



# INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

## "One Person, Two Passports: A Comparative Analysis Of Dual Citizenship In U.S And Canadian International Law"

Author: Surabhi Jain

Co Author: Shefali S

CMR UNIVERSITY, Bangalore, India

"One Person, Two Passports: A Comparative Analysis of Dual Citizenship in U.S. and Canadian International Law"

### I. ABSTRACT

Dual citizenship indicates a person is a legal member of two countries simultaneously. This can benefit people by making living, working, and traveling between countries easier. However, it also causes legal issues. Different countries have different rules for dual citizenship; some allow it, while others do not. The US permits dual citizenship, albeit with certain limitations. One of the most significant challenges is that the United States taxes its residents on their worldwide income, which means that even if someone lives abroad, they still have to pay taxes to the American government. Dual citizens may have to pay double taxes as a result. However, Canada allows dual citizenship with greater flexibility. The nation does not require its people to relinquish their citizenship in any of the other countries they may possess. This paper explains how dual citizenship works and what challenges it presents. For example, a person with two passports may be required to follow two sets of laws, pay taxes in both countries, or even serve in the military of both nations. Understanding the legal consequences of dual citizenship in both countries can help people negotiate difficulties and maximize the benefits of having two passports. Using instances from the real world, the research examines how international laws attempt to address these issues while respecting both individual rights and government regulations. It also looks at how more countries are recognizing dual citizenship and how this impacts people's identities as well as their freedom to travel across borders.

### KEYWORDS

Dual citizenship, diplomatic, US, CANADA, legal consequences

### II. INTRODUCTION

The identity that grants a person civil and political rights in a state is known as citizenship. According to the legislation, a person can become a citizen of a country based on factors like naturalization, birthplace, and parents' birthplace. In our increasingly connected world, the concept of possessing multiple passports is becoming more prevalent. This phenomenon is referred to as dual citizenship. Dual citizenship signifies that a person is legally acknowledged as a citizen of two separate countries simultaneously, thereby enjoying the rights and benefits of both nations. For instance, an individual might be born in one country but relocate to

another as a child, ultimately acquiring citizenship there as well. Alternatively, a person might have parents from different nations, allowing them to attain citizenship in both countries through their lineage. Although dual citizenship may appear to be a straightforward solution for residing and working in various nations, it carries its own set of legal complexities. Every nation has its specific regulations regarding citizenship, and these regulations can occasionally clash, resulting in what could be described as the "legal puzzle" surrounding dual citizenship. The United States and Canada are two nations that often come up in conversations about dual citizenship. While both nations acknowledge dual citizenship, their methods of handling it vary. In the United States, individuals with dual citizenship may face strict guidelines that can complicate the process of maintaining two citizenships. Conversely, Canada is generally more accommodating, permitting its citizens to possess multiple nationalities with fewer limitations than those imposed by the U.S. In this paper, we will discuss the concept of dual citizenship and compare the approaches of two countries, the United States and Canada, to this issue. Both countries permit dual citizenship, but they handle it in very different ways. The United States takes a more restrictive approach to dual citizenship, whereas Canada is more permissive, allowing individuals to hold multiple citizenships without having to renounce any. This comparison will help us better understand how each country regulates dual citizenship and how it affects people of various nationalities.

### III. THE CONCEPT OF DUAL CITIZENSHIP

Dual citizenship, or multiple citizenship, is when a single person is legally recognized as a citizen of two or more countries at the same time. Not all countries allow their citizens to hold dual citizenship. It is important to double-check whether your country permits dual citizenship before seeking to acquire one. Dual citizenship, which is becoming more and more popular worldwide, has certain advantages of its own. People are interested in this dual citizenship concept because it offers numerous benefits, including a path toward democracy. To be a dual national means to be a citizen of two different countries. Both nations have legal rights and responsibilities. The same rule usually applies even if someone has more than two nationalities. Dual citizenship and single citizenship are concepts that describe a person's legal status in connection with their nationality. The key difference between dual and single citizenship is that single citizenship involves one nationality, while dual citizenship involves two. Dual citizenship may face complex legal obligations in both countries, whereas single citizenship is only accountable to one country. When it comes to travel and residency rights between the two nations, dual citizenship may be more flexible than single citizenship. Some governments do not allow certain political or security-related jobs for people holding dual citizenship due to loyalty concerns.

### IV. NATIONAL LAWS AND DUAL CITIZENSHIP: A GLOBAL PATCHWORK OF RULES

Different countries have different legal approaches to dual citizenship. Some countries like the USA, CANADA, and the UK fully allow dual citizenship, i.e., allowing individuals to hold multiple nationalities without any restrictions, and some countries like Germany and South Korea allow dual citizenship only in exceptional cases. Certain nations do not allow dual citizenship, requiring individuals to choose one nationality and give up the other. Certain countries like Malta and Turkey provide citizenship by investment, allowing people to acquire a second nationality by making financial contributions. People who want dual citizenship should research the legal requirements of the many nations involved because the laws might vary widely.

The countries that allow dual citizenship <sup>1</sup> include:

ALBANIA	ALGERIA	CHILE	GERMANY	GHANA	PHILIPPINES	TAIWAN
COLOMBIA	GREECE	POLLAND	PORTUGAL	COSTA RICA	RUSSIA	ROMANIA
MEXICO	MOROCCO	ICELAND	IRAQ	IRELAND	ISRAEL	CANADA
NIGERIA	SPAIN	SRI LANKA	SUDAN	NIGERIA	SOUTH KOREA	UK
USA	UGANDA	VATICAN CITY	PERU	SYRIA	ZIMBABWE	ITALY

The countries that restrict dual citizenship include:

AUSTRIA	CHINA	IRAN	JAPAN	KUWAIT	LAOS	LIBERIA
GEORGIA	MALAYSIA	GUINEA	INDIA	MALAWI	MALDIVES	MONACO
NEPAL	NORWAY	MYANMAR	OMAN	UAE	UKRAINE	TOGO
PALAU	QATAR	MONGOLIA	BAHRAIN	MALAWI	KIRIBATI	RWANDA
SLOVAKIA	TANZANIA	VANUATU	LESOTHO	GUYANA	ESTONIA	INDONESIA

## V. THE UNITED STATES AND THE DUAL CITIZENSHIP

The United States accepts dual citizenship and does not force naturalized citizens to renounce their native nation. Despite the Oath of Allegiance to the United States, which includes refusing "allegiance and fidelity" to other countries, the US law does not oblige a person to select one nationality over another. According to the US Department of State, dual citizenship is allegiance to both the United States and a foreign state. People with dual citizenship in the United States have to comply with the laws of both countries, and any country has the right to enforce its laws.

<sup>1</sup> Vladlena Baranova, list of the countries that allow dual citizenship (April.02,2025,11:45am), <https://immigrantinvest.com/blog/countries-that-allow-dual-citizenship-en/>

List of countries that allow dual citizenship with the US

ALBANIA	ANGOLA	ARMENIA	BELGIUM	DENMARK	FIJI	FINLAND
GABON	GERMANY	IRAN	ISRAEL	ITALY	PORTUGAL	NIGERIA
PORTUGAL	RUSSIA	SRI LANKA	SUDAN	SWEDEN	LATVIA	SPAIN
FRANCE	GREECE	NORWAY	UGANDA	SYRIA	GHANA	PHILIPPINES
MALI	MALTA	MOROCCO	TONGA	UK	HUNGARY	ZAMBIA

Rights of dual citizens in the USA

- People can work anywhere: Individuals can apply for jobs anywhere in the United States without requiring a work visa. As a dual citizen, you may be passed over for some federal occupations, which often require a clearance for security reasons and the capacity to protect the secrecy of classified state information.<sup>2</sup>
- People are allowed to travel without restriction: You can travel abroad for as many days as you choose to, without the worry of losing your US citizenship. Furthermore, if you wish to stay outside of the United States for more than a year, you will not require a re-entry consent to return, as green card holders must.<sup>3</sup>
- People can apply for citizenship for their family: Your parents, adult children, and siblings can all apply for green cards.<sup>4</sup>
- People are eligible to vote: You can vote in any United States election. However, only citizens can vote in federal elections.
- People can attend school: They can attend a U.S. school without a student visa or paying international student tuition rates.
- People can access public benefits. If necessary, they may be eligible for public benefits. Assuming you meet the eligibility conditions, you can apply for public benefits such as tuition assistance, which is exclusively available to US citizens.

Duties of dual citizens in the USA

- People must pay US taxes for life: As a US citizen, you must file (and, if necessary, pay) US income and other taxes for the rest of your life, even income earned outside of the United States, irrespective of where you live. This means that you could owe taxes on the same income in both the United States and your other country
- country of citizenship, unless the other country has an agreement with the United States that allows dual citizens to avoid "double taxation."
- People must disclose any previous encounters with law enforcement: Officers with the United States Citizenship and Immigration Services (USCIS) who analyze citizenship applications undertake

<sup>2</sup> Alison Moodie, How to get dual citizenship in the United States (April 02,2025,2:30 pm) <https://www.boundless.com/immigration-resources/dual-citizenship/>

<sup>3</sup> Supra note-2

<sup>4</sup> Supra note-2

thorough background investigations on candidates. Certain forms of violations, such as immigration fraud, drug misuse, or domestic violence, could result in the removal. If you are concerned about your past interactions with law enforcement, you should get legal advice before applying for citizenship.

- People must serve in the military as required by law: All males who lived in the United States or received citizenship between the ages of 18 and 26 have to enroll with the Selective Service System, unless they had an immigration status apart from "green card holder". In the case of war, a US citizen must serve in the US military (in combat or otherwise) if instructed to do so by the government.
- People must serve a jury when summoned: All United States citizens must serve on juries. To serve on a jury panel in a court process, the judge and attorneys must initially choose you. The selection process occurs after someone has been summoned to court.

## VI. CANADA'S APPROACH

Canadian nationality law details the conditions by which a person is a national of Canada<sup>5</sup>. Dual citizenship arises when an individual acquires two separate passports simultaneously. Dual citizenship in Canada allows individuals to acquire the legal rights of both countries at the same time. Canada allows dual citizenship, which means that Canadians can keep their original citizenship while acquiring the citizenship of any other country. At this point, the individual is legally considered to be a citizen of both Canada and the native country. A person can acquire Canadian dual citizenship by birth, naturalization, descent, or marriage. If born in Canada to foreign parents or abroad to Canadian parents, you may automatically have dual nationality<sup>6</sup>. Individuals can also become citizens of Canada without renouncing their original citizenship and by meeting the requirements of the Canadian Government.

List of countries that allow dual citizenship with Canada

ARGENTINA	BRAZIL	CHILE	COLOMBIA	PERU	MEXICO	USA
BELGIUM	FRANCE	GERMANY	ITALY	PORTUGAL	SPAIN	SWEDEN
IRELAND	UK	EGYPT	NIGERIA	ISRAEL	TURKEY	FIJI
SOUTH AFRICA	NEW ZEALAND	JAMAICA	ALBANIA	AUSTRIA	DENMARK	FINLAND
AUSTRALIA	NORWAY	RUSSIA	POLAND	TOGO	URUGUAY	TUVALU

Advantages of Canadian dual citizenship are:

- People can live and work in either of the countries.
- People can own property in either of the countries.
- They can vote in both countries.
- Having a passport for two countries makes travel easier.
- Individuals get additional access to education in both countries.

<sup>5</sup> Emily F. Carasco, International law, (April.04,2025,10:25am), <https://www.thecanadianencyclopedia.ca/en/article/international-law>

<sup>6</sup> Colin R. Singer, Everything You Ever Wanted To Know About Canadian Dual Citizenship, (April.04,2025,1:30pm) <https://immigration.ca/everything-you-ever-wanted-to-know-about-canadian-dual-citizenship/>

Disadvantages of Canadian dual citizenship:

- Both nations impose taxes and apply their laws, such as those concerning military duty<sup>7</sup>.
- Complex tax obligations
- Compulsory military service
- Political and legal implications
- Administrative burdens

### QUALIFICATIONS FOR CANADIAN CITIZENSHIP

- You have the status of permanent resident.
- You've stayed in Canada for three of the last five years.
- You have filed your taxes, if applicable.
- You passed the citizenship test.
- You show your language talents.
- You demonstrate a good moral character<sup>8</sup>

### VII. COMPARATIVE ANALYSIS OF DUAL CITIZENSHIP BETWEEN CANADA AND THE USA

Dual citizenship in the USA and Canada offers various similarities and differences in terms of benefits, legal obligations, and potential challenges.

FEATURES	THE USA	CANADA
General permissibility	Generally permitted	Generally permitted
Acquisition (Birth)	Citizenship is often acquired by being born within the U.S. territory or to U.S. citizen parents.	Citizenship is often gained by being born in Canadian territory or to Canadian citizen parents.
Acquisition (Naturalisation)	Naturalization process with specific residency and language/civics requirements	Naturalization process with specific residency and language/civics requirements
Taxation	Citizens are taxed on their worldwide income, regardless of where they live.	Residents pay tax based on their global income. The tax treaty with the United States helps prevent double taxation.
Legal Obligations	Dual citizens are subject to U.S laws	Dual citizens are subject to Canadian laws
Military Service	Currently, there is no mandatory	Currently, there is no mandatory

<sup>7</sup> Kathryn Grant, What You Need to Know about Canadian Dual Citizenship (April.08,2025,11:15am), <https://www.familysearch.org/en/blog/what-you-need-to-know-about-canadian-dual-citizenship>

<sup>8</sup> Manuel Garrido, Dual citizenship in Canada: What is it and how does it work? (April.08,2025,3:20pm), <https://www.globalcitizensolutions.com/dual-citizenship-canada/>

	service. However, responsibilities may arise in the future.	service.
Passport Usage	U.S citizens must enter/exit the US with a U.S passport.	Canadian citizens must enter/exit Canada with a Canadian passport
Benefits	Access to U.S benefits	Access to Canadian benefits
Potential Issues	U.S. tax filing procedures are complex.	Dual legal demands may lead to issues.

## VIII. CASE STUDIES

### 1. Afroyim vs Rusk, 387 U.S. 253 (1967)<sup>9</sup>

Beys Afroyim, who was a U.S citizen by naturalization, attended the election held in Israel and also voted in it. His citizenship was later revoked by the U.S. government, which claimed that voting in any other foreign country resulted in a wilful renunciation of U.S. citizenship.

The court held that U.S citizens cannot be denied their citizenship against their will. The court highlighted that the Fourteenth Amendment guarantees an individual's right to maintain U.S citizenship unless there is a clear, voluntary, and intentional renunciation. This landmark decision reinforced the security of U.S. citizenship and created a way for border acceptance of dual citizenship in the United States.

### 2. Nishikawa vs. Dulles (1958)<sup>10</sup>

A dual citizen of the USA and Japan lost his U.S. citizenship by serving in the Japanese army during World War II. The U.S government proceeded to revoke his citizenship, claiming he had voluntarily served in a foreign military. The court ruled in his favor, stating that the government failed to prove voluntariness by "clear, convincing, and clear evidence." This case strengthened effective safeguards against the forced loss of US citizenship.

### 3. Tomoya Kawakita vs. United States (1952)<sup>11</sup>

He was a Japanese-American citizen born in the United States who was found guilty of disloyalty for mistreating American prisoners of war while serving at a Japanese prison camp during World War II. After the war, he returned to the United States and was jailed. The Supreme Court upheld his conviction, stating that his U.S. citizenship obligated him to remain loyal to the country. He was sentenced to death, but it was later reduced to life imprisonment, and he was eventually deported to Japan.

<sup>9</sup>

Afroyim v. Rusk, 387 U.S. 253 (1967), 1-10 (May 29, 1967)

<sup>10</sup> Nishikawa vs. Dulles 356 U.S. 129 (1958), 12-15 (May 31, 1958)

<sup>11</sup> Tomoya Kawakita vs. United States (1952) 343 U.S. 717, 5-8 (June 2, 1952)

#### 4. Mason vs. Canada 2023 SCC 21<sup>12</sup>

Earl Mason, a non-citizen in Canada, was almost deported after being accused (but not convicted) of a violent crime. The government said he was a security risk. The Supreme Court disagreed, saying that for someone to be deported for security reasons, their actions must actually threaten national security and not just involve violence. So, Maon was allowed to stay.

#### 5. Kanthasamy vs. Canada 2015 SCC 61<sup>13</sup>

In this case, a young Tamil man from Sri Lanka was asked to stay in Canada on humanitarian and compassionate (H&C) grounds after his refugee claim was denied, saying he feared danger if sent back. The immigration officer rejected his H&C application without fully considering his hardships, mental health, and young age. The Supreme Court of Canada ruled in his favor, saying H&C decisions must take a broad, compassionate, and fair approach, not just apply rules strictly, especially when a person's life and well-being are at stake.

#### 6. Taylor vs. Canada 2007<sup>14</sup>

In this case, a prisoner suffering from a serious illness applied for Medical Assistance in Dying (MAiD), but was denied because he was in prison. He argued that this act was unfair and violated his rights. The court agreed, saying that being in prison doesn't take away a person's basic rights, including the right to die with dignity if they legally qualify. The case emphasized that prisoners deserve compassion and fair treatment, too.

### IX. THE FUTURE OF DUAL CITIZENSHIP: TRENDS AND IMPLICATIONS.

The future of dual citizenship is increasingly shaped by global mobility, changing demographics, and evolving national interests. Looking at countries like the United States and Canada, we may gain a better understanding of how states balance sovereignty with inclusivity. Canada has always encouraged dual citizenship, seeing it as a way to connect with a varied global community. Since 1997, Canadians have been permitted to hold several nationalities without losing their Canadian citizenship. This progressive position reflects the country's diversified identity and dedication to attracting eligible immigrants. Indeed, dual citizenship has reinforced Canada's ties to its diaspora, fostering investment, creativity, and cultural interchange. On the other hand, the United States takes a more conservative yet flexible strategy. While US law does not expressly encourage dual citizenship, it does acknowledge it. American citizens may possess another nationality, but they are expected to demonstrate loyalty to the United States, particularly in legal and tax affairs. The complexity of tax duties and allegiance requirements frequently makes dual citizenship with the United States more difficult than dual citizenship with Canada. Looking ahead, global crises, migration trends, and internal politics are likely to have an impact on the future of dual citizenship in both countries. Canada may continue to enhance options for dual nationals, particularly to remain competitive in the global talent market. However, the United States may proceed with caution, weighing national security concerns against the benefits of a more international population. In a world where people are more mobile than ever, dual citizenship is becoming less of an exception and more of a norm. While Canada welcomes this shift, the U.S. remains strategically reserved. Still, both countries are redefining what it means to belong in a global era, and dual citizenship is at the heart of that conversation.

<sup>12</sup> Mason vs. Canada (2023) SCC 21, 24-28 (September 27, 2023)

<sup>13</sup> Kanthasamy v. Canada (Citizenship and Immigration), 2015 SCC 61, [2015] 3 S.C.R. 909, 140-143 (October 12, 2015)

<sup>14</sup> Taylor vs. Canada(2007), 369 N.R. 346 (FCA), 5-10 (September 18, 2007)