by origin'.

A last but also highly relevant difference only becomes apparent when looking at how the two laws are being translated into practice. While both legal frameworks define the exact period during which an applicant's ancestor must have left the respective country for the descendant to qualify for privileged citizenship access[40], an interesting detail of the Spanish case is that as the Democratic Memory Law's 8th additional disposition was translated into official instructions for its application, its scope has been significantly widened. On one hand, the relevant instruction (of 25th October 2022) introduces a differentiation between people whose ancestor had left Spain before and after the end of 1955[41], requiring only the latter to provide documentary evidence of a forced exit, whereas any exit from Spain before the 1st of January 1956 automatically qualifies as a case of exile[42]. On the other hand, the same instruction seems to effectively remove the requirement of exile altogether, by adding an additional supposition according to which any "person born outside of Spain to a father or mother, grandfather or grandmother who had originally been Spanish [citizens] may exercise the [right of] option

[38] According to the Initiativantrag vom 13/12/2018 (536/A XXVI. GP): "It would not make sense to allow the privileged application for the conferral of Austrian citizenship even after 300 years, for example" (p.4).

[39] In addition to Austria, the successor states to the Austro-Hungarian Empire include Italy, Yugoslavia, Poland, Romania, Czechoslovakia, Ukraine and Hungary.

[40] In the case of Spain, this period extends from the day of the military coup (18/07/1936) until the coming into force of the Constitution (29/12/1978) (Art.3 DML); According to the Austrian law, exile must have occurred before the 15th of May 1955 (signing of the State Treaty, whereas the previous law covering only victims themselves had established the 9th of May 1945 as the latest date).

[41] In December 1955, Spain was admitted to the United Nations (UN), which marked a significant turning point in the country's international relations and post–World War II isolation.

[42] The instruction states: "All Spaniards who left Spain between 18 July 1936 and 31 December 1955 will be presumed to be exiles [… and only] the departure from Spanish territory must be accredited…" whereas "If the departure from Spain took place between 1 January 1956 and 28 December 1978, proof of exile status must be provided." (BOE 257, p.145809).

foreseen in this paragraph" (BOE 257, p.145806). In many Spanish consulates, including that in Buenos Aires, this instruction is interpreted in a way that allows applicants to apply (under 'supposition 1a') without any proof of exile, as the official information sheet[43] makes explicit.

Importantly, this small but significant re-interpretation of the DML itself in fact extends the scope of this provision beyond the initial idea of restitution, a move that has been criticised (and legally challenged) by the laws' opponents[44]. And it indeed raises the question whether the intention behind *Additional Disposition 8* has really (just) been the wish to repair a historical injustice, or rather to simply extend access to citizenship to all descendants of the many people who emigrated from Spain during the post-war period. As discussed elsewhere in more detail (Pasetti & Schweizter, *forthcoming*), the latter would be very much in line with previous reforms to the Spanish citizenship regime, which since its beginning (in 1982) has been much more concerned with preserving membership rights among Spanish emigrants and their descendants than with granting such rights to immigrants living in Spain. In this sense, also the provision included in the so-called *Grandchildren Law* ('*Ley de Nietos*') might primarily reflect a wish to strengthen these grandchildren's ties with (and feeling of belonging to) Spain, but maybe also the hope or expectation that some of them will also consider using this opportunity to actually move ('back') to their ancestor's homeland.

5. Citizenship restitution as immigration policy?

There are many ways in which citizenship acquisition is related to immigration. This relationship is perhaps most obvious when it comes to the so-called 'naturalisation' of immigrants, whereby citizenship is usually seen as the endpoint of a necessary, and often long and complex, process of integration in/to the new country of residence. Independent of which kinds of integration efforts are expected as a precondition for someone acquiring the citizenship, this acquisition can ultimately be seen as the result of that persons' decision – whether voluntary or not – to migrate (to this particular country). In this sense, citizenship normally comes after migration. And strictly speaking, also the claims for Austrian and Spanish citizenship that will be analysed within the CITREST project are based on – and come after – someone's decision to migrate; in this case: to emigrate from Spain or Austria to another country. What differentiates these cases from other citizenship acquisitions, however, is that (1) the person claiming citizenship now is not the same that took the initial migration decision; that (2) the citizenship being claimed is not that of the destination but the origin country of this initial migration; and (3) that no integration efforts are required of the claimant. In addition, the underlying migration decision itself must have been taken under circumstances that reflect a larger historical injustice serious enough to justify certain forms of reparation, including the restitution of citizenship rights to not only those who unfairly lost their membership but also those who could otherwise have inherited these rights from them. It is primarily for the latter – the emigrants' descendants – that citizenship thereby also becomes an opportunity for *future* migration. The question is whether the states that offer their citizenship as a form of restitution also see and/or use this offer as a way of allowing or even inviting this potential migration, which brings us back to the question of what motivates states to grant citizenship access in this particular way.

[43] Available at: https://www.exteriores.gob.es/Consulados/buenosaires/es/Comunicacion/Noticias/Paginas/Articulos/202200907_NOT02.aspx.

[44] E.g., see: https://www.larazon.es/espana/20230102/ktjaaotyzrhflhuldnaoas2uwm.html.

In comparison to other measures of restitution, Peter Spiro (2021: 89) described ancestral citizenship as "a cheap way to atone for past sins", and – importantly – one whereby "states may also be sorting for what they perceive to be assimilable migrants" (ibid.: 89, see also FitzGerald 2017). Seen from this perspective, of course, any citizenship policy can be understood as a tool for managing the future composition of a country's population, and heritage-based policies in particular, often function as a complement or even substitute for ethnically selective immigration policies (Durand & Massey 2010, Finotelli & La Barbera 2018, Domingo & Ortega-Rivera 2015, Pogonyi 2022). As far as the above-mentioned naturalization of immigrants is concerned, such selection happens through a set of formal requirements (regarding the length of residence, economic contributions, integration efforts, etc.) that are often easier to fulfil for some applicants than others, depending on their cultural and socio-economic background, but also their gender, level of education, and age (Goodman 2010, Ellermann 2020). Sometimes, certain groups of immigrants – that are usually perceived as culturally 'closer' to the host society – are categorically exempt from, or face significantly lower requirements, as is the case for Latin American immigrants in Spain who can apply for naturalisation after only two (instead of ten) years of legal residence. Based on a close analysis of citizenship acquisition in Spain, Domingo and Ortega-Rivera (2015: 50) conclude that a "discrimination that was not intended as a selection tool on migration flows […] nor as part of immigration policy in general, has ended up being so" and has "created a transnational community as well as great potential for migration in the future in both directions". Seen in this context, the DML could arguably be seen as an attempt to 'activate' some of this potential.

At a broader scale, Aragoneses (2023: 42) recently noted that contemporary citizenship (in general) has lost "part of its nationalistic content" and that it is this shift, which nowadays allows "many states [to] perceive dual nationals outside their territory as an opportunity rather than a threat". Whereas the important role and value of diaspora communities is often described in terms of contributions made from abroad (whether in cultural, diplomatic, or economic terms), the diaspora must certainly also be seen as a pool of ideal candidates to fill the 'home' country's labour and/or demographic needs (without having to be officially counted as immigrants). A central aspect of diaspora policies are dual nationality provisions. Based on an analysis of global migration flows between 1990 and 2015, Leblang and Helms (2023) not only show that acceptance of dual citizenship significantly increases the attractiveness of a country for potential immigrants but also suggest that this can be part of host countries' strategy to attract (labour) migration. That the underlying strategies of both migrants and states can effectively converge has also been shown by Durand and Massey (2010): In what they call the 'transgenerational migration' among people born in Latin America, it is very common that "[m]igrants draw on ties of common descent to achieve legal entry [by] exchanging what might be called 'ethnic capital'" while "[n]ations seek to avoid ethnic conflict by selecting immigrants who are viewed as ethnically 'similar' to the native population." (ibid.: 43). They also note that "such procedures have racial implications, even though they are typically cast in positive terms of 'affinity' and 'compatibility' rather than racial undesirability, as might have been done in earlier eras." (ibid.: 44).

Arguably, the restitution of citizenship (and all associated rights including unconditional entry and residence) to direct descendants of former citizens now living abroad has the same selection effect in terms of future im/migration, and could thus also be criticised for bringing back certain logics and practices – of ethnic or racial selection – that at least in liberal-democratic states have been banned from the sphere of immigration regulation. It is of course the very logic of *ius sanguinis* – according to which citizenship is transmitted along 'bloodlines' – that ensures that

ethnic origin plays a bigger role in determining the boundaries of a country's future citizenry than other aspects that can tie people to a certain state, including their place of birth or continuous residence. And it is this logic that both the Austrian and Spanish citizenship reforms effectively extend or at least seek to 'repair'. It is also what explains – although without necessarily justifying it – why there is no expectation at all for the beneficiaries of these reforms to demonstrate any proof or even willingness to integrate (beyond a simple declaration of allegiance to the respective country and constitution), independent of whether or not they decide to live (and work, vote, or claim welfare benefits) in their new country of citizenship.

An important empirical question that follows from this discussion, is whether there is any evidence that proves or at least suggests that immigration-related interests or calculations are or were behind the recent reforms in Austria and Spain. While such considerations undoubtedly play a significant role in many potential beneficiaries' decision to apply, it is far less clear whether they have also motivated the making, and are now shaping the implementation, of the two reforms. At least as far as (official) political discourse goes, the answer to this latter question seems to be no. The way the two laws have been officially presented and framed leave very little room for interpretation regarding their underlying aim and objectives: The preamble of the Spanish DML, which only towards the end and very briefly refers to the citizenship clause, presents the latter in the following words: "as a measure of reparation for persons who suffered exile, the eighth additional provision establishes a rule for the acquisition of Spanish nationality for persons born outside Spain to fathers or mothers, grandmothers or grandfathers, exiled for political, ideological or religious reasons […]" (p.14). Similarly, the official explanation accompanying the legal initiative (*Erläuterung zum Initiativantrag*) for the Austrian law, highlighted the fact that Austrian citizenship law has so far failed to take into account the "unique situation of the descendants of those expelled", who "would be Austrian citizens today if their expelled ancestors would not have lost their Austrian citizenship" (p.3) as a result of this expulsion. That this justification is then also linked to "the message that the [Austrian] Republic wants to 'bring home' all displaced persons and their descendants, [and] that they belong to us" (ibid.), should probably be read as a metaphorical statement rather than an actual intention (or obligation) on the part of the Austrian state or government to actively foster such 'return' migration. Also a closer look at the parliamentary debates that preceded the coming into force of the two citizenship reforms does not give the impression that considerations around migration control or facilitation had anything to do with the enactment of the two laws. Neither Austrian nor Spanish parliamentarians mentioned any interest or need to attract or facilitate immigration, nor worries that the proposed legal changes could potentially create too many migration opportunities and/or too much of a 'pull factor' – an otherwise very common argument against citizenship liberalisations.

All this, however, does not mean that the two states have completely relinquished control over how many people from which parts of the world can effectively become citizens through the new provisions. A preliminary analysis of the Spanish case shows that there are various ways in which the respective authorities can (and indeed do) manage the reach and scope of these reforms and thereby also the effect they (will) have in terms of im/migration. Some of these mechanisms are built directly into the legal framework, like the limited timeframe for applications under the DML, or the generational limitation. Others have to do with – and will only become fully apparent when looking at – how exactly these policies are being implemented in different parts of the world. Varying degrees of flexibility in applying the same rules in

different countries (sometimes even different consular offices within the same country[45]), as well as different levels of administrative capacity, significantly affect the average time that applicants must wait for their appointments and for their cases to be studied and eventually resolved. According to anecdotal information gathered in March 2025, the waiting time for an appointment at the Spanish consulate in Buenos Aires was around one and a half years, up to 30 months in La Habana[46], and 'only' around eight months in Miami[47]. The process can either be delayed or accelerated by dedicating more or less personnel and other resources to this implementation, but also through digitalization of parts of the process (new digital systems are currently being used in some but not all consular offices) as well as flexibilization of certain rules and procedures. For example, some Spanish consulates – like that in Cordoba (ARG) – are trying to speed up the process by allowing (since March 2025) cases of various members of the same family to be submitted under the same application (and appointment) and can thus be resolved more effectively[48].

Another important observation recently made by Gimena Camarero[49] in Buenos Aires, is that beneficiaries of the DML are an important target group of promotional activities carried out by various regional (Spanish) governments in Buenos Aires to increase participation in regionally funded programmes like the Galician *Estrategia Retorna* or the Asturian *Plan RetornAs*. Also this is a clear indication that the DML is not just a measure of restitution but also very much linked to growing interests (on the part of Spanish employers but also regional and local governments) and concrete programs aiming to attract immigration to those parts of the country that have become known as the 'emptied Spain' (*la España Vaciada*).

Overall, the scope of the Spanish law seems to have been quite significantly extended as it was translated into implementation guidelines; in particular – as explained at the end of the previous section – by effectively removing one of the key requirements: that of being a direct descendant of not just any Spanish emigrant but one who had to leave the country for political, ideological, or religious reasons.

6. Conclusion and Outlook

This working paper has examined two relatively recent citizenship reforms offering privileged access to Austrian and Spanish nationality for descendants of people who had fled persecution under previous authoritarian regimes. It not only outlines the broader context of these reforms, highlighting their historical significance and the potential benefits for individual beneficiaries, but also explores the dual role that ancestral citizenship can play as a form of restitution and as a potential tool for managing future immigration. Based on a brief overview of the literature on external citizenship, it identifies intergenerational continuity, territorial inclusion, and the

[45] For example, Spanish consulates in Argentina apply different rules regarding the validity of certain official documents while some consulates in the US accept documents to be sent via email whereas others, including that in Miami, require documents to be handed in personally (see: https://infocivitano.com/2025/04/17/ley-de-nietos-principal/).
[46] See: https://infocivitano.com/2025/03/17/ley-de-nietos-unidos/.
[47] See: https://infocivitano.com/2025/01/05/ley-de-nietos-debate/.
[48] See: https://infocivitano.com/2025/03/10/ley-de-nietos-ampia/.
[49] Member of the CITREST project team who is currently based in Buenos Aires and will lead a related research project on the role of policies that aim to attract immigrants with ancestral ties to Spanish and Italian 'left-behind' areas as a measure against demographic decline (*Repopulating European left-behind areas through international roots migration* – RepEU-Mig, MSCA Postdoctoral Fellowships 2024).

maintenance of 'special ties' to the country as the most common reasons for which modern nation-states offer citizenship to descendants of emigrants. One important task of the CITREST project will be to properly situate – both empirically and normatively – cases of citizenship restitution within this broader literature and the corresponding political debates.

A close – even though still preliminary – comparison of the two legal frameworks has identified **important commonalities as well as key differences** between the Austrian and Spanish reforms. Both countries have otherwise comparatively restrictive citizenship regimes based on the principle of *ius sanguinis* (right of blood), and both legal frameworks categorically exempt all applicants from residence and 'integration' requirements as well as the obligation to rescind their previous citizenship. In both cases, citizenship restitution is not a matter of application but a 'conferral upon declaration', and the procedure is free of charge for potential beneficiaries, who in principle are considered and treated as would-be citizens. Both reforms build on previously existing rules and regulations for citizenship restoration and are being implemented in a decentralized fashion, whereby a crucial role is being played by the respective consular offices in the applicants' countries of residence, as well as a diverse range of intermediary actors including NGOs, archives, specialized lawyers, and genealogy research agencies. Among the things that clearly set the two cases apart, are the very different ways in which the reforms have been introduced, as well as the broader political contexts under which this has happened. The resulting legal frameworks themselves differ primarily in that only the Spanish law explicitly limits the citizenship offer in terms of both the timeframe for applications (until October 2025) and the number of generations invited to apply (children and grandchildren, in some cases also greatgrandchildren). The fact that the two reforms have important things in common but are also characterized by some major differences that will significantly affect their implementation 'on the ground' makes them ideal cases for a more in-depth comparison based on interviews with applicants, as well as implementing and intermediary actors.

Finally, the paper also proposes to see, and begins to analyse, these reforms not just as innovative measures of restitution, but also in terms of a complement or even substitute for an ethnically selective immigration policy. While a closer look at how they are being officially framed and justified by political actors suggests that neither of the two reforms has been conceived as a measure of migration management, they will certainly both have important effects in this sense; and at least the Spanish provision does include various mechanisms through which some management seems to be performed, including at the level of implementation. Seen from this perspective, especially the time-limited Spanish DML could be seen as an attempt to achieve what Douglas Massey and his colleagues (2002) famously described as impossible: To turn migration on and off like a water tap. At the very least, it is a significant *opportunity* for migration that the Spanish government has turned on and will soon – unlike its Austrian counterpart – turn off again.

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