

RIGHTS AND DUTIES OF DUAL NATIONALS

Evolution and Prospects

RIGHTS AND DUTIES OF DUAL NATIONALS

Evolution and Prospects

Edited by:

DAVID A. MARTIN

*Henry L. & Grace Doherty Charitable Foundation Professor of Law
and F. Palmer Weber Research Professor of Civil Liberties and Human Rights
University of Virginia, USA*

and

KAY HAILBRONNER

*Professor of Law and Director, Research Center for International and European Law
on Immigration and Asylum
University of Konstanz, Germany*



KLUWER LAW INTERNATIONAL
THE HAGUE / LONDON / NEW YORK

Published by
Kluwer Law International
P.O. Box 85889, 2508 CN The Hague, The Netherlands
sales@kli.wkap.nl
<http://www.kluwerlaw.com>

Sold and distributed in North, Central and South America by
Kluwer Law International
101 Philip Drive, Norwell, MA 02061, USA
kluwerlaw@wkap.com

In all other countries, sold and distributed by
Kluwer Law International
Distribution Centre, P.O. Box 322, 3300 AH Dordrecht, The Netherlands

DISCLAIMER: The material in this volume is in the nature of general comment only. It is not offered as advice on any particular matter and should not be taken as such. The editor and contributing authors expressly disclaim all liability to any person with regards to anything done or omitted to be done, and with respect to the consequences of anything done or omitted to be done wholly or partly in reliance upon the whole or part of this volume without first obtaining professional advice regarding the particular facts and circumstances at issue. Any and all opinions expressed herein are those of the particular author and are not necessarily those of the editor or publisher of this volume.

A C.I.P Catalogue record for this book is available from the Library of Congress.

Printed on acid-free paper.

ISBN 90-411-1932-9
© 2003 Kluwer Law International

Kluwer Law International incorporates the imprint Martinus Nijhoff Publishers.

This publication is protected by international copyright law.
All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, microfilming, recording or otherwise, without written permission from the Publisher, with the exception of any material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work.

Printed and bound in Great Britain by Antony Rowe Limited.

Table of Contents

Preface	
David A. Martin and Kay Hailbronner	vii
Contributors	xi
I. Foundations	
1. Introduction: The Trend Toward Dual Nationality	
David A. Martin	3
2. Rights and Duties of Dual Nationals: Changing Concepts and Attitudes	
Kay Hailbronner	19
3. Multiple Nationality and the Postnational Transformation of Citizenship	
Linda Bosniak	27
<i>Comment:</i>	
Bosniak on the Postnational Transformation of Citizenship	
Klaus-Dieter Schnapauff	49
II. Specific Policy Fields	
4. Effect of Nationality and Dual Nationality on Judicial Cooperation, including Treaty Regimes such as Extradition	
Stefan Oeter	55
5. Dual Nationality and Military Service: Strategy Number Two	
Stephen Legomsky	79
<i>Comment:</i>	
Dual Nationality and Military Service	
Olaf Reermann	127
6. Political Rights and Dual Nationality	
Peter Spiro	135
<i>Comment:</i>	
Political Rights of Dual Nationals in Turkish Law	
Nuray Ekşi	153

Table of Contents

7. Challenges of International Cooperation in a World of Increasing Dual Nationality	
Rey Koslowski	157
8. Administrative Systems and Dual Nationality: The Information Gap	
Heike Hagedorn	183
9. Loss of Nationality: A Critical Inventory	
Gerard-Rene de Groot	201
III. National Practice	
10. Under Two Flags: Dual Nationality in Latin America and Its Consequences for Naturalization in the United States	
Michael Jones-Correa	303
<i>Comments:</i>	
Development of Dual Nationality under German Law	
Marianne Wiedemann	335
Double and Multiple Nationality in Germany after the Citizenship Reform Act of 1999	
Christine Kreuzer	347
11. Citizenship and Multiple Citizenship in Turkish Law	
Christian Rumpf	361
<i>Comment:</i>	
Consequences of Dual Nationality with regard to Residence, Employment, Ownership in Immovable Property, Military Service and Holding Political Office in Turkish Law	
Nuray Ekşi	375
IV. Managing Dual Nationality	383
Recommendations of the German Marshall Fund Project on Dual Nationality	385
Index	389