

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

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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.

I. INTRODUCTION

Although the idea of dual citizenship is often construed as an issue of international law, it is plainly a domestic legal concept¹. Broaching the philosophical realm, dual citizenship involves questions of assimilation, social integration and economic amalgamation. As such, national identity tends to occupy a sacred place for a country's citizens. 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 explores 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. The paper then surveys various states to explore advantages and disadvantages associated with the implementation of dual citizenship. Moreover, this work shall explore the international legal traditions associated with voting rights of citizens abroad. Finally, the paper addresses Armenia's political and legal environs and how a dual citizenship framework could possibly enjoy success in Armenia.

¹ See http://www.law.virginia.edu/html/alumni/uvalawyer/sp05/martin_lecture.htm. Teddy Roosevelt, the twenty-sixth President of the United States, referred to the idea of dual citizenship as a "self-evident" absurdity. The international approach tends to combine results and analysis of various states and their actions. This merely represents a collection of the acts of states in their domestic capacities and treaty agreements, rather than an actual "international" framework from which we may cleanly glean rules and preferred practices.

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

II. 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 US require American parents to live for a legally prescribed minimum time within the borders of the US before their foreign-born children can be entitled to US 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 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 citizenship is a wildly growing phenomenon. 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 actor, 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 externally placed

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. A discussion of various states and some of their practices follows below.

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 and Greece are similar in that they maintain such a proportionally high number of their 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.

communities 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 particular 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.⁹ 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.¹⁰

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 modern citizenship necessarily must incorporate all facets so that we may more fully understand its development. Moreover, “external” citizenship challenges the very idea of territorially grounded government by chipping away at the liberal and democratically derived philosophical roots of legally sanctioned authority.¹¹ In this regard, “one person-one vote” represents our most fundamental idea of proper democratic processes. However the complexity and rapid integration associated with globalization and increased travel and migration may demand changes in standard governance. The area of citizenship is no exception.

Governments use citizenship as a method of organizing and categorizing individuals. As a result, citizenship 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’s actions or omissions may indirectly result in rigidly fixed and socially coarse designations regarding implied classes of individuals. The extension of citizenship into duality and multiplicity signals the conceptual expansion of the nation-state and the role played by its individual members. Certain individuals may not fit generally accepted ideas of citizenship and belonging. As such, 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.

A. 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.¹² Countries can, and usually do, frame their citizenship laws with little or even no

⁹ Other states are also surveyed to provide further insight into dual citizenship options and policies.

¹⁰ 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).

¹¹ See Peter J. Spiro, “Perfecting Political Diaspora,” 81 *N.Y.U. L. Rev.* 207, 208 (2006).

¹² This is the meaning of dual or multiple citizenship.

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.¹³ 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.¹⁴ The Convention sets a low threshold, mentioning standards on multiple nationality for cases involving marriage or children born abroad.¹⁵ Under the Convention, states control the fate of their own dual citizens in all other cases.¹⁶ Nonetheless, over time, international custom and treaties have played a role in defining the issues of nationality.¹⁷ The Universal Declaration of Human Rights sets forth the right to nationality in Article 15.¹⁸ Legally speaking, nationality plays a critically important part in the daily lives of a state’s citizens.¹⁹ 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.²⁰

B. 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 allows citizens of a state play an important role in representing other

¹³ 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.

¹⁴ 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.”

¹⁵ *Ibid.* 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.

¹⁶ *Ibid.* 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.

¹⁷ See www.legislationonline.org/?tid=11.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.* A state may legislate other requirements of its citizens in addition to these foundational items.

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, with voting obviously a glaringly visible lightning rod for controversy as it embodies the quintessential rudimentary action associated with democratic representation.

Within the conceptual confines of representative democratic government, one may comfortably espouse that the right to vote embodies the most powerful and effective tool of civic responsibility. One may vote to demonstrate concern over particular issues, support particular candidates, or express disapproval of a particular government function or process. Society associates the right to vote with legitimate citizenship status, proper representation in the political process, and paradigmatically speaking, the greater freedoms that are coupled with plenary citizenship in democratic society.

In the area of burgeoning dual and multi-citizenship law and practice, the existence of non-resident communities presents us with questions directly related to voting and representation. The Council of Europe, among other international organizations, cavalierly led the charge, countenancing the political rights of citizens living abroad.²¹ Through its acknowledgement that the franchise is a “fundamental, inalienable human [right]”, the Council recognized the right of non-resident citizens to exercise the right to vote.²² The Council’s Parliamentary Assembly currently awaits the proposals of European states regarding enforceable measures related to external citizens and their home countries.²³ The US provides for the voting of non-resident citizens, but requires that the citizen “have resided at some point in the home country.”²⁴ This support exhibits the developing nature of international law and domestic law as it pertains to the voting rights of external citizens.

III. 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 continues to grow.²⁵ 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.²⁶ In France any adult who voluntarily accepts

²¹ See Spiro, *supra* n. 11 at 231-232.

²² *Ibid.*

²³ Spiro, *supra* n. 11 at 231-232.

²⁴ *Ibid.* at 228-229.

²⁵ See Stanley A. Renshon, “Dual Citizens in America: An Issue of Vast Proportions and Broad Significance,” July 2000, Background, *Center for Immigration Studies*. According to this research, in 2000 there were 89 countries in the world that permitted, in some form or another, multiple citizenship.

²⁶ *Ibid.* New Zealand permits dual citizenship unless, in a specific instance, it “is not conducive to the public good.”

another nationality will only lose French nationality if he expressly declares it.²⁷ Algeria and France even allow domestic nationals to select which country's militaries they want to join, while others like Turkey do not.²⁸ Ireland modified its Constitution in 1984 so that Britons living there could vote, while Irish citizens in Britain may vote and sit in Britain's Parliament.²⁹ 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.³⁰ Peru, Argentina and Colombia allow absentee voting by dual citizens while El Salvador, Panama, Uruguay and the Dominican Republic prohibit it.³¹ As Renshon notes, the many countries that allow multiple citizenship differ considerably in their approach to its legal governance.³² Armenia is no exception, providing a laboratory for a very different dual citizenship possibility which shall be explored below.

A. An American Perspective

In 1967, the US Supreme Court delivered a powerful blow to the idea that one person cannot possibly hold more than one citizenship. In *Afroyim v. Rusk*, the US Supreme Court ruled that a naturalized US citizen, originally from Poland, who moved to Israel and voted in an Israeli election in 1951 and tried to renew his US passport in 1960, remained a US citizen.³³ The United States' State Department had refused to allow Afroyim to renew his US passport on the grounds that Afroyim forfeited his US citizenship because he voted in the Israeli election of 1951. The Supreme Court reasoned that the 14th Amendment to the US 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

²⁷ Ibid. 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.

²⁸ Ibid. 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.

²⁹ Ibid. Britons in Ireland can vote in elections for the lower house of the Irish national parliament.

³⁰ Ibid. Spain, through treaty, allows dual citizenship with a host of Latin American states.

³¹ Ibid. Special thanks to Stanley Renshon and his exhaustive research of the many countries that allow dual citizenship and its residual intricacies.

³² Ibid. A country such as Armenia may harbor various concerns that would be instrumental in cultivating any apprehension associated with adopting a dual citizenship arrangement. Although some may argue that post-communist states guard their newfound political identities aggressively, we must also consider that any dual citizenship law would be mostly driven by straight politics and calculations of power. Any mechanism that would allow externalities to significantly affect domestic government and the balance of power would be likely viewed with serious skepticism by lawmakers. For this reason, surveying various states provide an opportunity explore what has worked in the past. At the same time, for practical reasons, a sampling of different countries must be necessarily limited given the intent to remain within reasonable boundaries.

³³ See *Afroyim v. Rusk*, 387 U.S. 253 (1967). Afroyim sued the State Department stating that he did not revoke his citizenship.

could not enact laws that deprived a US 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.³⁴

Afroyim's implications were far-reaching. Congress could not revoke a person's US citizenship without evidence of his or her intent to give up their citizenship. Although at one time the performance of certain acts would have been enough to lose US citizenship, Congress enacted new laws in 1986 which stated that citizenship can only be lost when a citizen voluntarily engages in potentially "expatriating" action and "intending to relinquish US nationality."³⁵ Furthermore, on April 16, 1990, the US State Department issued a new policy on dual citizenship declaring that US citizens who perform a potentially expatriating act would be presumed not to have intended to give up US citizenship. This meant explicit intent to renounce US citizenship would be officially required.

This proved ground-breaking as the US is a cauldron of cultural diversity and immigration. Currently, the US State Department does not tend to interfere when US citizens take part in another country's routine naturalization procedures. With no constitutional prohibition and unenforceability of old dual citizenship prevention treaties, the US now allows, but does not encourage, dual citizenship.³⁶

B. 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 nationality disputes. 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 US ratified the Bancroft treaties.³⁷ The US intended these treaties to prevent dual citizenship by mandating automatic loss of

³⁴ 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 US 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.

³⁵ See United States Congress, Public Law 99-653 (100 Stat. 3655; 1986 U.S. Code Congressional and Administrative News 6182) for a list of expatriating activities. See also INA § 349, 8 U.S.C. § 1481.

³⁶ 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.

³⁷ These treaties were named after American diplomat George Bancroft.

citizenship by foreigners who obtained US citizenship, or by Americans who obtained foreign citizenship. However, these treaties eroded into legal unenforceability as the US government eventually abrogated them formally.³⁸

More currently, a Russia–Turkmenistan dual citizenship agreement failed to endure in the fire of a dispute between Moscow and Ashkhabad.³⁹ In November 2002, Turkmen authorities stated that an attempt had been made on the life of President Saparmurat Niyazov. Turkmen authorities suspected that three of the conspirators were in Russia, at which time the Niyazov administration unilaterally suspended the 1993 dual citizenship agreement between the two countries. The resulting chaotic relations and controversy left much to be desired as Russia’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.”⁴⁰ According to one source, Niyazov viewed the termination of dual citizenship as a security measure because, in addition to ethnic Russians, ethnic Turkmen were acquiring Russian passports at alarmingly high levels as an insurance policy to leave the country.⁴¹

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.⁴² 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 determinative are those involving economics and politics.⁴³ 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

³⁸ The US Supreme Court 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.

³⁹ See George Ginsburgs, “Extradition Issues in Russian-Turkmen Relations,” *Review of Central and East European Law* 29, no. 4 (2004): 437-456.

⁴⁰ See <http://www.legislationline.org/?tid=11&cid=52>.

⁴¹ *Ibid.* 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. The Russian government has tried to obtain Turkmen natural gas for many years.

⁴² 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.

⁴³ Economics referring to the sale of natural gas and politics referring to the security risk of an overwhelming number of Turkmen acquiring Russian passports and vice versa.

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 100,000, 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.⁴⁴ Such scenarios are not unreasonable to foresee with a dual citizenship framework.

C. Ireland: Primordial Attachment or Strict Economics?

The Irish example provides a rather expansive approach to accommodating dual citizenship. 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.⁴⁵ 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 has observed growing demand for “citizenship by descent” which allows US citizens to secure Irish citizenship merely by proving that one *grandparent* was Irish.⁴⁶

⁴⁴ 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”.

⁴⁵ 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 Irish naturalization.

⁴⁶ 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 US 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.

Americans of Irish descent, although wishing to reconnect with their heritage, may 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.⁴⁷ Additionally, an agreement with the US 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.⁴⁸

Irish citizenship bestows all of the rights and obligations one would expect to be associated with citizenship.⁴⁹ Full voting rights and jury service are most prevalent according to one source.⁵⁰ American citizens holding Irish citizenship are still required to file tax returns, although many refrain from doing so.⁵¹ 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.⁵²

The Irish case demonstrates a relatively effortless citizenship acquisition process for qualified parties.⁵³ 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.

D. 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

⁴⁷ Many Irish soccer players acquired citizenship through the Irish "granny" rule.

⁴⁸ 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.

⁴⁹ Spiro, *supra* n. 11 at 210. Ireland is a country where blanket voting ineligibility is in practice. External citizens may not vote while in non-residency.

⁵⁰ http://www.transitionsabroad.com/listings/living/livingabroadin/living_abroad_in_ireland_moving.shtml

⁵¹ 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.

⁵² 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.

⁵³ It is worth noting that the Irish Diaspora is enormous as compared to the Armenian case. The fact that Ireland involves the European Union also distinguishes Ireland further.

vote in Mexican elections from the United States.⁵⁴ This phenomenon had already taken off with the July 2006 Mexican elections.⁵⁵ 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, only 40,854 out of the approximately four million eligible ethnic Mexican voters registered. Of those 40,854, nearly ninety percent lived in the United States.⁵⁶ 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.⁵⁷

The Mexican example is complicated by certain legal and economic factors. Mexican law distinguishes between “nationality” and “citizenship”.⁵⁸ 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.⁵⁹ In countries like the United States, a very small number of people are US nationals only and not US citizens.⁶⁰ 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.⁶¹ 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.

⁵⁴ See www.aif.org/pubed/pe_articles?n070702a.htm. 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 US nationals, could vote in Mexican elections, would drastically alter the balance of power in any state’s domestic culture.

⁵⁵ 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.

⁵⁶ *Ibid.* This represents slightly more than 1% of eligible voters exercising their rights.

⁵⁷ *Ibid.* 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. See also *Conference: Citizenship without Borders: Belonging and Exclusion in Immigrant America, Response to Remarks by Alexander Aleinikoff on the Geography of Citizenship by Mariana Bustamante*. The small proportion of voters could be attributed to logistical difficulties, or more cynically, a disillusioned migrant population that felt coerced to uproot and migrate in the first place. http://issc.berkeley.edu/files/Bustamante_Response.pdf.

⁵⁸ 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.

⁵⁹ 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>.

⁶⁰ All US citizens are US nationals. Not all US nationals are US citizens. Pursuant to Section 308 of the INA, only a person of the outlying possessions of the United States (or a foreign born child of such a person) is a US 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 US the terms are nearly interchangeable.

⁶¹ This figure is close to Haiti’s number.

The Mexican case presents a situation where US 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.⁶² In other cases, Mexican immigrants who have become legal residents of the US 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 runs 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 having a citizen of one country running for office in another. These developments could drastically alter Mexican electoral laws and politics, in addition to expatriate voting and potential regulation in the US. Armenia could very likely face similar controversies with diaspora Armenians potentially vying for elected positions.

E. Israel: The Law of Return

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.⁶³ A product of the times, Israel adopted the measure in 1950, a mere five years removed from the holocaust.⁶⁴

Issues of demography constantly erode Israel's political stability and in particular, its policy toward the Palestinians.⁶⁵ Approximately ten million people reside in the Israeli-controlled area from the Jordan River to the Mediterranean shore.⁶⁶ Israel's slight Jewish majority is quickly falling, and by some estimates may disappear by 2010. In this condition, Israel currently struggles to balance democratic ideals and the inertia to maintain a Jewish state. Some suggestions include territorial population swapping and encourage emigration of Israeli 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.⁶⁷ Israeli security stated that this was done due to terrorist concerns, and although marginally accurate, the Israeli political apparatus quietly fell in line.

⁶² Mexican officials explained that it was an "honorary" position.

⁶³ Spiro, *supra* n. 11 at 211-212. Along with Taiwan, El Salvador, and Slovakia, Israel falls into the category of states that allow non-residents to vote, but only if they return to the homeland to cast their votes.

⁶⁴ 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 diasporans assumed to be living under precarious, and even stateless, conditions. Currently, the Armenian citizenship law, in Article 1, states that "people of Armenian nationality acquire the citizenship of the Republic of Armenia easily."

⁶⁵ See www.globalpolicy.org/nations/sovereign/citizen/2005/0516identity.htm.

⁶⁶ See Aluf Benn, "Israel's Identity Crisis," *Salon*, May 16, 2005.

⁶⁷ Intifida refers to the Palestinian uprisings. Most marriages in these circumstances are between Palestinians and Israeli Arabs. Additionally, tougher immigration laws for non-Jews and various demographic measures have been considered by the Israeli government and permeate Israel's volatile internal debate.

Israel's founders intended the right of return to be a means of strengthening and stabilizing the Jewish state from its very onset. The influx of human capital and migration strengthened Israel as a considerable power in the Middle East. A comparable law could provide enormous benefit to Armenia. Armenia would not deal with an enormous internal political thorn in its side. Although the Nagorno-Karabakh conflict constantly remains on the political radar, Armenia does not 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 in the dual citizenship context.

F. Nuances of Voting

In recent years, countries continued to move toward expanded voting rights for external citizens.⁶⁸ Although arguably widening in scope, this trend is grounded by restrictions related to residency.⁶⁹ The risk of “substantial non-resident voter participation”, in various forms, serves as a convincing reason for at least some amount of residency related restrictions.⁷⁰ Other limitations can be explored through the use of treaties to mandate that individuals holding dual citizenship only vote in their current place of residence.⁷¹ In addition to simple voting, the concept of “discrete representation”, which provides separate representation for non-resident citizens, is tailored to the views and experiences of external citizens. Strictly speaking, representation is assigned territorially, but may suffer from other limitations related to lobbying.⁷²

The franchise is widely considered fundamental to modern citizenship. The right to vote historically differentiated citizens from aliens and today represents the principal right that citizens enjoy in democratic society.⁷³ This budding yet strong support for extra-territorial citizens' voting rights, combined with the developing state practice in this area clearly signals that non-resident communities are increasingly involved home country governance.

⁶⁸ Spiro, *supra*, 215-216. These countries include the Philippines, Italy, Belgium, Slovakia, Japan, and the Dominican Republic among others. Mexico has also decided to allow voting procedures for external citizens.

⁶⁹ *Ibid.*, 211-212. Most countries extend the franchise to external citizens. Nonetheless, some countries limit the franchise by disqualifying legitimate citizens after particular periods of non-residence.

⁷⁰ *Ibid.*, 217. Spiro contends that this “loose cannon” type risk can be categorized into three types: 1] irresponsible voting, 2] uninformed voting, and 3] undisciplined voting. For an in-depth review of these types of risks and arguments eroding the potency of their dangers, please see Spiro's work as cited throughout this paper.

⁷¹ *Ibid.*, 224. See also T. Alexander Aleinikoff, “Between Principles and Politics: The Direction of U.S. Citizenship Policy” 36 (1998) (suggesting utilization of bilateral treaties to limit dual citizen voting to place of residence).

⁷² *Ibid.*, 226-227.

⁷³ *Ibid.*, 208. Authors have noted the slow retreat of denying the franchise to external citizens.

IV. THE ARMENIAN CASE

Although comparable to other cases involving dual citizenship laws in other nation-states, the similarities between Armenia and most other situations are finite and thus only partially elucidating. Armenia is a former Soviet republic, geographically isolated by the Caucasus Mountains and closed borders with Turkey and Azerbaijan. In the last fifteen years, Armenia suffered from a considerable exodus of its citizens. Armenia can be more plausibly set apart from most other countries because, according to various estimates, as many as twice the amount of ethnic Armenians live outside the borders of today's Armenian state. These Diaspora communities are an influential force with which to be reckoned. Moreover, 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. Armenia can thus be considered an atypical country.

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.⁷⁴ Armenia would definitely benefit from an influx of businessmen that are able and willing to initiate credible business plans for feasible projects.⁷⁵ Taking this further, an infusion of young professionals loosely translates into increased mainstream economic growth and continued cultural sophistication. Armenia currently 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.⁷⁶ Contrarily, 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.⁷⁷ There is no question that Armenia could benefit

⁷⁴ 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.

⁷⁵ See "Armenian Economy Benefits Greatly from Expatriate Contributions," *The Banker*, Dec 2002 v152 i022 p70(2), The Expatriate Factor, interview by Anthony Robinson. Dual Citizenship may make more capital available while simultaneously linking individuals to banking sectors in other states. This could mean more internal competition in Armenia, compelling banks to devise an enhanced posture conducive to responding to market needs.

⁷⁶ 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.

⁷⁷ 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.

greatly from a considerable injection of trained and professional individuals.⁷⁸ Potential benefits lie in the fact that, once drawn into the economic and political life of the country, dual citizens would provide immeasurable value to the labor market through their skills and civic experiences from abroad.⁷⁹ Given Armenia's famished need for a developing middle class, fashioning a reasonably attractive dual citizenship system could positively help transform Armenian society over the long term.

A. The Search for Legitimacy

Armenia finds itself in a rather unique position as a country with a multitudinous, politically influential, and proportionally speaking, enormous diaspora. This dynamic poses difficult questions of allegiance, civic accountability and societal responsibility.⁸⁰ 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 to the "homeland." 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.⁸¹

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 tangible institutions devoted to supporting this kind of development.⁸² Any state seeking to integrate 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. Armenia's relatively large Diaspora

⁷⁸ 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.

⁷⁹ See "Dual Citizenship – Or Whether the Armenian Government is Serious About Reforms," *Armenian News Network/Groong*, March 31, 2005 by Njeh Melkonian, for a thorough review of the economic factors involved in analyzing the costs and benefits of adopting dual citizenship in Armenia.

⁸⁰ Governments in various states only offer dual citizenship if they aim to supremely calcify economic and political and cultural connections with their diaspora communities.

⁸¹ 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. 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.

⁸² See Michele Wucker, "The Perpetual Migration Machine and Political Power," *World Policy Journal* 21, no. 3 (Fall 2004): 42. Although it would be possible to foster cultural change and integration without the erection of government-backed institutions, doing so without the legitimacy of government support would be inordinately difficult and necessarily slower. The author realizes the financial and administrative limitations that Armenia faces. Nevertheless, the power of such tools are strong in that they lend a paradigmatic influence over a society that transcends generations and create cultural identities of tolerance and integration.

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.⁸³ 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.⁸⁴

There is a vast difference between a "solidly assimilationist receiving culture" and a "porous and contested one."⁸⁵ 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 Armenian nationals departed 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.⁸⁶

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.⁸⁷ 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 quite qualify as a wholly typical "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 triggered a 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.⁸⁸

⁸³ See Kim Barry, "Home and Away: The Construction of Citizenship in an Emigration Context," 81 *N.Y.U. L. Rev.* 11 (2006).

⁸⁴ 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). It is also worth noting that Armenia must deal with the integration of the Diaspora regardless of any eventual dual citizenship arrangement. The challenge of overseeing this integration is something that will require the full support and cultural backing an entire state, let alone the government's administrative capacities.

⁸⁵ 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.

⁸⁶ 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.

⁸⁷ See Jose Itzigsohn, "Immigration and the Boundaries of Citizenship: The Institutions of Immigrants' Political Transnationalism," 34 *Int'l Migration Rev.* 1126, 1243 (2000).

⁸⁸ See www.armeniapedia.org/index.php?title=Armenia_Fund. Of course, there are many sources of incoming funds to Armenia.

Finally, the paramount issue of voting rights remains fundamentally important. As external citizenship shakes the very foundation of equality, we may now expect that citizenship can be reasonably and justifiably divided into different tiers.⁸⁹ As will be discussed below, this allows for citizenship to be viewed across a spectrum of varying degrees.⁹⁰ Fusing the idea of granting citizenship to Armenians abroad with the right to vote is a novel issue. Armenia has yet to establish the legal apparatus, administrative procedures, and most importantly, the degree of status for potential dual citizens. Armenia would first need to allow and provide for dual citizenship before those same dual citizens could actually exercise their voting rights.

B. Voting

Voting schemes in most states are premised on the idea that current citizens migrated to other countries, and then sought to exercise voting rights.⁹¹ The Armenian Diaspora lacks the usual privities and associations with their “homeland”. The current Armenian state is but a fraction of the historical lands upon which many Diaspora Armenians’ ancestors lived. This distinguishing factor is quite poignant, as voting rights related to dual citizenship involving these Diaspora Armenians requires that Diaspora Armenians first be allowed *some type* of citizenship or legitimate status that would permit voting in *some way*.

Assuming the Armenian government would eventually establish a scheme for dual citizenship to be obtained, or even if citizens that leave Armenia would be allowed to retain their homeland’s citizenship even if obtaining the citizenship of their new country of residence, we can observe that almost all states have elected not to restrict the franchise in their own particular situations.⁹² This strong indication bodes well for Armenia’s chances of fashioning laws and procedures that cater to some form of Diaspora suffrage.

The practical effect of allowing voting engenders a few questions. The critical issue centers around the impact and influence of voters living abroad that may not hold the same interests and palpable understanding of “issues at home”, thus “wrongfully” manipulating election results. Historical experience suggests that, for the most part, non-resident voting

⁸⁹ Spiro, *supra* n. 11 at 211-212.

⁹⁰ This kind of nuanced approach to citizenship appropriately accommodates the complexities of globalization, immigration and contemporary politics.

⁹¹ Alternatively, this can also be discussed in the context of a state that wishes to allow external citizens the right to vote.

⁹² Spiro, *supra* n. 11 at 217. The United Kingdom is the only country has added restrictions in this sense. According to Spiro, these trends definitely indicate some movement towards the idea that external citizen voting is becoming more widespread.

has thus far resulted in a very low electoral participation rate.⁹³ Therefore, depriving dual citizens of their right to vote seems unduly harsh and contrary to international precedent.⁹⁴

The idea of “discrete representation” also demands attention as an alternate method for external citizens to participate in their home country’s political life.⁹⁵ Countries like Portugal, France, Colombia, Italy, Cape Verde, and Croatia already enjoy some form of legislative representation designed for external citizens, while Mexico, the Dominican Republic and Switzerland are strongly considering such measures.⁹⁶ This structure of representation can allow for the election of external citizens to a country’s legislature.⁹⁷ In 2003, six of the candidates running for Mexico’s lower house of Congress were Mexican citizens residing in the US, and a Mexican national living in Los Angeles currently holds a seat in the Mexican Congress.⁹⁸ Some states disallow these practices by requiring actual residency to run for office.⁹⁹ One method worth considering for the Armenian case would involve asymmetric representation that “attenuate[s] the connection of the external citizen to homeland governance.”¹⁰⁰ This could dissuade irrational fears of a diaspora “takeover” that would likely play a role in political quarrels, while actually giving Armenia’s large Diaspora a real, democratically elected portion of the Armenian national legislature.

External voting for non-resident citizens and a discrete representation system offer a state like Armenia an interesting choice for integrating a powerful and expansive Diaspora into the affairs of the home state. The key in this instance depends more upon the status of potential dual citizens more than the voting that they may engage in *after* obtaining said potential status. As a result, either voting system would afford potential dual citizens living abroad some political rights and privileges. Therefore, Armenia would likely benefit greatly from the implementation of either, or even both, systems.

⁹³ *Ibid.*, 223. This signals that the dreaded “flooding” of Diaspora voters that many Armenian nationals fear is not a realistic concern based on historical experience.

⁹⁴ Spiro, *supra* n. 11 at 225-226. As noted, the key quality that triggers or restricts voting rights is residency. As of the date of this work, no state makes the existence of “alternate nationalities” material to voting rights.

⁹⁵ *Ibid.*, 226-227. The “discrete representation” system tends to work when the interests of non-resident citizens are distinguishable from resident citizen voters. Spiro contends that these types of voters can be split into short term and long term categories. Short term non-residents who plan to return to their homeland would obviously exercise a higher degree of care and concern over local matters than long term residents that are removed by generations and assimilation.

⁹⁶ *Ibid.*, 213-217.

⁹⁷ Spiro, *supra* n. 11 at 226-227.

⁹⁸ See Deborah Kong, “Campaigning North of the Border,” *Associated Press*, June 18, 2003. It is worth noting that even without an absentee vote, Mexicans abroad retain standing within their family structure and can influence elections back home.

⁹⁹ Spiro, *supra* n. 11 at 226-227. States may also make the attainment of dual citizenship a disqualifying factor for a potential candidate.

¹⁰⁰ *Ibid.*, 227-228.

C. Does Armenia Need Dual Citizenship?

Armenia currently allows a form of permanent residency through its ten year permanent residency status.¹⁰¹ Upon attainment of this special residency status, individuals are entitled to many of the same rights and obligations of Armenian citizens. Special residency status persons may not vote, run for office, or enroll in political organizations in Armenia. As a permanent resident, a Diaspora Armenian may freely enter and exit the country, reside temporarily or permanently, study, work, or open businesses.¹⁰² 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.”¹⁰³

For the most part, ethnic Armenians are the chief parties 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. Such 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 a fascinating 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

¹⁰¹ According to the Armenian Ministry of Foreign Affairs, this “special residency status” is granted by the President of the Republic of Armenia. The site provides detailed instructions on how to acquire special residency status. 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. 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. 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 include a money order for \$350 USD. The information in this entire paragraph is based in large part upon the Armenian Ministry of Foreign Affairs’ website at <http://www.armeniaforeignministry.com/consular/special.html>.

¹⁰² Any individual of any ethnic background may apply for, and receive, this special status.

¹⁰³ See <http://www.armeniaforeignministry.com/consular/special.html>.

country. Armenia will not be integrating other ethnic groups or nationalities.¹⁰⁴ Moreover, Armenia must attempt to further minimize the egress of its own citizens.¹⁰⁵ Any new system must address these problems and place priorities on optimizing administrative ease. Given the unique nature of Armenia and the influential Diaspora, one must carefully balance these two spheres. It would be in Armenia's best interest to 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.¹⁰⁶ 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.¹⁰⁷ 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 surrounding states. Nevertheless, various caveats are in order in each case. Unlike Armenia, Israel must constantly cope with Palestinian demands for political rights and demographic volatility and growth. However, Armenia and Israel share concerns over 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.¹⁰⁸ One could argue that dual citizens living in the Diaspora may be viewed as a potentially unstable or disenfranchised force representing the

¹⁰⁴ Many 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.

¹⁰⁵ In an interview with Arka News Agency, Gagik Yeganyan, 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 Armenia recorded a negative overall balance. Yeganyan also noted the need for further studies to determine the reasons people leave or return to Armenia. Yeganyan 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.

¹⁰⁶ See http://en.wikipedia.org/wiki/Unintended_consequence. Throughout history, countless laws have wrought various unintended consequences for society and government to bear.

¹⁰⁷ Full citizenship status and the seamless movement it would allow for Armenians is an intriguing option.

¹⁰⁸ 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.

political influence of a foreign host country.¹⁰⁹ Would contradictory responsibilities and allegiances play a role as they might in the Mexican case?²¹¹⁰ The implications of absentee ballots from Watertown, Massachusetts and Parliamentarians from Burbank and Glendale, California are politically sensitive and culturally volatile possibilities.

The answer to the scenarios based on historical precedent may lean towards “no” in terms of actual aggregate political or economic harm to the Armenian state. For example, Mexico enjoys abundant remittances that may correlate with increased voting and representation for non-resident citizens. Arguments based on primordial ethnic and national loyalties and derisive “fifth columns” are historically unconvincing and at best, irrelevant to the Armenian example. Given the complexities associated with Diaspora communities and resultant generations removed from the home state, a categorical disallowance of the franchise would likely damage the very real and material interest that Diaspora Armenians cultivate for their home state. The options therein lie with residency-based requirements that would hone external interests into undiluted representation.

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.¹¹¹ Despite this warm sentiment; 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.

D. 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

¹⁰⁹ 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&co=159297&apc_state=henicrs2004 – *Caucasian Reporting Service*, “Armenia: Dual Citizenship Debate,” Tigran Avetisyan, Yerevan (CRS No. 257, October 13, 2004). Although unlikely based on precedent, these arguments permeate political rhetoric and must be fleshed out.

¹¹⁰ Geographically speaking many Mexicans are much closer to Mexico than many Diaspora Armenians are to Armenia.

¹¹¹ This statement assumes adding something to take the current options for Diaspora Armenians beyond simple special residency status.

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 potential social friction instigated by an “Armenians-from-the-Diaspora-are-now-equal” mandate from the government.¹¹² On the contrary, from the external perspective, it is reasonable to expect some hesitation on the part of a powerful Diaspora that may remain reluctant to assume the obligations of full citizenship.

Based on the country cases observed above, one can postulate that no perfect solution exists to 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 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 and as a conceptually preliminary step, let us call this status “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.¹¹³ 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.¹¹⁴

¹¹² 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 use 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.”

¹¹³ *Jus soli* would be irrelevant for Diaspora Armenians not born in Armenia.

¹¹⁴ The definition of proof of Armenian ethnicity could hypothetically require documented proof of at least ½ or ¼ Armenian heritage.

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.¹¹⁵ 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.¹¹⁶ 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.¹¹⁷ 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.¹¹⁸ 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.

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

¹¹⁵ This fee would necessarily be subject to the same controversial issues associated with concerns in India regarding individuals from different socio-economic backgrounds. 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 simply as an arbitrary starting point.

¹¹⁶ Again these figures are listed simply as an arbitrary starting point to elicit discussion. Although it can be argued that these figures, possibly on the higher side of what Diaspora Armenians would expect, would help ensure the integrity of the process. As most countries have seen, dual citizenship arrangements do not result in overwhelming and chaotic influxes of returnees eager to enlist as dual citizens. The process usually involves a self-selecting group. Furthermore, 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. These types of requirements could also be waived for returning Armenian nationals that emigrated after the fall of the Soviet Union.

¹¹⁷ 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.

¹¹⁸ This would not include appointed positions. Or alternatively, voting could be assigned on a residency-oriented basis. However, it is worth noting that Armenians from around the world would need to acquire *some form* of legitimately recognized citizenship before exercising any rights to vote. This is a large part of why the Armenian case presents a somewhat difficult problem.

standard tax rates for any income derived in Armenia.¹¹⁹ To ensure that the government would recognize palpable financial gain from such an overall arrangement, an annual fee of \$200 USD could be required to sustain provisional citizenship status.¹²⁰

Military obligations could 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. 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 render 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.

¹¹⁹ This question can be more aptly answered by economists.

¹²⁰ This number is of course open to debate and is simply provided to evince the merits of the concept.

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