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Reinventing the wheel? Innovation and borrowing in the new Hungarian legislation on the suspension of citizenship

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ABSTRACT

There has been widespread concern about the recent introduction of the suspension of citizenship in Hungarian law. The new institution has been seen as worrying both from the perspective of the rule of law and the security of rights protections afforded by Hungarian citizenship, and with regard to the general coherence and intelligibility of the concept of suspending citizenship. This article intervenes in the debate on the suspension of citizenship in four ways. First, it describes the new rules on suspension in the context of Hungarian citizenship law. Second, it argues that 'suspension' is best understood as a type of citizenship revocation: both the novelty and the unintelligibility of the concept are strongly overstated. Viewed against the backdrop of a still-expanding European legislative push for denationalization and citizenship revocation, Hungarian laws are, in fact, quite humane and respectful of the right to a nationality. Third, it argues that the new Hungarian laws are nevertheless badly conceived and drafted, resulting in obvious conflicts with EU law on EU citizenship. Finally, the article considers the ways in which suspension interacts with the temporal, spatial and other structural institutions around citizenship.

KEYWORDS

Hungarian nationality law, suspension of citizenship, European comparative citizenship law, revocation of citizenship

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1. INTRODUCTION: TOWARDS AN ANATOMY OF ACT LXIV OF 2025

The 'suspension of citizenship' is, at first sight, 'a new legal construction [that] is unprecedented in international law',[1] introduced by the Hungarian Parliament in the Fifteenth Amendment to the Basic Law of Hungary, and in Act LXIV of 2025 on the Modification of Acts Related to the Suspension of Citizenship. In its current form, the 'suspension of citizenship' is an administrative action taken by the Minister of Justice that can strip a Hungarian citizen of *all* of their rights, including the right to be present on Hungarian territory, for a maximum of ten years. Suspension of citizenship is only applicable to dual citizens, so it should not result in statelessness or 'refugees in orbit';[2] it is also inapplicable to dual citizens of Hungary and any other EU or EEA country, so as to avoid conflict with the European Union. It is, at first glance, applicable only to terrorists, traitors, or criminals guilty of heinous international crimes, and its imposition can be challenged before the Hungarian Supreme Court (Curia). Seemingly, the suspension of citizenship is different from denaturalization or citizenship revocation,[3] and it is also different from the suspension of voting rights as a criminal punishment. This article introduces and describes the new Hungarian legislation on the suspension of citizenship and evaluates its compliance with EU law on European citizenship (along with some notes on compliance with international human rights law).

Additionally, the article shall make four arguments concerning the concept of the suspension of citizenship. First, I shall argue that the Hungarian laws fit into a contemporary revival of citizenship revocation in Europe. As such, suspension fits squarely into the international (quasi-)juridical Zeitgeist. Second, I shall argue that while the suspension of citizenship may be unheard of as a legal term of art, it is almost normal from a socio-legal perspective. Numerous Hungarian international lawyers have argued that 'citizenship is a binary concept', and therefore its suspension therefore cannot make any sense;[4] or that it is as non-existent and unintelligible as 'talking about Pegasus' wingspan and the size of its horseshoes;[5] or that it is 'unprecedented and barely intelligible' as a first impression.[6] However, after consulting the literature on citizenship in political philosophy, it is clear that there are already many kinds of 'suspended citizens' and half-citizens, albeit under other names. 'Semi-citizens', as Elizabeth Cohen calls them, include minors, mentally disabled and senile persons under guardianship, legal and illegal

[1]Hoffmann et al. (2025).

[2]I.e. persons who have no formal right to be present anywhere. Cf. Weis (1980) 157.

[3]There are several similar terms for the revocation of citizenship: *expatriation*, *denationalization*, *denaturalization*, *citizenship deprivation*, *termination of citizenship*, *citizenship stripping*. These are all synonymous, except for 'denaturalisation,' which technically refers only to the revocation of *naturalization*, and is therefore ineligible for natural-born citizens of any country. Furthermore, 'expatriation' is rather dated and may be confused with the act of emigration, whether or not this results in the loss of one's birth citizenship. See Spiro (2020) 112, 126–27. Denationalization may also be confusing in other contexts, potentially referring to any decision taken by authorities other than nation-states, e.g. international organizations or non-governmental organizations. See Bosniak (2000) 447 (investigating the legal possibilities of cosmopolitan, that is non-national, forms of citizenship). In this article, I shall mainly use the expressions 'denationalization' and 'revocation of citizenship.'

[4]Tamás Lattmann's words, in Kozák (2025).

[5]Boldizsár Nagy's comments in an interview, in Windisch (2025a).

[6]Szigeti (2025b).

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immigrants, refugees and stateless persons, all of whom hold *some* of the rights associated with citizenship without being full citizens, either *de jure* or *de facto*.[7] Indeed, arguably, 'full citizenship' (especially if it is claimed to be both universal and equal between all citizens) is the concept that should be labelled a myth.[8]

Nevertheless, it is true that the partialness or 'lumpiness' of citizenship has traditionally existed *within* a binary conception of citizenship as a yes-or-no, on-or-off status. This duality has been captured by the somewhat antiquated differentiation between nationality and citizenship: traditionally, citizens were those who held the fullness of rights under the legal system in question, whereas nationals had some rights and protections, especially at the international level, but would never be counted as 'true' or 'full' citizens. Examples include free Black men in the antebellum United States, who could receive 'special certificates' from the U.S. State Department to facilitate international travel, but these certificates were emphatically not passports.[9] Colonial subjects, more generally, were also nationals but not citizens.[10] Another, similar historical differentiation was the one between 'active citizenship', which included political rights (e.g., for men in France between 1791 and 1944), and 'passive citizenship', which only included civil rights, but crucially, did not include the right to vote (e.g., for French women before 1944).[11] Today, the distinction still holds some water in a few special cases, such as the rights of American Samoans (who have the right of full mobility in the United States, but not the right to vote in federal or state elections),[12] or ethnic Russians in Lithuania (who hold the right of freedom of movement within the EU, and most civil rights, but do not have political rights within Lithuania).[13] In settler-colonial states, Indigenous, Aboriginal, or Native American status may also grant additional rights, but also impose legal disabilities, effectively creating nations-within-nations. The *hukou* system in China has famously created a hereditary division of 'urban' versus 'rural' Chinese, granting different rights to healthcare, education, and pensions to 'urban' Chinese.[14] The suspension of citizenship takes this distinction to the extreme: a suspended

[7] Cohen (2009).

[8] Cohen (2009) 13, 23–28, 34–48. Dimitry Kochenov has made similar arguments, pointing in particular to the fact that a minuscule proportion of the 8 billion people in the world who hold some type of citizenship actually have any democratic rights: Kochenov (2019) 197–238. Noura Lori provides a thorough description of gradations of citizenship in the United Arab Emirates, emphasizing that 'naturalized citizens' in the UAE refers to a hereditary category associated with fewer rights than full citizens for all the children of naturalized citizens as well, 'presumably through the generations': see Lori (2019) 8, 10–11. For a historical analysis of 'semi-citizenships' in the United States, see Parker (2015).

[9] Robertson (2010) 131–34.

[10] E.g. Prakash (2022) 33, 49 (2022); Rosenberg (2006) 119–21 (regarding the legal status of Algerian natives under French law).

[11] Weil (2008) 13.

[12] 8 U.S.C. § 1408.

[13] Verseckaite (2015).

[14] Cheng and Selden (1994).

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Hungarian citizen has nothing left of their citizenship, except for the guarantee of regaining it in ten years' time.[15]

In light of this, as my third argument, I hold that the suspension of citizenship, as currently regulated in Hungarian law, is a form of (almost) complete citizenship revocation, and should be regarded as such by the international community. There are cases where nationality is a thoroughly unhelpful concept, such as determining who may be protected under Article 4 of the Geneva Conventions during an internationalized civil war,[16] or who is an enemy alien who can be detained during wartime.[17] The suspension of citizenship is not like this: it is basically identical to the revocation of citizenship in a temporally limited form. This is so because the current regulation denies access to the territory of the Hungarian state: it therefore orders the deportation of its own (suspended) citizens. Certainly, there are a few rights attached to citizenship that citizens can exercise from abroad: the right to vote in national elections, and the right to diplomatic and consular protection come to mind.[18] Nevertheless, in most contexts, access to national territory is a bare minimum: suspension is therefore conceptually equivalent to revocation. It is, indeed, a form of banishment, because it attempts to exile Hungarian citizens without formally revoking their citizenship.[19]

Finally, I shall argue that the greatest faults of the legislation, as it stands, are its disrespect for human rights *other than* the right to nationality or the prohibition on creating statelessness. Its silence on suspended Hungarian citizens' status under EU law and suspended citizens' close family members' rights under EU law ensures clashes with the Court of Justice of the European Union (CJEU). Altogether, it is a monstrous piece of legislation: both malevolent and careless, and ultimately (hopefully) ineffective.

In Part I of this article, I will briefly present the procedures and rationales set out in Act LXIV of 2025, as they entered into force in June 2025. There have been a number of summaries and reflections on the suspension of citizenship in legal blogs.[20] However, there has been no article-length consideration of the suspension of citizenship in general, or of the Hungarian regulation in particular. In Part II, I will present a comparative and historical background to denationalization procedures and show the growing prevalence of citizenship revocation in all contemporary states. Part III will evaluate the provisions of the law in a positivist manner from the perspective of compliance with European human rights law and EU law. Part IV will engage in more wide-ranging and philosophical analyses based on the necessity of 'the right to a place', the time-bound aspect of suspension, and the doubling of criminal norms and sanctions in citizenship suspension. Part V is a short conclusion.

[15]Nevertheless, for the rest of this article, taking into account both the general European practice of equal rights for all citizens and the pre-2025 Hungarian legislation, I shall use 'citizenship' and 'nationality' interchangeably. This seems to be standard in the literature on citizenship: see, e.g., Edwards (2014) 14.

[16]Hoffmann (2014) 497–521; Martínez (2022) 21–51.

[17]Szigeti (2025a) 249–51.

[18]I owe this observation to anonymous Reviewer A.

[19]Cf. Mégret (2024) 560–68.

[20]Szigeti (2025b); Szigeti (2025c); Nagy (2025); Mészáros (2025); Galicz (2025).

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2. HUNGARIAN CITIZENSHIP LAW BEFORE AND UNDER THE RULES ON THE SUSPENSION OF CITIZENSHIP

2.1. Introducing suspension: a bit of procedural history

Until now, the politics of citizenship in Hungary have been decidedly expansionary.[21] The Hungarian citizenship regime is almost exclusively based on *ius sanguinis*; that is, citizenship is inherited at birth from a parent of any sex who is a Hungarian citizen themselves.[22] *Ius soli* is not mentioned at all in the Hungarian Citizenship Act: foundlings and children of stateless persons who are Hungarian residents 'shall be *regarded as* Hungarian citizens *until proven otherwise*.'[23] In Rogers Brubaker's famous classification, this makes Hungary a prototypical ethnocultural nationalist state.[24] As befits a country of emigration, there are no residential or generational restrictions on inheriting citizenship: a Hungarian citizen may keep their citizenship regardless of how much of their life they spend abroad, and the child of an expatriated Hungarian citizen may also inherit Hungarian citizenship, regardless of how many generations have passed since their ancestors left Hungary. Also, there are no limitations on dual citizenship. The democratic Constitution that was in force between 1989 and 2011 stated that 'nobody may be arbitrarily deprived of their [Hungarian] citizenship, and no Hungarian citizen may be expelled from the territory of Hungary.'[25] The text of the Basic Law, in force since 2012, is even firmer in this regard, declaring that 'Nobody may be deprived of their Hungarian citizenship […] if it was acquired by birth or through other lawful means.'[26] Those who lost their Hungarian citizenship during the postwar and Communist-era denationalization purges in 1947 or later can reacquire their Hungarian citizenship by means of a simple declaration addressed to the President of the Republic.[27] A Hungarian citizen may only renounce their citizenship if they already hold, or can prove that they shall receive, the citizenship of another state, and even so, renunciation requires the assent of the President of the Republic.[28]

Naturalization is relatively painstaking for most immigrants, requiring eight years of residence, 'assured livelihood and housing in Hungary', the absence of any criminal record or any risk to national security, as well as passing an exam on 'basic constitutional knowledge' and proving their proficiency in the Hungarian language.[29] Since 2011, most of these conditions have

[21]For an English-language overview of the Hungarian citizenship regime between 1945–2013, see Kovács and Tóth (2013). For an overview of the 2000–2025 period, see Pogonyi (2025).

[22]In Scott Titshaw's more exact terminology, this makes Hungarian citizenship a primary inherited citizenship system. See Titshaw (2022) 18–26.

[23]§ 3 (3) of Act LV of 1993 (emphasis added).

[24]Brubaker (1992).

[25]§ 69 (1) of Act XX of 1949.

[26]Art. G) (3) of the Basic Law of Hungary.

[27]§ 5/A (1) a) of Act LV of 1993.

[28]§ 8 (1)–(2) of Act LV of 1993.

[29]§ 4 (1) (a)-(e) of Act LV of 1993.

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been unnecessary for those 'whose ancestors were Hungarian citizens, or who make their Hungarian ancestry probable, and prove their knowledge of the Hungarian language.'[30] In practice, 'making one's Hungarian ancestry probable' means having been born within the territory of historical (pre-1918) Hungary: Hungarian citizenship has therefore been immediately available to ethnic Hungarian minorities from all neighbouring countries, but also to Serbians born in Vojvodina and Ukrainians born in Transcarpathia if they pass a Hungarian language test.[31] According to Yossi Harpaz, 'Hungary approved over 160,000 coethnic citizenships *each year* from 2011 to 2016. This is not just higher than the number of immigrants who naturalized in Hungary; it is actually higher than the annual number of immigrant naturalizations approved by Germany or France.'[32]

This expansionary trend has now been qualified by the introduction of suspension rules. On March 11, 2025, Máté Kocsis, the leader of Fidesz's parliamentary faction, submitted a bill for the Fifteenth Amendment to the Basic Law of Hungary.[33] The announced amendments included a hodgepodge of mostly symbolic provisions, including a constitutional right to pay with cash, a constitutional ban on drugs, and the definition of a person as 'a man or a woman', thereby apparently prohibiting the existence of intersex and genderqueer persons. The proposed amendments were accepted by Parliament on April 14, 2025, and entered into force the next day.

One of the new amendments clearly carried more weight than the others: this was the proposal to allow for the suspension of citizenship. Since April 15, the text of Article G(3) of the Basic Law reads as follows:

> No one shall be deprived of Hungarian citizenship established by birth or acquired in a lawful manner. The citizenship of a Hungarian citizen who also holds the citizenship of another State may be suspended for a definite period of time in accordance with the provisions of a cardinal Act. For the period of suspension, the person subject to suspension shall forfeit citizenship. Collective suspension shall be prohibited.[34]

Clearly, there is an immense tension between the clause 'no one shall be deprived of Hungarian citizenship' and the following sentence, according to which 'the person subject to suspension shall forfeit citizenship.' In March, it was questionable whether this tension would be resolved at all: the cardinal law detailing the procedures, rationales and outcomes for the suspension of citizenship had not yet been announced, and my contribution to the debate expressed some hope that the matter would stay that way.[35] However, on April 1, 2025, János Halász, an MP for Fidesz, submitted the bill to introduce the suspension of citizenship in all relevant Hungarian laws.[36] On June 5, 2025, the Legislative Committee of the Parliament submitted its modifications to Halász's bill, which arguably made the text more compliant with

[30] § 4 (3) of Act LV of 1993. The lack of criminal convictions, ongoing criminal prosecutions or investigations, or national security risks is still required for all applicants.

[31] Pogonyi (2017) 86–99; Harpaz (2019) 42–45.

[32] Harpaz (2019) 31–32 (emphasis added).

[33] Bill T/11152. See also Pupli (2025).

[34] See Link 1.

[35] Szigeti (2025b).

[36] Bill T/11414. See also Pál (2025).

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international law.[37] The bill was accepted by Parliament on June 11, signed by the President of the Republic on June 19, and promulgated in the Hungarian Gazette on June 20.[38] The Act entered into force on July 1, 2025.[39] Now styled Act LXIV of 2025, it amended Act LV of 1993 on Hungarian Citizenship and Act XC of 2023 on General Rules Regarding the Entrance and Residence of Third-Country Nationals. The next section will describe the actual changes to Hungarian law.

2.2. The new provisions on the suspension of citizenship

So, how exactly is the suspension of citizenship regulated now in Hungarian law? I shall briefly describe (1) whose citizenship may be suspended; (2) why citizenship may be suspended; (3) how citizenship may be suspended; and (4) the consequences of having one's citizenship suspended.

First, the personal scope of the law: the new rules only apply to Hungarian citizens who are also dual citizens; but it does *not* apply to dual citizens whose second citizenship is that of an EU Member State,[40] or a member state of the European Economic Area,[41] or EU candidate states.[42] By making sure that only dual nationals' Hungarian citizenship may be suspended, Parliament has ensured that Hungary shall not fall foul of international laws prohibiting the revocation of citizenship in cases where this would result in statelessness (see section 3.2. below). By making sure that dual nationals of Hungary and other EU Member States cannot have their Hungarian citizenship suspended, Parliament is clearly attempting to stave off any challenges by the European Union to the compatibility of the Hungarian laws with EU law (even though this will certainly fail).[43] By including Serbian-Hungarian and Ukrainian-Hungarian dual citizens as exempt from the provisions on suspension, Parliament does not risk alienating support for the government among the Hungarian minority in any of Hungary's neighbouring countries, who have been important for providing votes and political support for Fidesz. The limitation of suspension to dual Hungarian nationals whose second nationality is not an EU or EEA member state's nationality may, in the end, be ineffective regarding the law's compliance with both EU law and international law–this shall be investigated in Part 4 below.

[37] Bill T/11414/8. See also Windisch (2025b).

[38] See the timeline of the bill at Link 2.

[39] § 7 of Act LXIV of 2025.

[40] § 9/A (1) a) of Act LV of 1993. For ease of reference: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

[41] These states are: Iceland, Liechtenstein, Norway, and (for the purposes of freedom of movement within the EU) Switzerland.

[42] § 9/A (2) of Act LV of 1993; the list of applicable states are: Albania, Bosnia and Herzegovina, Georgia, Moldova, Montenegro, North Macedonia, Serbia, Ukraine, Turkey, and probably Kosovo, whose sovereignty has been recognized by Hungary.

[43] '…it is for each Member State, having due regard to Community law, to lay down the conditions for the acquisition and loss of nationality. … Thus, the Member States must, when exercising their powers in the sphere of nationality, have due regard to European Union law.' Case C-135/08, Rottmann v Freistaat Bayern [2010] ECR I-01449, [39], [45]. See also Case C-369/90, Micheletti and Others v Delegación del Gobierno en Cantabria [1992] ECR I-04239, [10].

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Second, the reasons for the suspension of citizenship: these are mostly grave, and they are largely adequately circumscribed in the legislation. Suspension may only be ordered against a Hungarian citizen if 'their conduct poses a threat to the public order, public security or national security of Hungary', and only 'if suspension is a proportionate response with regard to the gravity of the threat and the legal and social situation of the person concerned.'[44] There is no exhaustive list of which acts qualify as serious enough, but there is an exemplary list of four types of actions in § 9/B (2). The list includes, first, service in the armed forces of a foreign state, with the exception of allied states, 'service that is incapable of posing a threat to Hungary, due to its type and duration', and forced conscription into the army in question.[45] A second ground is a criminal conviction for serious crimes against the international and constitutional order: the examples listed include genocide, crimes against humanity, apartheid, attempts or conspiracies to forcibly change the constitutional order, espionage, treason and disloyalty, and terrorism and the financing of terrorism.[46] A third type of activity is 'being a member in, or maintaining contacts with, an organization which qualifies as a terrorist organization under international law.'[47] This is more ambiguous, as both 'terrorism' and especially 'terrorist organization' are debated concepts under international law, with the United States, for example, labelling groups as disparate as the Iranian Islamic Revolutionary Guard Corps, and a number of Mexican drug-trafficking cartels and Haitian gangs, as terrorist organizations.[48]

The fourth ground, the most general description of actions that pose a threat to Hungary, is 'actions which infringe the sovereignty, constitutional order or national security of Hungary on behalf of, as a representative of, or in the interests of a foreign power or organization.'[49] During the discussions of the bill, it was this section that raised fears that the suspension of citizenship would be used against any dissenters or political challengers whom the government finds too threatening.[50] After all, 'foreign power or organization' is broad enough to include not only foreign states, but the EU or the UN as well, and possibly even global NGOs; while 'acting in the interests of' a foreign power can happen inadvertently, even unconsciously. 'Actions that infringe the sovereignty of Hungary' is also a phrase that is open to broad interpretation, including decidedly illiberal ones that deem that criticisms of the government or its policies weaken the power and effectiveness of the state, and thereby undermine its sovereignty. This is not a far-fetched fear in Hungary: the 'Sovereignty Protection Office,' established in 2024, is explicitly tasked with investigating and denouncing any person or organization which 'engages in activities aimed at influencing democratic debate, as well as state and societal decision-making processes.'[51] Nevertheless, the text of the law tries to provide safeguards against authoritarian interpretations that equate verbal attacks against the government with infringements of

[44]§ 9/B (1) a) and b) of Act LV of 1993.

[45]§ 9/B (2) a) of Act LV of 1993.

[46]§ 9/B (2) d) of Act LV of 1993. The crimes listed are defined in §§ 142–144, 254–255, 258–261, 314, 318 and 318/A of Act C of 2012.

[47]§ 9/B (2) c) of Act LV of 1993.

[48]See Link 3. I am thankful to Tamás Hoffmann for this observation.

[49]§ 9/B (2) b) of Act LV of 1993.

[50]See Kozák (2025); Windisch (2025b).

[51]§ 3 ac) of Act LXXXVIII of 2023.

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sovereignty. Authorities are instructed to 'investigate the gravity, repetitiveness and intentionality of the behaviours [that allegedly warrant the suspension of citizenship], as well as [the] proportionality and necessity of suspension.'[52] Authorities must, in particular, take into account the citizen's actual ties with Hungary, particularly their family ties, and the time elapsed since the actions that might warrant suspension.[53]

If the grounds and rationales for suspension are generally reasonable and in line with contemporary European practices (as described in Section 3.3. below), the third aspect of the new provisions, the procedures for suspending citizenship, are far from respectful to citizens' fundamental rights. The suspension of citizenship is an administrative procedure that is initiated and performed by the Minister of Justice.[54] Generally, the subject of suspension proceedings must be notified of the proceedings against them, but this may also be carried out in secret if national security reasons warrant this.[55] The Minister may ask for information about the citizen to be suspended, from the subject of the proceedings, but also from the police forces and the intelligence agencies.[56] Regarding the subject's second citizenship, the burden of proof is reversed: the Minister may simply assume the existence of a second nationality based on the biographical information available for the Hungarian citizen in question, and it is up to the citizen to disprove their second nationality.[57] Whether proving a negative is possible and how it can be done are not addressed by the legislation. The Minister's decision on the suspension of citizenship must contain a detailed reasoning and justification, and must be communicated to the citizen concerned, who has a thirty-day deadline to appeal to the Hungarian Supreme Court (the Curia).[58] The Curia must rule on the appeal within another thirty days, but it cannot change the Minister's decision, only instruct him to issue a new ruling. If the Minister's ruling is based on classified information, the Curia's deadline for ruling on the appeal is extended to forty-five days, and the Prosecution Service of Hungary must be involved as an intervening party, ostensibly to protect the citizen's rights.[59]

Finally, the consequences of suspension: a person whose Hungarian citizenship is suspended must be deported from the territory of Hungary.[60] Therefore, essentially, suspension is a modern form of banishment.[61] As mentioned above in the Introduction, citizenship also includes some extraterritorial rights, such as the right to diplomatic protection, the right to vote from abroad, and arguably the right to transmit one's citizenship to one's children. It is completely unclear from the text of the legislation whether extraterritorial citizenship rights are suspended as well:

[52] § 9/B (3) of Act LV of 1993.

[53] § 9/B (3) a) and b) of Act LV of 1993.

[54] § 9/C (1) and (3) of Act LV of 1993.

[55] § 9/C (4) of Act LV of 1993.

[56] § 9/C (6) of Act LV of 1993.

[57] § 9/C (8) of Act LV of 1993.

[58] § 9/C (10), (12), (13) of Act LV of 1993.

[59] § 9/C (14) and (15) of Act LV of 1993.

[60] §§ 98/A and 98/B of Act XC of 2023.

[61] Macklin and Bauböck (2015). For more discussion, see Sections 3.2. and 5.2. below.

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from the generality of the terms used, one suspects that all rights stemming from citizenship are suspended, but only the application and litigation of the law will tell.

Suspended citizens' deportation proceedings are identical to foreigners' deportation proceedings – with two substantial modifications.[62] First, suspended citizens may be deported to other EU Member States, not only to countries outside the European Union.[63] Second, the only available ground for suspending a deportation order for a suspended Hungarian citizen is health-related.[64] In other words, refugee protections or analogous protections due to the risk of torture or political persecution are not available to suspended Hungarian citizens. Nor are 'Zambrano rights' (that is, the right of non-EU citizens to remain in the EU to care for their young children who are EU citizens) available to suspended Hungarian citizens, regardless of the citizenship status of their family members.[65] As described below in Part 4, these provisions undoubtedly violate EU law.

At the same time, suspension of citizenship is still a temporary status: the Minister's ruling on suspension must include the time period for which the subject's Hungarian citizenship is suspended, and the maximum length of suspension is ten years.[66] Furthermore, protections against statelessness are active here as well: if the suspended Hungarian citizen loses their other citizenship during the term of the suspension, their Hungarian citizenship is automatically reactivated, thereby allowing them to return to Hungary immediately.[67] The extensive consideration given to avoiding statelessness, both through limiting the scope of suspension to dual nationals only and terminating suspension in case of the loss of the Hungarian citizen's other citizenship, clearly shows that the Hungarian state considers suspension to be, effectively, a form of citizenship revocation.

The suspended citizen can also petition for their citizenship to be reinstated if they can 'convincingly prove that the reinstatement of their Hungarian citizenship does not pose a threat to the public order, public security or national security of Hungary'–but only once during the entire term of their suspension.[68] The petition is resolved by the Minister of Justice (that is, the same authority that decided on the suspension), and if the petition is denied, the suspended citizen has the same right of appeal to the Curia as in the original resolution of the suspension.[69]

To properly evaluate the acts on the suspension of citizenship, a broader investigation of citizenship revocation, statelessness, the human rights norm on the right to a nationality, and the prohibition on banishment is in order. Part II below will provide this overview.

[62] §§ 98/A and 98/B of Act XC of 2023.

[63] § 98/B (b) of Act XC of 2023.

[64] § 98/C (6) of Act XC of 2023.

[65] Cf. § 106 of Act XC of 2023; Case C-34/09, Ruiz Zambrano v. Office national de l'emploi [2011] ECR I-1177.

[66] § 9/C (2) a) of Act LV of 1993.

[67] § 9/E (1) a) of Act LV of 1993.

[68] § 9/D (1) of Act LV of 1993.

[69] § 9/D (2)–(5) of Act LV of 1993.

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3. CREATING STATELESSNESS: THE LAWS OF CITIZENSHIP REVOCATION

3.1. A short history of citizenship revocation and Statelessness

As Mira Siegelberg has shown in her magisterial history of the concept,[70] statelessness is a relatively recent invention, and its legal acceptance can be tied to a single British case from 1921, *Stoeck v. Public Trustee*.[71] Before that case, 'it was within the power of [each domestic court] to determine whether an individual remained the national of a different state even if their own government had stripped them of their prior national connection.'[72] *Stoeck* itself concerned a Prussian entrepreneur who had immigrated to the United Kingdom in 1896 after having received a discharge from the German Empire, stating that he had no obligations whatsoever towards the German state, having fulfilled his compulsory military service and owing no taxes. Max Stoeck then lived in London as a stateless immigrant, without suffering any difficulties, but without naturalizing as a British subject, either. Upon the outbreak of World War I, Stoeck was interned in England as an enemy alien–the British state thereby alleging that he was German, regardless of his lack of ties or obligations to the German Empire. After the war, Stoeck sued the British state, or more exactly, the public trustee who managed his confiscated property, protesting against his treatment as a German enemy alien. The judge in *Stoeck v. Public Trustee* broke with the tradition of deference to the British state's evaluation of foreigners' nationalities, and accepted Stoeck's claim that he was neither British nor German. This was the first judicial endorsement of Lassa Oppenheim's preexisting scholarly opinion that '[a]n individual may be destitute of nationality knowingly or unknowingly, intentionally or through no fault of his own. Even by birth, a person may be stateless.'[73]

Before 1921, therefore, there was not much point to revoking nationality, as foreign states could still impute a person's original nationality to that person. Statelessness was more or less coterminous with, or perhaps a form of, refugee status (although neither of these was defined by international law, and there was no legal obligation to grant asylum in either case).[74] At the same time, because of the porousness of international boundaries and the effective open border policy that the United Kingdom, its colonies and dominions, and the United States of America displayed towards all White European migrants, refugees and stateless persons faced the same admissibility requirements that all other European economic immigrants faced.[75]

This situation changed quickly after World War I. European states, including the United Kingdom, kept up passport controls introduced during the war, and the introduction of work

[70]Siegelberg (2020).

[71]Stoeck v. Public Trustee [1921] 2 Ch 67.

[72]Siegelberg (2020) 21. See also Ex parte Weber [1916] 1 KB 280 (CA); Simon v Phillips [1916] 114 LT Rep NS 460 (KB); and Kornfeld v The Attorney General [1916] Tribunal Civil de la Seine (1st Chamber) (Fr). as reported in (1917) 44 Clunet 638 and (1918) 27 YLJ 840–41.

[73]Oppenheim (1912) 387, as cited in Stoeck v. Public Trustee [1921] 2 Ch. 77–78.

[74]On the history of refugees in Europe, see Marrus (1985); Ther (2017).

[75]On U.S. immigration policies towards Europeans (especially Jews and Italians) from the 1890s onward, see Ngai (2014) 21–56; Marinari (2020) 14–97; Zolberg (2006) 166–292. On the effects of U.S. immigration policy on Canada, Australia and South Africa, see Lake and Reynolds (2012); Ghezelbash (2017). On the introduction of passport requirements during and after World War I, see Robertson (2010) 184–244; Torpey (2000) 111–21.

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permits as a separate administrative regime from passports/visas/immigration papers meant that foreigners no longer had automatic access to national labour markets.[76] In the 1920s, 1930s and 1940s, the revocation of citizenship (and thereby, the creation of mass statelessness) became a standard tool of statecraft and repression for dictatorial and totalitarian regimes.

> The Soviet Union revoked the citizenship of 1.5 million individuals. The Nazi regime denaturalized forty thousand people and revoked the citizenship of another forty thousand native-born citizens. In France, between 1940 and 1944, the Vichy regime denaturalized fifteen thousand people and stripped the citizenship of five hundred native-born French nationals.[77]

In Fascist Italy as well, a number of decrees from 1926 allowed for the denationalization of Italians who committed any act abroad 'which tend to do harm to the Italian interests or to diminish Italy's reputation […] or prestige, even if such acts do not constitute [a criminal] offense.'[78] Additionally, the decrees criminalized spreading 'any false or exaggerated or tendentious news about the internal situation in Italy if such news may do harm to Italy's credit or prestige.'[79]

Nevertheless, as Patrick Weil reminds us,

> denaturalization existed in democracies as well. The United States first established the practice through the Naturalization Act of 1906. … Following the United States, the United Kingdom introduced denaturalization in 1914 and further reinforced its procedures in 1918. France… installed a [permanent] denaturalization policy… through legislation passed in 1927.[80]

In Australia, '[a] 1917 Act allowed the Governor-General to remove citizenship from an individual when "it is desirable for any reason that a certificate of naturalization should be revoked".'[81] Citizenship revocation was supposed to function partly as a punishment for egregious criminal activities but also as a blame-free mechanism for avoiding dual nationality in general. Under U.S. law, for example, American women automatically lost their U.S. citizenship upon marriage to a foreigner (and usually gained their husband's nationality automatically at marriage as well).[82] Loss of citizenship also applied automatically when a citizen exhibited allegiance to a foreign country: this included enlisting in the armed services of a foreign country, running for office in another country, and even voting in foreign elections.[83] Between 1914 and the 1960s, all forms of human mobility were tightly controlled, human rights had very little to say about human mobility, and denationalization and statelessness were acceptable and legitimate aspects of statecraft.

[76]On post-World War I diplomatic attempts to restore passport-free travel in Europe, see Becker (2020) 193–211. On the introduction of work permit regimes, see Comte (2018) 10–11.

[77]Weil (2013) 2.

[78]Abel (1942) 58.

[79]Abel (1942) 58. See also Williams (1927) 47.

[80]Weil (2013) 2.

[81]Gibney (2020a) 2558, citing the Naturalization Act 1903 Amendment Act 1917 (Cth) No 25, s 7(b) (Aus.).

[82]Cott (1998) 1455–68; Bredbenner (1998).

[83]E.g. Nationality Act of 1940, ch 876, 54 Stat 1137, §§ 401–407 (US).

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3.2. International human rights law on nationality and the right to return to one's country

The post-1945 human rights revolution eventually toppled many, if not most, of these practices. Importantly, albeit vaguely, almost all international human rights instruments have included the right to *a* nationality.[84] Article 15 of the Universal Declaration of Human Rights (UDHR) states that 'everyone has the right to a nationality' and that 'no one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality.'[85] The International Covenant on Civil and Political Rights (ICCPR) restricted the right to a nationality to children: 'Every *child* has the right to acquire a nationality.'[86] The Convention on the Rights of the Child also includes children's right to a nationality from the moment of birth.[87]

International human rights also includes separate protections against the most serious consequence of the loss of nationality: banishment. Article 13 of the UDHR states that 'everyone has the right… to return to his country.'[88] This is also echoed in Article 12(4) of the ICCPR: 'No one shall be arbitrarily deprived of the right to enter his own country.'[89] Subsequent practice has stated that 'one's own country' is a broader concept than citizenship, and includes foreigners and stateless persons who have a history of residency within the state in question.[90]

Some regional human rights instruments also include the same protections that the universal human rights conventions have laid out. The African Charter on Human and Peoples' Rights repeats the formulation, 'Every individual shall have the right to leave any country, including his own, and to return to his country.'[91] Article 3 of Protocol 4 to the European Convention on Human Rights also states that 'No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national' and that 'No one shall be deprived of the right to enter the territory of the state of which he is a national.'[92] The most comprehensive protections are granted by the American Convention on Human Rights and the European Convention on Nationality. The American Convention

[84]International lawyers have noted since the first formulations that it remains unclear which country has the obligation to grant a nationality to any particular person: see e.g. Kesby (2012) 16–31, 47–57.

[85]Universal Declaration of Human Rights, UNGA Res 217 A (III) (10 December 1948) Art. 15 (hereinafter: UDHR).

[86]International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 24(3) (hereinafter: ICCPR).

[87]Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, art 7(1): 'The child shall be registered immediately after birth and shall have… the right to acquire a nationality…'

[88]UDHR, Art. 13 (2).

[89]ICCPR, Art. 12 (4).

[90]E.g. UN Human Rights Committee, General Comment No 27, UN Doc CCPR/C/21/Rev.1/Add.9 (1999) para 20; *Elmi v Canada*, Communication No CCPR/C/136/D/3649/2019, UN Human Rights Committee (1 November 2021) para 8.3; *Warsame v Canada*, Communication No CCPR/C/102/D/1959/2010, UN Human Rights Committee (21 July 2011) paras 8.4–8.5; *Nystrom v Australia*, Communication No CCPR/C/102/D/1557/2007, UN Human Rights Committee (18 July 2011) paras 7.4–7.5. See also Paz (2024) 464.

[91]African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58, art 12(2).

[92]Protocol No 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 16 September 1963, entered into force 2 May 1968) ETS No 46, art 3.

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on Human Rights protects the right to nationality, includes the right to the nationality of the country in which a person was born (if they do not have access to any other nationality), and protects both nationals and legally present aliens from expulsion.[93] The European Convention on Nationality provides detailed rules for access to nationality upon basically any link to any of the ratifying states and includes stringent protections against loss of nationality, as well as the obligation to restore the nationality of previous citizens.[94]

The United Nations also facilitated the creation of specialized conventions on statelessness. The 1954 Convention Regarding the Status of Stateless Persons affirmed that stateless persons cannot be completely rightless: they must have access to at least a few basic rights, such as freedom of religion, access to courts and non-discrimination.[95] The states parties to the 1954 Convention also agreed that stateless persons should have the same rights as foreigners in general in a number of domains, including access to employment, rights of association and access to property.[96] The 1961 Convention on the Reduction of Statelessness provided few absolute rights to stateless persons, but it did prohibit the revocation of citizenship from any person if that would render the said person stateless.[97]

Domestic legislation, constitutional adjudication, and executive practice followed the same international norms and political sentiment in curtailing citizenship revocation. In 1967, in Afroyim v. Rusk,[98] the U.S. Supreme Court held that the involuntary revocation of citizenship is unconstitutional for any reason, including criminality, dual nationality, or acts of allegiance in favour of another state. 'In Canada, parliament restricted the state's right to revoke citizenship solely to cases of fraud and misrepresentation in 1974. In the U.K. and France, the power became virtually redundant through disuse by the executive. Between 1945 and 2002, for example, the U.K. stripped citizenship only ten times.'[99] During this period, dual nationality became increasingly acceptable, at least for and between liberal democratic states.[100] Although it is an overstatement to say that access to dual nationality is a (human) right,[101] its normalization is nevertheless striking. 'Going back to 1960, we see that over 90% of countries restricted dual

[93]American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) 1144 UNTS 123, arts 20 and 22.

[94]European Convention on Nationality (adopted 6 November 1997, entered into force 1 March 2000) ETS No 166.

[95]Convention Relating to the Status of Stateless Persons (adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117, arts 3–5.

[96]Convention Relating to the Status of Stateless Persons (adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117, arts 12–19.

[97]Convention on the Reduction of Statelessness (adopted 30 August 1961, entered into force 13 December 1975) 989 UNTS 175, art 8(1): 'A Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless.' Art. 8 (2)–(4) does allow for certain situations wherein the revocation of nationality is permissible even if that would render a person stateless, but the procedural requirements are onerous.

[98]Afroyim v. Rusk, 387 U.S. 253 (1967).

[99]Gibney (2020a) 2661; also see Prener (2023) 2–4.

[100]Spiro (2016) 56–87.

[101]Cf. Spiro (2010) 111.

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citizenship in one way or another. By contrast, in 2024, half of all countries fully accept dual citizenship, whereas only one-fifth consistently restrict dual citizenship at naturalisation.'[102]

3.3. The resurgence of citizenship revocation (and covert forms of citizenship deprivation)

Since the terrorist attacks of 2001, the increasing security of citizenship as an inviolable status and the bedrock of fundamental rights has unfortunately gone into reverse.[103] The revocation of citizenship has made a fearsome comeback in Europe. Canada enacted simplified citizenship revocation rules in 2014, but reversed course in 2017;[104] by contrast, European states have been consistent in maintaining denaturalization rules for dual citizens who are national security risks. The dominant targets of citizenship revocation rules in Europe are domestic Islamist terrorists, who are predominantly immigrants or the children of immigrants from Middle Eastern and North African states.[105] Citizenship revocation rules thereby mean a reversal of the long-standing logic that 'more is better' with regard to citizenship and that a dual (or multiple) national always has more opportunities than a person with a single nationality.[106]

France was a forerunner in reinstating denaturalization powers: since 1996, under Article 25 of the Code Civil, a naturalized French citizen may be deprived of their citizenship after being convicted for any of a variety of serious crimes, including terrorism, abuse of official authority, corruption, and insubordination while performing national service.[107] One's French nationality may also be revoked, without a criminal conviction, for 'engaging, for the benefit of a foreign state, in acts that are incompatible with the quality of French nationality and commission of acts that are prejudicial to the interests of France.'[108] 'These denationalisation powers were introduced as a counter-terrorism tool… largely due to the 1995 terrorist attacks at the Saint-Michel metro station in Paris perpetrated by the Algerian Armed Islamic Group.'[109]

The United Kingdom, in particular, has made it very easy, since 2006, for the Secretary of State to 'deprive a person of a citizenship status if the Secretary… is satisfied that deprivation is conducive to the public good.'[110] Generally, the Secretary of State may not remove a British national's citizenship 'if he is satisfied that the order would make a person stateless.'[111] However, since 2014, the Secretary of State may revoke the citizenship of a *naturalized* Brit if the Secretary

[102] Vink et al. (2025) 10.

[103] Gibney (2020a) 2561.

[104] Cf. *Strengthening Canadian Citizenship Act*, SC 2014, c 22 (Can) *An Act to amend the Citizenship Act and to make consequential amendments to another Act*, SC 2017, c 14 (Can); also Macklin (2014) 1, 22–30.

[105] Gibney (2020a); Prener (2023) 2–4.

[106] Cf. Spiro (2016) 1–4; Szigeti (2025a) 234.

[107] Code Civil art 25 (Fr).

[108] Code Civil art 25, 4° (Fr).

[109] Prener (2023) 233.

[110] British Nationality Act 1981, s. 40 (2) (UK).

[111] British Nationality Act 1981, s. 40 (4) (UK).

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'has reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such a country or territory.'[112] In this way, any person may be viewed as at least a prospective dual citizen.[113]

Citizenship revocation was also introduced into Danish law during the same period.

> Prior to 2004, the Danish Nationality Act did not allow for denationalisation on grounds of misconduct or disloyalty, but in 2004 Denmark introduced *reactive* denationalisation into the Danish Nationality Act, providing the judicial authorities with the power to deprive citizenship on grounds of criminal conviction for specific terrorist activities.[114]

Citizenship revocation in Denmark requires a criminal conviction for a serious crime against the state or national security; the existence of a second nationality, so at to avoid the creation of statelessness; and striking 'a fair balance between the severity of the crime and the impact that loss of citizenship would have on the individual in accordance with the rights to private and family life of the individual.'[115]

The Netherlands also made the revocation of Dutch citizenship much easier during the previous decade:

> Under the Netherlands Nationality Act, the Ministry of Justice and Security may revoke an individual's Dutch citizenship if they are convicted of 'terrorism or recruitment for an armed struggle or for an alien armed force.' The Act was amended in 2017 to allow for revocation without a criminal conviction of individuals over 18 outside of the Netherlands if they 'pose a threat to national security.'[116]

Petter Danckwardt has recently reported that Sweden is even considering amending its constitution so as to allow the revocation of citizenship for serious crimes that threaten national security.[117] Currently, the Swedish Constitution maintains an absolute ban on the revocation of citizenship for any Swedish citizen who is a resident of Sweden, or has been a resident of Sweden.[118]

The overt revocation of citizenship for reasons of criminality and national security is only part of the picture. As Neha Jain has convincingly argued, statelessness in general is not 'found' but 'manufactured.'[119] In other words, statelessness is not an unfortunate accident that arises due to shoddy birth registration and documentation policies, but it is deliberately brought to life in places where it is convenient for states to disown persons.[120] The stateless persons in these 'statelessness hotspots' are, generally, ethnic or religious minorities–the Bidoon in the Gulf

[112] British Nationality Act 1981, s. 40 (4A) (UK).

[113] Manby (2024); Szigeti (2025a); Liew (2024).

[114] Prener (2023) 208.

[115] Prener (2023) 208, summarizing the Consolidation Act on Danish Nationality, Consolidation Act No 422 of 7 June 2022, art 8B (Den.).

[116] von Nagy (2024) 407–408, citing *Kingdom Act on Dutch Nationality*, Stb 1984, No 628, art 14 (4) (Neth).

[117] Danckwardt (2025).

[118] *Regeringsformen* ch 2, § 7 (Swed).

[119] Jain (2022).

[120] Jain (2022) 248–50.

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States, Rohingya in Myanmar and Bangladesh, ethnic Russians in Latvia and Estonia, people of Haitian origin in the Dominican Republic, Muslims in Assam (India), and so forth. Statelessness is often manufactured by creating 'zero option' citizenship laws that only grant birthright citizenship to the descendants of citizens at a constitutionally significant moment, several generations ago, when the state in question did not include the discriminated minority population.[121] In other cases, statelessness is (re)created by refusing civil registration and documentation services to minority populations, and then treating them as if they were illegal immigrants.[122]

States are also adept at denying the problems of statelessness as such, or blaming it on other states' policies, without offering any rights to the *de facto* stateless persons concerned. This has recently been called 'Schrödinger's Citizenship': the phenomenon whereby a person is an unrecognized citizen of State X–according to State Y; but at the same time, an unrecognized citizen of State Y–according to State X.[123] Dominicans of Haitian origin are thereby Dominicans according to Haiti, but Haitians according to the Dominican Republic; and the Rohingya are the descendants of illegal Bangladeshi migrants according to Myanmar, but refugee Burmese nationals according to Bangladesh. The possibility of acquiring a second nationality has also been held as equivalent to actually having a second nationality, as mentioned above with regard to British denaturalization policy,[124] but is equally present in Canadian refugee law.[125] This has allowed Canada and the United Kingdom to deny protections to their (former) citizens, or refugees on their territory, by arguing that other states have, should have, or simply could have obligations to shelter and protect these persons. In *Zhao v. The Netherlands*, the Netherlands tried to avoid granting Dutch citizenship to a child born within the Netherlands to a stateless mother by insisting that the child is not stateless, but simply has 'an unknown nationality.'[126] The United Arab Emirates went as far as to purchase pseudo-citizenship from the Comoros Islands for its stateless Bidoon population, just to be able to deny that they were truly stateless.[127] The passports that were purchased *en masse* from the Comoros Islands can only be called pseudo-citizenships, because they do not bestow *any* rights on their holders, not even the right to enter the territory of the Comoros Islands, or to benefit from its diplomatic protection.[128]

Compared to these rather hair-raising examples–but even compared to the 'new mainstream', the European resurgence of formal citizenship revocation for dual citizens–the Hungarian legislation on the suspension of citizenship looks decidedly tame. Suspension of citizenship is inherently time-limited, that is, temporary, compared to the finality of revocation. If a suspended citizen loses their other citizenship, their Hungarian citizenship is restored automatically–thereby definitely avoiding statelessness.

[121]Jain (2022) 250–55.

[122]Jain (2022) 255–60. For a number of case studies, see e.g. Flaim (2017); Rosenbloom (2017).

[123]Manby (2024) 10–12; Szigeti (2025a). The phenomenon has also been called 'ghost citizenship': see Liew (2024) 4, 7.

[124]British Nationality Act 1981, s. 40 (4A) (UK).

[125]Szigeti (2025a) 242–46, 254–56.

[126]Zhao v The Netherlands, Communication No CCPR/C/130/D/2918/2016, UN Human Rights Committee, (20 January 2021) paras 2.1, 2.2, 2.4, 8.3, 8.5; Bingham and Klass (2021).

[127]Lori (2019); also Abrahamian (2015).

[128]Lori (2019) 4.

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It is instructive to compare Hungarian laws with, say, the fate of Shamima Begum under British law. Begum is a London-born woman of Bangladeshi origin, whose only citizenship was her British citizenship. In 2015, at age fifteen, she was convinced online to elope to Syria and join Daesh as a teenage bride and a Jihadist propagandist. Her British citizenship was stripped *in abstentia*, with the reasoning that, because of her Bangladeshi origin, she could acquire or reacquire Bangladeshi citizenship. British courts accepted this reasoning, despite the vigorous denials of the Bangladeshi Ministry of Foreign Affairs. Predictably, Shamima Begum became stateless, stuck indefinitely in a Syrian prison/refugee camp in abysmal health and safety conditions.[129]

Nevertheless, unlike Danish legislation, which in Christian Prener's analysis was carefully constructed to fully comply with international law on statelessness, European human rights law, and EU law,[130] the Hungarian legislation is both puzzling in its aims and scope, and probably non-compliant in a number of ways. The next section will analyse the rules on the suspension of citizenship from all of these angles.

4. CONSIDERATIONS ON COMPLIANCE: EUROPEAN HUMAN RIGHTS LAW AND EU LAW ON CITIZENSHIP REVOCATION

Given that the revocation of citizenship has been on the rise in Europe since 2001, a robust case law has emerged, both from the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR), on the legality of citizenship revocation from the perspective of EU law and European human rights law. There have also been notable judgments on the right to nationality under international law, mostly from the Inter-American Court of Human Rights.[131] In light of these judgments, the Hungarian legislation arguably does not violate European human rights law. However, it does seem to violate EU law on several accounts.

I will focus mostly on compliance with EU law, first due to limitations on the reasonable length of this article, and second, because international human rights law only imposes moderate limitations on states wishing to revoke their citizens' nationality. In fact, the European Court of Human Rights, which is undoubtedly the most relevant international court for asserted Hungarian human rights violations, has not ruled against any EU Member States regarding their citizenship revocation statutes. Sandra Mantu[132] and Christian Brown Prener[133] have published comprehensive studies of denationalizations under international and European human rights law, so I shall refrain from repeating their findings, beyond the following paragraph.

[129]E.g. Foa (2021).

[130]Prener (2023) 227–30.

[131]Most importantly, *The Yean and Bosico Children v Dominican Republic*, Judgment, Inter-American Court of Human Rights Series C No 130 (8 September 2005) and *Expelled Dominicans and Haitians v Dominican Republic*, Judgment, Inter-American Court of Human Rights Series C No 282 (28 August 2014).

[132]Mantu (2015).

[133]Prener (2023).

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The ECHR and other international fora try to balance the right to a nationality with states' interests to only have citizens who are loyal to it and who do not conspire either against the state or against the fundamental rights of large numbers of its other citizens. Therefore, international crimes, terrorism and disloyalty are all accepted by the ECHR as valid reasons for revoking citizenship.[134] The most important restrictions imposed by human rights law are that revocations cannot be collective and discriminatory (targeting an ethnic, racial or religious group); they cannot be disproportionate (i.e. a sanction for minor offences) or arbitrary (imposed without any reason, for unclear reasons, for arbitrary or political reasons, or without due process and the opportunity to contest the revocation before a court of law).[135] Additionally, for parties to the Convention on the Reduction of Statelessness, revocation cannot result in statelessness; it can only be imposed on persons with dual nationality.[136] Because of the right to *a* nationality (any nationality) and the desire to avoid statelessness, it is also lawful to only threaten dual citizens with citizenship revocation, and to exempt 'mono citizens' who only possess one nationality from citizenship revocation laws.[137] It is quite possible that the procedure and its application will violate international human rights law, as Kamilla Galicz predicts,[138] but we shall have to wait for its application (and the response of human rights bodies) to see whether that is the case. For now, it seems like a piece of 'not-so-bad law' designed to just about comply with European human rights law.[139] I shall therefore assume that the new Hungarian laws do respect the right to a nationality under international human rights law.

Fortunately or unfortunately, we cannot say the same about EU law. The attempt to insulate the suspension of citizenship from investigation by EU authorities by making sure that the rules do not apply to dual nationals of Hungary and another EU Member State is bound to fail. The first reason for this is that 'citizenship of the Union is intended to be the fundamental status of nationals of the Member States,'[140] as stated in *Rottmann*, and therefore Member States must have due regard to EU law 'when exercising their powers in the sphere of nationality.'[141]

Since *Micheletti*,[142] it has been a keystone of European Union law on EU citizenship that Member States must recognize each other's grants of nationality without qualifications or additional conditions. By analogy, this also applies to revocations and suspensions of nationality. Nevertheless, *Micheletti* begs the question of what exactly should the EU and other Member

[134] *Ghoumid and Others v France*, App Nos 52273/16 et al., ECtHR, 25 June 2020, para 71: '…the Court is of the view… that… deprivation of nationality [recognizes that] an individual who has benefited from acquisition of French nationality has subsequently severed the bond of loyalty to France by committing particularly serious acts… of terrorism…'. See also *K2 v United Kingdom*, App No 42387/13, ECtHR, 7 May 2017; Prener (2023) 143–44.

[135] *K2 v United Kingdom*, App No 42387/13, ECtHR, 7 May 2017; also *Ramadan v Malta*, App No 76136/12, ECtHR, 21 June 2016.

[136] See the Convention on the Reduction of Statelessness (adopted 30 August 1961, entered into force 13 December 1975) 989 UNTS 175., Art. 8.

[137] See the extended discussion in Prener (2023) 137–54.

[138] Galitz (2025).

[139] Galitz (2025) citing Sajó (2016).

[140] Case C-135/08 *Rottmann v Freistaat Bayern* [2010] ECR I-1449, para 43; also Case C-184/99 *Grzelczyk v Centre Public d'Aide Sociale d'Ottignies-Louvain-la-Neuve* [2001] ECR I-6193, para 31.

[141] Case C-135/08 *Rottmann v Freistaat Bayern* [2010] ECR I-1449, para 45.

[142] Case C-369/90 *Micheletti v Delegación del Gobierno en Cantabria* [1992] ECR I-4239, paras 10–11.

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States recognize, due to the novelty and built-in ambiguity of suspension as a concept. The 'in-betweenness' of suspension is too clever by half, from this perspective: it gives huge powers of interpretation to the CJEU and to other Member States to decide whether suspension is fish or fowl. As the CJEU stated in *Zambrano*, 'Article 20 TFEU precludes national measures which have the effect of depriving citizens of the Union of the genuine enjoyment of the substance of the rights conferred by virtue of their status as citizens of the Union.'[143] If suspended Hungarian citizens are still Hungarian citizens, then their basic rights as EU citizens must take precedence over Hungarian domestic legislation, according to the CJEU. They must benefit from the freedom of travel, settlement and employment throughout the European Union, including, ironically, their own country of citizenship.

The CJEU may, of course, take the opposite tack, and decide that suspension *actually* means revocation plus an *ex lege* restoration ten years later–in this case, suspended Hungarian citizens cannot rely on their rights as EU citizens. If the CJEU decides to look at suspension as a form of revocation, then it is hard to see how the Hungarian legislation would infringe EU law. As in human rights law, proportionality and the avoidance of arbitrariness are the paramount principles for deciding whether national legislation on the revocation of citizenship violates EU law.[144] The CJEU has been broadly respectful of public policy in deciding whether the revocation of citizenship is arbitrary: in *Rottmann*, they stated that revocation for reasons of fraud is neither disproportionate nor arbitrary.[145] In *Tjebbes*, the Court ruled that the *ex lege* loss of Dutch citizenship is also not contrary to EU law in the case of Dutch nationals who are dual citizens and have spent ten years outside of the Netherlands and the European Union without renewing their Dutch passports or filing a declaration of their intention to keep Dutch citizenship.[146] If revocation for reasons of fraud is not unjustified or disproportionate, and if automatic *ex lege* loss of citizenship is also not in itself objectionable, then *a fortiori* it cannot violate EU law to revoke the citizenship of terrorists, or persons guilty of treason, crimes against humanity, genocide, or other heinous international or national crimes. At the same time, *JY v. Wiener Landesregierung* also held that 'concepts of "public policy" and "public security" must be interpreted strictly, so that their scope cannot be determined unilaterally by the Member States without being subject to control by the EU institutions.'[147] Overbroad determinations of 'actions which infringe the sovereignty… or national security'[148] of Hungary will undoubtedly be struck down.

The same dilemma will be presented to other EU Member States, sooner in fact than to the CJEU: will they view suspension as fundamentally maintaining the suspended citizens' EU citizenship under EU law, or will they view it as a form of effective citizenship revocation? If the suspended citizen lives in, or tries to settle in, another EU Member State, this dilemma will surface immediately. If this second EU Member State tries to deport the suspended citizen to a

[143]Case C-34/09 *Ruis Zambrano v Office national de l'emploi (ONEm)* [2011] ECR I-1177, para. 42; also Case C-135/08 *Rottmann v Freistaat Bayern* [2010] ECR I-1449, para 42.

[144]Case C-135/08 *Rottmann v Freistaat Bayern* [2010] ECR I-1449, paras. 51–56.

[145]Case C-135/08 *Rottmann v Freistaat Bayern* [2010] ECR I-1449, paras. 51–56.

[146]Case C-221/17 *Tjebbes and Others v Minister van Buitenlandse Zaken* (CJEU, 12 March 2019).

[147]Case C-118/20 *JY v Wiener Landesregierung* (CJEU, 18 January 2022), para 68.

[148]§ 9/B (1) and (2) of Act LV of 1993.

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non-EU state, the case will undoubtedly make its way to the CJEU–perhaps even without Hungarian involvement, simply through another EU country's judge's referral. On the other hand, if the other EU Member State does not deport the Hungarian national and views their EU citizenship as active despite the Hungarian suspension, then the Hungarian state will struggle mightily to enforce its suspension decision, given the lack of border policing with other Schengen states. Effectively, the temporary banishment from Hungarian territory will be transformed into an interdiction on using Hungarian airports to and from non-Schengen states, and on crossing land borders with Ukraine and Serbia. At that point, the Hungarian state will have to either regard the suspension as mostly symbolic, or they will have to take legal and diplomatic action to have other EU Member States accept suspension as the temporary revocation of EU citizenship rights as well.

Third, the silence of the Hungarian laws on the rights and obligations of suspended citizens' family members (including EU citizens, but also non-EU citizen legal residents) will also ensure that the suspension of citizenship will come into conflict with EU law. Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States,[149] as interpreted in *Zambrano*,[150] gives a right to infant EU citizens to have their non-citizen parents stay in the EU (or, vice versa, it gives non-citizens a right to stay in the EU if they have infant children who are themselves EU citizens). Therefore, if a Hungarian citizen has their citizenship suspended, and they happen to have a Hungarian spouse and young children–which is not unlikely–then the Hungarian child has a right, under Article 21(1) of the TFEU and Article 3(1) of Directive 2004/38, to have their parent stay in Hungary. The CJEU emphasized in *Rendón Marín* that:

> Article 27(2) of [Directive 2004/38] makes clear that previous criminal convictions cannot in themselves constitute grounds for taking public policy or public security measures, that the personal conduct of the individual concerned must represent a genuine and present threat affecting one of the fundamental interests of society or of the Member State concerned, and that justifications that are isolated from the particulars of the case or that rely on considerations of general prevention cannot be accepted.[151]

Suspended Hungarians with small children may perhaps still be deported from the territory of the EU, but only if their presence poses a clear threat to public safety, and if the expulsion is not disproportionate to their attachments and relationships with and within Hungary.[152]

Additional questions, unanswered both by the current legislation and the CJEU's case law on EU citizenship, include whether a suspended Hungarian citizen's child, born during the suspension, will acquire Hungarian citizenship, and thereby also EU citizenship, at birth. The generality of the relevant provisions of the Basic Law of Hungary ('The child of a Hungarian citizen shall be a Hungarian citizen at birth.'[153]) would suggest that that is the case. The right of

[149] Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States [2004] OJ L158/77.

[150] Case C-34/09 *Ruis Zambrano v Office national de l'emploi (ONEm)* [2011] ECR I-1177, paras 43–45.

[151] Case C-165/14 *Rendón Marín v Administración del Estado*, para 60.

[152] Case C-165/14 *Rendón Marín v Administración del Estado*, paras 60–62.

[153] Art. G) (1), Basic Law of Hungary.

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every child to a nationality under international law would also suggest that suspended citizens' children are full citizens.[154] Once again, the question would arise only if a suspended citizen has a child with a non-Hungarian citizen; otherwise, the suspended citizen would clearly acquire Hungarian citizenship at birth from the other parent.

A final, minor point involves the right to have the suspension re-examined by the Hungarian courts. In *Tjebbes*, the CJEU also held that '[t]he loss of the nationality of a Member State by operation of law would be inconsistent with the principle of proportionality if the relevant national rules did not permit *at any time* an individual examination of the consequences of that loss…'[155] Does this right to 'an individual examination at any time' also apply to the suspension of citizenship, where the loss of rights is not *ex lege*? If yes, then the Hungarian legislation is disproportionate because it only allows the suspended citizen to have their case re-examined and re-evaluated *once* during the entire suspension period.[156]

5. PLACE, TIME AND OBFUSCATION: SOME THOUGHTS ABOUT THE VALUES OF SUSPENSION AND REVOCATION

5.1. The place of rights and the weight of statelessness

Since Hannah Arendt wrote her well-known and influential analyses of statelessness in *The Origins of Totalitarianism*[157] and *We Refugees*,[158] it has been common to call citizenship 'the right to have rights' and the keystone to having even the most fundamental human rights.[159] In Christian Prener's and Matthew Gibney's words,

> denationalisation [is] an extreme measure of state power on a par with execution. Just as execution is a state-imposed loss of life, denationalisation is a state-imposed loss of political life, effectively depriving the citizen of her political identity, residency and access to democratic participation.[160]

In Giorgio Agamben's genealogy, denationalization, statelessness, and refugee status are all direct paths to becoming a *homo sacer*, a figure of 'bare life', whose life has no ethical value.[161]

This is not necessarily the case, however. In places and times where administrative laws do not create barriers to participation in social and economic life, and one's right to residence is assured, citizenship *per se* does not in fact matter much.[162] Hannah Arendt herself was stateless

[154] Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, art 7 (1).

[155] Case C-221/17 *Tjebbes and Others v Minister van Buitenlandse Zaken* (CJEU, 12 March 2019) para 41 (emphasis added).

[156] § 9/D (1) of Act LV of 1993.

[157] Arendt (1968) 290–302.

[158] Arendt (1994).

[159] See Degooyer and Hunt (2018) 5–13, for a history of the spread and use of Hannah Arendt's phrase.

[160] Prener (2023) 11, paraphrasing Gibney (2017) 359.

[161] Agamben (1998) 75–83.

[162] For an elaboration of this argument, see Szigeti (2025d).

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for eighteen years of her life, between 1933 and 1951.[163] Nevertheless, from the time she arrived in New York as a refugee in 1941 until her naturalization in 1951, it would be unconvincing to claim that her statelessness created significant trouble in her everyday life. Indeed, her life was undoubtedly easier than Afro-Americans' lives under Jim Crow laws during the same period, whose U.S. citizenship was uncontested. Likewise, Max Stoeck lived his entire life after 1896 as a stateless person; but between 1896 and 1914, he lived prosperously in London, travelled to the continent frequently, and owned property in the United Kingdom without second thoughts.[164] In a more contemporary case, *Andrews v. Law Society of British Columbia*, the Supreme Court of Canada ruled that:

> Citizenship, while properly required for certain types of legitimate governmental objectives, is generally irrelevant to the legitimate work of government in all but a limited number of areas. Legislating citizenship as a basis for distinguishing between persons… harbours the potential for undermining the essential or underlying values of a free and democratic society… Legislative conditioning on the basis of citizenship may, in certain circumstances, be acceptable in the free and democratic society that is Canada, but that legislation must be [strenuously] justified by the government…[165]

Mark David Andrews, the applicant in the case, was a British subject and a permanent resident of Canada, who sued the Law Society (that is, the bar association) of British Columbia to assert his right to be admitted, despite lacking Canadian citizenship. Andrews won the case: under the Canadian Charter of Rights and Freedoms, citizenship is irrelevant for all rights except the most strictly political ones, that is, the right to vote and the right to run for office.

The wording of international human rights treaties seems to confirm this view. The UDHR uses the language 'everyone has the right to…' or 'no one shall be subjected to…', without referring to nationality or immigration status at all. The International Covenant on Civil and Political Rights applies to 'all individuals within its territory and subject to its jurisdiction'[166]–therefore, rights should be available to undocumented immigrants and stateless persons as well. Non-discrimination clauses in both Covenants feature insistent language forbidding 'distinction' and 'discrimination of any kind,' including 'national or social origin… birth, or other status.'[167]

There is a strong caveat, of course. Hannah Arendt's, Max Stoeck's, and Mark Andrews' security and access to rights were not conditioned on citizenship, but a more general, express or tacit, 'right to be there'. This 'right to stay' had and has many forms: citizenship is one of them, but permanent residence (for Andrews), asylee status (for Arendt), or simply the pre-1914 cosmopolitan freedom of movement (for Stoeck). In all these cases, as long as the rights comprised by citizenship do not impinge on the right to be present in the country in question,

[163] Degooyer and Hunt (2018) 1.

[164] Szigeti (2025d); Siegelberg (2020) 12–19.

[165] Andrews v. Law Society of British Columbia, [1989] 1 SCR 143, 146.

[166] International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art. 2 (1).

[167] International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art. 2 (1); International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, art. 2 (2).

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citizenship becomes a 'luxury status' that is only interesting for those who are passionate about political participation.[168] By contrast, if the lack of citizenship means the possibility of deportation, then Arendt's, Agamben's, Gibney's, and Prener's apocalyptic arguments come into force, and deportable foreigners' human rights are at risk.[169]

This is not, of course, how state officials (including judges) frame the connection between human rights and those without the right to be present. Human rights must be guaranteed for all humans; but for some (those who have a right to be 'here'), they can be provided here, and for others (who have no right to be here and must be deported), they must be provided elsewhere, by others. *Kerry v. Din* is a good example. In that U.S. Supreme Court case, Fauzia Din, an American woman of Afghan origin, tried to sponsor Kanishka Berashk, her Afghan citizen husband, for immigration to the U.S.[170] Berashk was denied a visa for national security reasons, and his wife, Din, tried to argue that this refusal violated her own right to her family and her right to live with her husband. Justice Scalia's rebuttal was that 'The Government has not refused to recognize Din's marriage to Berashk, and Din remains free to live with her husband anywhere in the world that both individuals are permitted to reside.'[171] Naturally, no U.S. authorities investigated where that place could be, or what the couple could do if no such place existed.

5.2. 'Crimmigration law' migrates to citizenship law, or the return of banishment to Hungarian law

Qualifying the horrors that statelessness can bring is important because a more garden-variety type of *de facto* statelessness has been part of criminal law for centuries, without attracting too much attention.[172] This is the suspension of political rights as a form of criminal punishment, which deprives convicts and former convicts of their right to vote, their right to run for office, and occasionally their right to practice certain professions that exercise public power (public officials, attorneys at law, military officers, etc.). In the United States, criminal disenfranchisement may also include the loss of parental rights, ineligibility for public benefits, and the loss of the right to bear arms.[173] This more extreme variant has been called a form of 'civil death' and compared to the more extreme forms of rightlessness that statelessness, outlawry, or *homo sacer* status have brought about.[174]

Within Hungarian law as well, 'prohibition from public affairs' (*közügyektől való eltiltás*) has been an accepted form of punishment since at least the first codification of Hungarian criminal law in 1878. The 'Csemegi-kódex' included 'loss of office' (*hivatalvesztés*) and 'the suspension of political rights' as minor, supplemental punishments.[175] The suspension of political rights was

[168]This argument is closely tied to Christian Joppke's concept of the 'lightening of citizenship' and Linda Bosniak's 'denationalized citizenship.' Cf. Joppke (2010); Bosniak (2000).

[169]Arendt (1968) 290–302; Agamben (1998) 75–83; Gibney (2017) 359; Prener (2023) 11.

[170]Kerry v. Din, 576 U.S. 86 (2015).

[171]Kerry v. Din, 576 U.S. 100–101 (2015).

[172]E.g. de Groot (2023).

[173]Chin (2012) 1807–15.

[174]Chin (2012) 1793–98; Ewald (2002) 1059–64.

[175]§§ 54–60 of Act V of 1878.

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particularly extensive, including the loss of the right to work as a teacher, to serve as a guardian, to hold non-hereditary titles and medals, and to benefit from pension rights associated with lost public offices.[176] In its current form, 'deprivation of civil rights' under Hungarian criminal law includes the loss of the right to vote, to hold public office (including parliamentary committees and delegations to international organizations), and the inability to hold military ranks, or receive orders of merit and decorations.[177] Deprivation of civil rights may be ordered for not less than one year and not more than ten, starting from the date of an enforceable criminal judgment, but suspended for any term of imprisonment that the judgment orders.[178]

Effectively, therefore, the deprivation of civil rights is already a form of suspension of citizenship. Indeed, this is exactly what 'the suspension of citizenship' means in the constitutions of certain South American countries–the only laws that used the term 'suspension of citizenship' before the Hungarian legislation.[179] One wonders why the suspension of citizenship, *including* the right to be present on the territory of Hungary, is a necessary addition to the Hungarian legal corpus. Most of the acts which can qualify one for the suspension of one's citizenship are already criminal acts: terrorism, military service in or recruitment into a foreign army, crimes against humanity, war crimes, and crimes against the constitutional order.[180] Effectively, the new rules introduce a shadow criminal law system. Initially, a Hungarian citizen may be convicted in a criminal court for the above-listed serious crimes, and thereby lose their political rights as well as receive a long sentence of incarceration.[181] *Then*, they may be targeted by the Minister of Justice, in a separate, potentially secret administrative procedure,[182] to lose their citizenship rights *again* (or, perhaps, lose them even more), and become barred from entering Hungary alongside all the criminal punishments that they have already received.

Crucially, because the suspension of citizenship is an administrative procedure, it is bereft of the constitutional and human rights guarantees that surround criminal procedures: the right to counsel, the presumption of innocence, proof required beyond a reasonable doubt, *nullum crimen sine lege*, *ne bis in idem*, and so forth. Scholars of immigration law have called attention to this phenomenon by naming it 'crimmigration law'–immigration law that is becoming 'the worst of both worlds', taking up the punitiveness of criminal law without adopting the guarantees of fair criminal trials.[183] Now, we are seeing the migration of 'crimmigration law' into

[176]§ 55 of Act V of 1878.

[177]§ 61 of Act C of 2012.

[178]§ 62 of Act C of 2012.

[179]Guatemala, Venezuela and Paraguay, be precise: see *Constitución Política de la República de Guatemala* (1985) art 148 (Guat); *Constitución de la República del Paraguay* (1992) art 153 (Para); *Ley de Nacionalidad y Ciudadanía*, Gaceta Oficial No 37.971, 1 July 2004, arts 52–53 (Venez). I am grateful to Tamás Molnár for drawing my attention to these constitutions.

[180]Cf. § 9/B (2) of Act LV of 1993 and §§ 142–144, 254–255, 258–261, 314, 318 and 318/A of Act C of 2012.

[181]Basically all of the crimes listed that qualify for the suspension of citizenship also carry a minimum sentence of five years in prison.

[182]§ 9/C of Act LV of 1993.

[183]E.g. Stumpf (2006); Hernández (2013). See also Chacón (2008); Chacón (2012).

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citizenship law/constitutional law, whereby administrative agencies apply the temporary deprivation of constitutional rights in parallel with or following the courts. (Arguably, this doubling of sanctions for the same crimes is itself a violation of *ne bis in idem*. At the same time, *ne bis in idem* may not in fact be a requirement in international criminal law.[184]).

Indeed, the suspension of citizenship may well be characterized as a resurrection of banishment, the criminal sanction of exclusion from the territory of the state. Banishment has had a reputation as a barbaric form of punishment since the eighteenth century,[185] and since the adoption of human rights instruments that guarantee 'the right to return to one's country',[186] it is undeniably unlawful. Full-on denaturalization is not banishment, one may argue, because the state in question has severed all ties with the person in question, including the right to be present on its territory. A suspended citizen, by contrast, is still a citizen whose fundamental ties with Hungary are intact, and whose full suite of legal rights shall spring back into life at the end of the suspension period, or upon becoming stateless.[187] Therefore, there is less scope to argue that deportation is justified for even the most dangerous criminals if their citizenship is not fully severed.

5.3. The time of citizenship and the justness of suspension

As Elizabeth Cohen argued in her book, *The Political Value of Time*, time is the *par excellence* political currency in democratic states.[188] Time is simply and objectively measurable in ways that reasonableness or talent are not. Time is, therefore, a fairer metric of power and rights than attempts at meritocracy (e.g. tying political rights to IQ or educational achievement). Time is egalitarian in ways that money can never be, at least in market economies and societies that accept inheritance. Time is also, therefore, a fairer way to apportion rights than money could ever be, even (or especially) in societies where 'everything is for sale'. Democratic governance requires time-limited terms of office: almost always four or five years. Military power is exercised by conscripted citizens (whose military service is defined in terms of years and months) or professional soldiers (who also serve under time-limited contracts). Political participation rights are given to citizens at a certain age: usually upon reaching 18 years of age. Immigrants are allowed to naturalize after a number of years as lawful residents (between three and ten years in most Western states).

The progression of time also serves to legitimate states of affairs that would otherwise be unlawful in practically every branch of the law. Property laws have rules about prescriptive acquisition or *usucaptio* (in civil law systems) and adverse possession (under the common law) that eventually grant lawful title to squatters and possessors without title.[189] Statutes of limitations (under the common law) and prescriptive periods (in civil law systems) make

[184]See Gallant (2022) 312, 415: 'Unfortunately, it appears that customary international law still permits different states to try and to punish a person for a single transnational crime. … In some states *ne bis in idem* (protection against double jeopardy) does not apply in cases of protective jurisdiction…'.

[185]Gibney (2020b) 289–95.

[186]UDHR, Art. 13.

[187]§§ 9/C (2), 9/D (1), 9/E (1) of Act LV of 1993.

[188]Cohen (2018).

[189]E.g. J A Pye (Oxford) Ltd v Graham [2002] UKHL 30; §§ 5:44–5:49 of Act V of 2013.

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both contractual and tortious claims ineffective after a number of years of inaction on a claim.[190] Even in criminal law, limitations prevent criminal convictions for all but the most heinous crimes.[191] Immigration law is the sole exception. Medieval European cities usually had a version of the customary rule that '*Stadtluft macht frei*', that is, one year and one day spent without permission to settle in a free (autonomous) city automatically bestowed local citizenship upon runaway serfs and servants.[192] Today, no such customary, constitutional or international norms exist, and 'immigration amnesties' (as they are often known) are exceptional legislative acts.[193] The temporariness of suspension therefore recognizes a general temporariness of human affairs, which is almost always more just, egalitarian and democratic than the opposite.

There is certainly a danger that the temporariness of citizenship revocation can, or will, become permanent. There is nothing in the Hungarian statutes that prevents the Minister of Justice from suspending somebody's citizenship again and again, for successive ten-year periods, until their death–effectively transforming the suspension of citizenship into complete revocation. However, from an intergenerational perspective, even this form of suspension is certainly superior to the absolute loss of citizenship that most European states have instituted. Presumably, a suspended Hungarian citizen's children (born during the suspension period) are all Hungarian citizens with all their rights intact. This contrasts sharply with Dutch practice, whereby children as young as nine years old, born in Syria or taken to Syria by their ISIS-supporting parents, have also been denationalized.[194] It also contrasts with Danish law, which 'denies citizenship to children born in conflict zones to Danish parents, which may violate the protection of the child's right to a nationality under the [Convention for the Rights of the Child].'[195] More generally, because nationality laws are always, by definition, transgenerational,[196] the complete revocation of nationality denies that nationality to countless future generations of descendants.[197]

[190]E.g. Limitations Act 1980 c. 58 (UK); §§ 6:21–6:25 of Act V of 2013.

[191]E.g. §§ 26–28 of Act C of 2012.

[192]E.g. Schwarz (2008) 2–4.

[193]E.g. *Décret n° 81-1028 du 3 novembre 1981 relatif à la régularisation de la situation des étrangers en situation irrégulière* [1981] J.O. 3103 (Fr.); Immigration Reform and Control Act of 1986, Pub. L. No. 99–603, 100 Stat. 3359 (U.S.).

[194]von Nagy (2024) 412.

[195]von Nagy (2024) 400: 'The government specifically justified this decision on the basis of the parent's decision: "the delegation explained that the Danish Government did not want children of such individuals to become Danish citizens, due to their parents' actions, and because they grew up under conditions where they had no bond to Denmark."'

[196]Titshaw (2022) 3 (analyzing *jus sanguinis* citizenship as one of the few truly universal legal norms).

[197]While there is no such explicit right to citizenship of unborn future generations, something similar has been recognized by legislatures in Germany, Canada, Spain, Italy and Portugal, which have granted or restored citizenship to the descendants of former citizens whose citizenship was revoked for unjust reasons. See e.g. Frost (2022); Kandiyoti and Benmayor (2023); Würkert (2020).

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6. CONCLUSION

The suspension of citizenship is a curious and, in many ways, original piece of legislation that can nevertheless be characterised as part and parcel of the more general European trend of (re) instituting citizenship revocation procedures. The new Hungarian laws on the suspension of citizenship follow other, similar European laws in prescribing an effective revocation of citizenship rights for dual nationals who present grave threats to national security, or who have been found guilty of terrorism or grave international crimes. Hungarian law deviates from what can be called 'the European model' in two ways. First, the suspension aspect itself: the withdrawal of citizenship rights is time-limited, and suspended citizens are given the opportunity to present new evidence in court and argue that the suspension has become unnecessary before the term of suspension has passed. Second, and more ominously, the grounds for imposing suspension go beyond grave international crimes, crimes against the state and terrorism to include more vague threats against 'sovereignty' in general.

Because of the similarities to other European laws on citizenship revocation, the Hungarian laws most likely do not infringe European human rights law. Even considering the chilling effects of suspension, the inclusiveness and expansionary nature of Hungarian citizenship law is still mostly preserved. A notorious comparison may be Dutch citizenship law, under which Dutch citizens lose their Dutch nationality if they naturalize in another state,[198] or if they have dual nationality from birth, but they live outside of the EU for more than ten years continuously.[199] Similarly, Danish citizenship law provides for the automatic loss of Danish nationality upon naturalization in another state,[200] and for those dual nationals who were born outside of Denmark and have not lived in Denmark before the age of 22.[201] And of course, both states also make the final and complete revocation of citizenship possible through administrative acts.[202]

However, due to the sloppiness of the drafting of the laws, the new provisions on suspension almost certainly infringe EU law, both because of their extended effects on the family members of suspended citizens and because of their disregard for the primacy of EU citizenship. Most troubling is the questionable necessity of the law itself: because of the lack of terrorist threats in Hungary so far, there has been no public security need to denationalize and deport (former) Hungarian citizens. In light of the overall situation in Hungary, it is a relatively draconian piece of legislation without any obvious purpose.

[198] Kingdom Act on Dutch Nationality, Stb 1984, No 628, Art 15, para 1 a (Neth).

[199] Kingdom Act on Dutch Nationality, Stb 1984, No 628, Art 15, para 1 c (Neth).

[200] Consolidation Act on Danish Nationality, Consolidation Act No 422 of 7 June 2022, § 7 (i) (Den).

[201] Consolidation Act on Danish Nationality, Consolidation Act No 422 of 7 June 2022, § 8 (1) (Den).

[202] Consolidation Act on Danish Nationality, Consolidation Act No 422 of 7 June 2022, § 8B-8D (Den); Kingdom Act on Dutch Nationality, Stb 1984, No 628, Art 15, para 2–3 (Neth).

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