

# **Acquisition of European Union citizenship through marriage: citizenship policies and the experience of transnational couples in Germany and Italy**

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## Abstract

This thesis provides a multiple analysis of citizenship policies of European Union member-states, in particular, Germany and Italy. Referring to the concepts of formal and substantive equality, the “management of intimacy”, and to the intersection between gender and “first class” and “second class” citizenship I examine changes introduced by EU member-states in domestic legislation to achieve gender equality in their citizenship policies covering the acquisition of citizenship through marriage. The transformation towards gender equality and the concomitant liberalization of citizenship acquisition for some groups of family members of EU nationals, however, has to be read together with the contrasting trend common to the member-states to restrict immigration flows from Third countries. As a result, the transformed legal framework has established rather formal equality while reinforcing grounds for substantive inequality based on the individual’s citizenship, gender, and social-cultural contexts. In the first part of the thesis I examine and compare gender-related changes introduced into citizenship legislation of Germany and Italy during the 20<sup>th</sup> century and analyze current nationality laws of these states concerning transnational marriages of their citizens with the nationals of non-EU countries. In the second part the interpretation of the data received from interviews with Ukrainian men and women married to citizens of Germany and Italy is presented. Based on the analysis of the citizenship law supported by the narrated experience of my interviewees I argue that current legislation for acquisition of citizenship through marriage and related social practice in both Germany and Italy substantive gender equality and gendered expectations in relation to transnational marriage continue to form controversial issues.

**Key words:** transnational citizenship, transnational marriages, gender equality, citizenship policies, acquisition of citizenship

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## Chapter 1: Introduction

*“Ukrainian wife differs in attitude to marriage from all the other ladies; this is why they are best mothers and wives... Only these ladies have strong family values and their thoughts about relationships will impress you... If you want to have a woman who will always take a good care of you, your family and will always be by your side, then you have to find among the best Ukrainian wives one only for yourself”<sup>1</sup>*

My first encounter with the issue of transnational marriages took place seven years ago when a friend of mine started working as an interpreter for foreigners coming to Ukraine for so called “Romance tours”. It meant that foreign men, mainly from the US and Western Europe, who used the services of dating agencies, were coming to Ukraine for a week or two to have real dates with the women they “met” at these agencies’ web-pages and, probably, find a Ukrainian wife. At that point the industry of “pre-arranged dating” was just getting started; in the West, Ukraine still had reputation of not the safest destination for tourist trips, and Ukrainian women were often associated with sex-trafficking. Nowadays, however, it is enough to put the term “Ukrainian wife” into Google search to access a large number of links to dating agencies in all major cities of the country providing services for anyone who would like to find a Ukrainian partner or wife and is ready to pay for it. It is enough to read the advertising that the web-pages like UkraineDate.com or BridesOfUkraine.com provide for Ukrainian women to understand why a considerable number of Western men do buy the tours to Ukraine:

*“Ukrainian Women are family-oriented, they are good wives and mothers. Having Ukrainian wife means to have happy and harmonious life. The wife is a caring mother to children and tender keeper of home. There's always homemade food and order in the house. Ukrainian women are the best mothers; they never leave children after divorce. To make compromises for Ukrainian women is a way of living. She is always with her husband because*

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<sup>1</sup> Direct quote from <http://realadies.com/> (marriage agency for foreigners looking for wives from Eastern Europe)

*she is a partner, not competitor. In general, Ukrainian women are more tolerant, and grew up with this habit of being attached to family and to take care of one another. Ukrainian girls are sexy and they are happy to make their men happy. They accept that husband is a leader, and they are happy to respect and adore him’’<sup>2</sup>*

*“You don't have to be a millionaire. It is good enough to have a stable job; but the better your financial situation is, the easier you will make contact with nice Ukrainian women, and the fewer obstacles you will get ... bringing your fiancée into the country’’<sup>3</sup>*

One of the current trends in the Ukrainian emigration process is the increase of the number of cases of marriage migration when Ukrainians move to foreign country with the purpose of family formation with foreign nationals. According to statistics, in 2009-2012 approximately 3-4 % of marriages registered in Ukraine were marriages between Ukrainians and foreign citizens. The total number of these marriages is even higher as the cases of unions between Ukrainians and foreigners registered outside of Ukraine are not included. Ukrainian official statistics does not provide gender information regarding these marriages (Ukrstat, 2013). Different sources, though, claim that from 70 to 95 per cent of Ukrainians marrying EU nationals are women (Gorny and Kepinska, 2004; Delsere, 2010; Piperno, 2011).

Dating agencies, of course, are only one of the many ways how the relationships between Ukrainians and foreigners, especially, between Ukrainian women and men from economically developed countries, are formed. It is likely, nevertheless, that the discourse and practices created by them support and reproduce attitude towards Ukrainian women in the Western world. I could not find, however, any dating agency that would offer match-making services and “romantic

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<sup>2</sup> Direct quote from [www.abridefromodessa.com/](http://www.abridefromodessa.com/)

<sup>3</sup> <http://www.uadreams.com/ladies/shewant.html> (“Are you looking for Ukrainian wife?”)

tours” for women from Western countries. The only web-page I have come across that offered “husbands from Ukraine” appeared to be Gaymarriageagency.com which, apparently, is not targeting heterosexual women. The whole dating industry, therefore, is constructed around the unions between well-off Western men and Ukrainian women. Even if there are services bringing together Western women and Ukrainian men, it is hard to find those.

The stable growth of the cases of emigration, including marriage migration, from Ukraine to the European Union started with the opening of the borders and unsuccessful reforms in post-soviet states that in a few years turned Ukraine into an emigration country (Markov, 2009: 8). Enlarged opportunities created by the introduction in 1992 in Maastricht of a category of EU citizenship, which gives its owners freedom of movement and the right to pursue economic activity in any of the EU member-states, attracted a large number of immigrants from Ukraine aspiring for citizen status (Markov, 2009: 9). However, acquisition of European Union citizenship becomes possible only through acquisition of nationality of one of the member states. It means that the conditions for acquisition of EU citizenship may vary significantly depending on a member-state’s domestic citizenship policy.

This thesis focuses on the marriages between Ukrainian nationals and citizens of the EU member-states, Germany and Italy, as a mode of acquisition of EU citizenship. A common trend in citizenship policies of most EU countries is facilitated conditions for naturalization<sup>4</sup> of family members of EU member-states nationals. Correspondingly, for those Ukrainians who do not have blood ties with EU citizens, the easiest way to acquire EU citizenship is through marriage with EU national. Of course, to register a marriage is not enough to become a citizen of the European Union. Even though the process of acquisition of citizenship for the spouses of EU nationals is

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<sup>4</sup> “Facilitated conditions for naturalization” presume that the applicant for citizenship will have to comply with fewer requirements than foreigners applying on regular basis.

easier than the standard procedure, the list of requirements that an applicant should meet remains quite demanding. Moreover, many EU member-states, concerned with the fact that facilitated procedures can lead to increased number of cases of “misusage” of marriage as a mode of easy access to citizenship, provided new restrictions and limitations targeting spouses from Third countries.

This thesis tackles two overarching questions. I ask whether the changes and transformations introduced during last decade into citizenship law of Germany and Italy work out in a similar manner, and have similar consequences, for men and women, who either hold EU citizenship or want to acquire it. And the second question is whether the intersection of gender and citizenship of the spouses leads to the normalization of certain categories of transnational marriages while marginalizing the others and, thus, creating grounds for social inequality and for what could be called a specifically gendered transnational marriage “regime”.

I have chosen Germany and Italy as cases for this study as they belong to the group of the main receiving countries for Ukrainian immigrants and, therefore, more material for the research is available. Italy is also the country with highly feminized immigration from Ukraine (80% of immigrants are women (Markov, 2009)). Furthermore, these countries are much more economically developed than Ukraine that creates higher class distinction between their citizens and Ukrainian nationals that would not be that noticeable in case of new EU member-states. Finally, Italy and Germany have quite different historical context of citizenship law development that makes it of a special interest to compare them.

The thesis consists of six chapters. In the second chapter, I examine the concept of transnational citizenship applied to EU, focusing on the place of gender and transnational marriages as mode of acquisition of citizenship in EU member-states’ policies. I also introduce key concepts used in order to frame this research and facilitate analysis. In the third chapter I



examine the dynamics of the transformation of citizenship law in the 20th century Germany from gender perspective and analyze current provisions in German legislation regulating acquisition of citizenship through marriage. The fourth chapter is dedicated to the legal developments concerning transnational marriages and naturalization of foreign spouses in Italy as compared to those in German legislation. Finally, in the fifth chapter I analyze the information obtained through 24 interviews with Ukrainian men and women married to EU nationals to support and develop the arguments I make in the previous chapters.

## **Chapter 2: Citizenship policies in the EU and transnational marriages involving Third country nationals**

EU citizenship is, at the present, the only example of transnational citizenship in the world since the European Union is a unique available model of supra-national union of the states. Since all the member-states are deeply involved in political and economic integration processes, their national policies are constantly influenced by principles and norms of the European Union institutions. The transformation of the EU citizenship laws is, therefore, shaped by the political and legislative developments both at national and supra-national level (Shaw, 2007: 42). This chapter examines how introduction of EU citizenship and the accompanying tendencies towards convergence in some important elements of citizenship policies within the EU influenced domestic laws and regulations concerning the access to the citizenship in the member-states for Third country nationals. In particular, it analyzes gender-related aspects of states' citizenship policies shaped by interaction of national and transnational institutions and focuses on the concept of transnational marriage as one of the modes of acquisition of citizenship. The chapter also introduces key concepts – “substantive and formal equality”, “intersectionality”, and “management of intimacy” – and methods that are used in this thesis.

### **2.1 Europeanisation of member-states citizenship policies**

One of the key developments in the legal framework of the European Union member-states is the Europeanisation of their domestic policies. Liebert defines Europeanisation as “a process of convergence towards shared policy frameworks” (2003: 16). “Framework convergence”, according to Liebert, includes the production of common sets of ideas and values and enhancement of government and administrative transformations towards “European order”

(2003: 15). This subchapter examines interaction between domestic and supra-national policies in the EU and trends in member-states citizenship law related to Europeanisation.

### **2.1.1 Transnational citizenship and EU member-states citizenship policies**

The legal status of EU citizenship is directly linked to citizenship in one of the member-states and only nationals of the member-states are defined as EU nationals: “Every person holding the nationality of a Member State shall be a citizen of the Union” (Article 8, Treaty on European Union, 1992). The access to EU citizenship for non-EU national at the present is possible only through acquisition of national citizenship of one of the member-states. It is important, therefore, that citizenship law remains an area of policy where EU member-states preserve relative sovereignty of domestic legislation over international law. The growing number of the EU international norms and regulations that brought significant pressure on states’ domestic policy, however, led to convergence in citizenship laws across the countries (Baubock, 2006). As Vink and De Groot point out even though there is still a large diversity between the member-states nationality legislation, an important common trend among them is constant increase of relevance of the EU membership and introduction of provisions restricting access to EU citizenship for Third country nationals (2010: 729).

Kostakopoulou (2010) comments non-inclusive policy of the member-states when it comes to granting the right to “enjoyment of benefits” of EU citizenship and a recent trend in EU countries for selectivity in access to EU citizenship. She refers to culture and language tests and increased residence term periods that were introduced to some groups of foreigners (coming from Muslim countries, for example) and are not applied to the others (mainly coming from economically developed states) (2010: 16). Stanley (2008) also argues that though international law does not imply the relation between one’s country of origin and access to foreign citizenship,

in reality the process of acquisition of EU citizenship is defined by the immigrants' nationality. For example, in the Netherlands the nationals of other EU member-states and also of Norway, Iceland, Switzerland, Australia, Japan, Canada, New Zealand, South Korea and the US are exempt from citizenship tests that are compulsory for the foreigners coming from the other countries who wish to acquire Dutch citizenship. The Dutch government explains this by the fact that the foreigners coming from listed countries "share a similar social and economic background to the Dutch" and "their residency will not lead to undesirable and unlimited immigration which might cause integration problems within Dutch society"<sup>5</sup> (as quoted in Joppke, 2010).

Stanley suggests that that appearance of the status of European citizen has created an even more precarious attitude towards non-EU-nationals coming from less developed countries and made access to EU citizenship more restricted for them. She also argues that analyzing citizenship policies of the EU member-states attention has to be paid to intersection of nationality with gender and class as at the present differential treatment can be overlooked. Stanley explains existing different attitudes towards foreigners by prevailing in receiving state stereotypes and prejudices around certain immigrant groups. So, in Italy male immigrants from Ukraine and Russia more easily pass naturalization process while being Albanian or Romanian man may exclude a person from job market. At the same time young Ukrainian women are often suspected in women trafficking while elderly Ukrainian and Filipino women are seen as reliable enough to be hired as nannies and cooks to Italian houses. Stanley points out the citizenship law formally neutral to one's gender and nationality in fact brings unequal outcomes for different groups of citizens (2008: 50, 57). The intersection of gender and nationality discussed by Stanley with regard to the differential treatment of individuals in the process of acquisition of EU citizenship is

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<sup>5</sup> Direct quote from [http://www.expatica.com/nl/essentials\\_moving\\_to/relocation/Human-Rights-Watch\\_-Dutch-citizenship-tests-discriminate\\_12047.html](http://www.expatica.com/nl/essentials_moving_to/relocation/Human-Rights-Watch_-Dutch-citizenship-tests-discriminate_12047.html)

elaborated by a few feminist scholars (Digruher and Messinger, 2006; Wray, 2006) but, as we will see in the next subchapter, it is largely ignored by other authors writing about access to citizenship.

### **2.1.2 Gender equality in EU citizenship policies**

De Hart and Van Oers (2006) refer to “developments towards gender equality” in the EU member-states as to one of the indirect consequences of increased importance of the EU membership. The European Union is “bound to strive for equality between women and men in all its activities” (Articles 2 and 3 of the Treaty on European Union). The principle of gender equality promoted by the EU is introduced into member-states policies through implementation of supra-national documents and Europeanisation of national legal frameworks. Even the presence of the EU institutions at supra-national level makes member-states shape their domestic policies constantly considering and referring to shared values of the Union. De Hart and Van Oers discuss three stages in the process of transformations of citizenship regulation towards gender equality that took place in the EU-15 countries, a process by which a number of legal traditions was abolished. The first is concerning the loss of nationality by a woman marrying a man from another country. The second is related to the abolition of automatic acquisition of husband’s citizenship by a foreign woman marrying him. And, finally, the third step provided equal rights for foreign men and women marrying nationals for acquisition of citizenship (2006: 323). A number of mainstream authors agree that after these transformations “gender inequality in nationality law is considered a thing of the past” (Baubock, 2006),

Nevertheless, feminist scholars have voiced critique regarding this opinion. Lister (2007) points out the generally positive influence of the implementation of the “*acquis communautaire*” on the process of elimination of gender inequalities within the EU. However, she argues that though

texts of national citizenship policies were reformulated in gender neutral terms, these transformations appear rather to be “formality” than bring substantive equality. Liester refers to the Treaty of Amsterdam (1997) that recognized multiple discrimination based on grounds of gender and race or gender and religion intersections. She points out that some countries, like the UK and Norway, soon after the Treaty was signed created new or reshaped existing institutions to address such discrimination. Other countries, however, like the Netherlands and France, limited with signing the EU documents, yet the issues of Islamophobia, racism and gender inequalities towards the immigrants are still in the center of domestic agenda. Lister explains the gap between legal equality on paper and substantive inequality in real life with the predominance of economic interests over social concerns (2007: 70-71). This argument is supported by Liebert (2003) who is also quite critical of implementation of equality directives of the EU. She claims that the main obstacle for substantive gender equality in the EU member-states is diversity of the domestic gender regimes. The member-states will be able to establish substantive gender equality only when the governments will not be interested in mere introduction of policies coming from the European institutions and will pass these policies through “a domestic filter” and adopting them to “national patterns” as some issues addressed in the EU documents can be crucial, for example, in Italian context, but will not have any effect in the Netherlands, and vice versa (2003: 33-34).

Except of the need to consider national context, Dauvergne (2009) emphasizes importance of reflecting distinctions in men’s and women’s experiences in citizenship laws. As she comments, women often arrive to a foreign country as “defined dependent marriage partners of skilled migrants” and their subordinate position is reinforced by restricted access to labor market and mechanism of sponsorship according to which nationals bringing the partner to the country ensure that the sponsored will not become a subject to state welfare (2009: 338-340). For the female immigrants from non-EU countries the gendered nature of access to citizenship creates

conditions of “double exclusiveness”. One of the Nanz’s criticisms concerning citizenship policies in the member-states is that while explicitly “acknowledging the importance of family needs”, EU authorities do not recognize housework and care as “legitimate form of rights-bearing social contribution” (2009: 417). Correspondingly, foreign women for whom house-work and child-rearing is their main occupation are considered as not pursuing economic activity and not contributing to state’s economy, while citizenship laws are aimed to restrict the access of these women to state’s social benefits (2009: 418).

The fact that non-feminist literature considers gender inequality in the EU to be a solved issue can be explained by the focus of this literature exclusively on legal or formal equality. At the same time, there are a few studies of the development of EU citizenship laws which would explore the intersection of individuals’ gender and citizenships that appear to be of a different value. My study will contribute to closing this gap and expanding existing knowledge on current issues in the EU citizenship legislation and its implementation.

## **2.2 Transnational marriages and citizenship law**

In this thesis I use the definition of transnational marriages offered by Kraler (2010), as a “specific form of co-ethnic marriages” involving “the migration of one spouse to the country of residence of the other spouse” (2010: 22). According to Conradsen and Kronborg (2007) the phenomenon of transnational marriages in the context of the EU has to be considered from two different perspectives – immigration law and matrimonial law, determining validity of the marriage and rights and obligations on the spouses. One of the consequences of globalization and the increase in numbers of transnational marriages is the fact that matrimonial law in the EU member states nowadays contains more and more references to immigration legislation. Among such changes is introduction to domestic civil codes of provisions penalizing so called “marriages

of convenience”, adoption of requirements that should be met by spouses to register the marriage, etc. As Conradsen and Kronborg comment, the transnational marriages are the generator for migration, and, at the same time, lead to conflicts between the individuals’ private lives and state’s interest to control the migration flows. Introducing new conditions legitimizing marriage, the state interferes deeper with intimate sphere of individuals’ life defining which couples should be prohibited from marrying (2007: 229).

Protection of the right to family life, including equality of the partners in marriage, is in the core of several EU conventions (Convention on Nationality of 1997, Convention on Human Rights of 1950, etc.). At present all EU member-states have different facilitated regimes for acquisition of citizenship for spouses of nationals. Normally the states pose the set of conditions to spouses allowing them to pass through facilitated procedure. These conditions include certain duration of marriage and cohabitation at the territory of the state (varies widely in the EU), common household, financial conditions, etc. (Waldrauch, 2006: 164). Due to what is constructed as “security issues”, new restrictions for the procedures of marriages with Third Country nationals and the consequent acquisition of citizenship were adopted recently. Among those there is introduction of language tests (Austria, Luxembourg), knowledge of the country tests (Denmark, Greece), or both (UK, Germany), increasing the required residence period (Italy, France), or demanding proof of “effective links to the community” (Portugal) (Waldrauch, 2006: 166-167). Peterson claims that even though these requirements can be considered reasonable from formal point of view, one’s conditions related to lack of economic means, “unsuitable” nationality, “non-European” religious practices, etc. may become obstacles for legal recognition of marriage (Petersen, 2007). For example, the increase of minimum income requirement introduced in 2009 by Germany substantially affected the partner migration for poorer population groups that are women, youngsters and ethnic minorities (Leerkes, Kulu-Glasgow, 2011: 119).



As Leerkes and Kulu-Glasgow argue, in the context of immigration policy, the family is constructed by the state in terms of who can belong to family members eligible to enter the country. In some countries the family is recognized only in case of registered marriage between a man and a woman, while in others long term relationship (still, heterosexual) is considered as family, and only a few EU member-states recognize same-sex marriage or registered partnership (2011: 118). Moreover, by defining obligations and rights of spouses brought from other countries, for example, by conditions of sponsorship and making one spouse responsible for the other the state contributes to the construction of family as relationship based on dependency. Other conditions, like, for example, constant cohabitation or active family ties also limit one's opportunities and bring additional definitions of what a family should look like (for instance, two separate bedrooms in a married couple's apartment can become a ground for suspicion of "marriage of convenience") (Merlino, 2009). Coming back to the issue of different privileges for EU and non-EU citizens, it should be noted that these conditions are different for families formed between two EU citizens and EU citizen and Third country national. EU citizens, unlike the other foreigners, enjoy the freedom of mobility, work and residence within the territory of all member-countries (Kraler, 2010).

In the chapters 3 and 4 I turn to detailed gendered analysis of the legal framework used by particular states – in case of this research, Italy and Germany – to regulate citizenship acquisition through marriage. I examine how the needs for Europeanisation and selective migration policy have been reflected in the citizenship law and how the changes and transformations that took place during last century shaped current nationality legislative framework related to transnational marriages and acquisition of citizenship through marriage.

## 2.3 Concepts

In the previous subchapters I have referred to the principle of gender equality as to one of the core principles of the European Union Law that influences the development of national legislation of the member-states. For further analysis it is important, at this point, to focus on major problematic issues surrounding the equality principle.

One important analytical tool in this regard is to differentiate between concepts of formal and substantive equality. In this thesis I use definitions offered by Fredman (2002), according to which the concept of formal equality requires that “two similarly situated individuals be consistently treated alike”. In other words, individuals have to be treated as (legal) equals and not on the basis of the prejudices concerning their gender, race, age, etc. Fredman argues, however, that formal equality produces rather an illusion that groups that were discriminated before now enjoy equal rights with the dominant group. One of the reasons for this is that identical (legal) treatment does not assume substantial differences between the social condition and status of individuals which may eventually lead to reinforcing of inequality. For example, an employer may have the same requirements for male and female workers, yet it will be more difficult or impossible for women to meet these requirements simply due to, for example, the social institution of motherhood.

Unlike formal equality, the concept of substantive equality focuses on the differences of status and social position between different individuals that can be identified as roots or causes of inequality. It recognizes the social differences between groups of the people (for example, men and women) and assumes that in order to achieve the equal results or outcomes – i.e. substantive equality - it might be needed to treat these groups differently. (Fredman, 2002: 7; 17).

In the thesis I apply the concepts of formal and substantive equality for critical analysis of the citizenship policies in order to define whether the legislative developments towards gender

neutrality in these countries have indeed “ensured equal opportunities and equal treatment for men and women” in a substantive manner in the EU (Summaries of EU legislation, 2013).

Analyzing transnational marriages, it would not be enough to prioritize gender as the only power structure defining differences and complexities related to the acquisition of EU citizenship. Flemmen (2008) applies an intersectional approach to the analysis of transnational marriages as a perspective allowing to “theorize power and inequality” in specific cultural and historical contexts (Flemmen, 2008: 116). I refer here to intersectionality as to a concept that considers an identity as shaped by many factors that further create common ground for one’s position in the society whether this position is dominant or subordinated (Crenshaw, 1991). In my research I focus on the intersection of gender and citizenship arguing that conditions to which men and women are subjected in relation to transnational marriages are shaped not only by their gender, which positions women as members of subordinated and men as members of privileged group, but also by their citizenship. As Braidotti (2007) argues, the Europeanisation process shaped the fluid but important category of European identity that creates within the EU strong segregation between “Europeans” and “the others”. “The others” are Third country nationals that do not have access to privileges available to the EU citizens: transnational mobility, labor market, etc. These “others”, according to Braidotti, are “second class” citizens. Thus, EU nationals can be defined as “first class citizens”, whereas third country nationals hold “second class citizenship” only. In the context of transnational marriages in the EU female immigrants from the Eastern Europe, are twice “the others”: as non-EU-nationals aspiring to EU-citizenship, and as “the second sex or sexual complement of Man” (2007: 26). It makes sense, therefore, to examine separately the experiences of four different groups: men who are EU nationals, women who also are EU nationals and, correspondingly, men and women who hold “second class citizenship” as they

engage in transnational marriage and the process of acquiring EU-citizenship for one of the spouses.

The third concept used in this thesis refers to social and intimate relations of dominance/subordination between men and women belonging to dominant vs. dominated groups. Stoler (1989) refers to legal regulations used by European colonial authorities in American and African states to secure control over intimate lives of their citizens and support and reinforce hierarchy based on class, gender and race differences (Stoler, 1989). Shah (2006) following Stoler's works examines how defining certain intimate unions as legally, socially or culturally legitimate and illegitimate, acceptable or unacceptable, colonial states elaborated gradation of citizenship rights including rights for sexual relations and the ownership of property. For example, in colonial India in the early twentieth century the only normalized option for white women was Christian marriage with European white men. At the same time concubinage (intimate relations of white men, belonging to the dominant group, with local women) was not openly tolerated while any relations of white women with local men were considered deviant and were penalized (Shah, 2006: 118). Of course, it is impossible to simply apply these concepts and findings which are based on reference to the colonial context, to the analysis of the EU policies in the twenty first century. It makes sense, however, to creatively adapt – and also interrogate – these concepts and findings to explore how European states applying legal tools of regulation of marriages of their citizens, and the societies and cultures concerned, normalize certain types of unions while marginalizing and devaluing others. The institute of marriage still remains one of the central to the production of – legal and social – citizenship (Shah, 2006: 135). Therefore the legal, social, and cultural “management of intimacy” reflects relations of dominance/subordination reproduced and protected by the state and pervasive cultural norms.

## 2.4 Methods

In this thesis a variety of qualitative methods is used. First, the findings presented in this thesis are based on the analysis of official English translation of public documents (citizenship and nationality law, immigration acts, etc.). This analysis is, second, supported by the results of my fieldwork. In April 2013 I conducted 24 semi-structured interviews with Ukrainian men and women married to Italian and German nationals and – in most cases – either aspiring to EU-citizenship, or having obtained it already. To recruit the interviewees I used personal networking, Internet-forums for Ukrainian immigrants in Germany and Italy, and the snowball method. The possibly biased composition of the sampling is caused by the time and sources limits. Information about each of interviewees and texts of the questionnaires can be found in the Appendices to the thesis.

My researcher position in some ways determined my access to the information and the extent to which the interviewees were ready to share it with me. Being an unmarried Ukrainian woman created certain cultural and often same age group intimacy that let interviewees remain more open. However, the topic of my research made it more difficult to approach the people I did not know personally and made some of them feel suspicious. In a few cases the reaction was almost hostile and I could not continue the interview. In six cases people refused to talk by Skype and asked me to send them the questions in written form instead. In two of these cases, after having read the questions, they agreed for real-time conversation. One common concern that I have noticed was the fear that the real names will be used in relation with immigration services and it might somehow cause the interviewees problems with the local officials. This concern was usually removed after my assurance that no real name or personal information, except those that were requested in the questionnaires, will be mentioned. It is also worth noting that for many interviewees it was very important to emphasize the central place of love in the relations with

their spouses even though I did not raise this question in my interviews and do not discuss this issue in the thesis. One can speculate that this concern on behalf of a number of interviewees can be explained by existing social norms stating that marriage has to be based on love. Some of my interviewees concluded marriages after seeing their future spouses only several times in real life, and this may have contributed in making them expect certain skepticism from society or from my side as researcher, concerning the “genuineness” of their union. Another explanation can be related to the questions in the interviews about the control that immigration services can execute to check “effectiveness of the marriage”. Together with the concern about the possible consequences of these interviews for the interviewees’ relations with immigration services, these two factors might have contributed to the fact, that a number of interviewees felt the need to bring up love motives. Overall, these issues gave me some initial insight into an obviously strong negative discourse surrounding the migration patterns addressed in this thesis and difficulties the interviewees faced on the way to acquisition of citizenship.

### **Chapter 3: Transnational marriages and acquisition of citizenship: the German case**

During the twentieth century economic development and growth together with the shortage of own work force turned Germany in one of the centers of immigration. As well as the other member-states, Germany had to introduce to citizenship law new restrictions to manage increased migration flows and, at the same time, to comply with the basic principles and values of the EU, including gender equality. The requirement to adjust citizenship legislation towards gender equality was strongly related to provisions concerning marriages of German nationals with the foreigners. German Statistic data, during last decade there were 30% more marriages between German men and foreign women than between German women and foreign men. Available data does not specify nationality of foreign spouses, yet these numbers define gendered nature of marriage immigration to Germany (DESTATIS, 2013).

In this chapter I discuss how legislation concerning acquisition of citizenship through marriage existing in Germany before 2000 created various grounds for inequalities between mentioned groups and what changes were made in this regard. I also focus on gender analysis of current legal framework in order to find out whether the transformations that took place brought substantive or only formal gender equality. I explore, in other words, whether the de-gendering of citizenship law in relation to marriage produced different outcomes for four groups: German male and female nationals and men and women from Third countries marrying them. I also suggest a number of principle arguments about (potential) substantive gender-inequality in the process of acquiring citizenship through marriage; I develop these arguments further in the chapter in which I analyze the information I obtained through the interviews.

### **3.1 German citizenship law before and after 2000: towards gender neutral legislation and gender equality**

Citizenship law in the early twentieth century Germany put women in subordinate position and made citizenship rights of married women depend directly on their husbands. In particular, according to German Imperial and State Citizenship Law of 22 July 1913 (Citizenship Law), marriage with a German husband bestowed his citizenship on his wife (paragraphs 6 and 7); however, the loss of the citizenship by the husband also meant the loss of the citizenship for his wife (paragraphs 17, 18 and 29). German women could not pass their citizenship to their foreign spouses and to marry a foreigner for them meant to lose automatically German citizenship (paragraph 17). In case of divorce or of the death of her foreign husband, German woman could re-apply for naturalization by the German state provided she was “legally competent” and “has led a blameless life” (paragraph 10). Legitimate children of German men acquired the citizenship of their fathers; the citizenship of the mother was taken in consideration only in the cases of the illegitimate children (paragraph 4). Married women could not even leave the country without their husbands’ agreement consent (paragraph 18). Except of unequal citizen status these provisions also brought women serious practical negative consequences: by marrying a foreigner and losing their German citizenship, German women were losing their eligibility for public financial support, could not access state employment, send their children to public schools, had to report daily to police during the wartime, etc. (Nathans, 2004: 209).

The Constitution of Germany (The Basic Law) adopted in 1949 was the first document declaring the equal rights for men and women (Article 3 “Equality before the law”). However, only in 1957 in response to adoption of this clause and also to the pressure exerted by women activists’ groups the Act of amendment to the Citizenship Law allowed the women marrying German citizens either to keep their previous citizenship or to acquire German citizenship at any



point of their marriage. After the amendment, German women marrying foreigners did no longer lose their citizenship. Still only men had the right to pass citizenship to their spouses or children, the foreign husbands of German women had to go through the standard naturalization procedures (Hailbronner, 2012: 4).

Hardly is it possible to say from gender perspective that starting from 1957 and before changes in nationality legislation in 1970 German citizenship policy was in general more favorable to women than to men. Yet before 1970 foreign women had privileges to acquire German citizenship from their husbands at any point of their marriage as compared to foreign men, who had to pass the standard naturalization procedure (15 years of residence were required according to 1957 nationality law). At the same time the right to pass citizenship to their children belonged to fathers exclusively (Bös, 2007: 11). In 1970 the government, having declared its concern about the increased amount of foreign women marrying German men “just to acquire citizenship” and the goal to establish gender equality, took the privileges of facilitated citizenship acquisition from foreign women marrying Germans (Nathans, 2004: 239). Instead, both men and women were entitled to be naturalized after five years of residence in Germany provided that the marriage lasted two years minimum and they surrendered their previous citizenship (Act on Citizenship Law, 1970). And, finally, in 1974 the Bundestag adopted a new amendment to the Citizenship Law establishing that children could inherit German citizenship by birth from any of parents (Act of Amendment 1974). This amendment was declared as one of the last steps of transforming German citizenship legislation towards gender equality (Kraler, 2010).

It should be noted that before 1992 German immigration law, as well as citizenship law of all EU member-states defined only two categories of citizens: German nationals and foreigners. In this thesis with the purpose of further intersectional analysis I separate four groups: German men, German women, foreign men and foreign women. After the Treaty of Maastricht had been

signed (1992), two more groups emerged: foreign men and women EU-nationals. Even though in my research I will focus only on the marriages between German nationals and Third countries citizens it should be mentioned that the conditions for foreigners coming from other EU member-states to marry German nationals are more favorable and flexible due to the freedom of movement within the EU and absence of additional requirements and restrictions put on immigrants from non member-states (Immigration Act 2004, Part 6. Sec. 27).

The German developments towards the principles of gender equality that were taking place between 1970 and 2000 in citizenship law formed part of a common trend in citizenship law in European countries in the end of the last century. The repealing of provision of automatic or facilitated acquisition of citizenship through marriage for women and in some countries lengthening of required residence terms became a common development in many EU member-states (Weil, 2001). The New Nationality Act that came into force in Germany in 2000 was also adopted in accordance with the principle of gender equality. The Act eliminated the terms “wife” and “husband” replacing them by the term “spouse” and provided the same conditions for naturalization for foreign men and women from Third countries marrying German nationals. According to the new regulations the spouses of German nationals could be naturalized keeping with the following requirements: be committed to the Basic Law and make no hostile activities towards it, be capable to support themselves without resorting to social security or unemployment benefits, have no criminal convictions, and possess adequate command of the German language (Nationality Act 1999). It also had to be certain that the foreign spouse will “conform to the German way of life” (Article 9) and has found accommodation (Article 8).

At that point it seemed that Germany completed the process of adjustment of the legal regulations towards gender equality and there remained no provisions in the Nationality law that could be defined as gendered. However, as Simons (1999) suggests it is important to analyze

whether changed laws brought substantive gender equality. Legal regulations which literally taken are gender neutral in that they just apply to any foreigner who marries any German national may at the same time create unequal impact for certain social groups (Simons, 1999: 134). In other words, gender neutral legislation doesn't rule out the possibility, and can even contribute to the creation or deepening of gender inequalities in the society.

In order to explore the issues of substantive and formal equality in German nationality law it is important to analyze the Nationality Act together with the Immigration Act adopted by Germany in 2004. Regarding the regulations of marriage with further naturalization of foreigners these two documents complement each other. Except of these two, several stipulations of the German Marriage Act (1998) and of the German Civil Code (last amended in 2009) should be taken in consideration.

### **3.2 Pursuing EU citizenship through marriage with German citizen: the current legal framework**

The process of acquisition of citizenship through marriage in accordance with current German nationality laws can be divided into three stages: entry to the country of the spouse or prospective spouse, mandatory permanent residence for three years and the application for acquisition of citizenship that can be made only after first two stages are finalized (Immigration Act, Section 27). In this subchapter I successively make gender analysis of the legal stipulations related to each of these stages.

Germany is one of the few EU countries issuing so called “fiancée visas” that allow foreigners to enter the country with the purpose to get married with German nationals. This type of visas permits the foreigner to stay within the territory of Germany for 90 days without possibility to travel to any other EU country and in case if within this term the marriage has not

been registered, the foreigner is obliged to leave the country. German nationals embrace full responsibility for a foreigner they bring to the country. It is required from German nationals to provide the permission of Registry Office to register the marriage together with proof of having sufficient income to support their foreign fiancées for the whole period of their residence in Germany (1800 euro/month for a couple) and dwelling to accommodate them both (16 m2 of living space per person or separate living room) (Botschaft der Bundesrepublik Deutschland Kiew). These requirements are presumably aimed to prevent trafficking in women with fiancée visas.

These requirements, constructed by the state as security measures to protect women from Third countries from being involved into sex trafficking, can be defined as not providing substantive equality neither from gender, nor from citizenship hierarchy prospective. First of all, these requirements are clearly selective as they are applied only in cases when German national wants to marry a citizen from non-EU country. In other words, the German state does not control living conditions and level of income of two EU citizens if they want to register the marriage (Immigration Act, Section 27). However, if the Third country national is involved, the groups of German citizens with lower income seem to be affected as they will not be able to provide sufficient conditions to get permission to bring their partner to the country. Hypothetically, it affects German women more than German men as men in general tend to have a higher income. The conditions that foreign partner of German national from EU and from non-EU country will have to face are also quite different. While EU citizen entering Germany from the start has right to pursue economic activity and leave Germany and come back whenever he or she wants, Third country national during certain period of time has limited capacities as no freedom of mobility and work permission can be granted before residence permit is received (Immigration act 2004, Section 28). Therefore if two German citizens or German citizen and a foreigner coming from

another EU country enter the marriage being in comparatively equal conditions, the foreign partner coming from Third country is automatically put in the dependent and, presumably, subordinate position.

For German nationals who are in possession of lower income or do not have required living conditions, it is one option to register the marriage in the country of the foreign spouse's origin. Then the entrance to Germany of a foreign spouse will be possible as for the family member. The procedure in this case is facilitated compared to "fiancée visas": applicants have to provide to the German embassy in their country the certificate about marriage registration, copy of the spouse's certificate of accommodation in Germany and certificate of knowledge of German language with minimum required level A1 (very basic knowledge). No proof of financial conditions or information about spouse's job position is required (Botschaft der Bundesrepublik Deutschland Kiew).

The next stage on the way to the acquisition of citizenship through marriage is residence permit. The procedure of application for residence permit includes set of standard requirements. The original list of the documents that should be provided by a couple for obtaining residence permit for the foreign spouse seems very simple: security questionnaire, birth certificate, proof of knowledge of German language (with the level for acquisition of citizenship increased to B1 according to the Immigration Act 2007), confirmation of accommodation and financial conditions of German national covering needs of both partners. Under regular circumstances this set of the documents should be enough to obtain the residence permit. However, if the Registry Office is not satisfied with the documents or has any suspicions that couple has entered so called "marriage of convenience", this couple becomes subject to additional control (Marriage of convenience: 2010).

Here it is necessary to explain the place of “marriages of convenience” in German immigration law. Some restrictions that have been lately introduced into Immigration law are defined by the government as aimed to prevent and to uncover so called “marriages of convenience”. According to the European Council Resolution ratified by Germany, “a “marriage of convenience” means a marriage concluded between a national of a Member State ... and a third-country national with the sole aim of circumventing the rules on entry and residence of third-country nationals and obtaining for the third-country national a residence permit or authority to reside in a Member State” (Resolution 97/C 382/01).

Out of concern of abuse of immigration rules by spouses, the couple can be checked on one of the grounds listed in the European Council Resolution 97/C 382/01 of 4 December 1997. In case of the fraud uncovered or suspected, the request for citizenship/residence permit will be declined and case will go to the court. As grounds for suspicions, the EC Resolution defines not maintained by the couple cohabitation, the fact that spouses have never met before the marriage and inconsistency of the spouses with the replies to the questions about the personal details concerning their couple. The fact that the spouses do not speak any language they both could understand should lead to further investigation as well. Finally, if to contract the marriage one of the parties has handed a sum of money to the other and it is not in the form of a dowry in a country where it is a common practice, this is a ground to suspect a fraud (Council Resolution 97/C 382/01 of 4 December 1997).

The particular concern of the German state about this issue was declared in the Residence Act of 2004 that states that family unification cannot be allowed in case if it is confirmed that the marriage was concluded only with the purpose of achieving residence permit in Germany (Article 27). The Chapter 9 of the same Act also introduces penal sanctions for a “marriage of convenience” by prison up to three years or fine to anyone who uses marriage “in order to

procure a residence title for themselves or for another” including both partners and any third parties involved (Sections 95 and 96). The German Civil Code provides that the marriage has to be cancelled if “both spouses agreed that they do not intend to establish a matrimonial cohabitation” (Article 1314, section 2).

EC Resolution explicitly states that “The objective of the Resolution is not to introduce systematic checks on all marriages with third-country nationals. Checks will be carried out only where there are well-founded suspicions” (Resolution 97/C 382/01). German legal practice, however, provides additional specific conditions that can lead to the further investigation. Among these conditions is the fact that spouses live separately, especially if both their flats are quite humble, unsuccessful previous attempts of foreign partner to acquire residence permit or asylum in Germany before, previous marriages of German citizen with immigrants and existence of notarized pre-marital contract, which excludes financial consequences of marriage for the spouses (as summarized in *Marriages of Convenience*, 2010). It is of particular interest that among these provisions that are all gender neutral there is also one that is clearly gendered. As it was defined by German Federal Court in 2003, the couples between German women and younger men coming from Third countries are considered suspicious and are subject to further control (BVerfG Beschluss v. 05.05. 2003 -2 BvR 2042/02 as translated in *Marriages of Convenience*, 2010). The marriages of older German men with younger women from Eastern Europe seem not to be questioned. In other words, the unions when German citizens are in possession of higher income and bring their partners from Third country as dependant parties are supported and, in a way, reproduced by existing legal framework. However, when it comes to details, these unions are treated as legitimate only when the socially accepted power distribution, i.e. husband as a dominant and wife as a subordinate party, is followed. The intimate unions (marriages) of

European women with Third country men, therefore, are constructed as allegedly deviant or, at least, subject to additional suspicions.

Finally, on the last stage of the process, foreign spouses have the right to apply for German citizenship, if they have resided permanently within German territory minimum for three years and the marriage lasts for two years minimum and has not been dissolved (Citizenship Law, Article 9). There are also requirements to prove financial security, proficiency in German language, pass naturalization test, have no criminal charges and be “committed to principles of freedom, justice and democracy” declared by the Basic Law (Article 8 of Citizenship Law).

The key question of this analysis is whether and in which way the situation of the four analyzed groups is influenced differently by German immigration laws, which – with the one exception mentioned above – are characterized by legal equality in terms of gender. The changes in German citizenship policy towards gender equality took away from foreign women the advantages of acquiring automatically German citizenship and, presumably, brought improvement for foreign men marrying German women and aspiring for EU citizenship. It would be fair, then, to suggest that it could lead to changes in the immigration flows towards increase of couples between German women and Third countries men. However, as it was mentioned before, such marriages are still quite rare while there is a positive dynamics in numbers of marriage migration for Third countries women and German men. It can be argued, thus, that while the “improvement” for German women and Third countries men remain debatable, the restrictions and new requirements that were introduced policy may serve to reinforce or produce substantive gender inequality in relation to the question of acquisition of citizenship through marriage.

Even though the conditions the men and women coming from Third countries met upon their arrival to Germany are the same, there is more risk that women will be put in vulnerable position as for them double ground for inequality is created: gender hierarchy and non-EU citizen



status. As a result, women can easier become subject to male subordination or manipulative treatment financially depending on their husbands. Due to certain stereotypes and expectations existing in the society, these women are more likely to be pushed into performing traditional gender roles, remaining directly dependent on men. Moreover, there is no provision in immigration law concerning the period when children are born in the transnational marriages. In case when the wife is German and she has foreign husband, even if the man is not working the woman will receive the parental financial allowance provided by the state and, in many cases will be able to support herself. Foreign women who are wives of German nationals are eligible to only minimum parental allowance (that is EUR 300/month) (Federal Office for Migration and Refugees, 2013) and become fully dependent on husbands for at least late pregnancy period and early months of the life of children. Overall, the legislation framework formally provides “facilitated” conditions for women who have children with German nationals. For example, in case of divorce a woman-non-EU national who has a child can receive the citizenship after, but only in case if she is “entitled to custody of a child issuing from the marriage who already possesses German citizenship” (Article 9, Nationality Act 2011). It is not sure, however, whether a foreign woman without stable employment in Germany would be able to gain custody of a child if it is obvious that the father can provide him/her better material conditions and it is unlikely that a foreign woman has financial opportunities to apply to legal assistance and is fully aware about her capacities for legal support (Flemmen, 2008).

The arguments I suggest here, however, concerning the consequences of the changed laws for German and foreign women and men and implementation of the new legislation are subject to further elaboration. I suggest that newly introduced restrictions coming together with the need to keep the legal provisions gender neutral created additional grounds for subordination of non-EU female immigrants to their German husbands reinforcing women’s dependent position. The same

restrictions, however, together with the social norms implying, in various ways, the “illegitimacy” of unions where women represent the dominant group still create obstacles, even on the level of legal regulation, for couples not conforming to mainstream expectations. The information I collected through the interviews is crucial in order to examine what are the real life contexts and consequences that Third country nationals experience while they marry a German nationals, reside in the country and try to acquire German citizenship. It should be also asked whether the process of implementation of the nationality law is as gender neutral as the law itself and what other factors, except gender and nationality (for example, class or religion) influence the life of the foreign (to-be-) spouse and his or her experience with legal regulations pertaining to the question of residency and citizenship in Germany.

## **Chapter 4: Transnational marriages and acquisition of citizenship: the Italian case**

The institute of marriage has always played an important role in Italian citizenship legislation. Zincone explains this by the general rhetoric of importance of family values and religion in Italy. After the acquisition of citizenship by ethnic Italians, marriage is considered the second easiest mode of acquisition of Italian citizenship for foreigners and that is why the cases of successful naturalization by marriage during the period starting from 1983 till 2009 significantly outnumbered those by permanent residence (Zincone, 2013).

The immigration to Italy from non EU-member-states with the purpose of family formation is highly feminized: during the period from 2005 to 2011 each year approximately 1500 women from Ukraine only were entering the country with consequent marriage with Italian men while the number of Ukrainian men entering Italy with the same purpose was maximum seven. The same trend can be observed for all Eastern-European non EU-countries (I.Stat). In general, approximately 75% of all the transnational marriages between Italians and foreigners are marriages between Italian men and foreign women. (Tintori, 2013). Based on these numbers, I argue that recent changes and restrictions introduced to Italian citizenship law related to the marriages with foreigners and consequent citizenship acquisition affect mainly female immigrants from Third countries.

In this chapter I compare from a gender perspective the legal developments concerning acquisition of citizenship through marriage that took place in Italy with those in German legislation. Italy, as well as Germany, adjusted its citizenship law in accordance with EU principles towards gender equality. However, though the current Italian legislation framework uses gender neutral terms treating all individuals equally from a formal legal perspective, a closer examination will reveal that this framework produces rather substantive gender inequality.

#### **4.1 Italian citizenship and nationality law before 2009: from emigration to immigration state.**

As in Germany, the citizen status of married women in Italy in the early twentieth century was defined by her husband (Law # 555 dd. 13.06.1912). In particular, a married woman could not have any other nationality than that of her husband even after their separation. In case foreign women married Italian nationals they automatically acquired Italian citizenship that they preserved even after separation or the death of the husband. If an Italian woman married a foreigner she assumed his nationality and could regain Italian citizenship only after separation from husband and two-year permanent residence in Italy (Article 10). In case the husband changed citizenship, it meant corresponding change of citizenship by his wife independently on her consent. In case of separation, yet, this woman could regain her previous citizenship (Article 11). The citizenship of the children of Italian father depended on him only (Article 12). The child could inherit mother's citizenship only in case if the father was unknown (Article 2). The Italian Citizenship Law, so far, was very similar to the German Law of 1913 year in respect of citizenship rights of married women and children (see above, p.20) making the whole family citizenship rights fully dependent on men (Tintori, 2013).

One year earlier than Germany in 1948, Italy adopted The Constitution of the Italian Republic that introduced equal social status for all citizens "without regard to their sex" (Article 3 (1)). In particular, Article 29 (2) provided "moral and legal equality of the spouses". The implementation of declared principles in Citizenship law took quite a long period of time. Only in 1975 together with the reform of family law in Italy (Act 151/75 dd. 19.05.1975) Italian women ceased losing their citizenship in case they married foreigners and foreign women got the right to retain their citizenship when marrying Italian nationals (Article 25). Moreover, according to

Article 219 Italian woman “who, by effect of marriage to an alien or because of a change in citizenship on the part of her husband, has lost the Italian citizenship before the entry of this law into effect” could reacquire it. These amendments in favor of women entering transnational marriages in Italian case were made not due to the pressure from the side of the EU and Europeanisation as it was, partially, in Germany (see above, p. 22). Transformations in Italian legislation are mainly explained by the need to comply with the Ruling of Constitutional Court of 9<sup>th</sup> of April 1975 that claimed that dependence of the nationality of a married woman on her husband contradicted to Article 3 of the Constitution (Arena et al., 2006). In 1983, again in accordance with the Court’s Ruling, a new act was introduced that allowed women to pass their Italian citizenship to their husbands and children. In Italy constitutional principles played crucial role in supporting nationality reforms rather than international treaties as in Germany (Arena et al. Zincone, 2006). As a result of these reforms, women in Italy ceased depending on their husbands in the issues of nationality and acquired equal rights to change and pass their citizenship to their family.

After the incorporation of the principle of gender equality into Italian Citizenship law in 1983, unlike in Germany, the process of acquisition of citizenship through marriage became quite easy for both men and women. According to Act n° 123/83 on nationality it was enough for a spouse of Italian citizen to reside permanently on Italian territory for 6 months (compared to five years in Germany at the same period, see above, p.21). In order to acquire Italian citizenship foreign spouses even did not have to reside in Italy, they could apply for citizenship acquisition after three years of marriage if “it has not been dissolved” and “provided there has been no reason for legal separation” (Article 1). Moreover, in 1993 the Council of State introduced the recommendation stating that the dissolution of the marriage prior to the acceptance of the application was not a legal ground for rejection if the spouses had fulfilled the required period of

marital union (Zincone and Basili, 2013). No minimum financial conditions, language knowledge or accommodation was required.

The new legislative framework for citizenship acquisition was, therefore, very favorable towards foreign spouses of Italian nationals while it was very restrictive for the foreigners applying for naturalizations that did not have any family links with Italians. The new Nationality Law of 1992 introduced the new requirement of permanent residence term in Italy - ten years (compared to eight years in Germany) (Article 10 (2)). Since then Italy has been one of the European countries with the longest required permanent residency term as a prerequisite for naturalization (Zincone, 2010). As a result, the number of acquisitions of citizenship by marriage increased significantly starting from 1992 and soon outnumbered those acquired by residence. For instance, in 1993, 93 per cent of naturalizations were based on marriage compared to 65 per cent before 1992. The situation remained like this till 2000-2001. Starting from 2001 the proportion was approximately 35-40 per cent by residence and 60-65 per cent by marriage. An equal share of both modes of acquisition of citizenship was achieved only in 2009 and this was again caused by the changes in the legislation (Zincone, 2010: 3). These changes, which form the basis of the present legal situation, will be discussed in the next subchapter.

#### **4.2 Gendered perspectives on the New Italian Nationality Law (2009)**

As it was declared by the Italian government, the increase of the numbers of illegal immigrants and crimes related to these groups led to the adoption in 2009 of the so-called “Security Package” (Law 94) amendment to the Nationality Law that remains valid till the present. Among others, it provided changes restricting the procedures of family formation with foreigners (Merlino, 2009). In this subchapter I analyze current legislative provisions in order to

understand how they presumably influenced Italian men, women and their foreign spouses and which of these four groups were most affected by mentioned changes and restrictions.

The Italian state, unlike Germany (see above, p.23), does not define special conditions for entry to the country with the purpose of marriage. The foreigner has to enter the country with regular visa and marriage should be registered within the period of visa validity. It can be either Italian national visa or Schengen visa issued by any other EU member-state (Ministry of Interior, 2013). According to the Nationality Law 2009 (Article 1 (15)) it was permitted to enter marriage with Italian nationals only to immigrants who legally stayed on the territory of Italy. However, in 2011 Constitutional court declared that mentioned article contradicts to the Constitutional norms and violates fundamental human rights. Consequently, an amendment was introduced into the Citizenship Law providing that the status of illegal immigrant cannot prevent a foreigner from entering marriage in Italy (Sentenza no 245/2011).

In the regular cases when the marriage is concluded between an Italian national and a foreigner that legally entered and stays in Italy, the list of the documents that has to be presented to the Registry office is shorter than required by the German authorities (see above, p.24): passport with valid visa and the certificate confirming that there are no obstacles preventing the person from entering marriage that is issued by the consulate of the country of origin of foreign spouse in Italy (Comune di Milano, 2013). The officials registering the marriage cannot refuse the couple if all required documents are provided and these documents are not falsified. Even though Italy, as well as Germany (see above, p.26), ratified the EC Resolution concerning “marriages of convenience”, the mere suspicion of the fact that the marriage is “not genuine” does not authorize the officials to arrange the investigation against the couple or postpone the ceremony as it can take place in Germany (EMN report, 2011: 6-7).

After the marriage is registered, foreign spouse of an Italian citizen can apply for the residence permit. In order to receive it the foreigner has to provide to the Municipality office, apart from the passport and the marriage certificate, the evidence of accommodation and copy of the income tax statement of confirming that her/his income is higher than the social allowance. In most cases this will be the income tax statements of the Italian nationals who have to provide financial support to their foreign spouses while they do not have legal permission to work in Italy. The procedure of receiving the residence permit takes on average three months. As in Germany (see above, p.25) foreign spouses from non-EU member states are neither allowed to pursue any economic activity nor travel in Schengen zone outside Italy before they receive the residence permit (Residence permit, non-EU nationals, 2008). In other words, at least first half a year of residence within Italian territory (90 days for the marriage to be registered and 90 days to receive a residence permit), in case if no additional source of income is available, foreigners are fully dependent on their Italian spouses. This can serve as one of the explanations for feminization of marriage immigration to Italy. Even though some Italian women, presumably, could afford to support their foreign husbands financially for six months, it does not make much sense for most of these women to show particular interest in marrying specifically men from non-EU countries rather than men from Italy, for example. At the same time one can argue that due to prevailing social norms concerning power balance in the families and presumable readiness of women coming from non-EU countries to perform traditional gender roles at home in exchange for possibility to stay legally in Italy and obtain in the future citizen status is among the reasons for the high demand for Eastern European wives and increased appeal of these women in the eyes of Italian men.

When the residence permit is issued in favor of the foreign spouse, the common procedure performed by the competent Italian police department is the verification of the cohabitation or of



the so called “effectiveness of marriage”. As it was mentioned above, the Italian government has repeatedly expressed strong concern with the allegedly high number of “marriages of convenience”, therefore, unlike in Germany, where only suspicious cases are investigated, all couples where one of the spouses is a non-EU national are checked by the police on a regular basis. According to the decision of the Italian Court of Cassation, once co-habitation of spouses residing in Italy is confirmed, this should prevent the authorities from further investigation or inspection. Additional control can be made only if the foreign spouse, having obtained the residence permit, moves abroad without justification of special health or employment needs (EMN report, 2012). Compared to Germany, Italian legislation is also more specific in terms of penal sanctions for “marriages of convenience”. The penal sanctions are applicable only in case if it is proved that certain amount of money was provided to an Italian national who agreed to conclude the “marriage of convenience” or a third party who provided illegal entry for the purpose of such marriage. In case if it is proved that the marriage was concluded based on friendship or care, the residence permit will be withdrawn from the Third country national, but no penal sanctions or prosecution will be applied to the Italian national (EMN report, 2011: 6-7).

Still, as in the case with German authorities (see above, p. 27), the Italian government does define the cases that are considered as potential threat of being “marriages of conveniences” and which have to be carefully investigated. Those are the marriages between elderly (above 60) male Italian spouses and younger women coming from non-EU member states. According to the European Migration Network (EMN) study, these marriages constitute approximately 7-8% of general amount of mixed marriages. The women who marry elderly Italian men usually do not pursue any economic activity outside of the household and take full-time care of their spouses. In exchange for that, after the foreign wife acquires Italian citizenship, her husband assigns to her so called “reversionary pension” which means that, as his dependent, after the husband’s death the

wife will continue receiving his pension till the end of her life (EMN, 2012: 16). The wife, however, has the right to continue receiving the pension of her late husband only under condition she has acquired Italian citizenship. According to the relevant statistics, the average age difference for these couples is nine to eleven years (EMN, 2012). These Third country women around 50-55 that marry elderly Italian men, therefore, are in direct dependency as their main occupation is taking care of their husbands. Yet in case of husband's death before the citizenship is acquired and in case if the citizenship application is rejected they have neither right to receive his pension as survived dependent, nor to acquire the citizenship. Moreover, EMN mentions the applications of this particular group of foreign spouses as most often rejected as supposedly "not effective marriages" or "marriages of convenience" (EMN, 2012).

According to the Italian Nationality Law of 2009, a spouse of an Italian citizen can acquire Italian citizenship after he or she has officially been resident in the territory of Italy for two years if marriage has not been dissolved. If the couple has a child, required period becomes twice shorter and if the spouses live abroad – longer (three years) (Article 5). Unlike foreigners who are subject to the regular naturalization process, the spouses of the Italian nationals do not have to attend courses of Italian language and culture (so called "path to citizenship" that lasts a year) and do not have to pass any tests (Article 5). Based on the Nationality Law only, it could be concluded that the Italian state is much less restrictive when it comes to attribution of citizenship to foreign spouses than the German state. There are no restrictions for registration of marriage, the residence permit is automatically obtained if the cohabitation is confirmed and the residence term required by the state is shorter. Nevertheless, closer examination of the information officially provided by Italian Ministry of Interior provides new insights into the issue. The legally defined period for processing the application for citizenship by the Ministry is 730 days (two years) (Ministry of Interior, 2013). According to the official report on the EUDO citizenship

database, however, the average term of processing of the application is five years (Tintori, 2013: 11). Altogether, the period when a foreign spouse still has no full citizen rights increases to seven years. Moreover, according to the same report, during the years 2009-2010 of all the applications for citizenship through marriage 90,22 % were unsuccessful (Tintori, 2013: 3). Foreigners whose applications were rejected (and in 95% these are women) can apply for the citizenship once again only after five years (Article 10, Nationality Law 2009).

As has been the case in the German citizenship law, all the changes introduced in 2009 with the “Security package”, being gender neutral, are supposed to affect men and women from Italy and Third countries in the same way. However, considering significant gender disproportion in marriage migration to Italy I consider it possible to argue that, in fact, the new regulations targeted mainly female immigrants. I would also claim that existing contrast between the flexible conditions that do not, in general, pose any obstacle for an Italian man to bring a wife from Third country and get a residence permit for her and the extremely restrictive conditions for acquisition of citizenship create substantial grounds for female subordination. From the beginning women pushed into these unions due to possible need to improve their social and economic conditions are put into dependent position and in order to get the access to equal citizen right they have to remain in this union for up to seven years. And even fulfilling of this condition, as shows example with women taking care of older men, does not guarantee them acquisition of EU citizen status.

It is important, therefore, to examine real life experiences of Ukrainian women married to Italian men with current Italian citizenship laws. In particular, the cases of unsuccessful applications for citizenship are to be explored. It is necessary also to analyze experiences of transnational couples where the male partner comes from a non-EU country (though there are not many of those). Though the gender disproportion of mixed marriages can possibly be related to

the unlikeliness of Eastern European men to go to a foreign country and stay in a dependent position for quite a while and the unlikeliness of – for example – Italian women to expect such an arrangement as a realistic option, the reasons behind the low figures and the real implications of citizenship law are to be further investigated through personal interviews that may provide additional or different arguments and explanations.

## **Chapter 5: Ukrainian-Italian and Ukrainian-German couples' social-legal experience**

The present chapter contains the analysis of the results of the interviews I conducted in April 2013 with two Ukrainian men and eleven Ukrainian women married to Italian nationals and three Ukrainian men and eight women married to German nationals. Detailed information on these interviews can be found in the Appendices 2 and 3. The data from the interviews provided in this chapter support and illustrate the larger argument made in the thesis. Existing legislative regulations in Germany and Italy do reproduce grounds for substantive inequality based on the intersection of the individuals' gender, citizenship and social-cultural context. The transformations towards gender equality, considering from a legal perspective, seemed to have brought improved opportunities for Third country men marrying women-EU nationals. As the interviews showed, however, these changes introduced in Germany and Italy mainly brought advantages to the male EU-nationals marrying women from Third countries. For the other three groups (foreign men and foreign women coming from Third countries and women-EU citizens) the outcomes of the citizenship law reforms are far less beneficial.

### **5.1 Getting started: initial encounters with diplomatic services of EU countries**

The discussion of obtaining the visa to enter the EU appeared to be one the most emotional ones. A common concern expressed by 16 out of 19 women-interviewees was what they perceived as a biased attitude towards single women trying to enter the EU. They referred to the previous negative experiences, their own or of people they know, related to encounters with the EU member-states embassies. According to all interviewees, there is a difference between receiving the visa as EU-citizen family members and a random non-EU national even though the

formal procedures for both groups are similar (Italian Visa center, 2013). As one of the interviewees, married today to an Italian man, commented:

*“I was never able to receive multiple-entry Schengen visa from Italians. They see a blonde young single Ukrainian who wants to enter country with the invitation from an Italian man and they automatically assume that you are going to become a prostitute. They never cared that I actually had a well-paid job in Kyiv and nice amount of money on my bank account; still they could make humiliating comments concerning my further occupation in Italy. And I was lucky not to be rejected as other girls coming before me. But after we got married, everything changed, I could get one-year national visa<sup>6</sup>, everybody was smiling at me and talked to me nicely”* (Iryna, 17.04.13, Budapest).

Based on the information at the official web-page of the Italian embassy in Kyiv, it is enough to provide to the embassy, together with the visa application, confirmation of the financial conditions (EUR 50 for one day of planned stay in Italy), invitation from an Italian national, insurance and tickets reservation. In maximum 12 days the visa should be issued (Italian Visa center, 2013). It is worth noting, though, that the embassy leaves the right to ask for any additional documents it might consider relevant to this application and reject the application without explanation of the reasons. Though listed requirements have been the same for the last several years (Mayskaja, 2013), the interviewees who had experience of dealing with the embassy before and after 2009 (the year when “Security package” was adopted in Italy, page 32) pointed out that the procedure of visa application became more restricted, especially, if a Ukrainian woman is applying for a visa based on the invitation of an Italian man.

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<sup>6</sup> Visa issued for long-stay in Italy. Upon arrival to the country with this visa, a foreigner can apply for one year (or longer) residence permit (Italian Visa center, 2013)

It is important to distinguish the gender-related experiences of Ukrainians applying for Italian visas and concerns that are common for all Eastern Europeans (Arvin, 2013). Both Ukrainian men and women are subject to the scrutiny of the embassies' officials. Financial conditions of Third country nationals are carefully checked to prevent any possibility of illegal access to the EU labor market. However, due to the suspicions of being involved in women trafficking, these are single women who are defined as the "high risk group" for visa rejection and often experience more mistreatment (Mayskaja, 2013). As commented one of interviewees, agencies providing visa services for Ukrainians strongly discourage women from coming to embassies' interviews wearing provocative clothes and makeup "not to create wrong impression" (Olesya, 16.04.13; Casoria).

Nataliya and Olena, who applied for visas based on Italian men's invitations in 2010 and 2012 correspondingly, both had interviews with Italian consul and provided full set of the documents, including statement of financial guarantees from the side of inviting men. After two months of waiting they received rejections without any explanation. Nataliya commented that for her it was even for better as it encouraged her now-husband to come to Ukraine and register their marriage there. After other six months, she got her visa as a family member (12.04.13, Florence). Olena and her partner are planning to apply for visa once again this summer (17.04.13; Odessa).

In case of Germany, where the official marriage procedures are more complicated than in Italy (page 23), the interviewees agree that the easiest option is to register marriage in Ukraine, even though registration requires long bureaucratic procedures and months of preparation (Nadezhda, 05.04.13; Munich). Mariya, a Ukrainian who entered Germany with a "fiancée visa" refers to this process as to "stressful and requiring a lot of time and money":

*“It took me more than six month to collect the documents that embassy required. Even though it is not stated in the general requirements, I had to prepare official translations of all my University diplomas and transcripts that could be translated only in the agency defined by the embassy in Kyiv. My fiancée also had to collect a bunch of documents, including proof of his financial independence. Since he did not earn enough, his parents had to guarantee they will sponsor both of us. Some of the documents could be issued only after certain period of time. After I had applied for visa, I had to wait for two weeks and then I was invited to the interview that was conducted in a very polite manner. I had to answer a lot of questions about our relations in the past. Since we had these relations for four years before we decided to get married, I had many pictures from our trips so it was easy to prove this was not a “fake marriage” (30.03.13; Munich).*

As it was mentioned in previous chapters, Germany puts more requirements for those who want to marry a foreign citizen (see above, p. 23). At the same time, neither women, nor men who were dealing with German embassy mentioned any mistreatment or violation of the procedures that were declared by the German diplomatic service. All interviewees confirmed that if all the documents were in the order and all the information was valid, the visas were granted.

One common complaint that was expressed by all interviewees is related to the high overall cost of getting visas, especially if this is a “fiancée visa”. For example, the translation of all the documents in official institution will cost approximately 300-400 EUR that is equal to an average monthly income of a Ukrainian living in a major city. And even if translated documents are not required, as in the case of Italy, the costs of visa, travel arrangements to Kyiv to attend the interviews, and tickets, are hardly affordable for an average Ukrainian. It is not surprising, thus, that most women confirmed that these expenses were fully or partially paid by the inviting men.



The women also had to provide the financial guarantees from their German or Italian partners for the period of their stay in the country. However, as described above cases of Nataliya and Olena prove, the relations based on sponsorship that are not registered as marital union are not always accepted by diplomatic authorities and can lead to rejection in permission to enter the country.

It is not a popular practice, though, that European women provide the financial means for men coming from Ukraine. As it was discussed in the introduction, the cases when Western European man finds a Ukrainian woman on the Internet or during touristic trip and after some time arranges her migration to the EU are not that rare. The situations when German or Italian women are specifically looking for potential husbands from Eastern Europe are quite uncommon. More often such couples meet when one of the partners resides in the country of the origin of the other. As in the case of Mikhail (05.04.13, Munich), who met his future wife during the studies in Berlin and by the moment of the marriage registration already had a well-paid position in Germany, the men in these couples usually do not need substantial material support from the side of women-EU nationals.

The experiences of interviewees, so far, mainly support the argument made in the previous chapters based on the analysis of the visa regulations. The obstacles that Ukrainians who want to enter Italy or Germany with the purpose of marriage are, indeed, often related to legal provisions demanding certain level of material conditions of the partners. Comparatively high for Ukraine financial requirements reinforce, as interviews show, gendered mainstream pattern when women from Ukraine depend on the inviting them men-EU citizens right from the entry to the country. The other problematic issue that can be defined as gendered is negative image that is often attributed to women from the Eastern European countries related to women-trafficking. The way to gain “respectable” status for Ukrainian women, so far, is to acquire the status of a spouse of an EU national.

## **5.2 Permanent residence in the EU: politics and immigration restrictions on the national level**

As I argued in the previous chapters, the conditions created by procedures for acquisition of residence permit related to inability to pursue economic activity puts foreign spouses in dependent position. For women these circumstances may mean need to postpone their career development and perform what is defined as “traditional gender roles” in exchange for residence in the EU and further acquisition of citizenship. As the analysis of legal provisions has shown, the period before foreign spouses can acquire residence permit can last long enough (see above, p. 39).

The questions I addressed to my interviewees were related to their current and previous occupation and to the reasons behind it. I also wanted to find out how both Ukrainian men and women cope with the immigration services in countries of residence and if they had any particular difficulties related to acquisition and further extension of residence permit. The information that I obtained I have split into two subsections: experiences related to communication with local immigration offices, including issues related to control of the “effectiveness of the marriage”, and questions of gender roles and sources of the income in the households.

### **5.2.1 Acquisition of residence permit and control of “marriage effectiveness”**

According to the current legal provisions, the control of “marriage effectiveness” and spousal cohabitation is mandatory for all transnational couples residing in Italy (see above, p.37) while in Germany only couples that evoke suspicions are subject to further investigation (see above, p.27). The interviewees who dealt with Italian immigration services have complaints about delays, violation of the schedules and rude treatment (Daryna, 18.04.13, Naples; Katherina,

13.04.13, Rome). It is worth noting that there were fewer complaints and negative comments from Ukrainians residing in smaller cities. They also mention the delays and paperwork problems but characterize attitude towards them as “friendly” and “sympathetic” and the documents could be accepted even if the list was not complete. In the cities with the larger immigrants flow the officials in the registry offices paid much more attention for the correspondence of the documents to the requirements. The similar situation was described with regard to the mandatory control for spousal cohabitation. Below are the comments of a Ukrainian woman living in Casoria (population approximately 70 000 people):

*“I was one of the first Ukrainian to arrive here and my husband’s family is very open and they have many friends, so soon everybody around, including the carabinieri [Italian military police] knew me personally. Yes, there was this control visit, but two carabinieri just came to visit, they did not even enter the house, they knew perfectly well who I am and who my husband is, this was just a formality”* (Olesya, 16.04.13, Casoria)

Another Ukrainian woman that married an Italian from Bologna (370 000 people) commented that they were checked more seriously. They received a call in advance and on specified date the police officer came to their house and checked all the rooms, including bathroom with teeth brushes and towels and the dishes on the kitchen. The interviewee emphasized, though, that during the inspection the officer kept on apologizing to her and her husband for inconveniences caused and was extremely polite (Mariya, 18.04.13, Bologna). It was impossible to find out whether the procedures for couples where the wife is Italian and husband is Ukrainian are similar, as the only two couples of this kind that I found do not live in Italy. The reasons of reluctance of Ukrainian men to move to Italy deserve separate attention and will be discussed further below in relation to power balance in transnational families. The control of

marriage effectiveness in Italy, so far, cannot be defined as too complicated or disturbing procedure in most cases, except those where the inspecting officials may go into personal details making the procedure uncomfortable for the couple, but these cases seem to be rather exceptions.

According to German immigration law, the set of documents presented to the Registry office by couple in accordance with all requirements should prevent the officials from further investigations (see above, p.26). Indeed, of eight women married to German nationals, only one mentioned that as a couple they had to come for interview to the Registry office where they both were asked general questions about their relations. However, when I talked to Ukrainian men in Germany, they referred to a different practice regarding the marriages of women with German citizenship to men coming from less developed countries, including even EU member-states.

*“I have a friend from Poland; he is a construction worker, a Ukrainian but with Polish citizenship, because his grandmother was from Poland. And he met this German woman, they fell in love and, of course, they wanted to get married. And they had a lot of troubles, you know, something always was wrong with the documents, and they could not get permission to register their marriage, and Poland was already in the EU at that time, just not in Schengen! Personally I do not know our men who marry Germans<sup>7</sup>, they do not hang out with our [coming from ex-Soviet states] men normally. But the couples like ours, for example, they [migration services] always suspect that a woman gets paid for marrying a guy not from the EU. They phoned us at home and they talked to her [wife’s] parents asking about her and my financial conditions, it’s obnoxious!” (Valeriy, 24.04.13, Berlin)*

As I could understand from the comments of the interviewees, the marriages between ethnic Germans coming from Kazakhstan and Russia and holding German citizenship and

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<sup>7</sup> The interviewee is married to a woman from Kazakhstan of German origin who has German citizenship

nationals from ex-republics of the Soviet Union are considered as “requiring further investigation”, even if, according to the legal provisions, no obvious reasons for the additional control are present (Valeriy, 24.04.13, Berlin; Mariya, 30.03.13, Munich). One can also assume that the marriages when German women who do not have high income with men coming from less developed countries are considered as possible cases of financial benefit for women. In other words, while it is acceptable that a German man is sponsoring a woman from non-EU country; a German woman would marry a man from such country only in order to achieve financial advantages. This perception reinforces the concept of marriage as a contract where women receive financial benefits either for sexual services, or for granting to their husbands the citizenship. At the same time the unions that do not fit into the common pattern are marginalized as allegedly illegitimate: women from privileged group of EU citizens are not supposed to marry men who, due to their lower citizenship and economic status, will be presumably put into subordinate position.

### **5.2.2 Integration into the EU society and the labor market**

Several studies concerning women migrants’ experience and marriage migration, in particular, refer to the unemployed status of foreign women in the EU countries as to the problems of low qualification or language barrier implying, to some extent, that these are only uneducated, lower class women that happen to be in dependent conditions marrying Westerners (Alexandrova, 2007; Capusotti, 2007). While this perspective quite accurately reflects part of reality, the results of the interviews both in Italy and Germany point into additional directions concerning the reasons of immigrant women’s non-inclusion into the labor market. First of all, out of 24 interviewees, only one man does not have a University degree. Upon entry to Germany, out of eight women six spoke German at least at intermediate level and all eight spoke English.

As for the women who are married to Italians, seven out of eleven spoke Italian and all of them spoke English (4 spoke also other European languages). In other words, given above cited perspective on low level of education as the main reason of unemployment, these women, or at least most of them, would be at the labor market and employed. However, as can be seen in Appendices 2 and 3 at the moment of the interview only three women in Italy and four women in Germany said that they performed paid work.

All the women refer to the job search in the EU as to a very tough and almost impossible task. In fact, only two of them said that being a housewife was their original and desired choice; most of them complain that they would like to have a job and that they feel like they are not developing personally, however, at the present it seems to them that there is no better option. Here are explanations given as the reason of women's staying unemployed:

*“When I just arrived to Italy I spoke English only and for my profession – I am a doctor [gynecologist] this was not enough. Moreover, my diploma is not valid here; I have to study for two or three years in the University and then pass the exams to get the license. I was going to enter University in the beginning, but had to learn Italian first, it took me a year to get B1 level, but then I got pregnant so it all kind of lost sense. Now we [interviewee and her husband] wait till our son goes to school, then I will possibly turn back to the idea of entering University” (Olga, gynecologist, 13.04.13, Rome)*

*“I had MA in international relations when I came to Germany but I found out that our university diploma does not have much value here. If I were biologist or mathematician, it might have worked, but who knew? Luckily, my husband was ok with my studying at University and his parents supported us financially, actually, they helped a lot. After four years I got my second MA*

*and with German diploma I found job easily*” [six months after this interviewee found paid job, the couple applied for divorce] (Mariya, financial manager, 30.03.13, Munich).

During the second year of marriage it appeared that Mariya’s husband had mental disease and, though he started take medicines on regular basis, he still showed sharp emotional changes and aggressive behavior. The interviewee did not mention physical violence but admitted that for almost three years she lived under constant moral pressure, however, since her family back in Ukraine could not support her financially, she preferred to stay married till she graduated and found job.

Undoubtedly, the possibilities of these women to enter the EU labor market are influenced by, generally, tough competition and their immigrant status. Mainly the positions that most foreign women could find during the first period of their stay in new country are lower-level jobs as compared to those they could find back in Ukraine. Many interviewees referred to the fact that they value recognition through work and cannot be happy with lower status position. However, the influence of their husbands who are often main supporters of the idea that the wife can and should stay at home and dedicate herself to child-rearing is also important. Among other arguments mentioned by the interviewees as supporting their “mutual with husband decision” to remain officially unemployed are “need to educate children in bi-lingual environment” and to “adapt themselves for living in a different country”. As one of interviewees (Vera, 12.04.13, Florence) commented, her husband considers “inappropriate for his wife”, having higher education and not experiencing need in money to work at not prestigious positions. As another interviewee comments:

*“I was professor of English back in Ukraine. Here [in Casoria] it is impossible to find the job for me, they only want native speakers, first, and there are not so many language schools. As*

*I look very good and always have nice clothes, I got job offer for beauty salon near to our house, but my husband and his family insisted this was inappropriate, in general, I also think so...If I am not bored? No, actually, I enjoy my life now, I take care of house reparations [her husband just bought a new house] and I improve my Italian and when my husband has time we travel a lot. Sure, I want to find job in future...”(Olesya, 16.04.13, Casoria)*

Only in two cases the husbands agreed to invest money in wives' further education for career development abroad. The rest seem not to take in consideration that longer periods of unemployment and absence of professional development strengthen dependency of Ukrainian women on their husbands. It makes sense to question why it is rather common for German and Italian men to keep the Ukrainian wives unemployed being the only one income provider in the family. Even though the circumstances are different in each particular case and I will not discuss in this thesis personal motives that led my interviewees into these conditions, one can argue that such behavior leads to reinforcing by the men their dominant position in the family remaining main property owner and decision maker.

It is of particular interest that Eastern European men married to Italian and German women also refer to crucial importance for them of being if not only the main “bread-winner” than at least an equal partner in the marital union. This is the main reason for two of them continue working for Ukrainian employers and not to move to Italy for permanent residence.

*“First, I do not speak Italian at all, but this is not the issue. I could have learnt it easily. But I am a lawyer and my specialization is Ukrainian corporate law, in order to be able to work and earn money in Italy I have to study there and get there my diploma. Who will take care of my wife and children at that time? Donatella [wife of the interviewee, Italian citizen] can find some job in Kyiv when our kids are bigger, it is not a problem for her with two foreign languages in*



*such a big city. But in Italy I would have to start it all over again, it is just impossible”* (Sergey, 02.04.13, Kyiv)

It is the general concern expressed by Ukrainian men, the fear not to be able to support family and not to be able find job in a foreign country. Some of them construct it as more logical to bring the wife to Ukraine and support financially her maternity leave she spends in Ukraine. In addition it can be presumed that there is more freedom of choices for an EU national residing in Ukraine than vice versa. Indeed, one can argue that an Italian woman in Kyiv faces fewer constraints than a Ukrainian woman in Rome as EU citizens can enter and leave Ukraine visa-free, the procedure of acquisition of residence permit is very simple for them, etc. A clear communality can, thus, be established between both European and Ukrainian men who, independent from their differential status in terms of their belonging to the first-class or second-class citizens group, bring in wives from a foreign country not the least to secure their dominant position in the family.

### **5.3 Applying for EU citizenship: conflicts of practices and legal frameworks**

Among the interviewees, there were three women and one man married to German nationals and three women married to Italian nationals who successfully applied and received the citizenship of their new country of residence. I also found one woman in Germany and one woman in Italy whose applications for citizenship were rejected. Interestingly, both men who are married to Italian women declared that they are not going to apply for Italian citizenship and their children have Ukrainian citizenship only (Ukraine does not recognize dual citizenship). One of the women interviewees who has been married and lived in Italy for five years already said she is not applying for citizenship “for personal reasons”. The rest of the interviewees all confirmed that

they are planning to acquire EU citizenship as soon as they are able to meet necessary requirements.

The women who managed to acquire Italian citizenship all did it before the introduction of “Security package” in 2009. They did not refer to any particular obstacles except some delays and problems with the paperwork and, without asking, specified that the process was relatively easy and fast for them “compared to now”.

*“It took some time to prepare papers mainly because in our local registry office the procedure of naturalization is something that not often takes place and we had mess with the documents sent to Bologna and back as every time something was wrong. But I would rather blamed the officials who were not well informed for that, not the whole system. Yet, mind you, it was before 2009, now couple of my friends who try apply for citizenship say it is almost impossible to get it, so I was lucky”* (Katherina, 13.04.13, Rome).

As Katherina comments in relation to her friends experience and this is supported by the interview of Oksana (13.04.13, Rome), whose application in 2010 was rejected, the situation indeed changed drastically for foreign spouses after 2009. As the required residence term was changed from six months to two years (see above, p.38), all applications that were being processed at the moment of implementation of the new law were rejected because in most cases the time applicants had been residing in Italy at that moment was not enough (less than two years). This is what happened to Oksana as well, her application was rejected as her residence in Italy lasted for a year only. According to the Nationality Law the next time she can re-apply for citizenship is in five years after the rejection. The interviewee says that she sent an official complaint about this case to the Ministry of Internal affairs, but has not received any reply. For

example, Olesya, who submitted application for citizenship in March, 2012, says that she received the confirmation that her application was received only after six months.

*“Now they will process it for at least 730 days, as they [immigration office] say, but I do not know anybody who received the reply after two years only. I can send official complaint if I have no reply after two years, but, really, it will take them another half a year to react on it”* (Olesya, 16.04.13, Casoria).

The German case is described by interviewees as much more transparent in terms of time limits. Even though the applicants have to pass two tests in Germany (citizenship test and language test, see above, p.25), the tests were described as reasonable and easy to prepare. However, still the conflicts between the legal stipulations and real practices occur. As an interviewee comments:

*“I applied for citizenship after three years of marriage and permanent residence in Germany but could not proceed as Registry office required the confirmation of resignation of my previous citizenship that I had to receive from Ukrainian consulate in Berlin. This procedure takes 2 years. During the fifth year I got divorced, and because of that my application was rejected. I can reapply, though, after another three year based on my 8-year permanent residence here. I was told that I could have received the citizenship if I had a child with my ex-husband, but I am happy that we don’t as in this case hardly would I be able to work now and support myself so effectively”* (Mariya, 30.03.13, Munich)

The situation in Germany, therefore, is not really different from the one observed in Italy. While official policy declares shorter period for naturalization for spouses of EU nationals (two years for both countries), the real procedure takes much longer (up to five-seven years as

interviewees' experiences show). It might, probably, be related to increased number of applications that need to be processed by immigration offices, but yet one can question to what extent all the delays, extensions and rejections are legitimized as one of the means to restrict and limit access to EU citizenship for Third country nationals.

According to the interviews, there is a clear divergence between the EU principle of facilitated regime of acquisition of citizenship for family members (Convention of Nationality 1997) legally supported by the member-states and domestic social-legal practices in Germany and Italy. This can be explained by the conflict between the urge for liberalization of citizenship policies especially in terms of gender equality implied by the Europeanisation process and the tendency to be observed in EU-15 countries to limit immigration flows from less developed regions. The obstacles that my interviewees met at all three stages of acquisition of citizenship often were primarily related to their "second class citizenship" (selective immigration requirements, for example) and only then to the gender of the interviewee. However, the way men and women from Third countries experience the consequences of their being "second class" citizens in transnational marriages is definitely gendered.

Extant gender discourse in European societies, which envision the man to be the main family supporter or at least an equal partner in this regard contributes to the fact that any sharp increase of the marriages between Ukrainian men with German or Italian women for the sake of moving to the EU and acquiring the citizenship appears to be highly improbable in the nearest future. Both the legal analysis and the discussion of the interviews suggest that even though the changes in the legal framework towards gender equality formally improved the conditions for acquisition of citizenship for foreign men from Third countries, legal conditions and social pressure and expectations make these unions rather exceptions than common practice. At the same time, economic and social hardship in Ukraine are the reason why, in spite of all restrictions

and obstacles, the number of the women moving to the EU through marriage with EU nationals is not likely to fall. As a result the current legal framework and social context creates rather advantageous conditions for Western European men who want and can afford to “import a wife” from a less developed country such as Ukraine. Existing legislation and social expectations, in fact, legitimize and normalize these intimate unions between Third countries women and Western European men; this points to a long historical continuity in how intimate relationships between men and women from dominant and dominated groups have been conceived of. Furthermore, the fact that access to EU citizenship for these women gets more and more restricted does not contradict to the interests of many of these men: in reality, this results in the fact that their wives are kept dependent and, having fewer rights, correspondingly, also more submissive in many cases.

## Conclusions

In this thesis I addressed the issue of gender equality in the citizenship policies of Germany and Italy focusing on the provisions regulating the access to residency in the EU and EU citizenship through marriage. Like in other EU member-states, the citizenship laws in these countries were adjusted to ensure equal treatment for women and men and to protect the right for family formation for all EU citizens. This resulted in the abolition of advantages, existing before, of automatic acquisition of EU citizenship for foreign women and facilitating citizenship acquisition for foreign men marrying EU nationals on the same terms as prescribed for foreign women. It was important, though, to examine whether the gender neutral legal framework thus created provided also substantively equal treatment to individuals independent on their sex. In addition the question of the overall tendency in terms of expanding or restricting access to EU citizenship was taken into consideration. The drive towards gender equality in the EU in general came together with the trend in EU-15 countries to restrict the immigration laws and, in particular, access to EU citizenship through national citizenship. As the analysis shows, these practices towards non-EU nationals are rather selective and affect target immigrants from less economically developed countries in particular. The policy script aimed at facilitating the access to citizenship for family members of EU citizens, thus, conflicted with the politics of limiting the constantly growing immigration flows from Third countries.

The analysis of the transnational marriages as mode of access to EU citizenship for men and women coming from Ukraine and marrying citizens of Germany and Italy would thus remain incomplete and one-sided if it involved a gender perspective alone. The differential value of citizenship of the partners that defines their position in the society and influences relations of power and subordination has to be taken into consideration. Therefore in this thesis I used an

intersectional approach to explore how the combination of individuals' gender and nationality, together with social norms governing the realm of intimate relationships create the grounds for dominant or subordinate positions of partners in the transnational marriages.

To investigate better the ways how German and Italian states through citizenship policies and legal tools construct the relations with their citizens and immigrants trying to get access to national and, through it, to EU citizenship, I referred to the "management of intimacy". I argued that through certain practices such as the selective control of "marriage effectiveness", preferential treatment of foreigners from other EU countries compared to Third countries nationals, high financial conditions requirements, etc., the states define for their citizens what can and what cannot be considered as a "legitimate" and "acceptable" marriage. Applying the concept of state executing control over intimate life of its citizens described by Stoler (1989), I demonstrated that current legal practices are aimed to secure the preservation of highly gendered categories of "Europeans" and "non-Europeans" as first-class and second-class, dominated and subordinated categories. The combined relevance of these categories points to the fact that feminist studies of the citizenship policies in Europe should not be limited by focusing only on the issues of substantive and formal gender equality in citizenship legislation.

Based on the analysis of the legal provisions and the interviews I claim that the unions that are recognized as "normal" and "effective", and confirming to the material requirements and possibilities available, are the marriages between men representing the dominant group of EU citizens and women from Third countries. Since these women belong to the subordinate gender and citizenship group, a "double exclusiveness" (Braidotti, 2007) is created. In fact, the state policy consistently reproduces the conditions that make it possible for many men-EU nationals to bring more and more women from Third countries in. At the same time, EU member-states

maintain rather restrictive policy for granting full rights of EU citizenship to these women as “second class” citizens.

The subordinate position of women coming from non-EU Eastern European countries as dependent or sponsored partners to the men-citizens of developed Western European states has been addressed in the literature on transnational migration (Nanz, 2009; Petersen, 2007). In addition, a few feminist scholars (Digruber and Messinger, 2006; Wray, 2006; Braidotti, 2007; Flemmen, 2008) do examine questions related to the intersection of gender with nationality and class. This small body of literature stands out through this combined analysis as compared to other feminist and mainstream literature. The contribution of my thesis is in capturing the role of state citizenship policies in supporting and reproducing existing relations of dominance and subordination caused by privileges or disadvantages related to the intersection of individuals’ gender, residency status and citizenship in relation to the question of family unification and transnational marriage. The inclusion of the couples into my research that do not fit into the highly gendered mainstream pattern, i.e. couples between women from developed European countries and men who are non-EU citizens – a group which has been often overlooked, has served to support my main argument and to add an additional dimension – the analysis of a “counter-intuitive” group – to it. In this way my thesis discusses states’ policies and their implementation, which provides differential treatment for the couples depending on whether the couple fits into “acceptable” by state image of “power distribution”, as well as its impact on the overall patterns of transnational marriage in the context of EU citizenship policies.

As a final remark, I would like to point out the need for further research on citizenship laws and practices concerning transnational marriages of EU-nationals with Third countries men and women. Deeper intersectional analysis of EU member-states management of the private and intimate life of their citizens and incoming migrants through citizenship policy and control over



the institute of transnational marriage may bring to the fore a wider picture on how these countries respond to changing trends in the immigration flows and, at the same time, on how these immigration flows are shaped and modified by the state institutions on the domestic level.

## Appendices

### Appendix 1. Text of the questionnaires

#### Questionnaire 01, citizenship acquired

You come from the Ukraine and are a German (Italian) citizen today. Tell me about your experience and feelings in relation to the whole process of acquiring citizenship?

1. Age
2. Gender
3. Nationality
4. Spouse (partner) nationality
5. What is the highest level of education that you achieved? If you have University diploma (s), of which universities are those?
6. What foreign languages do you speak and at what level?
7. For how long have you been married? Did you get married in Ukraine or Germany (Italy)?
8. On the basis of which legal regulation did you enter the country?
9. How was your experience with obtaining the visa? Did it take you long?
10. Did you have personal interview at the embassy for that? How did it go? What are your feelings about this? How were you treated?
11. Did you have to prove the nature of your relations in front of the embassy? If so, what did you have to provide for that? (pictures, skype conversations print outs, any other kind of proofs?)
12. Were you asked to present any additional documents, not specified in the initial list of required documents, to obtain visa? what kind of the documents were these?
13. Did you get your visa upon the first application? If not, was the procedure different/more difficult second time? How did it go?
14. If you entered the country using any other kind of visa, how long did you live there before getting married?
15. Do you have paid job now? If so, what is your position?

16. If you do not have job, is it related to your personal choice, the need to take care of children or you just could not find one?

17. If you could not find a job, what kind of problem you faced?

18. Do you have common children with your partner/spouse? If so, what is there citizenship and how was the procedure? Did you face any problems with that?

19. Have you ever been checked or asked to prove the fact of your cohabitation with your partner/spouse after the arrival to the EU? If so, how was it done? What are your feelings about that?

20. Did/do you attend any language/integration/citizenship test courses subsidized by state? How was your experience about this? How were you treated there? Was it useful course?

21. How was your experience with passing language and citizenship test?

22. Did you use the assistance of lawyer or attorney to pass all the procedures or did it by yourself? Was it expensive, troubling procedure for you?

23. How long did it take to obtain citizenship after you passed all tests and provided necessarily documents?

24. Can you recall any stories of people you know facing particular problems/obstacles with obtaining the citizenship in the country of your current residence? Could you tell about those?

25. In general, do you think that there would be any difference if you were a man (woman)?

Thank you for your time and assistance!

**Questionnaire 002, citizenship rejected**

You come from the Ukraine and are a German (Italian) citizen today. Tell me about your experience and feelings in relation to the whole process of acquiring citizenship?

1. Age
2. Gender
3. Nationality
4. Spouse (partner) nationality
5. What is the highest level of education that you achieved? If you have University diploma (s), of which universities are those?
6. What foreign languages do you speak and at what level?
7. For how long have you been married? Did you get marry in Ukraine or in Germany (Italy)?
8. On the basis of which legal regulation did you enter the country?
9. How was your experience with obtaining the visa? Did it take you long?
10. Did you have personal interview at the embassy for that? How did it go? What are your feelings about this? How were you treated?
11. Did you have to prove the nature of your relations in front of the embassy? If so, what did you have to provide for that? (pictures, Skype conversations print outs, any other kind of proofs?)
12. Were you asked to present any additional documents, not specified in the initial list of required documents, to obtain visa? What kind of the documents were these?
13. Did you get your visa upon the first application? If not, was the procedure different/more difficult second time? How did it go?
14. If you entered the country using any other kind of visa, how long did you live there before getting married?
15. Do you have paid job now? If so, what is your position?
16. If you do not have job, is it related to your personal choice, the need to take care of children or you just could not find one?

17. If you could not find a job, what kind of problem you faced?
18. Do you have common children with your partner/spouse? If so, what is there citizenship and how was the procedure? Did you face any problems with that?
19. Have you ever been checked or asked to prove the fact of your cohabitation with your partner/spouse after the arrival to the EU? If so, how was it done? What are your feelings about that?
20. Did/do you attend any language/integration/citizenship test courses subsidized by state? How was your experience about this? How were you treated there? Was it useful course?
21. How was your experience with passing language and citizenship test? Did you pass it? If not, what was the main difficulty with this?
22. Did you use the assistance of lawyer or attorney to pass all the procedures or did it by yourself? Was it expensive, troubling procedure for you?
23. Did you get any explanation of why the request for citizenship was rejected? What do you think and feel about that? Are you planning the second attempt already?
24. Can you recall any stories of people you know facing particular problems/obstacles with obtaining the citizenship in the country of your current residence? Could you tell about those?
25. In general, do you think that there would be any difference if you were a man (woman)?

Thank you for your time and assistance!

**Questionnaire 003, in the process of acquisition of citizenship**

You come from the Ukraine and are currently living in Germany (Italy). Tell me about your experience and feelings in relation to the communication with migration services, entry to the country and stay in it.

1. Age
2. Gender
3. Nationality
4. Spouse (partner) nationality
5. What is the highest level of education that you achieved? If you have University diploma (s), of which universities are those?
6. What foreign languages do you speak and at what level?
7. For how long have you been married? Did you get marry in Ukraine or in Germany (Italy)?
8. On the basis of which legal regulation did you enter the country?
9. How was your experience with obtaining the visa? Did it take you long?
10. Did you have personal interview at the embassy for that? How did it go? What are your feelings about this? How were you treated?
11. Did you have to prove the nature of your relations in front of the embassy? If so, what did you have to provide for that? (pictures, Skype conversations print outs, any other kind of proofs?)
12. Were you asked to present any additional documents, not specified in the initial list of required documents, to obtain visa? What kind of the documents were these?
13. Did you get your visa upon the first application? If not, was the procedure different/more difficult second time? How did it go?
14. If you entered the country using any other kind of visa, how long did you live there before getting married?
15. Do you have paid job now? If so, what is your position?
16. If you do not have job, is it related to your personal choice, the need to take care of children or you just could not find one?

17. If you could not find a job, what kind of problem you faced?
18. Do you have common children with your partner/spouse? If so, what is there citizenship and how was the procedure? Did you face any problems with that?
19. Have you ever been checked or asked to prove the fact of your cohabitation with your partner/spouse after the arrival to the EU? If so, how was it done? What are your feelings about that?
20. Did/do you attend any language/integration/citizenship test courses subsidized by state? How was your experience about this? How were you treated there? Was it useful course?
21. How was your experience with passing language and citizenship test? Did you pass it? If not, what was the main difficulty with this?
22. Did you use the assistance of lawyer or attorney to pass all the procedures or did it by yourself? Was it expensive, troubling procedure for you?
23. Have you already applied for citizenship? If so, how was/is the procedure, does it require a lot of paperwork? Do you have any problems with being treated not the way you would like to be?
24. Can you recall any stories of people you know facing particular problems/obstacles with obtaining the citizenship in the country of your current residence? Could you tell about those?
25. In general, do you think that there would be any difference if you were a man (woman)?

Thank you for your time and assistance!

## Appendix 2: Summary of interviews: Ukrainians married to or wishing to marry Italian nationals<sup>8</sup>

Inter- view code	Name used in the thesis	Date and place of interview	Gen- der	Age	Present family situation	Spouse's age	Child- ren	Years of residenc e in Italy	Occupation before moving to Italy	Current occu- pation	Citizenship status	Brief summary of the story of the couple
It01	Sergey	02.04.13; Budapest (Hungary) -Kyiv (Ukraine), via Skype	M	35	Married for 5 years	33	2 (2 and 4 year old )	N/A	N/A	Lawyer	Citizen of Ukraine and no intentions to apply for Italian citizenship	The couple met in the UK where they both were studying for MA degree in the University of Oxford. After 2 years of relations on distance, they decided to register the marriage and the wife moved to Kyiv. Now she is on maternity leave. Both children have Ukrainian citizenship
It02	Igor	02.04.13; Budapest (Hungary) – Rome (Italy), via Skype	M	37	Married for 1 year	35	No	8	Sales manager for MNC branch in Kyiv, Ukraine	Sales represen- tative	Citizen of Ukraine with residence permit in Italy	The couple met through common friends in Italy where Igor works for the regional office of multinational corporation. They have been together for 6 years but registered marriage only 1 year ago. Igor declared no intentions to apply for Italian citizenship, and wants his children to keep Ukrainian citizenship as well
It03	Iryna	17.04.13, Budapest (Hungary) personal interview	F	29	Married for 2 years	38	No	N/A	Lawyer in a private company	MA student (in the EU but not in Italy)	Plans to apply for citizenship after 3 years of marriage	The couple met occasionally during the touristic trip of Iryna's future husband to Ukraine. After that she visited him 2 times in Italy and in a year they registered marriage.
It04	Nataliya	12.04.13, Florence (Italy) personal interview	F	32	Married for 3 years	45	1 (9 month s)	3	Secretary	Unemplo yed (takes care of child)	Has applied for citizenship in winter 2013	The couple met on dating web-site on Internet, had 6 months relations via Skype, after that Mateo came to Ukraine for 1 week and soon afterwards proposed. Nataliya moved to Italy at once after they registered the marriage in Ukraine (she had unsuccessful attempt to get Italian visa to register marriage in Italy before that).
It05	Olena	17.04.13;	F	30	Single	39	No	N/A	Teacher	N/A	Applied for	The couple met on dating web-site on

<sup>8</sup> The names of the people and of the cities used in the thesis have been changed to ensure strict anonymity of the interviewees. Changing the names of the cities I tried to use the names of the places with similar status (economic situation, number of population) to preserve the context



		Budapest (Hungary) -Odessa (Ukraine), via Skype									Italian visa	Internet in 2011, had talked via Skype and had correspondence for 3 months; since fall 2011 Fabrizio comes to Ukraine every 2-3 months (he also has some business interest in Olena's city). In autumn 2012 Olena applied for visa to come to Italy to "try to live together and if it goes well register the marriage" (quote from interview) but got rejection. She is planning to re-apply in summer 2013
It06	Olesya	16.04.13; Budapest (Hungary) - Casoria (Italy) via Skype	F	26	Married for 2 years	28	No	2	English teacher and interpreter	Unemployed	Applied for citizenship in March 2012	The couple met through dating application for mobile phones in 2009 and after two visits of Bruno to Ukraine and one trip of Olesya and her family to Bruno's family house ("to check that he is coming from good family and they will treat her well"), Olesya went to Italy with single entry visa (made by Bruno's invitation) and the couple registered their marriage there.
It07	Olga	13.04.13, Rome (Italy) personal interview	F	32	Married for 4 years	37	1 (4 years)	5	Gynecologist	Unemployed (takes care of child)	Has not applied for citizenship "for personal reasons"	The couple met when Gian Luca visited Ukraine for business purpose. He invited Olga to visit him in Italy after 2 months of correspondence via Internet. After 1,5 years of relations on distance the couple registered the marriage in Italy.
It08	Katherina	13.04.13, Rome (Italy) personal interview	F	42	Married for 6,5 years	50	No	8	Interpreter	Freelance writer and interpreter	Applied for citizenship in 2006 and received it in 2007	Katherina met her future husband when she worked as a guide and interpreter for foreign groups in Ukraine, in Kyiv. Her future husband proposed almost at once, and after one visit to Italy she accepted the proposal. The marriage was registered in Ukraine.
It09	Oksana	13.04.13, Rome (Italy) personal interview	F	31	Married for 4 years	38	1 (2 years)	4,5	PhD student (has not finished her PhD)	Personal assistant in private company	Applied for citizenship in 2010 and was rejected in 2012	The couple met when Oksana was spending her vacations in Italy with friends. Her future husband owns several shops in Rimini and could afford pay for her next two visits to his city. In a year the couple registered the marriage and after 6 months Oksana applied for citizenship, however, was rejected due to the changes introduced

												to the citizenship law (concerning the required residence term).
It10	Tatyana	13.04.13, Florence (Italy) - Rome (Italy) via Skype (only chat, rejected to talk)	F	28	Married for 1,5 year	40	1 (6 months)	2	Promoter	Unemployed (takes care of child)	Is planning to apply for citizenship in 2014	The couple met at international exhibition in Kyiv where Tatyana worked as promoter (hostess) for alcohol company and her future husband had 1 year contract with Italian company that had an office in Kyiv. In the end of that year (in 2011) the couple registered the marriage so that Tatyana “could accompany her husband back to Italy” (quote from interview).
It11	Vera	12.04.13, Florence (Italy) personal interview	F	33	Married for 1 year	42	No	1	Manager	Unemployed	Is planning to apply for citizenship in 2014	The couple met on dating web-agency. In half a year Marco came to Ukraine to visit Vera. Vera commented that she knew she was not the only one woman Marco came to meet, however, in the end they liked each other and he invited her to spend vacations together in Turkey. After that, Vera visited Marco once in Italy and in 2012 the couple registered the marriage. Now Vera is pregnant.
It12	Mariya	18.04.13; Budapest (Hungary) -Bologna (Italy), via Skype (only chat, rejected to talk)	F	32	Married for 3 years	38	No	5	Manager	Unemployed	Applied for citizenship in February 2013	The couple met on dating web-page. Mariya was looking on purpose for a husband from Italy or Spain since she “always wanted live in any of these two countries”. She had kept correspondence with several men but in the end only Pietro “proved that his intentions were firm and he was a reliable person” (quote from interview). The couple registered the marriage in half a year after the first meeting in Italy where Mariya came upon the invitation of Pietro.
It13	Daryna	18.04.13; Budapest (Hungary) -Naples (Italy), via Skype	F	29	Married for 1,5 year	31	No	5	Student	Web-designer	Is planning to apply for citizenship in the end of 2013	The couple studied in the same University in Naples, had been dating for 3 years and registered their marriage in 2012 “mainly to avoid further problems for getting residence permit” (quote from interview) for Daryna. Daryna’s husband is currently working only part-time and she is the main provider of income in the family

### Appendix 3: Summary of interviews: Ukrainians married to or wishing to marry German nationals<sup>9</sup>

Inter- view code	Name used in the thesis	Date and place of interview	Gen- der	Age	Present family situation	Spouse's age	Child- ren	Years of residence in Germany	Occupation before moving to Germany	Current occu- pation	Citizenship status	Brief summary of the story of the couple
Ger01	Valeriy	24.04.13; Budapest (Hungary) – Berlin (Germany) via Skype (only chatting, rejected to talk)	M	42	Married for 15 years	40	2 (10 and 12 years)	14	Owner of a mini-market	Runs a small restaurant together with the wife's family	Acquired German citizenship in 2008	Valeriy's wife is ethnically German, however, she spent first 20 years of her life in Kazakhstan. They met when she came to Kazakhstan to visit her relatives. The couple maintained correspondence for 2 years and then Valeriy made a proposal and in a year moved to Germany.
Ger02	Mikhail	05.04.13; Budapest (Hungary) - Munich (Germany) via Skype	M	35	Married for 2 years	35	No	9	Student	Sales manager	Is planning to apply for citizenship in 2013- 2014	The couple studied together in the University of Berlin for Master of Business Administration program. After graduation Mikhail was offered a position in Munich and after several years when the couple married Barbara (his wife) moved to Munich. Soon afterwards the couple registered the marriage. They both work, however, Barbara might leave work for a year when they decide to have children.
Ger03	Ivan	30.03.13, Budapest (Hungary) - Munich (Germany) via Skype	M	39	Married for 3 years	37	1 (2,5 years)	6	Financial manager	Financial manager	Have not applied for citizenship yet but is planning to do so "in the nearest future"	Ivan was introduced to his future wife by one of the colleagues. By that time he already worked in Germany for a year. The couple decided to register the marriage after Julia got pregnant. Their son has German citizenship. Ivan is planning to apply for German citizenship but says that he "sees no hurry as his company arranges for him all the formalities for residence

<sup>9</sup> The names of the people and of the cities used in the thesis have been changed to ensure strict anonymity of the interviewees. Changing the names of the cities I tried to use the names of the places with similar status (economic situation, number of population) to preserve the context

												permit and he does not want to waste time now for all citizenship tests and procedures for naturalization.” (quote from interview)
Ger04	Mariya	30.03.13, Budapest (Hungary) - Munich (Germany) via Skype	F	31	Divorced	34	No	8	Graduate student	Financial manager	Is going to re-apply for citizenship in 2013	The couple met in 2000 when Mariya came to Germany as an exchange student for 2 month program. After that the couple maintained relations for 4 years waiting for Mariya to graduate in Ukraine and in 2004 she left for Germany with “fiancée visa” and the couple got married. Mariya and her husband lived together for 5 years almost and got divorced in 2009. She applied for citizenship in 2007, however, the procedure took more than 2 years and Mariya got rejection at the end since her marriage was annulled. During the first 4 years she studied in the University of Munich and after graduation started working in an investment holding.
Ger05	Nadezhda	05.04.13; Budapest (Hungary) - Munich (Germany) Correspondence via e-mail	F	36	Married for 6 years	40	2 (3 months and 4 year old)	5	Sales manager	Unemployed (takes care of child)	Is in the process of application, already passed language and citizenship tests	The couple “accidentally met” on Internet using ICQ program (messenger). It took Daniel a year of letters, visits and calls to persuade Nadezhda to move to Munich. Nadezhda comments that she had doubts till the very end as she did not speak German and “was afraid that if something goes wrong he or his family will take the children away from her”. She has never worked in Germany being on maternity leave but hopes to find a job as soon as the younger child can go to kindergarten.
Ger06	Valentina	05.04.13 Budapest (Hungary) - Munich (Germany) via Skype	F	42	Married for 2 years	51	1 (but not common, Valentina's only)	2	School teacher	Has occasional part-time job as interpreter or tourist guide	Is planning to apply for citizenship in 2014	Valentina wanted to marry a German man. She said that she was rather critical about Ukrainian men as she had only negative experience with them (including her first husband). She used both Internet and dating agencies in Ukraine. She says even though she is not that young as many women in these agencies, the fact that she did not want more children and was not

												“too demanding” provided her with quite a few options. She did not meet her husband personally before she moved to Germany with “fiancée visa” to marry him.
Ger07	Olga	18.04.13; Budapest (Hungary) – Berlin (Germany) via Skype	F	29	Married for 4 years	34	No	6	Student	Fellow researcher at the University of Berlin	Is planning to apply for citizenship in 2013- 2014	Olga met her future husband when she was studying at the University of Berlin. After completion of MA program she was accepted for PhD in Entomology. On the second year of PhD she got married. The couple is not planning to have children before Olga feels more secure with her career in academia
Ger08	Asya	07.04.13; Budapest (Hungary) - Munich (Germany) via Skype	F	33	Married for 4 years	35	2, only 1 comm on child (2 years)	5	Unemployed	Unemploy ed (takes care of child)	Citizenship acquired in 2012	The couple met via Internet, however, Asya does not remember exactly how it happened. She said she was not looking for relations with a foreigner, however, accidental chat turned into months of conversations and then Christian insisted on visiting her. Almost at once he asked to introduce him to Asya’s family and made a proposal. Asya has a daughter from her previous marriage (8 year old). As the daughter has her Ukrainian father, she cannot be adopted by Christian and has Ukrainian citizenship only.
Ger09	Kseniya	06.04.13; Budapest (Hungary) – Berlin (Germany) via Skype  CEU eTD Collection	F	29	Married for 2 years	37	No	1	Interpreter in the dating agency	Unemploy ed	Is planning to apply for citizenship in 2014	Kseniya worked as an interpreter in a dating agency and, according to her, was not looking for a husband among their clients. Her husband is half-Iranian, half-German with German citizenship, born in Germany to German father. He came to Ukraine on business and was offered by his friends to use the services of dating agency. He met Kseniya at the first date as an interpreter to his actual date. After that he and Kseniya continued communication. She went to Germany soon afterwards for language courses and met Alexander (future husband) again. The couple got married in Ukraine to avoid delays with

												“fiancée visa”. Kseniya is currently unemployed as they “are planning to have children soon and can afford it”.
Ger10	Ludmila	06.04.13; Budapest (Hungary) – Berlin (Germany) via Skype	F	37	Married for 6 years	45	2 only 1 comm on child (3 years)	5,5	Accountant	Unemploy ed (takes care of child)	Citizenship acquired in 2012	Ludmila met her future husband at the event organized by dating agency where she went to “accompany her friend”. These events are free for women. These are kind of cocktail parties where foreign men have chances to meet Ukrainian women personally. Normally there is up to 10 foreign men and 40-50 women. It was one of the first events like this in Ludmila’s city. Friedrich (husband to-be) had an associate in that city and came two or three times before “the relations started to be serious”. He paid a trip for Ludmila and her son to visit him in Germany and proposed soon afterwards. Ludmila’s son is currently living in Ukraine with his grandparents. She says she will bring him to Germany when he is older (now he is 10).
Ger11	Raisa	06.04.13; Budapest (Hungary) – Dusseldorf (Germany) via Skype	F	30	Married for 3 years	37	No	5	Sales assistant	Unemploy ed	Is planning to apply for citizenship in the “nearest future”	Raisa moved to Germany under family unification program for Jewish families as her relatives had already been living there. She met her husband at German language courses where he was teaching. She comments that she would like to find a job as now, being married, she cannot receive state’s support anymore but yet for her qualification it is difficult to find a “decent place”.

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## ***Interviews***

Detailed information on the interviews is contained in appendices 2 and 3.