

Access to citizenship beyond sedentariness

Who should have access to national citizenship and under what conditions is one of the most contested questions in the ethics of migration. The stakes are high. As a legal status, citizenship refers to the legal link between an individual and a state, by virtue of which individuals (a) are recognised as full members of the state and (b) are granted access to a comprehensive set of civil, social, and political rights. Although some of these rights might also be accessible to non-citizens, the extent to which they are depends on the discretion of the state or on the existence of international agreements and treaties. Furthermore, a small but important set of rights typically remains citizenship-specific: the right to vote and to stand for elections at the national level, the right to return to one's state of residence regardless of how many years one has spent abroad, the right not to be deported, the right to consular protection when abroad, the right to hold certain public offices, and, in some cases, the right to pass on one's citizenship to one's children.

Apart from the strong protective and empowering function of citizenship-specific rights, in so-called liberal states citizenship also entails a right to be treated as an equal to all other citizens: while states might under certain conditions be justified in prioritising citizens over non-citizens, they ought to treat all citizens as equals (e.g., Miller 2008). On the one hand, this creates a community of social equals: citizens have equal social standing, and are entitled to state provisions that make this social standing possible (Sharp 2023). On the other hand, it creates a hierarchy between citizens and non-citizen residents of the state, who do not enjoy the same standing and have weaker claims to state protections (Bosniak 2017; Ellermann 2020).

Therefore, non-citizen residents of the state have unequal access to rights, enjoy fewer protections than citizens, and occupy a lower position in the social hierarchy there. Yet, while some scholars argue for rapidly granting citizenship to all non-citizen residents as a way to eliminate these inequalities (e.g., Celikates 2013; Walzer 1985; Bauder 2014), the dominant view is that states have at least some discretion as to when and under what conditions they naturalise non-citizens (e.g., Carens 2013; Lenard 2023; Miller 2016; Song 2018; Bauböck 2018). After all, citizenship implies full membership in the state. Whether membership should be based on social links (Carens 2013) or a genuine connection with the state (Shachar

2009), identifying with the community and its fate (Miller 2016; Song 2018) or having strong stakes in membership (Bauböck 2015), states can set certain conditions for granting citizenship. Of course, state discretion is not absolute. There is broad consensus among scholars that the criteria for naturalisation should be (a) publicly justifiable to migrants and (b) not discriminatory.

My paper argues that, even if one accepts the dominant view, these two constraints significantly curtail state discretion over the conditions for naturalisation. I scrutinise a widespread and supposedly innocuous condition for naturalisation: the requirement that migrants complete a minimum period of residence in the state, before they can access citizenship. I hold that this requirement only seems innocuous insofar as we assume that people are predominantly sedentary, and that even people who migrate ultimately settle in their new state of residence. These assumptions are dominant because of methodological nationalism, a cognitive bias that construes sedentariness as the norm and mobility as an exceptional activity (Wimmer and Glick Schiller 2002). Under the influence of methodological nationalism, it is assumed that lack of permanent settlement is purely a matter of personal choice and not of systemic constraints that limit one's access to settlement. It is also assumed that people can form and maintain long-term links with one state, in which they are entitled to become citizens. Yet, these assumptions have been criticised as both empirically mistaken and potentially exclusionary toward those who do not fall within this sedentary paradigm (Sager 2021, 2016). Taking this critique seriously, I show that minimum residence requirements only seem to be innocuous because of methodologically nationalist background assumptions of sedentariness. Once we drop the assumption that people who migrate settle permanently in their new state of residence, and we switch our focus to the many ways in which people can be mobile, these conditions cease to appear permissible.

My argument goes as follows. I first argue that the egalitarian veneer of minimum residence requirements is the result of a lack of engagement with the increased mobility that characterises various forms of migration. Exploring three types of minimum residence requirements, namely requirements of permanent, continuous, or additive residence, I argue that they all exclude various types of mobile migrants (Miloni 2024), i.e., migrants who do not have the intention and/or the legal right to settle permanently in their current state of residence, from accessing citizenship (section 1). I then argue that this exclusion of mobile migrants from

citizenship is impermissible, as minimum residence requirements violate both the condition of public justification and the condition of non-discrimination (section 2). In the final section, I explore the implications of my argument for the institution of national citizenship (section 3).

(858 words)

References:

- Bauböck, Rainer. 2015. "Morphing the Demos into the right shape. Normative principles for enfranchising resident aliens and expatriate citizens." *Democratization* 22 (5): 820-839. <https://doi.org/10.1080/13510347.2014.988146>.
- . 2018. "Democratic inclusion: A pluralist theory of citizenship." In *Democratic Inclusion: Rainer Bauböck in Dialogue*, edited by Rainer Bauböck. Manchester: Manchester University Press.
- Bauder, Harald. 2014. "Domicile citizenship, human mobility and territoriality." *Progress in human geography* 38 (1): 91-106. <https://doi.org/10.1177/0309132513502281>.
- Bosniak, Linda. 2017. "Status non-citizens." *The Oxford handbook of citizenship*: 314-336.
- Carens, Joseph. 2013. *The ethics of immigration*. New York: Oxford University Press.
- Celikates, Robin. 2013. "Democratic Inclusion: Citizenship or Voting Rights?" *Krisis | Journal for Contemporary Philosophy* 33 (2): 30-34.
- Ellermann, Antje. 2020. "Discrimination in migration and citizenship." *Journal of ethnic and migration studies* 46 (12): 2463-2479. <https://doi.org/10.1080/1369183X.2018.1561053>.
- Lenard, Patti Tamara. 2023. *Democracy and Exclusion*. Oxford: Oxford University Press.
- Milioni, Anna. 2024. "Mobility, Migration, and Mobile Migration." *Philosophy* 99 (2): 273-303. <https://doi.org/10.1017/S0031819124000019>.
- Miller, David. 2008. "Immigrants, Nations, and Citizenship." *The journal of political philosophy* 16 (4): 371-390. <https://doi.org/10.1111/j.1467-9760.2007.00295.x>.
- . 2016. *Strangers in our midst: the political philosophy of immigration*. Cambridge, MA: Harvard University Press.
- Sager, Alex. 2016. "Methodological Nationalism, Migration and Political Theory." *Political studies* 64 (1): 42-59. <https://doi.org/10.1111/1467-9248.12167>.
- . 2021. "Political philosophy beyond methodological nationalism." *Philosophy compass* 16 (2): n/a. <https://doi.org/10.1111/phc3.12726>.
- Shachar, Ayelet. 2009. *The birthright lottery: citizenship and global inequality*. Cambridge, Mass.: Harvard University Press.
- Sharp, Daniel. 2023. "Immigration, Naturalization, and the Purpose of Citizenship." *Pacific Philosophical Quarterly* 104 (2): 408-441. <https://doi.org/https://doi.org/10.1111/papq.12428>.
- Song, Sarah. 2018. *Immigration and Democracy*. New York: Oxford University Press.
- Walzer, Michael. 1985. *Spheres of justice: a defense of pluralism and equality*. Oxford: Blackwell.
- Wimmer, Andreas, and Nina Glick Schiller. 2002. "Methodological nationalism and the study of migration." *European Journal of Sociology* 43 (2): 217-240. <http://www.jstor.org/stable/23999236>.