

DEBATES OVER LIBERALISING DUAL CITIZENSHIP: PROSPECTS AND LIMITS IN TAIWAN AND THE PEOPLE'S REPUBLIC OF CHINA

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ABSTRACT

This article examines the politics of dual citizenship in Taiwan and the People's Republic of China (PRC). While the immigrants in Taiwan are proposing to expand the privileged right of dual citizenship to non-Republic of China (ROC) nationals, the Chinese emigrants are demanding the right to retain their Chinese citizenship on their acquisition of foreign citizenship. Despite the continuous lobbying, both governments are reluctant to liberalise their existing citizenship law. The liberal proposition which situates dual citizenship in a human rights framework is unacceptable to both states. This article suggests that the political cultures of Taiwan and China are incompatible with the liberalist approach of citizenship.

Keywords: Dual citizenship, citizenship law, transnationalism, Taiwan, People's Republic of China

INTRODUCTION: THE DEBATE BETWEEN THE INDIVIDUAL AND THE STATE

A common feature shared by the dual citizenship debates in Taiwan and the People's Republic of China (PRC) is the issue of individual rights. The nascent citizenship debates in Taiwan focus on the right to equal treatment of dual citizenship between foreigners and Republic of China (ROC) citizens. In Taiwan, the use of ethnicity as a main criterion for dual citizenship creates different categories of citizens; those who do enjoy the best of both worlds and those who do not. In other words, there are different levels of dual citizenship tolerance. Applying the term "selective tolerance" (Górny et al. 2007), we could classify Taiwanese citizens into three broad categories in terms of their eligibility of dual citizenship: local Taiwanese,

government officers and immigrants. Among them, only local Taiwanese could enjoy the best of both worlds. This selective tolerance was originally motivated by the official need to maintain the imaginary Chinese nation. Such partial policy is difficult to reconcile when immigration and democratisation took place on the island during the 1980s.

Taiwan's citizenship case is distinctive as Taiwan allows its own citizens to possess a foreign citizenship without forfeiting their ROC citizenship but the same practice is not acceptable in the case of its immigrants. This so-called practice of "double standard" between its birth citizens and naturalised citizens is particularly obvious in a family with foreign spouses, in which Taiwanese spouses and their children may be able to acquire dual citizenship, whereas the foreign spouses may not. The proposal to drop the dual citizenship restriction has "long been due, and will be warmly welcomed by many long-term foreign residents of Taiwan" (Whittle 2012). Immigrants in Taiwan are not entitled to citizenship rights even though they have stayed in Taiwan for generations and married a Taiwanese citizen, except if they renounce their original citizenship.

The PRC, on the other hand, is witnessing an increased demand from its overseas population for the right to retain their Chinese citizenship on their acquisition of foreign citizenship. Unlike Taiwan, China prohibits dual citizenship even for its own citizens. The PRC's principle applies equally to all citizens or foreigners who are seeking naturalisation. Returning PRC migrants (*Haigui*) are placed in a precarious situation, described by Ho as "caught between the two worlds." They face a citizenship dilemma as they return to reside in their former country which they no longer have any rights (2011: 643). According to the PRC single citizenship principle, the returned overseas Chinese were no longer PRC nationals if they had obtained foreign citizenship (Wang et al. 2006: 302). As foreigners in their motherland, former PRC nationals do not have the right to stay in China without applying for appropriate visas like employer-sponsored visa, self-employment visa, spousal visa or visitor visa. *Haigui* underwent inconveniences and difficulties in terms of obtaining entry permits and extending their stays (Ho 2011: 650). In Ho's words, "They have limited rights in the place they are compelled to return because of disappointing job prospects in Canada and/or familial commitments in China" (655).

In both cases, Taiwanese immigrants and PRC returned migrants are hoping to increase their mobility and social rights beyond the national boundaries. Migrants, because of aspiring transnational mobility and retaining family-based national affiliation, stand against the state's demand of singular loyalty (Fong 2011: 52). This article presents a debate between the state (disallowing dual citizenship because of the desire of singular

loyalty) and the individual (aspiring dual citizenship because of entitlement). It offers an explanation of why the liberal theory of citizenship could not be applied in the Taiwanese and Chinese context. Accepting dual citizenship as human rights is a contested position in both states. Valuable insights can be gleaned through the comparison between the Taiwanese citizenship development—which witnesses the extension of citizenship rights as a result of the democratisation process—and the Chinese citizenship tradition, which prioritises the interests of the society over the rights of the individual (Goldman and Perry 2002; Rigger 2002). The idea of having the best of both worlds and possessing divided allegiance would be contradictory to the growth of Taiwanese nationalism. The natural rights theory would be irreconcilable with the Marxist-Leninist collectivist understanding of rights in the PRC. I propose that the political cultures of Taiwan and China are incompatible with the liberalist approach of citizenship.

This article contextualises the dual citizenship debates from the right-based citizenship conception. It begins with a review of the liberalist approach. Next, it examines the struggles for the right to have dual citizenship right in Taiwan and the PRC. It then discusses how the migrants adopted strategic approaches to maximise their rights and interests. Finally, this article assesses the tensions between state's interests and the individual's interests in explaining why Taiwan and the PRC are reluctant to accept dual citizenship as an individual right. Throughout this paper, two groups of migrants will be examined for their granted or denied access to dual citizenship in Taiwan: foreign immigrants in Taiwan (including business people and female immigrant spouses); and Taiwanese emigrants (including those who serve in the government). In the Chinese case, the groups of migrants examined are Chinese students and professionals who have acquired foreign citizenship as well as the returned Chinese migrants.

LIBERALISM: MAXIMISING CITIZENSHIP RIGHTS IN THE ERA OF TRANSNATIONAL MOBILITY

The framework for the right-based citizenship conception was first developed by T. H. Marshall in his pioneering work, *Class, Citizenship and Social Development*, in which Marshall classified citizenship according to three elements of civic, political and social rights. Individual freedom such as freedom of speech, thought and faith, the right to own property, to conclude contracts and the right to justice are civil rights, while participation through the exercise of political power constitutes a political

element. The social dimension includes access to economic welfare, security, education system and social services (1965: 78–79). The right-based citizenship conception places emphasis on maximising individual liberty (Schuck 2002: 132).

Liberals strongly advanced that dual citizenship should be protected as a human right (Spiro 2010: 111; Blatter 2008: 10; Faist 2007: 174). Dual citizenship is desirable since it facilitates the acquisition of individuals' legal and political rights beyond the boundary of a state (Blatter 2008: 10–11). The combined forces of increased mobility across the globe and the growing human right regime render multiple citizenship an irresistible force (Faist 2007: 173). Isin and Turner suggested that the rights of mobility and its ensuing rights of dual citizenship are exceptionally relevant in the era of globalisation (2007: 5). Spiro is right to point out that the price of renunciation is high for material and sentimental interests. Material costs are high as they involve political leverage, ownership of property, entry rights and socioeconomic benefits. However, Spiro acknowledges that the sentimental costs involved are "more prevalent." The renunciation of birth right citizenship is a very tough decision as it is "dearer" than the other (2010: 124, 128). Plural citizenship works perfectly to the individual interests. A second citizenship offers some added benefits without costing any additional obligations. What Spiro described as "free" citizenship nowadays could be obtained at a zero cost. This is attributed to the fact that many states have abandoned military obligations and charged taxes based on residence (127).

Dual citizenship is increasingly viewed positively in terms of state interests. For the sending states, dual citizenship is advantageous in terms of economic benefits. Emigrants contribute to foreign exchange and entrepreneurial capital while reversing the brain drain phenomenon. For the receiving states, the acceptance of dual citizenship among immigrants lowers the barrier to naturalisation and facilitates integration (Spiro 2010: 117). The liberal theory of citizenship advocates low barriers to naturalisation. Naturalisation should be facilitated for those who are "territorially present." States should take a permissive stance on dual citizenship to enable those who are "territorially present" to participate in self governance since they are affected by the decision of the state. Opportunity to participate in self-governance should also be given to those who have settled permanently (Spiro 2010: 124). Public deliberations are the means for improving the quality of democracy. Allowing dual citizenship would give resident foreigners a chance to be heard in public deliberation. The expansion and diversification of the audience of public

deliberation contributes to a better quality of policy making (Janoski and Gran 2002: 25–26).

Immigration countries have adopted a more inclusive version of citizenship legislations, which resulted in the expansion of individual rights. Meanwhile, emigration countries also show a growing tolerance of dual citizenship to maintain transnational links with their emigrants. The governments acknowledge the "multiples ties" of citizens to promote their economic interests (Faist 2007: 5–6). As pointed out by Isin and Turner, dual citizenship is "becoming a strategy of government." Pointing to the examples of India and Australia, which have embraced dual-citizenship for strategic reasons, they suggested that "modern China may well wish to give some political status, such as dual citizenship, to overseas Chinese to attract wealthy Chinese businessmen back into the fold" (2007: 11). If the direct and full recognition of dual citizenship is unacceptable, another alternative is through indirect recognition and flexible dual citizenship policy. Various states have practiced a more flexible dual citizenship policy.

India, for example, passed the Indian Citizenship (Amendment) Act in 2003 which allowed dual citizenship for Indians in Europe, America and Southeast Asia. The Act granted Overseas Indian Citizenship to People of Indian Origin (PIO) in 16 countries. Those with the status of Overseas Indian Citizenship were granted limited citizenship rights as dual nationals in terms of ownership of real estate, investment and financing privileges. Dual nationals were not entitled to vote, to stand for election or to hold public office. This dual citizenship approach facilitates overseas Indian investment and the return of overseas Indians. At the same time, it protects India's national interests and national security. It avoids citizenship conflicts with other states since Indian dual nationals do not have any political rights or obligations to India (Chaturvedi 2005: 160; Varadarajan 2010: 138).

Economic factors were the main reasons why India amended its single citizenship policy, which had been practiced for more than 50 years. When India faced financial crisis in 1991, the government looked upon an economic liberalisation programme as the solution, rather than seeking IMF funding. This was achieved by encouraging the involvement of overseas Indians in Indian economic development by offering more incentives and opening up new investment sectors (Varadarajan 2010: 107). In 2005, an amendment to the India Citizenship Law extended Overseas Indian Citizenship to People of Indian Origin in Spain, Russia, Nigeria and Lebanon. To avoid conflicts with states which prohibited dual citizenship, the law excluded overseas Indian staying in Pakistan, Bangladesh, Fiji, Malaysia, Singapore and Trinidad and Tobago (212).

Mexico is another state which had long prohibited dual citizenship but has recently changed its policy. The new Mexican nationality law of 1998 distinguished between Mexican nationality and full Mexican citizenship. The nationals of Mexico holding dual citizenship were not entitled to vote or hold public office. Though their status was different from the citizens of Mexico, their status was better compared with foreigners since they had the right to own and inherit property (Martin 2002: 34). In Turkey, the government amended its law to enable former Turkish citizens who had obtained foreign citizenship to enjoy citizenship rights in Turkey. The "pink card" system was introduced in 1995 to protect the citizenship rights of Turkish emigrants, since Turkish citizens who had migrated to a foreign country and obtained a foreign citizenship would lose their Turkish citizenship with all their rights in Turkey. The holders of pink cards enjoyed the same rights as other Turkish citizens with the exception of voting, holding public office or serving in the armed forces (Keyman and İçduygu 2003: 200). Faist reminded us that though Mexico, India and Turkey have recognised dual citizenship, the rights enjoyed by citizens with dual citizenship are limited. The states do not permit such citizens to exercise political rights (2000: 271–272).

The examples of Mexico, India and Turkey have shown that globalisation has made "economic calculation" an important consideration in the ways nation-states redefine citizenship laws (Ong 1999: 112). The PRC and Taiwan are also strategising on forging strong transnational linkages with their diaspora. Unlike the above mentioned examples, the PRC is responding to globalisation and transnationalism without challenging the state's single citizenship principle. China has attempted to reverse the brain drain by encouraging the return of ethnic Chinese professionals in the Silicon Valley. Chinese cities are competing with the other Asian cities to lure back its overseas educated migrants and other talented foreigners through the offering of work and visiting visas, which could be converted into the status of permanent residence. As a part of the competitive policies, Chinese diaspora is welcome with "well paid and prestigious jobs, luxurious apartments and villas, as well as special 'returning entrepreneurial' centres in the cities" (Ong 2008: 84–85). Living in megacities and enjoying luxurious lifestyle, these skilled emigrants have access to something, which might not be accessible to urban Chinese citizens. It is debatable whether or not they own their loyalty to the state in spite being given the advantages of first class urban citizens. Aihwa Ong suggested that the megacity "is increasingly less relevant as a site for distinguishing between the rights of citizens and those of talented outsiders" (89).

Moreover, it is the PRC which reaches out to its overseas nationals and rouses their patriotism to China's economic advantages. By using a shared ethnicity to seek cultural and national allegiance from the new migrants (*Xinyimin*) as well as favourable investment conditions, the PRC successfully incorporated these migrants into its developing global market economy. Duara (2003: 16) has coined the term "de-territorialised ideology of nationalism" to refer to the Chinese strategy of claiming the allegiance of ethnic Chinese beyond the Chinese border in its quest for global competitiveness. Chinese historian Liu Hong applauded the PRC's nationalistic strategy of evoking Chineseness as the shared cultural identity while adeptly claiming a national identity beyond the fixed territory (Liu 2010: 187).

The PRC is not following the example of other nations which recognise dual citizenship to attract talented foreign scientists. The PRC had adopted another approach—the green card system—which allows foreign citizens to have permanent residence rights (*China Daily* 31 December 2004). In August 2004, the PRC implemented a permanent residence (PR) system which was comparable to the green card system of the United States. Though the new PR system allowed foreign citizens, regardless of their ethnicity, to apply for PR, the criteria for the acquisition of PR were very strict: only those who had made important contributions to the country were eligible. Only a small number of foreigners had PR status (Wang et al. 2006: 302). This is understandable as the system aimed to attract more expertise, skills and investments. In addition to experts and scholars, the system also granted PR status to those who have made significant investments in China. Some scholars have urged a relaxation of the criteria and scope of China's green card system to include more of those who wish to return home (Liu 2008: 134). Though the system was very selective and competitive, it enabled overseas Chinese with foreign citizenship to stay and work in China without forfeiting their foreign citizenship. The PR system permitted the PRC to stick to its single citizenship policy while preventing citizenship conflicts (Choe 2006: 101–102).

As far as the Chinese migrants are concerned, this phenomenon is also not a satisfactory arrangement. Migrants prefer a full-fledged citizenship status in both political entities. Permanent residence is not comparable to a full-fledged citizenship, not from the aspect of rights and obligations, but from the viewpoints of "a sense of belonging." While access to social rights is important to the migrants, it is not as important as ties to the familial lineage. This lead Çağlar (2002) to conclude that there was something lacking in the status of permanence resident, that of the inherent ties that citizenship encompasses.

"Citizenship is not a simple cluster of rights, it stands for something whose value cannot be comprehended solely as the rights granted to members and denied to aliens. Other than rights (and duties), there is something else involved in citizenship... it entails substantial ties to fellow citizens" (254).

For the PRC, dual state membership in the forms of quasi-citizenship, dual citizenship and flexible citizenship is unacceptable. Non-recognition of dual citizenship is applied equally. In Taiwanese case, dual citizenship is applied selectively to different categories of people. In fact, preferential treatment in dual citizenship is not unique to Taiwan. "Selective tolerance" is coined by Górný et al. (2007: 147) to describe the different level of tolerance of dual citizenship in Poland. Selected groups are given the privileges of dual citizenship and the tolerance is based on the ethno-cultural understanding of the nation. Polish emigrants abroad are allowed to maintain their original citizenship. Poland maintains citizenship relations with Polish emigrants due to the history of large-scale emigration from Poland. Górný et al. also acknowledged that such selective tolerance brings the issue to the forefront of political debates when the foreign citizens residing in Poland do not have such a right. Different tolerance between emigrants and immigrants is also practiced in Germany, the Netherlands and Sweden (148).

A scholar in German citizenship studies, Green (2005: 947) coined the term "double standard" to refer to Germany's policy towards dual citizenship. Similar to Poland, Germany allowed dual citizenship based on ethnic preferential. Although Germany upheld the principle of a single citizenship, the state allowed dual citizenship to German children born to bi-national parents, ethnic Germans abroad and refugees from Germany's former eastern territories. The contradiction between theory and practice is explained by Green by referring to the "ethnocultural nature of its citizenship" (924–925). These two concepts—"selective tolerance" and "double standard"—could be applied in the examined case of Taiwan. Dual citizenship among birth citizens is tolerated, but not naturalised citizens. Dual citizenship among ordinary citizens is tolerated but not politicians.

The Taiwanese government is utilising another approach to encourage brain gain—providing exemptions for its dual citizens to hold public office. In principle, Article 20 of the 2000 Nationality Act stated that "A citizen of the Republic of China who has obtained the citizenship of a foreign country shall not hold public office in the Republic of China." The exemptions are only applicable if they have rare or highly valuable expertise and their jobs are not concerned with national secrets. Among those who are eligible include presidents of public universities, public school teachers, research

fellows, employees of public enterprises and professionals (Chiu and Wu 2000). Single allegiance prevents skilled emigrants from holding high public position thus hampers Taiwan's brain gain drive. In Academia Sinica, Taiwan's top research institute, five of the centre's 22 directors hold foreign passports in 1995 (*Los Angeles Times* 28 March 1995).

TAIWANESE CITIZENSHIP REGIME: IMMIGRANTS' STRUGGLE FOR DUAL CITIZENSHIP RIGHT

In December 2012, the Taiwanese controversies surrounding the issue of dual citizenship were brought up to the forefront of political debates. Controversy surrounding dual citizenship has persistently being a thorny issue for the politics of Taiwan partly due to the existence of overseas delegates to its legislative body. During a public hearing of the Legislative Yuan, Legislator Hsiao Bi-khim proposed amendments in Section 9 of the Nationality Act, which would do away with the renunciation requirement for foreigners seeking naturalisation. The proposal was initiated as a response to two recent cases of Taiwanese spouses, whose application for Taiwanese citizenship was rejected after they had renounced their Pakistani citizenship. The decision of the Ministry of the Interior rendered the two applicants stateless (*Taipei Times* 15 December 2012).

The inequality of access to dual citizenship is a part of the elongated exclusion of long-term residents from the Taiwanese citizenry. Since the ROC citizenship institution was based on *jus sanguinis* as the principle of awarding citizenship, understandably it was very difficult for non-Chinese nationals to become citizens of Taiwan (Cheng 2003: 102). The revised Nationality Act of 2000 did not change the status quo. Non-nationals still found it difficult to obtain Taiwanese citizenship. The requirements of naturalisation were set very high. The applicants had to be over 20 years of age, to have fulfilled five years of residence in the ROC, to be without criminal records, and to be economically independent (Article 3 of the Nationality Act of 2000 as printed in Chiu and Wu 2000). Nevertheless, the residential requirement was shorter (three years) if the applicant's parents were Chinese, the applicant's spouse was Chinese, or the applicant was adopted by an ROC citizen. Three years of domicile was required for the local-born children of foreigners to claim naturalisation (Article 4).

Naturalisation was the only means to Taiwanese citizenship for foreigners. Second generation local-born foreigners were entitled to naturalisation provided that both of their parents were born in the ROC. An alien resident of at least 10 years standing was eligible to claim

naturalisation (Article 5). Automatic citizenship was only awarded to a person whose father or mother was a national of the ROC. According to the revised law, ROC citizenship was transmitted to a person one of whose parents was a ROC citizen. There was no element of *jus soli* except for a person who was born in the PRC with unknown parents or who was stateless (Article 2).

There was no birthright citizenship for foreigners born in the ROC. Naturalisation was the only means to Taiwanese citizenship for foreigners (Cheng 2003: 92). The limitations of the law were described by historian Allen Chun, in the following terms:

"In the long view of things, while these revised laws were implemented to accommodate the flow of foreign labour for purposes of residence, they did not radically alter existing laws with regard to dual citizenship, and the inability of non-Chinese to gain permanent residence for purposes of citizenship" (Chun 2002: 119).

The major reason of denying dual citizenship to foreigners seeking naturalisation is to prevent a mass influx of foreign migrants and preserve the sense of a local identity. The strong articulation of cultural nationalism in the Taiwanese nation limits the application of the notion of multiculturalism (Chun 2002: 119). Many foreigners, who married local citizens, have established a strong connection with the island. While the normal requirements for naturalisation are "reasonable"—meet certain residential and financial criteria, pass a Chinese language test, pass a health examination and pass a background check—the need to renounce foreign citizenship is not sensible. The historical fact that Taiwan allows dual citizenship for its own citizens is used by the opponents to argue for their cause (*Taiwan Today* 3 May 2010).

The arguments are also presented from the positive viewpoint: generating economic development. Dual citizenship would encourage resident foreigners to settle permanently and to contribute economically. This argument is based on the rationale that citizens of developed nations do not give up their citizenship for something less. Many resident foreigners have already settled in the ROC and set up local businesses. Businesses people especially those from a rich and developed Western state, are unwilling to naturalise as ROC citizens. These entrepreneurs contribute to foreign exchange and entrepreneurial capital. According to *Taiwan Today*, an online news agency, more than 90 percent of those who chose ROC citizenship came from Southeast Asia (*Taiwan Today* 3 May 2010).

Most naturalised Southeast Asians involve female immigrant spouses. The wave of migration involving female immigrant spouses from Southeast Asia (mainly from Vietnam, Indonesia, Thailand, the Philippines and Cambodia) had started since the 1970s and 1980s. With the lifting of the travel ban to China in 1987 and the opening of Taiwan to Mainland Chinese visitors in 1990, there was a second wave of female spouses' migration from the mainland. With the increasing number of female immigrant spouses, Taiwan was said to be a country with "feminised" or marriage immigration (Cheng 2008: 2–5). The prohibition of dual citizenship for female immigrant spouses is totally different from the practice towards ROC nationals (Wang and Bélanger 2008: 94–95). Female immigrant spouses from less developed countries are more willing to naturalise (Hsia 2009: 32). Female immigrant spouses are considered as foreigners regardless of their period of residence in Taiwan and the period of their marriage. Due to the strict citizenship and immigration policies of the ROC, female immigrant spouses face hardships and disadvantages in their societal integration (Hsia 2008: 192–193).

Female immigrant spouses are portrayed as a "socio-economically disadvantaged and inferior class" (Wang and Bélanger 2008: 92). Often regarded as "Other" by the Taiwanese legislators and society, they are subject to the patriarchal *jus sanguinis* principle of the Nationality Act (*guo ji fa*). Their citizenship status depended on their marital status and they do not have any identity of their own. For those who are reluctant to give up their former citizenship, they remain as residents and legalise their stay in Taiwan through their husbands or children (98). To better facilitate the integration of these Southeast Asian female immigrant spouses and their bi-national children, NGOs and the government have developed various support schemes to empower them (103).

Liberalists have argued that dual citizenship will ease integration. The acceptance of dual citizenship among immigrants facilitates naturalisation (Spiro 2010: 117). Liberal theorists are not in favour of the renunciation requirement because the real cost of renouncing birth right citizenship involves sentimental interests (2010: 128). Many international scholars have argued that the greatest barrier to integration lies in the restrictive naturalisation policy. Prohibition on dual citizenship made naturalisation less attractive for immigrants. To make naturalisation conducive to integration, the criteria should be made more attractive by abolishing the dual citizenship ban. In other words, the best method for integration is dual citizenship (Davy 2005: 141). Citizenship is a means for the empowerment of migrants. Formulation of a model of citizenship that is capable of empowering migrants should be able to "secure the position of immigrants

in both sending and receiving countries, without necessarily obliging them to have their former rights and freedoms withdrawn" (Içduygu and Senay 2008: 308). In other words, dual citizenship is a vehicle to secure the position of immigrants in two worlds.

Dual citizenship should be a tool of empowerment of the marginalised class to "promote a more inclusive form of citizenship" rather than as a convenience tool of the privileged class (Hsia 2009: 26). Advocating political recognition of group differences, multiculturalists call for additional rights for disadvantaged groups such as minorities or immigrants. Additional rights whether in the form of special representation, affirmative action or self-government are necessary to bring the disadvantaged groups on an equal footing with the majority groups. This explains why multiculturalists favour dual citizenship for immigrants. Dual citizenship is a tool of recognition of cultural difference and political participation (Janoski and Gran 2002: 22).

It is this form of citizenship, which is lacking in Taiwan. An independent observer, Whittle (2012) suggested that:

"The renunciation condition brings absolutely no benefit to Taiwan, either tangible or intangible. But it is severely unfair and discriminatory against new immigrants who wish to become fully integrated into Taiwan's society and enjoy the full civic rights that should be accorded to every law-abiding and tax-paying member of a society."

Hsia, a prolific writer on immigrant movements in Taiwan, believed that marriage migration could challenge the traditional concept of citizenship and eventually garner considerable force and lead to the realisation of multiple citizenship.

"Compared to migrant workers, marriage migrants are in a more advantaged position to challenge Taiwan's exclusionary model of citizenship because the nature of transnational marriages involves citizens from different nation-states and their children are the direct result of cross-border migration" (2009: 41).

Hsia's anticipation is reasonable given that the international trend is moving towards toleration of dual citizenship for spouses and children. The European states have come to realise—after the conclusion of the 1963 "Convention on the Reduction of Cases of Multiple Nationality and on

Military Obligations in Cases of Multiple Nationality"—that strict avoidance of multiple allegiance is problematic. The main principle of Article 1 of the 1963 Convention was finally amended in 1993 to take into consideration of cases of mixed marriages. According to the Second Protocol to the 1963 Convention, dual citizenship is to be tolerated for spouses of different nationalities and children born of mixed marriages. Each of the spouses of a mixed marriage should have the right to acquire the citizenship of the other without losing his or her former citizenship. Children born of mixed marriages should also be entitled to the citizenship of both their parents (Vink and Groot 2010: 723–724). Toleration of dual citizenship for spouses and children of mixed marriages is reiterated when the Council of Europe initiated a new European Convention on Nationality in 1997 (Article 14).

CITIZENSHIP REGIME IN THE PRC: EMIGRANTS' STRUGGLE FOR DUAL CITIZENSHIP RIGHT

The PRC's citizenship campaign has started around two decades ago. In March 1999, several representatives proposed to abolish the single citizenship policy at the meeting of the Ninth Chinese People's Political Consultative Conference (CPPCC), which is the national advisory body (Yang and Yin Hui 2006: 30). After the initial rejection by the Ministry of Public Security, overseas Chinese in European countries continued to intensify their campaign—by expressing their views to the National People's Congress, the People's Consultative Congress and the Office of Overseas Chinese Affairs. Such expressions were widely circulated in various national and international media as well as in online forums. Since then, worldwide overseas Chinese organisations have called for the recognition of dual citizenship. The North Chinese Community of Canada and several Chinese organisations in New Zealand, for examples, sought to challenge the policy in 2003 and 2004 respectively (Liu 2010:189).

Multiple allegiances are not acceptable in the Chinese citizenship principle in the past and present. Chen Yujie, director of the Overseas Chinese Affairs Office (OCAO) of the State Council, during his visit to Britain in 2005, stated that the PRC has to take into consideration of the interests of overseas Chinese. Their loyalty would be questionable if dual allegiance were allowed. Facilitating their visitation and reunification with their families were not seen as sufficient factors to modify the existing policy. The director of OCAO regarded the decision as "reasonable and

rational and completely in accordance with the International Law and the common practice in most countries" (*People's Daily* 9 June 2005).

In March 2005, another similar proposal was submitted by the China Democratic National Construction Association to the PRC government. In its proposal to the CPPCC, the Association argued that dual citizenship is advantageous to China in terms of bringing "more talents, technology, money and management experience to China." The request was turned down (Xiao and Guo 2006: 587). The same reply was given by Wang Ping, the deputy director of the domestic department of the OCAO during her visit with overseas Chinese in Vancouver in 2009. Members of the Senior Chinese Society of Vancouver were concerned with their retirement and asked to be allowed to regain their Chinese citizenship, to invest in China and to enjoy senior welfare benefits in China (Crienglish 18 November 2009). Despite the continuous official rejections, the overseas Chinese campaign continues.

The new generation of returned migrants, however, could not comprehend why the policy, which was designed for the old generation of overseas Chinese, should apply to them as well. If overseas Chinese were seen as a liability to the Chinese government during the Cold War period, Chinese diaspora in the 21st century has become an asset. Compared to the old migrants, the new migrants (*xinyimin*) are in the position to contribute towards the nation's social economic development due to their economic resources and working experiences in developed countries. Moreover, the new migrants are definitely more patriotic since they were born and educated in China (Liu 2010:184–186).

The Chinese emigrants sought to present their proposal in an attractive way by arguing from the patriotic perspective. They carry the nationalist tune and appeal to Chinese nationalism: dual citizenship would be "in the mutual interests of the Chinese state or people and the Chinese overseas" (ibid. 2010: 189). Naturally, this was not agreeable by the Chinese writers. Liu argued that the genuine reasons are "facilitating transnational mobility and the diaspora's interests" (189). Wang et al. (2006: 297–298) also agreed that the return of overseas students and professionals is not motivated by patriotic motives but by promising career opportunities in China. Chinese economic development is the key factor in enticing them to return. Losing Chinese citizenship has great implications for Chinese returnees or *haigui* as it means losing local household registration (*hukuo*). Without their household registration, *haigui* lost their entitlements to social welfare, medical insurance and public education in China (2006: 302).

The right to dual citizenship in the PRC may only benefit a special class of citizens: the Chinese emigrants. The Chinese case illustrates the inequitable demand from the well off students and professional migrants, who have the opportunity to go abroad and to acquire foreign citizenship. I agree with Bloemraad (2004: 389) that high classes of the society have more opportunity to have multiple citizenship. If the dual citizenship restriction were liberalised, only the wealthier group would benefit.

Research conducted by Vanessa Fong among her Chinese students in the U.S. found that they regarded foreign countries as "paradise" (2011: 10). More and more students choose to study abroad in developed countries hoping to gain access to social, cultural and legal citizenship of the countries while retaining their access to citizenship rights in China (5). Chinese overseas treasure their home country citizenship and they are "loyal" to their ancestral home. Loyalty in this context refers to family loyalty, rather than political loyalty. "Filial nationalism" plays a more dominant role in explaining the "subjective loyalty" of overseas students rather than ethnocultural nationalism.

"Chinese youth in my study retained a strong sense of loyalty to China based on the idea of an imagined community but on the idea of an imagined family in which China was identified with a long-suffering parent who deserved the filial devotion of her children" (Fong 2011: 52).

Despite leaving their homeland for years, many Chinese maintain their Chinese cultural identity. The sharing of common sentiments is a logical consequence as patriotism or nationalism has been reinforced deliberately by the Communist government in China. The Chinese state hopes to claim a national identity beyond its territorial border while encouraging new migrants to contribute without having to physically return to China (Wu 1994: 187). As a result, all who see themselves as Chinese immediately identify themselves with these two sentiments—a sense of connectedness with the destiny of China and a sense of fulfilment stemming from practicing the superior Chinese cultural heritage (149). It is questionable if the affiliation with Chinese traditions had in fact encouraged the return of overseas Chinese since "the existence of a superior Chinese culture is, at best, a myth." David Wu supported his opinion by adding that:

"The Chinese people and Chinese culture have been constantly amalgamating, restructuring, reinventing, and reinterpreting themselves, the seemingly static Chinese

culture has been in a continuous process of assigning important new meanings about being Chinese" (1994: 151).

The process of "indigenisation" has taken place in the receiving countries. Different political, economic and social context must be taken into consideration when discussing the relationship between Chinese migrants and cultural identity (Cheng Xi 2007: 52). The Chinese diaspora might share certain social characteristics such as dialect, place of origin, political belief and similar surname, but their sub-ethnic identity is determined by the "native-place identity" (Lin 2007: 144). As Dittmer and Kim (1993) noted, the diasporic Chinese adapt various identities in line with the changing situations. Ethnic, national, local, cultural and class identities coexist. In their words, if the diasporic Chinese were to relate their identities with China, "It is now the Han Chinese nation and cultural identity, not the PRC state or state/nation identity, that is the primary locus of overseas Chinese sentiments and loyalty" (278). According to them, the benchmark of Chinese identity is the performance of Chinese rites and ritual.

"One is and becomes Chinese and achieves Chinese cultural identity (*wen*) by understanding and performing key rituals associated with the life cycle—the rites of birth, marriage, death, and ancestor—in the proper and accepted manner. In essence, one becomes Chinese by acting Chinese" (Dittmer and Kim 1993: 256).

In a research conducted on *Haiguinet*, an online community of Chinese returning migrants, Liu (2012) showed that Chinese migrants viewed citizenship as a registration or administration tool, which was not equivalent to their identity and cultural belonging. Accordingly, they did not find it necessary to retain their Chinese citizenship to maintain their cultural identity as a Chinese. In other words, "losing Chinese citizenship does not mean losing their Chinese culture or Chineseness" (56). It is less likely that overseas Chinese identify themselves politically with the state but the issue of loyalty is made complicated by the state's nation-building ideology. The Chinese state-sponsored education, which emphasises patriotism, civic duties and the responsibility to remain loyal, has underestimated the importance of individual rights (Fong 2011: 53).

For those migrants who could not enjoy dual citizenship, their selection of citizenship is based on a careful calculation on "the costs and the gains of different citizenship" (Liu 2012: 39). The rationales for choosing a foreign citizenship—especially U.S. citizenship—over Chinese

citizenship are understandably sensible and realistic. Besides offering a competitive position in the global labour market, western citizenship enabling the Chinese to earn developed-world-level salaries in China compared to the local employees. The convenience of international travel, children's education and career opportunities, and protection from political uncertainties in mainland China are some of the benefits conferred by citizenship of a developed nation (Liu 2012: 40–43). Liu coined the term "selective citizenship" to illustrate the careful making of citizenship choices among ordinary Chinese migrants when dual citizenship is unreachable (Liu 2012: 36). As long as transnational mobility is a reality, this conception—the selection of citizenship based on calculation of benefits—could not be avoided (39). Liu (2012) showed that "migrants and returnees construct their hybrid identities while remaining flexible and selective with nationality and citizenship in order to maximise their transnational mobility and individual autonomy" (60).

PRACTICES AND STRATEGIES OF THE MIGRANTS

Unable to challenge the strict single citizenship principle, Chinese migrants, unlike the privileged Taiwanese and Hong Kongers, are adopting a new strategy to maximise their rights. The tactical approach of "one family, two systems," best explains how the migrants survive the single citizenship principle and protect their transnational mobility at the same time. Through this system, one spouse retains his or her Chinese citizenship while the other applies for a western citizenship (Liu 2012: 45).

Some Chinese returnees try hiding their dual citizenship status through the loopholes in China's entry and exit administration. They concealed their intention to emigrate and they returned to the mainland via Hong Kong or Macau through a special entry-exit permit. The strategy enables the dual nationals to pass through the Chinese immigration checkpoint without leaving any records of their foreign passports. Upon returning to China, their *hukuo* status was reinstated and they continued to access all the rights such as the retirement fund, unemployment insurance, housing subsidies and others (Ho 2011: 653).

On the other hand, Taiwanese couples are embracing the trend of getting citizenship of a western country, especially U.S. citizenship for their baby. U.S. citizenship opens up the gate to social welfare, to the possibility of emigration from Taiwan and to the opportunity for green card application for their parents. Having an American baby is often regarded as an achievement by the Taiwanese society. This explains the popular

phenomenon among Taiwanese women going to the U.S. to give birth with the aim to acquire dual citizenship for their child (Lien 2006: 7–9). Lien argues that the main reason behind the acquisition of a developed country citizenship is that of protection. Lien describes the act as akin to getting an insurance policy so that "they will have the best situation, no matter what happens" (96).

Many Taiwanese citizens prefer to return to Taiwan to enjoy the affordable health care and cheaper health insurance while choose to have their child educated in the U.S. In the U.S. alone, there are more than 300,000 children born to undocumented residents every year. In an emerging strategy of "birth tourism," parents typically choose to give birth abroad, to secure a foreign passport and economic opportunities for their child. This trend is also observable in Hong Kong. Mainland Chinese mothers, in order to evade China's single citizenship policy, are immigrating to Hong Kong to give birth at the rate of above 35,000 per year (*The Epoch Time* 12 March 2013).

Hong Kong residents are also not left out in the pursuit of a better transnational mobility. In Ong's notion of "flexible citizenship," professionals and highly skilled Chinese migrants have sought to make the most of the existing citizenship constraints by selecting different countries for different purposes: residence, investments, work and family relocation (2008: 112). Adopting the flexible approach, Hong Kong residents continue to work in the same place: Hong Kong; sent their families to another place: western countries; and set up their business abroad. At the same time, they acquire multiple passports, second homes, overseas bank accounts and most importantly the flexibility to move around the globe (2008: 214).

All these approaches practiced in "Greater China" are best described as "transnational citizenship." Transnational citizenship is coined by Bauböck to refer to political membership in a nation-state with the citizens having social ties across state borders. As a result of the expansion of international communications, globalisation and the development of a global economy, many migrants maintain economic or political ties with their home countries (Faist 2004: 7 and 10). In Aihwa Ong's words "globalization has made economic calculation a major element in diasporan subjects" choice of citizenship, as well as in the ways nation-states redefine immigration laws (1999: 112).

DEBATING THE STATES' RESPONSES TO DUAL CITIZENSHIP DEBATES

Judging from the state practice, dual citizenship as a human right does not find resonance in China and Taiwan. The political cultures of Taiwan and China are incompatible with the liberalist approach of citizenship. Two explanations could be offered as to why the lobbying and protests have virtually no impact on the PRC. First, the Western perspective on citizenship centres on civil and individual rights, which are absent from the Chinese citizenship tradition. According to the Western concept of natural rights, "rights spring from the dignity of the person." The Chinese idea of rights, on the other hand, is founded on "the relation between individual and collective interests." Chinese citizenship is different from the western idea due to the official Chinese collectivist understanding of rights under the authoritarian government (Keane 2001:4). In conceptualising citizenship, the West emphasises the rights and participation of citizens. Westerners perceive citizenship as a legal status from which rights are derived. However, political participation is absent in China (although not in contemporary Taiwan), which makes it almost impossible to apply the Western concept of citizenship (Solinger 2010:4).

For the Chinese state, citizenship is not a natural right of man but a benefit conferred by the state. Citizenship is not viewed as a tool of individual empowerment but as a nation-building device. Through citizenship, the state aims to foster cultural development by requiring its citizens to participate in social programmes. In contrast to the western thinkers, who typically emphasise participatory citizenship, Chinese reformers and revolutionaries, such as Sun Yat-sen, believed that the interests of the nation were more important than the rights of the individual. Thus the nation should have absolute freedom, rather than the individual members (Keane 2001: 2–3).

Confucian tradition combined with Marxist thought influence the modern Chinese conception of rights, which placed little value in individual rights. The absence of individual rights is attributed to the long established Confucian tradition with its emphasis on collectivism (Christensen 1992: 487). In line with its status as a Marxist-Leninist state, China adopted the socialist view concerning individual rights. Individual rights were rejected because Marxism regarded them as capitalist tools. Rights were used by the bourgeoisie to achieve its class goals and to protect its class interests. Thus, individuals in capitalist society would further their own conflicting personal interests to the detriment of the interests of society as a whole (1992: 496–497). The natural rights theory has been subject to criticism by Marxists and

communitarians. Though Chinese Confucianism and socialism reject natural rights, rights which were in harmony with the collectivist and socialist Chinese order do exist. Instead of natural rights, the Chinese government emphasizes collective rights, derived from society (1992: 502).

Second, the Chinese diaspora has little impact on the policy making of the PRC. The Chinese diaspora has remained as "a large passive factor" in both China's international relations and the domestic affairs. The PRC's shift towards a single citizenship policy in the 1950s demonstrated how the nation-state prioritises its own interests above those of the overseas Chinese. Beginning in 1955, the PRC called for a sudden change in its dual citizenship policy during the Afro-Asia Conference in Bandung. Dual citizenship among Chinese diasporas was seen as a liability to China when the PRC was seeking to establish diplomatic relationships. The PRC prohibits dual citizenship to avoid inter-state conflicts with Southeast Asian states, in its quest for diplomatic recognition. Liu addressed the logic behind the passive role of overseas Chinese as follows:

"Apart from the fragmentation of the diaspora communities per se, the Chinese state's centrality in defining national and security interests and its resilient capacities in domesticating (potential) diplomatic problems relating to the Chinese overseas has prevented the diaspora from playing any proactive role in the homeland's foreign policy processes" (2010: 178).

The opposition forces dispersed around the globe and were not strong enough to challenge the existing policy. Their arguments are relatively weak. Their concealed motives renewed PRC suspicions about their intentions. The campaigners are no longer Chinese nationals. Even if the single citizenship policy were maintained, they would definitely choose the citizenship of a developed state. In the eyes of the PRC government, the citizens-turned-migrants have no stake in the decision-making machinery but this is not to say that the Chinese Communist Party has no interests in them. The overseas Chinese "has not lost the whole battle" because China is increasingly stepping up its efforts to encourage their return (Liu 2010:193).

The Chinese government is unwilling to respond to citizens' movement. Perhaps there are little incentives to do so. There is virtually nothing to gain by liberalising the dual citizenship provision. What could China possibly secure by maintaining the narrow definition of loyalty of its former nationals when it could adopt transnational nationalism? As discussed above, the campaign conforms neither to the political interests nor

the economic benefits of the communist government. The increasing numbers of overseas Chinese and their economic significances are not the sufficient factors to challenge the state's citizenship policy. This is not to suggest that maintaining vibrant economic links has not been a continuous concern for the Chinese government. Rather, competitive or open economy would definitely attract more potential investors, regardless of their ethnicity.

A clear understanding of the policy debate could only be comprehended if there is a clear analysis of the actors involved, of the governments, of the different periods and of the broader population involved. In Taiwan, there are the old and new KMT, the opposition party, the various ethnic groups whereas in the PRC, the focus is only on the ruling party. The Chinese policy is an unpopular policy imposed from above by the authoritarian government and it is not widely supported by overseas Chinese. It is hardly comparable to anti-dual citizenship policies (against immigrants) in Taiwan, which was built on popular support.

In the case of Taiwan, having rights in two countries is not attuned to two developments: (1) the growth of Taiwanese nationalism; and (2) the uncertain international status of Taiwan. Due to the development of a Taiwanese identity, there is an increased sense of belonging to Taiwan and ultimately the desire to make Taiwan as the sole home country. Dual allegiance is seen as incompatible with this development (*Los Angeles Times* 28 March 1995). The growth of Taiwanese nationalism necessitates the foundation of a Taiwanese-based citizenry which required undivided loyalty. This means that citizenship is available to those who could identify themselves with Taiwan political future. Through constitutional amendments in the 1990s, the ROC portrayed itself as the government of the Taiwanese people. It was the local people rather than the mainland people who determined the legitimacy of the ROC regime. Only Taiwanese have the right to elect the governing regime: members of the Legislative Yuan, the National Assembly, the president and the vice president. Since elections signified the growth of local identity, it was imperative to limit this right to those who could identify themselves with Taiwanese identity (Chao and Liu 2007: 202–203).

When employing the term "Taiwanese national identity," a clear distinction needs to be made between the authoritarian period (from 1945 to 1987) and the following pluralisation period in Taiwan. Parallel with the efforts to develop a sense of Chineseness among the population of Taiwan during the authoritarian period, Taiwanese citizenship was inclusive towards overseas Chinese. Taiwan also abandoned its former Chinese identity when the constitutional reform re-defined Taiwan, Penghu, Kinmen and Matzu as

the de facto territory where its actual jurisdiction resides. The local population are no longer considered as Chinese. They are Taiwanese. In the official usage, the term "Chinese" now refers exclusively to people from the PRC (ibid. 2007: 203). The development of a new political identity as a result of the democratisation process, coupled with the extension of citizenship rights and the limitation of the ROC territorial sovereignty to its actual jurisdiction, enabled the nurturing of a local national identity. On the basis of this new political identity, the ROC was able to claim an independent international identity. Democratisation also enabled Taiwan to create an international identity, independent from the Chinese identity of the PRC regime. The creation of this identity was much needed, especially when Taiwan was facing international isolation after it had lost its United Nations (UN) seat. The introduction of democratic values by the government made international acceptance possible (Wong 2001: 190–191).

As Taiwan is not recognised by most nations, securing loyalty from its new citizens is central to the legitimacy of the state. Taiwanese people expect "New Taiwanese" (*Xin Taiwanren*) to explicitly express that they love Taiwan. According to Lee Teng-hui, "New Taiwanese" are those who "are willing to fight for the prosperity and survival of their country, regardless of when they or their forebears arrived on Taiwan and regardless of their provincial heritage or native language" (Lee as cited in Ngeow 2010: 160). Loving Taiwan is the decisive criterion to be a *Xin Taiwanren*.

"The slogan 'Love Taiwan' captures the mainstream ideology and political sign that can be used to identify 'we' and 'they.' Situated in this social context, the immigrants are constructed as 'Others' who need to be Taiwanised" (Wang and Bélanger 2008: 93).

In the process of constructing its own national identity, Taiwan has to, in the words of Lucie Cheng, "other-ise the Chinese that it originally purported to represent" (Cheng: 2003: 98).

It is difficult to imagine that the immigrants would be allowed to share the advantages of dual citizenship when PRC citizens (who are considered as compatriots by the Constitution of the ROC) do not even enjoy such privileges. Taiwan may not be willing to embrace outsiders partly because of its unresolved national identity and partly because of the development of a de-sinicised national identity. If people of the Taiwan Area hold PRC passports, they would have their household registration in the Taiwan Area cancelled. A person could not have household registrations in both the "Mainland Area" and "Taiwan Area" at the same time. Losing

such a status would have implied the loss of the rights of voting, recall, initiative, referendum, serving military service or holding public offices, and other rights (Article 9 (1) the Act Governing Relations between Peoples of the Taiwan Area and the Mainland Area 31 July 1992). Even with authorised permission, the people of the Mainland Area could not access citizenship rights without a household registration in the Taiwan Area (Article 21).

Loyalty thus becomes an important criterion in strengthening Taiwanese national identity. The fact that Taiwan has allowed dual citizenship among its own citizens does not bewilder the value of loyalty. Government officials holding green cards were widely criticised for their lack of loyalty. According to the ROC Nationality Act, government officials were not allowed to hold dual citizenship but they were not prohibited by the Act from holding a foreign green card. Their loyalties were questioned, and they suffered from the loss of personal reputation. More importantly, such incidents were used by the opposition party to attack their reputations and gain support from voters. There were public debates on the question whether or not these public officials should be removed from their positions. Government officials were constitutionally not allowed to hold dual citizenship but they were not prohibited by ROC Nationality Act from holding a foreign green card (*China Stakes* 23 June 2008).

The green card controversy became a crisis during the presidential election campaign in March 2008. KMT presidential candidate Ma Ying-jeou was found to be in possession of a U.S. green card, and this opportunity was used by the opposition, the Democratic Progressive Party (DPP), to attack the KMT. The fact that he still held a green card when he served as President Chiang Ching-kuo's secretary caused the DPP to accuse him of disloyalty. Ma Ying-jeou believed that having a green card did not affect his loyalty to Taiwan. He claimed that "obtaining a green card has nothing to do with the issue of loyalty. It is only a way to live or travel in the U.S." (*Taipei Times* 31 January 2008).

However, the DPP claimed that having a green card enabled officials to flee overseas in case of political chaos in Taiwan. The possibility of escaping to a safe haven was viewed as an example of disloyalty to Taiwan (*The China Post* 22 March 2008). The debate continued after Ma Ying-jeou won the presidential election. Government officials from his KMT party were found to be holding either a U.S. green card or foreign citizenship. Dual loyalty controversy resurfaced in March 2008 when a former KMT legislator, Diane Lee, was found to have U.S. citizenship, which she claimed she had renounced (*The China Post* 9 January 2009).

These cases proved to be an embarrassment to the ruling KMT government. The holding of dual citizenship among elected representatives was viewed negatively as it involved the question of loyalty. Elected representatives had access to national secrets, and there were fears that they might commit espionage. Conflicts of interest would have arisen if the legislators participated in debating a bill which involved their second countries. According to an editorial in the *China Post*, dual loyalty was not the main reason behind the recent controversy. Rather, the controversy was motivated by political factors. Diana Lee's case, it was claimed, was politicised and exaggerated by the DPP in order to undermine the popularity of the KMT. Embarrassment to the ruling party would divert national attention from the DPP's internal crisis in which former President Chen Shui-bian was alleged to be involved in corruption cases. The fact that the issue caused a major upheaval among the electorate could be explained within the context of the political culture in Taiwan (*The China Post* 17 January 2009).

Dual citizenship is at odds with the political culture in Taiwan. Taiwanese officials' acquisition of dual citizenship or a permanent residency of a foreign country is not tolerated by the growing sense of Taiwanese identity. The examined case of the KMT politicians demonstrates that the state of Taiwan selectively does not tolerate dual citizenship. The discussion above shows that the latest strong expression of selective (in)tolerance found its outlet in the discourse of Taiwanese nationalism.

Following the political crisis caused by Diana Lee's case, the KMT and DPP submitted their own proposals to the Legislative Yuan calling for an investigation of the second citizenship of all the 113 legislators and also high-ranking officials of the central government. Their motions were passed in May 2008 (*Taiwan News* 24 May 2008). In June 2008, the Ministry of Civil Service proposed a bill to the Legislative Yuan to require all civil servants, including political appointees, to undergo background checks before taking office. The bill was suggested as a result of the continuous DPP attacks on the loyalty of some KMT officials. The DPP insisted that no Cabinet members should hold foreign citizenship or a green card. Prior to this proposal, only government officials in the area of national security needed to undergo security checks (*The China Post* 12 June 2008). In March 2009, KMT and DPP legislators put forward two separate bills to the Legislative Yuan, proposing to ban those with foreign residency from holding government positions. DPP legislators also suggested that officials should renounce their second citizenship within six months after their inauguration rather than within the existing period of one year (*Taiwan News* 7 March 2009).

In 2001, a further amendment to Article 20 prohibited members of the National Assembly, legislators, public officers directly elected in municipalities, cities or townships, as well as village and borough chiefs from obtaining foreign citizenship. If these public officers were found to have obtained a foreign citizenship, they were to be released from their posts by the competent authorities. The law permitted them to assume public office if they applied to renounce their foreign citizenship before taking office and had successfully renounced their foreign citizenship within one year of their inauguration. Failure to do so would result in removal from their positions (Chiu and Wu 2001).

Diane Lee resigned from the KMT in December 2009 and later resigned from the Legislative Yuan to ease the public pressure. After confirming the validity of her citizenship in January 2010, the Central Election Commission (CEC) annulled her election to the Taipei City Council and Legislative Yuan and cancelled all her election certificates (*Taiwan Today News* 11 February 2009). Diane Lee was later charged with fraud and forgery for violating the Nationality Act and was sentenced to two years in prison in February 2010. Following her case, more dual citizenship cases among KMT officials were discovered. The CEC terminated the elected positions of KMT Kaohsiung City councillor Huang Shao-ting and Taiwan Solidarity Union legislator George Liu for holding U.S. citizenship during their term of public office (*Taipei Times* 24 March 2010).

The beginning of 2013 witnessed a new phase of dual citizenship enforcement. In January, an amendment to the Civil Service Employment Act was passed by the Legislative Yuan, requiring all civil servants holding foreign citizenship to be dismissed. In addition, they must give back all the pay they have received from the government. Before this amendment, the Act only required the person involved to be fired. The rationale of the decision was that civil servants with dual citizenship are aware of the dual citizenship prohibition but choose to conceal it from the public. The amendment, thus, signals the government's position that dual citizenship is not tolerated among all civil servants. Civil servants, whose foreign citizenship has not been revealed, must make a choice between their citizenship and career (*Taiwan News* 4 January 2013).

Similar to Taiwan, Hong Kong has also witnessed dual citizenship controversy involving the officialdom (Alex 2010: 62). In Hong Kong, following the public protest against the dual citizenship status of Donald Tsang, the Chief Executive of Hong Kong Special Administrative Region (HKSAR), the vice directors of HKSAR had to forfeit their green cards. In the PRC, the green card issue has not sparked off any public debate as the political awareness among middle class citizens is lower than those of

Taiwan and Hong Kong. According to Chinese laws, only PRC nationals can be appointed as government officials. It does not regulate whether or not they can have foreign residency. Many Chinese returnees who possessed foreign residency have been appointed to important positions. Whether or not this will cause dual loyalty conflicts remains to be seen (*China Stakes* 23 June 2008).

CONCLUSION

This article has demonstrated that the political cultures of both states do not permit the adaptation of the liberalist approach. Whilst the liberalist approach seems to explain why dual citizenship is desirable for individuals, it is not entirely acceptable to the states of Taiwan and China. Liberalist approach overlooks the emotional cost of acquiring a foreign citizenship when identity and loyalty is concerned. In articulating a new political identity, Taiwan found it necessary to demand undivided loyalty. Taiwan's democratisation coupled with popular representation, competitive elections, a multi-party system and a free press have enhanced the practice of citizenship rights (Goldman and Perry 2002: 19; Rigger 2002: 370). Parallel to the development of Taiwan's civil society, Taiwanese national consciousness has given rise to the resulting political culture, which rejected dual allegiances. The foundation of Taiwanese civic nationalism is loyalty to the state and to the constitution. The importance of citizenship in the civic nationalist discourse is highly valued (Ngeow 2010: 152). It should be noted that there is a different theoretical application to each of the examined groups in the ROC: 1) Taiwanese emigrants (including officials); and 2) the immigrants. A liberalist approach is not applicable to the case of Taiwan and its arguments are not accepted by the government of Taiwan because of the political culture derived from the discourse of Taiwanese consciousness and New Taiwanese. This argument is applicable to the first group (Taiwanese emigrants and officials). For the second group, there is a different line of arguments. This article acknowledges the failure of liberalists' call for abolishing the requirement of renunciation and thus calls on the arguments of multiculturalists for granting dual citizenship to foreign immigrants in Taiwan.

Dual citizenship as a right is a contested position in the Chinese citizenship tradition. The PRC which places the interests of the community before the interests of the individual, opposes the liberal prioritisation of the individual. The state stresses the obligations of citizenship over the rights of citizenship. As reiterated by Rigger, "Chinese political culture normalizes a

hierarchical relationship between individuals and the state, and inclines Chinese citizens to forfeit their private interests for the harmony of the society" (Rigger 2014: 48). The migrants however, have a different understanding of citizenship. They desire for dual belonging for the sake of maintaining family and ancestry ties while enhancing their mobility across the globe for a better future. They are strongly loyal to their family lineage and attached subjectively to cultural heritage more than the feeling of any political belonging. An American, who has lived in Taiwan for eight years, told me during a conference, "I do not feel any loyalty to the States. My loyalty lies with my family." Many immigrants in Taiwan also share the similar sentiment. The preservation of home country citizenship serves as bridges to facilitate their return for family visitation and reunion. The political element of citizenship may not be significant to the migrants but the absence of loyalty is an issue of great concern to Taiwan (as well as the PRC).

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