

# Rights and Duties of Dual Nationals Evolution and Prospects

David A. Martin and Kay Hailbronner

BRILL

# Rights And Duties Of Dual Nationalsevolution And Prospects

**Alfred Michael Boll** 

## **Rights And Duties Of Dual Nationalsevolution And Prospects:**

Rights and Duties of Dual Nationals David A. Martin, Kay Hailbronner, 2003-01-01 The increased emergence of dual and multiple nationality in our globalized world has recently led to public and scholarly debates on a number of resulting practical questions This book comprehensively evaluates the legal status of dual nationals on the basis of a comparative analysis with emphasis on practice and law in the United States of America the Federal Republic of Germany Turkey and other selected countries comprising contributions of both academics and practitioners Among the legal subjects examined more intensively are the exercise of political rights by dual nationals including voting and office holding performance of military service loss and withdrawal of citizenship and effects of dual nationality on judicial cooperation as well as aspects of private international law The authors pay attention to developmental trends and legal changes in various countries and also to the philosophical and theoretical perspectives underlying various practices Specific recommendations for states dealing with dual nationality complete the investigation Multiple Nationality And International Law Alfred Michael Boll, 2007 This book is a comprehensive overview of multiple nationality in international law and contains a survey of current State practice covering over 75 countries It examines the topic in light of the historical treatment of multiple nationality by States international bodies and commentators setting out the general trends in international law and relations that have influenced nationality While the book s purpose is not to debate the merits of multiple nationality but to present actual state practice it does survey arguments for and against multiple nationality and considers States motivations in adopting a particular attitude toward the topic As a reference work the volume includes a detailed examination of the nature of nationality under international law and the concepts of nationality and citizenship under municipal law The survey of State practice also constitutes a valuable resource for practitioners Festschrift Liber Amicorum Tu?rulansay Sabih Arkan,Aynur Yongal?k,2006-01-01 Turul Ansay is an outstanding figure in the landscape of comparative law In a field that holds ever growing promise for the future he continues to manifest his tireless spirit in a wide arc of influential activity. The spectrum of his achievement encompasses many areas of substantive law as well as legal education He is noted also for his direct contributions to the national legal systems of more than a few countries notably that of his native Turkey contributions characterized by the deep integrity that a truly comparative perspective brings This impressive Festschrift in honour of Dr Ansay s 75th birthday presents signal contributions by no less than thiry six of his colleagues and fellow comparatists all of them well known scholars in their fields They offer insightful views on some of the many tasks of legal scholarship taken up by Dr Ansay in the course of his long career including such areas as the following European competition law Conflicts of labor law conflicts among EC law and various national legal systems European real property law multiple nationality and diplomatic protection fundamental rights and private international law international consumer protection family relations in foreign law and in international family law Rights on immovable properties in Europe international agreements on

jurisdiction the Anglo internationalisation of law and language foreign direct investment protection legal education in Germany The wealth of material in this book represents a treasury of commentary and information that no student of comparative law will want to do without Because of its array of outstanding authors in the field and its important sidelights on such areas as transplanted law legal and social change comparative law methodology European legal integration and convergence and cross border import and export of ideas and institutions this book is far more than a liber amicorum it is a major new contribution to the field of comparative law and will be of great value not only to academics but to lawyers involved in cross border practice in areas such as family law human rights law and international business transactions

Claims of Dual Nationals and the Development of Customary International Law Mohsen Aghahosseini, 2007-07-31 The law governing the international claims of dual nationals relates to and is influenced by the wider subject of the individual s standing at the international level But while the latter had as a result of modern trends in human rights hugely improved as from the middle of the last century no occasion to test its impact on such claims had arisen prior to the 1980s when the Iran United States Claims Tribunal justifiably described as the most influential arbitral institution in the history of international adjudication first became involved with the issue The significance of the Tribunal's jurisprudence on the subject is not however limited to the judicial support it gives to the international rights of the individual Having made its basic findings of law on the subject the Tribunal has proceeded to apply them for some twenty years to a host of Cases of widely different characters The result is a wealth of material comprehensively reviewed in this book for the first time which is likely to be of some benefit to those interested in this area of international law After the Nation? K. Breen, S. O'Neill, 2010-10-20 Explores the ways in which the nation state and nationalism are challenged by contemporary realities. This volume addresses changes to our understanding of national sovereignty problems posed by violent conflict between rival national projects the feasibility of postnationalist democracy and citizenship and the debate over global justice **Bringing International** Fugitives to Justice David A. Sadoff, 2016-12-24 A novel and robust examination of all policy means and their lawfulness for recovering fugitives abroad via extradition or its alternatives <u>Latin America and the International Court of Justice</u> Paula Wojcikiewicz Almeida, Jean-Marc Sorel, 2016-11-25 This book aims to evaluate the contribution of Latin America to the development of international law at the International Court of Justice ICJ This contemporary approach to international adjudication includes the historical contribution of the region to the development of international law through the emergence of international jurisdictions as well as the procedural and material contribution of the cases submitted by or against Latin American states to the ICI to the development of international law The project then conceives international jurisdictions from a multifunctional perspective which encompasses the Court as both an instrument of the parties and an organ of a value based international community This shows how Latin American states have become increasingly committed to the peaceful settlement of disputes and to the promotion of international law through adjudication It culminates with an expansion of the

traditional understanding of the function of the ICJ by Latin American states including an analysis of existing challenges in the region The book will be of interest to all those interested in international dispute resolution including academic libraries the judiciary practitioners in international law government institutions academics and students alike **The Frontiers of Democracy** L. Beckman,2009-08-20 The Frontiers of Democracy offers a comprehensive examination of restrictions on the vote in democracies today For the first time the reasons for excluding people prisoners children intellectually disabled non citizens from the suffrage in contemporary societies is critically examined from the point of view of democratic theory

<u>Citizenship</u> Peter J. Spiro, 2020 Almost everyone has citizenship and yet it has emerged as one of the most hotly contested issues of contemporary politics Even as cosmopolitan elites and human rights advocates aspire to some notion of global citizenship populism and nativism have re ignited the importance of national citizenship Either way the meaning of citizenship is changing Citizenship once represented solidarities among individuals committed to mutual support and sacrifice but as it is decoupled from national community on the ground it is becoming more a badge of privilege than a marker of equality Intense policy disagreement about whether to extend birthright citizenship to the children of unauthorized immigrants opens a window on other citizenship related developments At the same time that citizenship is harder to get for some for others it is literally available for purchase The exploding incidence of dual citizenship meanwhile is moving us away from a world in which states jealously demanded exclusive affiliation to one in which individuals can construct and maintain formal multinational identities Citizenship does not mean the same thing to everyone nor have states approached citizenship policy in lockstep Rather global trends point to a new era for citizenship as an institution In Citizenship What Everyone Needs to Know legal scholar Peter J Spiro explains citizenship through accessible terms and questions what citizenship means how you obtain citizenship and how you lose it how it has changed through history what benefits citizenship gets you and what obligations it extracts from you all in comparative perspective He addresses how citizenship status affects a person s rights and obligations what it means to be stateless the refugee crisis and whether or not countries should terminate the citizenship of terrorists He also examines alternatives to national citizenship including sub national and global citizenship and the phenomenon of investor citizenship Spiro concludes by considering whether nationalist and extremist politics will lead to a general retreat from state based forms of association and the end of citizenship as we know it Ultimately Spiro provides historical and critical perspective to a concept that is a part of our everyday discourse providing a crucial contribution to our understanding of a central organizing principle of the modern world In From the Margins ,2006-01-01 This book focuses at the margins of adult education work and civil society Rather than focusing on active participants and active participation the objective is to scrutinize the whole adult population in terms of participation and to pay special attention to those who are so easily left out of studies concerning adult education learning at work or active participation in civil society The aim of the book is to bring into the discussion the views of those who do not find attending adult education

possible and who thus form a challenge for the promotion of active citizenship In the collection of articles researchers from various disciplines and with cross disciplinary interests in adult education and marginalisation meet and discuss with each other within and beyond their own disciplines Acquisition and Loss of Nationality Rainer Bauböck, Eva Ersbøll, Kees Groenendijk, Harald Waldrauch, 2006 Nationality and citizenship have been subjects of stormy policy debates in many EU countries in recent years Concerns over the integration of immigrants but also attempts to forge links with emigrants have led to changes in the laws regulating loss and acquisition of nationality and citizenship This title outlines the research conducted by a team of 30 researchers into the nationality laws and their implementation in 15 EU member states Acquisition and Loss of Nationality Volume 1 presents the results of a systematic comparative analysis It uses a novel methodology that permits a detailed comparison how nationality can be acquired or lost across all 15 countries The results show divergent trends towards liberalization in some countries and new restrictions of access to nationality in others The book examines the impact of international and European law presents statistical data on naturalization and assesses administrative practices Although the European Union has no formal competence in regulating nationality the nationality laws of member states are linked to each other via the common citizenship of the Union Member States should therefore agree on common norms for their nationality laws The book contains detailed policy recommendations based on the idea that stakeholders in the political community should be given access to nationality Studies of each country's nationality law are published separately in http www aup nl do php a show visitor book Volume 2 Additional material including detailed statistics and further comparative analyses of legal regulations of nationality is available at http www imiscoe org www imiscoe org Volume 1 2 are also available as a set http www aup nl do php a show visitor book isbn 9789053569498 l 2 click here for more information This is the most comprehensive comparative study of the legal status of nationality so far and it will become an indispensable source of reference for further research For more information see http www imiscoe org natac http www imiscoe org natac Contingent Citizenship Sandra Mantu, 2015-09-07 In Contingent citizenship Sandra Mantu examines the changing rules of citizenship deprivation in the UK France and Germany from the perspective of international and European legal standards In practice two grounds upon which loss of citizenship takes place stand out fraud in the context of fraudulent acquisition of nationality and terrorism in the context of national security Newly naturalised citizens and citizens of immigrant origin are mainly targeted by these measures The resurrection of the importance attached to loyalty as the citizen's main duty towards his her state shows that the rules on loss of citizenship are capable of expressing ideals of membership and identity while the citizenship status of certain citizens remains contingent upon meeting these ideals The Oxford Handbook of Transformations of the State Stephan Leibfried, Evelyne Huber, Matthew Lange, Jonah D. Levy, Frank Nullmeier, John D. Stephens, 2015 This Handbook offers a comprehensive treatment of transformations of the state from its origins in different parts of the world and different time periods to its transformations since World War II in the

advanced industrial countries the post Communist world and the Global South Leading experts in their fields from Europe and North America discuss conceptualizations and theories of the state and the transformations of the state in its engagement with a changing international environment as well as with changing domestic economic social and political challenges The Handbook covers different types of states in the Global South from failed to predatory rentier and developmental in different kinds of advanced industrial political economies corporatist statist liberal import substitution industrialization and in various post Communist countries Russia China successor states to the USSR and Eastern Europe It also addresses crucial challenges in different areas of state intervention from security to financial regulation migration welfare states democratization and quality of democracy ethno nationalism and human development The volume makes a compelling case that far from losing its relevance in the face of globalization the state remains a key actor in all areas of social and economic life changing its areas of intervention its modes of operation and its structures in adaption to new international and domestic challenges Allegiance and Identity in a Globalised World Fiona Jenkins, Mark Nolan, Kim Rubenstein, 2014-11-06 Examines questions of allegiance and identity in a globalised world through the disciplines of law politics philosophy and psychology Illiberal Liberal States Elspeth Guild, Kees Groenendijk, 2016-05-13 Understanding the dynamics of the illiberal practices of liberal states is increasingly important in Europe today This book examines the changing relationship between immigration citizenship and integration at the European and national arenas It studies some of the main effects and questions the comprehensiveness of the exchange and coordination of public responses to the inclusion of third country nationals in Europe as well as their compatibility with a common European immigration policy driven by a rights based approach and the respect of the principles of fair and equal treatment of third country nationals The volume reviews key national experiences of immigration and citizenship laws the use of integration and the moving of ideas between national arenas The framing of integration in immigration and citizenship law and the ways in which policy convergence is being achieved through the EU framework on integration raises a number of conceptual dilemmas and a set of definitional premises in need of reflection and consideration The Oxford Handbook of Citizenship Ayelet Shachar, Rainer Bauboeck, Irene Bloemraad, Maarten Vink, 2017-07-27 Contrary to predictions that it would become increasingly redundant in a globalizing world citizenship is back with a vengeance The Oxford Handbook of Citizenship brings together leading experts in law philosophy political science economics sociology and geography to provide a multidisciplinary comparative discussion of different dimensions of citizenship as legal status and political membership as rights and obligations as identity and belonging as civic virtues and practices of engagement and as a discourse of political and social equality or responsibility for a common good The contributors engage with some of the oldest normative and substantive quandaries in the literature dilemmas that have renewed salience in today s political climate As well as setting an agenda for future theoretical and empirical explorations this Handbook explores the state of citizenship today in an

accessible and engaging manner that will appeal to a wide academic and non academic audience Chapters highlight variations in citizenship regimes practiced in different countries from immigrant states to non western contexts from settler societies to newly independent states attentive to both migrants and those who never cross an international border Topics include the selling of citizenship multilevel citizenship in between statuses citizenship laws post colonial citizenship the impact of technological change on citizenship and other cutting edge issues This Handbook is the major reference work for those engaged with citizenship from a legal political and cultural perspective Written by the most knowledgeable senior and emerging scholars in their fields this comprehensive volume offers state of the art analyses of the main challenges and prospects of citizenship in today s world of increased migration and globalization Special emphasis is put on the question of whether inclusive and egalitarian citizenship can provide political legitimacy in a turbulent world of exploding social inequality and resurgent populism Politics and Cosmopolitanism in a Global Age Sonika Gupta, Sudarsan Padmanabhan, 2017-09-19 This book offers a unique reconceptualization of cosmopolitanism It examines several themes that inform politics in a globalized era including global governance international law citizenship constitutionalism community domesticity territory sovereignty and nationalism The volume explores the specific philosophical and institutional challenges in constructing a cosmopolitan political community beyond the nation state It reorients and decolonizes the boundaries of cosmopolitanism and questions the contemporary discourse to posit inclusive alternatives Presenting rich and diverse perspectives from across the world the volume will interest scholars and students of politics and international relations political theory public policy ethics and philosophy European Integration and the Nationalities Question John McGarry, Michael Keating, 2006-09-27 A highly topical examination of the effect of European integration on relations between states and minority nations. This new collection brings together the leading specialists in the field and covers a wide range of cases from Northern Ireland in the West to Estonia and Latvia in the East and Cyprus in the South East The contributors assess how European integration has affected the preparedness of states to accommodate minorities across a range of fundamental criteria including enhanced rights protection autonomy the provision of a voice for minorities in the European and international arena and the promotion of cross border cooperation among communities dissected by state frontiers The comprehensive chapters stress the importance of the nationality question and the fact that contrary to the hopes and beliefs of many on the left and right it is not going to go away Beginning with an introductory essay that summarizes the impact of European integration on the nationalities question this accessible book will be of strong interest to scholars and researchers of politics nationalism ethnic conflict and European studies Revoking Citizenship Ben Herzog, Ediberto Román, 2017-03 In Revoking Citizenship Ben Herzog reveals America's long history of stripping citizenship away from both naturalized immigrants and native born citizens Tracing this history from the nation's beginnings through the War on Terror Herzog locates the sociological political legal and historic meanings of revoking citizenship Why when and with what justification do

states take away citizenship from their subjects Using the history and policies of revoking citizenship as a lens the book examines describes and analyzes the complex relationships between citizenship immigration and national identity

**Beyond Citizenship** Peter J. Spiro, 2008-02-01 American identity has always been capacious as a concept but narrow in its application Citizenship has mostly been about being here either through birth or residence The territorial premises for citizenship have worked to resolve the peculiar challenges of American identity But globalization is detaching identity from location What used to define American was rooted in American space Now one can be anywhere and be an American politically or culturally Against that backdrop it becomes difficult to draw the boundaries of human community in a meaningful way Longstanding notions of democratic citizenship are becoming obsolete even as we cling to them Beyond Citizenship charts the trajectory of American citizenship and shows how American identity is unsustainable in the face of globalization Peter J Spiro describes how citizenship law once reflected and shaped the American national character Spiro explores the histories of birthright citizenship naturalization dual citizenship and how those legal regimes helped reinforce an otherwise fragile national identity But on a shifting global landscape citizenship status has become increasingly divorced from any sense of actual community on the ground As the bonds of citizenship dissipate membership in the nation state becomes less meaningful The rights and obligations distinctive to citizenship are now trivial Naturalization requirements have been relaxed dual citizenship embraced and territorial birthright citizenship entrenched developments that are all irreversible Loyalties meanwhile are moving to transnational communities defined in many different ways by race ethnicity gender religion age and sexual orientation These communities Spiro boldly argues are replacing bonds that once connected people to the nation state with profound implications for the future of governance Learned incisive and sweeping in scope Beyond Citizenship offers a provocative look at how globalization is changing the very definition of who we are and where we belong

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# **Table of Contents Rights And Duties Of Dual Nationalsevolution And Prospects**

- 1. Understanding the eBook Rights And Duties Of Dual Nationals evolution And Prospects
  - The Rise of Digital Reading Rights And Duties Of Dual Nationalsevolution And Prospects
  - Advantages of eBooks Over Traditional Books
- 2. Identifying Rights And Duties Of Dual Nationals evolution And Prospects
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Rights And Duties Of Dual Nationalsevolution And Prospects
  - User-Friendly Interface
- 4. Exploring eBook Recommendations from Rights And Duties Of Dual Nationals evolution And Prospects
  - Personalized Recommendations
  - Rights And Duties Of Dual Nationalsevolution And Prospects User Reviews and Ratings
  - Rights And Duties Of Dual Nationals evolution And Prospects and Bestseller Lists

- 5. Accessing Rights And Duties Of Dual Nationals evolution And Prospects Free and Paid eBooks
  - Rights And Duties Of Dual Nationalsevolution And Prospects Public Domain eBooks
  - Rights And Duties Of Dual Nationals evolution And Prospects eBook Subscription Services
  - Rights And Duties Of Dual Nationalsevolution And Prospects Budget-Friendly Options
- 6. Navigating Rights And Duties Of Dual Nationals evolution And Prospects eBook Formats
  - ∘ ePub, PDF, MOBI, and More
  - Rights And Duties Of Dual Nationals evolution And Prospects Compatibility with Devices
  - Rights And Duties Of Dual Nationalsevolution And Prospects Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - o Adjustable Fonts and Text Sizes of Rights And Duties Of Dual Nationalsevolution And Prospects
  - Highlighting and Note-Taking Rights And Duties Of Dual Nationalsevolution And Prospects
  - Interactive Elements Rights And Duties Of Dual Nationals evolution And Prospects
- 8. Staying Engaged with Rights And Duties Of Dual Nationals evolution And Prospects
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Rights And Duties Of Dual Nationalsevolution And Prospects
- 9. Balancing eBooks and Physical Books Rights And Duties Of Dual Nationals evolution And Prospects
  - Benefits of a Digital Library
  - o Creating a Diverse Reading Collection Rights And Duties Of Dual Nationals evolution And Prospects
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Rights And Duties Of Dual Nationals evolution And Prospects
  - Setting Reading Goals Rights And Duties Of Dual Nationals evolution And Prospects
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Rights And Duties Of Dual Nationals evolution And Prospects
  - Fact-Checking eBook Content of Rights And Duties Of Dual Nationals evolution And Prospects
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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