

**DUAL CITIZENSHIP ARRANGEMENTS AROUND THE WORLD: IS THERE A  
MODEL FOR ARMENIA?**

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## Dual Citizenship Arrangements around the World: Is there a Model for Armenia?

With the successful passing of constitutional amendments by referendum in November 2005, the constitutional ban on dual-citizenship was lifted from Armenian law. While dual citizenship as an institution is no longer legally forbidden, a law must still pass legalizing a person's right to simultaneously be a citizen both of the Republic of Armenia and another state. The questions at the center of the ensuing debate promise to be both many and contentious.

There is no doubt that during the course of that debate reference will be made to the large number of countries throughout the world permitting its citizens to be citizens of another nation-state in some form or another. This paper cannot possibly address each country that employs dual citizenship, but it will address some; nor can the scope of this paper find a preexisting dual citizenship model for Armenia or propose a solution to what are likely the forthcoming fireworks surrounding the issue. Instead, the goals of this paper are to investigate categories for countries enjoying dual citizenship regimes, visit the criteria other countries use for conferring dual citizenship, and challenge some of the preexisting notions surrounding dual citizenship as it relates to Armenia and the Armenian Diaspora. This, then, will afford others working on the issue of Armenian dual citizenship new methods of engaging the issue.

Dual citizenship is generally linked to immigration and emigration; people being naturalized in a new (host) country will become dual citizens if they do not renounce their previous citizenship (and assuming that both the sending and receiving countries recognize dual citizenship). According to a list compiled by Stanley Renshon, ninety-three countries presently permit dual citizenship in some form.<sup>1</sup> A recent study by the Armenian International Policy Research Group (AIPRG) broke down dual-citizenship recognizing countries into three categories: (1) immigrant-receiving, (2) immigrant-sending, and (3) countries with traditional diasporas.<sup>2</sup> The same paper also outlines three different mechanisms for obtaining dual citizenship: (1) the "natural" methods, *jus sanguinis* (blood right), where an individual's parentage determines eligibility for citizenship, or *jus soli*, where place of birth is the determining factor; (2) a marriage unifying two people of differing citizenships whereby each acquires the spouse's citizenship; in some cases if combined with the principles of *jus soli* and *jus sanguinis* this may permit the couple's children to have up to three citizenships; and (3) the legal process of naturalization. This paper will employ those categories as its rubric for analysis.

### Immigrant-Receiving Countries

Of immigrant-receiving countries in the world, the United States is undoubtedly the most famous; it is, after all, a country founded on immigration, originally by way of competing colonies, and the forced immigration of Africans in addition to the genocide of its native population. Historically the United States has had to constantly deal with influxes of immigrants into the country; as a result, the country has had to find ways of accommodating and regulating newcomers, in addition to being selective about choosing which immigrants were 'desirable.' Classic examples of this policy include the creation of an Asian-barred zone, preventing immigrants from Central, South, Southeast, or East Asia access to the country,

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<sup>1</sup> Stanley Renshon, "Dual Citizenship and American National Identity." Center for Immigration Studies, Washington, DC. October, 2001. pg. 45. While Renshon makes note of this many, the US Office of Personal Management reports the number as being fifty-four, and the US Center for Immigration studies lists eighty-nine countries that do not prohibit dual citizenship.

<sup>2</sup> *Dual Citizenship and Repatriation in the Armenian Context, A Concept Paper.* AIPRG, December 2005. pg. 12.

and the implementation of quotas to limit the influx of undesirable elements primarily from South and Eastern Europe.

Initially the anticipation was that American citizens, especially those naturalizing, would relinquish their former citizenship. This has gradually changed over time. Two major landmark cases, *Afroyim v. Rusk* (1967) and *Vance v. Terrazas* (1980), have come to be understood as de facto American recognition of dual citizenship. This has not come without reservation, though. Especially with increased Mexican immigration to the United States, both legal and illegal, the issue of dual citizenship has increasingly become linked to issues of national security and national culture. The aforementioned Stanley Renshon, professor of political science at the City University of New York, argues that dual citizenship, along with other factors, poses a significant threat to American culture; he does, however, fail to define what exactly American culture is and treats a country spanning four time zones, fifty states, and with a population of approximately 300 million people as a relative monolith, ignoring class, politics, religion, and region.<sup>3</sup> Conservative pundit Georgie Anne Geyer<sup>4</sup> has echoed these concerns with respect to national security, and anti-immigration hawk Mark Krikorian<sup>5</sup> sees the issue as inter-twined with problems of multiculturalism in the United States, advocating aggressive policies of Americanization. Despite their concerns, dual citizenship remains recognized de facto by the United States with no effort to outlaw it. Still, the US State Department urges against the acquisition of dual citizenship for fears of hampering consular efforts.<sup>6</sup> Do you have any law or reference on this?

Canada, another immigrant-receiving country begun as a colonial exercise, presently enjoys liberal dual citizenship policies. The present laws, unlike the Citizenship Act in effect until 1977, allow Canadian citizens to acquire foreign nationality without automatically losing their Canadian citizenship. Since February 15, 1977, a Canadian citizen acquiring foreign nationality/citizenship may only lose Canadian citizenship by voluntarily renouncing it; and only then after that request is approved by a citizenship judge. This is similar to the regime currently at work in the United States and affirmed by the afore-mentioned Supreme Court cases, upholding that only voluntarily renouncing one's citizenship is grounds for losing that citizenship.

In this vein Britain, also an immigrant-receiving country, due in part to its colonial past, is very liberal in its approach towards dual citizenship. British citizens naturalizing in other countries may acquire a second or third citizenship without informing the British Home Office. Likewise, immigrants acquiring British citizenship do not have to renounce their original citizenship(s). In Britain there is no equivalent to the American oath of allegiance containing a (non-enforced) promise to renounce all previous citizenships upon assumption of American citizenship. The British Home Office also does not assist other countries trying to obtain information on a British dual citizen; nor does the government inform other countries that one of their citizens has obtained British citizenship. The government will only disclose information with the permission of the individual in question.<sup>7</sup> When the British Nationality Act removed restrictions on dual citizenship in 1948 dual citizenship was not considered undesirable at that time as most of the main issues were resolved by the Master Nationality Rule of the Hague Convention. According to the 1930 document, "a state may not afford diplomatic protection to one of its nationals against a state whose nationality such person also possesses."<sup>8</sup>

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<sup>3</sup> Renshon, 2001.

<sup>4</sup> "US Looks the Other Way on Dual Citizenship," 20 October 2000.

<sup>5</sup> "End Multiculturalism First," <http://www.cis.org/articles/1998/IR33/bookreview.html>

<sup>6</sup> [http://travel.state.gov/law/citizenship/citizenship\\_778.html](http://travel.state.gov/law/citizenship/citizenship_778.html)

<sup>7</sup> Ibid.

<sup>8</sup> Article 4 of The Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, 1930

Keeping in line with the tradition of European or American countries, Germany, too, has gradually become an immigrant-receiving country, despite Germany's reservations to recognize itself as such. Turks form the major immigrant group, having been largely recruited as guest workers in the 1970s to fill a labor shortage. Despite their guest worker status, many remained. Consequently, third and fourth generation ethnic Turks have been born in Germany. Germany, however, tends to follow the rule of *jus sanguinis* with respect to citizenship. William Safran argues that this emphasis on culture and an ill-defined "Germanness" is tied to the late unification of Germany as a nation-state.<sup>9</sup> Thus, the emphasis on *nation* instead of *state* allowed Volga Germans or ethnic Germans spread throughout Eastern Europe to have more readily available mechanisms for acquiring German citizenship than Turks making their home in Germany for twenty-five years or more. Recent amendments to the nationality laws in Germany are slowly inching towards the principle of *jus soli*, allowing the children of non-citizens to acquire German citizenship instead of necessarily receiving their parents' citizenship(s).

After the United States, perhaps the most prolific immigrant-receiving country in the world is Israel. According to Nina Toren of Hebrew University, "Israel is one of the few countries today which is ideologically committed to the attraction and absorption of immigrants."<sup>10</sup> Israel, the creation of UN resolutions and the Jewish Diaspora, derived its population almost exclusively from massive in-migration to the country in the late 1940s and early 1950s. The main mechanism for attracting immigrants has been the (sometimes controversial) Law of Return passed initially in 1950, and amended in 1954 and 1970. According to the Law, every Jew has the right to live in Israel and obtain citizenship, unless he or she will pose a threat to the Israeli state. Keeping in line with Israel's role as an immigrant-inviting state, there is also an aid package for returnees, guaranteeing a monthly stipend and living and educational benefits.

The Law of Return is, of course, highly contentious. According to other Israeli legal documents all people, irrespective of race, are eligible for citizenship. Palestinians expelled from their homes to allow for the creation of the Israeli state between 1948 and 1950 are denied citizenship rights while Jews from abroad are given easy access to citizenship acquisition. Some argue that this is a gross violation of Palestinians' human rights while others argue that the steps are necessary to ensure Israel's status as a Jewish state, which is of course the reason for Israel's existence in the first place.

### **Immigrant-Sending Countries**

All countries have sent immigrants at some point in time; for various reasons, some more than others. Depending on one's definition of 'diaspora,' there may be a direct link between emigration and a national dispersion.<sup>11</sup> So-called post-modernist interpretations of diaspora generally broaden the phenomenon's scope to include most organized ethnic communities existing outside of their homeland for any reason. It is important to bear in mind this link between diasporas and immigrant-sending countries for the sake of the following discussion.

While the European trend is generally to receive immigrants, especially recently, historically Italy and Ireland how about Poland? both have sent immigrants abroad, mostly to

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<sup>9</sup> William Safran, "Citizenship and Nationality in Democratic Systems", 321-322.

<sup>10</sup> Nina Toren, "Return Migration to Israel", 39.

<sup>11</sup> According to more classical definitions of homeland this is most probably not the case; according to these definitions diasporas are formed by a traumatic experience creating mass emigration and settlement of communities outside of their traditional homeland. Scholars applying this definition tend to consider the Armenian, Greek, and Jewish diasporas as archetypal. At least one scholar feels this lends understanding to the similar words in Armenian (*gaghut*) and Hebrew (*galut*) roughly translating into "colony" (of the displaced).

the Americas. There are large concentrations of both groups in the in the American northeast and many Italians settled in South America, with a large grouping in Argentina. A large number of Irish people also live throughout the United Kingdom, excluding those in Northern Ireland. Both countries employ *jus sanguinis* as a mechanism for conferring citizenship on foreign born. If any one of a person's parents or grandparents was an Irish citizen at the time of birth, her or she becomes eligible for attaining Irish citizenship. This then has the effect of uniting Irish ethnics to their parents' or grandparents' homeland in a manner that is more grounded than abstract. Italy's mechanisms for acquiring citizenship require that a person's ancestor(s) have been a citizen of Italy; there is only some question about passing citizenship rights through the maternal side before 1948. Like the Irish law, this links a potential candidate for citizenship to both a polity and a territory, removing abstract notions of nationality or ethnicity as means for establishing a link with a 'homeland.'

In the last thirty years or so two more countries have become major suppliers of labor, Turkey and Mexico. While Europe, Germany in particular, was experiencing a shortage of labor, guest worker programs were initiated to fuel those economies. Consequently many Turks, generally from Anatolian villages, swarmed into Germany (as well as Sweden, Austria, and The Netherlands) on what was supposed to be a temporary basis; most, for one reason or another, ended up throwing down roots and remaining in their host countries. As a result, new generations of Turks, until recently unable to be born as German citizens according to the principle of *jus soli*, were born instead as Turkish citizens. If an ethnic Turk had managed to naturalize in Germany before 1981, he and his or her child would be denied Turkish citizenship on the basis of *jus sanguinis*. In that year, however, the Republic of Turkey amended Citizenship Law Number 403 to permit dual nationality. The likely impetus for the change in legislation was economic, as much like those Armenians leaving their newly independent republic in the 1990s, Turks in Germany maintained strong ties with their families and friends in Turkey, sending remittances back home.

In 1996 Mexico passed constitutional amendments, which paved the way for dual citizenship. Consequently, on March 20, 1998, the Mexican Law of No Loss of Nationality was passed.<sup>12</sup> According to the law those Mexican citizens acquiring the citizenship of another country do not lose their Mexican citizenship. Parents, born in Mexico, are able to pass on their status to their foreign-born children; however, foreign-born citizens are unable to pass along status to their children also born outside Mexico. The law is retroactive, as well, allowing those losing their Mexican citizenship to reclaim it through an application process. Ostensibly, the reasons for this legislation are economic- Mexican émigrés send large amounts of money to their families back home. Additionally, the émigrés form a powerful political force; while even as dual citizens they are barred from voting from abroad, they still give large amounts of money to their desired candidates. Thus, it does not come as much of a shock to hear of Mexican politicians campaigning in Los Angeles, Dallas, or Chicago.

Finally, India, too, has recently made amendments to provide foreign nationals of Indian origin mechanisms for acquiring Indian citizenship. In 2003 India introduced a Person of Indian Origin Card (PIO), allowing persons of Indian origin more rights and access to the country than complete non-citizens. Shortly thereafter, in 2005, India then passed legislation recognizing Overseas Citizens of India. This new arrangement consolidated many of the provisions of the PIO, but formalized the relationship further by providing more concrete mechanisms for outright citizenship acquisition. The new system treats Overseas Citizens like regular citizens inside India unless the other country of nationality does not recognize dual citizenship. Overseas Citizens also have full access to Indian universities. Like the Mexican Nationality rule, Overseas Citizens do not have the right to vote.

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<sup>12</sup> The Mexican Law of No Loss of Nationality is available at <http://www.embamexcan.com/CONSULAR/MexicanCitizenship.shtm>

### Room for Diasporas? Where does Armenia (and “its” Diaspora) fit?

The previously mentioned AIPRG concept paper made mention of three distinct groups of dual citizenship-recognizing countries, which I have used as a basis to this point. To recap, these were (1) immigrant-receiving countries, (2) immigrant-sending countries, and (3) countries with historic diasporas. For countries with historic diasporas, the report included Israel, Italy, Ireland, India, Hungary, and Armenia. This paper does not address Hungary. At the beginning of the previous section mention is made of the relationship between a liberally-defined diaspora and emigration. Because most migrants, especially to the West, from Ireland, Italy, and India have gone primarily for economic gain, one hesitates to even label them ‘diasporas’ given that the more traditional interpretation infers that people “unnaturally” exist outside of their homeland due to some traumatic event(s). There is, however, no problem in labeling them as immigrant-sending countries, which they undoubtedly have been at various points in history.

Furthermore, these countries, while undoubtedly affected by regional cultures, dialects, and customs, have maintained their general geographic area over the last several hundred years. While many of the citizenship regimes include the caveat that one’s parent or grandparent must have been a *citizen* for citizenship to be a consideration, this appears to be done intentionally. Because the geographic area has been maintained, there is good chance that one who’s parent or grandparent had been a citizen of a country will still have relatives there. This increases the level of a ‘foreign’ citizen’s responsibility to the land.

How we interpret the Armenian Diaspora influences our understanding of how these models work. Perhaps the first question to be asked is ‘when diaspora. (you stole this from Suny, didn’t you? ☺)’ Some point to the rise of Cilician Armenia as the beginning of the Armenian Diaspora. Others may consider the rise of the Armenian community in Istanbul during Ottoman times, or the establishment of New Julfa in Safavid Persia in Safavid Persia. For understanding the Armenian Diaspora and its present institutional structures in a variety of communities throughout the world, I am choosing to focus on the Diaspora of the last one hundred years with particular emphasis on the post-Genocide period. This is because the major institutions dictating the ebb and flow of Diaspora life were both active in the Diaspora and Armenia (as it was understood at the time) and in various stages of development.

That Armenian Diaspora, the one dispersed from Kharpert, Sepastia, Kars, and Bitlis, firstly does not have a connection to the Third Armenian Third Armenian Republic beyond any abstract feelings of national unity, largely engineered by political forces in the Diaspora and a growing number in the Republic of Armenia.<sup>13</sup> On the contrary, a handful of Diaspora intellectuals have gone as far as arguing that Armenia and the Diaspora are two completely distinct cultural entities.<sup>14</sup> With few exceptions, the Diaspora Armenian born and raised in Beirut or Boston does not have family in Ashtarak or Gapan. Thus, the requirement that a parent or grandparent have been a citizen of a country for an ethnic to even receive consideration for special status is not available. The only other episodes of an Armenian state existing that could confer citizenship were the First Republic (1918-1920) and the Armenian SSR. These, of course, fall along borders similar to the present Third Republic of Armenia, the exception being those territories ceded to Turkey following the collapse of the First Republic.

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<sup>13</sup> Arguably the Armenia-Diaspora Conferences are a part of this and the “Mek Azg, Mek Mshakuyt” (One Nation, One Culture) festivals most certainly are.

<sup>14</sup> Broadly speaking, Khachig Tololyan and Vahe Oshagan fall into this category. In a report prepared for the first Armenia-Diaspora Conference in 1999, Kevork Bardakjian, Professor of Armenian Language and Literature at the University of Michigan, traces the development of distinct Western and Eastern Armenian cultures, which only grew that much further apart because of the Genocide and the rise of statehood in Eastern Armenia. The report may be found at <http://www.armeniadiaspora.com/conference99/culture.html>.

Those versed in the theoretical discourse on diaspora are well aware that the Armenian, Greek, and Jewish diasporas are considered the classical examples of the phenomenon. Additionally, both Armenians and Jews are considered to have suffered inordinate numbers of trials throughout their histories, suffering signified to some extent in a pair of twentieth-century genocides coinciding with the world wars of that century. The comparisons between Armenians and Jews go further, with both people being sharing similar stereotypes: black hair, big noses, and a penchant for cut-throat, if not outright shady business practices. Thus, hearing calls that Armenia should take Israel as a model for engaging its Diaspora should not come as a surprise.

Using Israel as a model for Armenia, however, is mistaken. The present Republic of Armenia is a successor state to the former Soviet Union; accordingly, it has its own infrastructure, its own cities, and its own people. Israel, on the other hand, was for the most part created by the Jewish Diaspora. It is for this reason that, while the AIPRG paper placed Israel in the historic diaspora category, I have instead placed it in the ‘immigrant-receiving’ section. This better conveys Israel’s relationship with its Diaspora- one of gathering the dispersal.

Some will counter that Israel as the homeland of all Jews, as evidenced by the Law of Return and a vast literature spanning several centuries, shares a parallel with the Republic of Armenia’s statement that the country is the homeland of all the world’s Armenians. While there may be a legal connection between the declarations of the two states, one must bear in mind the Armenian Diaspora’s perception of what is their ‘Armenia.’ Firstly, in at least some of the Diaspora’s political and cultural discourse, reference is made to Western Armenia as the homeland- which it certainly was for those tracing their ancestors to Mush or Sasun. In American-Armenian literature ‘Armenia’ was represented by older characters hailing from the old country; not by any symbolism relating to Yerevan or Soviet Armenia. While the Republic of Armenia may proclaim itself the homeland of all Armenians, the imagination of the Diaspora tends to differ.

In her book *Armenian-Americans: From Being to Feeling Armenian*, Anny Bakalian points out that Lebanese- and Syrian-Armenians coming to the United States in the 1970s and 1980s tended to be cohesive and generally unable to socially interact with American-born Armenians. This occurred despite the two communities sharing almost exactly the same communal institutions (political parties, cultural groups, and the Armenian Church). Since the independence of the Republic of Armenia in 1991 a steady stream of emigrants, recently beginning to slow down, have fled the economic problems of the country, with many coming to the United States. On college campuses and especially in larger Armenian communities throughout the United States, the newcomers have been hard-pressed to interact socially with the established Diaspora Armenians, much like the arrival of the Syrian- and Lebanese-Armenians twenty-five years prior. The difference, though, is a lack of communal structures. Those coming from Armenia do not have the developed institutions that the Diaspora of Western Armenia has been cultivating for the last one-hundred years; when coming in contact with these groups, they seem to feel little need to participate. Armenians coming from Armenia do not need dance troupes or cultural clubs to feel a sense of belonging to an abstract notion of ‘Armenianness’- their organic link to Armenia is plenty sufficient to prove they are Armenian. This is very similar to the problems of Ottoman Armenians in the nineteenth century as pointed out by one noted professor of history. The community of Istanbul, while belonging to the same polity as the provincials in Ottoman Armenia, focused on culture, a phenomenon called *azgasirutiuine* (love of nation), as opposed to the more natural connection to the land of Armenia, *bayrenasirutiuine* (love of fatherland).<sup>15</sup>

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<sup>15</sup> Gerard J. Libaridian, *Modern Armenia* (2004)

This then brings us to a second question- which diaspora? It is established that the Armenian Diaspora of Ottoman Armenia is not connected to the Republic of Armenia culturally or genealogically perhaps genealogically. The ‘new Diasporans’,<sup>16</sup> perhaps more aptly defined as ‘recent émigrés,’ however, are connected in almost all facets to the Republic of Armenia. Additionally, they have a better understanding of the political and economic issues plaguing (or buoying) the country, as well as the country’s situation, culture, and various systems and networks. In this sense, they behave more like emigrants than diasporans; thus, from this perspective a model like Mexico’s, Turkey’s, or even India’s makes more sense for these people on the basis of *jus sanguinius*.

To this point the discussion revolving around dual citizenship in Armenia has focused on taxation, military service, national security, the right to elect and be elected, and economics. As a result, the analysis and discourse have focused almost exclusively on the ramifications that might be felt in the business or defense sectors. Looking at other dual citizenship arrangements around the world it is clear that these issues have found resolution in one form or another. When looking at these arrangements, however, those countries employing dual citizenship regimes are very clear about the relationship of its co-ethnics to *their* homeland, both as a territory and a state. If Armenia wishes to find a plan for dual citizenship it must first make these considerations, ones of culture and definition, before tackling ones that can be more easily regulated by international law.

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<sup>16</sup> According to more classical definitions of diaspora these people may not even qualify as ‘diasporans.’