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Super-Citizens: Equal Powers comes with Greater Responsibilities

Bashir Otukoya

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Dear Editor,

The conditions for attaining Irish citizenship by naturalisation are clearly set out in section 15 of the Irish Nationality and Citizenship Act 1956. This lays out the five naturalisation conditions that one must satisfy in order to be eligible for naturalisation. The applicant must be over 18; must have had five years of residence in Ireland out of the last nine; must be of good character; must have an intention to continue to reside in the State after naturalisation and must swear an oath of loyalty and fidelity to the State. Criticisms of these conditions are rare, considering that Ireland is renowned for its ‘easy’ and ‘open’ naturalisation system - naturalising more immigrants than any other European country.¹ Ireland’s naturalisation system is seen as ‘easy’ and ‘open’ because, unlike most of its European counterparts, the applicant is not required to have any knowledge about the State’s history or customs of the State, the official languages of the State can be neglected, and the applicant’s understanding of the civic structures of the State has no bearing on the granting of naturalisation. Yet its ‘easiness’ can be questioned when naturalised Irish citizens are required to depict ‘super-citizen’ attributes before and after they are granted citizenship. The naturalised citizen is, for example, required to be of ‘good character’ before being awarded citizenship.²

Case law on ‘good character’ in naturalisation cases demonstrates that all which is required to disprove ‘good character’ is for the applicant to come to the ‘adverse attention of the Gardaí’.³ Quite simply, any offence, no matter how serious or minor will disqualify an applicant from satisfying the good character test (most reported cases of refusal based on

¹ Marc Morjé Howard, ‘Comparative Citizenship: An Agenda for Cross-National Research,’ (2006) 4(3) *Perspectives on Politics* 443; Marc Morjé Howard, ‘The Impact of the Far Right on Citizenship Policy in Europe: Explaining Continuity and Change’ (2010) 36 *Journal of Ethnic and Migration Studies* 735; MIPEX, ‘Access to Nationality | MIPEX 2015’ (*MIPEX*) <<http://www.mipex.eu/access-nationality>> accessed 18 January 2017.

² For more on theories on ‘super-citizens’ see generally, Sergio Carrera, *In Search of the Perfect Citizen?: The Intersection Between Integration, Immigration, and Nationality in the EU* (BRILL 2009) 442; Bridget Byrne, ‘Testing Times: The Place of the Citizenship Test in the UK Immigration Regime and New Citizens’ Responses to It’ [2016] *Sociology* 1; Bridget Anderson, ‘What Does “The Migrant” Tell Us about the (Good) Citizen?’ (Working Paper No 94 Centre on Migration, Policy and Society, University of Oxford 2012); Bridget Anderson, *Us and Them?: The Dangerous Politics of Immigration Control* (Oxford 2013); Judith Gruber and Sigrid Rettenbacher (eds), *Migration as a Sign of the Times: Towards a Theology of Migration* (BRILL 2015).

³ *MAD v Minister for Justice* [2015] IEHC 446.

failure to satisfy the good character requirement have been road traffic related).⁴ In *Hussain v Minister for Justice, Equality and Law Reform*,⁵ the Court stated that ‘the respondent cannot, for example, demand that applicants meet some exalted standard of behaviour that would not realistically be expected of their Irish counterparts’. But according to reports from the Road Safety Authority, and statistics from the Court Services, many Irish citizens breach road traffic laws; so why are naturalised citizens expected not to break them?

Understandably, an immigrant who comes under the hospice of a State is, if not by common sense and respect, legally required under their immigration status to comply with the laws of the State. This would be fine if the punishment was to revoke their immigration status. But to deny them access to citizenship is to put them in double jeopardy, having first suffered the consequence of the offence in the first place through the ordinary criminal/civil court system, and then for a second time in negatively determining their application for naturalisation.

Then, like the ‘perfect citizen’, who through thick and thin remains faithful to the nation, naturalised citizens are demanded to remain in the State, first for a minimum of five years before naturalisation and indefinitely thereafter. Section 19 of the 1956 Act lays out the circumstances in which a naturalised citizen may lose their Irish citizenship, one of which states that if the naturalised citizen leaves the country for a period of seven years without reason, the naturalised citizen may lose his Irish citizenship. In clear breach of European citizenship free movement rights, naturalised citizens are required to remain in the State or risk losing their citizenship. Note further, the thousands of Irish emigrants who have left the emerald isle for pastures new are yet to return, after decades of non-political activity within the State, yet their citizenship remains intact.

Perhaps the term super-citizen is befitting. After all, studies have shown that immigrants in the Irish workforce have positive economic benefits.⁶ Their naturalisation certificate is proof that they commit less criminal offences, at least before naturalisation. And unlike most Irish citizens, they remain in the State no matter the circumstance (high unemployment, lack of housing etc), not least because they are legally required to, but because they have a point to make in showing society that Ireland is home.

⁴ Catherine Cosgrave, ‘Living in Limbo: Migrants’ Experiences of Applying for Naturalisation in Ireland’, (Immigration Council of Ireland 2011) 41.

⁵ *Kaspar Hussain v The Minister for Justice, Equality and Law Reform* [2011] IEHC 171.

⁶ Jim Power and Péter Szlovák, ‘Migrants and the Irish Economy’ (The Integration Centre 2012).

Of course, when I refer to naturalised citizens as super, I do not mean that they are better. Rather, it is observed that naturalised citizens are perceived not to be integrated enough into the Irish society, and are demanded to act in a superior manner than their Irish peers to prove their claim to ‘Irishness’. Naturalised citizens are expected to be the best their ‘Irish-born’ counterparts can be – to vote; to remain in the State; to be financially stable; to be of good character.

It is submitted that naturalised citizens are not really treated as citizens at all (at least in the sense of social justice and equality). Rather, they are the embodiment of what a true citizen ought to be. An ideal, projected onto vulnerable individuals whose only request is to be seen as equal, but who are instead provided with conditional citizenship.

On the other end of the scale are those who need not do anything to be considered a full citizen. Their citizenship is not revocable and may simply be granted Irish citizenship based on ancestry alone.⁷ The fallout from Brexit has truly enunciated the inequality that exists amongst citizens and naturalised citizens in Ireland. A Brit who, though unlikely, may never have even stepped foot in Ireland, not least for a weekend getaway, is entitled to an Irish passport on the basis of a great grandparent. But a naturalised citizen, who may have spent several years in Direct Provision, and more years thereafter, may still be denied Irish citizenship because of a speeding ticket.

Indeed, only a super citizen can go through such inequalities, and still crack a smile and answer ‘ye sure it’s grand’ when repeatedly asked ‘and do you like it here?’ after 16 years of calling Ireland home.⁸

Is mise le meas,

Bashir Otukoya

⁷ Irish Nationality and Citizenship Act 1956, s 7.

⁸ Note also other questions like ‘where you really from’, see for example, Bashir Otukoya, ‘I’m Irish, but the Irish Don’t Know That I’m Irish’ (*The Journal*, 18 August 2015) <<http://www.thejournal.ie/readme/irish-by-heart-2277271-Aug2015>> accessed 18 January 2017.