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What's wrong with being a dual citizen? Nothing, unless you are a politician



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A man in a dark blue suit and tie is holding a white, featureless mask with eye cutouts and a perforated mouth area. He is looking down at the mask. The background is blurred, suggesting an indoor setting.

What's wrong with being a dual citizen? Nothing, unless you are a politician.

Rahul Gandhi's eligibility to contest elections is questioned for his alleged dual Indian/British citizenship.

Should politicians renounce their foreign passports and dual citizenship?

The Indian Congress leader Rahul Gandhi has allegedly “voluntarily disclosed” to the British government that he was a citizen of British nationality, amounting to holding a British passport.

A petition has been filed in Court asserting that Gandhi's British citizenship, if obtained after 2003/2006, should have been declared at the time of his nomination, in line with Article 84(a) of the Indian Constitution, which disqualifies foreign citizens from being elected as MPs. The case is also pending in front of the Delhi High Court.



In **INDIA**, the law strictly prohibits dual citizenship, meaning that any individual holding citizenship in another country cannot legally maintain Indian citizenship. This rule applies to all citizens, including those in positions of political power. The claims against Gandhi, if proven true, could have severe consequences for his political career and his role as a prominent leader in Indian politics.

This is not the first case in which politicians had issues for holding dual citizenship.

In 2017 the High Court of **AUSTRALIA** found unanimously that five of the seven members of the Federal Parliament, including the Deputy Prime Minister and four senators, were ineligible to be elected to the Parliament due to their possession of dual citizenship at the time of their nomination to stand in the 2016 election, in breach of section 44(i) of the Australian Constitution. That provision states that any person who "is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power" is "incapable of being chosen or of sitting as a senator or a member of the House of Representatives."



In 2020 the provincial legislative body in **CHINA**'s Hebei province probed one of its delegates, Sun Xiang, after discovering that he was illegally a citizen of China as well as St. Kitts and Nevis.

Dual citizenship is not recognized under Chinese law. In recent years, Beijing has taken a zero-tolerance position toward possession of additional passports, which some corrupt officials and political dissidents have used to flee the country.



Also in **JAPAN**, the question of dual citizenship becomes a critical one for those in positions and occupations for which the Japanese law explicitly states a Japanese citizenship requirement.

One such position is being an elected politician. In 2016, Renho, one of the leading Democratic Party members found herself in a dual citizenship controversy as she did not fully complete the process of resolving her formal dual citizenship status.



In **TAIWAN**, Lee Chen-hsiu (李貞秀), would be the first Chinese spouse to enter the Legislative Yuan. Questions have been asked about her eligibility, with the Mainland Affairs Council (MAC) emphasizing that people holding dual nationality cannot serve as legislators.





In 2022 a Federal High Court in **NIGERIA** disqualified the governorship candidate Tonye Cole based on a dual citizenship suit pressed against him. The candidate was reported to be a citizen of the United Kingdom (UK) and Nigeria.

In Nigeria's political history, Cole is not the first politician to be disqualified for having dual citizenship. In July 2019, an election petition tribunal sacked Ikengboju Gboluga, a member of the Peoples Democratic Party (PDP) for having dual citizenship.

The tribunal ruled that Gboluga was not eligible to contest the 2019 National Assembly election, having admitted in his INEC Form CF001 that he had "voluntarily acquired the citizenship of the United Kingdom" and had sworn allegiance to the country.

Recently, the Supreme Court in **GHANA**, in a 6-1 majority decision, struck provisions of the Citizenship Acts 2000 as unconstitutional, paving the way for dual citizens to be appointed to key government positions previously restricted to single citizens.



Also in countries where politicians are legally allowed to have dual or multiple citizenship, there is a debate whether stricter rules should be enacted.

In the **U.S.A.**, concerns have been raised about the potential conflicts of interest and divided loyalties that may arise when elected officials maintain dual allegiances. It's important for citizens to know if their representatives have dual citizenship because both real and apparent conflicts of interest erode public trust.



CANADA doesn't limit politicians with dual citizenship –at least 56 foreign-born members, 22 with dual or triple citizenship, hold seats in House of Commons, Senate.

However, the issue has prompted controversy in the past and some parties are asking for stricter rules because of the concerns that elected officials could be susceptible to divided loyalties and foreign influence by holding dual citizenship.

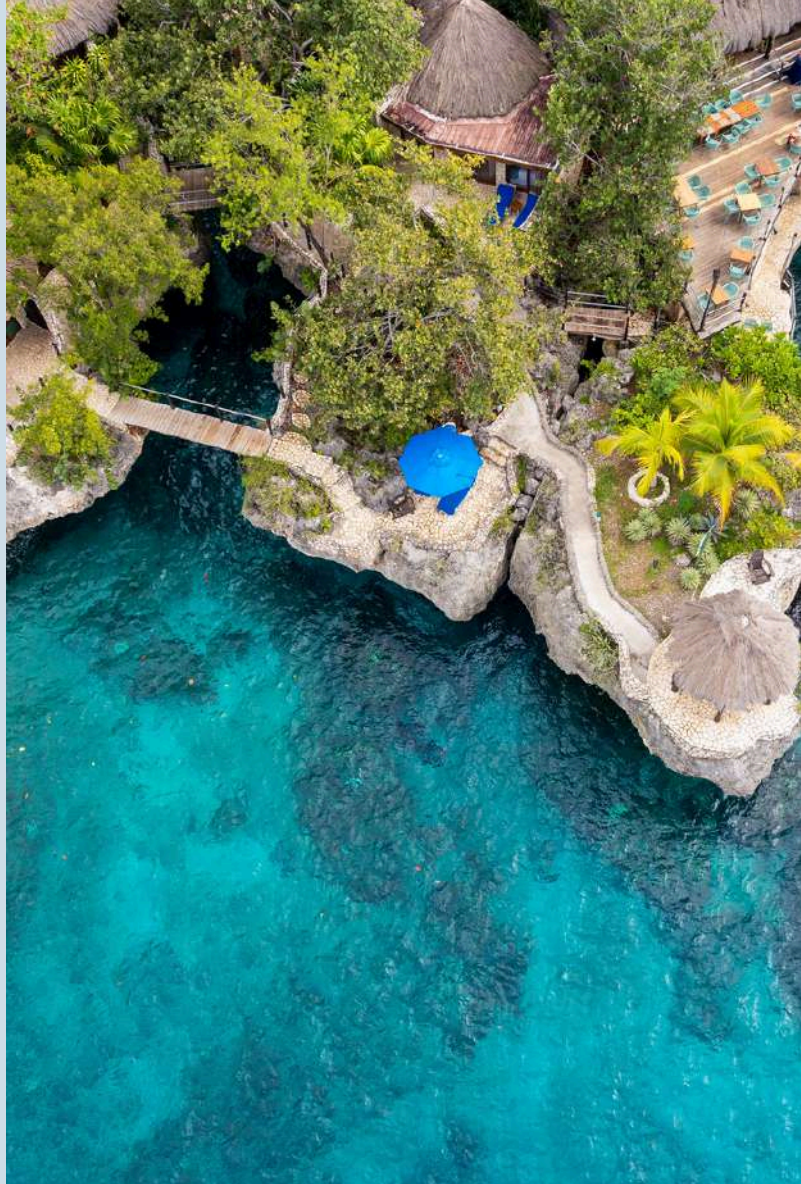
In **SWITZERLAND**, one in ten Swiss parliamentarians has a second passport and the issue remains controversial.

The most recent expression of this came from party representative Mike Egger, who presented in parliament a formal information request on the issue last December: *"It cannot be ruled out that members of the federal assembly who are also foreign nationals may be faced with conflicts of interest to the detriment of Switzerland"*.



In **JAMAICA**, recently the Prime Minister Andrew Holness commented about Opposition Leader Mark Golding's British citizenship: "the post of any individual who aspires to lead Jamaica but remains a dual citizen is both "untenable" and "incurable".

To be the ultimate executive leader of the country, you should have no other citizenship. There should be no question by your citizens that you lead that you have, somehow, split loyalties. That you have a parachute should in case anything go wrong." Golding has indicated that he remains a British citizen, but insists that there is no legal basis for him to renounce his status in the United Kingdom at this time.



Dual citizenship toleration is however on the rise: 76% of 200 countries tolerate it

Until the 1960s, dual citizenship was viewed as problematic in international law and by most states, but now ever more countries accept dual citizenship as an unavoidable consequence of gender equality (mothers as well as fathers can transmit their citizenship to the child by descent) and transnational migration (migrants and their children acquire the citizenship of the destination country while retaining the citizenship of the origin country).

As a result, in ever fewer countries citizenship is lost if another citizenship is acquired and in ever more destination countries migrants are no longer required to renounce their previous citizenship as a condition for naturalisation.



Dual citizenship acceptance is on the rise. By 2020, 76 per cent of 200 countries tolerate dual citizenship for emigrants, allowing their citizens to voluntarily acquire the citizenship of another country without automatically losing their citizenship of origin.

But what happens when politicians have dual or multiple citizenships?

Should they renounce their foreign passports and renounce their dual citizenship?

In India, Rahul Gandhi's eligibility to contest elections is questioned for his alleged dual Indian/British citizenship. In Australia, five of the seven members of the Federal Parliament, including the Deputy Prime Minister and four senators, were ineligible to be elected to the Parliament due to their possession of dual citizenship at the time of their nomination.

Also, in countries where politicians are legally allowed to have dual or multiple citizenship (USA, Canada, Switzerland), there is a debate whether stricter rules should be enacted.



Dual citizenship acceptance for emigrants has progressed faster in the Americas, Europe and Oceania and more slowly in Africa and Asia (Vink et al, 2019). 61 per cent do not require immigrants to renounce their previous citizenship as a condition for naturalisation and 49 per cent tolerate dual citizenship for both their diasporas and immigrants. Among the 22 per cent that reject dual citizenship for either group, many states still accept dual citizenship if it is acquired at birth rather than through naturalisation




GLOBALCIT Citizenship Law Dataset

GLOBALCIT's dataset on modes of acquisition and loss of citizenship provides standardised descriptions of citizenship laws that allow for international comparison.

The dataset breaks down citizenship laws into 28 modes of acquiring citizenship by birth or naturalisation and 15 modes of losing citizenship by renunciation or withdrawal. The GLOBALCIT Citizenship Law Dataset, v1.0 covers information on legislation in force in 190 states on 1 January 2020.

Conditions for electoral rights



In particular, regarding the conditions for electoral rights, it is possible to consult the study prepared by GlobalCit that includes information on the conditions and procedures of access to the franchise in the 28 EU Member States, 20 American countries, and in Australia, New Zealand, and Switzerland in 13 types of elections and for 3 categories of persons: citizen residents, non-citizen residents, and non-resident citizens.

Record Number of Italian Citizenship Grants in 2023

In 2023, Italy experienced a significant rise in citizenship recognitions and acquisitions, with an impressive 359,000 granted, especially for descendants of Italian emigrants.

Key statistics include:

- 190,000 for ius sanguinis (right of blood)
- 77,000 for residency
- 59,000 for children of naturalized citizens
- 22,000 for marriage
- 11,000 for individuals just turning 18

Recognitions based on blood ties outnumbered those for residence and marriage.

Italian law allows citizenship recognition by blood without generational limits, attracting many applicants living abroad seeking the Italian passport, which offers visa-free access to 192 countries.

The surge in demand has led to concerns from local authorities, with the number of citizenship applications more than doubling between 2021 and 2023 to 61,328.

Consulates, especially in Brazil and Argentina, are overwhelmed, with some waiting times exceeding ten years.



In 2023, 68.5% of new Italian passports went to Brazilians and 19.9% to Argentinians, reflecting the descendants of nearly nine million Italians who emigrated to the Americas between 1876 and 1925. Demand for Italian citizenship is expected to remain high in the coming years.

Veneto under pressure: The challenge of Italian Citizenship by descent applications



Approximately 80 million people, mainly from South America, are eligible to apply for Italian Citizenship by descent as descendants of Italian emigrants.

This surge in citizenship requests, especially from Brazil, Argentina and Venezuela, is putting a significant strain on the civil and municipal systems in regions such as Veneto, which have historically experienced high levels of emigration.

In fact, applicants face long delays at Italian Consulates abroad, sometimes over ten years, leading many applicants to appeal to Italian regional courts. This process has overwhelmed the local Courts, particularly in Veneto, where 19,000 appeals were pending in September half of the total number of citizenship cases in Italy.



Citizenship applications keep increasing

Local reports show that the primary motivation for this trend is the enhanced travel flexibility offered by Italian passport, including access to the EU and eligibility for the US Visa Waiver Program (VWP), which allows nationals from specific countries to enter the US for short-term visits without a visa.

In fact, applicants face long delays at Italian Consulates abroad, sometimes over ten years, leading many applicants to appeal to Italian regional courts. This process has overwhelmed the local Courts, particularly in Veneto, where 19,000 appeals were pending in September – half of the total number of citizenship cases in Italy.

Name variations in Italian citizenship application: What should I do?



What if two passports of a dual citizen list different names?

When a foreign citizen is recognized as Italian citizen, his/her name, exactly as it appears on the birth certificate issued by the relevant foreign authority, must be registered by the Civil Registry Officer in Italy without any changes or variations. As a result, the name registered with the Italian authorities will correspond precisely to the one stated in the foreign birth certificate (issued by the country of origin of the new Italian citizen).

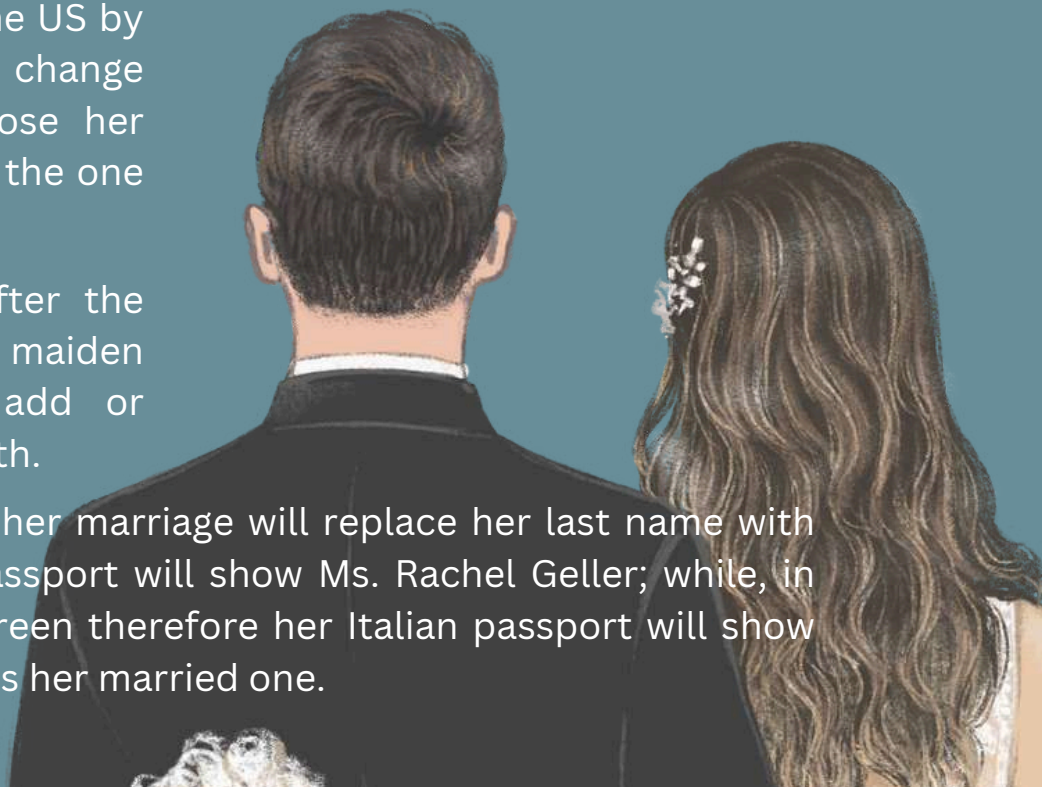
Can the mismatch of the names be aligned?

It could happen that the generalities indicated in the foreign birth certificate do not match with the one stated in the foreign passport, raising a discrepancy between the name registered in Italy and that on the foreign passport.

For example, a woman in the US by marrying her husband, will change her last name; she will lose her maiden surname, acquiring the one of her husband's.

In Italy, the same wife after the marriage maintains her maiden surname and does not add or replace her last name at birth.

Ex. Ms. Rachel Green after her marriage will replace her last name with Geller, therefore her US passport will show Ms. Rachel Geller; while, in Italy she remains Rachel Green therefore her Italian passport will show her maiden name, regardless her married one.



In case of mismatch of generalities between foreign and Italian documents, having been recognized Italian, the new-Italian citizens have the right to ask for the adjustment of their name, following the Italian laws currently in force.

Since in many Countries outside Italy, variations on the name at birth are not registered on the birth certificate because they are not considered so crucial, these kinds of discrepancies can arise later.



Ex. Edgar's birth name in his birth certificate is Edgar Allan Poe, and his generalities in his Italian documents are Edgar Allan Poe but his foreign passport says Eddie Poe. As a result, the new Italian citizen Mr. Edgar Allan

Poe may find out that the name he is commonly known by (Eddie Poe) does not align with the one in the Italian registry.

This can cause identification issues, especially because documents such as passports, ID cards, and residence permits may show different names.

How to align the name variations?

The procedure for obtaining an Italian passport requires the registration of the birth certificate with the relevant Italian municipality and the AIRE registration. In order to align the documents, it is necessary to submit a request for a change of name or surname to the appropriate Italian Consulate (or to the municipality if residing in Italy). The application will be forwarded to the Prefecture, and if approved, the competent authorities will issue a new birth certificate to be associated with the foreign passport.

Is this process mandatory? Am I getting in trouble for having two different names on the passports?

It's worth noting that this process is not mandatory, although we always recommend having the same generalities on each document in order to avoid any kind of issue. These procedures can sometimes be complicated; a new Italian citizen trying to align his/her personal details might struggle to navigate the process alone.

On October 24th operational guidelines for entry quotas applications for both seasonal and non-seasonal non-EU workers in Italy for year 2025 period were issued



For 2025, the following entry quotas are planned:

- 70,720 entries for non-seasonal subordinate employment
- 730 entries for self-employment
- 110,000 entries for seasonal subordinate employment



As established by Decree law no. 145/2024, pre-application periods are as follows:

November 1 to 30, 2024 – for submission dates (click-days) of February 5, 7, and 12, 2025.

July 1 to 31, 2025 – only for the October 1, 2025 submission date (click-days), dedicated to seasonal employment in the hospitality sector.

Starting at 9:00 AM on November 1, 2024, the online application platform at <https://portaleservizi.dlci.interno.it/> will be available for pre-application form completion.

Click-days

(dates from which it will be possible to file the applications)

February 5, 2025 – non-seasonal subordinate employment.

February 7, 2025 – non-seasonal subordinate employment in family and social assistance.

February 12, 2025 – for both agriculture and hospitality sectors.

October 1, 2025 – for 30% of remaining hospitality sector quotas.

Starting on February 7, 2025, at 9:00 AM, up to 10,000 additional applications outside the quota will be accepted for subordinate work in family or social assistance for the elderly and the disabled.





International succession and European regulation: What is the applicable law?

When a person dies in a foreign country or leaves assets in another country, a conflict of laws may arise among legislations of the countries involved in their succession. Therefore, what is the applicable law?

By way of example, if a German citizen or an American citizen dies in Italy leaving properties or other assets in Italy and in his own country, how to identify which national law is to apply to:

- the succession procedure
- the allocation of shares to the beneficiaries, or the
- validity of the last Will? Is there any difference between EU and non-EU citizens?

European regulation: The EU Succession Regulation n. 650/2012 and other cases



The EU Succession Regulation n. 650/2012 provides standard rules applying in the territory of the European Union, with the exception of Ireland and Denmark, as these Member States did not participate in the adoption of this Regulation, they are not obligated by its provisions and are not subject to its application.

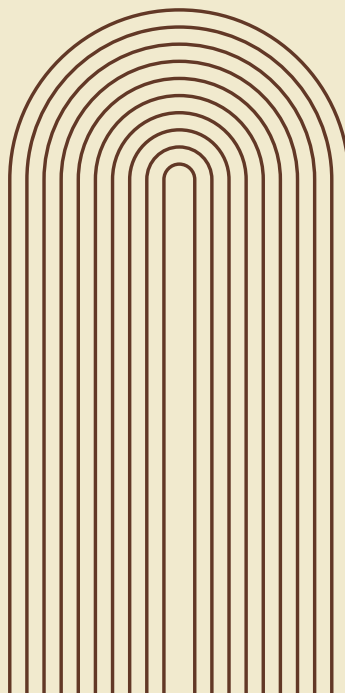
The above-mentioned Regulation aims to simplify and harmonize the rules related to the jurisdiction, applicable law, and recognition of foreign wills and successions within EU member states.

Under its rules law of the State in which the deceased was resident at the time of death applies to the succession.

However, individuals can choose to apply the law of their nationality (the law of the country of their citizenship) to their succession, including for the distribution of assets.

In case the deceased has multiple citizenships, it is possible to choose one of his/her national laws to regulate the succession.

Even the Jurisdiction (where the case will be heard) follows the same rules: the court of the country in which the deceased was resident at the time of death and, if chosen, the court of the deceased's country of citizenship



Even if the UE Regulation applies uniformly to all assets regardless of where they are located, local laws may still affect specific procedural matters (e.g., the formalities of a will or the validity of certain dispositions).

How about citizens of non-EU countries?



The regulation does not apply to countries outside the EU, but its provisions may influence how cross-border successions are handled where one of the countries involved is a non-EU country.

In fact, due to its universal application, the EU Regulation rules not only for citizens of EU member states but also for any other non-EU individual who had a “habitual residence” in an EU Country at the time of death.

As a result, in the absence of an explicit choice of national law, Italian judges and notaries will apply Italian inheritance laws (and therefore the EU Regulation rules) to the succession of both an Italian citizen and an American who was a resident of an EU member state at the time of death.

For example, the inheritance of an American citizen resident in Italy will be subject to the Italian succession law and, for example, to the “quota di legittima” that restricts the testator’s wishes to dispose of their asset freely, when there are children, spouse and other closest relatives.



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