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Who Knows How the System Works?

Test by Ian Watson

On April 16, 2007, the Icelandic Parliament passed a law granting Icelandic citizenship to eighteen people who presumably did not qualify under the Ministry of Justice’s regular application process. Parliament normally passes two such laws per year, and had most recently granted thirty people citizenship in December 2006, and eighteen people citizenship in June 2006. One of those who received Icelandic citizenship on April 16th was a Guatemalan woman who is the girlfriend of the son of Jónína Bjartmarz. Jónína Bjartmarz was at the time Iceland’s Minister of the Environment, and had from 2000 to 2006 been a member of Parliament’s General Committee, which oversees granting citizenship by law.

An act of parliament is one of the two ways in which foreigners may become Icelandic citizens, according to the law on citizenship (Ríkisborgararéttur Alþingi, April 2006). More commonly, foreigners apply under Article 5 of the law to the Ministry of Justice, which may then grant citizenship to them if they have lived in Iceland for a certain number of years and if they fulfill various other conditions.

The story of Parliament’s decision to grant the Guatemalan woman citizenship in the Icelandic media at the end of April 2007. Kastljós, the state television channel’s evening magazine program, highlighted it several nights in a row. The young woman had lived in Iceland for only a year and a half (many foreigners wait up to seven years), and compared to other foreigners here, she did not seem to have an unusually strong need for Icelandic citizenship. Most of the media discussion centered around the role of Jónína Bjartmarz in the decision.

It’s a matter of finding a good plumber, a used car, or an innocent child was at issue – and they’d been turned down by the Ministry of Justice.

I myself have been patiently waiting for my seven years to be up in 2008, so that I can apply through the regular process. I never dreamed I would have any right to ask Parliament to single me out for special treatment, even though my reasons for needing to be fast-tracked are arguably stronger than Jónína Bjartmarz’s daughter-in-law’s. And how could I know that I might qualify for special treatment, when the rules aren’t posted anywhere?

So the problem is that no one has access to the information that applying to Parliament is an option. (Jónína Bjartmarz had set on the General Committee, and surely knows how the system works. One can easily imagine that her daughter-in-law would not otherwise have known to apply. Similarly, the sports player mentioned above might not have known about the possibility of applying to Parliament but for a near relative who worked as a parliamentary staff member.)

A loophole in the System?

I can’t fault people who have access to information for using it. But I do see injustice in a situation in which only certain people are aware that it is practi-

cally possible to apply to Parliament for citizenship. Is it fair that Jónína Bjartmarz’s daughter-in-law applied, while many other equally worthy or better qualified potential candidates were denied citizenship because they had no way of knowing that they could?

Not only are there no instructions about how to apply to Parliament, there is no clear information about when one may apply. According to everyone I talked to, the custom has been that except for cases like Bobby Fischer you may apply for citizenship only after having gone through the normal, months-long application process through the Ministry of Justice and getting denied. (The ministry’s standard letter of denial mentions that it is possible to appeal to Parliament.)

But it seems that Jónína Bjartmarz’s daughter-in-law applied directly to Parliament, without first receiving a denial from the Ministry of Justice. There is nothing in the law which forbids this. But neither have I found any public information anywhere saying that direct application is permitted or explaining how to go about it. If direct application is really going to be an option, it needs to be equally available to everyone.

In researching this article, the only way I managed to get information about the process of applying to Parliament was to call up people who had been personally or professionally involved in such applications. We all know that Iceland is a country where who you know matters more than what you know. And if it’s a matter of finding a good plumber, a used car, or that hidden hot spring that’s somewhere in the middle of Ísafjörður, this is totally natural and fine. But it’s about citizenship – one of the most important legal rights that we have – we need clear information that is fairly accessible to all. That means that it needs to be easy for foreigners in Iceland to find out whether, and how they may apply to Parliament for citizenship. The newly elected General Committee should lay out the rules and procedures right away. By doing that, our parliamentarians would show that they take fairness and justice for all the people on this island at least as high as sympathy for a single one.

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