

# Debating Dual Citizenship

Experts call for dual citizenship to attract talents despite tightened single citizenship management  
By Yin Pumin

In 2013, a report said more than 100 skilled Chinese workers living in Australia had received "green cards" from the Australian Government due to their superior welding skills and settled down in the country. However, while they obtained the citizenship of Australia, many of them still hold a Chinese *hukou*, or household registration.

On August 6, one of the workers was required to cancel his Chinese citizenship, as dual citizenship is not allowed in China.

Cases of dual citizenship are common in China now. From January 2013 to June 2014, a total of 1.06 million Chinese with dual citizenship were required by the Ministry of Public Security (MPS) to cancel their Chinese *hukou*, according to the *Legal Weekly*.

"But the current Nationality Law in China has no compulsory article to demand people to cancel their *hukou* in China after taking foreign nationality," said Song Quancheng, Director of Institute of Immigration Studies at Shandong University. He believed this is one of the main causes of the chaotic citizenship situation in China.

It may also be because of the relaxed policies, according to Kong Yang, a police officer in Fengtai District in Beijing. Kong recalled the policies of the 1980s and 1990s as extraordinarily strict. In 2003, the MPS issued a notice allowing those who stayed overseas for more than one year to keep their *hukou*, but those who settled down overseas were forced to give it up. "The measure of 2003 in fact provides operation space for those who moved abroad to hold dual

citizenships," Kong said.

In light of such a chaotic situation, China has strengthened its control over the issue. The MPS launched an online tip-off platform regarding *hukou* problems on July 15. Whistle-blowers are encouraged to report about dual citizenship.

## Anti-corruption consideration

In many analysts' eyes, anti-corruption is a major motive behind the MPS' tighter control over dual citizenship.

"The control on dual citizenship is a heavy blow to 'naked officials' whose family members have emigrated overseas and properties transferred too. Some officials themselves may even have dual citizenship as well. This has become a new form of corruption," said Ren Jianming, Director of Beihang University's Clean Governance Research and Education Center.

In 2013, Zhang Shuguang, former head of the now defunct Ministry of Railways' Transportation Bureau and deputy chief engineer, was indicted for taking bribes worth 47.55 million yuan (\$7.76 million). The public was also appalled at Zhang's huge number of properties and luxurious home in the United States. Zhang was not the only official with foreign-based properties.

A 2011 report from the Chinese Academy of Social Sciences revealed that some 18,000 officials have escaped the country since the 1990s, along with over 800 billion yuan (\$129 billion). Statistics from the MPS also state at least 500 officials fled in 2013.

"It is not easy to track the properties if

officials have transferred their properties to overseas bank accounts or foreign-based companies run by family members," said Qiao Xinsheng, a professor with the Wuhan-based Zhongnan University of Economics and Law.

"Even if they were found conducting illegal activities, officials with dual citizenship may be exempted from legal punishment due to being 'foreign nationals,'" Ren noted. "Meanwhile, anti-corruption international cooperation is usually time-consuming and cross-border investigations are still difficult."

Qiao suggested setting up a joint-action mechanism between different departments to supervise the change of citizen's nationalities. "Currently, China's exit and entry administration system is managed by different ministries. If a unified administration platform is set up, these departments will share information, which will make it difficult for people to hide their dual nationality," Qiao said.

Besides the joint action between internal departments, Ren advised to strengthen the cooperation between China and other countries. "Information-sharing systems can first be established with the United States and Canada, where most Chinese choose to go," Ren said.

According to reports, an information-sharing agreement on financial information was reached between China and the United States in June. According to the agreement, such information as bank accounts, relative earnings, and the names and addresses of the opened accounts held by Chinese citizens in the United States will be open to the Chinese Government.

## Time to change?

While tougher citizenship management measures are expected for anti-corruption, others are anticipating more relaxed ones.

Chen Sijin, a risk investment consultant who got Canadian nationality in 2001, told the *Legal Weekly* that attempts to invest in the "motherland" often meet obstacles.

Gao Siren, former Director of the Overseas Chinese Affairs Committee of the National People's Congress, said overseas Chinese have long called on the government to streamline the paperwork for them to return to China by issuing more "green cards" or lifting the ban on dual nationality.

Liu Guofu, a law professor with Beijing Institute of Technology, said the Nationality Law of a country should be designed to improve the



through direct investment as an example, an applicant has to pour either \$500,000 into west China, the least developed region of the country, or \$1 million into central China, or a total of \$2 million anywhere in China. Many Chinese expats who wish to return and start enterprises flinch at the large sum.

"We have now entered the era of talent flows. China's continuous development will to a large extent depend on a huge talent pool. This requires China to formulate more practical attractive policies, such as the tolerance of dual nationality," Wang said.

According to him, about 90 countries and regions worldwide recognize dual or multiple citizenships. Among them many are emerging countries such as South Korea, Viet Nam, India, the Philippines, Brazil and Mexico.

"If the Chinese Government does not allow dual nationality, overseas citizenship and overseas Chinese identification cards should be considered," Wang said.

Given China's current situation, it may not be suitable to allow dual nationality. But an overseas citizenship and overseas identification card that was recently promoted by India may be a possible solution to the complicated visa issue procedures.

"An overseas citizenship card could be used for Chinese living overseas so they can freely travel to and from China," Wang said.

According to him, the overseas identification card could be used for second- or third-generation Chinese who are living overseas. With this card, they would not have to apply for a Chinese visa for 15 years.

In addition to an overseas identification card, Chinese who are overseas would enjoy equal treatment in their host country with the exception to the right to vote and be elected to political office.

"These solutions would allow China to attract talent without spending a great deal of money. This innovative policy could possibly draw talent back to China," Wang said. ■

competitiveness of the country. China's current Nationality Law sets limits on population mobility, which may diminish China's attractiveness.

"The law is too severe that it expels overseas Chinese from being Chinese. This practice is rarely found in other countries," said Wang Huiyao, founding Director of the Center for China and Globalization and Vice Chairman of the China Western Returned Scholars Association.

According to him, China has sent out about 2 million students studying abroad since 1978, but only less than one third have chosen to return home after completing their studies.

In 2010, China became the largest international student exporter to the United States, with 140,000 Chinese students leaving for the United States to study that year.

Compared with the huge number of talents exported, the amount of backflow was limited. At the end of 2012, only 246,000 foreigners having work visas or permits lived in China. The international population only accounted for 0.5 percent in China's first-tier cities, such as Beijing, Shanghai and Guangzhou, which was much

lower than that in New York City, London, and Paris, where the number reached 20-30 percent, according to the *Times Weekly*.

"I applied for U.S. citizenship as I would not be allowed to enter high-end laboratories in the United States without it," said Huang Ying, a post doctoral student. "But once I lost Chinese citizenship, it became more complicated to go home. It's ridiculous to spend so much time and money just to apply for a visa."

Huang's remarks are also commonly expressed by many immigrant talents who left to learn high-end technology and science, but when they hoped to return home, the way was not smooth.

In order to attract foreign capital and talents and pull back Chinese entrepreneurs of foreign nationality, the MPS and the Ministry of Foreign Affairs implemented a series of regulations in 2004, stating that any foreign nationals, including Chinese of foreign citizenship, can get a Chinese "green card" to obtain permanent residence, as long as they meet the qualifications.

However, the threshold is so high as to stultify the regulations. Take immigration