Social Integration of Third Country Nationals and Spanish Nationality Law

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1. Objective

This paper’s objective is to analyse the way in which the social integration of foreigners is evaluated as a legal requirement for the acquisition of Spanish nationality due to residence.

Two points should be underlined at the outset: firstly that this requirement is binding on both foreigners from third countries and those from the European Union who wish to acquire Spanish nationality; and secondly, that under the current regulation – and consequently, the conception – of European Union citizenship, the usual means for nationals of third countries to achieve full European Union citizenship is to be naturalised in any of the EU states.

Given the above, the social integration requirement for foreigners seeking nationality could become an actual petition in principle, as full social integration can only be achieved when full legal citizenship is recognised.

2. Legal Regulation of the Acquisition of Spanish Nationality due to Residence

2.1. Introduction: Outline of the Legal Regulation of Spanish Nationality

The legal regulation of Spanish nationality is located in the Civil Code (Articles 17–27)¹ and, with regard to the Civil Registry, in the Law of Civil Registry

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of 1957 (Articles 63–8) and Regulations of Civil Registry of 1958 (Articles 220–237).2

Independently of the attribution of Spanish nationality, which is based on ius sanguinis (including the adoption of minors) and subsidiarily on ius soli so as to avoid the perpetuation of foreign lineage or stateless children born in Spain, as stated in Article 17 and Article 19 of the Civil Code, Spanish legislation stipulates four means of acquiring Spanish nationality:

1. By possession (or consolidation). This is a means of acquiring Spanish nationality based on having been in possession of Spanish nationality, with good will, for ten years; it is based on registration in the Civil Registry, as stated in Article 18 of the Civil Code. As regards social integration, possession of nationality over an extended period of time is taken to imply a sufficient degree of integration.

2. By having naturalisation Charter. This is a discretionary concession made by the Government of the Nation, and is used only under exceptional circumstances. The application is presented at the Civil Registry, and the administrative procedure is the competence of the Justice Ministry, as set out in Article 21 of the Civil Code. With regard to social integration, such exceptional circumstances are taken to imply sufficient integration.


2 In Law 20/2011, of July 21, of the Civil Registry and Organic Law 8/2011, of July 21, complementary to the law on the Civil Registry, whereby Organic Law 6/1985, of July 1, of Judicial Power was modified, a profound legal reform in the Spanish Civil Registry was addressed. The reform will come into force on July 22, 2014. With regard to our present subject, the acquisition of Spanish nationality due to residence entails no substantial change in the current legal regulations, although the regulation is reduced from six to only two Articles (Article 68: “Registration of nationality and civil condition (vecindad civil). 1. The acquisition of Spanish nationality due to residence, naturalization Charter and option, as well as its recovery and the declarations of willingness as regards residence, will be recorded in the individual register. These registrations will be of a constitutive nature. Spanish nationality acquired by any of the means recognised by legislation cannot be registered unless registration of birth has previously been registered. The registration of loss of nationality is of a merely declarative nature. 2. In order to make the registrations related to nationality and civil condition the same, entitlement to recognition of Spanish nationality or of corresponding civil condition status will be sufficient”. Also Article 69: “Presumption of Spanish nationality without prejudice to the stipulations in the Civil Code and taking into account the foreignness of the parents, those born on Spanish territory from parents also born in Spain are presumed to be Spanish. The same presumption applies for civil condition”).