

DUAL CITIZENSHIP FOR THE REPUBLIC OF ARMENIA:
POSING QUESTIONS OF LAW AND CIRCUMSTANCE

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Abstract

This paper examines dual citizenship as a globally occurring phenomenon and the successes and difficulties different countries have experienced. These lessons are noted for use in the current Armenian debate on whether dual citizenship is a step the Armenian government wants to take in extending ties to the Armenian Diaspora. This paper offers a new approach to the debate on dual citizenship within the context of Armenia's unique status as a relatively small state with a large and influential Diaspora.

Introduction

Although the idea of dual citizenship is often construed as an issue of international law, it is plainly a domestic legal concept.¹ Broaching the philosophical realm, dual citizenship involves questions of assimilation, social integration and economic amalgamation. National identity tends to occupy a sacred place for citizens of a country. States must grapple with integrating immigrants and prospective dual citizens into society. In sum, there are many questions that a state must face when it is considering multiple citizenship.²

This paper shall explore the possible questions and answers that await Armenia as it attempts to wrestle with the idea of establishing a dual citizenship law. The paper also examines conceptual multiple and dual citizenship as a matter of domestic law and international custom. Furthermore, the paper surveys a variety of states to explore advantages, disadvantages and lessons learned from the implementation of dual citizenship. Finally, the paper addresses Armenia's political and legal environs and how a dual citizenship framework could possibly enjoy success while facing new challenges in Armenia.

Citizenship Basics

Citizenship may be defined in one of four ways. States generally acknowledge that a person can attain citizenship of that state by descent (*jus sanguinis*), place of birth (*jus soli*), marriage, or the process of naturalization.³ Many countries, such as Switzerland, do not allow *jus soli* citizenship at all, while countries like the United States require American parents to live for a legally prescribed minimum time within the borders of the United States before their foreign-born children can be entitled to United States citizenship upon birth.⁴ Generally speaking, marrying a citizen rarely results in automatic citizenship for the spouse. However, marriage tends to allow the immigrant spouse to hasten the naturalization process after a period of non-citizen permanent residence. The final method of attaining citizenship is naturalization, which allows for a person to obtain a country's citizenship through a legally

¹ Teddy Roosevelt, the twenty-sixth President of the United States, referred to the idea of dual citizenship as a "self-evident" absurdity.

² Throughout this paper, the terms dual and multiple citizenship are used interchangeably at times. Dual citizenship means that an individual simultaneously holds the citizenship of two countries; multiple citizenship represents the idea of an individual holding the citizenships of two or more countries.

³ This gross simplification is provided strictly for the purpose of listing the possibilities rather than exploring how some countries allow citizenship in one way while others only allow it in another.

⁴ See http://travel.state.gov/visa/immigrants/immigrants_1340.html; www.richw.org/dualcit/index.html.

mandated procedure which varies from country to country. It is worth noting that when countries devise their citizenship laws, they do not ordinarily take other countries' citizenship laws into account.⁵

Dual and multiple citizenship are wildly growing phenomena. The continuous expansive integration of the world has succeeded in creating a vastly connected and intertwined theater of individuals, states and fluid identities.⁶ People travel to and fro and even carry passports for various countries. In this complex web of intricate economic, political and social entanglement, the nation-state now tackles the challenging proposition that an increasing number of individuals desire the citizenship of more than one country. As a relatively new state, Armenia faces a somewhat familiar, yet partly unique issue. The Armenian Diaspora, as compared to Armenia itself, is a large and influential force that spans the entire globe.⁷ Furthermore, the Diaspora can, for the most part, be divided into two main types. The first being those Armenians living abroad before the fall of the Soviet Union, and the second being those that emigrated from Armenia after the fall of the Soviet Union.⁸ Given that many countries have dealt with their own respective diasporas and dual citizenship issues, Armenia can enjoy the luxury of surveying the recent past to examine different methods and laws implemented by other states. The Israeli and Irish examples provide partial guidance, in addition to the Mexican situation. Although these examples can be distinguished from the Armenian case in some ways, they also offer some ideas for the successes and difficulties experienced by other countries.

To more fully understand the idea of dual (or even multiple) citizenship, one must first examine the idea of citizenship as an evolving concept. A distinction exists between citizenship viewed as a foundation of legal status and citizenship as a desirable activity.⁹ One view defines citizenship through legal and political affiliation, while the other relies on more philosophical and moral origins. One may contend that both forms overlap and indeed this author agrees that something as complex as citizenship necessarily must incorporate all facets so that we may more fully understand its development. Citizenship as a method of organizing and categorizing individuals serves as the foundation of the nation-state. The attainment of citizenship, generally speaking, permits immigrants to integrate into a new society, to optimize economic success, and to become a real part of a national community. During this integration the dangerous problem of stigma may arise, as a government may indirectly affix socially coarse designations to defined classes of individuals. As such, these

⁵ In special circumstances, for example in situations similar to the Serbia Montenegro separation, dual citizenship laws may be utilized to ease transition into new political entities while allowing individuals to maintain close psychological and legal ties to a new state.

⁶ See Linda Bosniak, Multiple Nationality and the Postnational Transformation of Citizenship, 42 Va. J. Int'l. L. 979, 981-82 (2002) (referring to ideas of post-nationalism in the context of multiple citizenship).

⁷ It is worth noting that Israel is most similar in that it maintains such a proportionally high number of its ethnic group outside the country itself. Armenians are a unique case in that the Armenian Genocide of the early 20th century scattered survivors all over the world. According to different calculations, there are more Armenians in the Diaspora than in Armenia, with barely three million in Armenia and anywhere from seven to ten million in the rest of the world.

⁸ This statement by no means intends to capture the numerical, cultural, and historical complexity of the Armenian Diaspora over time. There are obviously vast differences between the old Iranian-Armenian communities, Armenians in India, and survivors of genocide that scattered the globe.

⁹ See Berta Esperanza Hernandez-Truyol and Matthew Hawk, Symposium: Eighth Annual Latcrit Conference; City & The Citizen: Operations of Power, Strategies of Resistance: Section I: City and Citizenship; Between and Beyond the Nation State: Traveling the Boundaries of Statelessness: Global Passports and Citizenship, 52 Clev. St. L. Rev. 97, 100 (2005).

individuals may not fit generally accepted ideas of citizenship and belonging. With that said, the basis for guidance and governance in this area can be found in the domestic laws of the states at issue and under principles of international law.

International Law

Because there are several ways to acquire any given country's citizenship, it is possible for someone to be considered a citizen under the laws of two or more countries at the same time. This is the meaning of dual or multiple citizenship. Countries can, and usually do, frame their citizenship laws with little or even no regard for the citizenship laws of other countries. On the whole, it can be argued that governments are inclined to disfavor the idea of dual citizenship in most cases.

The 1930 Hague Convention on "Certain Questions Relating to the Conflict of Nationality Laws" serves as the primary document source for the concept of dual citizenship.¹⁰ The European Convention on Nationality, adopted in 1997 and intended to serve as a "European Code on nationality," even acknowledges in its preamble that states firmly hold the right to govern their citizens and any multiple citizenries involved.¹¹ The Convention also sets a low threshold, mentioning standards on multiple nationality for cases involving marriage or children born abroad.¹² Ultimately, under the Convention, states control the fate of their own dual citizens in all other cases.¹³ Nonetheless, over time, international custom and treaties have played a role in defining the issues of nationality.¹⁴ The Universal Declaration of Human Rights sets forth the right to nationality in Article 15.¹⁵ Legally speaking, nationality plays a critically important part in the daily lives of a state's citizens.¹⁶ These legal rights and benefits include, inter alia, the right to vote, to receive public education, to establish permanent residency, to own land, to travel, to work, and to hold public office.¹⁷

¹⁰ See International Convention on Certain Questions Relating to the Conflict of Nationality Laws (signed at The Hague on April 12, 1930), Article 1. Under the Convention, each state is to determine under its own laws who are its own nationals.

¹¹ See <http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm>. The European Convention on Nationality, Strasbourg, 6.XI.1997. In relevant part in the Preamble, the Convention states that despite its goals, it "[notes] the varied approach of States to the question of multiple nationality and [recognises] that each State is free to decide which consequences it attaches in its internal law to the fact that a national acquires or possesses another nationality" and that it "[agrees] on the desirability of finding appropriate solutions to consequences of multiple nationality and in particular as regards the rights and duties of multiple nationals."

¹² Id. Chapter V – Multiple Nationality, Article – 14 Cases of Multiple Nationality, 1. A state party shall allow: a – children having different nationalities acquired automatically at birth to retain these nationalities; b – its nationals to possess another nationality where this other nationality is automatically acquired by marriage.

¹³ Id. Article 15 – Other Possible Cases of Multiple Nationality. The provisions of this Convention shall not limit the right of a State Party to determine in its internal law whether: a – its nationals who acquire or possess the nationality of another State retain its nationality or lose it; b – the acquisition or retention of its nationality is subject to the renunciation or loss of another nationality.

¹⁴ See www.legislationonline.org/?tid=11.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id. A state may legislate other requirements of its citizens in addition to these foundational items.

Practical view: What do citizens do?

Citizenship involves assuming various civic duties that are at the core of any governmental society. On the most basic level these responsibilities extend to the areas of taxes, military service, suffrage, and travel restrictions. Further along the spectrum, holding office also enters the picture as an area where citizens of a state play an important role in representing other citizens in a democratic apparatus. Socially sensitive questions related to length of residence, primordial attachment to the state and a sense of entitlement pervade any kind of analysis of dual citizenship. This is where the issue of domestic legal governance enters the debate.

Citizenship Facts: Survey of States

According to the United States Center for Immigration Studies, the countries that allow dual citizenship are a large and fast growing group. A recent study set the number at 89; however the number continued to grow since then.¹⁸ Germany allows its own citizens to become dual citizens but disallows immigrants to Germany to do so. New Zealand permits dual citizenship, barring nominal obstacles.¹⁹ In France any adult who voluntarily accepts another nationality will only lose French nationality if expressly declared.²⁰ Algeria and France even allow domestic nationals to select which country's militaries they want to join, while others like Turkey do not.²¹ Ireland modified its Constitution in 1984 so that Britons living there could vote, while Irish citizens in Britain may vote and sit in Parliament.²² Spain, taking a narrower stance, does not allow dual citizens of Spain and other Latin American countries to vote or run for office, yet offers dual citizenship to certain Hispanic states.²³ Peru, Argentina and Colombia allow absentee voting by dual citizens while El Salvador, Panama, Uruguay and the Dominican Republic prohibit it.²⁴ As Renshon notes, the many countries that allow multiple citizenship differ considerably in their approach to its legal governance. Armenia should be no exception in this case, and is in fact a laboratory for a very different dual citizenship possibility which shall be explored below.

¹⁸ See Stanley A. Renshon, Dual Citizens in America: An Issue of Vast Proportions and Broad Significance, July 2000, Background, Center for Immigration Studies. Renshon, according to his research determined that in 2000, there were 89 countries in the world that permitted, in some form or another, multiple citizenship.

¹⁹ Id. New Zealand permits dual citizenship unless, in a specific instance, it "is not conducive to the public good."

²⁰ Id. The French Civil Code formerly provided that any adult who voluntarily accepted another nationality would, as a matter of law, renounce French citizenship. This provision was amended in 1973 to allow France's current brand of multiple citizenship.

²¹ Id. This is an example of two countries engaging in a unique dual citizenship relationship for obvious historical reasons. Turkey's constitution mandates that all citizens must serve in the army. Specific exceptions to this arose in Germany when the Turkish government decided to allow Turkish men residing in Germany to pay a fee of 10,000DM to drastically reduce the required amount of their mandatory military service.

²² Id. Britons in Ireland can vote in elections for the lower house of the Irish national parliament.

²³ Spain, through treaty, allows dual citizenship with a host of Latin American and South American states.

²⁴ Id. Special thanks to Stanley Renshon and his exhaustive research of the many countries that allow dual citizenship and its residual intricacies.

An American Perspective

In 1967, the United States Supreme Court delivered a powerful blow to the idea that one person cannot possibly hold more than one citizenship. In Afroyim v. Rusk, the Supreme Court of the United States ruled that a naturalized United States citizen, originally from Poland, who moved to Israel and voted in an Israeli election in 1951 and tried to renew his United States passport in 1960, remained a United States citizen.²⁵ The United States' State Department had refused to allow Afroyim to renew his United States passport on the grounds that Afroyim forfeited his United States citizenship because he voted in the Israeli election of 1951. The Supreme Court reasoned that the 14th Amendment to the United States Constitution, although originally meant to guarantee the citizenship of freed Negro slaves and their descendants, had indeed elevated citizenship to the lofty level of a constitutionally protected right. As a result, Congress could not enact laws that deprived a United States citizen of his citizenship without his assent. Practically speaking, this meant that the relevant section of the Immigration and Nationality Act that required automatic loss of citizenship for voting in a foreign election was invalid.²⁶

Afroyim's implications were far-reaching. Congress could not revoke a person's United States citizenship without evidence of his or her intent to give up their own citizenship. Although at one time the mere performance of certain acts would be enough to lose United States citizenship, Congress enacted new laws in 1986. These laws require that citizenship can only be lost when a citizen engages in potentially "expatriating" action voluntarily and "with the intention of relinquishing United States nationality."²⁷ Furthermore, on April 16, 1990, the State Department of the United States issued a new policy on dual citizenship. This policy declared that United States citizens who perform a potentially expatriating act would be presumed not to have intended to give up United States citizenship. This meant explicit indication and intent to renounce United States citizenship would be officially required.

This proved ground-breaking as the United States is a cauldron of cultural diversity and immigration. Currently, the United States State Department does not tend to interfere when United States citizens taking part in another country's routine naturalization procedures. With no constitutional prohibition and unenforceability of old dual citizenship prevention treaties, the United States now allows, but does not encourage, dual citizenship.²⁸

²⁵ See Afroyim v. Rusk, 387 U.S. 253 (1967). Afroyim sued the State Department stating that he did not revoke his citizenship.

²⁶ Other similar provisions providing for loss of citizenship for serving in a foreign army or swearing allegiance to a foreign country were similarly invalid unless the action was accompanied by an intent to give up United States citizenship. Congress finally repealed the relevant statutory provision in 1978. It is worth noting that this case dealt with various domestic legal minutiae regarding standards of proof, legislative intent, Congressional constitutional powers, among other things. An examination of these facets of the historic case in this paper would be waveringly tangential at best and completely irrelevant at worst.

²⁷ See United States Congress, Public Law 99-653. Expatriating activities include, 1) becoming a naturalized citizen of, or declaring allegiance to another country, 2) serving as an officer in a foreign country's military service or serving in the armed forces of a country which is engaged in hostilities against the United States, 3) working for a foreign government, 4) formally renouncing United States citizenship before duly authorized officials, and 5) committing treason against, or attempting or conspiring to overthrow the United States government. INA § 349, 8 U.S.C. § 1481.

²⁸ Despite this quiet allowance of dual citizenship, Congress provides for ferocious tax collection of expatriated individuals seeking another citizenship in order to avoid taxation in the United States. American Jobs Creation Act of 2004, Title VIII: Revenue Provisions – Subtitle A: Provisions to Reduce Tax Avoidance Through Individual and Corporation Expatriation, Section 804.

The Use of Treaties: The United States and Russia

Treaties represent one method of dealing with dual citizenship issues. Under international law, treaties may enter the picture in cases of disputes over dual nationality. Nonetheless, citizenship definitions, recognition of other country's citizenships and other related issues are generally domestic in nature. Cases could arise between countries with enormous migrant tendencies; however their viability cannot be looked upon favorably in some instances.

During the late 19th and 20th centuries, the United States ratified the Bancroft treaties.²⁹ The United States intended these treaties to prevent dual citizenship by mandating automatic loss of citizenship by foreigners who obtained United States citizenship, or by Americans who obtained foreign citizenship. Nonetheless, the Bancroft treaties eroded into legal unenforceability as the United States government eventually abrogated them formally.³⁰

More currently, a Russian – Turkmenistan dual citizenship agreement failed to endure in the fire of a dispute between Moscow and Ashkhabad.³¹ In November 2002, Turkmen authorities stated that an attempt had been made on the life of Saparmurat Niyazov, the President of the Turkmenistan Republic. Turkmen authorities suspected that three of the conspirators were in Russia, at which time the Niyazov administration suspended, unilaterally, the 1993 dual citizenship agreement between Russia and Turkmenistan. The resulting chaotic relations and controversy left much to be desired as Russian's first deputy foreign minister just this year stated that the rights of ethnic Russians in Turkmenistan is a problem "which cannot be considered settled."³² According to one source, Niyazov viewed the termination of dual citizenship as a security measure because, in addition to ethnic Russians, ethnic Turkmen began to acquire Russian passports at alarmingly high levels as an insurance policy if they needed to leave the country.³³

Continuing with Russia, some Russian officials agree that Russia may be ready for a dual citizenship apparatus for Kyrgyz-Russian citizenship as proposed by Kyrgyz President Kurmanbek Bakiev.³⁴ Kosachev did express concern over the logistical challenges that would inevitably arise with such an initiative, deferring to political rhetoric that implementation would depend on "future negotiations and subsequent legal agreements" between the two countries.

Although the American abrogation of treaties highlights the steady and evolving nature of dual citizenship as an acceptable norm, the Russian – Turkmenistan case presents the practical problems associated with dual citizenship between two states with overlapping ethnic groups. As with any other legal arrangement, the factors rendered most outcome

²⁹ These treaties were named after American diplomat George Bancroft.

³⁰ The Supreme Court of the United States mentions one of these treaties entered into with Sweden in the Perkins v. Elg decision. Americans yearning to earn dual citizenship may do so as motivation to avoid taxes. Nevertheless, Congress has legislated ferocious tax and penalties for those attempting to evade taxes through this route.

³¹ See George Ginsburgs, Extradition Issues in Russian-Turkmen Relations, 29 *Review of Central and East European Law* 2004 No. 4, 437-456.

³² See <http://www.legislationline.org/?tid=11&jid=52>.

³³ Id. Additionally, it is worth noting the speculation that Russia quickly scuttled the dual citizenship agreement without much clamor because of a possible long-term contract for the sale of Turkmen natural gas to Russia that the Russian government has tried to obtain for years.

³⁴ See www.legislationonline.org/?tid=11. In this case relating to the situation between Russia and Kyrgyzstan, Russian State Duma Foreign Affairs Committee Chairman Konstantin Kosachev stated that "political Russia" would be ready for such an arrangement.

determinative are those involving economics and politics.³⁵ In the Kyrgyzstan example, and also in the Turkmenistan situation, it is worth noting Russia's heightened involvement in establishing a workable dual citizenship framework. In this context it is clear that Russia relies upon foreign labor resources and that some sense of common cultural and linguistic association plays a role in smoothly integrating workers into the economy.

Although Armenia is a small nation, dual citizenship for Armenians would mean easy access both ways between Armenia and Russia. One can envisage Russia calling upon Armenian intellectuals and professionals much the same way that Armenia would plan to call upon them. Another possibility would be the legitimization of Armenian "illegals" in Russia. Some estimates place Armenian illegal migrants in Russia at approximately one hundred thousand, with a large majority of them being refugees from Azerbaijan carrying antiquated Soviet passports. One can only imagine the enormous logistical difficulties Armenia would encounter if for example, only the Russian Armenian community as "illegal immigrants" would suddenly petition for Armenian passports and descend upon Yerevan searching for employment, social services, and living accommodations. Or alternatively, Russia could use dual citizenship to exert influence and pressure on Armenia. This is especially clear in comments on Russia and its potential to further influence Armenia made by various scholars and attorneys in Armenia.³⁶ Such scenarios are not unreasonable to foresee with a dual citizenship framework.

Ireland: Primordial Attachment or Strict Economics?

The Irish example provides a rather expansive approach to accommodating dual citizenship. The embassy of Ireland prominently displays requirements for citizenship regarding the Republic of Ireland. In addition to the standard birthright citizenship laws, anyone born outside Ireland, whose father or mother is an Irish citizen not born in Ireland, can become a citizen of Ireland by registering his or her birth in the Irish Register of Foreign Births.³⁷ Those registering after July 1, 1986 are deemed Irish citizens only from the date of his/her entry in the Register. The Irish Consulate in Chicago in the United States has observed growing demand for "citizenship by descent" which allows US citizens to secure Irish citizenship merely by proving that one grandparent was Irish.³⁸ Americans of Irish

³⁵ Economics referring to the sale of natural gas and politics referring to the security risk of an overwhelming number of Turkmens acquiring Russian passports and vice versa.

³⁶ A November 9, 2005 Arminfo article entitled "Adopting Dual Citizenship – Armenia will have to Strive for Independence" includes comments from attorney Vardan Harutiunian on such issues. Others, like Armen Rustamian of the Dashnaksutiun party advocated that dual citizenship would promote emigration cutback because Armenians would no longer need to resign their Armenian citizenship if they moved to another country. Additionally, Rustamian states that citizens of Armenia permanently residing abroad would not enjoy the right elect and be elected. November 17, 2005 Arminfo article entitled "The Adoption of Dual Citizenship will Promote Emigration Cutback".

³⁷ See Irish Nationality and Citizenship Acts of 1956 and 1986 as amended. Irish law permits dual citizenship and does not require applicants to renounce any other citizenship. Until 1984, Irish citizenship could be acquired by anyone with at least one Irish great-grandparent. That is no longer the case. Naturalization procedures are generic in nature, requiring continuous residency for five of the last nine years, intent to live in Ireland after naturalization and a moral character review. It takes between 1.5 and 2 years to process.

³⁸ According to the Republic of Ireland's Department of Foreign Affairs, there are more than 70 million people throughout the world that can claim Irish descent and 40 million of them are Americans. Furthermore, the United States Department of State, Bureau of Consular Affairs has stated that it is perfectly legal for Americans to hold Irish citizenship without losing their American citizenship.

descent although wishing to reconnect with their heritage, tend to be driven by more pecuniary motivations. Working in the European Union offers an attractive outlet for young professionals seeking something different in terms of work and life experience and travel.³⁹ Additionally, an agreement with the United States improves Social Security protection for people who work or have worked in both countries. Many people who would be ineligible due to splitting time working in either country could gain access to benefits otherwise unreachable but for the agreement.⁴⁰

In practical terms, Irish citizenship bestows all of the rights and obligations one would expect to encounter with the granting of citizenship. Full voting rights and jury service are most prevalent according to one source.⁴¹ However, American citizens holding Irish citizenship are still required to file tax returns, although many refrain from doing so.⁴² An American dual citizen is entitled to the protection of United States' embassies and consulates. In yet another look at the influence of bilateral agreements, the only resident foreigners that can vote in elections to the Irish Parliament are citizens of the United Kingdom. Correspondingly, Irish citizens living in the United Kingdom also have the right to vote there.⁴³

The Irish case demonstrates a relatively effortless citizenship acquisition process for qualified parties. It is worth noting that the Irish Diaspora is enormous and more diluted as compared to the Armenian case. The fact that Ireland involves the European Union also distinguishes Ireland further. Ireland's limited bilateral voting agreement for Britons is an example of accommodating permanent residents. The right to vote and the offering of this right for Britons stresses the strong historical ties between Ireland and England. Applying similar voting machinery in Armenia could be more complicated, requiring balancing of voting rights and important sociopolitical concerns regarding citizens and permanent residents. Nonetheless, Ireland's integration and dual citizenship apparatus offer insights into a potential Armenian dual citizenship framework.

Estonia: Elected Officials

Within the dual citizenship paradigm, there exists a potential for awkward political situations where elected officials may be dual citizens. In 2001, Estonia's secretary of state and other high officials in the Estonian government held dual citizenship despite the illegality of that action under Estonian law.⁴⁴ Estonia's law on citizenship came into effect on April 1, 1995 and prohibits a citizen of Estonia from holding citizenship in any other country. Despite this, officials in government openly state that there are no specific regulations for proscribing dual citizens from public service and that dual citizenship is a

³⁹ Many Irish soccer players acquired citizenship through the Irish "granny" rule.

⁴⁰ See http://www.ssa.gov/international/Agreement_Pamphlets/ireland.html. The agreement covers people who, without the agreement, would not be eligible for monthly retirement, disability or survivor benefits under the Social Security system of one or both countries.

⁴¹ http://www.transitionsabroad.com/listings/living/livingabroadin/living_abroad_in_ireland_moving.shtml

⁴² One congressional report estimated that approximately 61% avoid this rule, much to the chagrin of the Department of Treasury and the Internal Revenue Service. Every U.S. national applying for a passport must file an IRS information report listing foreign residences and other related details.

⁴³ One must only be a resident to vote locally or even run for office. Voting in elections to the European Parliament remains open to any resident holding citizenship of a European Union member state.

⁴⁴ Aino Lepik Von Wiron retained her Swedish citizenship when she moved to Estonia. Numerous others in government kept their original citizenships as well.

completely personal matter. The Estonian constitution, in Article 8, states that no one can be deprived of Estonian citizenship if one of the person's parents held it. One chancellor suggested that the constitution's provision does not regulate dual citizenship, so the fundamental law does not rule out either dual citizenship or it being banned.⁴⁵ These issues represent the paradoxical legal questions that could arise with dual citizenship. Estonia continues to debate the merits of allowing individuals to acquire dual citizenship.

Mexico

Mexico approved dual citizenship in 1998. Mexican President Vicente Fox promised to make the idea of dual citizenship increasingly appealing when he vowed to permit dual nationals to vote in Mexican elections from the United States.⁴⁶ It can be plainly observed that this was done to spur dual citizens to dedicate their money to enhance property and development projects in Mexico. On the flip side, the proposition that dual nationals, both Mexican and United States nationals, could vote in Mexican elections, would drastically alter the balance of power in any state's domestic culture. Already, this phenomenon has taken off with the July, 2006 Mexican elections.⁴⁷ The dynamics of campaigns, social issues and economic growth become vastly dependent upon the potentially powerful vote of a numerically large and influential Diaspora voting presence. Nonetheless, statistically speaking, only 40,854 registered this year out of the approximately 4 million eligible ethnic Mexican voters. Of those 40,854, nearly ninety percent lived in the United States.⁴⁸ As interviews pointed out, although some were excited about the idea of maintaining this formalistic civic tie with their homeland, considerable numbers remained eminently indifferent and even disenchanted with the idea.⁴⁹ The small proportion could be attributed to logistical difficulties, or more cynically, a disillusioned migrant population that felt coerced to uproot and migrate in the first place.⁵⁰

The Mexican example is complicated by certain legal and economic factors. Mexican law distinguishes between "nationality" and "citizenship".⁵¹ Most importantly, the law permits dual nationality but not dual citizenship, which creates a vital distinction that prevents dual nationals from voting or attaining high office. Dual nationals are also not required to serve compulsory military service.⁵² In countries like the United States, a very

⁴⁵ Estonian legal experts support the state chancellery. Juri Pold, a judge and law professor believes that dual citizenship could be banned if there were an agreement between certain countries.

⁴⁶ See www.aifl.org/pubed/pe_articles?n070702a.htm.

⁴⁷ See <http://209.157.64.201/focus/f-news/1639516/posts>. According to one news story, hundreds of Mexicans in North Carolina received their ballots to elect the next Mexican President. Some estimates place as many as 550,000 Mexicans in just the Carolinas in the Eastern United States.

⁴⁸ Id. This represents slightly more than 1% of eligible voters exercising their rights.

⁴⁹ Id. According to Marcela Azuela of the Mexican Federal Electoral Institute, much indifference and anger remains towards Mexico, accounting for the main reason for many fleeing the country.

⁵⁰ See Conference: Citizenship without Borders: Belonging and Exclusion in Immigrant America, Response to Remarks by Alexander Aleinikoff on the Geography of Citizenship by Maria Bustamante.

⁵¹ See Mexican Law of No Loss of Nationality. This act revoked the previous rule that terminated Mexican nationality for those who became citizens of another country.

⁵² Dual nationals are in essence citizens of one country that become, for example, legal permanent residents or some other sub-citizenship level status in another country. See <http://csmonitor.com/cgi-bin/durableRedirect.pl?durable/2000/06/12/p11s2.htm>.

small number of people are United States nationals only and not United States citizens.⁵³ Economically speaking, Mexico suffers from mass migration and although remittances are high, Mexico collects taxes equivalent to 9.7 percent of GDP and there is very little to spend on education and health care.⁵⁴ Forty families own 60% of the country, with \$28 billion in oil revenue and \$20 billion in immigrant remittances. Mexico suffers from a lack of industrialization and civic involvement which led, in part, to the recent dual citizenship initiatives.

The Mexican case presents a situation where United States citizens can run for office in Mexico. In one such case, Illinois State Senator Martin Sandoval ran for a seat on Mexico's advisory council to the President.⁵⁵ The council attempts to incorporate Mexicans living in the United States into Mexican government policymaking. In other cases, Mexican immigrants who have become legal residents of the United States or who have naturalized have gone back to Mexico to run for office with the motivation of representing the interests of immigrants who are from the region where the representative has run for office. Legally speaking, this is not disallowed by either country. In ethical terms and as an issue of national security, there are obvious concerns that can be raised by even simply a citizen of one country running for office in his "other" country. These developments could drastically alter Mexican electoral laws and politics, in addition to expatriate voting and potential regulation in the United States. Armenia could very likely face similar controversies with Diaspora Armenians potentially vying for elected positions.

Israel

Dual citizens show their Israeli passports in Tel Aviv and American passports when they arrive in the United States. As is well documented, the purpose of the Law of Return was to reestablish a home for the entire Jewish people. The law declares, in sweeping fashion, that Israel constitutes a home not only for current domestic inhabitants of the state, but also for all Jewish people in the entire globe. A product of the times, Israel adopted the measure in 1950, a mere five years removed from the holocaust. The law aimed to provide sanctuary for persecuted Jews. Similar measures in citizenship laws were taken by countries such as Germany, Greece, Bulgaria, Finland, Ireland, and Armenia to guarantee a safe-haven to diaspora populations assumed to be living under precarious, and even stateless, conditions.⁵⁶

Issues of demography constantly complicate Israel's political stability and in particular, its policy toward the Palestinians.⁵⁷ Approximately ten million people reside in the Israeli-controlled area from the Jordan River to the Mediterranean shore.⁵⁸ Israel's slight Jewish majority is quickly falling, and by some estimates may disappear by 2010. In this

⁵³ All United States citizens are United States nationals. Not all United States nationals are United States citizens. Pursuant to Section 308 of the INA, only persons of the outlying possessions of the United States (or a foreign born child of such a person) is a United States national and not a citizen. 8 U.S.C. § 1408. At present, only American Samoa and Swains Island fall under this categorization. Therefore, in the United States the terms are nearly interchangeable.

⁵⁴ This figure is close to Haiti's number.

⁵⁵ Mexican officials explained that it was an "honorary" position.

⁵⁶ The Armenian citizenship law, in Article 1, states that "people of Armenian nationality acquire the citizenship of the Republic of Armenia easily."

⁵⁷ See www.globalpolicy.org/nations/sovereign/citizen/2005/0516identity.htm.

⁵⁸ See Aluf Benn, *Israel's Identity Crisis*, Salon, May 16, 2005.

condition, Israel currently struggles to balance democratic ideals and the inertia to maintain a Jewish state. Some suggestions include territorial population swapping, encouraged emigration of Israel Arabs, both politically explosive initiatives. In 2003, at the very apex of intifada, Sharon's government halted the policy of non-Jews and family unification where Palestinians who married Israelis could become Israeli citizens.⁵⁹ Israeli security stated that this was done due to terrorist concerns, and although marginally accurate, the Israeli political apparatus quietly fell in line. Other demographic measures permeate the politically volatile Israeli debate.⁶⁰

Israel's founders intended the right of return to be a means of strengthening and stabilizing the Jewish state from its very onset, a very similar proposition to the Armenian state currently. The influx of human capital and migration helped solidify Israel as a considerable power in the Middle East for its short history. However concerns of democracy and homogeneity pose difficult questions for the Israeli state. Although one can distinguish Israelis and Palestinians as likely occupying very differing political wills, the Armenian case may in the future fend with similar problems, granted to a much lesser degree. Interestingly enough, Diaspora Armenians and Armenia's own indigenous Armenians share qualitative similarities and may superficially break bread yet galvanize violently opposing inertias in the political and socioeconomic realms. A similar "law of return" or comparable law could provide enormous benefit to Armenia. Armenia would not deal with an enormous internal political thorn in its side. Although the Nagorno-Kharabagh conflict constantly remains on the political radar, Armenia does not really fend with anything remotely comparable to the Palestinian issue. There is no concern that a minority residing within Armenia would one day outnumber the current majority of ethnic Armenians. In sum, Israel's case points to the potential that a small vulnerable country could achieve with strong Diaspora support under the rubric of legitimate citizenship. Fortunately, Armenia would not grapple with ethnicity versus democracy concerns in the case of dual citizenship.

Africa and India: Insights

In 2003, the African Union (AU) hosted a summit in Addis Ababa to more effectively utilize the enormous power of the "African" Diaspora.⁶¹ The goal, at least initially, was to determine exactly what role the Diaspora could possibly play and more importantly, what benefits Africans abroad could enjoy.⁶² As the African continent faces an inordinately excessive amount of poverty and lack of education, the AU attempted to tap the Diaspora's technological and educational capabilities to help Africa, as a whole, achieve a successful rate of economic development.⁶³ The African Union was not the only entity grappling with these issues, as financially driven debate over dual citizenship roared in India in 2003.⁶⁴

⁵⁹ Most marriages in these circumstances are between Palestinians and Israeli Arabs.

⁶⁰ Tougher immigration laws for non-Jews and various demographic measures have been considered by the Israeli government.

⁶¹ See South African Press Association, Dual Citizenship "For Sale", February 11, 2003. Although particularly elucidating in describing this AU activity, it is worth noting that this phrasing is prone to furbish an unintentional "monolithic" type of description of the African continent. There is no question regarding the immense cultural diversity of the African continent. The statement attempts to capture the economic and political essence of the activity [i.e. tapping into the Diaspora].

⁶² Id.

⁶³ Id.

⁶⁴ See <http://www.hinduonnet.com/thehindu/mag/2003/01/19/stories/2003011900230300.htm>.

Disagreements arose over blanket dual citizenship versus selective grants of citizenship, which concerned itself only with those Diaspora Indians that earned dollars or pounds.⁶⁵ Offering selective dual citizenship based on economic prowess would be blatantly discriminatory, yet undeniably focused. Nevertheless, travel for Diaspora Indians from North America would be markedly easier, in addition to the removal of most restraints on the purchase of property. This “selective” offer of citizenship was weakly countenanced by Indian government officials for “highly developed countries” and for Indians that had largely migrated after Independence.

These examples highlight the initial discourse that occurred in Africa regarding dual citizenship. At the same time, the Indian case demonstrates the political blunder of publicly contemplating selective permissibility of dual citizenship. Diaspora populations in relatively poorer nations would also experience great difficulty in paying any visa or administrative fees associated with acquiring dual citizenship. The issue of selective permissibility is addressed below.

South Africa: Administrative

The South African example allows for a close examination of the administrative aspects of dual citizenship. Pursuant to the South African Citizenship Amendment Act of 2004, it is an offense for South African nationals with dual citizenship to use their foreign passports to leave or gain entry to the country.⁶⁶ Additionally, under this same act, it is an offense for a citizen, while in South Africa, to use their foreign citizenship to gain advantage or avoid a responsibility or duty.⁶⁷ Furthermore, the provision of the South African Citizenship Act of 1995, which allowed the minister of home affairs to deprive a citizen of his or her citizenship for using the citizenship of a foreign country, was repealed. Practically speaking, this eased the administrative burden on the department to handle and make sometimes awkward decisions on letters of permission and exemptions for South African citizens to make use of a foreign passport. As a result, the need for these documents for permission to use a foreign passport was terminated outright. The department even acknowledged openly that depriving citizenship was not consistent with the South African Constitution.⁶⁸ The South African example points out the potential administrative issues that may arise with a dual citizenship allowance. This is but one way for a country’s government to handle its dual citizens.

⁶⁵ Id.

⁶⁶ See http://www.southafrica.info/public_services/citizens/your_rights/update/dualcitizenship.htm.

⁶⁷ Id. This is true according to the Department of Home Affairs. Given the sweeping language of the amendment, it would surely be open to some interpretation and debate, however the legislative intent of the act remains clear: to strongly deter favoritism and preference for the other country that a dual citizen is also a citizen of, while that dual citizen is within the borders of South Africa. It is worth noting that the act does allow South Africans with dual nationality to freely use their foreign passports outside South Africa. This may be a moot point in most instances but the mere mentioning of this evinces a clear intent on behalf of the government to honor, as much as fairly possible, a dual citizens ability to use other passports when traveling.

⁶⁸ Id. Home Affairs spokesperson Nkosana Sibuyi stated, “The issue of deprivation of citizenship was inconsistent with the Constitutional right to citizenship. Accordingly, we [the department] would like to advise all South Africans who have dual citizenship and do not have South African passports to apply for their South African passports at the earliest opportunity.” The department realized that many affected South Africans might not yet be aware of the amendments, and as a result, allowed a warning to be given first followed by a three month allowance to obtain the proper South African passport.

The Armenian Case

Although comparable to other cases involving dual citizenship laws in other nation-states, the similarities between Armenia and most other cases are finite and furthermore only partially elucidating. Compared to many dual citizenship cases, Armenia can be considered an unusual country. It is a former Soviet republic, geographically isolated by the Caucasus Mountains and closed borders with Turkey and Azerbaijan. Diaspora communities around the world are an influential force with which to be reckoned. In the last fifteen years, Armenia suffered a staggeringly high amount of immigrants destined for foreign shores. Although other countries share similar qualities, Armenia can be more plausibly set apart because, according to various estimates, as many as twice the amount of ethnic Armenians live outside the borders of today's Armenian state. In addition to this, a considerable portion of the Diaspora is both wealthy and patriotic, serving as a dependable, willing and powerful resource for economic assistance and political issues.

In a December 2002 interview, Tigran Sarkisian of the Central Bank of Armenia commented that the Diaspora's contribution to the economy amounts to as much as \$400 million per year into charities, projects and even directly to family members. According to Sarkisian, Kerk Kerkorian's US-based Lincy Foundation pumped in approximately \$55 million in 2002 to assist with general urban building and growth and continued earthquake restoration. Commercial banks even complain that they cannot find "bankable" projects to lend to because Diasporans with money are inclined to invest in hotels, gas stations, bars and restaurants. It is apparent that Armenia can use an influx of businessmen that are able and willing to initiate credible business plans for feasible, bankable projects.⁶⁹ Taking this further, Armenia can greatly benefit from an infusion of young professionals and increased mainstream growth. It appears that Armenia experiences lop-sided, top-heavy economic growth. Some sources put estimates on poverty at up to 50% of the population, yet Yerevan boasts gaudy bars and extravagant marble shops, with even Mercedes Benz receiving inquiries for its luxury cars. The Diaspora continues to support family members, maintain and improve the capital's aesthetics, and refurbish antique monuments.⁷⁰ Given Armenia's famished need for a real middle class, fashioning a reasonably attractive dual citizenship system could mean a huge difference for Armenian society over the long term.

Given this measured support, one can observe that the one partially lacking quality of the Diaspora is a serious willingness to return and utilize those entrepreneurial and business development skills on a larger scale.⁷¹ There is no question that Armenia could benefit greatly from a considerable injection of trained and professional individuals.⁷² Potential benefits lie in the fact that, once drawn into the economic and political life of the

⁶⁹ See Armenian Economy Benefits Greatly from Expatriate Contributions, *The Banker*, Dec 2002 v152 i022 p70(2), *The Expatriate Factor*, interview by Anthony Robinson.

⁷⁰ Diaspora communities tend to enjoy a powerful sense of financial achievement, and as a result it is in a particular homeland's direct interest to pay close attention. Remittances in countries like Lebanon, Samoa, Jordan and Bosnia and Herzegovina account for one-fifth of GDP. Chander.

⁷¹ This statement does not intend to belittle the contributions of Diaspora Armenians currently in Armenia doing business under the "special residency status" offered by the Armenian government. Furthermore, financially speaking, Australian citizens lobbied for dual citizenship so they would not have to pay the "stiff estate tax" imposed on foreigners who work in the United States. This is an example of how Armenians could come to America, retain their dual citizenship as to both countries [assuming it is enacted in Armenia] and circumvent the financial constraints that some countries tend to levy on foreigners.

⁷² One must also consider the potentially unintended consequences of allowing dual citizenship. As mentioned above, an influx of people that are not necessarily high quality human capital could exacerbate already problematic social issues like poverty.

country, dual citizens would provide immeasurable value to the labor market through their skills and civic experiences from abroad.⁷³

The Armenian state finds itself in a rather unique position as a country with a multitudinous, politically influential, and relatively speaking, “larger” population than the Armenians that currently reside in Armenia as citizens. This dynamic poses difficult questions of allegiance, civic accountability and societal responsibility.⁷⁴ Governments in various states only offer dual citizenship if they aim to supremely calcify economic and political and cultural connections with their diaspora communities. Practically speaking, states like Mexico and Ireland may allow some type of voting from abroad, direct representation of expatriates and extraordinary diaspora visas. Additionally, states hope to incorporate the financial and human capital strengths of compatriots abroad who wish to contribute in some way to the “homeland” as mentioned in the African Union example. A more difficult social problem lies in the remolding of national identity and fostering a socially cohesive population. Issues of homogeneity would not likely enter the equation for dual citizenship because it is very likely that a dual citizenship law would require a minimum degree of ethnic Armenian heritage.⁷⁵ This minimizes potentially explosive issues such as erosion of the substantive meaning of citizenship, where the true primordial attachment and quasi-spiritual identity construction associated with being a citizen of only one state reside. Despite the homogeneity of the Armenian state, Armenia would still need to focus on integrating Diasporans rather than another “ethnic group” which would of course present its own different challenges.⁷⁶ This “different” type of heterogeneity would potentially pose serious questions of legitimacy and fairness in how Diaspora Armenians would enter Armenian society alongside their Armenian citizen-brethren.⁷⁷

In order to foster a sense of belonging and civic responsibility amongst people with very different backgrounds, the government would need to implement policies and erect

⁷³ See [Dual Citizenship – Or Whether the Armenian Government is Serious About Reforms](#), Armenian News Network / Groong, March 31, 2005 by Njdeh Melkonian, for a thorough review of the economic factors involved in analyzing the costs and benefits of adopting dual citizenship in Armenia.

⁷⁴ This begs the question of propriety of allowing Diasporans to vote if they outnumber domestic citizens.

⁷⁵ It is worth noting that the Law of the Citizenship of the Republic of Armenia, Chapter 1 General Principles, Article 13 requires that, in order to acquire Armenian citizenship, an individual must be 18, must have lived in Armenia permanently during the last 3 years, can communicate in Armenian and is familiar with Armenia’s Constitution.

⁷⁶ It can be safely assumed that integrating Armenians from the Diaspora may prove simpler than integrating Ugandans, Russians, or Turks.

⁷⁷ Although not the point of this paper, Armenia currently deals with astronomical refugee migration and social immersion issues. UNHCR – Feature: Ethnic Armenian Refugees Face Challenge of Integration, June 3, 2006. According to this article, fighting in Nagorno-Karabagh displaced many on both sides, with 360,000 ethnic Armenians leaving Azerbaijan for Armenia. Although a 1994 cease-fire has been in effect for 12 years, it is unlikely that ethnic Armenians will contemplate returning to Azerbaijan. Armenia has already adopted a policy of local integration for these refugees by providing programs and assistance. Approximately 50,000, or roughly 21% of the 245, 106 refugees registered in Armenia have undergone citizenship naturalization procedures. Many face difficulties integrating due to language barriers and irrelevant skill sets as many speak Russian and Azeri Turkish with Armenian language skills while being trained to work in fields such as oil refinery (which Armenia cannot accommodate). Oddly enough, the article presents sentiment on the part of some that successful integration is associated not with the acquisition of citizenship, but with real and permanent housing. This is an example of “legal” integration, which appears attractive to scholars and politicians. However, realistically speaking integration requires much more social and economic integration beyond a bestowal of a passport. To exacerbate the situation, the local population itself struggles to receive social welfare assistance and health care, with refugees encountering the same problems. The dangers lie in an overworked social welfare system and a potentially socially destructive “refugee” culture that may survive generations.

tangible institutes devoted to supporting this kind of development.⁷⁸ Any state seeking to reintegrate members of its diaspora faces exceedingly difficult challenges in incorporating diasporans as “legitimate” members of the “host” nation. This is especially the case with the Armenian Diaspora’s hybrid nature. Nevertheless, one can argue that “affective bonds of membership” exist beyond the formal technical domestic law governance of citizenship. Armenia’s relatively large Diaspora places enormous importance upon its identity. This identity is in large part derived from the psychological victim-nation construction that most Armenians nurture and protect as deeply sacred.⁷⁹ Armenians abroad feel and act Armenian, yet could remain uncertain and uncommitted to returning as dual citizens. This monumental concern can be addressed through explicit state support and recognition of Diaspora Armenians as an integral and necessary component of Armenia’s future. Diaspora-oriented support agencies, legal protections for overseas citizens and significant outreach to citizens abroad would be required.⁸⁰

There is a vast difference between a “solidly assimilationist receiving culture” and a “porous and contested one.”⁸¹ It would be difficult to currently categorize Armenia as either. Armenia is unique in that it does not experience mass immigration on par with countries like Germany, Russia and the United States. Armenia, for the time being, does not attract a high volume of migrant workers or general immigrants. If anything Armenia lost its own nationals at alarming rates following the collapse of the Soviet Union. As a result Armenia must contend with an overall net loss of human capital. This is one distinguishing factor in the Armenian case dealing with almost a strictly immigration situation.⁸² This also plays into the discussion on actually striving to attract more migration to reach a potential critical mass of newcomers that would contribute to the socioeconomic development of the country.

Some authors argue that emigrant citizenship is not simply a natural result of globalization but a calculated attempt to profit from the world’s economy. Human capital, remittances and investments are crucial to securing hard currency and buttressing economic growth.⁸³ Sending countries typically appeal to the loyalty, passion and patriotism of their Diaspora communities. Armenia enjoys a considerable advantage in this area. Armenia does not really qualify as a wholly “sending” country as most of the Diaspora communities are populated in large part by descendants of the nearly century-old Armenian Genocide. If anything this event created an exponentially powerful identity construct and motive for primordial identity maintenance and affinity for the homeland. The rewards of such constructs are of course quite handsome. Diaspora aid to Armenia plays a large role in funneling money into the Republic. ArmeniaFund alone has implemented over \$120 million of infrastructure development assistance and humanitarian aid to Armenia.⁸⁴

⁷⁸ See Michele Wucker, The Perpetual Migration Machine and Political Power, World Policy Journal, Fall 2004, pg. 42.

⁷⁹ See Kim Barry, Home and Away: The Construction of Citizenship in an Emigration Context, 81 N.Y.U.L. Rev. 11 (2006).

⁸⁰ See Anupam Chander, Symposium: A Tribute to the Work of Kim Barry: The Construction of Citizenship in an Emigration Context: Symposium: Homeward Bound, 81 N.Y.U.L. Rev 60 (April 2006).

⁸¹ Renshon here refers to a host country’s status when immigrants and/or dual citizens (i.e. foreigners of any kind) arrive in a host country.

⁸² This does not take into account the refugee situation discussed in note 77 and immigration balancing issues in note 87.

⁸³ See Jose Itzigsohn, Immigration and the Boundaries of Citizenship: The Institutions of Immigrants’ Political Transnationalism, 34 Int’l Migration Rev. 1126, 1243 (2000).

⁸⁴ See www.armeniapedia.org/index.php?title=Armenia_Fund.

Does Armenia Need Dual Citizenship?

The key difference that separates countries is that some states allow dual citizenship and some do not. Armenia currently allows a form of permanent residency through its ten year permanent residency status. According to the Armenian Ministry of Foreign Affairs, this “special residency status” can be granted by the President of the Republic of Armenia. Upon attainment of this special residency status, individuals are entitled to many of the same rights and obligations of Armenian citizens. Among other things, special residency status persons may not vote, run for office, or enroll in political organizations in Armenia. As a so-called permanent resident, the typical Diaspora Armenian may freely enter and exit the country, reside temporarily or permanently, study, work, or open businesses.⁸⁵ The foreign ministry specifically states that permanent residents “are not bound by a number of responsibilities required from Armenian citizens, such as service in the Armenian national army.” All one must do is complete a special questionnaire, address a letter to the proper authorities requesting the special residency status with certain requested information, provide copies of your passport and its photographs, and a money order for \$350 USD.⁸⁶ The passport for this special residency status takes approximately three to four months to process and is typically issued for ten years and may be extended upon request.⁸⁷

For the most part, ethnic Armenians are the ones who would be interested in acquiring some kind of dual citizenship status with Armenia. The only difference would be the point of origin for repatriates in addition to cultural variation in language, social conditioning, and quite importantly, certain economic proclivities. One wonders what would change in Armenia with dual citizenship, especially as related to the current special residency status. Armenia needs to ask itself whether Armenians from New York, Paris, Beirut, Glendale and Tehran would truly integrate into Armenia’s society just because they would be allowed to vote. One would need to ask if these same Armenians would even consider acquiring dual citizenship if they must serve in the military. Philosophical questions cannot be brushed away lightly. Citizens cultivate, and are protected by, the social contract. Diaspora institutions have served Armenian communities abroad well as bastions of cultural and educational support. However, a primordial attachment to the Armenian “idea” is only part of the equation, as most of the Armenian Diaspora fails to adequately extend ethnic Armenians’ identity maintenance mechanics to truly contemplate invoking even the special residency status. Potential dual citizens would need to be drawn to Armenia and integrated somehow, and to some as yet undetermined degree.

As aforementioned, the Armenian case projects an interesting hue, surpassing the classic integrationist versus nationalist perspective. Nonetheless, one must ask to what degree granting dual citizenship and full or partial rights facilitate integration into the receiving country. Armenia will not be integrating other ethnic groups or nationalities. Armenians around the world are descendants of genocide survivors, with many eager and willing to assist in some way, but with little information or guidance as to how. Moreover, Armenia must attempt to further minimize the egress of its own citizens.⁸⁸ Any new system

⁸⁵ Any individual of any ethnic background may apply for, and receive, this special status.

⁸⁶ Genocide survivors may waive the fee. In the United States, one must address the letter to the Ambassador or Consul General. In Canada, one must address the letter to the President of Armenia.

⁸⁷ The information in this entire paragraph was based in large part upon the Armenian Ministry of Foreign Affairs’ website at <http://www.armeniaforeignministry.com/consular/special.html>. The site provides detailed instructions on how to acquire special residency status.

⁸⁸ In an interview with Arka News Agency, Gagik Yeghanyan, Head of the Department of Migration noted that in June 2004, Armenia recorded a positive migration balance of 11,400, although the first half of the year

must address these complex factors and place priorities on optimizing administrative ease and minimizing bureaucratic sluggishness. Given the unique nature of Armenia and the influential Diaspora, one must carefully balance these two spheres. It would likely be in Armenia's overall best interest to partially protect Armenian society by safeguarding domestic needs and cultural intricacies while working to optimize Armenia's chance for maximal improvement that could come only through increased Diaspora support. The Diaspora's massive economic and political strength is tempting for Armenia. Nonetheless, caution must be restrained to ensure that whatever dual citizenship framework is implemented, its execution would be as smooth as possible.

Armenia must be wary of the implications of establishing dual citizenship. Throughout history, countless laws have wrought various unintended consequences for society and government to bear.⁸⁹ Each of the examples listed above provides a glimpse into the exceedingly complex realm of dual citizenship. A few indicators seem noteworthy. Armenia, as a small and uniquely situated nation, must internally evaluate whether the current ten year permanent residency status option for Diaspora Armenians provides enough of the tangible prosperity and growth that a dual citizenship framework might engender. The Irish and Israeli examples demonstrate that establishing dual citizenship is possible and even desirable. There is something to be said for full citizenship status and the seamless movement it would allow for Armenians to enjoy. Armenia would surely benefit from economic improvement and socio-cultural enrichment that comes along with some type of dual citizenship. Israel has grown stronger through openly allowing all Jews to return to Israel. The Armenian case is similar to Israel in that it is a small country that lacks many friendly states in the vicinity. Nevertheless, various caveats are in order in each case. Israel must constantly cope with Palestinian demands for political rights, demographic volatility and growth, and general instability in the area. In Ireland new citizens are entitled to medical coverage and benefits and unbridled access to the vast European Union socioeconomic matrix. Can Armenia envision such a future for its potential dual citizens when current refugees and high poverty already tax the state? Furthermore, cases like Mexico point out the problems that Armenia may encounter if dual citizens are granted the right to run for elected office.⁹⁰ One could argue that dual citizens living in the Diaspora may be viewed as a potentially unstable or disenchanting force representing the political influence of a foreign host country.⁹¹ Would contradictory responsibilities and allegiances play a role as they might

Armenia recorded a negative overall balance. Yeghanyan also noted the need for further studies to determine the reasons people leave or return to Armenia. Yeghanyan elaborated by stating that the goals of a dual citizenship arrangement should not be wholly economic, but that a simplified visa regime short of full dual citizenship would be sufficient for the Armenia Diaspora.

⁸⁹ See http://en.wikipedia.org/wiki/Unintended_consequence. Examples include: 1] Prohibition in the United States in the 1920s and contributed to large scale crime taking over suddenly unprofitable small businesses, 2] government introduced rent control which led to unintended property shortages and overall reduction in quality housing, 3] cycling helmet laws in Australia and safety helmets nearly eliminating juvenile cycling, and 4] legalized abortion, according to John J. Donohue and Steven Levitt accounting for as much as a 50% drop in national crime rates, etc.

⁹⁰ A November 9, 2005 Arminfo article entitled "Adopting Dual Citizenship – Armenia will have to Strive for Independence" includes comments from "Aravot" newspaper Aram Abrahamian where he warns that Armenian Parliament deputies, if admitted dual citizenship, could possibly betray Armenian interests.

⁹¹ For example, Armenians living in Georgia, if granted dual citizenship with Armenia, could be seen as a "fifth column, [and] as a potential factor of instability."

http://www.iwpr.net/?p=crs&s=f&o=159297&apc_state=henicrs2004 – Caucasian Reporting Service, Armenia: Dual Citizenship Debate, Tigran Avetisyan, Yerevan (CRS No. 257, October 13, 2004).

in the Mexican case?⁹² The implications of absentee ballots from Watertown, Massachusetts and Parliamentarians from Burbank and Glendale, California are politically sensitive and culturally demanding possibilities.⁹³

As mentioned above, the economic possibilities of dual citizenship are quite alluring. Pursuant to the Armenian tax code, personal income tax, the profit tax and payroll taxes were reduced to attract foreign investment. Working to engage Diaspora Armenians more effectively would benefit Armenia's position in the global economy as the government has already taken steps to furnish an attractive entrepreneurial atmosphere. One cannot discount the power of inspiration that Diaspora Armenians may latch onto with the introduction of a dual citizenship system. Solidarity is a powerful adhesive, and with all administrative issues handled properly, Armenia could potentially benefit greatly from easing procedures for Diaspora Armenians to return in one capacity or another.⁹⁴ Despite these warm sentiments, Armenia must balance the moral satisfaction of allowing individuals to carry two passports with political complexities. As with most things, moderation provides us with a springboard to explore different possibilities.

Prospective Solutions

It appears that under current conditions Armenia may undertake one of three options. The first is to sustain the status quo, where Diaspora Armenians may acquire a special residency "visa" and participate in Armenian society in a quasi-peripheral manner. They may buy their property and run their businesses, mainly contributing to Armenia economically and also culturally to an extent.

The second option resides at the other end of the spectrum and involves full dual citizenship and all of the obligations and requirements that one would reasonably expect to accompany it. Full citizenship rights would mean the right to vote, the right to run for office, the obligation to pay taxes, the obligation to serve in the military and all other standard civic duties that citizens must assume in a democratic republican form of government. One can foresee numerous difficulties with such an approach, namely the social friction induced by a "Diasporans-are-now-equal" mandate from the government.⁹⁵ On the contrary, from the external perspective, it is reasonable to expect hesitation on the part of a powerful Diaspora that may remain reluctant to assume the obligations of full citizenship. This prospect, on its face, seems unstable and even fractious in spirit.

Based on the country cases observed above, one can postulate that no perfect solution exists to magically administer dual citizenship. Given the two extremes of the spectrum, perhaps a middle ground can provide a more lucid balancing of opposing ideals. Legitimate arguments can be made regarding too much power that could be exercised by Armenians living outside Armenia's borders. Also, Diaspora Armenians reside in many host

⁹² Geographically speaking many Mexicans are much closer to Mexico than many Diaspora Armenians are to Armenia.

⁹³ Not to mention geographically sprawling in conceptual nature.

⁹⁴ This statement assumes adding something to take the current options for Diaspora Armenians beyond simple special residency status.

⁹⁵ In a February 12, 2005 article, the Press Review of Armenialiberty.org, provides information on the "Aravot" newspaper's claims that residents of Armenia are apparently against dual citizenship "despite the fact that they make us of their right to vote only in theory. But in any case, they will feel psychologically suppressed and subdued at the mere thought that they have to suffer at the hands of not criminal elements that came to power with vote bribes but a government elected by the prosperous Diaspora."

countries throughout the world, and as such it may be prudent to unveil a dual citizenship status that would not disallow any particular Armenian from acquiring it. These questions could be addressed in part by a “phase-in” approach over time where Diaspora Armenians could steadily fulfill certain criteria on the way to assuming more obligations in Armenian society. As mentioned above, this status would differ from current special residency status in that it would be targeted at ethnic Armenians. A “phase-in” approach would minimize the shock effect of integrating Armenians from around the globe into Armenian society.

For the purposes of this paper, let us call this status “associate” or “provisional” citizenship and let it apply to all Diaspora Armenians. This would include Armenians living in other countries over generations and former citizens of Armenia who immigrated in or after 1991 and naturalized in another state.

According to the citizenship definitions above, *jus sanguinis*, or citizenship by descent, would serve as the legal foundation for any grant of citizenship status to Diaspora Armenians.⁹⁶ Armenian descent could be proven by birth records of the applicant’s parents. A line would have to be drawn to facilitate realistic administrative governance.⁹⁷ Furthermore, let us say that a Diaspora Armenian may first apply for “provisional” citizenship for a three year period at a fee of \$600 USD.⁹⁸ During these three years, the Diaspora Armenian must log at least three weeks per year in Armenia and contribute one hundred hours of community service.⁹⁹ Once granted the provisional status, the Diaspora Armenian can buy and sell property and work in Armenia, but may not vote or run for office. Buying property and potentially working in Armenia would give Diaspora Armenians the opportunity to prompt and enhance their integration, while the deprivation of voting and running for office would take into consideration the idea that Diaspora Armenians may not adequately grasp Armenia’s social, political, and economic realities upon the inception of their provisional citizenship status period.¹⁰⁰ It may prove prudent to withhold any voting rights or the ability to run for office until the Diaspora Armenian fulfills the provisional time period.¹⁰¹ This phase-in approach addresses the concerns of a local population adjusting to foreigners exercising their collective will and rights, while fostering an appreciation among Diaspora Armenians for the place they will occupy in Armenia after certain technical requirements are satisfied.

⁹⁶ *Jus soli* would be irrelevant for Diaspora Armenians not born in Armenia.

⁹⁷ The definition of proof of Armenian ethnicity could hypothetically require documented proof of at least ½ or ¼ Armenian heritage.

⁹⁸ This fee would necessarily be subject to the same controversial preference issues associated with the Indian case. Armenia could establish a graded system where Diaspora Armenians hailing from different countries would pay fees correlating to their particular country’s GDP or other economic factors. The \$600 USD is listed

⁹⁹ Those Armenians already holding the special residency status for more than three years would be eligible to immediately advance to full “dual citizenship.” This would serve as a good example for the Diaspora to witness and observe. Those holding the special residency status for less than three years would only have to fulfill the remaining time on their three years as if they had applied for provisional status, thereby earning “credit” for the time logged so far as a permanent resident. One can rationally and reasonably argue that because these permanent residents have already begun their process of integration, the community service requirement can be waived. By giving permanent residents this treatment, the Armenian government would symbolically acknowledge their willingness and commitment to Armenia which arose in the past. As is the case in the legal world, lines must be drawn at some point to facilitate proper governance.

¹⁰⁰ This consideration sympathizes with those that believe that individuals holding citizenship in another country besides that of Armenia should not be allowed to hold the office of president, member of parliament, or other state positions. View held by Vardan Poghosyan, Constitutional Scholar; [Will Dual Citizenship Unite Armenians?](#) November 21, 2005, Victoria Abrahamyan.

¹⁰¹ This would not include appointed positions.

If working in Armenia, provisional citizens would pay a significantly lesser tax than Armenian citizens to offset the lack of suffrage during the respective three year period. Armenia could either offer this as a tax-abatement type approach to attract investment or, because of the probable reality that many provisional citizens will not reside in Armenia for the better part of any given year, the government could tax provisional citizens at standard tax rates for any income derived in Armenia.¹⁰²

To ensure that the government would recognize palpable financial gain from such an overall arrangement, an annual fee of two hundred dollars USD could be required to sustain provisional status.

Military obligations would be waived for provisional citizens, but if a provisional citizen serves in the military for a period of nine months, they would acquire the right to vote and run for office and be granted full Armenian citizenship. This particular condition, if triggered, would surely help legitimize a Diaspora Armenian's place in Armenian society. Such arrangements could be governed by treaty as countries vary as to whether military service is mandatory in cases where a provisional citizen may have fulfilled military obligations in their original country of citizenship. In the case of a military draft in an Armenian state emergency, it is reasonable to assume that even provisional citizens would be eligible for service.

After the three year period expires with the Diaspora Armenian fulfilling these requirements, the Armenian may then apply for officially recognized Armenian citizenship. At this point, the Diaspora Armenian would become an Armenian citizen, taking on all of the responsibilities and duties that accompany said status. The provisional citizenship mechanism serves a very limited function. Such ephemeral categorization should develop into completion and socio-political integration. Sustaining provisional status indefinitely risks the institutionalization of second-class citizenship for Diaspora Armenians that repatriate yet remain atrophied as a politically deprived underclass.

Provisional citizenship stipulates the types of requirements that would engender social adhesion and more practical integration for Diasporans attempting to become more "legitimate" citizens of the state. The Armenian government would strive to legitimize new provisional citizens as a vital part of society. Only through strong government countenance can any stigma of second-class status be mitigated credibly. Additionally, given that "provisional citizenship" would not be full-fledged citizenship, there would be no likelihood of any conflict with other countries' citizenship laws for the duration of the provisional citizenship period.¹⁰³ The key would be when the provisional status would "ripen" into full-fledged citizenship. At this point, the Diaspora Armenian would hold the citizenship of his own country where he officially lives in addition to the newly granted Armenian citizenship. Although different levels of citizenship may be initially awkward to oversee, the final integration would be a worthwhile result that would likely bear delicious fruit for Armenia. This would ultimately involve the full support and enthusiasm of the Diaspora and Armenia itself, helping Armenia to realize its full potential as a truly global actor in economics and politics.

¹⁰² This question can be more aptly answered by economists.

¹⁰³ This would address the difficulties with favoritism encountered in the Indian case.