

# The Last Frontier of Globalization: Asylum and Citizenship in the Netherlands

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*I came to the Netherlands on 16 November 1998. I came alone...with a car. It was not so easy because I was a refugee from my country, Azerbaijan. It was a very difficult decision to go to another country but you know sometimes you have no choice. You have to do that.*

Alla Sarkisyan<sup>1</sup>

*I left Eritrea in March 2004...due to the presence of my brother I went straight to Sweden and applied for asylum, but it didn't work in Sweden because I first entered the Netherlands... I was made to come back to the Netherlands and again I applied for asylum...The process was not simple. It was complicated, difficult and I was not immediately accepted to have my residence packet.*

Ibrahim Mohammed<sup>2</sup>

## I. Introduction

Alla Sarkisyan and Ibrahim Mohammed are Dutch citizens who came to the Netherlands seeking asylum less than fifteen years ago. Today, they have accepted the Netherlands as their new home and their adopted country. Yet, indicative of their transnational journey, they continue to harbor strong feelings for their places of origin and culture. As Alla most poignantly stated, “the Netherlands is my home, but Russia and Armenia are in my blood.” Her sentiment reflects the shift towards a transnational conception of identity and moreover illustrates the changing nature of citizenship within this era of globalization. The mixed identity that she and countless others express poses a challenge to the traditional notion of citizenship espoused by the Dutch state. Alla and Ibrahim are just two examples of the thousands of recently arrived refugees and asylees who are reshaping the political and social landscape of the Netherlands. The stories of their integration into Dutch society exemplify the challenges and achievements of redefining citizenship in this time of globalization.

Globalization has left a lasting and transformative impression on human life through the emergence of a global economy, standards of universal human rights, and unprecedented amounts of transnational migration. Given these changes, many scholars have asserted the impending disappearance of the modern nation-state and the birth of a plural, post-national state. As a core defining principle of the nation-state, “citizenship” is similarly being redefined. As Alla’s and Ibrahim’s lives indicate, citizenship is no longer a concrete and predetermined form of identification. As migration increasingly changes the composition of many countries, especially in the more developed areas of the world, the concept of citizenship is also being reimagined. For over two hundred years, the nation-state has used the notion of citizenship to differentiate those who “belong” from those who do not. It has been and continues to be an integral means through

which the state maintains its sovereign power within its boundaries. With the many pressures of globalization continuously eroding national sovereignty, citizenship may be one of the last spheres of influence in which the state continues to be dominant. However, there is a growing body of scholarly literature identifying the rise of a cosmopolitan or global definition of citizenship, which challenges the traditional conceptions of citizenship and thereby further diminishes the role of the nation-state. Internationalist scholars are questioning the statist viewpoint that citizenship cannot be exercised outside of the sovereign nation-state.

I aim to determine how state actors concede to and resist the globalization pressures that challenge traditional notions of citizenship. Using the Netherlands as a case study, I seek to compare the trend in the literature describing the increasingly global nature of citizenship to the actual process of entering the state and obtaining citizenship. In particular, I seek to answer the question: How does the Dutch state employ asylum and citizenship policies as a means of resisting the pressures of globalization that threaten its sovereignty and national identity? The means through which the Dutch government resists this trend in an effort to protect one of the last arenas in which its power is exclusively exercised illustrates the challenges to a global conception of citizenship. By focusing on the experiences of asylum seekers as they journey through the process of becoming Dutch citizens, I can more clearly demonstrate how the international pressures and the state's resistance are manifested. The internationally protected status of asylum seekers within the human rights regime places particular pressure on the Netherlands and other liberal democratic states to accept a certain number of newcomers into their sovereign territory. However, the vulnerable position of recent immigrants and their status as the latest arrivals into the Netherlands also mean that they are often the targets of restrictive actions taken by the state in order to minimize immigration. The experiences of asylum seekers and refugees<sup>3</sup> illustrate the Dutch state's struggle to maintain its identity as a sovereign nation-state despite the multiple pressures from globalization and European integration threatening this identity.

The study is divided into four sections. The first will consist of an overview of the literature illustrating the growing trend in citizenship theory toward a more cosmopolitan or global understanding of citizenship. In the second section, I compare this development in the literature with the asylum process in the Netherlands. I argue that while global governance in the form of the universal human right to seek asylum coincides with trends in the literature, the state rejects this universal duty through its stringent bureaucratic process in admitting asylum seekers and its highly regulatory border control. The third section analyzes the second step toward citizenship: permanent residence. Here I address the liberalizing trend toward making residence rights more congruent with citizenship rights, followed by an analysis of efforts by the state to assert its control over the newcomers through strict integration policy. Fourth, I look at the culmination of the citizenship process by first focusing on the important liberalizing trends in the nature of citizenship, such as the introduction of European citizenship and the standardization of naturalization procedure. Subsequently, I demonstrate the supremacy of the state in regulating citizenship policies through the increasingly strict requirements for naturalization, such as citizenship exams, and the shifts in the meaning of citizenship closer to the traditional nationalist conception. I conclude by indicating the important role played by refugees in embodying the trend towards post-national citizenship and I end with three lessons that I take from studying this phenomenon.

## II. Theorizing Citizenship

### A. Contemporary Debates

Though not necessarily a new concept, globalization<sup>4</sup> today is characterized by unprecedented amounts of transnational migration, communication technologies, and international trade. The intensification of contacts among peoples from different states has softened borders and led to the creation of a global civil society that modifies the constrictions of the modern nation-state.<sup>5</sup> These developments have led to a growing discourse on the future of the sovereign nation-state as the dominant player in the international political arena. Citizenship, as a key element of the nation-state, has been a frequent subject of these debates. Scholars have taken varied stances on the current and future status of citizenship. I have chosen to focus on the broad debate about the feasibility of separating the notion of citizenship from that of the state. In the following sections, I highlight this debate by presenting first the statist perspective, asserting the intrinsic tie of citizenship and the nation-state, followed by the internationalist perspective representing the newest developments in citizenship discourse and advocating a universal and inclusive conception of citizenship.

#### 1. Statist Perspective

American political philosopher Michael Walzer represents the communitarian viewpoint in his consideration of citizenship as being a concept intrinsically tied to a territorially and historically bound community. Walzer is, first and foremost, concerned with the right to self-determination and the “particularism of history, culture and membership.”<sup>6</sup> He claims this right gives states justification for exclusion; however, given his liberal views, he places some important constraints on this right. Most important in regard to citizenship is his insistence that the state is obligated to make citizenship accessible to all who are admitted into the community. Walzer thus posits naturalization as a universal right of all members within a community; however, he qualifies this apparent inclusiveness through his insistence on a community’s right to restrict admission as its members deem appropriate.<sup>7</sup> The right of self-determination once more becomes the justification for this claim to exclusivity in admission into the state:

Admission and exclusion are at the core of communal independence. They suggest the deepest meaning of self-determination. Without them, there could not be communities of character, historically stable, ongoing associations of men and women with some special commitment to one another and some special sense of their common life.<sup>8</sup>

His argument that communities, or states, have the right to “shape the resident population” markedly diverges from those who would argue the diminution of state sovereignty.<sup>9</sup> The particularism with which he views communities or states necessarily places a restriction on the expansion of the concept of citizenship. In fact, in his insistence on the maintenance of cohesion within the community through the extension of the rights of naturalization to all admitted members, he goes so far as to assert that given the “community is so radically divided that a single citizenship is impossible, then its territory must be divided....”<sup>10</sup> This in effect, constrains any move to conceptualize citizenship beyond the traditional notion of a single membership within a bounded territory.

Rogers Brubaker echoes Walzer's assumptions about the pre-eminence of the state and its right of sovereignty within world politics. Using the example of Europe's supranational organization, the European Union, he demonstrates the persistence of national sovereignty and the bond between citizenship and nationhood. He indicates that the regional merging of Europe has led to a weakening of national sovereignty in areas such as economics, law, and immigration while citizenship has remained untouched.<sup>11</sup> Citizenship is the last frontier through which nation-states assert their national identity and sovereignty, particularly in Europe where economic and political integration have been the strongest. For Brubaker, "debates about the citizenship status of immigrants remain in large part debates about nationhood—about what it means, and what it ought to mean, to belong to a nation-state."<sup>12</sup> The fate of citizenship is thus intricately tied to that of the nation-state. According to Brubaker, the growing discourse proclaiming the decline of the nation-state—and therefore citizenship as we know it—is premature. The steadfastness with which states continue to guard their citizenship policies proves the yet unbroken link between the nation and citizenship.<sup>13</sup>

## 2. Internationalist Perspectives

Canadian political philosopher Joseph Carens represents the internationalist viewpoint in his rejection of the exclusivity of citizenship and the sovereignty of the state by espousing open borders and essentially free movement of peoples between countries. Rejecting all higher attributes given to citizenship by previous scholars, Carens instead classifies citizenship "in Western liberal democracies [as] the modern equivalent of feudal privilege—an inherited status that greatly enhances one's life chances."<sup>14</sup> Given this classification, citizenship is thus a contingent attribute like race, gender or ethnicity, and therefore cannot be a morally justified means of exclusion. In this sense, Carens reaffirms Walzer's insistence on the right of naturalization for all admitted members of a state. However, with his liberal minimalist perspective, Carens moves a step further by insisting that the only criteria for naturalization should be length of residence.<sup>15</sup> He eschews the importance of particularism and the political society, but prioritizes the role of civil society in the notion of citizenship. The act of living in a community for a certain length of time, according to Carens, entails forming relationships and building networks with other members of the community, leading to a deep and long-lasting connection that "creates a strong moral claim to the full set of rights associated with citizenship."<sup>16</sup> Thus, he takes Walzer's argument for the extension of the rights of citizenship to all admitted members and extends it beyond the particular borders of the nation-state.

Seyla Benhabib reiterates Carens' assertion that "citizenship status and privileges which are simply based upon territorially defined birthright are no less arbitrary than one's skin color and other genetic endowments," and also advocates the opening of borders between nation-states.<sup>17</sup> Benhabib focuses particularly on the rights of the "stateless," or refugees and asylum seekers, who are in the precarious situation of requiring admission from safer states. She finds that the concept of national sovereignty hinders the just admission and membership rights of peoples who are denied their basic human rights. The current demarcation of communities based on state sovereignty is not an inherent characteristic of human organization but rather a relatively recent modern development, and, therefore, must diminish to be replaced by "porous borders." Benhabib directly disputes Walzer's communitarian claims of the liberal-democratic state as a culturally and ethically united and holistic entity, pointing to the globalization-induced multiculturalism and pluralism evident in today's liberal-democratic societies. She defends immigration from blame for the perceived decline of citizenship. She further espouses

internationalist ideals by claiming that “the right of membership ought to be considered a human right,” both morally and legally.<sup>18</sup> Though she acknowledges the persistence of the state as a dominant player in world politics, Benhabib asserts the need to view the world as a global civil society in which non-state actors may also play important roles. Thus, if citizenship is intrinsically tied to civil society, as Walzer claims in his defense of “critical associationalism,” a global notion of civil society would open the door for a global notion of citizenship.<sup>19</sup>

While Carens and Benhabib choose to base their assertions about citizenship on the diminishing state of national sovereignty, Linda Bosniak focuses on the concept of “denationalized citizenship.” Although she acknowledges that denationalization seems least plausible in its legal status, since even European Union citizenship is a supplement to national citizenship rather than a replacement, Bosniak argues that other areas of citizenship, such as rights and duties, demonstrate a denationalized conception of citizenship.<sup>20</sup> Like Benhabib, she takes the existence of a global civil society as evidence of the emergence of post-national citizenship. Activities and practices in politics, society, and economics that are traditionally associated with national citizenship are taking place on a global scale. People from various corners of the globe are, for instance, creating international organizations to lobby states in an effort to address global issues, such as human rights abuses. Furthermore, the law is increasingly internationalized as we see the formation of an international human rights regime through such institutions as the International Criminal Court. Bosniak points to the liberal cosmopolitan view that citizenship must play a “morally irrelevant” role in differentiating between persons; it must be “just one of many forms of affiliation, with equal rather than superior importance.”<sup>21</sup> In addition, “Citizenship is as much an idea as it is a set of institutions and social practices.”<sup>22</sup> Therefore, just like any other idea, citizenship may be subject to reformulation and re-imagination.

The assertions and observations of these scholars clearly demonstrate the debates within citizenship discourse. But what do the factors that have led to this discourse entail for so-called plural, liberal states? How have they reacted to the threat of globalization upon their nationalized rendition of citizenship? The gradual liberalization of citizenship requirements throughout Europe juxtaposed with the current debates about stricter immigration and integration policies in the Netherlands illustrates the pattern of concession and resistance that states are exhibiting in light of globalization and increased immigration. In the next three sections, I will follow the steps of asylum seekers as they move towards gaining permanent and full membership within the Netherlands. Thus, within each major step on the way to citizenship, I will look at how the state concedes greater liberalization in its admission and citizenship policies yet also resists this liberalization through greater restrictions.

### **III. Asylum Seekers**

#### **A. Pressures**

The Netherlands faces pressure to respect the right of asylum from two sources. First, as Article 14 of the *Universal Declaration of Human Rights* (UDHR) declares, “everyone has the right to seek and to enjoy in other countries asylum from persecution.”<sup>23</sup> Classifying asylum as a universal human right compels every state signatory to the UDHR (and additional binding treaties and conventions) to uphold and respect it. Since 1948, the right to seek asylum has been included as a paramount right in the human rights regime, even warranting the establishment of a United Nations agency, the U.N. Refugee Agency, dedicated to its proper implementation. The

UDHR, which despite its universal acceptance remains legally nonbinding, is the only international document that explicitly grants asylum as a human right. However, the prohibition of “*refoulement*,” which is included in several binding international treaties and conventions, is used to implicitly enforce the right of asylum. The 1951 *Geneva Convention Relating to the Status of Refugees*, in conjunction with the *New York Protocol of 1967*, clearly states: “No contracting state shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”<sup>24</sup>

Article Three of the 1984 *Convention Against Torture* (CAT) similarly asserts: “No State Party shall expel, return (“refouler”) or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture.”<sup>25</sup>

In his examination of the international law surrounding asylum, Gregor Noll indicates that within the clauses prohibiting *refoulement* lies an implicit right to access. Thus, if a refugee or asylum seeker has successfully exited his/her dangerous home territory and reaches a border, by rejecting the refugee the state implicitly leaves the refugee to return to the dangerous territory, essentially resulting in *refoulement*.<sup>26</sup> Based on the binding nature of the Geneva Convention and the CAT, therefore, the Netherlands, as a signatory to both, is legally bound by these international agreements to uphold the right of asylum in the event that asylum seekers reach its borders.

The second source of obligation derives from the Netherlands’ status as a member of the European Union. The EU may be the best example of the transformation of world politics, illustrating the diminishing role of the individual nation-state in favor of regional and international governing actors. As a member state, the Netherlands is subject to certain constraints and requirements that limit its sovereignty, particularly in the area of asylum. The *Amsterdam Treaty*, which amends the original founding treaty of the European Union, establishes the requirement for all member states to follow asylum procedures in accordance with the Geneva Convention of 1951 and the 1967 Protocol.<sup>27</sup> Furthermore, the *Charter of Fundamental Rights of the European Union* echoes the UDHR in explicitly citing the right of asylum in its Article 18.<sup>28</sup> Before the entry into force of the *Amsterdam Treaty* in 1999, immigration and asylum were subjects over which sovereignty was contentiously debated.<sup>29</sup> The eventual agreement may, therefore, represent a concession of sovereignty rights on the part of member states, such as the Netherlands, in favor of cohesion and a unified front on human rights and other areas of mutual interest.

## B. Resistance

*It was a real psychological torture. It is horrible because we differ in age; we differ in nationality or place of origin. Some are highly frustrated; some even went to the extent of committing suicide.*

Ibrahim Mohammed describing the condition in the returnees’ camp for rejected asylum seekers (1 January 2012).

While international and regional human rights laws and customs push the Netherlands to admit refugees and asylum seekers into its sovereign territory, the Dutch government employs numerous measures in order to maintain the state’s right to restrict immigration and therefore exercise its sovereign right to “shape [its] resident population.”<sup>30</sup> These measures have become particularly salient in recent years as the immigrant population rises to comprise a greater

percentage of the overall population. As recently as 2006, one in five persons in the Netherlands was either an immigrant or the child of an immigrant.<sup>31</sup> With the continuing high number of annual applications for asylum, this demographic shift is not subject to change any time soon. Perceiving the influx of immigrants as a threat to Dutch national and cultural identity, some political actors in the government are insisting on a reduction in the number of accepted asylum seekers by introducing stricter regulation of the procedure. In a July 2010 Parliamentary Support Agreement made between the two largest political parties (VVD and CDA) and the PVV, the right-wing political party led by Geert Wilders, the reduction of immigration was cited as one of the “government’s main policy objectives.”<sup>32</sup> Focusing on the reduction of the number of accepted asylum seekers, the agreement emphasizes greater employment of the Dublin Convention<sup>33</sup> and calls for the burden of proof to “rest more heavily on the applicant.”<sup>34</sup> As Ibrahim’s experience illustrates, this increased pressure and instances of rejection that asylum seekers face aggravates their already difficult position, inducing stress and frustration. Furthermore, one interpretation of the Refugee Convention, leaving the status of a refugee up to the state, may give the Netherlands (and other states) a loophole through which to limit the acceptance of asylum applications. For instance, in an effort to simplify and expedite domestic asylum procedures, the Dutch government sought to remove “Convention refugee status from its panoply of protection measures” and rearrange, or “simplify,” the range of protected statuses.<sup>35</sup> This would be in direct opposition to the EU’s stance in the *1951 Convention*, indicating the Dutch state’s inclination to assert its sovereign rights to regulate its domestic asylum policies as well as to have a voice in the formation of EU policies on asylum.

Though European integration has played a large role in the weakening of each member’s individual state sovereignty, it has also been instrumental in the move to limit the number of asylum seekers entering EU territory, which may be considered a larger threat to national identity than the supplemental Union citizenship. The creation of classifications such as “safe country origin,” “transit countries” or “safe third country,” in conjunction with strict border control, provides EU states with legal justifications to deny acceptance to a majority of asylum seekers.<sup>36</sup> The act of not seeking asylum in their first “safe” destination classifies their applications as being “manifestly unfounded.”<sup>37</sup> Institutionalization of these terms essentially renders asylum seekers illegal who have traveled through certain so-called safe countries to enter and seek asylum in a member state. Through this “metamorphosis of asylum-seekers [entering Europe] into ‘illegal’ immigrants,”<sup>38</sup> we may thus be witnessing the emergence of what is being termed “Fortress Europe.”<sup>39</sup>

Although asylum is universally accepted as a human right, states continue to assert their sovereign privilege to mitigate their obligations to uphold the right.<sup>40</sup> State obligations to international human rights law may create a powerful incentive for the Netherlands to remain open to asylum seekers; however, in its effort to reduce the number of newcomers and maintain sovereign control to determine the composition of its populace, Dutch state actors are, nevertheless, putting forth resistant measures that counteract this international pressure. Most significant within the field of asylum is the reliance of member states, such as the Netherlands, on EU border control and asylum policy to justify the rejection of a greater number of asylum applicants. In the area of asylum and more broadly, immigration, states are gradually conceding their rights to absolute sovereign control in favor of regional cooperation.

## IV. Permanent Residence

### A. Liberalization of Rights

In his classic theory of rights-based social citizenship, T. H. Marshall identifies three levels of citizenship rights: civil, political, and social.<sup>41</sup> Throughout most of history these rights were used to distinguish between citizens and noncitizens. Today, with the exception of undocumented immigrants, persons residing in a country legally and permanently are afforded nearly the same rights of membership as citizens. Asylum seekers with permanent residence status, or refugees, are therefore endowed with full civil and social rights. In the Netherlands, permanent residents who meet the requirement of “five years of uninterrupted lawful residence” are granted voting rights at the municipal level.<sup>42</sup> Thus, to some extent “lawful permanent residents” are also eligible for political rights. Though citizenship continues to be the highest attainable status within a state, the fact that permanent residents are nearly indistinguishable from citizens in terms of their social, civil, and economic rights may weaken the concept of citizenship.<sup>43</sup> The expansion of membership rights to permanent residents allows for a wider interpretation of the meaning of citizenship. If the rights reserved for citizens can be expanded beyond their traditional boundaries to include noncitizens, then perhaps citizenship as a concept in itself may be expanded beyond its territorial borders to include people beyond the nation-state.

### B. Resistance: Integration

*Unless you mix with the society, integrate with the society, the oral, or speaking part is not an easy thing.*

Ibrahim Mohammed discussing the integration courses and exam.

Although liberalizing trends around the world have led to an unprecedented expansion of membership rights to lawful permanent residents, state actors have taken resistant measures in an effort to protect the traditional national and culture-based notion of membership and citizenship. Permanent residence is most often a temporary status through which refugees must pass on their path to obtaining citizenship. The Dutch government, through its integration policy, has chosen this path to mold its populace and maintain a single Dutch nationhood. Immigration policy, also known as Minority Policy, was first implemented in the early 1980s. During this early period the response taken by the government was a policy of multiculturalism. Realizing that refugees and other immigrants, such as labor migrants from Morocco and Turkey, would be a permanent fixture in Dutch society, the government responded with a liberal policy that emphasized the preservation and free practice of their culture and identity on the part of immigrants.<sup>44</sup> This period of multiculturalism was characterized by the liberalization of the rights of immigrants, with the extension of voting rights to legal permanent residents taking place at this time, and with the promotion of anti-discrimination policy.<sup>45</sup> Following the events of September 11, 2001, and the subsequent assassinations of politician Pim Fortuyn and filmmaker Theo van Gogh, both ardent critics of immigration, Dutch policy toward immigrants took a “seismic shift” toward a stricter integration-based approach.<sup>46</sup>

The *Civic Integration of Newcomers Act*, introduced in 1998, established integration requirements such as mandatory Dutch language and integration courses focused on building knowledge of Dutch society.<sup>47</sup> For refugees, these courses begin during their time in the asylum waiting centers.<sup>48</sup> For instance, by the time that Alla obtained her permanent residence status she



had already obtained her certification for the language requirement, having studied during her stay at the asylum seeker center. Despite “success” stories like Alla’s, immigrants and refugees are increasingly viewed as threats to Dutch national and cultural identity, with populist politicians claiming that “immigrants refuse to integrate and that governments have lost control.”<sup>49</sup> Their presence is considered a threat to “social cohesion”<sup>50</sup> and therefore a hindrance to the maintenance of nationhood based on a concrete and sovereign national identity. There is a shift in focus from the institutional integration of immigrants in an effort to raise their socioeconomic status to cultural integration as a means of assimilating them into Dutch society and culture. This change illustrates the means through which some state actors seek to combat a transnational or multicultural conception of identity and membership within the Netherlands.

According to Stephen Castles and Mark J. Miller, the increase in ethnic diversity of more and more countries in light of continuing international population flows is one of the major themes of globalization. As evidenced by its transformation into a “country of immigration,” the Netherlands is also subject to this global trend.<sup>51</sup> While Dutch state actors responded at first with liberal measures to these developments, it is now apparent that the rising number of immigrants poses a threat to nationalist conceptions of identity and citizenship. This has, in turn, triggered strong resistance measures taken by the government in an effort to maintain and protect a homogenous Dutch national identity.

## V. Defining the Citizen

### A. Global Trends

Although citizenship policy continues to be considered “a last bastion of sovereignty,” there are significant global trends suggesting a possible shift in the traditional conception of citizenship.<sup>52</sup> Scholars point in particular to the recent establishment of European Union citizenship as a first step toward the emergence of post-national or transnational forms of citizenship.<sup>53</sup> Though it functions only as a supplement to national citizenship, EU citizenship is a powerful indicator of the possibilities for alternative renditions of membership. One of the influences of European integration, in addition to migration, has been the pressure it exerts on nation-states “towards a disentanglement of ethnicity, culture and nationhood from citizenship.”<sup>54</sup> This is particularly evident in the shift from the principle of *jus sanguinis* to that of *jus soli*. Nearly all European Union states are conferring citizenship based not on an inherited birthright but on place of birth, such that access to citizenship has expanded considerably. Furthermore, “in the past half century the access to citizenship for non-citizens and their descendants has been transformed from discretionary anomaly to rule-based routine.”<sup>55</sup> Citizenship has in essence become “de-sacralized and less nationalistic.”<sup>56</sup>

The standardization of naturalization means that those who may not fit the national or ethnic character of the nation-state have the legal means to obtain citizenship status. Naturalization is defined as “acquisition of citizenship—that is, of full membership within the political community and of the rights and duties which are attached to it.”<sup>57</sup> In the Netherlands, the Netherlands Nationality Act, which went into force on April 13, 2010, clearly stipulates the legal requirements and preconditions that must be met in order to obtain Dutch nationality. For example, one must have lived continuously and legally in the Netherlands for five years, become “sufficiently integrated in Dutch society,” and have adequate knowledge of the official language through participation in mandatory integration courses.<sup>58</sup> This is tested by a citizenship exam that is mandatory for the completion of the naturalization process. For refugees, the costs of the

course and the exam are covered by the municipality in which they reside.<sup>59</sup> In maintaining a standard and equal (legally) procedure of naturalization open to all who can meet the requirements, the Netherlands is, hence, conceding to global pressures to detach nationality from citizenship, taking a further step away from its identity as a nation-state.

## **B. Resistance**

Despite the apparent trend toward a post-national citizenship, the Dutch state maintains strict control over nationality policy as the sole domain of the state. It resists the general trend throughout Western Europe towards the legalization of multiple nationalities through Article 9 of the Netherlands Nationality Act, which stipulates that one cannot become a Dutch citizen unless he/she has “made every effort to renounce that [original] nationality.”<sup>60</sup> In insisting that all persons wishing to obtain Dutch citizenship renounce any previous nationalities, the state is asserting the pre-eminence of a single nationality and insisting on exclusive loyalty to one state. In the midst of globalization, European integration, and the subsequent liberalizing trends characterizing immigration and asylum, the Dutch state may view protection of national citizenship as a last defense of its seemingly quickly eroding national sovereignty.<sup>61</sup>

Although the standardized process of naturalization separates nationality from citizenship within a legal context, citizenship tests are also a primary step through which the state further claims control over the policies surrounding citizenship. Given the high rate of refugees seeking to naturalize, the Dutch government employs the exam not only to mold the new citizens to cohere with existing notions of Dutch national and cultural identity, but also to assert the state’s authority over its citizenry. Lowenheim and Gazit, taking a Foucauldian viewpoint, assess the citizenship exam as being “a sign of authority, a technology used to naturalize authority and a disciplinary tool.”<sup>62</sup> As a standardized, mandatory action, the exam is creating subjects to be under the authority of the state, according to the scholars. The exam’s structure of having seemingly clear cut, simplified answers to complex questions of national identity—a subject particularly contested in the Netherlands—has the effect of creating an obedient and unquestioning citizenry:<sup>63</sup> “Political power is asserted and reified when those subject to it become uneasy.”<sup>64</sup> The Dutch government confers this power upon itself when it declines to publish the content of the naturalization exams, thus denying applicants the chance to adequately prepare for them. In a classic conflation of legal citizenship with nationalism, it insists instead that “one cannot study to be Dutch, one has to feel Dutch.”<sup>65</sup>

Emphasis on citizenship based on Dutch cultural and national identity follows in the wake of stricter immigration and integration policy. Just as focus has shifted from socioeconomic to cultural integration, citizenship is reinterpreted as a principle based on society and culture rather than on law.<sup>66</sup> This shift embodies the counteractive initiatives taken by the state in response to the perceived threat to its national sovereignty. Citizenship has been redefined and is interpreted in moral terms. Using integration as a compass distinguishing “active” from “non-active” citizens, moral citizenship is used to determine those who “belong” in the society from those who do not.<sup>67</sup> This renders some immigrants who have obtained citizenship status as being insufficiently integrated and therefore excluded from national society despite their legal status. Through this development in the interpretation of citizenship, we witness the persistence of nationality-based citizenship characteristic of the nation-state. While citizenship is commonly the distinguishing factor between the various inhabitants of a state, ethnicity plays a larger role in the divisions in Dutch society; refugees, who have become naturalized citizens, may therefore

continue to be excluded from Dutch society due to the unchanged perception of citizenship as being intrinsically tied to nationality.

Despite the advent of European citizenship and more liberal naturalization policy, citizenship remains under the safeguard of state sovereignty. In the midst of European integration and the establishment of Union citizenship, member states like the Netherlands may “cling ever more insistently to controlling their own national citizenship policies as one of the few areas remaining to them to exercise their own autonomous sovereignty.”<sup>68</sup> While the pressures of globalization appear to have provoked some significant changes to citizenship, the measures taken by the Dutch state to maintain its tight control over national citizenship policy demonstrate that the effort to globalize citizenship remains in its nascent stage.

## VI. Conclusion

Globalization has brought tremendous change to the Netherlands. Economically, politically, and socially, the country has become more intertwined with the rest of the world. The unprecedented amount of newcomers into the Netherlands has sparked a series of reactive measures from the government that seek to preserve a national identity and sovereign power that seem to be fast eroding. As the latest newcomers, asylum seekers have been particularly subject to these restrictive measures. In following their journey to citizenship, I find that shifts toward a transnational conception of citizenship, though mainly theoretical, are embedded into the refugee’s sense of identity. Alla’s and Ibrahim’s stories indicate the inevitable changes in the meaning of citizenship, as their transnational experiences lead them to adopt multiple forms of self-identification. Thus, on the one hand, they accept their new status as Dutch citizens; in fact, Ibrahim repeatedly asserted that, “Dutch citizenship is a privilege.” Yet on the other hand, they cannot forget their past. Ibrahim continues by stating that, “Eritrea is my nationality, it is where I was born and raised...where I am from.” These sentiments illustrate the melding together of a new transnational identity composed of the old and the new. As transnational migration intensifies these shifts in the mindsets of individuals, it will undoubtedly have powerful consequences for the future conception of citizenship. In the end, these observations and the close examination of Dutch resistance to the pressures of globalization reveal three main lessons about the impacts of globalization.

First, the manner in which we define citizenship can have a lasting impact on divisions within society. The growing ethnic diversity in the Netherlands, due to globalization, has brought the question of who belongs and who does not to the forefront of political thought. Regardless of the state’s attempts to enforce a national conception of citizenship, refugees and other immigrants maintain indelible ties between their home and host countries, leading to notions of belonging and citizenship that transcend the boundaries of the nation-state. Citizenship based on nationhood is inherently characterized by its exclusive nature. Thus, it is important to recognize the inclusivity that would be brought about by a less stringent definition of citizenship. Nigel Dower states that, “All human beings are global citizens in virtue of rights and duties which we all have as human beings.”<sup>69</sup> Despite state resistance to this trend, globalization through increased migration and contact among peoples may make the achievement of true global citizenship into a future reality.

Second, the debates surrounding citizenship illustrate the state’s struggle for dominance in the context of globalization. As the primary form of determining inclusion and exclusion from the nation-state, citizenship is an indispensable tool for the state’s exercise of its sovereign power. Considering the ways in which citizenship is being reoriented is an important indicator of how

globalization is changing the role of the state within and outside its borders. The trend toward recognizing a multidimensional view of citizenship facilitates the creation of more powerful transnational connections among different populations. Globalization is undoubtedly leading to the deconstruction and redefinition of fundamental principles underpinning the nation-state. Denationalizing citizenship may have the ultimate effect of diminishing the dominance of the nation-state in the international arena.

Finally, there are limits to globalization and the pressures it exerts upon the state. Trends toward globalizing citizenship, though growing, are mainly theoretical. Legally, citizenship based on membership in one state remains the dominant paradigm. The fact that “statelessness remains a status of severe deprivation” is proof of the persistence of statist perceptions of belonging.<sup>70</sup> In many ways, the Netherlands has succeeded in protecting its sovereign authority to determine its own national citizenship policy despite European integration and other pressures of globalization. European Union citizenship continues to be a supplement to national citizenship while dual citizenship is only possible at the will of the state. As we witness globalization eroding most aspects of national sovereignty through such developments as economic integration, international policy regimes, and rising transnational interconnections, citizenship remains the last frontier to be conquered by these globalizing forces. It is, for the time being, the last domain in which the state reigns supreme.

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## Notes

1. Alla Sarkisyan, interview by Danait Teklay, tape recording, Asylum Seeker Center (AZC), Heerlen, Netherlands (15 November 2011).
2. Ibrahim Mohammed, interview by Danait Teklay, tape recording, Aalsmeer, Netherlands (2 January 2012).
3. Asylum seekers that have obtained permanent residence are referred to as refugees.
4. Amartya Sen, “How to Judge Globalism,” *The American Prospect* 13, no. 1 (2001).
5. Mary Kaldor, “The Idea of Global Civil Society,” *International Affairs* 79, no. 3 (2003).

6. Joseph Carens, "Aliens and Citizens: The Case for Open Borders," in *Theorizing Citizenship*, edited by R. Beiner (Albany, N.Y.: State University of New York Press, 1995), p. 245.
7. Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983), p. 62. Walzer uses the comparison of "guest workers" with "live-in servants" to illustrate the moral and ethical implications of denying citizenship to admitted members of a community. He insists that the rights of exclusion must only apply to foreigners and not to those who have already entered into the community as members.
8. Ibid.
9. Ibid., p. 52.
10. Ibid., p. 62.
11. William Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 2004), p. 180.
12. Ibid., p. 188.
13. Ibid., p. 189.
14. Carens 1995, p. 230.
15. James Hampshire, "Liberalism and Citizenship Acquisition: How Easy Should Naturalisation Be?," *Journal of Ethnic and Migration Studies* 37, no. 6 (2011): 958.
16. Ibid.
17. Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (Cambridge: Cambridge University Press, 2004), p. 95.
18. Ibid., p. 73.
19. Michael Walzer, "The Civil Society Argument," in *Theorizing Citizenship*, edited by R. Beiner (Albany, N.Y.: State University of New York Press, 1995), p. 171.
20. Linda Bosniak, "Denationalizing Citizenship," in *Citizenship Today: Global Perspectives and Practices*, edited by A. Aleinikoff and D. Klusmeyer (Washington, D.C.: Brookings Institution Press, 2001), p. 241.
21. Ibid., p. 248.
22. Ibid., p. 249.
23. Gregor Noll, *Negotiating Asylum: The EU Acquis, Extraterritorial Protection, and the Common Market of Deflection* (The Hague: M. Nijhoff, 2000), p. 357.

24. Ibid., p. 363.
25. United Nations General Assembly, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (26 June 1987).
26. Noll 2000, p. 388.
27. European Union, *The Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts*, Article 73k, Clause 1 (2 October 1997).
28. European Union, *Charter of Fundamental Rights of the European Union*, *EUR-Lex: Access to European Union Law* (2010), accessed online on 2 January 2012 at [eur-lex.europa.eu/en/treaties/index.htm](http://eur-lex.europa.eu/en/treaties/index.htm).
29. Elspeth Guild, *The Legal Elements of European Identity: EU Citizenship and Migration Law* (The Hague: Kluwer Law International, 2004), p. 166.
30. Walzer 1983, p. 52.
31. Han Entzinger, "Changing the Rules while the Game is On: From Multiculturalism to Assimilation in the Netherlands," in *Migration, Citizenship, Ethnos: Incorporation Regimes in Germany, Western Europe and North America*, edited by M. Bodemann and G. Yurdakul (New York: Palgrave MacMillan, 2006), p. 1.
32. *Parliamentary Support Agreement*, Government of the Netherlands (30 July 2010), accessed online in November 2011 at [government.nl/government/cabinet/parliamentary-support-agreement](http://government.nl/government/cabinet/parliamentary-support-agreement).
33. *The Dublin Convention*, later amended to become the *Dublin Regulation*, is a legal agreement among the EU members, Norway, and Iceland that went into force on 1 September 2003. It provides the rule that an applicant must file his/her asylum procedure in the first "safe" country that he/she arrives. Furthermore, it gives states the right to send the applicant back to their original place of application. The implementation of the *Dublin Convention* may be a significant factor in the recent decrease of the number of asylum applications in the European Union. (Vink 2012.)
34. Entzinger 2006, p. 1.
35. S. J. Van, "Asylum in the Netherlands: A Hazy Shade of Purple," *Journal of Refugee Studies* 13 (2000): 87.
36. See Khalid Koser, "Asylum Policies, Trafficking and Vulnerability," *International Migration* 38, no. 3 (2000); Christina Oelgemöller, "'Transit' and 'Suspension': Migration Management or the Metamorphosis of Asylum-Seekers into 'Illegal' immigrants," *Journal of Ethnic and*

*Migration Studies* 37, no. 1 (2011); and Maarten Vink, “The Europeanization of Domestic Asylum Policy: National Executive Power and Two-Level Games” (2001).

37. Vink 2001, p. 17.

38. Oelgemöller 2011, p. 407.

39. Vink 2001, p. 23.

40. Benhabib 2004, p. 69.

41. T. H. Marshall, *Citizenship and Social Class: And Other Essays* (Cambridge: University Press, 1950).

42. Kees Groenendijk, “Local Voting Rights for Non-Nationals in Europe: What We Know and What We Need to Learn” (Washington, D.C.: Migration Policy Institute, 2008), p. 4.

43. William Rogers Brubaker, “Membership without Citizenship: The Economic and Social Rights of Noncitizens,” in *Immigration and the Politics of Citizenship in Europe and North America* (Lanham, MD.: University Press of America, 1989), p. 146.

44. Maarten Vink. “Dutch ‘Multiculturalism’: Beyond the Pillarisation Myth,” *Political Studies Review* 5 no. 3 (2007): 341.

45. *Ibid.*, pp. 340–341.

46. *Ibid.*, p. 337.

47. Ellie Vasta, “From Ethnic Minorities to Ethnic Majority Policy: Multiculturalism and the Shift to Assimilationism in the Netherlands,” *Ethnic and Racial Studies* 30, no. 5 (2007): 718.

48. Francine Hermsen, interview held in Asylum Seeker Center (AZC), Heerlen, Netherlands (19 October 2011).

49. Vasta, p. 713.

50. *Ibid.*

51. Vink 2007, p. 340.

52. Maarten Vink, “The Limited Europeanization of Domestic Citizenship Policy: Evidence from the Netherlands,” *Journal of Common Market Studies* 39, no. 5 (2001): 876.

53. *Ibid.*

54. Veit Bader, “Citizenship and Exclusion: Radical Democracy, Community, and Justice. Or What is Wrong with Communitarianism?,” *Political Theory* 23, no. 2 (1995): 212.

55. Christian Joppke, "Transformation of Citizenship: Status, Rights, Identity," *Citizenship Studies* 11, no. 1 (2007): 39.
56. Ibid.
57. Valeria Ottonelli, "Immigration: What Does Global Justice Require?," in *Global Citizenship: A Critical Reader*, edited by Nigel Dowel and John Williams (Edinburgh: Edinburgh University Press, 2002), p. 232.
58. IND Residence Wizard. Immigration and Naturalisation Service, accessed online in September 2012 at [english.ind.nl/residencewizard/verblijfwijzer\\_mijnsituatie.asp?proc=komen&procedure=Obtaining%20Dutch%20nationality&land=&duur=1&intro=procedure&lang=en](http://english.ind.nl/residencewizard/verblijfwijzer_mijnsituatie.asp?proc=komen&procedure=Obtaining%20Dutch%20nationality&land=&duur=1&intro=procedure&lang=en).
59. Article 9, *Netherlands Nationality Act*, 13 April 2010.
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61. D. B. Klusmeyer, *From Migrants to Citizens: Membership in a Changing World* (Washington, D.C.: Carnegie Endowment for International Peace, 2000), p. 9.
62. Oded Lowenheim and Orit Gazit, "Power and Examination: A Critique of Citizenship Tests," *Security Dialogue* 40, no. 2 (2009): 149.
63. Ibid., p. 161. For a more detailed analysis of national identity in the Netherlands, see Frank Lechner, *The Netherlands: Globalization and National Identity* (New York: Routledge, 2008).
64. Ibid., p. 153.
65. Joppke 2007, p. 45.
66. Willem Schinkel, "The Virtualization of Citizenship," *Critical Sociology* 36, no. 2 (2010).
67. Ibid., p. 266.
68. Klusmeyer 2000, p. 9.
69. Nigel Dower, "Global Citizenship: Yes or No?," in *Global Citizenship: A Critical Reader*, edited by Nigel Dowel and John Williams (Edinburgh: Edinburgh University Press, 2002), p. 40.
70. Richard Falk, "An Emergent Matrix of Citizenship: Complex, Uneven and Fluid," in *Global Citizenship: A Critical Reader*, edited by Nigel Dowel and John Williams (Edinburgh: Edinburgh University Press, 2002), p. 22.



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