

# Civis Europaeus sum?

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# **Propositions accompanying the dissertation**

*Civis europaeus sum? Consequences with regard to Nationality Law and EU Citizenship status of the Independence of a Devolved Part of an EU Member State*

By Guayasén Marrero González

1. Although nationality matters fall within the sovereign powers of States, EU law limits this competence due to the link between the nationality of the Member States and citizenship of the Union. These limitations play a role in a State succession scenario on the side of the remaining EU predecessor State.
2. The possession of citizenship of the Union by nationals of the potential newly independent States is not enough to advocate the automatic accession to the EU of those States.
3. States involved in the State succession should provide information about the effect of the legislation on the nationality status of nationals of the predecessor State within a reasonable period of time (ideally, a general proposal on nationality policy should be provided before the independence, or more desirably, before any referendum takes place), paying particular attention to the exercise of a right of option (if so provided) and the consequences that such a choice would have on their status.
4. It is not acceptable that those who are enfranchised to vote on the referendum on independence are later disenfranchised in the constitutional process leading to the creation of a new State by not granting them, at the very least, the option to acquire the nationality of that new State.
5. Since minors above 16 years-old were allowed to vote in the independence query in Catalonia and Scotland, their will regarding the acquisition (or not) of a certain nationality upon independence must be taken into account, instead of the application of rules on extension of the nationality from parent(s) to children in the context of State succession.

6. Residence rights of people residing in the territory of the potential new independent State, in the predecessor State or in other EU Member States are protected by the ECHR under the right to private and family life (the *Kurić* formula).
7. In a post-'Brexit' scenario, the residence rights of EU citizens residing in the United Kingdom and of British citizens residing in the EU would also be protected by the ECHR under the right to private and family life (the *Kurić* formula).
8. In view of a post-'Brexit' scenario, most British citizens residing in other EU countries would be able to resurrect their citizenship of the Union status by acquiring additionally the nationality of another EU Member State.
9. The Spanish legislature should grant nationals of other EU Member States the same privileged position in the naturalisation process based on residence that is currently enjoyed by Equatorial Guineans, nationals of Latin American countries, Andorra, Philippines, Portugal and Sephardim.
10. The rain in Spain stays mainly in the plain. Maastricht is all plain and back in time it belonged to Spain. El Teide, in the Canary Islands, is the highest point in Spain and its 3,718-metre summit keeps the rain away.