

# Dual Citizenship Goes Global

by Edwin S. Rubenstein

Since the start of the Republic immigrants have been required to “renounce and abjure all allegiance and fidelity” to any foreign country before becoming a U.S. citizen. The renunciation oath was designed to ensure that people were loyal to the new America and were forswearing allegiance to the British Crown.

For nearly 200 years the Federal government took the renunciation clause seriously. During the late 19<sup>th</sup> and early 20<sup>th</sup> centuries the U.S. ratified a series of treaties (the Bancroft Treaties, named after American diplomat George Bancroft). The intent of those treaties was to prevent dual citizenship by providing automatic loss of citizenship for Americans who obtained foreign citizenship as well as by foreigners who became citizens of the United States. Dual citizenship was not permitted except in certain rare cases where a person had dual citizenship from birth or childhood.

Like so many other societal norms, attitudes toward dual citizenship changed in the 1960s. Most of the laws forbidding dual citizenship were struck down in 1967 by the U.S. Supreme Court. The court ruling, in the case of *Afroyim v. Rusk*, involved a painter who tried to reclaim U.S. citizenship after he joined thousands of others in migrating to Israel. The *Afroyim* decision dealt specifically with the 14<sup>th</sup> Amendment’s guarantee of citizenship to people “born or naturalized in the United States.”

The 1967 ruling did not prohibit Congress from establishing prerequisites to naturalization. In particular, the Supreme Court left intact the requirement that new citizens must renounce their former citizenship during the naturalization ceremony. In practice, however, the government’s attitude toward renunciation changed

dramatically after 1967. The U.S. State Department – traditionally quite combative toward dual citizenship claims – no longer does anything in the vast majority of situations where a new citizen’s “old country” refuses to recognize the U.S. renunciation.

The official State Department policy on dual citizenship today is that the United States does not favor it as a matter of policy because of various problems they feel it may cause, but the existence of dual citizenship is recognized in individual cases. That is, if a person asks State whether or not to become a dual citizen, they will recommend against it; but if you tell them you are a dual citizen, they’ll usually say it’s OK.

U.S. citizenship can be revoked if a person is deemed to have acted with the intent of giving it up. Thus foreign military service will result in loss of U.S. citizenship if: the person served as an officer or the foreign military force is engaged in hostilities against the U.S.; the service was voluntary; and (most importantly) the person intended to give up his U.S. citizenship.

Even foreign military service may not deprive someone of his U.S. citizenship. The current policy statement on foreign military service recognizes that dual citizens sometimes find themselves legally obligated to participate in the military forces of the other country, and can do so in such situations without endangering their U.S. status.

## How Important Is the Issue?

Is dual citizenship really an issue for the United States? An examination of the numbers suggests it is. The latest official estimates (1999) of the number of foreign-born persons, of whatever legal status, living in the United States is 26.4 million. This is the largest foreign-born population in our history and represents a thirty percent rise (six million) over the 1990 figures. The inflow of immigrants in the 1980s and 1990s represents the largest consecutive two-decade influx of immigrants in the country’s history.

INS figures for 1994-1998 show that 17 of the “top twenty” immigrant-sending countries allowed some form

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of multiple citizenship. Over that period 86% of the arrivals from these countries were multiple-citizenship immigrants. Although the State Department maintains no figures on the topic, some researchers estimate that as many as 25 million U.S. residents could hold dual citizenship.

Here is a breakdown by country of the largest groups of immigrants naturalized in 1999:

Mexico	207,750	Recognizes dual citizenship
Vietnam	53,316	Recognizes dual citizenship
Philippines		
	38,944	Considers person no longer Filipino but is considering change
China	38,409	Considers no longer Chinese
India	30,710	Considers no longer Indian, but bill pending in Parliament may change citizenship law
Jamaica	28,604	Recognizes dual citizenship
Cuba	25,467	Still considered Cuban by Cuba
Dominican Republic		
	23,089	Recognizes dual citizenship
El Salvador		
	22,991	Recognizes dual citizenship
Haiti	19,550	Recognizes limited dual citizenship

### Dual Citizenship is The Rule, Not the Exception

Stanley Renshon, a professor of political science and a psychologist at City University in New York, identifies 92 countries (not including the United States) that allow some form of dual citizenship. Dual citizenship arises because each country makes its own laws respecting who is or is not its citizen, usually without regard to whether a given person is considered a citizen by one or more other countries.

Many countries do not recognize the renunciation of old citizenship that is part of the U.S. naturalization ceremony. An immigrant from such a country could be a dual citizen, as it were, in spite of himself.

Other countries (Canada, for example) require that someone who wants to give up his citizenship has to go to an embassy or consulate and sign a special form in the presence of officials. Since neither the INS nor the U.S. State Department makes immigrants from such countries actually do this, many naturalized citizens continue to

exercise rights of citizenship in the former country as though nothing had happened.

Israel's "Law of Return" (under which any Jew may immigrate to and become a citizen of Israel) confers Israeli citizenship automatically, without the immigrant having to apply for it, attend any ceremony, or swear an oath of allegiance. The Israeli law may originally have been written this way to encourage American Jews to move to Israel; they could, in theory, argue that they had not explicitly requested Israeli citizenship and were thus still entitled to keep their U.S. citizenship.

The State Department used to take a dim view of such behavior if they found out about it, and people acting in this way were known to lose their U.S. citizenship on the grounds that their pledge to renounce their prior status had evidently not been made in good faith. Now, though, the State Department almost never pursues such cases.

### More Nations Easing Dual Citizenship Laws

Foreign countries are increasingly encouraging expatriates to claim dual citizenship, hoping to capitalize on the political clout and financial resources of those who have built new lives abroad.

Australia changed its laws in April 2002 to allow its expatriates to remain citizens even if they wish to become a citizen of another country.

Mexico embraced dual citizenship in 1998. Until that time many Mexicans were reluctant to become U.S. citizens because they feared losing real estate, inheritances, or businesses in Mexico. The change in Mexican law gives Mexican immigrants the right to own property anywhere in Mexico and legal status to live and work there with rights equal to those of any other Mexican citizen. The only restriction is that they cannot vote or hold political office in Mexico.

Mexican President Vicente Fox wants to make the practice even more appealing with a pledge to allow dual citizens to vote in Mexican elections from the United States. Fox is hoping to spur dual citizens to dedicate their money to development projects in Mexico.

Such moves are sure to heighten the debate over whether dual citizenship is a healthy manifestation of cultural identity or a potentially dangerous watering-down of national loyalty.

Meanwhile, Mexico has launched an unprecedented outreach to U.S. citizens who were forced to renounce

Mexican citizenship before dual citizenship was approved in 1998. About 160 attended the inaugural event in 2002, and the Mexican Consulate in Chicago has helped about 800 U.S. citizens regain Mexican citizenship this year.

Economics is also behind the dual-citizenship push in India. After a high-level committee on the Indian diaspora endorsed the practice, Indian officials are crafting a dual-citizenship law that will allow Indians in the United States to reclaim Indian citizenship, hold property, and make unrestricted investments back home.

Germany, Singapore, Austria, China, Japan, Korea, Denmark, and Malaysia are among countries which prohibit dual citizenship. In Singapore, for example, immigrants are required to produce documentary evidence of renunciation of foreign citizenship *before* taking the Oath of Renunciation. Several countries require an applicant for renunciation of citizenship to show he has sold or surrendered all his assets in the former country, has fulfilled his military service obligations, etc.

But even countries which formally disallow dual citizenship differ in how seriously they treat the renunciation requirement. Some countries treat their own naturalization oaths as essentially meaningless and take no steps to enforce them at all.

## Pros and Cons

As a general rule, dual citizens are not entitled to any sort of special treatment by their two countries of citizenship. Each country will usually consider the person as if he were a citizen of that country alone. For example, if a “dual U.S. citizen” gets into some kind of legal trouble in the U.S., the U.S. will not acknowledge any efforts by consular officials of the other country of citizenship to intervene on the dual citizen’s behalf.

Also, when a “dual citizen” enters the U.S., he/she is expected to identify himself to U.S. immigration and customs officials as a U.S. citizen (not as a citizen of some other country) – and in cases where a passport is required to enter the U.S., a dual U.S./other citizen is expected to enter on a U.S. passport, just like any other U.S. citizen.

Citizenship frequently carries with it legal obligations relating to taxes, military service, and/or travel restrictions. Again, since countries usually insist on dealing with their citizens without regard to any other citizenships they might hold, and tend to frame their laws regarding citizenship obligations without regard for the

laws of other countries, a dual citizen could find that a country which considers him a citizen, but in which he does not live, expects him to pay taxes (possibly in addition to taxes he is already paying in his country of residence); considers him liable to be drafted into its army (even if he has already served or is currently serving in the other country’s army); and may forbid him to travel to certain countries, including possibly his other country of citizenship. In practice, such situations are often smoothed over via tax treaties and the like, but conflicts *could* (and sometimes do) occur.

On the other hand, dual citizenship can have distinct advantages. Dual citizens of EU countries and the U.S., for example, can work anywhere in the European Union,

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a right unavailable to U.S.-only citizens.

The Irish Consulate in Chicago has seen growing demand for “citizenship by descent” which allows U.S. citizens to secure Irish citizenship merely by proving that one grandparent was Irish. Although many applicants want to reconnect with their heritage, others are driven by the desire to work in the European Union, according to Vice-Consul Caitriona Doyle.

“You have young people who see working in Ireland or Europe as attractive. If they take out an Irish passport, they can go right to work,” Doyle said. (Oscar Avila, “Benefits Lure Many to Eye Dual Citizenship,” *Chicago Tribune*, April 7, 2002.)

For others, citizenship opens the door for family reunifications. Du Dang of Vietnam said he is taking citizenship classes in Chamblee so that one day he can sponsor his wife, whom he hasn’t seen in six years.

Still others want citizenship just to acquire a U.S. passport, which allows them ease of travel.

## The Downside of Dual Citizenship

For the past decade America has debated immigration primarily along economic lines: Do immigrants cost the United States more than they contribute, or do they “pull their own financial weight?” More recently – in the post 9-11 world – national security has dominated the debate over immigration. We have seen a significant number of American citizens, naturalized as well as native-born, participate in the terrorist war against the United States.

Although economics and national security are important, they may not be the most fundamental issues surrounding our immigration dilemma. These can be summed up in two terms: shared values and integration. Share values refers to the traditions, history, and ethical precepts that constitute the core foundation of a society, while “integration” refers to the degree to which different members of that society subscribe to those values. These two essential elements are fundamental for any well-functioning society.

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Is it possible to be a fully engaged citizen of several countries? Is it possible to follow two or more different traditions? Is it possible to have two possibly conflicting core identifications and attachments? Probably not.

Professor Renshon sees the battle over dual citizenship as a skirmish in a wider culture war:

*The idea that individuals can integrate multiple conflicting basic orientations towards life may well prove a form of cultural deceit. It is apparently easier for some in the privileged*

*elite to disregard the primary attachments that most citizens have to their own countries and which the United States should and needs to as a matter of policy foster. In doing so, these people seem to have confused sophistication with a new form of modern rootlessness. Such people may go anywhere, but they belong nowhere.*

Immigrants increasingly view the United States as a place to earn a living rather than a society whose values and tradition they honor. Dual citizenship is a major factor in this deterioration of social awareness. Here is how Renshon describes the obstacles to cultural assimilation raised by dual citizenship:

*America reached its present state of political, economic, and social development by providing enormous personal freedom and opportunity. In doing so, it leveraged personal ambition as a tool to transform individuals’ socioeconomic circumstance, and in the process it helped develop and reinforce the very psychological elements and attachments that were consistent with personal success and civic freedoms in the United States.*

*We have made the same tradeoff with new immigrants. We take immigrants in and take the chance that we can leverage their self-interest, which is entirely fine, and transform it into authentic commitment. Immigrants coming here agree to reorient themselves to their new*

*societies and away from their old one. This involves some basic things: learning to be at home with English, understanding the practices and institutions that define American culture and politics. As they are successful, immigrants can then reflect on the ways in which their particular search for freedom and opportunity fit in with the history, with all its vicissitudes good and bad, that have shaped the ideal and the promise of America.*

*Dual citizenship, by dividing the immigrant's attention and commitment, changes that traditional and successful recipe. Immigrants increasingly come from countries that encourage dual citizenship for their own self-interested purposes. It may be to ensure remittances. It may be to organize people here for policies that they want at home. Modern communication technologies abet this process.*

*These developments set the stage for a direct conflict of interests among new immigrants, many of whom retain deep attachment to their home country, and more long-term and traditional and integrated citizens. Given the distribution geographically of new immigrants, it is possible that whole states in the United States and certainly some localities will have a substantial portion of dual citizens with active and deep connections to their countries of origin and countries that are organizing to make use of those.*

*In a democracy, especially one facing issues of cultural*

*coherence and integration, the costs of admitting and allowing large numbers of dual citizenship citizens with multiple loyalties and the increasing capacity to maintain those ties are not so favorable. In a time characterized by enormous worry about the decline of social capital, it's something that we ought to be thinking about....*

### Where Do the Foreign Born Come From?

Source: Washington Times