

# European Union Citizenship or Status of Long-Term Resident: A Dilemma for Third-Country Nationals in Estonia

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**Abstract:** *The European Union has created long-term resident status which is an option for a third-country national to have similar rights as an European citizen. In Estonia, there is a relatively high number of third-country nationals that hold the status of long-term resident and who do seek to obtain the Estonian citizenship. This article is looking for an answer to the question whether the Estonian citizenship is attractive enough to third-country nationals residing in Estonia through which it is possible to get access also to European Union citizenship. After the transformation of the EU directives into the Estonian legislation, Estonian permanent residents have been granted the status of a long-term resident which is one step back from the development of getting closer ties with the country of residence. Citizenship is creating a division between categories of people but it also confers duties that can be avoided by non-citizens. The Lisbon Treaty has not changed much in the European citizenship notion, although, for example, diplomatic protection for the EU citizens should be provided and measures on how to achieve the goal are introduced by the Lisbon Treaty.*

**Keywords:** *citizenship rights, directives, EU citizenship, Estonian citizenship, Lisbon Treaty, long-term residents, migration*

## 1. Introduction

European citizenship can grant some rights that might be in the scope of interest of some persons to obtain. At the same time the status and rights of long-term residents who are third-country nationals (TCN) has also been established in EU and the rights are approaching the same level as those granted to European citizens.

The classical approach to citizenship is very much connected to a legal and political bond, which is determined through the mutual rights and obligations of the state and people (Craig & de Búrca, 2008; Barnard, 2007; Bauböck *et al.*, 2009). As a consequence, the citizenship is creating divisions between categories of people. Citizenship also confers additional rights and duties, which are not applicable to those who are non-citizens.

The original European Economic Community Treaty granted a right to reside in other Member States, together with a right to equal treatment with host state nationals, only to those nationals of Member States who migrated in order to pursue an economic activity. It was a very limited way of extension of rights. At that time, as a result, non-economic inter EU migrants were not protected by the Community law. When the EU citizenship was first created by the 1993 Treaty on the European Union, its significance was far from clear. The provisions gathered in the EC Treaty were essentially a combination of pre-existing rights (specifically the right to free movement) and new rights that would be of limited relevance to the great majority of citizens who continued to reside within their state of nationality (such as the right to vote or stand in local and European elections throughout the Union). In this respect, the bare Treaty provisions on Union citizenship offered little to disturb the dominant 'market-oriented citizenship' model that had emerged in EC law. The rights were primarily attached to the exercise of economic activities with a cross-border dimension.

Now European Union citizenship gives several rights and therefore it is supposed to be an "interesting investment" to obtain a citizenship of one of the European Union states.

There were three residence directives for EU citizens that granted a conditional right of residence to those who had sufficient means to support themselves, including students and pensioners.

Article 20 of the Treaty on the Functioning of the European Union (TFEU) says that every person holding the nationality of a Member State shall be a citizen

of the Union. Citizenship of the Union shall be additional to and not replace national citizenship. Therefore Estonian citizens, just as any other citizens of the EU Member States, are also considered to be EU citizens. But is the status of EU citizenship sufficiently attractive to obtain Estonian citizenship?

Estonia is one of the few countries within the EU where there is a very high number of long-term residents compared to the number of Estonian citizens (Hallik, 2000; 2006a; 2006b; 2010; Kalev, 2006).

This article argues the pros and cons for obtaining the Estonian citizenship in order to obtain also the EU citizenship by looking as a comparison the status of the long-term resident in the EU. Estonian citizenship does not seem to be very popular among third-country nationals residing in Estonia. Not all are able to apply for the citizenship (Ruutsoo, 2000; Ruutsoo & Kalev, 2005).

In 2010, the Government gave Estonian citizenship to 1,184 persons, which is the lowest number ever after the re-independence of Estonia. On 1 January 2011 there were 1,221,472 persons with Estonian citizenship (Masing, 2011).

What are the benefits which the long-term residents will miss by not obtaining the Estonian citizenship? As a principle there are several ways to acquire citizenship: at birth, by naturalization, or by marriage. The article focuses primarily on citizenship obtained by birth, more precisely, the bloodline principle (*ius sanguinis*), and to the EU citizenship as a special arrangement that is related to the EU Member State citizenship and because Estonian citizenship is only obtainable by the *ius sanguinis* principle and in some case by naturalization (see further Järve & Poleschuck, 2010).

## **2. European citizenship after the Lisbon Treaty**

European citizenship is automatically granted by obtaining citizenship of one of the EU Member States. The Lisbon Treaty has not made any major changes to the concept of European citizenship. Article 20, paragraph 2, of the TFEU states that citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties. They shall have, inter alia:

### **1) Right to move and reside freely within the territory of the Member States;<sup>1</sup>**

<sup>1</sup> Article 45 of TFEU also provides free movement right to the workers and it does not specify whether it is a worker who is EU citizen or can it be also a worker who is not EU citizen. It is left completely open.

- 2) The right to vote and to stand as candidates in election to the European Parliament and in municipal elections in their Member States of residence, under the same conditions as nationals of that State;
- 3) The right to enjoy, in the territory of a third country in which the Member States of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;
- 4) The right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language. These rights shall be exercised in accordance with the conditions and limits defined by the Treaties and by the measures adopted thereunder.

The Lisbon Treaty brought two new ideas to the Treaties. TFEU Article 25, paragraph 2, tells us that the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may adopt provisions to strengthen or to add to the rights listed in paragraph 2 of Article 20. Nevertheless the provisions adopted under Article 25 of TFEU will enter into force after their approval by the Member States in accordance with their respective constitutional requirements.

The other novelty after Lisbon is related to the diplomatic protection provisions, which should be adopted by the Council acting in accordance with a special legislative procedure and after consulting the European Parliament. It should be adopted in the form of a directive and should establish coordination and cooperation measures to facilitate the diplomatic protection of an EU citizen in the territory of a third country in which the Member State of which he is a national is not represented. The protection will be given by the diplomatic or consular authorities of any Member State, on the same conditions as to the nationals of that State.<sup>2</sup> So the EU citizens have a right to turn to any embassy or consular representation of an EU Member State when they need it in third countries. This type of protection is not available for the third-country nationals who are long-term residents in the EU.

Article 21 of TFEU gives the Union citizens a right to move and reside freely within the territory of any of the Member States subject to the limitations and conditions contained in the Treaties and secondary legislation. There is no economic limitation given in the Treaty as it used to be in the past. The concept of Union citizenship has been filled with much greater substantive content

<sup>2</sup> Art 23, TFEU.

through the interventions of the Court of Justice (ECJ). The ECJ has played a decisive role by broadening the limited version of the citizenship rights based on the economic rights. In a series of cases, the Court positively moved away from the limited vision of market citizenship by establishing the connection between economic activity and the enjoyment of rights.

It was in 1990 when the three residence directives were adopted. These were Directive 1990/364 on a general right to residence<sup>3</sup>, Directive 1990/365 on retired persons<sup>4</sup> and Directive 1993/96 on students.<sup>5</sup> The right of residence was conditional according to two criteria: first, the non-economic migrant needed to have comprehensive medical insurance; second, he needed to have sufficient resources so as not to become a burden on the social security system of the host Member State.<sup>6</sup> The introduction of the European Union citizenship together with the development of the Court's decision ended up in a situation of an outdated legislation. Therefore, in 2004 the specifics of the EU citizenship were written down in the so-called citizenship directive.<sup>7</sup> It repealed and replaced most of the relevant secondary legislation that existed before to provide a single and coherent framework detailing the Union's citizen's rights.

ECJ has in its decisions protected EU citizens' rights on non-discrimination,<sup>8</sup> the right to reside,<sup>9</sup> the right to move and reside freely within the territory of the Member State.<sup>10</sup>

In the case of *Martínez Sala*, a Spanish citizen living in Germany was denied child raising allowance on the grounds that she was not a German national and did not have a residence permit. The Court recognised her right not to be discriminated in respect of the allowance, even when she was not considered to be a worker. The Court explicitly did not give direct effect to Article 21 of TFEU, although the principle of non-discrimination and equal treatment was recognised.

The right to reside and move freely within the EU and equal treatment are the most interesting rights that third-country nationals who are long-term residents

<sup>3</sup> Council Directive 2000/43/EC, p. 26.

<sup>4</sup> Council Directive 2000/43/EC, p. 28.

<sup>5</sup> Council Directive 93/96/EEC, p. 59.

<sup>6</sup> Students only needed to assure the national authorities that they have sufficient resources to avoid becoming a burden on a state.

<sup>7</sup> Council Directive 2004/38/EC, p. 35.

<sup>8</sup> *María Martínez Sala v Freistaat Bayern*, 1998.

<sup>9</sup> Cases *Rudy Grzelczyk v Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve*, 2001 and *Baumbast and R v Secretary of State for the Home Department*, 2002.

<sup>10</sup> *Baumbast and R v Secretary of State for the Home Department*, 2002, § 81.

might want to enjoy by obtaining the citizenship of one EU Member State. The article elaborates further on the rights of long-term residents under the EU law.

### 3. Long-term residents

Long-term residents can be third-country nationals who have lived in one EU Member State for more than five years. It is required that a person moves within the EU in order to practice his EU rights. The Treaties in case of the long-term residents have given some rights to third-country nationals who do not move from one state to another. For example, Article 227 of TFEU on the right to petition the European Parliament and Article 15 of TFEU on access to documents are enjoyed by those who are legally resident, irrespective of nationality. Some TFEU articles apply to everyone and the individual even does not need to be a resident—for example, Article 157 of TFEU on equal payment for men and women and Article 169 of TFEU on rights of consumers to information. Furthermore, most of the rights enumerated in the Charter of Fundamental Rights are conferred on all persons regardless of their nationality or place of residence. The so-called equal treatment directives<sup>11</sup> apply to all persons, irrespective of nationality or residence. The details of the long-term resident status are regulated by the Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. The aim of the directive is to establish a common status of long-term resident for those third-country nationals who have resided legally and continuously in the territory of one EU Member State. After five years of legal residence in a Member State, a person has a right to apply and by fulfilling all the conditions laid down in the long-term residence directive get the long-term residence right. It basically gives a person similar rights as EU citizens have. The third-country national should have adequate resources and sickness insurance to become a long-term resident. The EU citizens who have obtained permanent residence in another EU Member State nevertheless do not need to fulfil this requirement any more.

It is important to know what has been the status of an applicant of the long-term residence status before becoming a long-term resident. There is different treatment even of family members and it depends on who is the sponsor, whether the sponsor is an EU citizen or a refugee or a third-country national who is a worker, student or researcher. The directive promises that persons who have

<sup>11</sup> Council Directive 2000/43/EC; Council Directive 2000/78/EC.

acquired long-term resident status will enjoy equal treatment with nationals. The third-country national should have access to paid and unpaid employment, equal conditions of employment and working conditions, education and vocational training, recognition of qualification and study grants, welfare and social benefits, family allowances and sickness insurance, tax relief and access to goods and services, also freedom of association and union membership and freedom to represent a union or association, and also free access to the entire territory of the EU country in which they obtained the status.

In certain cases, EU countries may restrict equal treatment with nationals with respect to access to employment and to education (e.g., by requiring proof of appropriate language proficiency). In the field of social assistance and protection, EU countries may limit equal treatment to core benefits. This cannot be done for the EU citizens who have obtained the permanent residence right after five years of residence.

Long-term residents with the long-term residence permit and their families enjoy the rights of free movement to other Member States. But the family reunification directive 2003/86/EC limits the access of family members of the long-term residents. It says that long-term resident “with reasonable prospects of obtaining the right of permanent residence” will also enjoy the right to family reunification. So in case the long term-resident can prove that he has a prospective of obtaining the right of permanent residence he can apply for the family reunification. Afterwards when the family is reunited in the country where the long-term residence has been granted, the long-term resident has a right to move around EU together with his family members. An EU citizen, on the contrary, has a right to reunite with his family member in any EU Member State.

Long-term residents as EU citizens enjoy enhanced protection against expulsion. The condition on which expulsion decisions are based must constitute an actual and sufficient serious threat to public policy or public security. Expulsion decision cannot be founded on economic decision in the case of a long-term resident as it also applies in the case of the EU citizen. EU countries are also allowed to issue permanent residence permits which are more favourable than those set out in the directive but these types of residence permits do not give the right of residence in other EU countries. The right of residence in another EU country is limited to three months. It is similar to the EU citizen’s right to reside in another EU Member State but it is connected to the practice of economic activity as an employed or self-employed person or to studies. Guild (2000, p. 63) argues that as third-country nationals do not, as a rule, have a right

of admission or protection from expulsion as a matter of EU law, the rights of the state to ensure security take precedence over the rights of the individual. Therefore, the third-country nationals can be subjects of expulsion outside of the EU but this cannot happen to the EU citizen. EU citizens can be expelled only to their home country which is in any case an EU country, and for that reason they would not face the problem to be sent out of the EU. In the Presidency Conclusions, the European Council considers

*that the priority for the coming years should be to focus on the interests and needs of the citizens and other persons for whom the EU has a responsibility. The challenge will be to ensure respect for fundamental rights and freedoms and integrity while guaranteeing security in Europe.*

The policy document does not focus only on the EU citizens but on all other persons including third-country nationals. Long-term residents are therefore no exception. It shows that the EU has no intention to treat long-term residents in a less favourable way than it does in the case of EU citizens.

It is not easy to become a long-term resident of the EU as many countries require third-country nationals to comply with integration conditions<sup>12</sup> before becoming long-term resident, and thus tests are applied (Groenendijk, 2007). These tests are usually reserved to granting an individual citizenship of a state, not merely long-term residence status. Therefore it can be claimed that there is not really a big difference between those persons who are considering applying for the long-term residence status and those looking for a citizenship of a concrete EU Member State.

#### **4. Estonian citizenship**

The current Estonian Citizenship Act is based on the act adopted in 1995, just some years after Estonia re-declared its independence. The first Citizenship Act was adopted in 1992, shortly after the 1991 singing revolution (Kalev, Ruutsoo, 2009). The 1938 Citizenship Act was readopted and as a consequence “almost exclusively” granted Estonian citizenship to those who were citizens before 1940 and their descendants. This can be seen as one of the reasons for the high number of non-citizens in Estonia. The huge number of persons who arrived during the Soviet occupation period were not granted automatic citizenship

<sup>12</sup> Council Directive 2003/109/EC, Art 5(2).



as it was the case in Lithuania. This political decision of Estonia (and Latvia, respectively) not to grant automatic recognition to all persons living on the territory of Estonia, of Estonian citizenship, has created the long-lasting situation of some persons who according to the international law live in the condition of statelessness.

Nevertheless, the majority of those persons used to have a permanent residence permit in Estonia that is now called long-term residence status with the permit to live and right to return to Estonia. The switch from permanent residence permit to the residence permit of a long-term resident happened when Estonia implemented the long-term residence directive. It was decided that the permanent residence permit should be abolished and it was replaced with the EU long-term residence permit. Therefore, now the number of long-term residence permits can be easily measured by the numbers of persons without any citizenship. Estonian legislation does not identify these persons as stateless but as persons with undefined citizenship. There are several practical and non-practical reasons why these persons with “grey passport”<sup>13</sup> (persons with undefined citizenship) have not applied for Estonian citizenship. Quite a big number of these persons can never obtain Estonian citizenship as they are related to the Soviet Army and are considered as a public threat. Others do not want to apply for the citizenship because of emotional reasons or fear of failing the state exam and language test.

Estonian citizenship can be acquired by birth, naturalisation or resumed by a person who has lost the citizenship as minor or who lost the citizenship through release from or deprivation of Estonian citizenship or upon acceptance of the citizenship of another state. Acquisition of Estonian citizenship is regulated by the Citizenship Act.

In order to get the citizenship by birth at least one of the parents of the child has to hold Estonian citizenship at the time of the birth of the child. Also in the case when the child was born after the death of his or her father and if the father held Estonian citizenship at the time of his death. There seems to be a small discrimination as in the case when the mother dies and the father does not have Estonian citizenship the child may not get the citizenship of Estonia. Also if the child is found in Estonia and it is not clear who are the parents of the child, the child will get Estonian citizenship by birth unless it is proved to be a citizen of another state.

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<sup>13</sup> A ‘grey passport’ will be issued to person with non-defined citizenship according to the provisions laid down in § 2 p 5 of the Identity Documents Act, 1999.

In order to acquire Estonian citizenship by naturalisation the person has to be at least 15 years old and is required to have stayed in Estonia permanently on the basis of long-term residence permit for at least five years prior to the date on which he or she submits an application for Estonian citizenship and for six months from the day following the date of registration of the application for the naturalisation.

All persons who wish to acquire Estonian citizenship by naturalisation have to reach a certain level of Estonian language competence; they must have permanent income which ensures the subsistence of him/herself and the dependants. Persons who have acquired basic, secondary or higher education in the Estonian language are not required to pass the language test. So therefore the problem for young persons who have finished Estonian-language schools is solved. Also the loyalty for obtaining the citizenship is required and the oath of loyalty has to be taken. The problem of statelessness mainly applies to the older generation who came to Estonia during the Soviet period. A person cannot be released from Estonian citizenship if the person will become stateless, has unfulfilled obligations before Estonian state (for example, men have an army training obligation) or is in active service in the Estonian Defence Forces.

The Estonian journalist with Russian ethnic background Sergei Stadnikov (2011) asks in his article a question as to why the holders of “grey passports” no longer want Estonian citizenship? The article claims that the number of persons holding a valid residence permit or a residence right dropped to less than 100,000 persons.<sup>14</sup>

Another news piece from 13 October 2011 states that the number of persons with undefined status has decreased to 98,500 persons. And the number of new Estonian citizens has increased by 1,072 persons in 2011.<sup>15</sup> In 2010, Estonian citizenship was granted to 1,100 persons but the highest number of persons—22,700—goes back to the year 1996, shortly after the new Estonian Citizenship Act was introduced in 1995 (Järve & Poleshchuk, 2010).

A significant trend is also highlighted by the Estonian news portal, claiming that several Estonian citizens are giving up their Estonian citizenship in order to apply for a citizenship of another country (BNS, 2011). In 2011, during a nine-month period, 78 persons were stripped of Estonian citizenship and they acquired mainly the citizenship of the Russian Federation but also Finnish, Ukrainian, Danish, Belarusian, German, Swedish, Dutch, Lithuanian citizenship or that of the United States.

<sup>14</sup> The total population of Estonia is about 1.3 million.

<sup>15</sup> The available statistics date from 13 Oct 2011 and the number may increase by the end of the year.

Estonian citizenship is not granted or resumed to a person who submits false information upon application for Estonian citizenship or a false document certifying Estonian citizenship. Similarly, Estonian citizenship is not granted or resumed to a person who does not observe the constitutional order or any other Legal Act of Estonia, who has acted against Estonian state and its security, who has committed criminal offence for which a punishment of imprisonment of more than one year was imposed and whose criminal record has not expired, or who has been repeatedly punished under criminal procedure for internationally committed criminal offences, who has been employed or is currently employed by foreign intelligence or security services, who has served as a professional member of the armed forces of a foreign state or who has been assigned to the reserve forces thereof or who has retired there from. Estonian citizenship cannot be refused because of a person's beliefs. From the legislative perspective, those who were working in the armed forces of the USSR or KGB and were not benefiting from Estonian citizenship because of the *ius sanguinis* principle cannot acquire Estonian citizenship and their only alternative is to apply for the long-term residence status. Which most of them have.<sup>16</sup> Marko Pomerants (2011), former Minister of Internal Affairs, has written in his statement that Estonia does not have an intention to change its citizenship rules as it is a fully sovereign right of the state to decide how the citizenship will be granted. It seems to be common political view of all Estonian parties that Estonian citizenship and immigration rules should be rather restrictive and should be a control based system. As it follows, not all persons can apply for Estonian citizenship even when they fulfil the language requirement.

## **5. Long-term residents in Estonia**

Those who used to have a permanent residence permit after the introduction of the EU directive of long-term residents into Estonian legislation lost the permanent residence permit as all of them were granted the status of long-term resident of Estonia according to the Article 230 of the Aliens Act. The same Article states that the long-term residence permit gives the person a right to arrive to Estonia and live here without time limitation. It can be argued that basically the essence of the new type of permit that was introduced due

<sup>16</sup> In 2009, the number of persons was 70, in 2008—65, in 2007—38, in 2006—54, in 2005—75, and in 2004—56 persons were released from Estonian citizenship. The number was the highest in 2000 when 350 persons were released from Estonian citizenship.

to the need to transpose the directive does not diminish the rights or ideas that the permanent residents of Estonia used to have. Nevertheless, the word ‘permanent’ which gives a feeling of being part of the society eternally has been changed with the word of ‘long-term’ which leaves more options to think that the status is not for infinity.

The Aliens Act that was valid before the transposition of the long-term residence directive gave a definition of a permanent resident in the following way: “Permanent resident in Estonia is Estonian Citizen or an alien living in Estonia with a permanent residence permit” (Aliens Act, Article 4, RT 1993). Article 12 of the Aliens Act from 1993 stipulated that the permanent residence permit can be issued to the alien who has lived in Estonia for three years with temporary residence permit during a five-year period and who has a living place and employment or other legal income to sustain his living. Article 231 of the Aliens Act which is currently applicable refers to the 3rd chapter of the 2003/109/EC directive which means that one has to open the directive in order to understand what rights a long-term resident has in Estonia. It is definitely not a good example of transposition of a directive as the main principle is that the Member State legislation should transpose the directive in a manner that the results and intentions of the directive would be achieved. Referring to the directive article should not be considered a proper transposition as there might be changes in the numbering or content of the EU legal act which makes the reference done in that way inappropriate. An alien who has a long-term resident status does not need to apply for the work permit nor ask for a permission to engage in business activities.<sup>17</sup>

It is of course arguable whether the word ‘permanent’ has the same meaning as that of the long-term resident in the EU legislation.

## 6. Conclusion

EU citizens have more rights than the long-term residents and it is a demonstration of the fact that citizenship is one of the possibilities to segregate a population. It allows discriminating on the basis of not belonging to the group of persons with rights of the EU citizenship. Long-term residents face in some cases a possibility of expulsion that is not possible to enforce on an EU citizen. The EU citizen’s right to stay in the territory of the EU might be a good reason for the long-term residents in Estonia to acquire Estonian citizenship. Estonian citizenship would

<sup>17</sup> Aliens Act, Art 231 §3

give them the status of an EU citizen with the right to stay in Europe or, in rare cases, to be sent back to Estonia but not outside of EU.

The rights of migrants at the EU level are highly fractionalised and as the article shows the rights of a third-country national are not the same as the rights of an EU citizen although the idea of the directive was to bring the rights of long-term residents closer to those that are enjoyed by the EU citizens.

EU citizens have voting rights, the right to be elected to the EU Parliament and the right for the consular protection as an EU citizen by any other EU Member State consular representation. The right of protection in a third country, of the long-term residents who have acquired the status in Estonia, is not currently available for all long-term residents. Consular protection in another third country is nevertheless interesting for persons who are travelling.

Estonia issues Aliens Passport (the so-called “grey passport”) to persons who do not have any citizenship. These people have an EU long-term residence status and are protected only by the EU law when they exercise their EU rights as it derives from the Levin or Singh case (*Levin v Staatssecretaris van Justitie; The Queen v Immigration Appeal Tribunal and Surinder Singh*). Therefore, the rights of all third-country nationals with the status of long-term resident who live in Estonia are not always followed or protected by the EU law. Nevertheless, not all long-term residents residing in Estonia are in this type of situation as some of them have the citizenship of the Russian Federation, Ukraine or any other country (Gelazis *et al.*, 2000). These people are entitled to consular protection from their state of citizenship.

A problem remains for those who are persons with undefined citizenship and who have the Aliens Passport. In the case of Estonia, the collapse of the USSR and the Communist regime created the statelessness problem and the national interest to preserve the language and culture of the small nation has reduced the desire to solve the problem. The Soviet emigrants who came to Estonia during the Soviet occupation can be considered forced migrants. As stated above, not all of them have a right to acquire Estonian citizenship and can only have a long-term residence status. There is nevertheless a big group of persons who have not tried or who still have not been granted Estonian citizenship and their rights are not the same as those of EU citizens. Estonia has partly solved the statelessness problems by giving those persons residence status and special passports that are issued to persons with undefined citizenship that allows them to travel (Ruutsoo & Kalev, 2005). Also, the EU legislation on the long-term residence (Council Directive 2003/109/EC) has increased the rights of those stateless persons who

are considered to be long-term residents in Estonia. Even when they do not have a status they should have similar rights as citizens and should be respected according to universal human rights.

Granting citizenship is still the sovereign right of a country—not much has been passed for the competency at the EU level in this regard. Nevertheless, as far as it is differentiated within the EU Member States, acquiring the EU citizenship still stays diverse within the EU as it is directly related to the citizenship requirements of the concrete Member State.

Finally it can be said that for some third-country nationals based in Estonia there is even no dilemma, and they are just being deprived of the EU citizenship because they cannot apply for Estonian citizenship. This nevertheless does mean that in case they fulfil the conditions of any other EU Member State to become a citizen of that state, they might still become an EU citizen with full rights and obligations that the status entails. The EU citizenship can be the carrot for the long-term residents but probably not for those who do not plan to use their EU citizens' rights and as the rules of acquiring citizenship are diverse and depend on a specific state it might be useful first to check the requirements of other EU Member States before applying for Estonian citizenship.

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