



Interdisciplinary Workshop
Tuesday, 11 June 2019

—
Discrimination in Citizenship Policy and its Implementation
—
**Prof. Christin Achermann and Camille Desmarès (Laboratory
for the Study of Social Processes, University of Neuchâtel)**
Prof. Stefanie Kurt (School of Social Work, HES-SO Valais-Wallis)

09:00 – 13:00 h

Location: University of Neuchâtel, Abram-Louis Breguet 2, Room 2.310

Interdisciplinary Workshop
**Discrimination in Citizenship
Policy and its Implementation**

11 June 2019
University of Neuchâtel

Abram-Louis Breguet 2
2000 Neuchâtel
Room 2.310

Organizers

Christin Achermann
and Camille Desmarès
(University of Neuchâtel)
and Stefanie Kurt
(HES-SO Valais-Wallis)

For obtaining the two texts
please send a message to:
camille.desmares@unine.ch

Aims of the Workshop

How do democratic societies select their prospective citizens? Despite rising concerns about the recent “restrictive backlash” (Goodman 2014) of many liberal democratic states’ citizenship policies, reinforced by rising supports for anti-immigrant populist parties, an intensifying generalized islamophobia, and tighter border controls, research addressing the discriminatory aspects of contemporary citizenship regulations and their implementation is scarce.

Since the late 2000s, a growing number of feminist, critical race, critical legal and migration and citizenship scholars have drawn attention to the fact that although most contemporary rules of citizenship acquisition are no longer based on ascriptive criteria such as race and religion, it does not mean that they no longer result in systemic group-based discrimination. For instance, states now primarily rely on the criterion of immigrants’ integration within host societies, proxied by language proficiency, society knowledge tests, and value commitments, to determine who should be granted citizenship, leaving a high discretionary power to civil servants (Hajjat 2012, Sayad 1991). Many countries have also adopted preferential rules of citizenship acquisition, facilitating the naturalization process of individuals sharing host communities’ ethnic and cultural roots (Dumbrava 2014). Additionally, multiple countries, such as Denmark, France, Greece, the Netherlands, Switzerland, the United Kingdom, and Austria, have adopted stricter naturalization rules since the start of the new century, affecting the prospects of whole groups of immigrants to become full members of the polity. These changes run counter dominant narratives on the liberalization of postwar citizenship regulations, which, following the progressive elimination of racially-stratified citizenship regimes after World War II and until the late 2010s, have predominantly been characterized as equalitarian and non-discriminatory (Borjas 1999, Fuchs 1990, Garcia y Griego 1994, Joppke 2008, Hawkins 1991, Kelley and Trebilcock 1998, Reitz 1998, Spiro 2008).

In face of the rising awareness of the potentially discriminatory nature of contemporary citizenship rules but of a yet underscrutinized field of research, this workshop seeks to address the topic of discrimination in citizenship policy and its implementation. More specifically, the workshop will discuss the legal, empirical and normative implications of discriminatory rules of citizenship acquisition.

Three specific themes will guide discussions:

- The definition of ‘discrimination’ in relation to citizenship policy and its implementation
- The assessment of the normative principles that ‘liberal’ citizenship regulations should respect
- The examination of existing or potential tools enabling to determine if a citizenship regulation and/or its implementation is discriminatory

For the discussion, participants will be asked to read two key texts:

- Ellermann, A. & Goenaga, A. (2019). Discrimination and Policies of Immigrant Selection in Liberal States. *Politics & Society* (47)1, 87-116.
- Orgad, L. & Ruthizer, T. (2010). Race, Religion and Nationality in Immigration Selection: 120 Years After the Chinese Exclusion Act. *Constitutional Commentary* (26)2, 237-296.

Thursday, 11 June 2019

Workshop Venue: Abram-Louis Breguet 2, 2000 Neuchâtel, Room 2.310

- 09:00 **Welcome and Introduction**
Camille Desmarès (University of British Columbia and University of Neuchâtel)
- 09:15 **Texts' Overview: Orgad and Rhutizer (2010) and Ellermann and Goenaga (2019)**
Camille Desmarès (University of British Columbia and University of Neuchâtel)
- 09:25 **Inputs**
- A Very Short Introduction on Discrimination in a Swiss Legal Perspective**
Stefanie Kurt (HES-SO Valais-Wallis)
- Ius Sanguinis, Soli, Doni, Nexi: Citizenship According to Which Normative Principle(s)?**
Stefan Manser-Egli (University of Neuchâtel)
- Citizenship Policy and the Tests of Discrimination**
Camille Desmarès (University of British Columbia and University of Neuchâtel)
- 09:50 **Open Discussion**
- 10:30 Coffee Break
- 11:00 **Sex, Money and Race: On Discrimination in Contemporary Nationality Law**
Jean-Thomas Arrighi (University of Neuchâtel)
- 11:15 **Does Discretionary Power Mean Discrimination? Insights from Swiss Naturalization Implementation**
Anne Kristol (University of Neuchâtel)
- 11:30 **Ballot Box, National Origin and Disability: The Practice of the Federal Court on Discriminatory Naturalization Procedures**
Barbara von Rütte (University of Bern)
- 11:45 **Q & A Session and Open Discussion**
-