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# EUDO CITIZENSHIP OBSERVATORY

## *REPORT ON CITIZENSHIP LAW: PARAGUAY*

Elisa Brey

March 2016



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European University Institute, Florence  
Robert Schuman Centre for Advanced Studies  
EUDO Citizenship Observatory

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Paraguay***

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EUDO Citizenship Observatory  
**Robert Schuman Centre for Advanced  
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# Report on Citizenship Law Paraguay

*Elisa Brey*

## 1. Introduction

The First Republic of Paraguay was established after the proclamation of independence in 1811. In the War of the Triple Alliance, which ended in 1870, Paraguay was defeated by Argentina, Brazil and Uruguay. This defeat had a significant impact on the political, social and economic life of Paraguay, including its citizenship regime. During the War of the Triple Alliance, the economy of Paraguay was destroyed and the majority of the population was killed, especially men (Pastore 1986). For these two basic reasons, immigration was defined as a political priority in the 1870 National Constitution. However, Paraguay never succeeded in becoming an immigration country (Lezcano 2012). In this aspect, its experience is similar to other Latin American countries, such as Colombia (Escobar 2015). In Paraguay, only small-scale immigration took place, while large-scale emigration maintained the migratory balance of the country negative, from 1870 until today. While the key push factor for emigration has largely been economic, political factors also played a significant role, especially during the dictatorship (1954-1989).

The Second Republic of Paraguay, created in 1870, came through another external conflict, this time with Bolivia, over the definition of territorial borders between both countries (The Chaco War). Paraguay has also historically been affected by violent internal conflicts, including the 1947 Civil War, a repressive dictatorship (1954-1989), and the hegemony of the *Colorado Party* (1947-2008). Since the beginning of democracy in 1989, Paraguay has taken part in the institutional agreements for regional integration in South America, such as MERCOSUR (Common Market for the South) and UNASUR (Union for South American Nations).

The economic and political circumstances of the country are key to understanding the evolution of the citizenship regime in Paraguay, and the experiences of immigrant groups in accessing citizenship. The situation of emigrants and their relation with the state has been influenced by the restrictive character of the dictatorship, and, in times of democracy, by weaknesses in the institutional capacity of the government (López 2012). In this sense, citizenship acquisition and loss are not only defined by formal legislation, but they are also shaped by institutional practices from the State towards its natural or potential citizens, especially regarding Paraguayans abroad and foreigners in Paraguay.

As a consequence of small-scale immigration, large-scale emigration and the political context, the modes of acquisition and loss of citizenship are not central to the political or academic debates in Paraguay. Academic publications and policy analyses on this topic are mostly non-existent, and legal documents provide most information on the modes of acquisition and losses of citizenship. These are defined by the

National Constitutions, adopted in 1844, 1870, 1940, 1967 and 1992. Following the introduction of democratic rule in 1992, additional specific legislation concerning the acquisition and loss of citizenship has been adopted.

Paraguayan National Constitutions maintain a distinction between the legal conception of citizenship, considering the conditions for the acquisition and loss of citizenship (*nacionalidad*), and the substance of citizenship in terms of rights (*ciudadanía*), such as the right to vote. Paraguay differentiates between two main types of citizen: *natural citizens* and *naturalised citizens*. This differentiation is relevant especially given its possible impact on the loss of citizenship. Paraguay officially recognised dual citizenship through a bilateral agreement with Spain adopted in 1959 (Aquino 2014). Such an agreement does not exist with any other country, although there has been significant emigration from Paraguay to Argentina, Brazil, the United States of America and Canada.

The data for this report draw on a number of sources including National Constitutions and special legal instruments on citizenship published by the Supreme Court of Justice since the beginning of democracy in 1992. This data is complemented by statistical information on population, migration and acquisition of Paraguayan citizenship (*nacionalidad*).<sup>1</sup> Access to citizenship is considered both in the case of foreign citizens in Paraguay (access to Paraguayan citizenship), and by Paraguayan citizens in Spain (access to Spanish citizenship). The aim is to provide information on the social and demographic context in which the legislation on citizenship has been adopted.

This report is divided into two main parts. The first details the historical background from the beginning of the Second Republic, in 1870, until the end of the dictatorship (Part 1). The evolution of the current citizenship regime will be analysed since the adoption of the 1992 National Constitution. During this recent period, the legislation on citizenship, included in National Constitutions, has been complemented with more specific legal instruments, covered in the second half of the report (Part 2). The conclusions will include remarks on key aspects of current political debates and reform plans.

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<sup>1</sup> The first set of data includes the Population Census (1950-1982), the III National Census of Population and Housing for Indigenous People (2012), the Statistical Summary and the Statistical Annual Report (2013, in both cases). This first set of data presents the general trends of the Paraguayan population, as published by the General Direction for Statistics, Surveys and Census (DGEEC), of the Government of Paraguay. The second set of data refers to the migration trends in Paraguay, as described in the Migratory Profile of Paraguay, published in 2011, by the Organisation for International Migrations (OIM 2011). This information is supplemented and updated by data from the Delegation of the OIM in Paraguay. The third set of data includes information on access to Paraguayan citizenship by foreign citizens, depending on their previous nationality, for each year between 1996 and 2013 (both years included). The Supreme Court of Justice of the Government of Paraguay is responsible for the publication of this third dataset. The last dataset includes information on Paraguayan citizens in Spain, between 1996 and 2014, depending on their administrative status (with and without residence permits), and their access to Spanish citizenship. The National Institute for Statistics (INE) in Spain is responsible for the provision of this last dataset.

## 2. Historical Background (1870-1992)

The War of the Triple Alliance (1864-1870) is key to explaining the evolution from the First to the Second Republic of Paraguay. The conflict destroyed both the economic and political structures of the country. Moreover, the War had a disastrous impact on the population, which was reduced from 800,000 to 220,000 inhabitants (Pastore 1986). In 1870, the Government of Paraguay adopted a National Constitution, whose character was determined by the circumstances of the period and by external intervention. Chiefs of the Armies of Brazil and Argentina attended the session during which the provisional government adopted the National Constitution (Lezcano 2012).<sup>2</sup> Even if questions of citizenship were central in the 1870 National Constitution, three of its elements are especially relevant here: freedom for the entry and stay of foreign citizens, the end of slavery, and the content of natural citizenship in terms of rights (*ciudadanía*).

During the Second Republic of Paraguay, liberal policies promoted the introduction of a few foreign companies, whose main activity was agriculture based on a large-scale intensive system to cultivate the fields. By excluding small farmers, this system created an unequal social structure and pushed the local population towards other countries. Large-scale emigration in Paraguay from 1870 until the current period can be explained by the limited capacity of the economy to create jobs, together with the unequal distribution of resources, social inequalities and a medium index of human development. This means that liberal policies did not succeed in creating the socioeconomic and political conditions for Paraguay to become a country for immigration, in a more attractive way than Argentina, Brazil and Uruguay (OIM 2011).

After Paraguay was defeated by Argentina, Brazil and Uruguay, during the War of the Triple Alliance, the authorities tried to promote immigration to rebuild the economy and the population. Immigration was stated as a priority in the 1870 National Constitution, which stressed that ‘American and European immigration will be promoted, with no restriction, limits, and no taxes should be charged for the entry into the Paraguayan territory by foreign citizens whose aim is to improve industries, cultivate the fields and introduce and teach the sciences and the arts’ (Article 6). Moreover, the National Constitution mentioned the right of ‘entry, stay, transit and exit of the Paraguayan territory, free of passport’ (Article 18) for foreign nationals. This legislation was maintained without significant changes until the mid-1970s, when the dictatorship introduced more restrictive migration laws (Table 1).

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<sup>2</sup> During the research for this report, the 1870 National Constitution was not directly available. Nevertheless, I have consulted two indirect sources of information, the 1940 National Constitution and an essay on the *Constitutional History of Paraguay* during the Second Republic. This last was published in 2012, by Luis Lezcano Claude, Ministry of the Supreme Court of Justice in the Government of Paraguay from 1995 until 2013.

**Table 1 Political context, legislation on citizenship and migration in Paraguay (1811 until present)**

Political Context	Legislation on Citizenship	Legislation on Migration
1811: Independence of Paraguay, and First Republic of Paraguay	1844 National Constitution	
1870: End of the War of the Triple Alliance, and Second Republic of Paraguay	1870 National Constitution	Immigration established as a priority by the Constitution.
1932-1938: The Chaco War between Paraguay and Bolivia	1940 National Constitution	Immigration reaffirmed as a priority by the Constitution.
Civil War (1947)		
1947-1954: Hegemony of the <i>Colorado Party</i>		
1954-1989: Dictatorship by General Stroessner	1967 National Constitution	1974: Law 470
From 1989: Democratic transition From 2008: End of the hegemony of the <i>Colorado Party</i>	1992 National Constitution Specific legislation on citizenship is adopted	1996: Law 978 2009: Law 3958

Source: Lezcano (2012); López (2010); and OIM (2012).

In this context, the promotion of the economy is the key factor to understand the lack of restrictions for the entry and stay of foreign citizens in the country from the end of the Nineteenth century. This factor, together with the devastating effects of the conflict on the Paraguayan population, constitutes the reason why citizenship legislation was not a central issue when the 1870 National Constitution was adopted. Nevertheless, the 1870 Constitution contains important provisions on the content of citizenship in terms of rights (*ciudadanía*). Articles 35 and 38 conferred upon male Paraguayan citizens above 18 years of age the right to vote. Only *natural citizens* were eligible to participate as members in the legislative institutions: the Chamber of the Deputies and the Senate (Lezcano 2012). The 1870 Constitution required Deputies to be over 25 years old, and Senators to be over 28 years old.

Lastly, article 25 of the 1870 National Constitution abolished slavery. The Provisional Government established after the War had already declared this abolition through a Decree adopted in October 1869. This earlier document recognised freedom for all individuals in the Paraguayan territory, while former slave owners were granted a compensatory payment. This means slaves were not excluded from Paraguayan citizenship. This inclusive perspective may be explained by the shrinking of population in the country after the War of the Triple Alliance. In 1870, Paraguay had less than 25 per cent of the population compared to the period before the conflict (Lezcano 2012).

While the Republic defined immigration as a constitutional priority, from 1870 onwards, major emigration started from Paraguay to neighbouring countries,

especially Argentina. Large numbers of Paraguayan emigrants also left the country to settle in the United States of America, Spain, Italy and France, among others. Meanwhile, small groups of European, American and Asian immigrants settled into rural and urban areas of Paraguay, promoting economic growth through technological changes in the agricultural sector and small industries. Small-scale immigration from Germany, Ukraine, Eastern Europe, Japan, North America, Spain and Italy introduced social and cultural diversity in the country (OIM 2011).

The second period in the development of the Second Republic of Paraguay was characterised by conflict with Bolivia (*The Chaco War*) and the adoption of the 1940 National Constitution. The war lasted from 1932 until 1939, after which the majority of the disputed territory was recognised as part of Paraguay, including new potential citizens. Following the 1870 National Constitution, the 1940 National Constitution defined the content of citizenship in terms of rights (*ciudadanía*). Only *natural citizens* were eligible as Head of the Church of Paraguay and as Bishops (article 3), President of the Republic of Paraguay (article 46), Ministers (article 60), Members of the Council of the State (article 64), House of Representatives (article 68) or Supreme Court of Justice (article 81).

Immigration also remained central in the 1940 Constitution. The new Constitution maintained the principle introduced in 1870 that '[t]he Government will promote immigration from America and Europe, and it will regulate the entrance of foreign citizens into the country' (article 9). The 1940 National Constitution explicitly indicated: 'Foreign citizens do not have the obligation to adopt the Paraguayan citizenship' (article 36) after they settled in the country. The rights of foreign citizens included the exercise of civil rights, professional activities, the ownership of property and marriage. In comparison to Paraguayan citizens, the only formal difference was the possibility for foreign citizens to be expelled from the country if their acts threatened the security of the Republic or the public order. In that sense, acquisition of citizenship did not bring a large range of rights to new citizens in comparison to their situation as foreign residents.

Articles 38 to 44 of the 1940 National Constitution referred to the legal conditions for the acquisition of citizenship (*nacionalidad*) and its content in terms of rights (*ciudadanía*). The notion of *natural citizenship* was not explicitly mentioned in the 1940 National Constitution. Nevertheless, a distinction was introduced between direct access to Paraguayan citizenship and access through naturalisation. Access to Paraguayan citizenship was direct for all children born in Paraguay (*ius soli*) and the children of Paraguayan citizens born abroad under certain conditions (*ius sanguinis*). The right to vote was confined to Paraguayan men until 1961 and military service was compulsory. Access to Paraguayan citizenship by foreigners included the requirement of five years residence in the country (*ius domicili*) (Escobar 2015). In 1940 the National Constitution also established criteria for the loss of citizenship, such as: illegal bankruptcy, attempt against the security or independence of the State, and becoming a citizen of a foreign country. Dual citizenship was first recognised in 1959 after the signature of a bilateral agreement with Spain. Women were enfranchised through Law 708 on the Political Rights of Women adopted in July 1961.

The 1940 National Constitution remained in force for twenty-seven-years. This period included the 1947 Civil War, the hegemony of the *Colorado Party* and the first years of the dictatorship of General Stroessner. In 1967, another National Constitution was adopted. With the support of new constitutional provisions, General Stroessner could continue his term as the President of the Republic.



The 1967 Constitution introduced a large number of economic, professional and social rights (family, education, culture and health). Nevertheless, the implementation of those rights was limited by the restrictive character of the government, referred to as a dictatorship in the political history of Paraguay (Lezcano 2012). This situation is not exceptional to Paraguay, as similar hegemonies of presidential power can be observed in neighbouring countries. A common feature of Latin American countries has been the capacity to dissimulate dictatorships under constitutional reforms (Lambert 1978).

In 1967, the primacy of the National Constitution was explicitly recognised in relation to international agreements and national legislation. As far as security and public order were concerned, the President of the Republic was deemed to have the capacity to declare a *state of siege*, with the result that control of citizens by the State increased (Lezcano 2012). This had a consequence on the relationship between the State and emigrants from Paraguay (López 2012). In some cases, emigrants were at risk of statelessness, especially those who left the country for political reasons who were considered to have shown a lack of interest in Paraguay. In the context of the Cold War, emigrants could also be portrayed as non-patriotic communists (López 2012).

In terms of citizenship, the 1967 National Constitution maintained a clear distinction between the legal status of citizenship (*nacionalidad*) and its content in terms of rights (*ciudadanía*). The legal understanding of citizenship as a status is defined in articles 24 to 30; while the content in terms of rights is defined in articles 31 to 35. The 1967 Constitution introduced the distinction between *natural citizenship* and citizenship obtained after a process of naturalisation. Moreover, the Constitution for the first time required an expression of will and defined criteria, such as professional activity and good behavior, for the acquisition of Paraguayan citizenship by naturalisation. The Constitution also included a first reference to dual citizenship, following the bilateral agreement between Spain and Paraguay of 1959. Finally, the last innovative element of 1967 was the introduction of criteria for the loss of citizenship, excluding therefrom illegal bankruptcy (in comparison to the 1940 National Constitution), marriage and divorce.

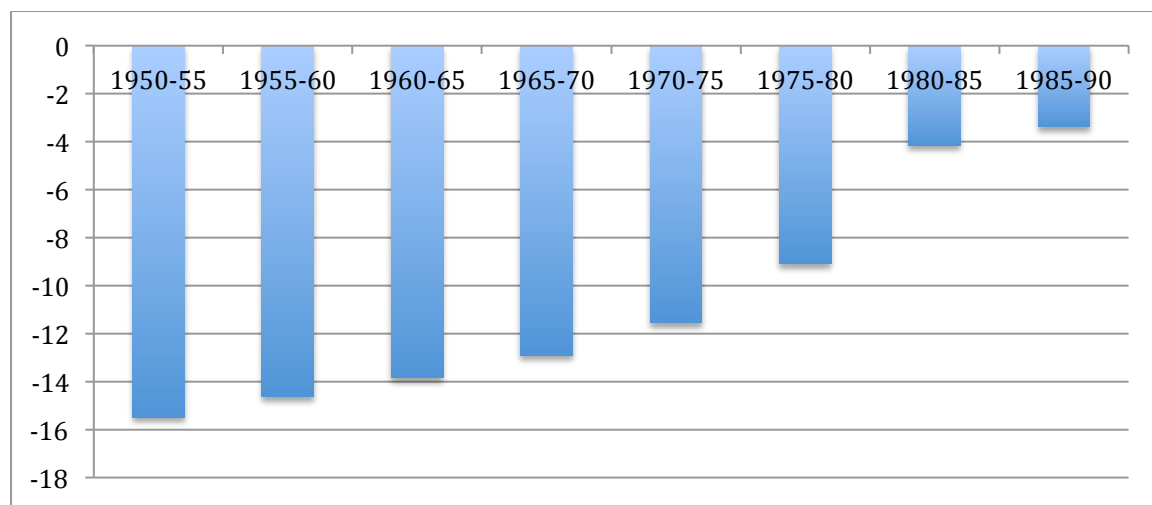
With regards to the possibility to exercise citizenship rights (*ciudadanía*), citizens included *natural citizens* above 18 years of age, and naturalised citizens above 18 years of age, two years after they became citizens of Paraguay. Rights and obligations included the franchise and military service (articles 113 and 125). Only a *natural citizen* could become the President of the Republic.

During the dictatorship, another major legislative change was the adoption of Law 470/1974, introducing restrictions for temporary and permanent stay in the national territory of Paraguay. The 1974 Law was adopted after an increase in the number of Brazilian immigrants, first in the areas next to the border between Paraguay and Brazil, then in the rest of the territory. Brazilian immigrants in Paraguay and their children came to be known as '*brasiguayos*' (OIM 2011).

In general terms, from 1870 until the end of the dictatorship, Paraguay experienced small-scale immigration and large-scale emigration, showing a negative migration balance (Figure 1). From 1950 until 1980, the migratory balance per year indicated that the number of emigrants was higher than the number of immigrants, in a range between 9,000 and 15,000 persons. Between 1980 and 1990, the effect of the restrictive migration legislation can be observed, as the number of emigrants is higher than the number of immigrants, in a range between 3,000 and 4,000 persons. Thus,

access to Paraguayan citizenship through naturalisation could only concern a small number of foreign citizens.

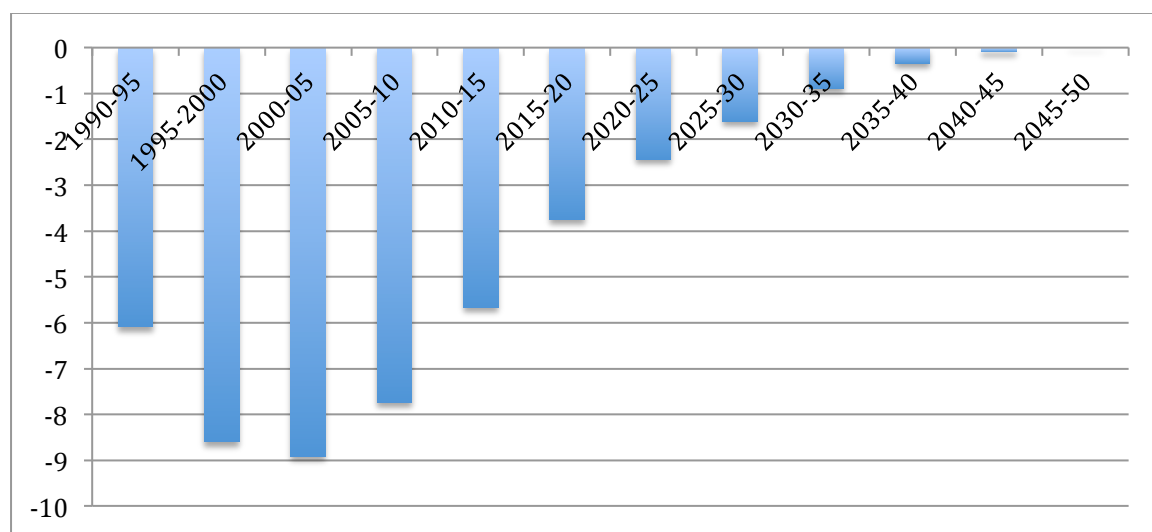
**Figure 1 Migratory balance per year, by thousands of people, in Paraguay (1950-1990)**



Source: Demographic indicators on population, General Direction for Statistics, Surveys and Census, of the Government of Paraguay.

Even in times of democracy, the trend has remained negative (Figure 2). Between 1990 and 2000, the number of emigrants was higher than the number of immigrants, in a range between 6,000 and 8,000 persons. From 2000, the migratory balance increased in negative terms, so emigration remained higher than immigration. The Government of Paraguay plans to close this gap in the coming decades with the aim that by 2050 the migratory balance of Paraguay will start to be positive, so Paraguay would in fact become an immigration country.

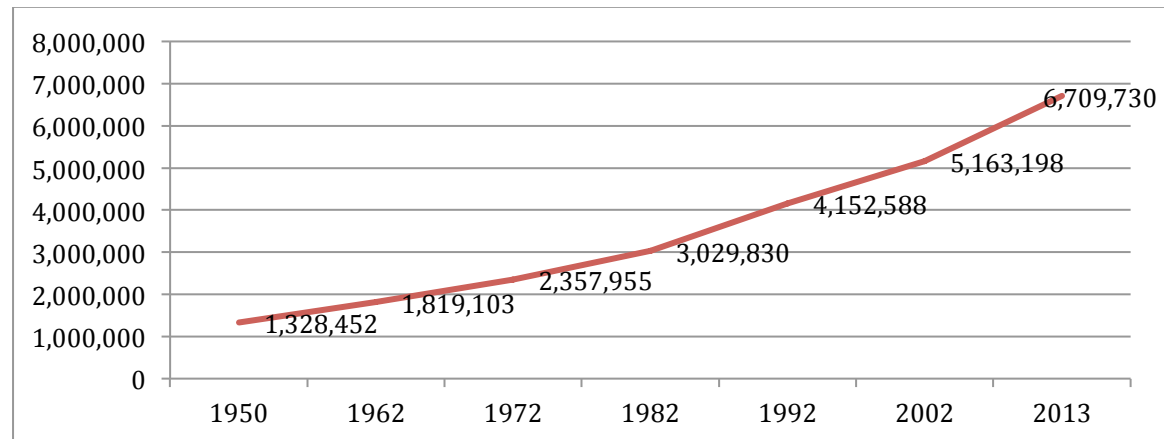
**Figure 2 Migratory balance per year, by thousands of people, in Paraguay (1990-2050)**



Source: Demographic indicators on population, General Direction for Statistics, Surveys and Census, of the Government of Paraguay.

Between 1950 until 2013, the population of Paraguay increased from 1.3 million to 6.7 million inhabitants (Figure 3). Between 1950-1982 the increase in population was a slow but steady rise of 1.7 million inhabitants. However, between 1982 and 2013, the population has grown rapidly by 3.7 million. An increase in the number of births is the basic explanatory factor in this demographic trend, as immigration flows continue to play a limited role in the demographic growth of Paraguay.

**Figure 3 Evolution of population in Paraguay (1950-2013)**



Source: Census 2002 and Statistical Annual Report 2013, General Direction for Statistics, Surveys and Census, Government of Paraguay.

### 3. The current citizenship regime (from 1992 until today)

#### 3.1 The 1992 National Constitution

As in other countries of Latin America, the democratic transition of Paraguay took place during the 1980s. In 1989, the end of the dictatorship did not bring a remarkable change in terms of social, economic and political structures (Lezcano 2012). Within the political system, significant changes would become especially visible in 2008, when the hegemony of the *Colorado Party* ended. The current citizenship regime of Paraguay was shaped in times of democracy. The most relevant change was the adoption of the 1992 National Constitution, complemented by specific legislation on citizenship.

The 1992 National Constitution replaced the 1967 National Constitution, known as the ‘Constitution of the dictatorship’. Democratic guarantees were introduced together with a reference to international human rights legislation. During the preparation of the 1992 National Constitution, one of the political debates concerned the right to vote from abroad for Paraguayan emigrants. However, when the Constitution was adopted, long-term residence in the territory of Paraguay was defined as a condition for the right to vote (article 120). Thus, Paraguayan citizens abroad were excluded from the right to vote in any election (Lezcano 2012).

The 1992 National Constitution is the basic legislative document for the definition of the acquisition of *natural citizenship* and citizenship after naturalisation. The National Constitution explicitly recognised the Judicial Power as the institution responsible for citizenship, considering the legal conditions for its acquisition and loss, together with the content of rights for citizens (article 154).

In Paraguay, the 1992 National Constitution dedicates Chapter III to citizenship. This central document is complemented by secondary legislation on citizenship. Laws, number 582 and 609 were adopted in 1995. Law 582/1995 includes a modification of Article 146, point 3) of the 1992 National Constitution. The modification refers to the procedure for children of Paraguayan citizens who are born abroad to have access to natural citizenship. Law 609/95 refers to the role of the Supreme Court of Justice with regard to asylum, access and re-access to citizenship, and the suspension of citizenship. This secondary legislation was completed by four agreements adopted in 1995, 1998, 2005 and 2007. All four agreements (10/1995, 80/1998, 352/2005 and 464/2007) refer to the internal functional regulations of the Supreme Court of Justice. Only Law 582/1995 has an impact on the *content* of the citizenship regime.

### 3.2. Modes of acquisition of citizenship

In the 1992 National Constitution, articles 146 to 151 stipulate the conditions for the acquisition and loss of citizenship (*nacionalidad*). Paraguay differentiates between three main types of citizen: *natural citizens*, *naturalised citizens* and *honourary citizens*.

‘Natural citizens’ include the following categories: ‘a) persons born in the Republic of Paraguay; b) children born abroad, of a Paraguayan mother or father, if one of them serves in the military, or both; c) children born abroad, of a Paraguayan mother or father, when they settle permanently in the Republic; d) infants with unknown parents, discovered in the territory of the Republic’ (1992 National Constitution of Paraguay, article 146).<sup>3</sup> From a formal perspective (*nacionalidad*), the limits of *natural citizenship* have been enlarged in comparison to the 1967 National Constitution. *Natural citizenship* is defined by *ius sanguinis* (for children born outside of the country, whose mother or father is a Paraguayan citizen), and by *ius soli* (with no distinction according to the citizenship of the parents).

Law 582/1995 introduces indications on the way to formalise the declaration of Paraguayan natural citizenship in the case of children born abroad to a Paraguayan mother or father, when they settle permanently in the Republic (1992 National Constitution, article 146, point 3). The declaration of Paraguayan natural citizenship can be formalised ‘[b]y the child born abroad of a Paraguayan mother or father, when this child settles permanently in the Republic; and, by the legal representative if the child is under 18 years of age’ (Law 582/1995, Article 2). This Law introduced a restriction for access to Paraguayan citizenship by children of Paraguayan emigrants, as natural citizenship would be recognised after the child ‘settles permanently in the

<sup>3</sup> ‘Son de nacionalidad paraguaya natural: a) las personas nacidas en el territorio de la República; b) los hijos de madre o padre paraguayo quienes, hallándose uno o ambos al servicio de la República, nazcan en el extranjero; c) los hijos de madre o padre paraguayo nacidos en el extranjero, cuando aquéllos se radiquen en la República en forma permanente, y d) los infantes de padres ignorados, recogidos en el territorio de la República.’ (On the Natural Citizenship, Article 146, 1992 National Constitution).

Republic'. A condition of *ius domicilii* is thus added to the *ius sanguinis* condition for children born abroad to a Paraguayan mother or father.

*Naturalised citizens* are those citizens who have obtained 'the Paraguayan citizenship in line with the following criteria: being above 18 years old; resident for at least three years in the national territory; practice in the country of a profession, science, art or industry; and appropriate behaviour, according to the legislation' (Constitution, article 148).<sup>4</sup> Naturalisation conditions also include professional activities, good behaviour and *ius domicilii*, similar to those of Colombia (Escobar 2015).

The notion of *honorary citizenship* is reserved for those who have provided eminent services to the Republic of Paraguay (1992 National Constitution of Paraguay, article 151).

Since the beginning of democracy, three rulings from the Supreme Court of Justice of Paraguay referred directly or indirectly to naturalisation processes: Ruling 195 of 1999, Ruling 600 of 2003 and Ruling 1276 of 2004.<sup>5</sup> The first two rulings refer to the same legal case, considering the potential expulsion from the country of a Paraguayan citizen who obtained citizenship through naturalisation in 1993. Ruling 1276/2004 establishes the recognition of the right of access to Paraguayan citizenship through naturalisation in the case of a Chilean citizen. In this concrete case, the naturalisation application was approved based on a certificate of long term residence in Paraguay and a certificate of good behaviour. The relation with the citizenship regime is more direct in Ruling 1276/2004 in comparison to Rulings 195/1999 and 600/2003.

In the 1992 National Constitution, articles 152 and 153 refer to the content of citizenship in terms of rights (*ciudadanía*). Article 152 establishes that citizenship includes *natural citizens* above 18 years of age, and naturalised citizens two years after they become citizens of Paraguay.

### 3.3. Modes of loss of citizenship

The differentiation between *natural citizens* and *naturalised citizens*, is relevant in the context of the loss of citizenship.

Whereas natural citizens can only lose Paraguayan citizenship if they expressly renounce it (1992 National Constitution, article 147), naturalised citizens can lose Paraguayan citizenship if they leave the country with no justification for more than three years, by legal declaration, or if they voluntarily adopt another citizenship (1992 National Constitution, article 150).

In the 1992 National Constitution, article 153 refers to the suspension of rights associated with Paraguayan citizenship (*ciudadanía*), namely: 1) the adoption of another citizenship, except in cases of international reciprocity; 2) incapacity as attested by a judge; 3) incarceration. Access to rights will be allowed again if the situation changes and the above three conditions no longer apply.

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<sup>4</sup> "Los extranjeros podrán obtener la nacionalidad paraguaya por naturalización si reúnen los siguientes requisitos: mayoría de edad; radicación mínima de tres años en territorio nacional; ejercicio en el país de alguna profesión, oficio, ciencia, arte o industria; y buena conducta, definida en la ley." (On Citizenship through Naturalization, Article 148, 1992 National Constitution).

<sup>5</sup> Source: Jurisprudence, Supreme Court of Justice.

### 3.4. Dual citizenship

Multiple citizenship is mentioned in article 149 of the 1992 National Constitution, and is based on reciprocity.

In 1959, Paraguay signed a bilateral agreement on dual citizenship with Spain. Modifications were introduced to this agreement in 1999 by the Additional Convention between the Kingdom of Spain and the Republic of Paraguay. Article 2 of the Additional Convention refers to the rights of citizenship. Dual citizens have access to the rights associated with the last citizenship adopted. When there is no incompatibility, dual citizens will also have access to the rights associated with the initial citizenship. Article 3 refers to the right, for dual citizens, to obtain and renew passports and other identification documents in both countries at the same time.

Paraguayan citizens who naturalise in Spain have access to the rights of Spanish citizenship. If they wish to be recognised as Paraguayan citizens with full rights again, they must reside in Paraguay for three years. During these three years, dual citizens will not have access to all the rights associated with Paraguayan citizenship (*ciudadanía*), although they will be considered Paraguayan citizens (*nacionalidad*).<sup>6</sup>

So far, there has been no ruling of the Supreme Court of Justice of Paraguay on dual citizenship between Spain and Paraguay. In Spain, there have been a few recent rulings: in 2000 (Number 536, not admitted); 2005 (Number 10130); 2007 (Number 380) and 2013 (Number 893).<sup>7</sup> These rulings concern the interpretation of the content of dual citizenship in terms of associated rights (*ciudadanía*). The existing jurisprudence strictly establishes that, in the case of Paraguayan citizens with or without a residence or work permit, the right of long-term stay in Spain without a visa (more than 90 days) and the right to work are not related to the existence of an agreement on dual citizenship. This means the situation of Paraguayan citizens, with or without a residence or work permit, exclusively depends on the legislation on the entry and stay of foreign citizens.

Bilateral agreements on dual citizenship do not exist with any other country but Spain. The bilateral agreement with Colombia, adopted in 1980, is not currently valid (Ministerio de Relaciones Exteriores 2010). Although bilateral agreements do not exist with other countries, there are no mechanisms to control and identify the citizens of Paraguay who have settled and naturalised abroad.<sup>8</sup> So even though dual citizenship is not officially recognised, Paraguayan citizens can still keep the citizenship of their home country if they adopt the citizenship of their destination country.

<sup>6</sup> Source: *Legal Controversies on Dual Citizenship in Paraguay* (Aquino 2014).

<sup>7</sup> Source: <http://www.poderjudicial.es/search/indexAN.jsp>

<sup>8</sup> Ultima Hora, "Paraguayos que adopten otra nacionalidad no podrán votar si se modifica Constitución tras referéndum", 02/10/2011. ["Paraguayan citizens who adopt another citizenship will not be able vote if changes are introduced into the Constitution after the Referendum"]. Available online: <http://m.ultimahora.com/paraguayos-que-adopten-otra-nacionalidad-no-podran-votar-si-se-modifica-constitucion-referendum-n468588.html>

### 3.5. Considerations towards specific groups

In Paraguay, no specific rules or statuses exist for numerically and politically important groups. Nevertheless, several data identify concrete institutional obstacles for some groups of citizens, including *natural citizens*. Among the Paraguayan population, in 2012, 30 per cent did not have an ID card and 5 per cent of the births were not registered (Table 2). Formal access to citizenship is not resolved for part of the Paraguayan population, who are not recognised by public authorities.

**Table 2 Percentage of Paraguayan population with registered birth and with ID card (2012)**

	%
<b>WITH REGISTERED BIRTH</b>	94.9
<b>WITH ID CARD</b>	70.0

Source: Statistical Annual Report 2013, General Direction for Statistics, Surveys and Census, Government of Paraguay.

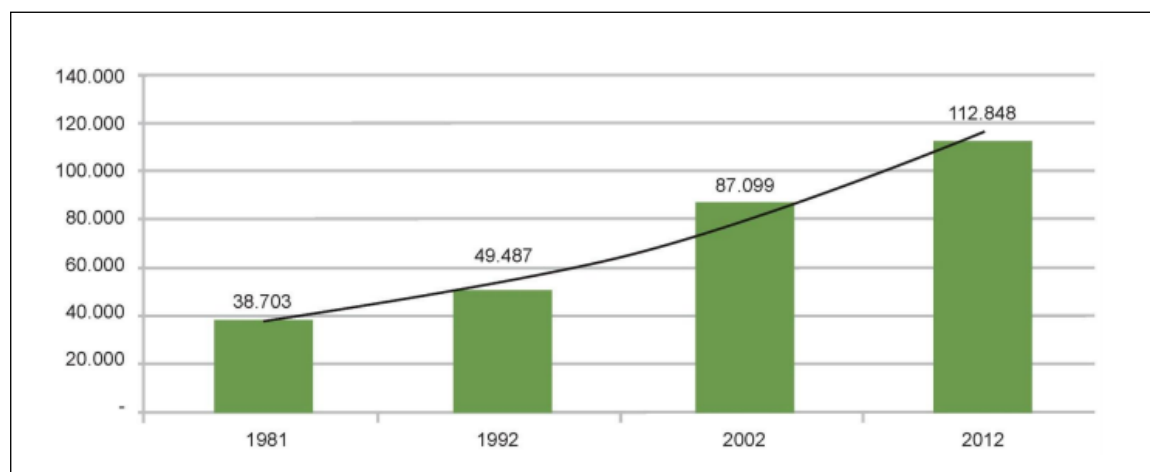
Two characteristics of the Paraguayan population should be explored in order to define the profile of those whose formal access citizenship is absent from the official statistics of Paraguay. Firstly, in 2013, 40 per cent of the population lived in rural areas (Table 3). Secondly, between 1981 and 2012, the population with an indigenous background has increased from 38.700 to 112.800 inhabitants (Figure 4). This means the percentage of indigenous population rose from 1.3 in 1981 until 1.7 in 2012 (Table 4).

**Table 3 Distribution of Paraguayan population between urban and rural areas (2013)**

	TOTAL	%
<b>URBAN</b>	4.010.858	59,8
<b>RURAL</b>	2.698.872	40,2
<b>TOTAL</b>	<b>6.709.730</b>	<b>100</b>

Source: Statistical Annual Report 2013, General Direction for Statistics, Surveys and Census, Government of Paraguay.

The existence of the indigenous population in the country cannot fully explain the lack of recognition for part of the Paraguayan population, as far as formal access to citizenship is concerned. On the contrary, it may be possible that this lack of recognition is mainly a rural issue. This issue, although not directly related to the general aims of this report, may have consequences on access to rights related to citizenship (*ciudadanía*). That is, if Paraguayan citizens in rural areas do not have an ID card, how would they benefit from the rights of citizenship?

**Figure 4 Evolution of Indigenous Population in Paraguay (1981-2012)**

Source: III National Census of Population and Housing for Indigenous People, General Direction for Statistics, Surveys and Census, Government of Paraguay.

**Table 4 Percentage of Indigenous Population in relation to the Total (1981-2012)**

	1981	1992	2002	2012
<b>Total Population</b>	3,029,830	4,152,588	5,163,198	6,709,730
<b>Indigenous Population</b>	38,703	49,487	87,099	112,848
<b>% Indigenous / Total</b>	1.3%	1.2%	1.7%	1.7%

Source: III National Census of Population and Housing for Indigenous People and Statistical Annual Report 2013, General Direction for Statistics, Surveys and Census, Government of Paraguay.

Regarding the acquisition or loss of nationality, there is no formal gender inequality. Nevertheless, two issues should be mentioned in relation to the content of rights (*ciudadanía*). Firstly, women did not have access to the vote until 1961. In the 1992 National Constitution, the participation of women was explicitly recognised in the field of political rights and women were granted priority for access to public jobs (article 117). Secondly, emigration from Paraguay mainly concerns young people and women. Both groups may face precariousness and irregularity when they settle abroad. Women are especially vulnerable if they work in the domestic sector, suffering from a lack of protection by legislation and difficulty in obtaining residence permits and citizenship of the receiving country.

### 3.6. Special institutional arrangements

Whereas two groups of Paraguayan citizens may face difficulties accessing an ID card and the recognition of their rights (citizens in rural areas and citizens abroad), two groups of foreign citizens in Paraguay can benefit from a more advantageous situation. This is the case for citizens from the European Union (EU) and other citizens whose entry is not controlled by strict visa schemes. In the case of Spain, the situation of Spanish citizens in Paraguay is influenced by the relations between both



countries, considering the large numbers of Paraguayan migrants in Spain and the existence of a bilateral agreement on dual citizenship.

Similar to the situation of EU migrants in EU member states with regards to free mobility and inclusive access to rights, a relatively advantageous situation might also concern citizens from MERCOSUR and UNASUR. MERCOSUR was created in March 1991 with the aim of promoting a common space for commercial opportunities and investments. This institutional agreement included as its full members Argentina, Brazil, Paraguay, Uruguay and Venezuela, while Bolivia, Chile, Colombia, Ecuador, Guyana, Peru and Suriname are associate members. Right to travel and work was not included in the 1991 original treaty, but was covered by the MERCOSUR Residence Agreement of 2002, which entered into force in 2009. This agreement applies in all South American Countries except for Venezuela, Suriname and Guyana.

UNASUR was established in 2008 with the aim of promoting the development of an inclusive space in the region with regard to its political, social, cultural, financial and environmental aspects, as well as infrastructures. This new model of regional integration seeks to include the achievements obtained by two other agreements - the MERCOSUR and the Andean Community. The institutional agreement of UNASUR includes Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, and Venezuela. One of UNASUR's priorities is '[t]he consolidation of a South American identity, through the progressive recognition of rights to citizens of Member States who are resident in any other Member State, with the aim to reach South American citizenship'.<sup>9</sup>

Modes of acquisition of Paraguayan citizenship may vary between groups of foreign citizens, as the data will indicate in the next section.

## **4. Citizenship and migration statistics**

This section looks at the available statistics on immigration and emigration in order to first, discuss the acquisition of Paraguayan citizenship by foreign citizens, and secondly, the situation of Paraguayan citizens abroad and their access to citizenship in Spain.

### **4.1 Access to Paraguayan citizenship by foreign citizens**

In times of democracy, immigration has been excluded from constitutional priorities and immigration issues now depend on secondary legislation. Twenty years after Law 470/1974 was introduced, Law 978/1996 maintained the restrictions for temporary and permanent stay in the national territory of Paraguay. Ten years later, Law 3958/2009 was adopted in a context characterised by a process of internationalisation of Paraguay. During the twenty-first century, new flows of Lebanese, Chinese, Korean and Brazilian immigrants have arrived in Paraguay linked to commercial activities across the border with Brazil (Source: Delegation of OIM in Paraguay).

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<sup>9</sup> Source: Official Website of UNASUR. Available on line: <http://www.unasursg.org/es/objetivos-especificos>

Furthermore, Paraguay has participated in agreements for the promotion of regional integration in South America, such as MERCOSUR and UNASUR.

An unknown number of immigrants, particularly those who have arrived in Paraguay in recent years, have an irregular situation. The shortcomings, inefficiency and poor practices of the official Paraguayan bodies responsible for migration policies and administrative measures have contributed to this situation. More recently, marked changes brought about improvements in the way in which temporary and permanent residence documents are controlled, registered and issued (OIM 2011). This recent trend may have an additional consequence on formal acquisition of Paraguayan citizenship among foreign citizens, improving the institutional channels for access.

As far as foreign citizens in Paraguay are concerned, the conditions for access to citizenship vary with respect to their country of origin. Some national groups may benefit from a relatively similar access to rights in comparison with Paraguayan citizens. This is the case when their home countries have special agreements with Paraguay. Hence, foreign citizens can make the decision whether to naturalise in Paraguay or not depending on the differential benefits in terms of access to rights. The institutional conditions for access to citizenship also play a role, together with the relations between sending and receiving countries. These differences explain the higher or lower incidence of access to Paraguayan citizenship among foreign citizens with different origins.

**Table 5 Population born abroad (by country), Paraguay, 2009.**

<b>Birth Place</b>	<b>Population born abroad</b>	<b>Percentage</b>	<b>Added Percentage</b>
Argentina	77,935	43.3	43.3
Brazil	72,582	40.4	83.7
Uruguay	7,285	4.1	87.8
Chile	4,300	2.4	90.2
Japan	3,788	2.1	92.3
Bolivia	1,879	1.0	93.3
Peru	1,584	0.9	94.2
Germany	1,404	0.8	95.0
USA	1,388	0.8	95.8
Canada	1,150	0.6	96.4
Spain	1,040	0.6	97.0
Lebanon	1,032	0.6	97.6
Korea	784	0.4	98.0
North Africa	778	0.4	98.4
Italy	758	0.4	98.8
United Kingdom	651	0.4	99.2
India	426	0.2	99.4
Switzerland	220	0.1	99.5
Panama	213	0.1	99.6
Other countries of Asia and the Middle East	213	0.1	99.7
Ecuador	164	0.1	99.8
Russia	160	0.1	99.9
France	85	0.0	99.9
<b>TOTAL</b>	<b>179,819</b>	<b>100.0</b>	<b>-</b>

Source: Households Permanent Survey (EPH), General Direction for Statistics, Surveys and Census, Government of Paraguay.

As discussed above, immigration to Paraguay is low. The 2002 census indicated that there were just over 173,000 foreigners in the country, representing 3.4 per cent of the total population recorded for that year. The last available data offer information on the population born abroad (OIM 2011). According to the Households Permanent Survey, in 2009, 179,800 persons were born abroad, out of which 78,000 were born in Argentina and 72,500 in Brazil (Table 5). Together, the population born in those two countries represents more than 83 per cent of the whole population born abroad in Paraguay in 2009. The next largest groups are Uruguay (4 per cent), Chile (2.4 per cent), Japan (2.1 per cent ) and Bolivia (1 per cent ). This data clearly indicates that the large majority of the population born in a country than Paraguay, comes from South America (92 per cent ), followed by Asia and Africa (4 per cent ), Europe (2.4 per cent ) and North America (1.4 per cent ) (Table 6).

**Table 6 Population born abroad (by region of the world), Paraguay 2009**

	<b>Number</b>	<b>Percentage</b>	<b>Added Percentage</b>
<b>Central and South America</b>	165,942	92.3	92.3
<b>Asia and Africa</b>	7,021	3.9	96.2
<b>Europe</b>	4,318	2.4	98.6
<b>North America</b>	2,538	1.4	100.0
<b>TOTAL</b>	179,819	100.0	-

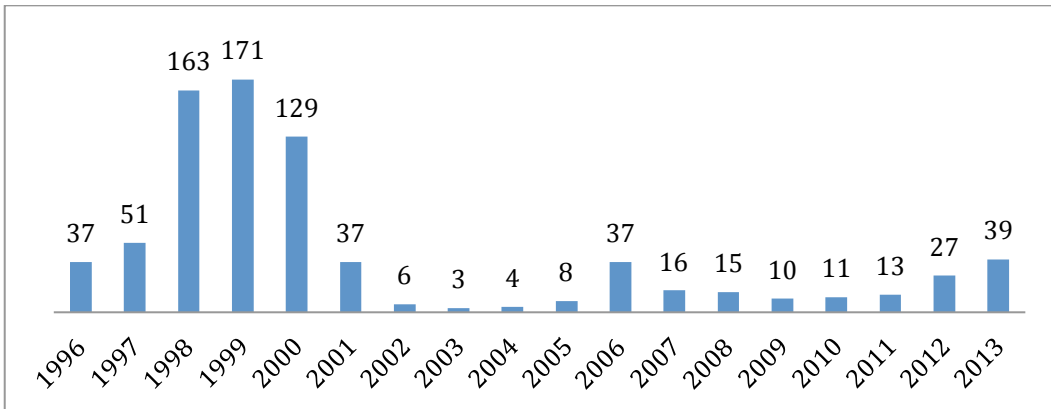
Source: Households Permanent Survey (EPH), General Direction for Statistics, Surveys and Census, Government of Paraguay.

Similarly, a breakdown of naturalisations can be presented by citizenship of origin.<sup>10</sup> During the seventeen-year period considered (1996 to 2013), a total of 777 foreign citizens gained access to Paraguayan citizenship, according to the Supreme Court of Justice of the Government of Paraguay (Figure 5). In comparison, in 2012, 1,950 foreign citizens married, out of which 1,384 persons to a Paraguayan national and 566 to another national.<sup>11</sup> This indicates that access to Paraguayan citizenship does not have a decisive and relevant impact among foreigners. This can be explained by different factors, such as the country of origin of foreign citizens and their administrative status in Paraguay. Once again, specific national groups already enjoy benefits which affect the ease with which they may enter the country and may affect their desire to apply for naturalisation, especially citizens from the European Union who do not need visas to enter Paraguay and stay for up to 90 days; MERCOSUR members implementing the MERCOSUR Residence Agreement.

<sup>10</sup> There is no available information on the legal grounds of naturalisation.

<sup>11</sup> Source: Statistical Report 2013, Direction for Statistics, Surveys and Census, Government of Paraguay. Last available data in November 2015.

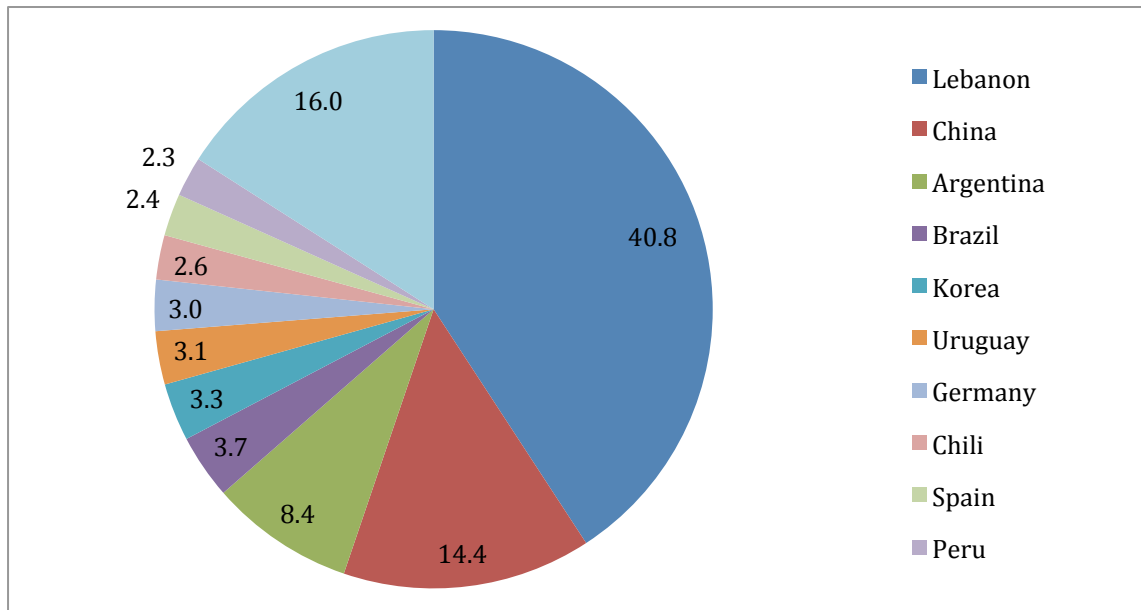
**Figure 5 Access to Paraguayan citizenship per year (1996-2013)**



Source: Supreme Court of Justice, Government of Paraguay.

In 1996 and 1997, 88 foreign citizens obtained Paraguayan citizenship and between 1998 and 2000 the number of naturalised persons rose to 463. After this sharp and short-term increase, the number decreased again, varying from 3 persons in 2003 to 39 persons in 2013. Beyond the general numbers, differences can be observed according to the country of origin of the new Paraguayan citizens (Figure 6).

**Figure 6 Access to Paraguayan citizenship per previous citizenship (1996-2013)**



Source: Supreme Court of Justice, Government of Paraguay.

Depending on their country of origin, foreign citizens might require access to Paraguayan citizenship in order to benefit from rights similar to those of the Paraguayan population. For example, access to Paraguayan citizenship might be especially relevant for migrants who do not benefit from complete freedom of movement but who wish to settle in Paraguay. Migrants will not require access to the Paraguayan citizenship if their country of origin has a specific institutional agreement with Paraguay. This might be the case when special agreements exist, for example

between Paraguay and countries implementing the MERCOSUR Residence Agreement, or with the member-states of the European Union whose citizens do not need visas for stays in Paraguay of up to 90 days.

Between 1996 and 2013, 44 per cent of new Paraguayan citizens came from Middle Eastern countries, mainly Lebanon (317 persons) and then Syria (13 persons) (Table 7). In total, 254 Lebanese citizens obtained Paraguayan citizenship between 1998 and 2000. These represented 80.5 per cent of the Lebanese citizens who adopted Paraguayan citizenship during the whole period. On a smaller scale, the same observation is valid for the Syrian population: 10 out of 13 obtained Paraguayan citizenship between 1996 and 1998.

**Table 7 Access to Paraguayan citizenship by citizens from Middle East (1996-2013)**

	<b>NUMBER</b>	<b>% (OF TOTAL)</b>
Lebanon	317	40.8
Syria	13	1.7
Israel	3	0.4
Palestine	2	0.3
Egypt	2	0.3
Arabic	1	0.1
Iran	1	0.1
Jordan	1	0.1
<b>MIDDLE EAST</b>	<b>340</b>	<b>43.8</b>
<b>TOTAL</b>	<b>777</b>	<b>100.0</b>

Source: Supreme Court of Justice, Government of Paraguay.

The second largest group for access to Paraguayan citizenship comes from the Americas (24 per cent), mainly Argentina (65 persons), Brazil (29 persons), Uruguay (24 persons), Chile (20 persons) and Peru (18 persons) (Table 8). In this case, immigration rates are relatively steady over this period. The number of persons who obtained Paraguayan citizenship in each year varies from 1 to 13, for Argentineans; from 1 to 6, for Uruguayans; and from 1 to 5, for Brazilians, Chileans and Peruvians.

**Table 8 Access to Paraguayan citizenship by citizens from America (1996-2013)**

	<b>NUMBER</b>	<b>% (OF TOTAL)</b>
Argentina	65	8.4
Brazil	29	3.7
Uruguay	24	3.1
Chile	20	2.6
Peru	18	2.3
Bolivia	8	1.0
Venezuela	8	1.0
Colombia	3	0.4
Equador	2	0.3
<b>SOUTH AMERICA</b>	<b>177</b>	<b>22.8</b>
Cuba	8	1.0

Honduras	1	0.1
Salvador	1	0.1
<b><i>CENTRAL AMERICA</i></b>	<b><i>10</i></b>	<b><i>1.3</i></b>
USA	1	0.1
México	1	0.1
<b><i>NORTH AMERICA</i></b>	<b><i>2</i></b>	<b><i>0.3</i></b>
<b><i>AMERICA</i></b>	<b><i>189</i></b>	<b><i>24.3</i></b>
<b><i>TOTAL</i></b>	<b><i>777</i></b>	<b><i>100.0</i></b>

Source: Supreme Court of Justice, Government of Paraguay.

The third largest group that obtained access to Paraguayan citizenship comes from Asia (20 per cent), mainly China (112 persons) and Korea (26 persons) (Table 9). Similar to the case of foreign citizens from the Middle East, an observable spike in adoption of citizenship occurred between 1998 and 2001. Among Chinese citizens, 99 persons adopted Paraguayan citizenship in this period, or 88 per cent of the total naturalisations of this group. Among Korean citizens, 21 persons obtained the Paraguayan citizenship between 1997 and 2000, or 80.5 per cent of the total naturalisations.

**Table 9 Access to Paraguayan citizenship by citizens from Asia (1996-2013)**

	<b>NUMBER</b>	<b>% (OF TOTAL)</b>
China	112	14.4
Korea	26	3.3
Japan	8	1.0
India	4	0.5
Philippines	3	0.4
Pakistan	2	0.3
Bangladesh	1	0.1
<b><i>ASIA</i></b>	<b><i>156</i></b>	<b><i>20.1</i></b>
<b><i>TOTAL</i></b>	<b><i>777</i></b>	<b><i>100.0</i></b>

Source: Supreme Court of Justice, Government of Paraguay.

The existence or lack of a concentration trend might indicate that migration and access to citizenship of Paraguay respond to individual or collective strategies. Strategies would be more individual among American migrants, and collective in cases of applicants from Lebanon, Syria, China and Korea.

**Table 10 Access to Paraguayan citizenship by citizens from Europe (1996-2013)**

	<b>NUMBER</b>	<b>% (OF TOTAL)</b>
Germany	23	3.0
Spain	19	2.4
Russia	12	1.5
France	11	1.4
Italy	5	0.6

Austria	2	0.3
Bulgaria	2	0.3
Switzerland	2	0.3
UK	1	0.1
Greece	1	0.1
Ireland	1	0.1
Poland	1	0.1
Sweden	1	0.1
<b>EUROPE</b>	<b>81</b>	<b>10.4</b>
<b>TOTAL</b>	<b>777</b>	<b>100.0</b>

Source: Supreme Court of Justice, Government of Paraguay.

The fourth largest group for access to Paraguayan citizenship comes from Europe (10 per cent), mainly Germany (23 persons), Spain (19 persons), Russia (12 persons) and France (11 persons) (Table 10). No concentration trend is observable in this period. The number of persons who obtained Paraguayan citizenship for each year of this period, varies from 1 to 9 for Spanish; from 1 to 6 for Russian; from 1 to 5 for German; and from 1 to 2 for French.

Foreign citizens from Africa are the smallest group with access to Paraguayan citizenship; only 12 persons obtained citizenship for the period between 1996 and 2013, of these 10 were South African (Table 11).

**Table 11 Access to Paraguayan citizenship by citizens from Africa (1996-2013)**

	<b>NUMBER</b>	<b>% (OF TOTAL)</b>
South Africa	10	1.3
Congo	1	0.1
Subsaharan Africa	1	0.1
<b>AFRICA</b>	<b>12</b>	<b>1.5</b>
<b>TOTAL</b>	<b>777</b>	<b>100.0</b>

Source: Supreme Court of Justice, Government of Paraguay.

#### **4.2. Paraguayan citizens abroad and their access to citizenship in Spain**

In Paraguay, large sectors of the labour market have remained informal during the whole of the twentieth century and the active population was affected by unemployment and under-employment. These circumstances especially affected young people and women, who are the largest group of emigrants. Economic conditions are the main factor to explain small-scale immigration and large-scale emigration; nevertheless, push factors also include political aspects, such as the postwar period (after 1870), political instability, civil wars (especially in 1947) and a long period of a repressive dictatorship (1954-1988). These push factors can explain emigration from 1870 through the present.

Considering the stability of push factors, the situation of Paraguayan emigrants became dependent on the changes in the economy or in the migration legislation of receiving countries. The situation of Paraguayan emigrants abroad is usually precarious, considering the high level of irregularity among them and their

critical economic and social living conditions in receiving countries (OIM 2011). Irregularity and the lack of a regular labour contract may have an impact on access to citizenship in the receiving country. In Spain, for example, the existence of a regular labour contract is a precondition for access to a residence permit. Only after holding a residence permit for two years, may Paraguayan citizens apply for Spanish citizenship. Hence obtaining Spanish citizenship may be difficult for Paraguayan emigrants, due to their precarious work conditions, together with a high incidence of irregularity amongst them.

According to the Migratory Profile of Paraguay (OIM 2011), it is necessary to revise the legislation, policies and institutions in Paraguay relating to migration. Other factors to take into consideration are the increasing visibility of Paraguayan emigrant organisations in countries of destination, their awareness of the importance of remittances and the pressure they apply in demanding improvements in their economic, labour and social conditions, access to documentation and recognition of their human rights, especially for the right to vote from abroad. Although emigrants were disenfranchised in the 1992 National Constitution, they once more obtained the right to vote after the 2011 constitutional referendum (López 2015).

According to OIM (2012) and the National Institute for Statistics of Spain, in 2010, 728,071 Paraguayan citizens settled abroad, representing 11 per cent of the total estimated population of the country in 2010 (Table 12). The main destination country is Argentina (75.6 per cent), where 550,000 Paraguayan citizens resided in 2010. Paraguayan emigrants moved to Spain (11.8 per cent), Brazil (5.5 per cent), the United States of America (2.8 per cent) and Canada (1.1 per cent).

**Table 12 Population born in Paraguay and living in another country (2010)**

Country	Number of Paraguayan citizens	Percentage	Added percentage
Argentina	550,713	75.6	75.6
Spain*	85,687	11.8	87.4
Brazil	40,000	5.5	92.9
USA	20,023	2.8	95.7
Canada	7,680	1.1	96.7
Bolivia	4,500	0.6	97.3
Chili	3,500	0.5	97.8
Germany	3,500	0.5	98.3
Japan	2,548	0.3	98.6
Italy	2,022	0.3	98.9
Uruguay	2,000	0.3	99.2
Other	5,898	0.8	100.0
TOTAL*	728,071	100.0	-

Source: OIM 2011. Except for the Spanish case, data were obtained from the Census in Argentina and the United States (2010), and the Embassy and the Consulate of Paraguay for other countries, according to direct information from the Ministry of Foreign Affairs, Government of Paraguay.<sup>12</sup>

<sup>12</sup> The report from the OIM (2011) indicated that the number of Paraguayan citizens was 135,517 in Spain in 2010. Nevertheless, according to the National Institute for Statistics in Spain, the real number was 85,687. The source for this data is the Municipal Register of Inhabitants, including both regular and irregular immigrants. The Register tracks immigrants in order for them to have access to basic



This section includes specific data on the acquisition of Spanish citizenship by Paraguayan citizens in Spain.<sup>13</sup> This information is relevant for two main reasons. Not only has Spain recently become the second destination country for Paraguayan emigration, but also Paraguay has signed the only currently valid, bilateral agreement on dual citizenship.<sup>14</sup>

**Table 13 Residence permits and access to Spanish Citizenship among Paraguayan citizens in Spain (1996-2013)**

Year	Paraguayan Citizens with Residence Permit in Spain	Access to Spanish Citizenship by Paraguayan Citizens	Yearly Rate for the Access to Citizenship*
1996	502	24	4.78
1997	487	33	6.78
1998	512	34	6.64
1999	529	46	8.70
2000	524	29	5.53
2001	634	42	6.62
2002	758	46	6.07
2003	992	23	2.32
2004	1,692	42	2.48
2005	7,800	60	0.77
2006	8,557	87	1.02
2007	13,651	78	0.57
2008	19,723	179	0.91
2009	29,458	298	1.01
2010	31,895	766	2.40
2011	40,963	864	2.11
2012	46,070	1,297	2.82
2013	48,964	3,799	7.76
2014	49,591	1,643	3.31
TOTAL	NC	9,390	NC

Source: General Secretary for Emigration and Immigration, Government of Spain. Data available on the first of January of each indicated year. \* This rate is calculated from the division of the number of citizens with a residence permit (first column), by the number of person who obtained Spanish citizenship (second column), in order to indirectly measure the impact of access to Spanish citizenship

public services, especially in the field of education and health. The numbers for Argentina and the USA were verified in their original data sources.

<sup>13</sup> The official statistics of Argentina and the USA were consulted for information regarding Paraguayan immigrants, but no information was available on access to citizenship by Paraguayan citizens in these countries. For Argentina, three databases were consulted, the Migratory Profile on Argentina, published by OIM in 2012 ; the National Institute for Statistics and Census of the Republic of Argentina (<http://www.indec.gov.ar/>); and the National Directorate for Migration, Government of Argentina (<http://www.migraciones.gov.ar/accesible/indexN.php?estadisticas>). For the USA, two databases were consulted, The Migration Policy Institute ([www.migrationpolicy.org](http://www.migrationpolicy.org/)); and the USA Census Bureau ([www.census.gov](http://www.census.gov)).

<sup>14</sup> Website on Legislation of Paraguay regarding Bilateral Agreements of Paraguay with other countries. Available online: <http://www.leyes.com.py/disposiciones/subcategoria/1/2/85/convenios-bilaterales.html>

among Paraguayan citizens who have a residence permit in Spain. A residence permit is a precondition of access to Spanish citizenship.

Between 1996 and 2013, the number of citizens of Paraguay with a residence permit in Spain, increased from 502 to 49,591. During the same period, access to Spanish citizenship by citizens of Paraguay increased from 24 persons in 1996 to 3,800 in 2012 and 1,640 in 2013. Each year the proportion of citizens of Paraguay who obtained citizenship in Spain was less than 10 per cent of the total of Paraguayan citizens with a residence permit in Spain (Table 13).

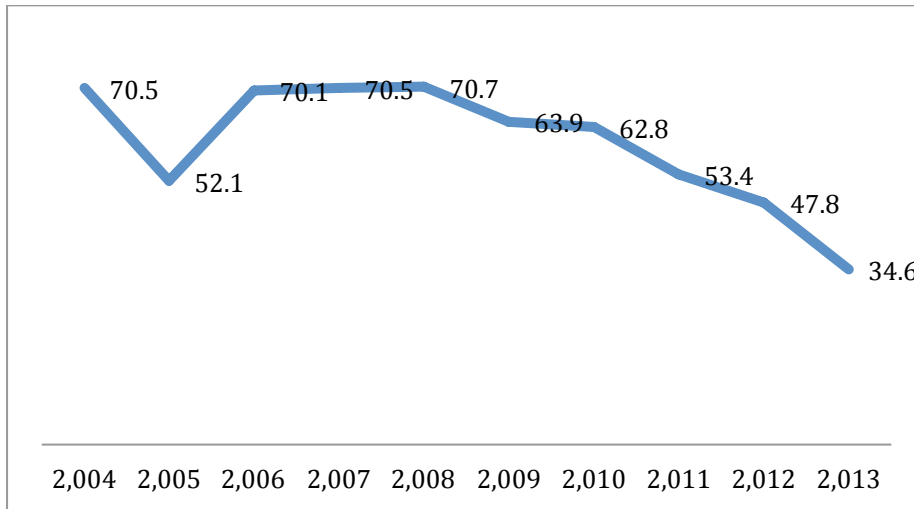
**Table 14 Paraguayan citizens in Spain, depending on their administrative situation, with or without a residence permit (2004-2013)**

Year	Paraguayan citizens in Spain (with and without a residence permit)	Paraguayan citizens with no residence permit in Spain (number)*	Paraguayan citizens with no residence permit in Spain (%)**
2004	5,734	4,042	70.5%
2005	16,295	8,495	52.1%
2006	28,587	20,030	70.1%
2007	46,238	32,587	70.5%
2008	67,403	47,680	70.7%
2009	81,551	52,093	63.9%
2010	85,687	53,792	62.8%
2011	87,906	46,943	53.4%
2012	88,327	42,257	47.8%
2013	74,910	25,946	34.6%

Source: Municipal Register of Inhabitants, National Institute for Statistics in Spain. \*This data is calculated from the number of Paraguayan citizens who have included themselves in the municipal registers in Spain, from which is taken the number Paraguayan citizens with a residence permit (Table). The data is an approximation of the number of foreign citizens with no residence permit. \*\*This proportion is calculated from the division of the number of Paraguayan citizens in Spain (with and without a residence permit) (first column), by the number of Paraguayan citizens with no residence permit in Spain (second column).

These data should be considered in relation to the absence of a residence permit among citizens of Paraguay who are included in the municipal registers in Spain, in order to have access to basic public services, with no consideration of their administrative situation. Between 2004 and 2008, the proportion of citizens from Paraguay with no residence permit reached 70 per cent in comparison to the total number of citizens from Paraguay in Spain. From 2008, this proportion decreased, until it reached 34.6 per cent in 2013. This is especially relevant since access to a residence permit is a precondition for applying for the citizenship of Spain (Table 14 and Figure 7).

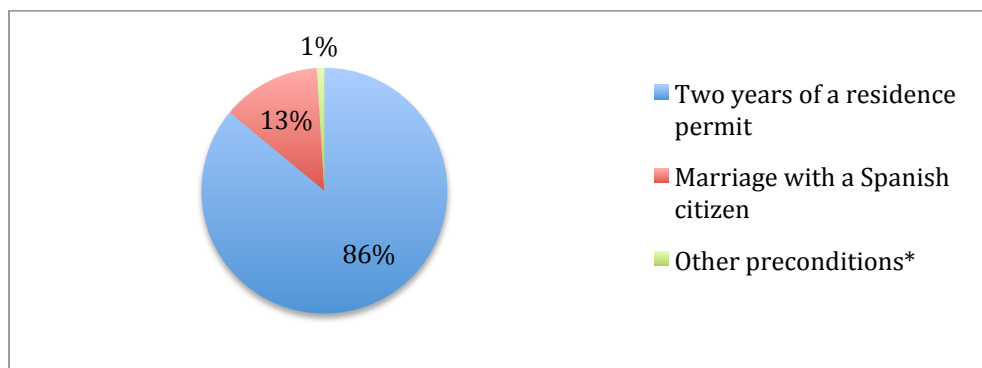
**Figure 7 Percentage of Paraguayan citizens without a residence permit, in Spain (2004-2013)**



Source: National Institute for Statistics, and General Secretary of Emigration and Immigration, Government of Spain.

Indeed, a large majority of Paraguayan citizens in Spain applied for Spanish citizenship after two years on a residence permit in the country. Marriage with a Spanish citizen was the second main reason (Figure 8). Between 1996 and 2013, 9,390 citizens of Paraguay obtained the citizenship of Spain. This number is twelve times higher than the number of foreign citizens who obtained the citizenship of Paraguay (777 persons).

**Figure 8 Preconditions for access to Spanish citizenship by Paraguayan citizens (Total from 1996-2013)**



Source: General Secretary for Emigration and Immigration, Government of Spain. Data available on the first of January of each indicated year. \* Other preconditions include: ten years of a residence permit in Spain (18 cases); birth in Spain (11 cases); birth in another country as a child or a grandchild of a Spanish citizen (10 cases); and other conditions than the previous ones (16 cases).

## 5. Conclusions

Two issues are especially relevant regarding the citizenship regime in Paraguay: the organisation of citizenship by the State of Paraguay, and the risks for segmentation among citizens.

With regards to the organisation of citizenship by the State of Paraguay, the consideration of the historical background and the current citizenship scheme indicate several trends, with a clear evolution from:

- Legislation exclusively dependent on National Constitutions to a diversified legislation, including Laws and Agreements.
- A state-centered perspective to the formal recognition of the Supreme Court of Justice as the institution in charge of citizenship.
- A combined legislation on migration and citizenship to a specialised and separated legislation on both issues.
- A citizenship regime defined in terms of national needs for the reconstruction of the country after the War of the Triple Alliance to the internationalisation of legislation, through the adoption of a bilateral agreement with Spain (1959), the inclusion of international standards in the field of Human Rights (1992 National Constitution), and the participation of Paraguay in regional agreements, such as MERCOSUR and UNASUR.

The risk for the segmentation of citizenship may depend on economic and institutional factors. The less vulnerable groups are *natural citizens* in urban areas. Following them, several groups of foreign citizens benefit from institutional agreements, including MERCOSUR and UNASUR; limited controls on the entry and stay through visa schemes, especially among citizens from the United States of America, Canada and the European Union; and a bilateral agreement on dual citizenship between Paraguay and Spain. These agreements may explain the low incidence of naturalisations in Paraguay among citizens from those countries. By contrast, a greater number of naturalisations can be observed by individuals from Asia and the Middle East, due to the need to secure their stay in the country. *Natural citizens* in the rural areas of the Paraguay and Paraguayan citizens abroad are particularly affected by the institutional difficulties of the state to provide formal documentation to citizens (ID cards). This situation may have an impact on their rights (*ciudadanía*). Economic factors may reinforce the vulnerability of natural and naturalised citizens in these cases.

In Paraguay, the citizenship regime is not a central issue in public debates, especially since immigration remains a small-scale phenomenon and the situation of emigrants is invisible in the legislation (López 2012). Nevertheless, considering the evolution of the citizenship regime in times of democracy, key aspects can be summarised as follows:

- An increase in the numbers of foreign citizens and improvement of the institutional conditions for their access to Paraguayan citizenship.
- A tension between lack of dual citizenship agreements (except for Spain) and the existence of de facto dual citizenship, with no capacity of control from the State of Paraguay.

- The claims of emigrants of Paraguay from abroad, especially over the right to vote.
- Access to documentation of Paraguay for citizens in rural areas and abroad.
- Consolidation of South American citizenship in the context of UNASUR.

Further research is required on both the formal and substantive aspects of citizenship. Among other issues, further research would enable understanding of the precise consequences of the lack of registration for births and the lack of ID cards, both in rural areas and abroad (*nacionalidad*); as well as the possible impact that the increase of immigration may have on the diversification of citizenship (*ciudadanía*).

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