



Dual Citizenship

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Background

One of the more intriguing concepts in [IMMIGRATION](#) law is dual citizenship or [DUAL NATIONALITY](#). In its simplest form, dual nationality means allegiance to more than one country. Although some countries place strict controls on who is and who is not considered a citizen, a surprising number (including the United States) have no actual restrictions on dual nationality. It is not unheard of for individuals to claim citizenship in as many as five countries, although this is hardly common.

Why would a person need or want to be a citizen of more than one country? In some cases it may be simply a matter of cultural attachment. Some individuals who live in one country but were raised in another may see dual citizenship as a way of connecting with their heritage. For others, dual citizenship may be a matter of convenience: holding more than one [PASSPORT](#) can make travel easier when a country places restrictions on visitors from certain countries. Still others, having more unsavory motives, see dual citizenship as a way to evade the law; fugitives from one country with passports from another could theoretically travel on their "safe" passports.

The truth is that most people do not even know that dual nationality exists, and of those who do, their knowledge is limited. A visit to the Internet can yield all manner of incorrect information about dual nationality and why it is either a dream come true or a terrible nightmare. What people need to know about dual nationality, first and foremost, is that only information that comes directly from government sources can be considered accurate. That said, it is important to remember that regulations and restrictions can change and that each nation's government has the right to set its own requirements for citizenship.

What Is A Dual National?

Many people are under the impression that most governments do not allow their citizens to be nationals of more than one country. Some countries, such as Germany and Japan, have strict requirements, especially regarding naturalization. But for the most part, while no country actually encourages dual citizenship, many tolerate it. Israel provides Jews around the world with the "right of return," which means that they can come to Israel and assume Israeli citizenship without going through a naturalization process. In Australia, naturalized citizens may maintain the nationality of their native country, which gives them dual citizenship. Native-born Australians, however, cannot become dual citizens of another country without giving up their Australian citizenship. (There is a strong [LOBBYING](#) effort going on in Australia to [RESCIND](#) this law.)

Encyclopedia of Everyday Law: Dual Citizenship

The United States does not prohibit dual nationality. The State Department recognizes that U. S. citizens can acquire the citizenship of another country through marriage, for instance, or that naturalized U.S. citizens may not automatically lose their native country's citizenship. In fact, a U. S. citizen does not automatically relinquish his or her citizenship by acquiring another. Losing one's U. S. citizenship requires a formal renunciation and proof that the individual is making that decision freely and voluntarily.

Pros and Cons

Along with the legal aspects of dual citizenship are the practical ones; there are also ethical considerations. Should people be allowed to claim more than one nationality? If not, why not? There are legitimate arguments on both sides.

People who favor the existence of dual citizenship explain that it can be useful to people traveling through countries in which one nationality is more welcome than another. The rise around the world in anti-American sentiment has a number of people genuinely concerned that an American passport could actually endanger the life of its holder. On a less ominous note, having a second nationality may make it easier for people to work abroad. Someone with dual citizenship in the United States and any European Union country, for example, could work in any European Union nation without having to secure permits.

For some, the issue is as simple as money. Belize, a small Caribbean nation known mostly for its beaches, initiated an Economic Citizenship Program that grants Belizean citizenship to anyone willing to pay the equivalent of \$50,000. This "purchase" of nationality (which does not require renunciation of a former nationality) allows the new Belizean to reap the benefits of a lenient tax law structure that does not collect taxes on capital gains, estates, or money earned overseas.

Those who oppose the concept of dual citizenship say that it is antithetical to the ideal of loyalty to one's homeland. Citizenship is a privilege, they argue. In many countries, it is a privilege for which people fought and gave their lives. If citizenship requirements are eased too much, opponents of dual nationality say, eventually the concept of citizenship will have little or no meaning. Citizenship connotes a powerful emotional bond for many that should not be taken lightly. Those who may not feel this way may instead recognize the more pressing concern that becoming a dual national could mean having to serve in a foreign country's armed services or pay taxes to its government.

Dual nationals need to remember that they are subject to the laws of both countries. That may include some benefits, but it also may include tax and military responsibilities. This does not mean that a dual national living in the United States will be required to travel to the other country in which he holds citizenship to serve in the army there. If, however, he visits that country, the government may have the [LEGAL RIGHT](#) to compel him to serve out his military obligation if there is one.

Significant Court Cases

A number of cases, some of which reached the Supreme Court of the United States, have helped frame immigration law regarding dual nationals. Here are some of the most noteworthy.

Perkins v. Elg (1939)

This case involved Marie Elizabeth Elg, who was born in the United States in 1907 to Swedish parents and raised in Sweden. When she turned 21 she acquired a U.S. passport and returned to live in the United States. Later, the U. S. government tried to deport her, claiming that under Swedish law she had become a Swedish

citizen when she and her parents returned to Sweden. The U. S. Supreme Court ruled unanimously that Elg was in fact a U. S. citizen because her parents' action did not take away her right to reclaim U. S. citizenship when she reached her majority. While this is not technically a dual citizenship case (since Elg did not try to maintain her Swedish citizenship), it nonetheless was important for those who did not wish to lose their right to U. S. citizenship through no fault of their own.

Kawakita v. United States (1952)

Tomoya Kawakita, born in the United States to Japanese parents, was in Japan when World War II broke out. During the war he supported the Japanese cause. He went to work in a factory where he supervised and also abused American prisoners of war who were forced to work there. After the war he returned to the United States on a U. S. passport, whereupon he was arrested for [TREASON](#), convicted, and sentenced to death. Kawakita appealed the sentence, arguing that he had registered as a Japanese national during the war and therefore was not a traitor. The Supreme Court ruled that Kawakita had neither acquired Japanese citizenship nor renounced U.S. citizenship, since he was already a dual national. Kawakita lost the appeal but instead of [EXECUTION](#) he was stripped of his U. S. citizenship and deported to Japan.

Afroyim v. Rusk (1967)

Beys Afroyim immigrated from Poland to the United States in 1912 and became a naturalized citizen some years later. He became fairly well known in art circles as a modernist painter in the 1930s and 1940s. In 1950 he emigrated to Israel, and ten years later he tried to renew his U. S. passport. The State Department refused, explaining that Afroyim had voted in an Israeli election in 1951 and had thus given up his citizenship in the United States.

Afroyim sued the State Department, and the case reached the U.S. Supreme Court, which ruled in his favor in a 5-to-4 vote. Interestingly, the Court invoked the Fourteenth Amendment to the U.S. Constitution. Although intended to guarantee citizenship rights to freed slaves, the Court held that in effect it protected *all* American citizens from losing their citizenship without proof of intent to do so. True, Afroyim had voted in an Israeli election. But this was not a formal renunciation of his U. S. citizenship.

Renouncing Citizenship

United States

The U. S. Immigration and Nationality Act (INA) stipulates that anyone wishing to renounce U. S. citizenship must do more than merely claim allegiance to another government. Americans who face prosecution in the United States or who owe back taxes, for example, cannot merely become naturalized citizens of a country that does not have an [EXTRADITION](#) agreement with the United States. Under the terms of INA, anyone who wishes to renounce U. S. citizenship must appear in person before a U. S. consular or diplomatic official and sign an oath of renunciation. This must be done in a foreign country (usually it can be done at a local U. S. Embassy or consulate); the renunciation cannot be executed in the United States proper. Failure to follow these conditions will render the renunciation useless for all practical purposes. Moreover, those who renounce their U. S. citizenship are still liable for any tax obligations they have incurred and may still be liable for military service. If they have committed a crime in the United States, they can still be prosecuted.

Other Countries

Each country has its own policies regarding dual citizenship and renunciation of nationality. Although the oath of allegiance that new U. S. citizens take states that they are renouncing all other governments, often that has as much weight in their home country as a similar oath taken by an American would have in the eyes of the U. S. government. Just as those wishing to renounce U. S. citizenship must follow specific steps, so must those who are giving up another nationality.

In the case of those who have citizenship ties to another country through means other than birth or naturalization, it is a good idea to check with that country. If a country recognizes as a citizen anyone who had one parent who was a citizen, it is possible that a lifelong American could inadvertently possess dual citizenship. This fact does not suggest that countries are lying in wait for innocent tourists who, on a visit to their ancestral home, find out that they must serve three years in the military before they can leave. But depending on the stability of the government in question, it may be a good idea to speak to someone in the consular offices in the United States to make sure there will be no unforeseen problems. If, for example, a particular country recognizes a dual national solely as one of its citizens and that person is charged with a crime while in that country, U.S. citizenship will be of little if any value.

Staying Informed

Problems can be avoided by taking commonsense precautions before traveling. If people who believe they may be dual nationals and do not wish to be, they will need to find out from the government whose citizenship they do not desire exactly what they need to do to renounce that citizenship. If they have questions about whether a particular country is safe for travel, the State Department posts travel warnings and consular information sheets at http://www.travel.state.gov/travel_warnings.html. Clearly issues like this are unlikely to come up between countries that have good relations. But if there is any question, it is best to be armed with more information rather than not enough.

Additional Resources

"As Rules Ease, More Citizens Choose to Fly Two Flags." Cortese, Amy, *The New York Times*, July 15, 2001.

The Congressional Politics of Immigration Reform. Gimpel, James G., and James R. Edwards, Jr. Allyn and Bacon, 1999.

Organizations

U. S. Department of State, Bureau of Consular Affairs

2201 C Street NW
Washington, DC 20520 USA
Phone: (202) 647-4000
Fax: (202) 647-5225 (Overseas Citizens Services)
URL: <http://travel.state.gov>
Primary Contact: Mary A. Ryan, Assistant Secretary
for Consular Affairs

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