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4 The 'Genuine Link' Principle in Nationality Law

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4.1 Introduction

Ever since the famous *Nottebohm* case (*Guatemala v. Lichtenstein*, ICJ, 1955) the principle of effective nationality in international customary law has been the object of intense debate among academics. Although public international law and private international law have limited influence on nationality law (e.g. in the context of diplomatic/consular protection, respect for dual citizenship and the family status of individuals), the wide spectrum of human rights challenges the regulative power of sovereign states on citizenship. The meaningful, existing connection between the national and the state is embodied in the legal bond of nationality with its various forms of acquisition, maintenance, preservation of or option between nationalities laid down in various international agreements. In the following I shall provide an overview of the genuine link requirements set forth in the Hungarian law on citizenship with due attention to the country's respective international commitments. The analysis shall seek to explain the competition between ethnic linkage and legal ties in contemporary Hungarian legislation and legal practice.

4.2 The Criteria of Existing Connection under International Law

Acquisition of nationality often requires the existence of a genuine link between the applicant and the state, while loss of nationality is frequently founded on the absence of a genuine link. At the same time, the possession of nationality is considered to be the evidence of the genuine link between the national – wherever he or she may be residing – and the state. The paradoxical appearance of the genuine link will be described below.

The effective nationality principle in international customary law has been disputed by academics since the famous case of *Nottebohm.*[1] Although public international law and private international law have limited influence on nationality law (e.g. in the context of the diplomatic/consular protection, respect for dual citizenship, family status of individuals),

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1 *Lichtenstein v. Guatemala*, Judgement of 6 April 1955, Second Phase, ICJ Reports 1955, p. 23.

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the wide spectrum of human rights is framing stronger and stronger the regulative power of sovereign states on citizenship. The meaningful, existing connection between the national and the state is embodied into the legal bond of nationality in various forms of acquisition, maintenance, preservation of or option between the nationalities that are determined in various international agreements.

The International Court of Justice (in the *Nottebohm* case) considered the following evidences of effective linkage of a national to the state of nationality on the international plane: habitual residence, centre of interests, family ties, the participation in public life and manifestation of connection to the given country in education of children. However, the genuine link of individual to one state – using this term generally in law – has social, economic, cultural, moral, emotional and factual aspects that are inserted into the legal regulation in a limited extent:

- the state sovereignty determines the legal rules on acquisition and loss of individual's citizenship (*domain réservé*);
- the sovereignty of other states determines whether this nationality is accepted and respected by them.

In this way we can speak about the meaningful, existing legal tie between the individuals and states that are embodied into the legal institution of nationality through various preconditions of acquisition, maintenance, preservation or option of nationality as those are regulated in national laws. However, a genuine legal tie of the state to its own nationals would be respected by another state in concrete disputes or conflict of interests (e.g. in case of dual citizenship, in diplomatic/consular protection, in state succession) if its nationality laws, provisions and practice are in conformity with the international treaties concluded by the state, to principles of international law, customary law and other sources of international law. It means that human rights obligations as well as principles of bona fides, ban of retroactive legislation and abuse of law substantially determine the sovereign legislation on nationality.

Acquisition and loss of nationality is invalidated internally and internationally if

- acquisition is based on deception, fraud or abusive behaviour of applicant,
- loss of nationality is based on arbitrary, discriminative or abusive state action.

Acquisition in absence of genuine link has not been disputed internationally with the exception of the missing basis for diplomatic/consular protection. It can be explained for *subjective, soft or relative component of 'effective connection'* of national to the state. What are the objective criteria to the admissible and recognisable acquisition or loss of nationality that are appearing in treaties in order to frame the regulation on nationality law? *At what time* of objective criteria shall be required, in time of acquisition or later or ever? The dynamic relationships in transnational citizenship and communities refuse static solutions.

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Furthermore, the majority of objective (and subjective) criteria of acquisition and loss of citizenship are regulated in national laws, and knowledge about two hundred systems of domestic rules and practice is limited. Thus analysis of trends in nationality law may focus rather on the *international legal documents* whether a factual, objective connection of individual to the country, its society, population or region is substantiated in legal conditions of acquisition, and the absence of connection may result loss of nationality.

The required *criteria of genuine link* in legal regulation are as follows:

- residence and/or presence in time of acquisition; its liberal version if the promise of residence after acquisition is proper and restrictive provisions require prior residence (or/and a specific legal status granted of the applicant) in the country of acquisition; logically, a long absence and living abroad of the national may result loss of nationality;
- family ties (in descent line, marriage and adoption by a national); however, third or fourth or other descendant generation of nationals may limit the implementation of *ius sangunis* if a descendant of the national is born abroad without any other contacts with the state; it is not generally determined how far the consanguinity is acceptable as genuine link;
- language skills and/or cultural familiarisation (e.g. attending school, speaking the language of colonists, kin-state); its level is not necessarily tested in a standard method;
- property or investment in the receiving state, its size and economic profitability is diverse;
- worthiness, such as patriotic services, cultural or sport excellence is determined as exceptional title for acquisition;
- registration or written statement as physical connection with representatives of state – in long absence or state succession is frequently required in order to preserve or acquire nationality;

The opposite logic appears in legally constructed connections as follows:

- loss of prior citizenship (e.g. in re-naturalisation, application for recovery or restitution of citizenship) as a precondition to acquire a new nationality. The citizenship of emigrated national as legal bond is lost (by deprivation or ceasing) and its recovery may be provided without other evidence of linkage for expatriated person;
- renouncement of citizenship is ensured due to the freedom of the individual in change of nationality although the link to the country is also standing (e.g. migrant workers are commuting from one country to another);
- deprivation or withdrawal of citizenship is a one-sided state action for betrayal, abusive or illegal manner of the national (staying or living abroad).

The differentiation between the *legal bond and objective criteria of link* is visible in combating and prevention of statelessness by international (human rights) treaties: all universal

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and regional conventions (under the aegis of the United Nations or the Council of Europe) are dealing with de jure statelessness while de facto statelessness is not manageable.

Furthermore, there are some examples on the *undefined term* of genuine link or proper connection relating to the successor state (such as in the European Convention on the Avoidance of Statelessness in Relation to State Succession (2006)[2] and the European Convention on Nationality (1997)[3]).

Table 1 summarises how relevant international treaties refer to the legal bond and criteria of connection between the individual and the state at three stages of nationality law.

Table 4.1 Components of genuine link in regulation

Criteria in acquisition	Genuine link	Source
Child's right to the nationality of parent's nationality.	Birth or descent or found abandoned/not identified child, stateless child, child of national in the succession state.	European Convention on Nationality (1997) Art. 6
Child's right to nationality in the territorial state (avoiding statelessness).		UN Convention on the Rights of the Child (1989)[4] Arts. 7-8, Convention on Certain Questions to the Conflict of Nationality Laws (1930)[5] Arts. 14-15, European Convention on Nationality (1997) Art. 6, Convention on the Reduction of Statelessness (1961)[6] Art. 1, European Convention on the Avoidance of Statelessness in Relation to State Succession (2006) Art. 10
Child's right to nationality of adopting parent or facilitated acquisition.		
Acquisition upon request for lawfully and habitual residing applicant (maximum ten years) or facilitated acquisition for stateless persons with habitual residence.		
Facilitated recovery of its nationality by former nationals who are lawfully and habitually resident on its territory.		
Right to privacy, family life by the territorial state (in case of state succession due to the stateless or erased person status).		

2 2006, Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, Strasbourg (19 May 2006).

3 1997, Council of Europe Convention on Nationality, Strasbourg (6 November 1997).

4 1989, Convention on the Rights of the Child, New York (20 November 1989).

5 1930, Convention on Certain Questions Relating to the Conflict of Nationality Laws, The Hague (13 April 1930).

6 1961, Convention on the Reduction of Statelessness, New York (30 August 1961).

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Successor state shall grant nationality for persons in possession of citizenship of predecessor state avoiding their statelessness if they have habitual (genuine, standing) residence in the state in concern or proper connection to the successor state without habitual residence in any state in concern. Proper connection would mean a legal bond to the territory of, birth, last place of habitual residence in the succession state or other relations (e.g. family ties, participation in public life, centre of interests).		
In deciding on the granting or the retention of nationality in cases of state succession, the state concerned shall take account, in particular: a. the genuine and effective link of the person concerned with the state; b. the habitual residence of the person concerned at the time of state succession; c. the will of the person concerned; d. the territorial origin of the person concerned.	Genuine link, residence, declaration, origin.	European Convention on Nationality (1997) Art. 18(2).
Right to opt or to acquire the nationality of the successor state on the grounds of habitual residence, origin or prior citizenship	Residence, origin or prior citizenship	Bilateral agreement between the predecessor and successor state(s), European Convention on Nationality (1997) Art. 19
Criteria in loss	**Absence/presence of genuine link**	**Source**
Change in personal/family status may result the loss of nationality if other nationality of the person concerned has acquired or possessed.	----	Convention on the Reduction of Statelessness (1961) Art. 5(1).
Loss of nationality is lawful if it was based on fraud in acquisition (naturalisation), voluntary service in a foreign military force, conduct seriously prejudicial to the vital interests of the state.	----	European Convention on Nationality (1997) Art. 7 *Rottman v. Freistaat Bayern* C-135/8 CJEU, 2 March 2010.
Loss of nationality is lawful due to the lack of a genuine link between the state and a national habitually residing abroad.	No residence	European Convention on Nationality (1997) Art. 7
Loss of nationality is lawful due to his adoption if he acquires or possesses the foreign nationality of one or both of the adopting parents.	–	European Convention on Nationality (1997) Art. 7
Renunciation may be requested only by nationals who are habitually resident abroad.	No residence	European Convention on Nationality (1997) Art. 8

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Criteria of international recognition		**Source**
State is entitled to determine who is its national meeting the conditions that are regulated in specific treaties concluded by the state, and granting nationality is limitable.	Genuine link as conformity to the international law (invalidate)	Convention on Certain Questions to the Conflict of Nationality Laws (1930) Art. 2 – draft
State is entitled to regulate who is its national that shall be recognised by other states to a certain extent as it is in accordance with international treaties, customary law and generally recognized legal principles on nationality.		Convention on Certain Questions to the Conflict of Nationality Laws (1930) Art. 1
State determines in domestic legislation who is its national that shall be accepted by other states in so far as it is consistent with applicable international conventions, customary international law and the principles of law generally recognised with regard to nationality.		European Convention on Nationality (1997) Art. 3.
Equal and effective protection of individuals against arbitrary acts of state including the limitable power of discretion in nationality law.		Inter-American Court of Human Rights, *Yean and Bosico children v. Dominican Republic* (2005)[7]
Domestic regulation on citizenship (acquisition) shall not entitle the state to require its recognition by other states if it is not in conformity to genuine link of national to the state that assumes (diplomatic, consular) protection of own national against other state (in case of dual/multiple nationality protection on the grounds of dominant nationality).	Conformity to diplomatic protection in time of acquisition	*Nottebohm* case (1955)
Dual citizen shall be treated as a national with the dominant nationality (on the grounds of his/her habitual residence or closer connection) by a third country.		Convention on Certain Questions to the Conflict of Nationality Laws (1930) Art. 5.

Private international law has stronger influence on (effective) nationality law because it requires domicile of person with multiple citizenship. In this way the dominant nationality is better known. The change in personal/family status may only result the loss of nationality if the person concerned has acquired or possessed other nationality; all this in order to avoid statelessness (see the Convention on the Reduction of Statelessness (1961), Article 5(1)).

7 *Yean and Bosico children v. Dominican Republic*, Inter-American Court of Human Rights, 8 September 2005, Ser. C, No. 130.

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4.3 The 'Genuine Link' Criteria in Hungarian Law

The above described preconditions of acquisition, loss as well as maintenance or option of Hungarian nationality have not been respected in domestic legislation for many reasons since the first Act on Hungarian citizenship in 1879. Due to changing state borders and huge migration waves[8] the legal rules in force uphold inherited features and modern standard of citizenship together. The Hungarian rules on citizenship in force (Act No. LV of 1993 that was substantially modified in 2010[9]) have some peculiarities in the context of the genuine link requirement:

- long absence of nationals abroad (emigrants without connection to the state, authorities or population) does not result loss of nationality;
- far consanguinity of nationals cannot break the chain of *ius sangunis* for descent generations born abroad;
- no presence of applicants for naturalisation if they are far descendants of prior national; the most preferential naturalisation has attracted to the Hungarian citizenship as second nationality about 400,000 persons within two and half years while in previous decades the average number of naturalised persons was five to ten thousand persons per annum;
- the Hungarian language skills and/or cultural familiarisation of preferential applicants for naturalisation and recovery of citizenship has been implemented without test in a standardized, legally determined way;
- examination on constitutional issues for non-preferential applicants has been tested in a standardized, legally regulated method only for non-ethnic (non-native) applicants;
- the State is subjected to the principle of non-discrimination between its nationals, whether they are nationals by birth or have acquired its nationality subsequently – with exception of loss for abusive manner (European Convention on Nationality (1997), Article 5(2));
- upon request the lost Hungarian citizenship can be recovered without residence in the country (re-naturalisation, restitution of citizenship);
- renouncement of citizenship by an emigrated national is accepted although his/her link to the society, economy or family is standing;
- withdrawal of nationality is allowed as one-sided state action but only exceptionally.

We cannot evaluate the principle of genuine link in practice because giving reasons in writing and judicial review of refused naturalisation, re-naturalisation applications are not available under Hungarian law. Due to reservations made, the procedural guarantees

8 J. Tóth, *Migration law in Hungary*. Monograph in the International Encyclopaedia of Laws, Kluwer Law International, The Netherlands, 2012, p. 348.

9 J. Tóth, 'Hungary – Changes in the Executive Rules to Implement the Recent Amendment of the Citizenship Law', *EUDO Citizenship News*, 13 August 2010 (http://eudo-citizenship.eu/).

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determined in the European Convention on Nationality (1997)[10] have not been implemented in full extent. Moreover, the authentic translation of the Citizenship Act, its executive government decree and related case-law has neither been forwarded to the Council of Europe, nor published elsewhere. How is thus the requirement of state co-operation[11] met?

The facilitated acquisition of citizenship has been considered as a compensation of historical injustices since 1993 (the date of adoption of the fourth Act on Hungarian Nationality). However, the residence in Hungary was required for applicants in naturalisation and re-naturalisation criteria in 1993-2010, with exception of the victims of forced migration, exchange of population, renunciation or deprivation of citizenship in 1945-1990 because they have recovered the lost citizenship without return.[12] In this context, the previous citizenship can be considered as a genuine connection to the state. However, the benefits in naturalisation have covered not only expatriated nationals but also his/her nearer or farer descendants. The accelerated naturalisation means a shift in acquisition that has been supporting mainly the never-nationals since 2011.

In absence of data on age structure of the newly naturalised 420,000 persons (between January 2011-July 2013) from 484,000 applicants,[13] it is very probable that the rate of applicants that have ever had a Hungarian citizenship (they would be over seventy years) is marginal, while the majority of new citizens are descendants of emigrants and new generations in diaspora without personal knowledge and impressions of life in Hungary. Can it be considered as a (non-pecuniary) compensation for damages (e.g. in freedom or property) caused by the public power before 1989? During the 20th century, the confiscated assets, racial persecution, inhuman migratory movements, arbitrary imprisonment or deprivation of citizenship was present in our region, but the subjective right to compensation for victims has never been ensured since 1989. The partial and fragmented compensations were conditional in acts based on inter-generation consent in Hungary.

10 Art. 11: 'Each State Party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality contain reasons in writing.' Art. 12: 'Each State Party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality be open to an administrative or judicial review in conformity with its internal law.'

11 Art. 23 (1): 'With a view to facilitating co-operation between the States Parties, their competent authorities shall: *a)* provide the Secretary General of the Council of Europe with information about their internal law relating to nationality, including instances of statelessness and multiple nationality, and about developments concerning the application of the Convention; *b)* provide each other upon request with information about their internal law relating to nationality and about developments concerning the application of the Convention.'

12 Art. 5/A of Act No. LV of 1993 allows recovering the citizenship upon request of the victim. The President of the Republic – if the responsible minister proposes – shall recover the lost citizenship of emigrated person based on the Act X of 1947, Act LX of 1948, Act V of 1957, Resolution of the Government No. 7970 of 1946, No. 12.200 of 1947 including the cases of stateless persons born before 1957.

13 Announcement of the secretary of the state for parliamentary affairs, Ministry of the Interior, Mr. Károly Kontrát, 26 July 2013, *MTI* (Hungarian News Agency).

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However, recovery in citizenship law must relate to the victims upon their request on acquisition if they survived the historical injustices such as peace treaties, bilateral agreements excluding multiple citizenship or deprivation of citizenship. The accelerated naturalisation differs from the other compensatory acts: it is setting up a legal tie with rights and obligations for outsider members of the political community without equal treatment for all. Acquisition of second citizenship voluntarily is not tolerated in eleven EU Member States, and the citizenship in Austrian, Slovakian[14] and Ukrainian nationality law is lost if a national acquires for own desire a second nationality. Granting Hungarian nationality in mass without bilateral negotiations and agreement with these neighbouring states in order to provide exceptions provokes harsh reactions, such as introduction of stricter legal consequences for nationals. For instance, the amendment of the citizenship act entered into force on 17 July 2010 in Slovakia has deprived at least five hundred persons from the Slovakian citizenship including some dozens of ethnic Hungarians within three years.[15]Similar risks and potential damage may occur in future,[16] because the European Court of Human Rights refused the complaints[17] for *ex lege* loss of Slovakian citizenship obtaining voluntarily a second citizenship.

While the governing parties were disappointed with this refusal, they denied accepting the motions submitted by the Hungarian Helsinki Committee to transpose correctly the UN Conventions on stateless persons and child's rights into the citizenship law in 2011.[18] Why is the claim of certain groups on the grounds of human rights obligations for acquisition less acceptable or lawful than the political promise of granting citizenship for the Hungarian diaspora? By the way, the referendum on preferential grant of Hungarian citizenship (5 December 2004) was unsuccessful initiated by the then political opposition (now governing power). In this way there is no consensus on granting citizenship for applicants without genuine link and without residence in the country as a panacea for kin-minorities and emigrants. Regardless this fact the public financed press welcomed recent modification of the Act on Czech Nationality allowing dual citizenship for expatriated

14 The case of Mr. Boldoghy losing the Slovakian citizenship was widely published in the Hungarian press. His driving license, identity card, passport and address card were withdrawn and his access to social insurance was also hindered as he announced the acquisition of Hungarian citizenship although he was living in Slovakia without leaving. *HVG,* 22 November 2011.

15 *MTI* (Hungarian News Agency), 1 July 2013.

16 Some NGOs urged to change the Act in order to tolerate dual citizenship in Slovakia warning demonstrations or civil resistance to this end. *See* www.origo.hu, 10 August 2011.

17 *Fehér and Dolnik v. Slovakia*, ECtHR (2013) Appl. Nos. 14927/12 and 30415/12 (21 May 2013), 3rd Section as a Chamber of the Court.

18 The motion (24 October 2011) to Bill No. T/4699 initiated to grant Hungarian citizenship for children born in Hungary from stateless parents residing in the country and child born with unidentified parents within one year in accordance with the 1989 and 1961 Conventions. Although Hungary has been party to these treaties for long period, their implementation has been incomplete as the Ombudsman has highlighted several times.

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persons living abroad. 'The acquisition of nationality for about two million Czech persons living abroad would become easier' – cited Pavel Cizinsky the summary of changes.[19]

The total number of naturalised persons in Hungary between 1993-2010 was 134,887 by the Central Statistical Office. Comparing it to the number of applicants for accelerated naturalisation is outstanding as Table 2 demonstrates including the high rate of non-EU national applicants. Due to the minimal refusal in accelerated naturalisation, Hungary may attract hundred thousands of new Union citizens virtually (if they are not mobile) or actually to the EU (if they use Hungarian passport and right to free movement).

Table 4.2 The share of total applicants for accelerated naturalisation (April 2013) by nationality[20]

Austria	142	USA	1 013
Belgium	17	Canada	787
Bulgaria	27	South-America	276
Cyprus	2	Australia	389
Czech Republic	35	Israel	1 126
Denmark	2	Ex-Soviet	1 327
Estonia	20		
Finland	47	Asia	71
France	82	Africa	66
Greece	19	Ukraine	50 658
The Netherlands	10	Russia	1 284
Croatia	1 289		
Ireland	7	Serbia	76 654
Poland	61	Other European	488
Latvia	3		
Lithuania	2	Stateless	116
Luxemburg, Malta	0		
UK	31		
Germany	953		
Italy	49		
Portugal	11		
Romania	283 866		
Spain	13		

19 'Kettős állampolgárság: a csehek is a magyar útra lépnek', *MTI* (Hungarian News Agency), 1 July 2013.
20 Data on the basis of *Népszava*, 6 April 2013.

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Slovakia	1 515		
Slovenia	144		
Sweden	268		
EU27	**288,615 (68,3%)**	**Non-EU**	**134,255 (31,7%)**
Total: 422,870			

4.4 Conclusions

Despite the disputed principle of the genuine link in international customary law, the objective criteria of existing linkage of individual to a concrete state can be described through the relevant treaties on acquisition, loss, maintenance and recovery of nationality. Its explanation relates to the legal character of citizenship beyond its cultural, emotional and foreign affairs components. Multiple nationality and changes in sovereignty would test these listed requirements.

We conclude that the successor state shall grant nationality for persons with proper, genuine connection to this state. The other objective components of acquisition, maintenance and loss of citizenship as determined in universal and regional treaties outline the genuine link between the state and the individual/applicant/migrant that reduce arbitrary state decision, discriminative legislation on nationality and improve the right to nationality avoiding statelessness, separation of family or disturbance of private life. The most relevant binding international instrument is the 1997 European Convention on Nationality.

Summing up, we can say that domicile or habitual residence in Hungary is required in exceptional cases – in some hundred cases per annum – as a precondition in naturalisation. The most frequent criteria of acquisition of Hungarian citizenship has become the descent of an actual or prior – even far consanguinity of a – Hungarian citizen. The possible origin from Hungary and language skills are required but not tested while the constitutional knowledge of the applicant encumbers non-ethnic applicants.[21] Family ties in acquisition shall be well certified. Loss of citizenship is based on intentional interruption of the legal bond to the state regardless private ties or relations of the (prior) national to the Hungarian society. The spreading dual citizenship and maintenance of Hungarian citizenship in diaspora and its descendant generations without effective links in great extent means re-interpretation of the Hungarian citizenship as an ethnic tie.[22] All of these efforts may are

21 J. Tóth, 'Ethnic Citizenship – Can It Be Obtained and Tested?', in R. Van Oers et al. (Eds.), *A Redefinition of Belonging*?, Koninklijke Brill, The Netherlands, 2010, pp. 211-240.

22 J. Tóth and Zs. Körtvélyesi, 'Naturalisation in Hungary: Exclusion by Ethnic Preferences', 2 *Open Citizenship* (Summer 2011), 'Exclusion and Discrimination', pp. 54-73 (*see*: www.citizenshipforeurope.org).

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serving a nation-building policy through also the law on nationality.[23] The objective component of genuine link shall be ensured individually[24] without effective integration support.[25]

J. Benedict interprets the nation as an imagined community that has become the generally accepted theory in the nationalism studies. Although the government is hardly in awareness in social science theories it states in legislative and political texts that unity of the Hungarian nation in culture, emotion and spirit exists. Regardless of many yield lines in the political, social and institutional life of diaspora and minority that have been documented by research since the end of the Austro-Hungarian Monarchy, this conceived unity appears also in the Fundamental Law (25 April 2011). If cultural, spiritual and emotional unity of Hungarians all over the world is real, the legal unification through the accelerated naturalisation is an inconsistency. Moreover, the pluralism of diaspora and kin-state policy[26] developed since 1989 is killed by this unification instrument. The first step towards a monolithic regulation was the Act on the ethnic Hungarians' certificate and rights (2001) and the second is the facilitated acquisition of the Hungarian citizenship without the requirements of residence and self-subsistence of each applicant in Hungary. The 2010 amendment of the Act on Hungarian Citizenship (Act No. XLIV of 2010) means a rupture in the notion of naturalisation that was applicable between 1879 and 2010 based on the physical presence and acceptable living of the applicant in the country.

23 J. Tóth, 'Migrációs jogi környezet Magyarországon', 3 *Magyar Tudomány* (2013), pp. 244-250.

24 J. Tóth, 'Acuiring Nationality: Is It a Goal, a Tool, or an Assessment of Integration?', in J. Niessen and T. Huddleston (Eds.), *Legal Frameworks for the Integration of Third-Country Nationals*, Martinus Nijhoff Publishers, Vol. 18 'Immigration and Asylum Law and Policy in Europe', Leiden, Boston, 2009, pp. 159-193.

25 A. Örkény and M. Székelyi (Eds.), *Az idegen Magyarország – a bevándorlók integrációja*, MTA NKI – Eötvös Kiadó, Budapest, 2010.

26 J. Tóth, 'Legal Regulation Regarding Hungarian Diaspora', 1 *Regio* (2000)., pp. 37-64; J. Tóth, 'Diaspora Politics: Programs and Prospects', in I. Kiss and C. McGovern (Eds.), *New Diasporas in Hungary, Russia and Ukraine: Legal Regulations and Current Politics*, Open Society Institute/COLPI, Budapest, 2000, pp. 96-141.