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# Dual Citizenship in Asia

A Capstone Project Submitted in Partial Fulfillment of the  
Requirements of the Renée Crown University Honors Program at  
Syracuse University

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May 2010

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## ABSTRACT

Among all regions, Asia lags behind in terms of the number of countries that recognize dual citizenship, but why have some Asian countries permitted dual citizenship while others have not? As of 2009, only seven countries in Asia recognize dual citizenship: Sri Lanka, Cambodia, the Philippines, India, Bangladesh, Pakistan, and Vietnam. This study analyzes data for twenty-two Asian countries and conducts four case studies. The first two cases, India and the Philippines, recognize dual citizenship, while the second two cases, Nepal and Mongolia, do not. I examine three hypothesized factors that contribute to state recognition of dual citizenship in Asia: state demand for (a) financial capital and (b) human capital, and regime type. All seven dual citizenship-recognizing countries in Asia, as well as Nepal and Mongolia, have similarly high levels of remittances and “brain drain.” My findings indicate that state demand for financial capital and human capital appear to be strongly associated with – but yet do not fully account for – dual citizenship recognition in Asian countries. A full account requires the consideration of political factors, which are highlighted in my case studies. In the Nepalese and Mongolian cases, some major impediments to dual citizenship recognition are border issues with India and China, respectively, and concerns about increasing foreign penetration into domestic economies.

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## I. INTRODUCTION

Up until the end of the 20<sup>th</sup> century, it was considered widely unacceptable for a person to hold more than a single citizenship. Dual citizenship means that a person is considered a citizen of two different countries. Traditionally, dual citizenship has been viewed negatively by states because of “split loyalties, dual military service, double taxation and conflicting diplomatic protection” (Quoted in Bloemraad 2004: 390).<sup>1</sup> In a 2005 study, Tanja Brøndsted Sejersen analyzed citizenship legislation for 115 countries and found that 75 percent permit dual citizenship for either the majority of the population or under certain circumstances, such as cross-border birth, international marriage, or naturalization (Sejersen 2008: 532).<sup>2</sup> Uruguay (in 1919), Ireland (1935), and the United Kingdom (1949) were among the earliest to formally recognize dual citizenship. Some of the most recent dual citizenship legislation changes took place in Finland (in 2003), the Philippines (2003), India (2004), and Vietnam (2009).

Scholars who have written extensively on the subject of dual citizenship generally agree that:

“Although the road to increasing tolerance of dual citizenship has been uneven, there is nevertheless a clear direction favouring it, even in those liberal democratic states that do not as a rule recognize dual citizenship.

This is astonishing when one considers that only a few decades ago

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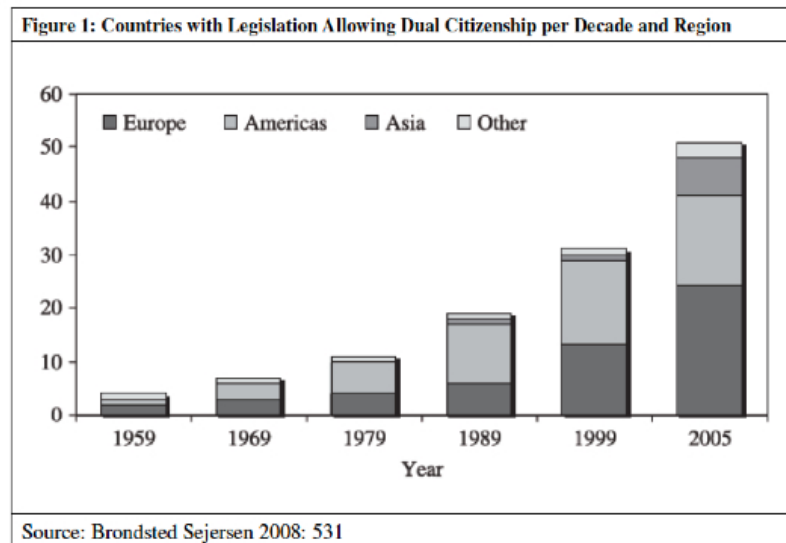
<sup>1</sup> Heater (1999), Battistella (2004), and Kivisto and Faist (2007) offer more in-depth discussion on debates against state recognition of dual citizenship.

<sup>2</sup> Other scholars perceive the actual global percentage to be lower than 75 percent, because it depends on what options for becoming a dual citizen are taken into account. In a working paper, Blatter, Erdmann, and Schwanke (2009) offer an exceptionally comprehensive analysis of existing data on dual citizenship.

citizenship in a nation-state and political loyalty to that state were considered inseparable.”<sup>3</sup> (Faist 2007: 3)

More countries are formally recognizing dual citizenship or at least accepting it in practice.<sup>4</sup> Several factors can help us to understand this growing trend, including the rise in international migration and marriages; the interests of emigration countries to maintain political, economic, and cultural ties to their nationals abroad; the interests of immigration countries to politically integrate permanent foreign residents and immigrants; and women’s movements and gender equality reforms (Kivisto and Faist 2007: 107-110; Howard 2005: 703). These broad factors help to illustrate the uneven road towards state recognition of dual citizenship. It is worth noting that some regions have been more forthcoming with dual citizenship than others.

**Figure 1: Countries with legislation allowing dual citizenship**



<sup>3</sup> Also see Castles (1999), Bloemraad (2004), and Sejerson (2008) for similar descriptions of the global dual citizenship phenomenon.

<sup>4</sup> The United States, for example, does not formally recognize dual citizenship, but yet a large number of dual citizens exist within its territories because there is relatively weak enforcement.

**Table 1: Dual citizenship legislation changes by region**

<b>Region:</b>	<b>Number of Countries Analyzed</b>	<b>Percentage Allowing Dual Citizenship</b>	<b>Year of Change to Dual Citizenship Legislation<sup>5</sup> (Some dates unavailable)</b>
<b>Asia</b> (North, Central, S.E., Sub-Continental, Middle East)	39	33% (13 countries)	Sri Lanka: 1987; Cambodia: 1996 <sup>6</sup> ; Philippines: 2003; India: 2004; Afghanistan: 2004; Vietnam: 2009 <sup>7</sup> ; Bangladesh <sup>8</sup> ; Pakistan <sup>9</sup>
<b>Americas</b> (North, Central, Caribbean, South)	27	63% (17)	Canada: 1977; USA: 1986; Panama: 1972; Belize: 1981; El Salvador: 1983; Costa Rica: 1995; Jamaica: 1962; Barbados: 1966; Grenada: 1973; Trinidad and Tobago: 1988; Uruguay: 1919; Peru: 1980; Colombia: 1991; Ecuador: 1995
<b>Europe</b> (Eastern, Western)	41	61% (25)	Romania: 1989; Slovenia: 1991; Slovakia: 1993; Turkey: 1995; Russia: 2001; Belarus: 2002; Lithuania: 2002; Moldova: 2003; Armenia: 2004; Hungary: 2004; Ireland: 1935; UK: 1949; Cyprus: 1967; France: 1973; Portugal: 1981; Italy: 1992; Switzerland: 1992; Malta: 2000; Sweden: 2001; Finland: 2003; Iceland: 2003
<b>Oceania</b>	6	50% (3)	New Zealand: 1949; Australia: 2001

**Source:** Sejerson 2008: 532-33, some Asian regional data supplemented by author

<sup>5</sup> This column lists the years when countries made changes to their dual citizenship legislation, but does not tell us what changes were made. In other words, not all countries in this list have formally recognized dual citizenship. For example, the United States in 1986 passed Public Law 99-653, which “revised the conditions under which foreign military service could result in loss of citizenship” (Wales 2009).

<sup>6</sup> According to Sejerson’s study (2008), Cambodia does not recognize dual citizenship under any circumstances. However, since the Cambodian Nationality Law of 1996 clearly states that it does, I have added Cambodia to the table.

<sup>7</sup> Vietnam changed its dual citizenship law after Sejerson’s study (2008) was conducted.

<sup>8</sup> Bangladesh was added to this table, because it legislated what is called the “Dual Citizenship Certificate” for Bangladeshi nationals abroad. The date of this change is unavailable.

<sup>9</sup> Pakistan was added to this table, because it has dual citizenship arrangements with the following countries: United Kingdom, France, Italy, Belgium, Iceland, Australia, New Zealand, Canada, Egypt, Jordan, Syria, Switzerland, Netherlands, United States, Sweden, and Ireland. Pakistani nationals abroad are not required to renounce Pakistani citizenship while naturalizing as citizens of these countries, and nationals of these countries are not required to renounce original citizenships when naturalizing as Pakistani citizens (Pakistan 2006).



As Figure 1 and Table 1 show, the recent and rapid proliferation of dual citizenship legislation changes has been taking place on a global scale. The majority of countries that have legislated dual citizenship have done so within the past three decades (see fig. 1). Sejerson (2008) identified a strong regional pattern: Compared to Europe, the Americas, and Oceania, Asia has a remarkably low percentage of countries recognizing dual citizenship (see table 1). As of 2009, only seven countries in Asia – Sri Lanka, Cambodia, the Philippines, India, Bangladesh, Pakistan, and Vietnam<sup>10</sup> – have opened dual citizenship options to their nationals abroad.

I explore two questions in this paper: (1) Why have so few Asian countries recognized dual citizenship in the global context?; (2) What factors explain intraregional variation in dual citizenship recognition within Asia? Among all regions, Asia clearly lags behind in terms of the number of dual citizenship-recognizing countries. However, some Asian countries have changed their positions in recent years. Why is this the case? The second question will emerge as the central question of my paper.

This paper proceeds in six main steps: (1) The Asian Puzzle, (2) hypotheses, (3) methods, (4) evidence from data analysis, (5) case studies, and (6) conclusions. “The Asian Puzzle” explores interregional differences in dual citizenship recognition by examining some of the basic conditions that make dual citizenship a relevant issue – e.g., the scope of migration and strictness of

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<sup>10</sup> Vietnam also allows foreigners to hold dual citizenship if they marry Vietnamese citizens or have Vietnamese parents or children, according to the Law on Vietnamese Nationality, which was passed on 13 November 2008 (“Law on Vietnamese Nationality”).

citizenship laws – in the European and Asian regions. These conditions, however, do not explain why certain Asian countries have adopted dual citizenship while others have not. Thus, intraregional variation in dual citizenship recognition emerges as the real “Asian puzzle.” The next section proposes three hypotheses that seek to explain intraregional variation in Asia – state demand for financial capital, state demand for human capital, and regime type. I then describe the two methods used in this study to identify the determinants of dual citizenship recognition in Asia.<sup>11</sup> The first is data analysis of twenty-two countries,<sup>12</sup> and the second is case studies. The following section presents my data findings and concludes that my hypothesized variables do not fully account for all intraregional variation. The rest of my paper focuses on four countries – India, the Philippines, Nepal, and Mongolia – and explores political factors or preconditions for state recognition of dual citizenship that are not observable or captured in the data.

All seven dual citizenship-recognizing countries in Asia, as well as Nepal and Mongolia, share similarly high levels of remittances and “brain drain.” Thus my central argument is that state demand for financial capital and human capital appear to be strongly associated with – but yet do not fully account for – dual citizenship recognition in Asian countries. A full account requires the consideration of political factors, which are highlighted in my case studies. In the Nepalese and Mongolian cases, some major impediments to dual citizenship

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<sup>11</sup> My definition of “Asia” will exclude Central Asia and the Middle East, and comprise only of Northeast, South, Southeast, and sub-continental Asia.

<sup>12</sup> The twenty-two countries are Bangladesh, Bhutan, Brunei, Cambodia, China, Indonesia, India, Japan, Laos, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Pakistan, Philippines, Singapore, South Korea, Sri Lanka, Thailand, and Vietnam.

recognition are border issues with India and China, respectively, and concerns about increasing foreign penetration into domestic economies.

## II. THE ASIAN PUZZLE

As shown in Table 1, Asia lags behind other regions in dual citizenship legislation. What explains this puzzling phenomenon? Were there any unique conditions in the Asian region that made dual citizenship irrelevant or unpopular? An examination of dual citizenship legislation in Asia must start with a general discussion about the conditions under which dual citizenship becomes a relevant issue. If Country A has not experienced sizable inward or outward migration, for instance, it is no puzzle why dual citizenship has not become an issue. Clearly, the scope of inward and outward migration is important in thinking about why a particular country has legislated or not legislated dual citizenship.

Migration, however, does not automatically induce changes in dual citizenship policies. Consider a situation where a large number of Country A citizens migrate to Country B and decide to reside there on a long-term or permanent basis. A number of different scenarios can arise, all of which having different implications for dual citizenship legislation. In one scenario, citizens of Country A residing in Country B decide to have children. If Country B has adopted *jus soli*, whereby anyone born within its territory gains citizenship, the children of Country A citizens born in Country B are automatically granted Country B's citizenship. These children are also likely to be given citizenship of Country A. Most countries consider children of their citizens as citizens

regardless of where they were born. Should these children also be permitted to retain their parents' citizenship, thereby making them dual citizens of both countries? Another possible scenario might involve citizens of Country A naturalizing as citizens of Country B. If Country B happens to have a relatively easy naturalization process, long-term migrants from Country A may be more likely to naturalize. Would these countries allow their newly naturalized citizens to retain their original citizenships?

Each of the questions posed above is central to dual citizenship debates within countries that experience sizable inward or outward migration. Hence, in addition to migration, there are a number of issues we need to take into consideration in thinking about when dual citizenship becomes a relevant issue. These issues can be broadly summarized as: (1) cross-border birth; (2) international marriage; and (3) naturalization.

### **A. Cross-border Birth**

Children born to foreign parents may be granted citizenship of the host country and be allowed to retain their parents' citizenship (Dahlin and Hironaka 2008: 56). In these cases, home countries follow *jus sanguinis* (citizenship determined by descent) and host countries follow *jus soli* (citizenship determined by birthplace), or a combination of the two. The rise of international migration and marriages means that more children are potentially eligible to receive two (or more, on rare occasions) citizenships at birth. This scenario has been the common

impetus for countries (e.g., Japan, Germany) requiring dual citizens to choose a single citizenship when they reach adulthood.<sup>13</sup>

All who are born in the United States or India, for example, are automatically and unconditionally given U.S. or Indian citizenship. This conferment of citizenship is based on *jus soli*, but in fact all *jus soli* countries also use *jus sanguinis* (Kivisto and Faist 2007: 106; Howard 2005: 706). The majority of countries, however, exclusively adhere to *jus sanguinis*, which means that either one parent (usually the father) or both parents must be citizens (Hassall 1999: 53). In recent decades, there have been many notable shifts from “patrilineal *jus sanguinis* to bilinear *jus sanguinis*” (Surak 2008: 560). Japan, for example, amended its nationality law in 1985 to resolve the issue of stateless children born to Japanese women and U.S. servicemen stationed in Okinawa (Surak 2008: 563). India amended its 1955 Citizenship Act in 1992 so that children born to female Indian citizens abroad could also become Indian citizens (Hassall 1999: 63).

## **B. International Marriage**

International marriages are on the rise in the Asia-Pacific region, and an interesting aspect of this phenomenon is the rise of female migrants as “foreign brides” (UNESCAP 2008: 12). “The majority of foreign brides come from China, Indonesia, the Philippines, Thailand and Vietnam,” which is problematic for these sending countries because of lenient naturalization laws in top receiving

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<sup>13</sup> Beginning ages of adulthood can range from late teens to early twenties.

countries. When domestic nationals marry foreigners, some host countries allow an easier path to naturalization. In other words, one can become a naturalized citizen simply by marriage and without having to undergo the full naturalization process (Investigations Services 2001: 4).

### **C. Naturalization**

When foreigners naturalize as citizens of other countries, they may be allowed to retain previous citizenships. This naturalization law provision (of non-renunciation) has been widely adopted in European countries, where there is sustained and growing acceptance of dual citizenship for permanent foreign residents and immigrants (Howard 2005: 709). Each country has a nuanced naturalization process, but in general there are three core requirements: Years of residency, renunciation of previous citizenship, and cultural competency. In order for a foreign national to become eligible for naturalization, he or she must reside in a host country for a specific number of years (continuously or non-continuously). During the naturalization process, he or she may be required to give up their previous citizenship and/or demonstrate “familiarity with the language and customs of the [host] country,” often through written or oral examinations (Investigations Service 2001: 4). Not all countries in Asia explicitly define these three requirements, but the majority includes at least two in their official written laws (Investigations Service 2001).

Without sizable inward or outward migration, the issues of cross-border birth, international marriage, and naturalization would not necessarily induce dual citizenship policy debate or prompt legislative action in country-specific or regional contexts. In order to explore the reasons behind interregional variation in dual citizenship recognition, let us briefly turn to some basic conditions that made dual citizenship a relevant issue in the Asian and European contexts – scales of inward and outward migration, and strictness of citizenship laws. In the remainder of this section, I compare Asian countries to the “EU 15.”<sup>14</sup>

**Table 2: Dual citizenship in Asia and the "EU 15"**

	<b>Number of countries analyzed</b>	<b>Percentage with dual citizenship</b>
<b>Asia</b>	23	30% (7 countries) Bangladesh; Cambodia; India; Pakistan; Philippines; Sri Lanka; Vietnam
<b>Europe</b>	15	73% (11 countries) Belgium; Finland; France; Germany; Greece; Ireland; Italy; Netherlands; Portugal; Sweden; UK

Source: Sejerson 2008: 533; Howard 2005: 709

Table 2 clearly shows that the “EU 15” has the larger percentage of countries that recognize dual citizenship. Compared to the percentage in Asia, the differential is quite significant. Why is this the case? The following data (see tables 3, 4, and 5) suggest that lower levels of inward and outward migration and stricter citizenship laws in Asia account for interregional variation in dual citizenship recognition.

<sup>14</sup> The “EU 15” refers to the fifteen “older” EU member states: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and the United Kingdom (Howard 2005: 699).

**Table 3: Immigration in Asia and the "EU 15" in 2005**

Immigrant stock (% of population) <sup>15</sup>		
Rank	Asia	Europe
1	Singapore (42.6)	Luxembourg (37.4)
2	Brunei (33.2)	Austria (15.1)
3	Malaysia (6.5)	Ireland (14.1)
4	Nepal (3.0)	Sweden (12.4)
5	<b>Cambodia (2.2)</b>	Germany (12.3)
6	<b>Pakistan (2.1)</b>	Spain (11.1)
7	<b>Sri Lanka (1.8)</b>	France (10.7)
8	Japan (1.6)	Netherlands (10.1)
9	Thailand (1.6)	UK (9.1)
10	South Korea (1.2)	Greece (8.8)
11	Maldives (1.0)	Portugal (7.3)
12	<b>Bangladesh (0.7)</b>	Denmark (7.2)
13	Bhutan (0.5)	Belgium (6.9)
14	<b>India (0.5)</b>	Italy (4.3)
15	<b>Philippines (0.5)</b>	Finland (3.0)
16	Laos (0.4)	
17	Mongolia (0.3)	
18	North Korea (0.2)	
19	Myanmar (0.2)	
20	China (0.1)	
21	Indonesia (0.1)	
22	<b>Vietnam (0.03)</b>	

Source: The World Bank, *Migration and Remittances Factbook 2008*

**Table 4: Emigration in Asia and the "EU 15" in 2005**

Emigrant stock (% of population) <sup>16</sup>		
Rank	Asia	Europe
1	Laos (7.0)	Ireland (22.4)
2	Malaysia (5.8)	Portugal (18.6)
3	Singapore (5.3)	Greece (11.0)
4	<b>Sri Lanka (4.5)</b>	Luxembourg (9.1)
5	<b>Philippines (4.4)</b>	Austria (7.0)
6	<b>Bangladesh (3.4)</b>	UK (7.0)
7	Brunei (3.4)	Finland (6.3)
8	Nepal (2.8)	Italy (6.0)
9	North Korea (2.6)	Germany (5.0)
10	South Korea (2.6)	Netherlands (5.0)
11	<b>Vietnam (2.6)</b>	Belgium (4.4)
12	<b>Cambodia (2.5)</b>	Denmark (4.3)
13	<b>Pakistan (2.2)</b>	Sweden (3.3)

<sup>15</sup> "Immigrant stock," a measure of immigration, is the number of foreign-born residents (as a percentage of the host country's population).

<sup>16</sup> "Emigrant stock," a measure of emigration, is the number of nationals living abroad (as a percentage of the home country's population).



<b>14</b>	Bhutan (1.8)	France (3.1)
<b>15</b>	Thailand (1.2)	Spain (3.1)
<b>16</b>	<b>India (0.9)</b>	
<b>17</b>	Indonesia (0.8)	
<b>18</b>	Myanmar (0.8)	
<b>19</b>	Japan (0.7)	
<b>20</b>	China (0.6)	
<b>21</b>	Mongolia (0.6)	
<b>22</b>	Maldives (0.5)	

Source: The World Bank, *Migration and Remittances Factbook 2008*

Based on Tables 3 and 4, we can observe that Asia as a whole has lower levels of immigration and emigration than the “EU 15.” Clearly, the scope of migration accounts for the broad interregional pattern in the diffusion of dual citizenship legislation. Does the same variable – scope of migration – explain the intraregional pattern? If sizable inward or outward migration does indeed explain why particular countries have legislated dual citizenship in Asia, we would expect countries like Singapore, Brunei, Laos, and Malaysia to have already recognized dual citizenship. However, these countries have not. All seven dual citizenship-recognizing countries in Asia (indicated in bold in tables 3 and 4) have relatively low immigrant and emigrant stocks compared to older EU countries and even some Asian countries. Therefore, these seven countries defy the conventional wisdom that a country must have sizable inward or outward migration to legislate dual citizenship. A similar puzzle emerges when we compare Asian countries on the basis of citizenship laws.

As stated earlier, dual citizenship is more likely to arise in a country that adopts a more ‘open’ citizenship law (i.e., *jus soli*) than in a country that adopts a more restrictive citizenship law (i.e., *jus sanguinis*).

**Table 5: Citizenship by birth in Asia and the "EU 15"**

	<b>Number of countries analyzed</b>	<b>Percentage with <i>jus soli</i><sup>17</sup></b>
<b>Asia</b>	22	13% (3 countries) Nepal; Philippines; Vietnam
<b>Europe</b>	15	47% (7 countries) Belgium; France; Germany; Ireland; Netherlands; Portugal; UK

**Source:** Data on Asia compiled by author; Howard 2005: 709

As shown in Table 5, only three countries in Asia have adopted *jus soli*, while nearly half of all “EU 15” countries have. It thus makes sense that regions like Europe should display a larger percentage of countries that recognize dual citizenship, but does this reasoning hold in the Asian context? One might assume that, because all Asian countries have *jus sanguinis* citizenship provisions, dual citizenship has been unable to take root in Asia. While this assumption may be true in the general sense, a closer look into the Asian context reveals that some Asian countries have permitted dual citizenship despite the constraint of *jus sanguinis*. These countries include Sri Lanka, Cambodia, India, Bangladesh, and Pakistan.

Migration and citizenship laws are the most obvious reasons for dual citizenship recognition, but yet these do not explain intraregional variation. How can we explain that a relatively large number of Asian countries have recently permitted dual citizenship? Are these countries exceptions in Asia? The real “Asian puzzle” is not interregional variation but intraregional variation in dual citizenship recognition, which means that my second research question emerges as the central question of this paper.

<sup>17</sup> *Jus soli* countries also grant citizenship based on *jus sanguinis*. Therefore, *jus soli* countries theoretically fall under both categories.

### III. HYPOTHESES

If migration and citizenship laws do not explain the recent rise of dual citizenship in Asia, what does? This section presents two sets of alternative hypotheses. One set of hypotheses focuses on state demand for economic resources held by nationals abroad – State Demand Hypotheses. I consider two sub-hypotheses in this category – one focusing on financial capital and the other focusing on human capital. The other set consists of one hypothesis that focuses on the nature of the political regime – Regime Type Hypothesis.

#### A. State Demand

When a country sends workers or students abroad to alleviate domestic unemployment and to satisfy international labor demands, they need to develop ways to ensure that remittances and investments are flowing back into the country (Castles 2004: 32).<sup>18</sup> One way is to foster economic and cultural ties to nationals abroad. As Jones-Correa puts it, “policy makers hope these ties will pay off in terms of current remittances and future investments” (Jones-Correa 2001: 1008). Some scholars argue that, in order to attract economic resources from nationals abroad, states can rely on “emigrant loyalty” or offer more tangible incentives, such as dual citizenship or investment opportunities (Barry 2006: 36).<sup>19</sup> Thus it is

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<sup>18</sup> Castles (2004: 32) argues that migration creates a system of “structural dependence” for countries of emigration and immigration. This system requires both outflows and inflows of people and money to sustain itself.

<sup>19</sup> In fact, much of the literature that discusses the benefits of binding nationals abroad to their home countries focuses on remittances, because remittances help to “[sustain] national economies, [finance] balances of payments and [increase] foreign exchange receipts” (UNESCAP 2008: 10). A German study (Vadean 2007) on migrants and their ability to engage transnationally found that

possible to formulate a hypothesis concerning states' demand for financial capital as following:

**State Demand Hypothesis A—Financial Capital:** If state demand for financial capital is high, states may seek to strengthen economic and cultural ties to nationals abroad by allowing them to retain or reacquire original citizenships.

Another issue related to emigration is “brain drain,” which is defined as the movement of highly educated and skilled people from less developed to highly developed countries. After earning professional degrees or gaining work experience in foreign countries, some individuals may decide to permanently settle in these countries (which tend to be wealthier and in need of advanced skill sets). This situation is problematic for emigration countries in Asia, and is exacerbated by countries (e.g., US, Canada) that are liberalizing their immigration standards to encourage more highly skilled and talented migrants to stay permanently or for long-term periods. Asian emigration countries may need to consider permitting dual citizenship (i.e., allowing nationals abroad to retain original citizenships) so that they do not lose too many highly educated and talented citizens (Biao 2004).

The issue of “brain drain” is related to the previous discussion on remittances, but it is more than just a financial issue – it concerns people who

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nationals abroad “holding dual citizenship were 21.8% more likely to remit and remitted about 130% more” to their home countries (Vadean 2007: 24). Those who are able to retain their original citizenships are able to maintain and acquire assets in their home countries at lowered transactional costs. These lowered costs make it more attractive to remit and invest.

have the potential to transfer technology, skills, and knowledge (Morrison 2007; Biao 2004). Thus it is possible to formulate the following hypothesis:

**State Demand Hypothesis B—Brain Drain:** If the level of “brain drain” is high, states may seek to strengthen economic and cultural ties to nationals abroad by allowing them to retain or reacquire original citizenships.

I hypothesize that all seven dual citizenship-recognizing countries in Asia will have among the *highest* inward remittance flows and emigration rates of tertiary educated. My State Demand Hypotheses are valid if all seven countries rank at or above the median values calculated for each proxy measure.

## **B. Regime Type**

It is possible that the nature of domestic politics might affect how governments react to the loss of financial capital and human capital through emigration. More specifically, state recognition of dual citizenship could be mediated by the nature of the political regime. Political regime characteristics may be an important intervening variable that affects whether a government is likely to respond to high levels of financial capital losses and “brain drain” by granting dual citizenship. Even when a country relies on nationals abroad to send remittances, make investments, or transfer skills, knowledge, and technologies, a non-democratic government might be unwilling to grant dual citizenship. The more repressive and authoritarian a government is, the higher the need to control its citizens’ political activities. Such a government is unlikely to foster ties with

nationals abroad who have acquired citizenships in liberal democratic countries such as the United States, Britain or France. Nationals abroad with dual citizenship will enjoy rights to freely travel in and out of the authoritarian country and engage in political activities, while also enjoying diplomatic protection by the government of their new home country. Hence, an authoritarian government has a justifiable reason not to grant dual citizenship to nationals abroad especially when they are highly educated and possess economic power (expressed in terms of high levels of remittances). Thus it is possible to formulate the following hypothesis:

**Regime Type Hypothesis:** Countries that have authoritarian regimes are less likely to recognize dual citizenship, because of their need to control their citizens' political activities.

My hypothesis is valid if all seven dual citizenship-recognizing countries in Asia are "democratic," based on the *Polity IV Project* threshold. Countries classified as "democratic" have Polity scores between +6 and +10 (Marshall, Jaggers and Gurr 2010).

#### IV. METHODS

My study uses two methods to identify the determinants of dual citizenship recognition in Asia. The first is data analysis of twenty-two countries, and the second is case studies. Data analysis is necessary, because it provides preliminary evidence and rationale for case study selection. Since no single determinant or set of determinants has yet been consensually associated with state

recognition of dual citizenship, the case study method is useful because it facilitates an exploration into the “in-depth reasoning behind [dual citizenship] legislation changes” (Sejersen 2008: 543).

### **A. Data Analysis and Measures**

The goal of this first method is to collect data for three hypotheses, and to analyze each independent variable’s data through a dual system of ranking and median derivation.

#### **1. Dependent Variable: State Recognition of Dual Citizenship**

The dependent variable, state recognition of dual citizenship, is a binary variable. Was dual citizenship formally recognized or not recognized by the twenty-two countries in my sample in 2009? Most of the data comes from *Citizenship Laws of the World*, which provides citizenship law synopses for 189 countries based on information from “embassies, the Library of Congress, and the Department of State” (Investigations Service 2001: 3). For each country in the directory, it is clearly stated whether or not dual citizenship is recognized (as of 2000). Since this study is interested in the most recent dual citizenship debates and legislation changes in Asia, data on the Asian region also come from updated embassy websites and citizenship/nationality laws amended since 2000.

Dual citizenship is often measured as a dichotomous variable for the sake of comprehensibility. In reality, “Determining which...countries allow dual

citizenship, under what conditions, and with what frequency, is extremely difficult...” (Howard 2005: 704). One reason is that countries have been revising and reinterpreting their citizenship laws in recent years, which have muddled available data sets (Howard 2005: 704). Moreover, there are countries, such as the United States, that weakly enforce citizenship and naturalization laws that would otherwise prohibit their citizens or foreign residents from holding dual citizenship (Sejerson 2008: 531). In other words, dual citizenship can be accepted in practice but not by law.

For the purposes of this study, it is critical to situate the dependent variable in the contexts of immigration and emigration for aforementioned reasons. Who is permitted to hold dual citizenship – foreigners (immigrants), nationals abroad (emigrants), or both? As previously mentioned, it is exceptionally rare for a country in Asia to extend dual citizenship rights to both foreigners and nationals abroad.

## **2. Independent Variables: State Demand for Financial Capital and Human Capital, and Regime Type**

Although this study is interested in two independent variables – state demand and regime type, as stated in the hypothesis section – I break down the state demand variable into two separate ones – (1) state demand for financial capital and (2) state demand for human capital. Therefore, in effect, my study looks at three variables. As for state demand for financial capital, I use a proxy. I consider the scope of inward remittance to be indicative of a state’s demand for



financial capital. This can be measured as inward remittance flow as a percentage of GDP, which come from World Bank estimates of officially recorded transfers.<sup>20</sup> It is difficult to measure the full effects of inward remittance on state recognition of dual citizenship because most remittance transfers are unrecorded cash transactions (Morrison 2007: 3). This issue will be discussed in more detail later.

The second variable is state demand for human capital. Again I use a proxy variable. I look at what is commonly referred to as “brain drain,” measured as the emigration rate of tertiary educated (as a percentage of the tertiary educated population). According to the World Bank, a “tertiary educated” person has received more than a high school education or at least 13 years of education (The World Bank 2008: 239).

The third variable, regime type, comes from the *Polity IV Country Reports 2008*. The “Polity conceptual scheme” measures the democratic and autocratic characteristics of a country’s political regime (Marshall, Jaggers and Gurr 2010). Each country in the dataset is given a “Polity Score” ranging from +10 (“strong democratic”) to -10 (“strongly autocratic”) (Marshall, Jaggers and Gurr 2010). Polity scores can be converted into three regime types: “autocracies” (scores ranging from -10 to -6), “anocracies” or mixed authority regimes (-5 to +5), and “democracies” (+6 to +10) (Marshall, Jaggers and Gurr 2010).

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<sup>20</sup> The World Bank uses measures of inward (and outward) remittance flows that include workers’ remittances, compensation of employees, and migrants’ transfer (World Bank 2008).

## B. Case Studies

The purpose of the case study method is to further explore covariance, because covariance does not prove causation. In total, I analyze four countries, including India, the Philippines, Nepal, and Mongolia. These can be divided into two groups: dual citizenship recognizers and anomalies. India and the Philippines were selected from the set of seven dual citizenship-recognizers in Asia, because the available literatures on dual citizenship debates and legislation changes in these countries were the most extensive and relevant to the factors being studied in this paper. In the following section, I will discuss the selections of Nepal and Mongolia in detail. It suffices here to say that Nepal and Mongolia were chosen because they stand out as outliers in my data analysis.

Each case study begins with a contextualized history, followed by an in-depth analysis of dual citizenship debates and legislation changes. In my analyses, I highlight country-specific peculiarities and political considerations for the recognition or non-recognition of dual citizenship. In order to understand why some Asian countries recognize dual citizenship while others do not, it is necessary to look beyond intraregional data. “[O]ne must understand the unique configurations of both historical and contemporary social and political features in each state” (Earnest 2008: 124). In the next section, I will present my data analysis and, in doing so, clarify my case selections.

## V. EVIDENCE FROM DATA ANALYSIS

Dual citizenship is recognized by seven of the twenty-two countries in my sample. These seven countries are Sri Lanka, Cambodia, the Philippines, India, Bangladesh, Pakistan, and Vietnam.

State demand, measured in inward remittance flows (year 2006) and emigration rate of tertiary educated citizens (year 2000), appears to be a significant factor in state recognition of dual citizenship.

**Table 6: Inward remittances in 2006**

<b>Rank</b>	<b>Country</b>	<b>Inward remittances (% of GDP)</b>
<b>1</b>	Nepal	18.0
<b>2</b>	<b>Philippines</b>	<b>13.0</b>
<b>3</b>	<b>Bangladesh</b>	<b>8.8</b>
<b>4</b>	<b>Sri Lanka</b>	<b>8.7</b>
<b>5</b>	<b>Vietnam</b>	<b>7.9</b>
<b>6</b>	Mongolia	6.8
<b>7</b>	<b>Cambodia</b>	<b>4.1</b>
<b>8</b>	<b>Pakistan</b>	<b>4.0</b>
<b>9</b>	<b>Median: India, 2.8</b>	
<b>10</b>	Indonesia	1.6
<b>11</b>	Malaysia	1.0
<b>12</b>	China	0.9
<b>13</b>	Thailand	0.6
<b>14</b>	Maldives	0.2
<b>15</b>	South Korea	0.1
<b>16</b>	Japan	0.03
<b>17</b>	Laos	0.03
--	Bhutan	<i>Data not available</i>
--	Brunei	<i>Data not available</i>
--	North Korea	<i>Data not available</i>
--	Myanmar	<i>Data not available</i>
--	Singapore	<i>Data not available</i>

Source: World Development Indicators database (7 Oct. 2009)

As hypothesized, all seven dual citizenship-recognizing countries in Asia have among the highest inward remittance flows (see table 6). These countries (indicated in bold in table 6) rank at or above the median value for inward

remittances in 2006. The country rankings for “brain drain,” or emigration rate of tertiary educated citizens in 2000, show a similar trend.

**Table 7: Emigration rate of tertiary educated in 2000**

<b>Rank</b>	<b>Country</b>	<b>Emigration rate of tertiary educated (% of tertiary educated population)</b>
<b>1</b>	<b>Vietnam</b>	<b>39.0</b>
<b>2</b>	<b>Sri Lanka</b>	<b>27.5</b>
<b>3</b>	Brunei	21.0
<b>4</b>	Singapore	15.2
<b>5</b>	<b>Philippines</b>	<b>14.8</b>
<b>6</b>	Laos	13.8
<b>7</b>	Malaysia	10.4
<b>8</b>	<b>Pakistan</b>	<b>9.2</b>
<b>9</b>	South Korea	7.9
<b>10</b>	Mongolia	7.8
<b>11</b>	<i>Median: Cambodia, 6.8</i>	
<b>12</b>	North Korea	5.3
<b>13</b>	<b>Bangladesh</b>	<b>4.7</b>
<b>14</b>	China	4.2
<b>15</b>	<b>India</b>	<b>4.2</b>
<b>16</b>	Myanmar	3.4
<b>17</b>	Nepal	2.7
<b>18</b>	Maldives	2.2
<b>19</b>	Thailand	2.2
<b>20</b>	Indonesia	2.0
<b>21</b>	Japan	1.5
<b>22</b>	Bhutan	1.2

**Source:** The World Bank, *Migration and Remittances Factbook 2008*

For the most part, Asian countries that recognize dual citizenship have some of the highest emigration rates of tertiary educated citizens (see table 7). The exceptions are Bangladesh and India, which fall below the median and thus disprove my hypothesis that all seven dual citizenship-recognizing countries in Asia should have among the highest levels of “brain drain.” Moreover, several countries that do not recognize dual citizenship also have high levels of “brain drain,” which further weakens my hypothesized claim.

Upon closer examination of the “state demand” data, one discovers two anomalies: Nepal and Mongolia. These countries are listed in the top tier of

Tables 6, which means that they have comparably high inward remittance flows, but yet they do not recognize dual citizenship. Mongolia also has a relatively high level of “brain drain” (see table 7). For these reasons, Nepal and Mongolia are included as case studies in this paper.

**Table 8: Regime types in Asia (2008)**

Polity Score	Country <sup>21</sup>
<b>10</b> (“Strongly democratic”)	Japan, Mongolia
<b>9</b>	<b>India</b>
<b>8</b>	Indonesia, South Korea, <b>Philippines</b>
<b>7</b>	
<b>6</b>	Malaysia <sup>22</sup> , Nepal, <b>Sri Lanka</b>
<b>5</b>	<b>Pakistan</b>
<b>4</b>	Thailand
<b>3</b>	Bhutan <sup>23</sup>
<b>2</b>	<b>Cambodia</b>
<b>1</b>	
<b>0</b>	
<b>-1</b>	
<b>-2</b>	Singapore
<b>-3</b>	
<b>-4</b>	
<b>-5</b>	
<b>-6</b>	<b>Bangladesh</b>
<b>-7</b>	China, Laos, <b>Vietnam</b>
<b>-8</b>	Myanmar
<b>-9</b>	North Korea
<b>-10</b> (“Strongly autocratic”)	

Source: Marshall and Jagers 2009

The third variable, regime type, does not appear to factor into state recognition of dual citizenship because there is considerable variation in Polity scores within the set of dual citizenship-recognizing countries (see table 9). These countries are indicated in bold in Table 9. India, the Philippines, and Sri Lanka

<sup>21</sup> “Polity scores” for Brunei and Maldives were not provided.

<sup>22</sup> Malaysia is one of the few countries in Asia that experienced a recent polity transition. In 2007, its “polity score” was 3, and in 2008, 6 (“Polity IV Country Report 2008: Malaysia”)

<sup>23</sup> Bhutan’s “polity score jumped from -6 in 2007 to 3 in 2008 (“Bhutan”). All other countries in Asia, aside from Malaysia, experienced no changes between 2007 and 2008.

are classified as “democracies,” because they have Polity scores within the +6 to +10 range. Pakistan and Cambodia have “anocracies” or mixed authority regimes, and Bangladesh and Vietnam have “autocracies.” There are also several other “democratic” countries that do not recognize dual citizenship. Based on this data, my Regime Type Hypothesis is invalidated because not all seven dual citizenship-recognizing countries in Asia are classified as “democratic.”

Vietnam, for example, is a “strongly authoritarian” country that recognizes dual citizenship and relies on its nationals abroad to send remittances, make investments, and transfer skills, knowledge, and technologies. While it makes sense that the more repressive and authoritarian a government is, the higher the need to control its citizens’ political activities, granting dual citizenship is not necessarily equivalent to granting full political rights. By granting dual citizenship based on economic inclusion alone, “democratic” and “authoritarian” countries can still monitor and restrict the political activities of their nationals abroad. The majority of dual citizenship-recognizing countries in Asia allow their nationals abroad to travel freely between their host and home countries, but not engage in political activities (e.g., voting, holding public office). Hence, dual citizenship for nationals abroad can mean either full/partial economic or political inclusion, or both.

Compared to regime type, state demand for financial capital and human capital (to a lesser extent) appears to have a stronger effect on state recognition of dual citizenship. However, “state demand” fails to account for all intraregional variation. Nepal and Mongolia, for instance, have comparable state demand

figures but do not recognize dual citizenship. The fact that anomalous countries exist in my sample probably means that there are other intervening variables or preconditions for state recognition of dual citizenship that are not observable or captured in my data. In other words, economic determinants or broadly defined regime types do not fully account for my dependent variable.

In the next section, I will discuss other political factors that potentially caused the Nepalese and Mongolian governments to overlook high levels of financial capital and human capital losses in relation to dual citizenship legislation. One possible explanation is that Nepal and Mongolia are located next to larger countries with which they have tense or hostile relationships. Perhaps border issues are preventing these countries from recognizing dual citizenship despite the fact that they are receiving remittances and are losing highly educated and skilled citizens. In addition to ‘anomaly’ cases, a closer look into the Indian and Philippine cases will also cast further light onto the causal relationship between the economic and political factors studied in this paper.

## **VI. CASE STUDIES**

### **A. Dual citizenship recognizers**

#### **1. India**

In this section, I argue that the Indian government hesitated to permit dual citizenship until very recently because of unstable borders with Pakistan and Bangladesh, and that it finally did so in the early 2000s to foster ties with wealthy

Indian nationals overseas. The Indian case study captures the fundamental elements of state demand, which makes a strong economic argument. The recent rise of Indian emigration, the need to balance payments, and exceptional events that resulted in hefty international economic sanctions (e.g., 1998 testing of nuclear devices) sent Indian government officials off in search of new forms of investment, which lead them to skilled, wealthy, and network-rich Indian overseas communities (Barry 2006: 40-41).

In 1950, India became the world's largest democracy after receiving independence from Britain. The Second World War had left Britain nearly bankrupt, which meant that maintaining an army in India became too costly (Partition: The Day India Burned). Thus, in 1947, British authorities terminated colonial rule and created two new states, India and (East and West) Pakistan, along religious lines. Historically, Hindu majorities were concentrated in the central and southern parts of the Indian subcontinent, while the areas of what is now Pakistan and Bangladesh (former East Pakistan) were home to Muslim majorities. In the interest of space, the details of Indian Independence are omitted, but it is important to note that ethnic, religious, and political tensions have continued to hamper Indo-Pakistani and Indo-Bangladeshi relations since the partition of British India. The Indian government's concerns over national security and the unstable borders shared with Pakistan and Bangladesh rationalized its non-recognition of dual citizenship until recently.

In the early 2000s, the debate on dual citizenship in the Indian Parliament shifted from unstable borders to Indian emigration, but continued to advocate



exclusion of Indians who became citizens of Pakistan or Bangladesh. “Of the 20 million ethnic Indians abroad, 14 million are citizens of other nations, either because they were born there or immigrated and naturalized” (Newman 2006). The first step towards India’s recognition of dual citizenship was the 2002 Person of Indian Origin (PIO) card implementation. A PIO cardholder does not require a visa to travel to India and is eligible for a wide range of economic, financial, and educational benefits available also to non-resident Indians (NRIs) (Washington, DC 2009). In 2003 and again in 2005, India enacted similar laws granting select (i.e., wealthy and skilled) ethnic Indians the right to retain or reacquire Indian citizenship should they naturalize in their host countries. The newest program launched by the Indian government is the 2005 Overseas Citizenship of India (OCI), which is only applicable to Indian emigrants. According to the U.S. Department of State website, this program is often “mischaracterized as a dual nationality program, as it does not grant Indian citizenship” to anyone who obtains an OCI card. An OCI holder does not gain all the rights of an Indian citizen; he or she cannot vote in India or run for public office. However, an OCI holder can travel to and from, work, or study indefinitely, as well as own certain properties in India (“India: Country Specific Information”).

The goal of the OCI program is to reach out to potentially large remitters and investors within Indian overseas populations by offering citizenship benefits. According to a 2008 report published by the United Nations Economic and Social Commission for Asia (UNESCAP), India is the world’s second largest remittance receiver behind China (UNESCAP 2008: 10). However, India is at the fore of

strategizing ways to acquire investments from their nationals abroad rather than China (Barry 2006: 40). The OCI program “[offers] select members of [the] diaspora preferential treatment under investment and banking laws” (Barry 2006: 40). In 2005, the Indian Citizenship Act of 1955 was amended to extend “the scope of OCI to Persons of Indian Origin (PIOs) of all nationalities other than Pakistan and Bangladesh” (“Scope of Overseas Citizenship of India Scheme Extended”). Prior to 2005, only citizens of sixteen specified (immigration) states<sup>24</sup> were eligible for dual nationality (Barry 2006: 50). One reason for country selectivity is that Indians residing outside of countries like the United States, Canada, or the United Kingdom, lack the skills, wealth, and networks valuable to the Indian state. Another reason has to do with political tensions. Ethnic Indians who are citizens of Pakistan or Bangladesh, countries that have tense relations with India, are ineligible to acquire OCI or PIO cards (“Comparative Chart”). Even those Pakistani and Bangladeshi citizens married to OCI or PIO cardholders are ineligible (Brazil 2010).

The issue of “brain drain” in the Indian context also helps to explain the selectivity of the OCI program. Morrison (2007) succinctly explains this issue:

“[I]n 1990, 62 percent of the PhD’s in engineering were given to foreign born students (primarily from India, China and South Korea); once graduated, these highly skilled people most often remain in the United

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<sup>24</sup> These 16 specified countries are: Australia, Canada, Cyprus, Finland, France, Greece, Ireland, Israel, Italy, Netherlands, New Zealand, Portugal, Sweden, Switzerland, United Kingdom, and the United States (“Citizenship Amendment Act, 2003; Citizenship Rules, 1956; Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 [India]”)

States (Bhagwati 2003). Such patterns deplete the developing world of their most talented people” (Morrison 2007).

According to the *Human Development Report 2001*, “About 100,000 Indian professionals a year are expected to take new visas recently issues by the U.S. The cost of providing university education to these professionals represents a resource loss for India of \$2 billion a year” (UNDP 2001: 91). Other countries such as Canada, the United Kingdom, Japan, South Korea, and France have also shown heightened “interest in importing Indian talent” (ILO 2001: 68). Many highly qualified Indians are forced to emigrate because of limited employment opportunities available to them in India post-graduation (Khadria 2007: 276).

The Indian case demonstrates that border issues can dissuade a state from extending citizenship rights to foreign residents and nationals abroad, but domestic economic constraints can, in some cases, be more potent policy inducements. Ethnic, religious, and political tensions still exist between India and Pakistan and Bangladesh, which explain why the Indian government has not allowed ethnic Indians in these specific countries to retain or reacquire Indian citizenship. In other words, the Indian government has found a way of tapping into the wealth, skills, and networks of Indians abroad without undermining border security arrangements.

## **2. Philippines**

Issues of economic *and* political inclusion of Filipinos abroad were a part of the dual citizenship debate in the Philippines. Economic inclusion was the first

and foremost reason for the passing of the dual citizenship law while political inclusion was an intervening factor. The possibility of full political inclusion meant that emigrant communities could become powerful voting constituencies. Therefore it is easy to understand why some Filipino legislators initially opposed dual citizenship.

The Philippines is a country of emigration that heavily relies on long-term migrant workers to alleviate domestic unemployment and send remittances (Castles 2004: 32). In 2007, the Philippines ranked among the top 10 remittance-receiving developing countries in the world, just behind India, China, and Mexico (The World Bank 2008: 10). The dual citizenship debate arose in the early 2000s as the country was experiencing economic crisis (Panopio 2005: 58). Proponents (i.e., lawmakers) of dual citizenship considered Filipinos abroad eager to invest and share expertise, and capable of contributing to economic development at home (Panopio 2005: 58). The topography of the debate was similar to India's, but the Philippine government considered granting full political rights (e.g., voting, holding public office) in addition to offering investment opportunities.

The Philippine Senate passed a dual citizenship bill in October 2002, which was enacted the following year and called "The Citizenship Retention and Re-Acquisition Act of 2003," or Republic Act No. 9225 (RA 9225). This law gives "natural-born Filipinos<sup>25</sup> who have lost their Filipino citizenship through naturalization in a foreign country, the opportunity to retain or re-acquire their Filipino citizenship" (Office of the President of the Philippines: 1). Prior to the

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<sup>25</sup> The meaning of the term "natural-born Filipino" is the same as the principle of *jus sanguinis*.

enactment of RA 9225, some Filipinos (i.e., those whose parents immigrated to *jus soli* states) already possessed dual citizenship. A child born to Filipino parents is automatically considered a Filipino citizen under the Philippine *jus sanguinis* provision, and if this child is born in the United States, he or she is also considered an American citizen under the U.S. *jus soli* provision (Office of the President of the Philippines 1-2). The new law made it possible for any Filipino abroad to retain or re-acquire dual citizenship (lost through foreign naturalization) by means other than birth. Since 2003, approximately 52,000 individuals have done so (Office of the President of the Philippines 2).

The Philippine case is distinguishable from the Indian case because the former was forced to consider “the political ramifications of emigrants’ economic bounty” more carefully (Aguilar 2004: 112). Legislators generally agreed that it would benefit the state to promote economic inclusion of nationals abroad, but many legislators opposed full political inclusion. Unlike the Indian, Mexican, and Turkish cases, in the Philippines, “voting rights flowed from dual citizenship legislation” (Barry 2006: 54). Some legislators were “uncertain of the impact of the emigrant vote,” which caused delays in the passage of RA 9225 and other laws that enabled greater political inclusion of nationals abroad (Barry 2006: 54).

In summary, the Philippine case reaches a conclusion similar to the Indian one. Economic crisis set in motion a debate in the Philippine Senate regarding the costs and benefits of offering dual citizenship rights to Filipinos abroad. One major hindrance to the passage of RA 9225 was the issue of full political

inclusion, which devalued the roles of nationals abroad in contributing to the economic development of the Philippine state.

### **B. Discussion on the Indian and Philippine cases**

The Indian and Philippine cases demonstrate that legislators in these countries discussed economic factors, such as inward remittances and investments made by nationals abroad, in relation to dual citizenship. Separate economic crises in both countries set in motion debates regarding the costs and benefits of offering dual citizenship rights to nationals abroad. In India, the recent rise in state demand for remittances and investments partially overrode concerns over historic border conflicts. The Philippine case represents state recognition of dual citizenship “as part of a national orientation toward citizens abroad,” because RA 9225 not only offered investment opportunities but also the right to vote and hold public office in the Philippines (Barry 2006: 50).

### **C. Anomalies**

The following case studies, Nepal and Mongolia, have similarly high levels of inward remittances (and “brain drain,” in the case of Mongolia) compared to those countries in Asia that do recognize dual citizenship. What political intervening factors help us to understand why Nepal and Mongolia do not permit dual citizenship?

## 1. Nepal

Nepal, a developing country that received about \$1 billion in remittances from nationals abroad in 2007, remains one of the only South Asian countries that has not recognized dual citizenship (Chetry 2009). Nepal and India have for centuries shared an “open border,” which means that no passport or visa is needed to travel to either side. However, Indian citizens wishing to settle and naturalize in Nepal must first renounce any previous citizenships. In the Nepalese case, we see policies of open migration and trade with India, as well laws that restrict citizenship acquisition. In this case study I argue that the “open border” and India’s growing presence in Nepal has made the Nepalese government fearful of recognizing dual citizenship. On the other hand, because of grassroots demand by organizations such as the Non-resident Nepali Association (NRNA), certain legal rights and benefits have been granted to Nepalis abroad.

The “open border” between Nepal and India is a source of mutual economic benefit and exploitation, as well as resentment and xenophobia. The Nepal-India Peace and Friendship Treaty (1950) and the Nepal Citizenship Act (1952) helped to solidify the “open border” agreement between Nepal and India. The treaty “agreed to grant, on a reciprocal basis, to the nationals of one country in the territory of the other the same privileges on matters of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature” (Kansakar). The citizenship act allowed Indians in Nepal, and Nepali in India, to naturalize with greater ease (U.S. Library of Congress 1991). From the 1960s onward, Nepalese citizenship acquisition became more difficult

for permanent foreign residents and immigrants, but the Nepal-India border remained more or less unregulated (U.S. Library of Congress 1991).

Khagendra Gharti Chetry, a US-based attorney-at-law who served as the Representative of the 1990 Constitution Recommendation Commission of Nepal to the United States, ties the issue of dual citizenship in Nepal to that of the “open border”:

“The controversy surrounding the issue of dual citizenship has centered on the fear that if dual citizenship is allowed, it would open the doors for Indians to become Nepali citizens. The open border between Nepal and India is the root cause of this fear. However, this fear is misplaced and further there are ways to circumvent such a specter” (Chetry 2009).

In terms of the current unemployment situation in Nepal, the fear of India’s growing presence in Nepal is not entirely unfounded. If the majority of ethnic Indians decide to remain in Nepal or migrate with the intention of becoming dual citizens, overseas Nepalis who wish to return may face unemployment in their homeland (Subedi 1991: 94). “Studies show that a large proportion of emigrants intend to return home to Nepal” after they have earned enough to sustain their families (Subedi 1994: 94).

The Non-resident Nepali Association (NRNA), for example, has found a way to “circumvent” the “specter” of Indians becoming dual citizens of Nepal and India (Chetry 2009). Since its establishment in October 2003, the NRNA has been lobbying the Nepalese government for the right of only overseas Nepalis to hold dual citizenship. Favorable light has been cast on the NRNA because it clearly has



no vested interest in extending this right to permanent foreign residents or immigrants in Nepal. In recent years, the Nepalese government has taken positive steps toward acknowledging the NRNA's demands and the financial contributions Nepalis abroad can and have made towards Nepal, but these steps have fallen short of formally recognizing dual citizenship. In 2007, Nepal enacted a Non-Resident Nepali Act, which extends a set of legal rights and benefits to non-resident Nepalis (NRNs) and persons of Nepali origin (PNOs).<sup>26</sup> And according to a 2 February 2010 press release, the Nepalese Ministry of Foreign Affairs is now prepared to issue identity cards to Nepalis abroad and application forms are available for access on embassy websites (Nepal 2010). The Nepalese ID card scheme for nationals abroad is similar to the Indian PIO Card scheme discussed in the Indian case study.

In summary, recent citizenship legislation changes show that the Nepalese government is moving towards formal recognition of dual citizenship, but only for overseas Nepalis. Nepal is not unique in this regard, because other governments in South Asia, including India, Pakistan, Sri Lanka, and Bangladesh, have also prioritized their nationals abroad over permanent foreign residents and immigrants. Nevertheless, Nepal is a special case because of its shared borders with India and China, and because it is one of the only countries in South Asia that has not recognized dual citizenship. Despite the lack of publicly accessible

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<sup>26</sup> “The term Non-Resident Nepali (“NRN”) refers to Nepalis who live in foreign lands who once held Nepali citizenship. Another term Persons of Nepali Origin (“PNO”) refers to people who are born outside Nepal and can prove Nepali origin at least one generation before” (Chetry 2009). Sections 10 through 14 of the Non-Resident Nepali Act (2007) lists these rights and benefits, which include: “i) right to purchase limited property ii) intestate inheritance right iii) visa provision for investment purposes iv) tax benefits v) right to operate industry or profession and vi) benefits of convertible currency while investing in Nepal” (Chetry 2009).

sources of official discussion on dual citizenship in Nepal, it is possible to make a strong conjecture that the issues of the “open border” and India’s growing presence in Nepal have and continue to impact Nepal’s position on dual citizenship.

## 2. Mongolia

Mongolia is a Central Asian country landlocked between China and Russia. Like its neighbors, it does not recognize dual citizenship.<sup>27</sup> Since 1990, Mongolia has received international recognition as a democratic country and has seen tremendous inward and outward migration due to greater trade openness and “unprecedented freedoms of religion and travel for its citizens” (Tsedendamba 2001: 143).

The majority of Mongolia’s permanent foreign residents hold either Chinese or Russian citizenship (Tsedendamba 2001: 145). Due to its proximity to China and Russia, Mongolia offers citizens of these countries “ample opportunities for low-cost living and profitable trade, and also serves as a transit point to more advanced countries” (Tsedendamba 2001: 147). The Mongolian government has also taken steps to protect the rights of permanent foreign residents by including them in “privatization schemes and social security benefits” (Tsedendamba 2001: 145). However, unemployment remains an issue, particularly for the large Russian population (Tsedendamba 2001: 145).

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<sup>27</sup> Refer to “Article 4. Inacceptance of Dual Citizenship” of the Law of Mongolia on Citizenship (1995). This article states: “1. Mongolian citizens shall not be allowed to hold citizenship of more than one foreign nation at the same time 2. If a foreigner wishes to acquire Mongolian citizenship, he or she shall be required to have lost citizenship of the relevant nation. If legislation of relevant nation provides for loss of its citizenship on acquisition of citizenship of another nation, then cessation of citizenship may not be required” (“Law of Mongolia on Citizenship”).

All dual citizenship-recognizing countries in Asia share a common feature with Mongolia (and Nepal) – a high demand for financial capital in the form of remittances and investments. Of the 4 million ethnic Mongolians living and working overseas, approximately 3.4 live in China and about 500,000 live in Russia (“Background Note: Mongolia”). The remittances sent home by Mongolians abroad contribute to a diminishing unemployment rate and constitute a sizable share (6.8 percent of GDP in 2006, according to Table 6) of the Mongolian economy (Alгаа 2007: 8).

Why do we not see dual citizenship recognition in Mongolia, despite Mongolia’s reliance on remittances and efforts toward integrating permanent foreign residents? One possible explanation is historical issues involving China. Between the 1960s and 1980s, Mongolia aligned with the Soviet Union and relations with China deteriorated. By the mid-1980s, many of the ethnic Chinese living in Mongolia were expelled (“Background Note: Mongolia”) Once the Soviet system collapsed, “Mongolians began to pursue an independent and nonaligned foreign policy,” which focused on advancing economic development (“Background Note: Mongolia”). Mongolia’s attitude toward China has improved over the years, but there are still lingering suspicions of Chinese expansion:

“As Jiang Zeming has emphasized, there are no unsettled political, legal or historical problems between the two sides. Yet, deep-rooted distrust of China caused by historical experience is still persistent among Mongolians. The Mongolian press is frequently suspicious of Chinese ambitions, particularly fearing Chinese expansion. Chinese who reside in

Mongolia complain about such negativity. Not surprisingly, during his visit to Ulaanbaatar in 2003, Hu Jintao emphasized the importance of mutual understanding and trust between the two nations” (Batchimeg 2005).

Research limitations prevented me from accessing official sources of discussion on dual citizenship in Mongolia, but it is worth noting that the presence of “Chinese overseas” has been a major topic of dual citizenship debate in Southeast Asia. There are approximately “25 to 30 million” Chinese living overseas, “four-fifths of whom live in South Asia” (Wang 1993: 927). The phrase, “Chinese overseas” (similar to “Greater China”), carries with it “an implication of expansionism” that threatens China’s relations with neighboring countries and regions (Wang 1993: 926). Many Southeast Asia governments have questioned the political and economic allegiances of ethnic Chinese abroad (Chen 1996: 201). For this reason, China has geared towards greater intolerance of dual citizenship in order to “promote friendly relations” and “eliminate unhealthy suspicions” among Southeast Asian governments (Chen 1996: 201).

Another explanation for Mongolia’s non-recognition of dual citizenship is the relative economic and political strength of neighboring countries. A growing concern for the Mongolian government is that Russia and (especially) China are asserting too much influence on the Mongolian economy. On the one hand, Mongolia views its neighbors as necessary partners in economic development, but on the other hand, it is wary of increasing foreign penetration into the domestic economy. An interesting example of this duality is the cashmere industry in

Mongolia. Mongolia currently produces one-fifth of the world's cashmere, but beginning in the late 1990s, China began importing raw cashmere from Mongolia and processing it domestically, which has decreased Mongolia's domestic production and export revenues (Batchimeg 2005). According to the CEO of Mongolia's largest and most lucrative cashmere processing plant, "China's cashmere manufacturers and exporters clearly have an ambition to increase their respective shares in the world market" (Batchimeg 2005).

In summary, the Mongolian case shows that the Mongolian government is fearful of its neighbors asserting too much influence on the domestic economy. Similar to the stance of many Southeast Asian countries, there may also be great concern about the threat of Chinese expansion, due to the large numbers of ethnic Chinese in Mongolia and Southeast Asia. Available sources point towards a fear of foreign penetration, particularly within the economic sphere.

#### **D. Discussion on the Nepali and Mongolian cases**

As stated in previous sections, Nepal and Mongolia are considered 'anomalies' in this study because they have comparable state demand figures but yet do not recognize dual citizenship. Both countries are landlocked by economic and political powerhouses – India, China, and Russia – and experience high levels of migration to and from these countries. Based on available sources, my case studies strongly suggest that border issues and concerns over foreign penetration into domestic economic spheres have and continue to prevent Nepal and Mongolia from recognizing dual citizenship, despite the fact that they are

receiving remittances and are losing highly educated and skilled citizens. In the case of Nepal, issues of the “open border” between Nepal and India, and India’s growing presence in Nepal have and continue to impact Nepal’s position on dual citizenship. The Mongolian government shares a similar concern over further foreign penetration (i.e., Chinese expansion) into its domestic economy.

## VII. CONCLUSIONS

Over the past three decades, the world has seen a tremendous rise in the number of countries recognizing dual citizenship. The majority of these countries are located in Europe, the Americas, and Oceania. For this reason, scholars have neglected to study the issue of dual citizenship in the Asian context. As of 2009, only seven countries in Asia recognize dual citizenship: Sri Lanka, Cambodia, the Philippines, India, Bangladesh, Pakistan, and Vietnam. Asia lags behind other regions in terms of the number of countries that recognize dual citizenship, but why have some Asian countries permitted dual citizenship while others have not? This was the central question of my paper.

Through data analysis and case studies, I discovered that all seven dual citizenship-recognizing countries in Asia, as well as Nepal and Mongolia, have similarly high levels of remittances and “brain drain.” My findings indicate that state demand for financial capital and human capital appear to be strongly associated with – but yet do not fully account for – dual citizenship recognition in Asian countries. A full account requires the consideration of political factors, which are highlighted in my case studies. In the Nepalese and Mongolian cases,

some major impediments to dual citizenship recognition are border issues with India and China, respectively, and concerns about increasing foreign penetration into domestic economies.

Many scholars suspect a strong link between remittances and dual citizenship, but this debate has suffered from the lack of reliable data (Morrison 2007). International reports on remittance flows, such as those published by The World Bank and UNESCAP, rank regions and countries based on “recorded remittances” alone, though most transactions are unrecorded and cash-based (UNESCAP 2008: 9). Nevertheless, combining available remittance data with in-depth analyses on the political economies of Asian countries can bring us closer to understanding the roots and future trends of dual citizenship in Asia.

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## **IX. WRITTEN SUMMARY OF CAPSTONE PROJECT**

While researching and writing my Capstone thesis, I had in mind an audience composed of scholars and students in the political science discipline, and specifically those interested in issues related to Asia, political economy, citizenship, and international migration. Early in my research, I became fascinated by a little-known phenomenon: From the 1980s onward, there has been a remarkable increase in the number of countries that allow their citizens to hold dual citizenship. I wondered what factors could explain this recent and rapid trend, and why certain countries have been more apt to follow it than others. Compared to countries in Europe, North America, and Latin America, those in Asia have and continue to appear the least tolerant of their citizens holding other citizenships. Based on these initial findings, I was able to formulate two research questions: (1) Compared to other regions, why does Asia lag behind in terms of the number of dual citizenship-recognizing countries?; (2) Why have some Asian countries permitted dual citizenship while others have not?

My thesis explores the spread of dual citizenship policies in the Asian region, which is an issue that is timely, complex, and significant on a number of different levels: individual, national, and international. On the individual level, dual citizens have more flexibility in choosing where to live, work, invest funds, and so forth. In most cases, dual citizens have two passports, which allow them to travel more freely between their host and home countries. On the national level, granting dual citizenship helps to foster cultural, economic, and political ties to

citizens living in foreign countries. Particularly for developing countries, citizens earning money abroad can make significant contributions to their home countries through remittances and investments. On the international level, the proliferation of dual citizenship policies has contributed to a shift in international norms about the meanings and functions of citizenship. I focus specifically on the national level, because of the abundant resources available to me on this subtopic.

At the national or state level, there are various reasons for and against dual citizenship. As of 2009, only seven countries in Asia recognize dual citizenship: Sri Lanka, Cambodia, the Philippines, India, Bangladesh, Pakistan, and Vietnam. In my study, I considered three possible reasons, or hypotheses, for why these seven countries were prompted to recognize dual citizenship. The first hypothesis is what I call “state demand for financial capital.” The meaning is fairly straightforward. When a country sends workers or students abroad to alleviate domestic unemployment and to satisfy international labor demands, they need to develop ways to ensure that remittances and investments are flowing back into the country (Castles 2004: 32).<sup>28</sup> I hypothesized that a higher demand for financial capital, measured in inward remittances, increases the likelihood that an Asian country will recognize dual citizenship. The second hypothesis is called “state demand for human capital.” When a large number of highly educated and talented people settle in foreign countries, the home country typically experiences “brain drain.” The issue of “brain drain” is related to the first hypothesis, but it is more than just a financial issue – it concerns people who have the potential to transfer

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<sup>28</sup> Castles (2004: 32) argues that migration creates a system of “structural dependence” for countries of emigration and immigration. This system requires both outflows and inflows of people and money to sustain itself.

technology, skills, and knowledge (Morrison 2007; Biao 2004). I hypothesized that all seven dual citizenship-recognizing countries in Asia will have among the highest levels of “brain drain,” which is measured as the number of tertiary educated people leaving the country. The third hypothesis is concerned with the nature of the political regime, or the political characteristics of a state.

Theoretically, the more repressive and authoritarian a government is, the higher the need to control its citizens’ political and economic activities. Thus I suggested that an authoritarian country, as opposed to a democratic one, is less likely to grant dual citizenship to its citizens abroad.

To test these three hypotheses, I analyzed remittance, migration, and regime type data for twenty-two Asian countries and conduct four case studies. The first two cases, India and the Philippines, recognize dual citizenship, while the second two cases, Nepal and Mongolia, do not. I found that all seven dual citizenship-recognizing countries in Asia, as well as Nepal and Mongolia, have similarly high levels of remittances and “brain drain.” My findings indicate that state demand for financial capital and human capital appear to be strongly associated with – but yet do not fully account for – dual citizenship recognition in Asian countries. A full account requires the consideration of political factors, which are highlighted in my case studies. In the Nepalese and Mongolian cases, some major impediments to dual citizenship recognition are border issues with India and China, respectively, and concerns about rising foreign penetration into domestic economies.



Over the past three decades, the world has seen a tremendous rise in the number of countries recognizing dual citizenship. The majority of these countries are located in Europe, the Americas, and Oceania. For this reason, scholars have neglected to study the issue of dual citizenship in the Asian context. My goal in writing this thesis was to fill this apparent hole in the dual citizenship literature. By doing so, I was also able to link literatures on Asian political economies, citizenship, and international migration.