

The process of applying for citizenship to the Icelandic Parliament is relatively simple. Photo by GAS



You Too Can be a Citizen

What is a good enough reason for wanting Icelandic citizenship “before fulfilling the regular conditions?” The short answer is that it’s all up to the General Committee.

At the Grapevine’s request, the Icelandic Ministry of Justice has explained the procedure for applying to receive fast-track Icelandic citizenship by act of Parliament.

There are two ways of applying for Icelandic citizenship. The normal way, used by several hundred people every year, is outlined in Article 5 of law 100/1952. Decisions are made by the Ministry of Justice. The express route, used by a few dozen people per year, is based on Article 6 of the same law. Here the decision is made by Alþingi (the Icelandic Parliament). More specifically, applications are approved or rejected by parliament’s General Committee twice a year, and then the decision is confirmed by the entire parliament.

The website of Iceland’s Ministry of Justice explains the procedures for applying under Article 5. But Iceland’s government gives no public information on how to apply under Article 6.

Up to now, the nature of the Article 6 application procedure has been in effect a closely guarded secret. No one who is not already “in the loop” has really known who qualifies to apply under Article 6 and such how an application can be initiated.

How to Apply?

According to the Ministry’s letter to Grapevine, applicants who wish their applications to be considered by Parliament under Article 6 should still file the regular Article 5 application form with the Ministry of Justice (not with Parliament). This application is on the Ministry of Justice’s website. All the normal supporting documents, such as recommendations, should be included, and the 10,000 ISK application fee presumably must be paid. In addition, according to the ministry:

“A letter must be included with the application requesting that the application be sent to Parliament for consideration. The letter must explain in detail the reason why the applicant considers himself or herself in need of Icelandic citizenship before fulfilling the regular conditions. After receiving the comments of the police and the Directorate of Immigration, as required by law, the ministry forwards the application to Parliament.”

As far as I know, this is the first public information that any governmental body has given about how the Article 6 process works. It is disappointing that this same information has not been added to the Ministry of Justice website’s page about applying for citizenship. That’s where it belongs.

The ministry’s letter did not suggest any deadlines for Article 6 applications, but the parliamentary vote on them normally takes place twice a year, in May and December. In a press release on May 3, the ministry said that it normally requests comments from the police and the Directorate of Immigration the same day that

Article 6 applications are received. It did not mention how long the subsequent parts of the process normally take.

Can I Be Approved?

What is a good enough reason for wanting Icelandic citizenship “before fulfilling the regular conditions?” The short answer is that it’s all up to the General Committee.

In the spring of 2006, a young woman from Guatemala who is the girlfriend of the son of Jónína Bjartmarz, then Minister of the Environment, received citizenship by act of Parliament under Article 6. The case caused a flurry of media attention, particularly because the young woman had lived in Iceland for only a year and a half, and did not appear to have an unusually strong need for Icelandic citizenship. (See Issue 9 for a full report.)

This case suggests three hypotheses. One is that the barrier for Article 6 applications is set quite low and that anyone who just asks nicely and has a halfway decent story – more or less – can receive citizenship by act of Parliament. Another is that the barrier is somewhat higher, and that Jónína’s son’s girlfriend would, practically speaking, never have been approved without Jónína’s influence – despite the repeated denials that there was any influence. A third hypothesis is that it doesn’t make much sense to ask how high the barrier is, we should not read too much precedent-setting value into any one case, and that there isn’t really any established policy on who to approve and who not.

From 2004 through mid-2007, Parliament received 225 Article 6 applications and approved 124 of them, or 55%. I would not be surprised if the number of applications increases in the wake of the young woman from Guatemala’s success. It will be fascinating to see what happens to the approval rate.

The Key Issue in the Jónína Bjartmarz Case

I have not seen any indication that Jónína Bjartmarz did anything illegal in connection with her son’s girlfriend’s citizenship application, but an injustice did take place. Her son’s girlfriend took advantage of information that was effectively privileged – even if not formally privileged – to receive an important right from the Icelandic government. At the same time, many others with perhaps a more pressing need for that right were effectively unable to ask for it, because they had no way of knowing that they could. As Jónína recognized in an interview in the July 5 issue of Mannlíf,

“... one can say that she had the right to try applying just like anyone else. However, she benefited, or perhaps in the last analysis suffered, from the fact that I knew how things work and advised her on how she could give it a try.”

“Just like anyone else” is the key issue. Actually, not everyone else was able to “give it a try”

in practice. I can sympathize with Bjartmarz’s willingness to help her son’s girlfriend apply for citizenship. But it would be a more noble use of a parliamentarian’s time to work towards making the same information available to everyone.

The Underlying Problems

Unfortunately, Bjartmarz seems not to be alone among parliamentarians in having spent more time promoting particular individuals’ applications under Article 6, than in making an effort to make information about how the process works available to all. On his blog site on July 16th, Minister of Industry Össur Skarphéðinsson discussed the case of a three-year-old Salvadoran girl living in the West Fjords to whom he thinks Parliament should grant citizenship under Article 6. It is telling that Skarphéðinsson presents the case as one in which the little girl would need his intervention in Parliament to tip the balance in her favour, rather than one in which an honestly submitted application on her behalf would be expected to succeed.

Another noteworthy case is that of a foreign scholar whose association with Björn Bjarnason is documented in Bjarnason’s online diary, among other sources. Bjarnason became Minister of Justice in 2003, and the scholar received Icelandic citizenship under Article 6 in 2004. One cannot help but wonder whether the idea for the scholar to apply for citizenship came up in conversation with Bjarnason. The scholar did not respond to requests for comment.

Underlying the controversy surrounding Article 6 applications is that it has gotten much harder to receive citizenship under Article 5, and also for non-Europeans to receive Icelandic residence permits and work permits. Speeding tickets can delay your eligibility for citizenship, marrying too young can jeopardize a residence permit application, and dealing with the Directorate of Immigration has become more bureaucratic. Quick-fix citizenship under Article 6 thus starts to become more and more attractive to people who want to ensure their security here on the island.

It is no secret that there are many problems with both the terms and the administration of Iceland’s citizenship and immigration laws. Many people are lobbying for change. In the meantime, I hope that clear information about the Article 6 process will put an end to the era in which the facilitation of Icelandic citizenship has been a privilege in the hands of the few who know how the system works.

Text by Ian Watson