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A Comparative Analysis of Sri Lankan and Global Dual Citizenship Trends

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Introduction: An overview for dual citizenship

In its basic sense, dual citizenship means holding simultaneous legal memberships (also called as citizenship) from two states. When a person holds two parallel citizenships, that person ideally has access to a full range of economic, political and social rights from both of these countries. In return, such a person is also expected to fulfil responsibilities and duties in both countries, such as paying taxes, obeying the laws and being loyal and patriotic. Traditionally, a citizen's actual residency of a state is a key component to acquire legal citizenship rights. The most astonishing difference of dual citizenship and national citizenship is that dual citizenship separates legal attachment to a state from one's actual residency, even though residency is a key element in national citizenship. Therefore, the ability to be entitled to receive rights and benefits as a dual citizen is regardless of the length of the stay or the actual residence in a country (Renshon 2001).

Since dual citizenship challenges many of the principles of the national citizenship, it was historically disfavoured by states (Faist 2007b; Spiro 2017). National citizenship here, refers to the traditional belief by states that a person can become a citizen only in one state. The ability of citizens to attach and belong to two or more countries was not accepted in the national citizenship discourse. For example, until recent, many states who produced a large number of citizens emigrating to other states, were not worried too much about studying, staying in touch or maintaining records about such emigrants who left the home country. This is because the countries assumed that emigrants cannot be considered as loyal citizens anymore if they leave the country. Therefore, residency was considered as an important element of a citizen's loyalty to a state. In migration, this residency requirement is arbitrarily challenged. If a citizen leaves to another country and decided to be a citizen of that host country, home country of the citizen

perceives it as a betrayal. It was not accepted that citizens can have multiple political loyalties (Faist 2007a).

While home countries did not favour dual citizenship as they did not believe in migrants' multiple attachments, many receiving countries did not historically agree with the dual citizenship idea as well (Kivisto & Faist 2010). Host countries' general assumption was that immigrants cannot practically continue dual belongings and attachments. According to many host countries, if immigrants genuinely pursue the intention to become a part or a member of the host society, they have to detach from their previous home country to do so. In fact, many host countries consider withdrawing the citizenship of the home country as a pre-requisite for immigrants to be eligible to naturalize in the host country, putting immigrants into an "either/or" preposition to decide that either you are a citizen of your host country or in your home country (Bloemraad 2004).

However, given the political and cultural globalisation in contemporary times, the frequency of people's movements across states has increased immensely. According to Howard (2005), globalization led migrants to hold the sheer need of multiple attachments and identities with several countries. In this context, many countries, both home and host have identified that it is profitable to allow people to hold multiple attachments rather than restricting them. For example, a considerable portion of visitors coming to Sri Lanka for annual holidays are Sri Lankan dual citizens and their second generation children. These visitors bring a substantial amount of tourist income to Sri Lanka. In this sense, providing them with dual citizenship through which they can exercise their travel rights is more profitable to Sri Lanka economically, than restricting them. However, the decision to relax dual citizenship policies by many states is not only solely due to these types of monetary and other instrumental interests. The rise of human rights regime and the feminist movement also put pressure on states to acknowledge people's multiple attachments (Kivisto & Faist 2010). For example, human rights discourse encouraged states to enable individuals' access to basic rights considering him/herself as a human being instead of considering their affiliations with the states.

Consequently, many states allow citizens to hold dual citizenships nowadays. Due to the quick boost in offering dual citizenship specifically since 1990, many scholars explored it both at a theoretical level as well as a policy level (Bauböck 2005; Escobar 2006; Koenig-Archibugi 2012; Mügge 2012; Ronkainen 2011; Sejersen 2008; Yanasmayan 2015). Looking at the

statistics, it is undoubted that the number of individuals becoming dual citizens are significantly increasing. For example, four to five million American citizens are estimated to be dual citizens while over a million French citizens are dual citizens as well (Howard 2005; Kivisto & Faist 2010). Therefore, it is fair to conclude that the interest to obtain dual citizenship by the people who have multiple attachments with two or more states is increasing while the enthusiasm of home countries to liberalise dual citizenship policies is also in an upward trend (Howard 2005; Kivisto & Faist 2010; Ragazzi 2014).

Liberalization of dual citizenship policies in home countries are at different levels. Ragazzi (2014) has studied diaspora policies, including dual citizenship policies of 35 countries and has categorised those countries into five clusters. I use this categorization to understand the salient features of Sri Lankan dual citizenship policy as Sri Lanka's single most prominent diaspora outreach policy. The first cluster is 'expatriate states' who have formed diaspora policies with a larger focus on cultural and educational policies. Examples to this category are France, UK and Spain. The second category is the 'closed states' who strongly regulate the mobility of their population and police it abroad. Examples are China, Cuba and North Korea. The third category is 'global-nation states' such as Mexico, Turkey and India. These countries have introduced a wide range of policies and rights in the benefit of their diaspora communities abroad.

The fourth category is 'managed labour states'. Policies of these countries are focused on investment schemes only. There are no other policies put in place towards emigrants in other fields except investing. For example, the countries that fall to this category do not pay attention on expanding welfare schemes to their returnees and populations living abroad. Their interest is more on what instrumental benefits they can receive by their emigrant populations. Countries such as Brazil, Philippines and Jordan fall into this category. The fifth category is 'indifferent states'. These countries do not have much interest about its own population abroad. Lebanon, Belgium, Nigeria are some examples for this category. In the literature that many of the studies about home countries' diaspora policies are based on qualitative, small-scale cases, Ragazzi's (2014) study is an exception. The comparative analysis he offers, let the scholars who look at micro-level cases, to place such micro cases in a broader global diaspora policies map. I hence use Ragazzi's (2014) categorization to place Sri Lankan micro case comparatively with other sending countries in the conclusion. According to this categorization, I argue that Sri Lanka falls into the 'managed labour states' category. Below, I explain the reasoning for my claim.

Sri Lankan dual citizenship policy and some recent developments

Sri Lanka introduced the dual citizenship policy in 1987 (Government of Sri Lanka 1987). Through this policy, Sri Lankans who have lost their citizenship as a result of becoming citizens in other countries could apply and resume their Sri Lankan citizenship. Similarly, Sri Lankan citizens who are interested in obtaining citizenship of any other country are able to apply while retaining their Sri Lankan citizenship. Presently, the authority on granting dual citizenship is vested in the Minister of Internal Security, Home Affairs and Disaster Management who examines applications on case by case basis. The citizenship act (1987) states “...the Minister may make the declaration for which the application is made if he is satisfied that the making of such declaration would, in all the circumstances of the case, be of benefit to Sri Lanka.”

The dual citizenship policy of 1987 was temporarily suspended in 2011 resumed in 2015. According to reports, a total of 33,000 Sri Lankan emigrants have become dual citizens between 1987 and 2013 (Rajasingham 2013). With the end of the civil war in 2009, there was a sudden increase of the interest by Sri Lankan emigrants to obtain dual citizenship. Interestingly, 28,000 out of the total 33,000 were the applicants who decided to obtain the dual citizenship between 2005 and 2011 (Rajasingham 2013). One of the key reasons for this increased interest is the positive thought among emigrants about a prosperous future of Sri Lanka with the end of the civil war. However, as discussed below, then government decided to temporarily shut down the issuing of dual citizenship in 2011 when the demand was at its peak.

The reason to temporarily suspend the dual citizenship scheme in 2011 was due to the fact that those who obtained dual citizenship not paying taxes. The government came to the conclusion that the dual citizenship scheme is not serving its purpose anymore (David 2011). While this was a sound reasoning for the decision to shut down the scheme, I suggest to also look at this decision contextually taking into consideration how the political dynamics related to the civil war played at the time.

This was the period when the Sri Lankan government had to face allegations of war crimes that predominantly came from the international community after the civil war ended in 2009. The popular view of the Sri Lankan public was that such allegations are lobbied by the Sri Lankan Tamil emigrants who still support the separatist ideology. In fact, some scholars who studied the Sri Lankan Tamil emigrant communities prove that there is some truth about this claim (Burgio 2016; Orjuela 2011; Sankaran 2019). In their studies, scholars identified that there

were significant changes in Tamil emigrants' behaviours, decision making, actions and reactions towards Sri Lanka particularly in the aftermath of the civil war (Brun & Van Hear 2012; Hess & Korf 2014; O'Neill 2015; Orjuela 2011). For example, (O'Neill 2015) found that the second generation Sri Lankan Tamil immigrants in Canada became activists who lobby their host country to put pressure on Sri Lanka on war crimes allegations. Such activism that even used violence in some places became threats to those host countries itself. Also, according to (O'Neill 2015), such activism was a consequence of Tamil emigrants' emotional and identity-based state of mind, in finding a way to stand in solidarity with Tamils in Sri Lanka who according to them were traumatized due to the civil war.

In this context, an intensive level of displeasure came out from the majority of the Sri Lankan society about any potential returning of Tamil emigrants to Sri Lanka. It was believed that if those emigrants who support separatism are given dual citizenship, they would be able to intervene towards domestic affairs similarly as a full Sri Lankan citizen. On the other hand, the term 'diaspora' became overrated with a negative connotation as it was often used by media to mean pro-separatist Tamil emigrants. There was a perception that even though Sri Lanka Army could defeat the LTTE militarily on ground, the international wing of the separatist movement was very powerful allowing them to kick start the separatist movement in another form. There was a fear that Tamil emigrants who support the separatist ideas will use the dual citizenship option to come back to Sri Lanka. Following the war crimes allegations, the post conflict society of Sri Lanka specifically the majority of the Sinhalese population supported any government action to prevent such possibilities. Therefore, even though the declared reason by the government to discontinue dual citizenship was emigrants' hesitance to pay taxes to Sri Lanka government, I argue that the political situation as another contributing factor for the dual citizenship discontinuation.

The issuing of the dual citizenship restarted in 2015 under a new government while introducing new restrictions. For example, through the 19th Amendment to the Constitution, dual citizens were restricted to run for the parliament. At present, the current government's interest to introduce the 20th Amendment to the Constitution is considered to reverse this restriction. Consequently this garnered public attention and dislike towards appointing dual citizens for leadership positions in national institutions. Specifically, with the bond scam, the appointment of a dual citizen as the Governor of the Central Bank was questioned by the society. The main argument raised in these discussions was about the extent to which we can trust dual citizens' loyalties. It was argued that given dual citizens' privileged position to leave the country at any

given time, they must not be assigned for highly responsible positions as it is difficult to hold them under Sri Lankan law once they leave the country since they have protection under another country.

Another national level discussion on dual citizenship arose prior to the presidential election as a candidate having a dual citizenship announcing his wishes to run for the presidency in Sri Lanka. Since the 19th Amendment to the constitution was clear about dual citizens' inability to run for national level elections, he had to withdraw the citizenship of the other country in order to run for the presidency in Sri Lanka. Those who opposed, questioned where his loyalty lies considering the fact that he was a dual citizen for a prolonged period of time. These discussions evidently arose on different dimensions of divided loyalties of dual citizens.

Another noteworthy case to discuss is dual citizens' loyalty relevant to casting vote in national elections. Their participation would influence and alter the voter turnout as well as the overall outcome. In the case of Sri Lanka, both Sinhalese and Tamil emigrant communities always intervene in domestic political discussions, through different forms such as ideological interventions, forming diaspora groups in host countries, lobbying host countries, collecting and sending funds to Sri Lanka. However, coming back to the country to vote is a new trend that was never seen before. Kamal, a Sri Lankan dual citizen who is settled in Italy stated that his intention of arriving in Sri Lanka for a couple of days in November, 2019 was solely to cast his vote. Even though he has never visited Sri Lanka to cast his vote during previous elections, he believed that the 2019 Presidential Election was a crucial one for the country.

As a dual citizen, although he does not live in the country, he still thought it is his duty to make his voice heard in this election. While there are such exceptional cases through which we can assume that dual citizens' loyalty towards their home country is real, it is still not given adequate emphasis in the case of Sri Lanka. I argue that, this is because Sri Lanka is interested in gaining instrumental benefits from the emigrants. However, their loyalty has not been acknowledged yet. There is no adequate discussion as to whether dual citizens should give the opportunity to vote in national elections from the country they are residing in.

The Covid-19 pandemic has also provided a platform to discuss about rights dual citizens are entitled. For example, a heated opposition came out from the general public when a few dual citizens arrived in Sri Lanka from Italy. Interestingly, in this discussion, actual residency has been considered as a distinguishing factor to determine who the supreme citizen is over the others. This, however contradicts with the original principles of citizenship such as equality.

However, throughout most of the public discussions related to the dual citizenship and perceptions, the term ‘dual citizenship’ in Sri Lanka has not been considered as a right, but rather a privilege.

In comparison to the general trends of dual citizenship policies in the world, I argue that Sri Lankan dual citizenship policy has a reverse trend. As discussed above, Sri Lankan dual citizenship policy has not provided dual citizens with equal citizenship rights, specifically the political (such as running for the parliament) and social rights (such as assuring health rights). Moreover, Sri Lanka has still not engaged in important discussions on different dimensions of dual citizenship such as whether or not to allow dual citizens to cast their vote from their country of residence. While many states in the world are relaxing their dual citizenship policies and are introducing diversified diaspora outreach policies, Sri Lanka has not yet introduced any strong diaspora outreach policy apart from its dual citizenship policy. I thus argue that Sri Lanka fits in Raggazi’s (2014) ‘managed labour state’ category, since the country’s interest is only on what instrumental benefits dual citizens can bring to the country while recognizing their loyalty is overshadowed for years. In conclusion, I recommend that the government of Sri Lanka look into possibilities to diversify and expand dual citizenship policy and other diaspora outreach policies, by also acknowledging dual citizens’ loyalty towards their home country.

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