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Dual nationality & multiple citizenships

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Abstract
Over the past few centuries, the idea of citizenship has gained vast popularity. Citizenship is a person's commitment to a state. Each state chooses the circumstances in which it will recognise people as citizens and the circumstances in which that recognition will be revoked. A state's designation of a person as a citizen typically entails the grant of civil, political, and social rights that are not available to non-citizens.
The right to a passport, the freedom to enter and exit the nation or countries of citizenship, the right to reside in and engage in employment inside those countries are generally seen as the fundamental rights that flow from citizenship. While some nations allow residents to hold multiple citizenships, others require exclusive allegiance.
Some intergovernmental organisations have taken the idea and language of citizenship to a global scale, where it now refers to all of the people who live in the member nations of those organisations. At this level, citizenship is a secondary concept; rights are derived from national citizenship.
In this paper, I shall be exploring the meaning and historical evolution of dual citizenship and multiple nationalities by way of various customary practices, treaties and relevant international cases. Furthermore, I shall also be exploring the various types of methods of acquiring citizenships of different nation states.
Finally, I will also dive into the aspects that make acquiring citizenships as well as having them more and more important by the standards of the current state of the world. I shall be concluding by giving an analysis of this study and by providing more knowledge on the topic of dual nationality and multiple citizenship.

Keywords: dual nationality, multiple citizenships

Introduction
Dual Nationality is a person's legal status when they are simultaneously recognised as a national or citizen of two countries under that country's nationality and citizenship law. The nationality or citizenship status of a person is not decided by any international treaty; rather, it is determined only by national laws, which frequently contradict with one another, giving birth to circumstances in which a person holds multiple citizenships.
A person with multiple citizenships is usually entitled to the privileges of citizenship in each nation they hold, including the right to a passport, entry into the country, the right to work, the right to own property, the right to vote, etc. However, they may also be subject to the obligations of citizenship, including the possibility of being required to perform national service or becoming subject to taxation on their worldwide income, among other things.

Historical evolution
Nations frequently chose who they considered to be their citizens or subjects before the late 19th century and did not acknowledge any other nationalities they may have possessed. Due to laws derived from the feudal principle of lifelong allegiance to the sovereign, many states did not recognise the right of their citizens to resign their citizenship without permission. As a result, individuals might hold numerous citizenships, with none of their countries acknowledging any of them. This was not a big problem until the early modern age, when levels of migration were negligible.
When non-trivial levels of migration started, though, this situation occasionally resulted in international incidents, with countries of origin refusing to recognise the new nationalities of natives who had migrated and, when practical, enlisting natives who had naturalised as citizens of another country in the military. The War of 1812, which was started by British impressing American seamen who were allegedly British subjects into the navy, is the most noteworthy instance.
"King George was taken to have consented to such a parting with regard to his rebellious colonists, as part of the treaty of peace ending the American Revolution. But he wasn't prepared to treat that settlement as automatic permission for later migrants to shed their allegiance. Worse than that, his majesty's navy found a particularly galling way to enforce this doctrine as its hunger for manpower grew during the Napoleonic wars. They stopped American ships and forcibly impressed sailors into the royal service, on the theory that King George never consented to their naturalization. These British acts helped trigger the War of 1812. For domestic reasons, Britain abandoned impressment a few years after Waterloo, however, and citizenship issues receded from prominence for a time [1]."
"Shortly after the Civil War, controversy flared again, involving the same two countries. This time it was triggered by Britain's treatment of a handful of naturalized Americans who had joined the Fenian movement to fight for Irish independence. Captured and put on trial, they were subjected to English procedures and punishments that properly applied only to British subjects, not to aliens, as these traveling American troublemakers considered themselves to be. Public opinion back on our shores burned hot at this treatment. Britain replied to American diplomatic protests by throwing some of our own case law back at us—

and sure enough, federal court precedents were still supporting the claim that a sovereign had to consent to a change of citizenship [2]."

As a result, the Expatriation Act of 1868 was passed by Congress, granting Americans the freedom to renounce their citizenship in the United States. After adopting a similar statute, Britain later agreed to recognise British subjects who had become citizens of the United States as no longer belonging to the British country. Additionally, around this period, diplomatic disputes had developed between the United States and a number of other European nations over the latter's propensity to enlist naturalised Americans who were returning to their former countries. As a result, the US administration negotiated the Bancroft Treaties with several European nations, which committed the signatories to treating the voluntary naturalisation of a former citizen or national with another sovereign nation as a surrender of citizenship.

U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)

In the latter half of the 19th century, governments mainly lost interest in the permanent allegiance theory. Due to the widespread belief that having dual citizenship would only cause diplomatic issues, more governments started to forbid it and revoke the citizenship of those who also held other nationalities. Dual nationality was mostly outlawed by the middle of the 20th century, with a few exceptions. For instance, a string of Supreme Court decisions allowed Americans born abroad to retain their citizenship without sacrificing their U.S. citizenship.

Afroyim v. rusk, 387 U.S. 253

Many states were lifting restrictions on dual citizenship. For example, the British Nationality Act 1948 removed restrictions on dual citizenship in the United Kingdom, the 1967 *Afroyim v. Rusk* ruling by the U.S. Supreme Court prohibited the U.S. government from stripping citizenship from Americans who had dual citizenship without their consent, and the Canadian Citizenship Act, 1976, removed restrictions on dual citizenship in Canada. The number of states allowing multiple citizenships further increased after a treaty in Europe requiring signatories to limit dual citizenship lapsed in the 1990s, and countries with high emigration rates began permitting it to maintain links with their respective diasporas.

The Supreme Court of the United States made a historic ruling when it held that people cannot be forcibly stripped of their citizenship. Beys Afroyim, a Polish-born American, had his citizenship attempted to be revoked because he had voted in an Israeli election after becoming a naturalised American citizen. The Citizenship Clause of the Fourteenth Amendment to the Constitution was found by the Supreme Court to provide Afroyim with the right to maintain his citizenship. In doing so, the Court overturned one of its own decisions, Perez v. Brownell (1958), in which it had affirmed loss of citizenship under like circumstances less than ten years earlier. This federal legislation had mandated loss of citizenship for participating in a foreign election.

Ways of attaining citizenship

1. Jus sanguinis – Citizenship by descent

The nationality or ethnicity of one or both parents determines or confers citizenship under the law of nationality. Depending on whether one or both of their parents are citizens of the state, children may be citizens of that state from birth. National identities with ethnic, cultural, or other origins may also fall under this category.

"Once incorporated into jus sanguinis citizenship law by judges, administrators, and legislators these racialized domestic relations law principles could be, and regularly were, used to exclude nonwhite children from citizenship. In some instances, these racialized practices were explicit as administrators and legislators incorporated race-based domestic relations laws governing marriage and legitimacy into jus sanguinis citizenship law [3]."

2. Jus soli – Citizenship by birth in the territory of the country

Jus Soli, often known as birthright citizenship, refers to a person's entitlement to nationality or citizenship at birth inside the borders of a state. Jus soli is the prevalent legal system in the Americas; reasons for this geographic phenomenon include: the establishment of lenient laws by former European colonial powers to attract immigrants from the Old World and drive native populations out of the New World, as well as the emergence of successful Latin American independence movements that widened the definition and granting of citizenship as a requirement to the abolishment of slavery since the 19th century.

In contrast to jus sanguinis, which comes from Roman law and impacted the civil-law systems of continental Europe, it was a part of English common law [4]. "In almost all countries in Europe, Asia, Africa, and Oceania, citizenship is conferred at birth based on the concept of jus sanguinis ("right of blood"), which states that citizenship is inherited through parents rather than birthplace and that a limited version of jus soli limits citizenship by birthplace to only certain immigrants' children [5]."

3. Jus matrimoni – Ctizenship by marriage

When the citizen of a country can acquire the citizenship of another country by marrying the citizen of that country. For instance, if A, a citizen of The United States of America marries B, a citizen of Canada; A can acquire Canadian citizenship and B can acquire American citizenship on the pretext that they have married citizens of the respective countries.

"'Marital citizenship' is a legal status that is granted by a state to a migrant by virtue of his/her marriage to one of its citizens and that confers him/her rights, responsibilities, and duties. Using this concept as analytical lens, we attempt here to conceptualize the link between citizenship and the institution of marriage, which will allow us to understand the former's influence on migrant spouses' access to social, political and civic rights, and other entitlements in the receiving societies [6]."

4. Adoption

A person or couple living in one country adopts a child who is a citizen of another country, and this adoption is known as an international adoption (also known as an inter-country adoption or a transnational adoption). In general, prospective adoptive parents must fulfil the legal adoption requirements of both the nation of their domicile and the nation of the child's nationality.

When a minor is adopted from another country when at least one of the adoptive parents is a citizen, one can claim citizenship by adoption.

"Some of the surveyed countries obligate the adoptive parents to attain a certain age before they submit their adoption application. For instance, in Germany, Japan, and Israel, the adoptive parents must not be under the age of 25 years old. Canada and Sweden require a person not to be less than 18 years of age to adopt a child. While the prospective adopters in the UK must be over the age of 21, China requires the age of the adoptive parents not to be younger than 30 years old. In Turkey, adoptive parents must not be younger than 30 years old or be married for at least five years. In France, adoptive parents' must not be younger than 28 years of age [7]."

5. Naturalization

The legal act or procedure by which a person who is not a citizen of a country may get citizenship or nationality of that country is known as naturalisation (or naturalisation). It may be carried out automatically by a statute, necessitating no action on the part of the person, or it may entail an application or motion that must be approved by the appropriate authorities.

"Many governments have imposed or considered imposing restrictions on immigration. Such restrictions might include limiting the entry of low-educated immigrants into the country and/or limiting the entry of immigrants from certain countries. An alternative for policymakers is to instead strengthen the assimilation of immigrants in the host country. Citizenship offers immigrants several important avenues of economic and social improvements [8]."

6. Jus oficii – Citizenship as officeholder

This refers to citizenship procured simply due to being an office-holder of a State. It is most prevalent in the case of countries that are religious centres. For instance, the Vatican City.

The Pope, cardinals who reside in Vatican City, active representatives of the Holy See abroad, and other administrators of Vatican offices and services all enjoy citizenship in the city, which is dependent on holding an office. When a person's term in government ends, their citizenship in the Vatican is also lost; children cannot inherit it from their parents. Due to the temporary nature of Vatican citizenship, individuals who would otherwise become stateless upon losing their Vatican citizenship automatically acquire Italian citizenship [9].

7. Investment

"Citizenship by investment programs provide families with the privilege of acquiring an alternative citizenship, which in turn gives them the right to travel freely to various destinations and to settle in another country. Over 100 countries in the world have some form of investment migration legislation in place [10]."

Many people consider this route because it is easy and the mobility of travelling without a visa allows for more convenience. Opportunities for investment and commerce worldwide to add to financial portfolio. Sometimes, countries have more advantageous tax structures and asset protection. Strategic geographical locations for business is also a reason for preferring this form of citizenship. A higher standard of living with greater infrastructure, healthcare, education, and culture may also prompt people to acquire citizenship in this manner.

8. Ethnicity or religion

Certain ethnicities or religions can claim citizenship of countries based on their ethnic background and religion. For instance, All Jews have the legal right to move to Israel thanks to the Law of Return and expedited citizenship. The Israeli passport must be used to enter the country even though dual citizenship is authorised [11].

Advantages of dual citizenship and multiple nationality

Political freedom

All political activities in the nations in which they hold dual citizenship are open to dual citizens. This covers the freedoms to cast a ballot, run for office, and give money to political campaigns.

Travel and work

Dual nationals can visit the countries in which they have citizenship for as long as they choose without needing a visa or other authorization, in contrast to foreigners. They also have the freedom to work in either country, whereas getting a work permit takes a long time for foreigners. They are also not subject to any regulations that apply to overseas businesspeople.

Social assistance

The advantages and privileges available to dual citizens depend on the country they are a citizen of. They might travel, for instance, in order to acquire medical care or procedures that are not offered in the nation in where they were born. They can pay the same fee as domestic students to acquire an education.

Passports in two

You are permitted to travel with two passports as a dual citizen. For instance, you can travel between the United States and New Zealand more easily if you are both a citizen of those nations.

Having a citizen's passport prevents you from needing a long-stay visa and from being questioned about the reason for your trip by customs officials.

Additionally, having two passports gives the holder the right of entry into both the United States and New Zealand, which can be advantageous if you have relatives in both nations or if you are a student or businessperson who studies or conducts business in both.

Possession of property

Possessing property in both countries is another advantage of dual citizenship. Some nations only allow their residents to own land. You would be entitled to purchase real estate in either—or both—of the two countries as a dual citizen. This may be especially helpful if you frequently move between the two nations because owning property may provide a more affordable means of maintaining two residences.

Education in culture

You will gain from being fully engaged in the cultures of the two nations as a dual citizen. Dual citizenship is also favoured by some government representatives, who see it as a means of enhancing the nation's reputation as a top tourism destination. People with dual citizenship have the chance to study the histories of both nations, pick up two (or more) languages, and experience life in a different way.

Conclusion

"The growing importance of human rights norms has also enhanced the rise of dual citizenship (Faist, 2007). Theses norms have limited state discretion, and as well influenced its citizenship regulations. Thus, the 1997 European Convention on Nationality expands the discretion of the contracting states to tolerate dual citizenship via certain ways; such asallowing dual citizenship when renunciation or loss is not possible or cannot reasonably be required. Based on this, the 1997 Convention, together with other developments in international law, illustrate an increasing trend towards recognizing citizenship as a human right, including the right to citizenship of the state in which persons permanently live (Faist and Gerdes 2008: 7; Nielson 2018: 6; Gallagher-Teske and Giesing 2017: 43). Similarly, the UN Declaration of Human Rights stipulates that every person has the right to nationality. However, dual citizenship can be seen as an avenue to avoid statelessness and to protect nationality as a human right as well as an important part of peoples' identity (Vink and de Groot, 2010; Gallagher-Teske and Giesing, 2017). Mona Sahlin, one of the proponents of dual citizenship in Sweden, argued that 'dual citizenship was not foremost a question of immigrants integration, but a matter of rights and decency that has a general character' (Faist 2007: 113) [12]."

Spiro contends in his own contribution that having dual citizenship is a fundamental human right. Therefore, dual citizenship should become commonplace and widely recognised in a world where the human rights paradigm is becoming more and more powerful. He continues by stating that the right to hold two or more citizenships is justified "through the prism of liberal autonomy values and freedom of association."

Additionally, it has been suggested that dual citizenship is a component of personal freedoms and a significant political right, placing it within the context of human rights. In this regard, Spiro comes to the following conclusion: "To the extent that plural citizenship implicates individual autonomy and self-governance values, it is now possible to frame acquisition and maintenance of the status as a right." Opponents of dual citizenship, on the other hand, contend that the understanding of citizenship as a human right need not result in dual or multiple citizenship, but rather the avoidance of statelessness, which is secured by obtaining citizenship in one nation.

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