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Some Reflections on Citizenship by Investment - A Comparative Overview of the European and International Approach

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Abstract: *Citizenship can be defined as the link established between the citizen and the state and this mechanism has become legitimate in time, being frequently impacted by a multitude of factors. Step by step, the concept gained multiple valences stemming also from the efforts individuals constantly made in order to create bonds with various states, even if that meant using more or less conventional levers, different from the so-called classic ones, which envisioned a genuine link with the state whose citizenship one was interested in acquiring.*
Practically, this desideratum was tangible due to the advent of the pecuniary factor whose status and emergence in this particular domain raised controversies. Often criticized or considered to be a facile instrument used for gaining a certain status, completely opposed to the one who considered the prevalence of rights and freedoms, the financial criterion reached the position of a powerful accelerator towards the citizenship of a state.
In order to have an objective approach as far as the mechanism of granting citizenship on a financial basis is concerned, as well as to be able to pinpoint the potential vulnerabilities of such a system, it is of paramount importance to identify the premises that led to these ways of granting citizenship. This way, this paper aims at highlighting the main theoretical paradigm, as well as the practical implications of citizenship by investment. Consequently, I try to understand not only the doctrinal features but also the philosophical and empirical substratum which lies behind this approach.
From the debut of the notion of ius pecuniae and its juxtaposition with a profoundly anchored in terms of human rights and freedoms legal framework in the matter of granting and respectively acquiring citizenship, the paper aims at identifying the causes which eventually led to this initiative and what actually makes it gain so much credit nowadays, taking into consideration the fact that citizenship by investment is still an alternative in many states worldwide.
Lastly, this paper also aims at mapping the exact financial criteria used for granting citizenship "through investments" in Europe as well as internationally, by also noticing which are the current trends in this matter, especially as far as the level of tolerance is concerned but also in terms of how these programs developed in time in some states which practice this mechanism.

Keywords: *citizenship by investment; residence by investment; citizenship; ius pecuniae.*

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A brief genesis of citizenship by investment.

The topic raised by citizenship by investment as far as it concerns the advent of the financial aspect imposes the analysis of this matter by referring to the classical definition given to the idea of citizenship as well as to the juxtaposition of the *ius pecuniae* element to this construct, fact which will portray an emergent, controversial concept, due to its implications regarding the citizen status in accordance with the granting state. A citizen was once considered someone who was part of the "polis" and "this affiliation can only be understood through the individual's participation in common affairs." (Treffel, 2010) It is notoriously known in doctrine that citizenship is closely linked to the "participation in a community or membership in that community." (Barbalet, 1998) which naturally brings us to what Aristotle said in his volume *Politica*, that a "a citizen in not a citizen by virtue of living somewhere." (Aristotel, 2001). However, the precepts of acquiring citizenship have been mainly contoured based on two principles – *ius sanguinis* and *ius soli.* The first one originates from Ancient history when Greeks and Romans used this principle "not wanting to grant nationality to any individuals who, by chance, could be born there" (Ciucă, 2019) and pinpointed the fact that "the nationality of a child should be determined by the nationality of its parents" (Weis, 1944) while *ius soli* implies that "every individual shall acquire by birth the nationality of the State on the territory of which he is born". (Weis, 1944)

Exposing the primary principles who have legally reconfigured across time the theories regarding the granting of citizenship mechanism, what unequivocally stands out in the scenery is the definition given to *ius pecuniae*, perceived as „the granting of citizenship through financial contribution" (Surak, 2016). Specifically, the notion is meant to underline the possibility of an individual to easily receive access to the citizenship or residency of a state by financially contributing to its economy.

As far as the eligibility criteria are concerned, they are quite predictable, the financial aspects obviously prevailing over the genuine link that an individual should normally establish with the state whose citizenship "is being chased". However, what is of actual paramount importance is to what extent this "manufactured" mechanism which resulted from applying this financial criterion when acquiring the citizenship or residency of a state can lead to the violation of certain rights and freedoms. According to the Latin adage which says: *qui iure suo utitur, neminem laedit*, it means that "he who uses his right does not harm anyone" and by extrapolating this saying to the given context it is obvious that choosing to grant citizenship or residency of a state

becomes an exclusive prerogative of the state in question and *per a contrario* a right of the applicant to legally access the previously mentioned facilities.

An actual issue might appear when the purpose of the mechanism based on granting citizenship on financial grounds is governed by totally inappropriate, obscure reasons. As per the doctrine, it reflects a diverse approach regarding the matter which led to numerous opinions underlining that "CBI schemes facilitate corruption, money-laundering, foreign influence and inequality" (McNeill & Walton, 2025), these programs representing, as well, levers for circumventing tax procedures or actual covers for potential economic crimes (Surak, 2024). But not all the doctrinal opinions have a negative substratum, some converging to the idea that "these schemes are promoted as tools for economic diversification in small states with limited fiscal capacity" (Jiang, 2025).

As for the impact of this mechanism upon the legitimacy of the notion of citizenship, seen in its becoming, by juxtaposing it with the economic segment as well as the extent to which citizenship by investment might infringe on human rights and freedoms, it remains to be seen and analysed.

The Metamorphosis of Citizenship by Investment Programs on the European and international arena.

First signs in implementing a *de facto* citizenship by investment (CBI) program began to appear in the 20th century in St. Kitts and Nevis, once the Citizenship Act was adopted in 1984. (Dzankic, 2012) Gradually, this pattern could be found in plenty other exotic states in the Caribbean such as Antigua and Barbuda, Dominica, Grenada or St. Lucia, but also in Vanuatu or the Republic of Nauru. On the African continent similar models can be traced in Egypt or Jordan and recently, this mechanism has also flourished in Botswana, which has announced in 2025, according to Reuters publication, that will embrace an exact pattern when granting citizenship. (Reuters, 2025)

In order to identify the key element which keeps these programs vivid, but also to have an overall image regarding the reasons that enhance granting citizenship through investments in some states, I assert that it is of paramount importance to analyse the main criteria which were embraced by the previously mentioned actors when dealing with these requests. I will not be pressing on the idea, but mostly focusing on the states which have a history in dealing with citizenship by investment programs, especially those in the Caribbean, and also trying to emphasize the controversial issues or the peculiarities identified in the systems developed by other states which enable similar initiatives.

Thus, while trying to identify the specific criteria of granting citizenship through investments the aim is to pinpoint at the requirements imposed by the states which developed CBI programs but also the extent to which using the opportunity of acquiring citizenship by making financial investments undermines the well-known connection with the state of affiliation as long as many of these states do not pursue as a *sine qua non* condition the actual residence on the territory of that specific state.

To begin with, the Caribbean states which are definitely perceived as paradisiacal and might magnetically capture one's interest as a place of living, paradoxically run CBI programs that do not regulate the compulsoriness of residency, as a criterion for granting citizenship, fact that eventually could raise suspicions.

St. Kitts and Nevis, for example, handles the citizenship by investment mechanism for almost four decades and the eligibility criteria in terms of finances underline the idea of paying US$250,000 by a single applicant or a family of four, apart from other due diligence fees. The main areas of interest target the Sustainable Island State Contribution which is an economic and social-oriented policy in terms of development, the Public Benefit Option which potentiates the infrastructural projects developed on the island and also the private real estate investments, in which the minimum amount to be infused leads to US$325,000 for condominiums and US$600,000 for single-family homes. (Citizenship Unit, Government of St. Kitts and Nevis, n.d.). As far as The Commonwealth of Dominica, it launched its CBI program back in 1993 and nowadays the investment levels include the Economic Diversification Fund which implies a minimum US$200,000 payment for economic and social initiatives while the second one implies investing in real estate, under the condition of a inalienability three year clause. (Citizenship by Investment Unit, The Commonwealth of Dominica, 2025)

As for Grenada, it runs the IMA Grenada program and similar to Dominica, it emphasizes two directions – minimum US$235,000 investments in a governmental fund named the National Transformation Fund or between US$270,000 and US$350,000 in real estate. (Investment Migration Agency Grenada, n.d.)

Likewise, but with an innovative twist are the opportunities granted by Antigua Barbuda which opens a niche in the education area for the six-member families, based on a US$260,000 payment to the University of The West Indies Fund but also other options such as the National Development Fund - which is a non-profit alternative that implies a US$230,000 contribution and other fees, the real estate one, where the minimum submitted payment starts from US$300,000 plus additional fees and the Business

Investment project which implies minimum payments of US$1,500,000. (Citizenship By Investment Unit, Antigua & Barbuda, n.d)

Besides that, St. Lucia suggests a wider range of options, specifically implying the National Economic Fund where a US$240,000 and other supplementary operational costs should be deposited by the single applicant or together with other three family members for development purposes, contributions to the National Action Bond government fund (US$300,000 for the main candidate and his or her family, regardless of the number of the members, plus other operating expenses) or real estate for the same main starting amount and, lastly, the most highly-priced niche called Enterprise Project, based on a minimum US$3,500,000 investment for a single applicant and US$6,000,000 for more than one, exclusive of the extra costs for processing the request (Citizenship By Investment Saint Lucia).

A significant cornerstone in the approach of the aforementioned Caribbean states towards the citizenship by investment programs has been validated by their initiative of establishing and standardizing clear legal benchmarks in order to bring into unison the policy developed within this economic grounded granting mechanism. This endeavour of the five insular states has gained contour in the second half of 2025 under the auspices of the Eastern Caribbean Citizenship by Investment Regulatory Authority Bill or the so-called ECCIRA Bill. The novelty brought by this instrument was that it encompassed the role of an authority specifically created to monitor the involved CBI programs, to enhance state cooperation in the matter but also to advocate for uniform standards meant to increase the credibility of the programs who led to reaching citizenship based on financial criteria (Government of the Commonwealth of Dominica, OPM Pressroom, 2025; Government of St. Kitts and Nevis, n.d.). Among the main ideas stands the compulsory collection of biometric data from the applicants, the reiteration of the significance of a genuine link with the targeted state and also the advent of firm requirements in this matter, as well as accurate sanctions for failure to comply with the criteria of acquiring citizenship by investments. (Organisation of Eastern Caribbean States, 2025)

In regards of the recently enrolled Republic of Nauru, which has launched in 2024 the Nauru Economic and Climate Resilience Citizenship Program, its main focus is to set grounds for an innovative concept whose purpose would be the estrangement of citizenship from the idea of being just a status to the one of becoming a facilitator for implementing and developing environment policies in the area. More exactly that would mean starting from channelling the resources provided throughout the CBI program towards "coastal restoration, water security, and environmental recovery" (Jiang, 2025)

a totally unsurprising pursue given the fact that among the priorities stated by the Government of the Republic of Nauru as a nationally determined contribution for 2021-2030, according to Article 4.2 from the Paris Agreement stand ensuring a healthy environment and water security (Republic of Nauru, 2022). As far as the necessary contribution to access the procedure of citizenship acquirement in the republic, it starts from US$105,000 for a single applicant. (Nauru Economic and Climate Resilience Citizenship Program, n.d)

As far as Vanuatu is concerned, it practices "naturalisation through investments" (Ciucă, 2024) based on a financial input starting from US$130,000 for a single person into the official investment opportunities such as the Capital Investment Immigration Plan or Vanuatu Contribution Plan (Government of Vanuatu – Citizenship's Office and Commission. n.d.). In a doctrinal opinion, the system of granting citizenship developed by this state is "both a sorely needed source of government revenue and creates risks". **(**McNeill & Walton, 2025) Or, in regard of the existing suspicions about the entire created mechanism, these have echoed upon European organisms which stated that "the granting of citizenship by Vanuatu under its investor citizenship schemes was deemed to constitute a circumvention of the Union short-stay visa procedure and the assessment of security and migratory risks it entails, as well as an increased risk to the internal security and public policy of the Member States". (European Parliament & Council of the European Union, 2025) Consequently, taking into consideration the abovementioned, the reinforcement of the obligation for the nationals of Vanuatu to obtain a visa was a compromise solution that the Parliament and the Council believed to be feasible in order to protect the interests of the EU Member states, as it was enshrined in the (UE) 2025/11 Regulation.

As for the worldwide pulse, it is important to emphasize that Argentina has taken initiative in launching a CBI program in 2026, by adopting the No. 524/2025 Decree which enshrined the norms and legal framework which enable the applicants for the Argentinian citizenship to participate in "relevant investments" (UN Trade and Development (UNCTAD), 2025). In the same note, novelty has also been registered in El Salvador where, despite the fact that it does not promote a *sui generis* CBI program, it proposes the Freedom Visa which accelerates the naturalisation process for the applicant who invests US$1,000,000 in Bitcoin or USDt cryptocurrencies, this way becoming the only niched program as far as the method of payment is concerned. (Government of El Salvador, Migración y Extranjería, n.d.)

Due to their typicality, the sensitive aspects which arise in the matter of human rights and freedoms but also under the auspices of the multiple situations which can be qualified as abnormal, the citizenship by investment

programs in many states have been put under the scrutiny of the European bodies. Firm standouts regarding the legal framework of the CBI programs have been registered in the European Union as well. As I have previously mentioned, there are also European states which have embraced the mechanisms of granting citizenship through investments. And that is exactly why the European Parliament expressed its concern regarding the fact that acquiring citizenship on economic grounds or its mercantilization could affect the very concept of European citizenship (European Parliament, 2014).

In the eye of the European institutions there were, on the one hand, the states which have developed programs dealing with granting citizenship through investments and on the other hand the ones which enabled the opportunity of obtaining residency on similar financial grounds. Between citizenship and residency by investment there is an obvious dissimilarity which is doctrinally emphasized in one opinion which states that the "golden visa" programs could lead to obtaining citizenship as long as the applicant considers applying for it afterwards, but this latter step would mean a totally different procedure (Surak, 2021).

What is the reason in explaining this? The answer is predictable. If we exclusively refer to the geographical criterion, the only non-EU state partially situated on the European continent, which has the alternative of granting citizenship based on exceptional grounds by resolution of the president, is Turkey. This mechanism involves for example minimum investments of US$400,000 in real estate, with a three year prohibition of alienation of the purchased asset, financial investments, acquisition of government bonds for US$500,000, even by generating 50 workplaces (Presidency of the Republic of Türkiye, Investment & Finance, n.d.).

Numerically mapping the Member states in the European Union that are presently developing CBI programs it can be easily noticed that none of them allows acquiring citizenship through investments anymore. However, there has been a moment in the past when states like Cyprus, Bulgaria or Malta encouraged these practices but in the end all of them where stopped on legal grounds. In Malta, for example, the initial approach was called Individual Investor Program of the Republic of Malta and allowed being granted the Maltese citizenship by making investments. Even if it was amended in 2020, it had a prolonged attention paid upon by the European Commission which had been adopted a Recommendation in 2022 in which it was stated that any program which leads to granting citizenship based on payments or investments are contrary to the European law (Court of Justice of the European Union, 2025, April 29).

On the other hand, Bulgaria has fully rallied to the recommendations of the Commission and amended on the 24th of March 2022 the Bulgarian Citizenship Act, ceasing to grant citizenship by investment and by that moment Cyprus had already given up the CBI program since 2020 when an investigation called "Cyprus Papers" revealed a series of illegal activities in the granting process (de Groot, 2024).

The fall of these programs at the Union level is obvious and this is a result of applying the legal framework which states clear normative benchmarks for the Member states. Of course, it should be reminded that at the level of EU there are still accepted the residency by investments alternatives which resembles the idea of merchandising some pavements of the road towards eventually acquiring the citizenship of a certain state, if that is the long term strategy of the applicant. In fact, residency through investments is nothing but a mere timer which counterbalances by the fact that it imposes effective, better contoured links with the states whose residency is solicited.

Conclusions

No doubt we are facing a phenomenon which, once unleashed, can weaken the foundations of citizenship. At the beginning of the research I started from the premise that citizenship is the expression of a profound, genuine, legally, geographically, historically and even symbolically anchored link which appears between an individual and a state. From here on, the multitude of implications, the rights and freedoms that derive from this status but also the duties which are incumbent on the citizen in relation to the state of belonging are inevitable topics to be discussed. But what happens when money interferes? We sometimes hear that "money is power" and apparently this dictum has gradually, quite hesitantly, but with a clear direction transposed even in terms of acquiring and respectively gaining citizenship. Even if there is a quite distant history of these programs, it can be noticed that at least at the EU level there has been a continuous legal ultrafiltration of the phenomenon, fact that concluded, ultimately, to the abolition of this option given throughout CBI developed system, at least for the moment.

By comparison, on the international arena the trends are slightly different in the way in which there can be noticed a prevalence of citizenship by investment in smaller states, mostly exotic islands, in which a vivid, stringent desire for development and economical evolution surpasses any other authentic connection. But these are not isolated scenarios because there is a tendency to adopt these strategies from other resonant, powerful states which are attentively planning to implement programs of granting citizenship through investments, not to mention that as far as residency by investment is concerned, states are

taking it to another level, for example by exploring new contemporary niches such as investing and paying with cryptocurrencies. Even if doctrinaires talk about "the citizenship of the rich ones" (Ciucă, 2024) in the end there might be a discussion about the impoverishment of the precepts which gave contour to the notion of citizenship in the beginning, a seed which is being planted in order to estrange it from the values, principles and real connections, thus giving birth "to inequalities and discrimination" (Ciucă, 2024).

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