

Abstract

Although the Europeanisation of family immigration policies remains admittedly weak, a clear process of policy diffusion across countries has been ongoing for years now in this area. Fears about 'sham marriages' as a strategy to by-pass immigration regulations have grown almost everywhere (Kofman, Kraler et al. 2012). In France, for instance, bi-national marriage have been increasingly presented as a 'weak link' in immigration control and, in response, recent laws have been passed to make it ever more difficult for foreign spouses to obtain residence rights and citizenship (Neveu 2013).

Spain, in contrast, has not made any legal reform in this regard in spite of having received the largest inflows in the continent, along with Ireland for quite a few years. This is particularly unexpected considering that naturalization through marriage in Spain is considerably easier than naturalization by residence, which requires 10 years of previous legal residence in general but only 2 for Latin-Americans, Portugueses and Philippines.

By utilizing information available in the National Immigrants Survey (2007), we analyze the extent to which data on citizenship acquisition reflect a strategic utilization of mix-marriage as a shortcut to citizenship. Our results indicate a relatively low rate of naturalisation. Secondly, differences in that probability does not differ much between immigrants in mixed marriages and immigrants married to a non-Spanish citizen, with just a few exceptions, especially the Portuguese, who are much more likely to become citizens if they are married to a Spaniard. In contrast, the Latin-American groups do not show relevant differences in their probability to naturalize depending on whether they have married a Spanish or not.

The paper will explore in detail the reasons for these differences and try to understand the role that immigration and nationality rules applicable to immigrants from different origins play in these results.

Extended Abstract

Among the several key concerns that have driven policy developments in the field of immigration control, the so-called marriages of convenience periodically appear in the agenda of most EU receiving countries. Although the Europeanisation of family immigration policies remains admittedly weak, a clear process of policy diffusion across countries has been ongoing for years now. Governments have started to adopt discourses and initiatives that were born elsewhere, and the fear to 'sham marriages' as a strategy to by-pass immigration regulations have grown almost everywhere (Kofman, Kraler et al. 2012).

In France, for instance, bi-national marriage have been increasingly presented as a 'weak link' in immigration control and, in response, recent laws have been passed to make it ever more difficult for foreign spouses to obtain residence rights and citizenship. As a result there is growing focus on policing marriage between French and non-EU citizens, particularly from countries with high numbers of migrants to France. Couples who wish to marry or apply for a spouse visa after being married abroad, are now required to demonstrate the genuine nature of their romantic involvement to government officers. Officers who can decide the outcome of their application (Neveu 2013).

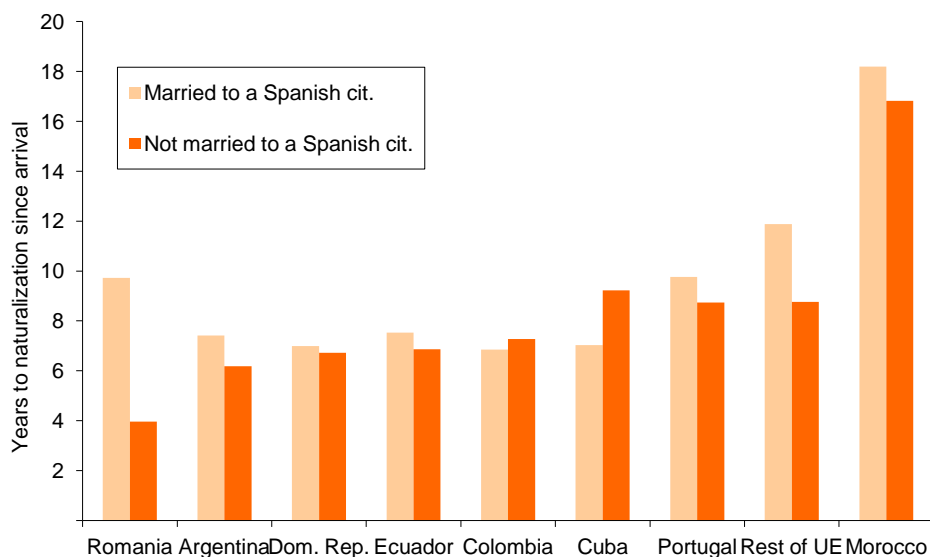
These suspicions generally increase where the cultural difference between spouses is considered too great or the age difference 'unusual', generally when a woman was significantly older than her husband (Kofman, Lukes, Meetoo & Aaron 2008; Strasser et al.

2009). In response to these suspicious attitudes, the length of probationary periods for spouses has been extended and greater scrutiny by administrative authorities imposed in a number of countries.

Spain, in contrast, has not made any legal reform in this regard in spite of having received the largest inflows in the continent, along with Ireland for quite a few years. This is particularly unexpected considering that naturalization through marriage in Spain is considerably easier than naturalization by residence, which requires 10 years of previous legal residence in general but only 2 for Latin-American, Portuguese and Philippine nationals.

By utilizing the retrospective information available in the National Immigrants Survey (2007), we analyze the extent to which data on citizenship acquisition reflect a strategic utilization of marriage with a Spaniard as a shortcut to citizenship for different immigrant groups with different rules for naturalization. First of all, data show that time spent in Spain before nationality acquisition does not differ much between immigrants married to a citizen and other immigrants (see graph 1). In some cases, the relationship is even the opposite to the one expected: immigrants married to a Spaniard took longer to naturalize than others. This is partially related to the fact that some foreigners in the subsample had married a Spanish partner while being abroad, before coming to Spain. However, many immigrants marry nationals a long time after arriving to Spain when they were already eligible for naturalization in terms of residence requirement.

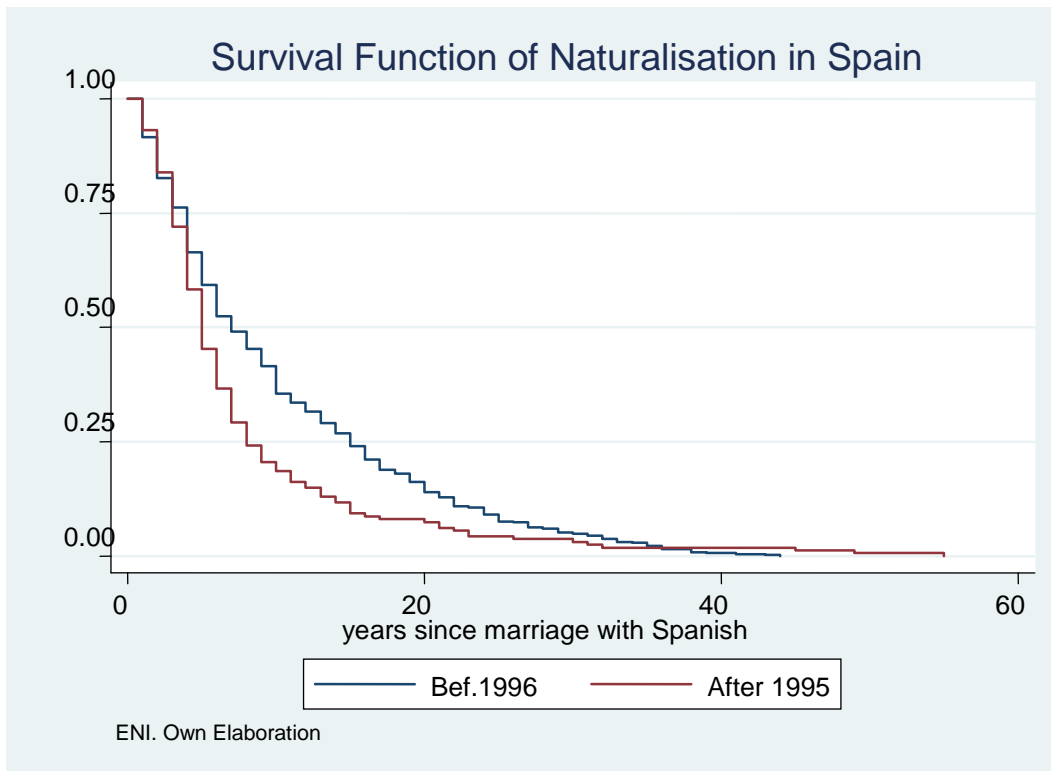
Graph 1. Average time elapsed between arrival to Spain until citizenship acquisition, by origin and marriage to a citizen.



Source: ENI2007.

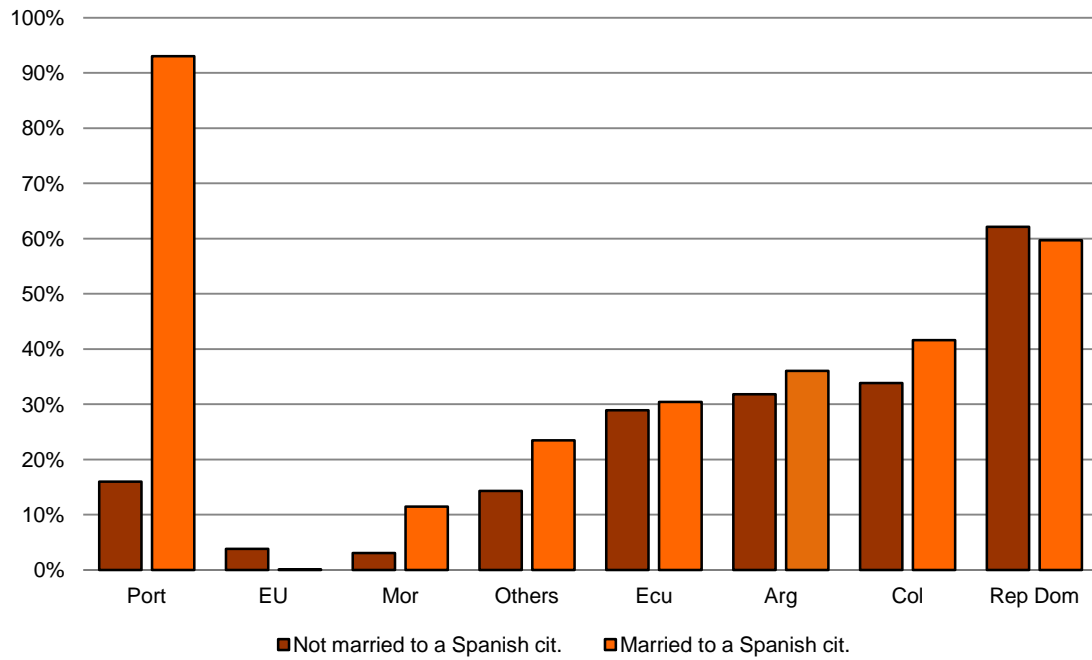
In graph 2 we look at the pace of naturalization for those immigrants who married a Spanish citizen after coming to Spain. As can be seen, even after six years since marrying a Spaniard, 'only' 25% had naturalized.

Graph 2. Survival function of naturalisation since date of marriage with a Spaniard.



In fact, after controlling for many different socio-demographic and immigration characteristics, the probability of acquiring the Spanish nationality does not differ too much for immigrants in bi-national marriage with a Spanish citizen, and immigrants not married to a Spanish citizen. In figure 3 we have graphed the predicted probability of acquiring the Spanish nationality for a male immigrant, arrived to Spain at age 20, who had resided in the country for 14 years, married with two children and less than secondary education, comparing those married to a Spanish citizen and those who are not.

Graph 3. Predicted probability of nationality acquisition for a male immigrant who has resided 14 years in Spain, is married with two children and has not completed secondary education.



First of all, the results indicate a relatively low rate of naturalisation in general and, in particular, not very large differences between those in mixed marriages and those married to a non-Spanish citizen, with a few exceptions: Portuguese in the very first place, who are much more likely to become citizens if they are married to a Spaniard, but also the non Latin-American groups, who are required ten years of previous residence to naturalize through a legal road different to marriage with a citizen. In contrast, the Latin-American groups do not show relevant differences in their probability to naturalize depending on whether they have married a Spanish woman or not.

The paper will explore in detail the reasons for these differences and try to understand the role that different rules applicable to immigrants from different origins in both the immigration and nationality laws play in these results.