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## The Right to Renounce Citizenship

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NOTE  
THE RIGHT TO RENOUNCE CITIZENSHIP

*Savannah Price*\*

*ABSTRACT*

Article 15(2) of the Universal Declaration of Human Rights (“UDHR”) proclaims that no one can be “denied the right to change his nationality.” Following the UDHR’s promulgation in 1948, the general right to have a citizenship, and thus to preclude statelessness, was developed substantially through several major international agreements. However, the right to renounce citizenship—implicit in the UDHR’s explicit promise of “the right to change” nationality—remained underdeveloped. This Note surveys the contemporary state of the norm.

Despite broad recognition in national laws of a right to renounce citizenship, no international treaty defines the norm. Some countries impose conditions on renouncing citizenship, both procedural steps and substantive conditions such as continuing obligations to pay taxes and to perform compulsory military. This Note proposes that there is a customary international law core to the right to renounce citizenship, with reference to the state practice of certain lead jurisdictions: The United States, Singapore, India, European countries, Brazil, Russia, China, and Japan. This Note also touches upon the related topic of dual citizenship—a person’s “right to change” nationality by adding one or more nationalities to the one he or she presently holds. In concluding, this Note makes predictions and suggestions for the future. The right to renounce citizenship is particularly salient today, both in the United States specifically given drastic political polarization, and globally, as a wealthy class of transnational persons engage in citizenship forum-

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shopping for such reasons as avoidance of taxes and military service.

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### *I. INTRODUCTION*

2018 was a monumental year for *Crazy Rich Asians*, a box-office hit movie based on the first in a series of novels about the wealthiest and most powerful families in Singapore, who spend their days shopping for luxuries and jet-setting across the world.<sup>1</sup> The author of the series, Kevin Kwan, based the book on his own experience growing

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1. KEVIN KWAN, *CRAZY RICH ASIANS* (2013). See also David Sims, *Hollywood Can't Ignore the Success of Crazy Rich Asians*, *THE ATLANTIC* (Aug. 24, 2018), <https://www.theatlantic.com/entertainment/archive/2018/08/crazy-rich-asians-box-office-lessons/568405/> [<https://perma.cc/26DA-XM36>].

up in Singapore.<sup>2</sup> In an ironic twist that may have hit too close to home for Kwan to write about, Singapore revealed that the author never served his compulsive military service and was wanted in Singapore for draft-dodging shortly after the film was released.<sup>3</sup> As many of the characters in the book series find their success encumbered by unwanted problems, Kwan's success came with the reminder that he is still unable to renounce his Singaporean citizenship, as Singaporean law does not allow for renunciation to avoid military service, which is preventing him from returning to his country of birth until the matter is resolved.<sup>4</sup>

Kwan was born in Singapore and moved to the United States at age eleven.<sup>5</sup> He became an American citizen when he was eighteen.<sup>6</sup> After moving from Singapore and gaining US citizenship, he tried to renounce his Singaporean citizenship without success.<sup>7</sup> The author was obligated to register with the military service in 1990, but since he was living in the United States at the time, he did not register; nor did he apply for the requisite waiver for Singaporeans living abroad.<sup>8</sup> A charge has been pending for draft-dodging since his failure to register.<sup>9</sup> There are reports that Kwan has reentered Singapore since, but the Singaporean government has denied these fervently.<sup>10</sup> As it currently stands, Kwan cannot reenter Singapore for any reason unless he returns to serve his time in the military.<sup>11</sup> Otherwise, he will face a fine and

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2. Elena Nicolau, *Author Kevin Kwan on the World of Crazy Rich Asians, AKA the World He Grew Up In*, REFINERY 29 (July 24, 2018, 3:35 PM), <https://www.refinery29.com/2018/07/205258/kevin-kwan-crazy-rich-asians-singapore-real-people-inspiration> [<https://perma.cc/667G-SFTK>].

3. Austin Ramzy, *Singapore Says 'Crazy Rich Asians' Author Skipped Military Service*, N.Y. TIMES (Aug. 22, 2018), <https://www.nytimes.com/2018/08/22/world/asia/kevin-kwan-crazy-rich-asians-singapore-military.html> [<https://perma.cc/8ZWR-3VQP>].

4. *Id.*

5. *About the Author*, KEVIN KWAN BOOKS, <http://www.kevinkwanbooks.com/> [<https://perma.cc/S5TA-AY7T>] (last visited Nov. 11, 2018).

6. See Ramzy, *supra* note 3.

7. Ramzy, *supra* note 3. Kwan tried to renounce his Singaporean citizenship in 1994, but it was rejected and so were the appeals that followed.

8. Ramzy, *supra* note 3; see also Enlistment Act 2001, c. 93 (Sing.), available at <https://sso.agc.gov.sg/Act/EA1970> [<https://perma.cc/UFZ7-MY8W>].

9. Ramzy, *supra* note 3.

10. *MHA doesn't want to search its archives, says Kevin Kwan didn't enter SG after 2000*, THE ONLINE CITIZEN (Aug. 29, 2018), <https://www.theonlinecitizen.com/2018/08/29/mha-doesnt-want-to-search-its-archives-and-says-kevin-kwan-didnt-enter-sg-after-2000> [<https://perma.cc/UD49-V48D>].

11. See Ramzy, *supra* note 3.

potential jail time for not fulfilling the service requirement.<sup>12</sup> At the same time, he cannot renounce his Singaporean citizenship unless he completes the military service requirement.<sup>13</sup> In other words, he has no unconditional right to renounce his citizenship under Singaporean law.

The right to renounce one's citizenship has also become an issue in the United States recently.<sup>14</sup> Rebecca Mead, a writer for *The New Yorker*, lived in the United States for thirty years and became a citizen in 2011.<sup>15</sup> In August of 2018, Mead wrote about her choice to return to the United Kingdom due to political changes happening in the United States.<sup>16</sup> After spending decades building an identity as an American, Mead chose to return to a home that had not been such for quite some time.<sup>17</sup>

While Mead wrote about moving back to the United Kingdom to escape the current political landscape of the United States, she also wrote that she did not intend to renounce her US citizenship as part of this move.<sup>18</sup> While Mead has chosen to retain her US citizenship in the hopes of potentially returning to live there if the political climate changes, there are many US citizens who have chosen to go to the length of renouncing their American citizenships.<sup>19</sup> While there is not a mandatory service requirement in the United States as in Singapore, there are still conditions and procedures a person in the United States must satisfy prior to renouncing his or her citizenship.<sup>20</sup>

This Note suggests that there is a customary international law core to the right to renounce citizenship implicitly flagged by Article 15(1) of the Universal Declaration of Human Rights.<sup>21</sup> The discussion proceeds in three Parts. Part II explores the international law that exists surrounding rights related to citizenship with a specific eye to aspects

12. See Ramzy, *supra* note 3.

13. See Ramzy, *supra* note 3.

14. Lorie Konish, *More Americans are considering cutting their ties with the US – here's why*, CNBC (June 31, 2018, 11:24 AM), <https://www.cnbc.com/2018/06/27/more-americans-are-considering-cutting-their-ties-with-the-us-heres.html> [<https://perma.cc/CET2-VJSR>].

15. Rebecca Mead, *A New Citizen Decides to Leave in the Tumult of Trump's America*, THE NEW YORKER (Aug. 20, 2018), <https://www.newyorker.com/magazine/2018/08/20/a-new-citizen-decides-to-leave-the-tumult-of-trumps-america> [<https://perma.cc/76YM-L7F9>].

16. *Id.*

17. *Id.*

18. *Id.*

19. See Konish, *supra* note 14.

20. 8 U.S.C. § 1481(a)(5) (2006).

21. G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 15(1) (Dec. 10, 1948) [hereinafter UDHR].

of changing nationality or renouncing citizenship. Part III examines the processes through which major jurisdictions across the world allow individuals to change nationalities, including norms concerning adding a new nationality (“dual citizenship”), and reinstating citizenship after renunciation. Given space constraints, the discussion will focus on the relevant national laws of key jurisdictions, namely, the United States, Singapore, India, the European Union, Brazil, Russia, China, and Japan. Part IV asserts that the common state practices of these nations form a nascent customary international law norm, makes predictions for the future of renunciation globally, and queries what a discussion of rights to renounce citizenship can say about citizenship more broadly.

## II. THE RELEVANT LAW

Multilateral international treaties touching upon individual rights to national citizenship or freedom of movement have proliferated since the mid-twentieth century.<sup>22</sup> Many of these agreements include specific rights to citizenship or related topics, or references to self-determination.<sup>23</sup> These instruments do not specifically address a right to renounce citizenship, but they supply an instructive legal context.<sup>24</sup>

### A. International Law of Citizenship

The Universal Declaration of Human Rights (“UDHR”) was adopted by all forty-eight countries that were members of the United Nations in 1948, with the exception of the Soviet bloc nations.<sup>25</sup> The UDHR lists thirty rights that were recommended as rights that should be adopted by every country in the world so that they would be guaranteed to every person on this earth.<sup>26</sup> Many of the rights specified in the UDHR have been recognized as fundamental human rights and

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22. *International Human Rights Law*, UNITED NATIONS OFF. OF THE HIGH COMMISSIONER ON HUM. RTS., <https://www.ohchr.org/en/professionalinterest/Pages/InternationalLaw.aspx> [<https://perma.cc/J7GB-PHEA>] (last visited May, 1 2019).

23. William Thomas Worster, *Human Rights Law and the Taxation Consequences for Renouncing Citizenship*, 62 ST. LOUIS U. L.J. 85, 95 (2017).

24. *Id.*

25. See UDHR, *supra* note 21; see also *History of the Document*, UNITED NATIONS, <http://www.un.org/en/sections/universal-declaration/history-document/index.html> (last visited May 1, 2019) [<https://perma.cc/2F4P-2649>].

26. See UDHR *supra* note 21.

codified in later multilateral human rights treaties.<sup>27</sup> Article 15 of the UDHR provides:

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality.<sup>28</sup>

Article 15 was widely supported as an essential right of individual self-determination.<sup>29</sup> Since the adoption of the UDHR, the right to retain a citizenship has since been mentioned in several other major treaties, including: the International Covenant on the Elimination of all Forms of Racial Discrimination, the Convention on the Rights of the Child, and the Convention on the Elimination of Discrimination Against Women (“CEDAW”).<sup>30</sup> While citizenship is mentioned in other binding international and regional agreements, nearly every state in the world is party to at least one of the above agreements, if not all three of them.<sup>31</sup> As a result of these developments, international law recognizes the right to have a citizenship in a particular nation as a fundamental human right.<sup>32</sup> The right to a citizenship is a logical starting point for the right to change one’s citizenship, although it does not necessarily follow from it.

### *B. International Law of Statelessness*

Most of the laws of citizenship developed out of a desire to prevent people from becoming stateless and the unique problems that accompany stateless people.<sup>33</sup> As will be discussed later, there are often procedures in place to prevent statelessness.<sup>34</sup> Those who are stateless

27. See UDHR, *supra* note 21.

28. See UDHR, *supra* note 21; see also Worster, *supra* note 23, at 89.

29. See UDHR, *supra* note 21; see also Worster, *supra* note 23, at 89.

30. *Right to a Nationality and Statelessness*, UNITED NATIONS OFF. OF THE HIGH COMMISSIONER ON HUM. RTS., <https://www.ohchr.org/EN/Issues/Pages/Nationality.aspx> [<https://perma.cc/9KLQ-BVQE>] (last visited May 1, 2019).

31. *Status of Ratification Interactive Dashboard*, UNITED NATIONS OFF. OF THE HIGH COMMISSIONER ON HUM. RTS., <https://www.ohchr.org/EN/Issues/Pages/Nationality.aspx> [<https://perma.cc/8WAM-9T46>] [hereinafter *OHCHR Dashboard*]. The United States is a signatory to all three treaties mentioned but has only ratified the Convention on the Elimination of all Forms of Racial Discrimination. *Id.*

32. See generally GOÇALO MATIAS, *CITIZENSHIP AS A HUMAN RIGHT: THE FUNDAMENTAL RIGHT TO A SPECIFIC CITIZENSHIP* (2016).

33. Convention on the Reduction of Statelessness, Aug. 30, 1961, 989 U.N.T.S. 175 (entered into force Dec. 13, 1975) [hereinafter 1961 Statelessness Convention].

34. See UN Conventions on Statelessness *infra* note 50.

often have difficulties accessing basic services and necessities within any country.<sup>35</sup> Stateless individuals also lack the protection of not belonging to a single nation, essentially leaving them vulnerable since they have no place to call home and government obligated to extend them the basic protection of their lives and property.<sup>36</sup> The international legal remedy to this problem, guaranteeing citizenship to everyone in the world through the UDHR, gave all citizens of the world the protection of a country to call home and to view them as one of their own.<sup>37</sup>

Statelessness is not a problem that is unique to the modern world.<sup>38</sup> Enslaved and subjected populations throughout history would likely be classified as stateless in today's terms.<sup>39</sup> But, this issue became particularly salient in the late nineteenth and twentieth centuries, in a world populated by sovereign nation-states of equal stature.<sup>40</sup> Accordingly, the issue of statelessness was first addressed with the Nansen International Office for Refugees in 1930, but the issue of statelessness grew when the world recognized the need for protections for refugees following World War II.<sup>41</sup>

After the establishment of the United Nations following World War II, the problem of stateless populations was brought to the attention of the international community.<sup>42</sup> The first multilateral convention specifically addressed to stateless persons was the 1951 Convention Relating to the Status of Refugees, which was the first measure to address the displaced people after World War II.<sup>43</sup> Coming soon after the 1951 Refugee Convention, the United Nations developed the 1954 Convention Relating to the Status of Stateless Persons.<sup>44</sup> The

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35. *Ending Statelessness*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR REFUGEES, <http://www.unhcr.org/en-us/stateless-people.html> [https://perma.cc/APC7-7PV6] (last visited May 1, 2019).

36. See UN Conventions on Statelessness, *infra* note 50.

37. See UN Conventions on Statelessness, *infra* note 50.

38. ALICE EDWARDS & LAURA VAN WAAS, NATIONALITY MATTERS: STATELESS UNDER INTERNATIONAL LAW 10 (2008).

39. *Id.*

40. *Id.*

41. *Id.* at 15.

42. *Id.*

43. See Convention and Protocol Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137 (entered into force Apr. 22, 1954) [hereinafter 1951 Refugee Convention].

44. See Convention and Protocol Relating to the Status of Refugees, *supra* note 43; see also Convention Relating to the Status of Stateless Peoples, Sept. 28, 1954, 360 U.N.T.S. 117 (entered into force June 6, 1960) [hereinafter 1954 Statelessness Convention].

1954 Convention on Statelessness was then followed up by the 1961 Convention of the Reduction of Statelessness, which is the most recent UN measure designed to address statelessness.<sup>45</sup>

Though there have been many international measures designed to alleviate statelessness and the problems that accompany it, accession to these Statelessness Conventions has been slow and fairly unpopular.<sup>46</sup> This is unlike the widespread support that covenants containing rights to citizenship have received over the past century.<sup>47</sup> By 1980, the 1954 Statelessness Convention had thirty-one parties to the agreement and the 1961 Statelessness Convention had nine parties to it.<sup>48</sup> As of 2014, there were eighty-three parties to the 1954 Statelessness Convention and sixty-one parties to the 1961 Statelessness Convention.<sup>49</sup> Despite a slow start and a lag behind other major international agreements, the global trend is inching towards protecting stateless individuals and joining these agreements.<sup>50</sup> Despite all of these efforts, there are currently an estimated ten million stateless people around the world.<sup>51</sup>

### C. *International Law of Renouncing Citizenship*

There is sharp contrast between the concrete nature behind the right to have a citizenship, and the lack thereof for a right to renounce a citizenship.<sup>52</sup> Following the promulgation of the UDHR, the International Covenant on Civil and Political Rights (“ICCPR”), which was signed and ratified by 172 countries, codified most of the rights first found in the UDHR into international law, but it excluded the right

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45. See 1954 Statelessness Convention, *supra* note 44; see also 1961 Statelessness Convention, *supra* note 33.

46. See 1954 Statelessness Convention, *supra* note 44; see also 1961 Statelessness Convention, *supra* note 46.

47. See *Matias*, *supra* note 32. Nearly every country in the world has signed and ratified a major international agreement that contains a provision guaranteeing everyone in the world to citizenship.

48. See 1954 Statelessness Convention, *supra* note 44; 1961 Statelessness Convention, *supra* note 33.

49. *UN Conventions on Statelessness*, UNITED NATIONS OFF. OF THE HIGH COMMISSIONER FOR REFUGEES, <http://www.unhcr.org/en-us/un-conventions-on-statelessness.html> (last visited May 1, 2019) [<https://perma.cc/8VCP-ZRJ4>].

50. *Id.*

51. *Id.*

52. See *Worster*, *supra* note 23.

to change one's own citizenship.<sup>53</sup> The ICCPR includes that any individual "shall be free to leave any country, including his own."<sup>54</sup> Not only does this not include any language on changing citizenship, it also has limitations on all of the rights included in the treaty.<sup>55</sup> The ICCPR contains extensive limitations including: protection of national security and public order, protection of public health and morals, and anything that would limit the freedom of others.<sup>56</sup> These limitations allow nations to restrict the right to renounce citizenship and the process through which an individual may renounce so long as the restrictions are consistent with any part of the list.<sup>57</sup> Additionally, since there is no human right to renounce codified in another treaty, these limitations also allow a state to restrict or eliminate renunciation rights.<sup>58</sup> The protection of national security, for example, could include a country's choice to implement a mandatory service requirement as a prerequisite to renouncing citizenship in that country.<sup>59</sup>

In addition to the ICCPR, there are several other major international agreements that include rights similar to the right to renounce one's citizenship, but that do not quite reach the level of the right codified in the UDHR.<sup>60</sup> The Convention of the Rights of the Child, signed and ratified by every country in the world except the United States, addresses the right of the child to form his or her own identity, which has the potential to overlap with nationality.<sup>61</sup> In addition to this, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides protections for migrant workers and their families to leave any state, including their state of origin, with the same caveats found in the

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53. See UDHR, *supra* note 21; see also International Covenant on Civil and Political Rights, Dec. 19, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR]; See Worster, *supra* note 23, at 89.

54. See ICCPR, *supra* note 53; see also Worster, *supra* note 23, at 89.

55. See ICCPR, *supra* note 53; see also Worster, *supra* note 23, at 89.

56. See ICCPR, *supra* note 53.

57. Worster, *supra* note 22, at 89.

58. Worster, *supra* note 22.

59. Worster, *supra* note 22.

60. ICCPR, *supra* note 53. See also UDHR, *supra* note 21.

61. *International Convention on the Rights of the Child*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf> (last visited May 1, 2019) [hereinafter *Convention on the Rights of the Child*].

ICCPR.<sup>62</sup> Lastly, the Convention on the Rights of Migrants has fifty-three states party to the agreement. The United States and nearly all of Europe and Asia are not parties to the agreement.<sup>63</sup> There are more treaties that include similar notions on freedom of movement, but they too are limited by the exceptions discussed earlier.<sup>64</sup>

### *III. OVERVIEW OF RIGHTS*

While the existing international law of citizenship does not include the right to renounce citizenship, almost every country in the world allows a process to renounce one's citizenship.<sup>65</sup> Authoritarian regimes may technically have processes in place, but often there are external obstacles to initiating this process.<sup>66</sup> Additionally, dual citizenship can sometimes cause a wrinkle, but over 200 nations have chosen to allow their citizens to change their nationalities in some form despite the lack of an international agreement requiring them to do so.<sup>67</sup> This Note surveys the procedures and requirements of influential major jurisdictions across the globe and how they relate to one another. These major jurisdictions include: the United States, Singapore, India, the European Union, Brazil, Russia, China, and Japan.

#### *A. Survey of Jurisdictions*

##### 1. United States

The United States has long been a proponent of the right to renounce one's citizenship on the international stage.<sup>68</sup> This does not mean, however, that the United States does not also have a stringent set of procedures in place to govern the renunciation of US citizenship.<sup>69</sup>

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62. G.A. Res. 45/158, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Dec. 18, 1990) [hereinafter Convention on the Rights of Migrants].

63. See *OHCHR Dashboard*, *supra* note 32.

64. See *OHCHR Dashboard*, *supra* note 32.

65. Every country in the world, except Costa Rica, has a process in place to renounce citizenship. See generally Worster, *supra* note 23.

66. Worster, *supra* note 24.

67. Worster, *supra* note 24.

68. See Expatriation Act of 1868, 8 U.S.C. § 1481 (1988). The United States first recognized this right in 1868, eighty years before the adoption of the UDHR. See UDHR *supra* note 21.

69. *Renunciation of U.S. Nationality Abroad*, TRAVEL.STATE.GOV, <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/us-citizenship/Renunciation-US->

In addition to the procedural safeguards, the United States also has a series of warnings to an individual wanting to renounce his or her citizenship and also a complicated tax scheme that the individual choosing to renounce must be prepared to navigate.<sup>70</sup> Unlike the complicated scheme that accompanies renunciation of citizenship, the United States allows dual citizenship with no conditions beyond continued loyalty to the United States.<sup>71</sup>

The process by which an individual can renounce his or her US citizenship is governed by Sections 5 and 6 of the Immigration and Nationality Act (“INA”).<sup>72</sup> The INA was passed in 1952 and has been in effect since then, giving the Department of Homeland Security (“DHS”) and United States Citizenship and Immigration Services (“USCIS”) the power to preside over this process.<sup>73</sup> The basic requirements of renouncing citizenship in the United States are as follows: the citizen must choose to do so voluntarily, appear in person before a US consular or diplomatic officer in a foreign country, and sign an oath of renunciation.<sup>74</sup> There is also an application and documentation required to officially renounce, but these are the basic requirements for a US citizen to rid himself or herself of that title.<sup>75</sup>

Departing from a global norm, the United States does not require the individual who wants to renounce his or her citizenship to present proof that he or she has obtained citizenship in a different country.<sup>76</sup> Instead, the government issues a warning about statelessness and the negative consequences that may await a stateless person.<sup>77</sup> The USCIS

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Nationality-Abroad.html#ExternalPopup [https://perma.cc/H7D3-XAEW] (last visited May 11, 2019).

70. *Id.*

71. *Dual Nationality*, TRAVEL.STATE.GOV, <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/Advice-about-Possible-Loss-of-US-Nationality-Dual-Nationality/Dual-Nationality.html> [https://perma.cc/UC65-6TN5] (last visited May 11, 2019).

72. 8 U.S.C. § 1481(a)(5), (6).

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

77. *Renunciation of U.S. Nationality Abroad*, TRAVEL.STATE.GOV, <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/us-citizenship/Renunciation-US-Nationality-Abroad.html> [https://perma.cc/P99X-TH7V] (last visited May 1, 2019). As mentioned earlier, there are two major international agreements designed to combat the issue of statelessness, and a desire to prevent statelessness is generally agreed upon across the world. However, the United States is not party to either the 1954 or the 1961 statelessness agreements. So, while it may be a break with most other major jurisdictions surveyed in this Note, the choice to allow a US citizen to renounce citizenship without acquiring another nationality is technically

website and materials regarding renunciation also warn of taxation consequences that may await the individual after he or she renounces, which will be discussed more in depth later.<sup>78</sup>

The United States is one of the few countries to tax based on citizenship rather than residency, going so far as to apply an estate tax to those who have renounced citizenships upon their deaths.<sup>79</sup> As a result, this continued taxation of Americans abroad often leads them to renounce their US citizenships and become expats.<sup>80</sup> However, while the motivation to renounce may be to avoid taxation, the United States also imposes an expatriation tax, known as the exit tax, on those who complete the process of renouncing their citizenship.<sup>81</sup> While the United States imposes more taxes on those who do not live within its borders than any other country in the world, US citizenship is also the most expensive citizenship to renounce.<sup>82</sup> The exit tax has changed depending on when the individual chose to renounce citizenship, with the most recent scheme applying to those who have officially renounced on or after June 17, 2008.<sup>83</sup> The exit tax applies to those who meet a certain median income threshold, have a net worth of over US\$2 million at the time of renunciation, or who have failed to comply with US federal tax obligations for the five years preceding the date of renunciation.<sup>84</sup>

The exit tax itself is a net capital gains tax on the property of the individual.<sup>85</sup> As of April 2018, the maximum net capital gains tax rate is twenty percent, but can at times surge to a twenty-five percent or

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not in violation of US commitments to international law. *UN Conventions on Statelessness*, *supra* note 49.

78. See Renunciation of U.S. Nationality Abroad, *supra* note 69.

79. See Mead, *supra* note 15.

80. Ephraim Moss, *Exposing the hidden tax costs of renouncing US citizenship*, CNBC (May 17, 2016, 7:50 AM), <https://www.cnbc.com/2016/05/17/exposing-the-hidden-tax-costs-of-renouncing-us-citizenship.html> [<https://perma.cc/6AVN-CYAV>].

81. *Id.*

82. Robert W. Wood, *U.S. Has World's Highest Fee to Renounce Citizenship*, FORBES (Oct. 23, 2015), <https://www.forbes.com/sites/robertwood/2015/10/23/u-s-has-worlds-highest-fee-to-renounce-citizenship/#6ff44b1347de> [<https://perma.cc/LB74-UYSG>].

83. I.R.C. §§ 877, 877A (2008).

84. *Id.* Note, the income threshold is adjusted each year to account for inflation. The most recent adjusted income on the IRS website is for 2015, where any individual whose income exceeded US\$160,000 would be subject to the expatriation tax. *Id.*

85. See Wood, *supra* note 82.

twenty-eight percent rate.<sup>86</sup> The exit tax rate will also include the federal net investment income tax added to the net capital gains rate, which is currently 3.8%.<sup>87</sup> For those who have failed to comply with tax laws in the past, delinquent taxes can add up to far beyond the above rate and also cost the individual payments to a tax preparer to help them sort out the different regulations.<sup>88</sup>

Beyond the taxes paid upfront to renounce one's citizenship in the United States, the individual also may run into an issue with the US estate tax.<sup>89</sup> While the estate tax only affects the transfer of an individual's property after death, there are significant differences between the details of the estate tax for a US citizen and for a non-citizen.<sup>90</sup> Under the current scheme, a US citizen is able to stop the estate tax from applying to US\$5.6 million of his or her US property, or up to US\$11 million for married couples.<sup>91</sup> Meanwhile, non-citizens can apply this shield to up to US\$60,000 worth of their US property.<sup>92</sup> The current estate tax rate is a maximum of forty percent, so US expats could encounter large tax penalties in the United States long after renouncing citizenship and after their deaths.<sup>93</sup>

US laws on the renunciation of citizenship also depart from other major jurisdictions because the renunciation of US citizenship is permanent, save for a few narrow exceptions.<sup>94</sup> There is one exception available to anyone who lost US citizenship prior to turning eighteen years of age, where the individual has six months after his or her eighteenth birthday to apply to reinstate his or her US citizenship or his or her loss is irrevocable as well.<sup>95</sup> This exception applies to a narrow set of the population, however, as the United States does not allow

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86. *Capital Gains and Losses – 10 Helpful Facts to Know*, INTERNAL REVENUE SERV., <https://www.irs.gov/newsroom/capital-gains-and-losses-10-helpful-facts-to-know> [<https://perma.cc/Q28E-69GL>].

87. *Id.*

88. See I.R.C. §§ 877, 877A (2008).

89. See I.R.C. §§ 877, 877A (2008).

90. See I.R.C. §§ 877, 877A (2008).

91. Ashlea Ebeling, *IRS Announces 2018 Estate and Gift Tax Limits: \$11.2 Million*, FORBES (Oct. 19, 2017), <https://www.forbes.com/sites/ashleaebeling/2017/10/19/irs-announces-2018-estate-and-gift-tax-limits-11-2-million-per-couple/#173f46fe4a4b> [<https://perma.cc/D88P-KK5E>].

92. *Id.*

93. *Id.*

94. See 8 U.S.C. § 1481(a)(5), (6); see also Table 3 for how other major jurisdictions approach the restoration of citizenship.

95. 8 U.S.C. §1483 (1981).

parents to apply to renounce the US citizenships of their minor children and children under the age of sixteen do not have the option to apply to renounce.<sup>96</sup>

## 2. Singapore

Singapore became an independent republic in 1965, reacting against decades of colonialism and occupation.<sup>97</sup> After becoming the Republic of Singapore, the nation quickly joined the United Nations, but it never joined the ICCPR.<sup>98</sup> In 1990, Singapore signed and ratified the Convention on the Rights of the Child, which is the only major international agreement it has joined that includes citizenship rights.<sup>99</sup> Of the eighteen major international human rights treaties, Singapore has currently signed and ratified five of them.<sup>100</sup>

Despite a reluctance to join major international human rights treaties, Singapore was quick to pass legislation of its own regarding citizenship.<sup>101</sup> The National Service Amendment (“NS”) was passed in 1967, less than two years after Singapore declared its independence, requiring all Singaporean citizens to serve in the Singaporean military.<sup>102</sup> The NS was later supplemented by the 1970 Enlistment Act, which subjects Singaporean citizens to military law during their time enlisted in the Singaporean forces.<sup>103</sup> The NS is still in force today, making Singapore one of thirty-two countries to have a mandatory service requirement.<sup>104</sup> While some of these nations have either relaxed the service requirements over time or have deferment and exemption

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96. *Id.*

97. *Singapore country profile*, BBC (July 20, 2018), <https://www.bbc.com/news/world-asia-15961759> [<https://perma.cc/2CGH-ML72>].

98. *Member States*, UNITED NATIONS, <http://www.un.org/en/member-states/> [<https://perma.cc/E4KG-LMV4>] (last visited May 1, 2019); *see also OHCHR Dashboard*, *supra* note 32.

99. *See* G.A. Res. 44/25, Convention on the Rights of the Child (Nov. 20, 1989).

100. *See OHCHR Dashboard*, *supra* note 32.

101. Singapore National Service (Amendment) Bill (Feb. 27, 1967), <https://sso.agc.gov.sg/Bills-Supp/3-1967/Published/19670301?DocDate=19670301> [<https://perma.cc/4YXY-YWWC>].

102. *Id.*; *see also* Ramzy, *supra* note 4.

103. Singapore Enlistment Act (Dec. 31, 2001), <https://sso.agc.gov.sg/Act/EA1970> [<https://perma.cc/UFZ7-MY8W>].

104. *Id.*; *see also* Hall, *infra* note 196.

options available, Singapore has continued to hold to the original mandatory service law.<sup>105</sup>

Under the Enlistment Act and National Service Amendment, Singaporean men are required to register for military service when they turn sixteen and a half years old, but they do not have to report for duty until they are eighteen years of age.<sup>106</sup> Those who are living abroad must apply for an exit permit upon turning thirteen in order to confirm that they will return to Singapore and fulfill their military service obligation when they become of age.<sup>107</sup>

In Singapore, an individual must be twenty-one years old in order to apply to renounce his or her Singaporean citizenship.<sup>108</sup> The applicant must include his or her birth certificate, original Singaporean passport, and a certified true copy of the applicant's new foreign passport, among other documents.<sup>109</sup> The application also includes a section to inform the Singaporean government why the applicant wants to renounce his or her citizenship. The application also requires that the applicant declare his or her military status, which answers the question of the national service requirement that Kevin Kwan struggled with.<sup>110</sup> Additionally, there is a fee of US\$25 to process the application.<sup>111</sup>

Singapore does not permit dual citizenship.<sup>112</sup> Children who acquire more than one citizenship at birth, or others who voluntarily acquire a second citizenship prior, will have to choose which citizenship they will retain once they turn twenty-one years old.<sup>113</sup> The

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105. See NS Amendment, *supra* note 101. Ben Davis, an eighteen-year-old footballer with a contract to play in England's Premier League and for the Singaporean National Team was denied on his application to defer his military service due to his burgeoning athletic career. This shows how Singapore's military service requirements have remained strict even for international athletes. *Supra* note 4.

106. See NS Amendment, *supra* note 101.

107. *Exit Permit and Bond*, MINISTRY OF DEFENCE, <https://www.cmpb.gov.sg/web/portal/cmpb/home/before-ns/pre-enlistment-process/exit-permit-and-bond> [<https://perma.cc/X3GR-4CCW>] (last updated Oct. 24, 2018).

108. *Renunciation*, IMMIGRATION & CHECKPOINTS AUTHORITY (Jan. 08, 2019), [https://www.ica.gov.sg/citizen/citizenship/citizen\\_citizenship\\_renunciation](https://www.ica.gov.sg/citizen/citizenship/citizen_citizenship_renunciation) [<https://perma.cc/JE7C-JRGE>].

109. *Id.*

110. *Id.*; see also Ramzy *supra* note 4.

111. See *Renunciation*, *supra* note 108.

112. *Dual Nationality*, U.S. EMBASSY IN SINGAPORE, <https://sg.usembassy.gov/u-s-citizen-services/dual-nationality/> [<https://perma.cc/Q4R7-WLR6>] (last visited May 1, 2019).

113. *Id.*

government of Singapore has recently considered allowing dual citizenship, but has not yet made the change.<sup>114</sup>

### 3. India

Like most other major jurisdictions discussed in this Note, India also has a process for the renunciation of citizenship.<sup>115</sup> India does not allow dual citizenship, so Indian nationals who acquires foreign nationalities automatically loses their Indian citizenships and are required to surrender their Indian passports.<sup>116</sup> Obtaining another nationality without applying for renunciation in India can lead to a severe financial penalty on the individual should he or she travel back to India and can also delay and impact said travel.<sup>117</sup> There is also potential penalty of jail time for traveling on an Indian passport that is deemed illegal.<sup>118</sup>

The application requirements for renunciation of Indian citizenship change depending on the date of the individual's naturalization in his or her new country.<sup>119</sup> The most recent application requirements, applying to those who were naturalized after 2010, include: completing renunciation certificates and providing copies to the government, surrendering one's original Indian passport and copies and proof of naturalization, and acquiring residence in another country.<sup>120</sup> There may be additional requirements for families with minor children or those who are no longer in possession of their original Indian passports.<sup>121</sup> There is also a fee that accompanies the

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114. Elgin Toh, *Is Singapore ready for dual citizenship?*, THE STRAITS TIMES (Oct. 8 2017), <https://www.straitstimes.com/politics/is-singapore-ready-for-dual-citizenship> [<https://perma.cc/627G-8LNS>].

115. *Renunciation*, COX & KINGS GLOBAL SERV., <https://www.in.ckgs.us/renunciation/> [<https://perma.cc/3RXY-TGAD>] (last visited May 1, 2019).

116. *Id.*

117. *Mandatory Renunciation of Indian Citizenship*, WORLD ASS'N FOR CHILD. & PARENTS, <https://www.wacap.org/Portals/0/Documents/Profiles/India%20Renunciation%20of%20Indian%20Citizenship.pdf> [<https://perma.cc/2E39-QU5G>].

118. *Renunciation of Indian Citizenship and Obtaining Surrender Certificate*, IMMIHELP, <https://www.immihelp.com/nri/indian-citizenship-renunciation-surrender-certificate/> [<https://perma.cc/ZR7B-TR44>] (last visited May 11, 2019).

119. *See Renunciation, supra* note 115.

120. *See Renunciation, supra* note 115.

121. *See Renunciation, supra* note 115.

application to renounce, the amount depending on the details of the individual's case.<sup>122</sup>

In India, if an individual applies for renunciation of citizenship, his or her minor children may also lose their citizenships.<sup>123</sup> However, if a minor who lost his or her citizenship as a result of his or her parents' desires to reinstate his or her Indian citizenship, he or she can do so upon becoming an adult when he or she turns eighteen years old.<sup>124</sup> Unlike the United States, there are some avenues through which an adult can reinstate his or her Indian citizenship after renouncing it, but the process requires that the individual renounce the citizenship of the country he or she left India for and also that he or she be a holder of an Overseas Citizen of India card.<sup>125</sup>

To encourage those who choose to switch to a non-Indian passport to maintain their ties with India, the Overseas Citizen of India ("OCI") scheme was introduced in 2005.<sup>126</sup> This scheme allows those of Indian origin to possess an OCI card for easier and lifetime entry into India, and also comes with significant economic benefits.<sup>127</sup> This system was introduced as a way around the Indian constitution's prohibition of dual citizenship.<sup>128</sup> While the holder of an OCI card is not an Indian citizen and cannot vote in India, it provides the holder with other privileges held by citizens and allows him or her to access his or her home country with greater ease.<sup>129</sup> Individuals of Indian origin who now hold passports from either Bangladesh or Pakistan are not eligible to apply for OCI cards.<sup>130</sup>

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122. See Renunciation of Indian Citizenship and Obtaining Surrender Certificate, *supra* note 118. The general fee for anyone who renounces his or her citizenship after June 2010 and possesses all the requisite documentation is US\$175. *Supra* note 115.

123. Citizenship Act, No. 57 of 1955, INDIA CODE (1955).

124. *Id.*

125. *Overseas Citizen of India (OCI) Cardholder*, BUREAU OF IMMIGRATION, <https://boi.gov.in/content/overseas-citizen-india-oci-cardholder> [https://perma.cc/9HSA-UMA2] (last updated Sept. 27, 2018).

126. Ruchika Tulshyan, *When Indians Renounce Their Citizenship: An Expat Explains*, WALL STREET J. (Mar. 20, 2015), <https://blogs.wsj.com/expat/2015/03/20/when-indians-renounce-their-citizenship-an-expat-explains/> [https://perma.cc/PT9S-9546].

127. *Id.*

128. *Id.*

129. See *Overseas Citizen of India (OCI) Cardholder*, *supra* note 125.

130. See *Overseas Citizen of India (OCI) Cardholder*, *supra* note 125.

## 4. Europe

Most countries in Europe allow renunciation, and the countries of continental Europe are mixed as to allowing and prohibiting dual citizenship.<sup>131</sup> As with the rest of the world, every country has a procedure in place for citizens to renounce citizenship that is specific to that country.<sup>132</sup> For example, Finnish citizens are not allowed to renounce their citizenships if they are still residing in Finland.<sup>133</sup> However, with the EU passport, it may not be necessary for many Europeans to renounce given the rights and mobility granted to them through an EU passport.<sup>134</sup> While EU citizens have EU passports for easier travel throughout the continent, there is no such thing as EU citizenship that can be recognized or renounced separately from the individual's citizenship to a specific state.<sup>135</sup>

France and the United Kingdom are included specifically in this survey due to their permanent seats on the UN Security Council and the impact of that standing on the international legal landscape.<sup>136</sup> The United Kingdom allows dual citizenship.<sup>137</sup> In the United Kingdom, individuals may apply to renounce their British citizenships if they already have acquired another nationality or if it is clear that they will acquire a new nationality soon after renunciation in the United Kingdom.<sup>138</sup> Additionally, the applicant must be eighteen years of age

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131. Grace McGill, *Which EU Countries Allow for Dual Citizenship*, MCGILL & CO. (June 6, 2017), <https://www.mcgillandco.co.uk/blog/brexit-eu-migration/which-eu-countries-allow-for-dual-citizenship.html> [<https://perma.cc/C72K-NE6X>].

132. *Id.*

133. *Release from Finnish citizenship*, MAAHANMUUTTOVIRASTO MIGRATIONSVERKET [FINNISH IMMIGRATION SERVICE], <https://migri.fi/en/release-from-citizenship> [<https://perma.cc/BQB4-DGUX>] (last visited May 4, 2019).

134. *EU citizenship*, EUROPEAN UNION, [https://europa.eu/european-union/topics/eu-citizenship\\_en](https://europa.eu/european-union/topics/eu-citizenship_en) [<https://perma.cc/PWB9-QD7R>] (last visited May 4, 2019).

135. Geoff Pritchard, *British nationals have no say over their EU citizenship*, THE TELEGRAPH (July 1, 2012), <https://www.telegraph.co.uk/comment/letters/9365757/British-nationals-have-no-say-over-their-EU-citizenship.html> [<https://perma.cc/UAV7-6QBM>]. This question became particularly popular recently as pro-Brexit British citizens were looking to renounce their EU “citizenships” as the United Kingdom withdraws from the European Union. However, these individuals cannot do so without also renouncing their British citizenships. *Id.*

136. *The UN Security Council*, COUNCIL ON FOREIGN REL., <https://www.cfr.org/backgrounder/un-security-council> [<https://perma.cc/6ZDR-QQV8>] (last updated Sept. 24, 2018).

137. *Dual citizenship*, GOV.UK, <https://www.gov.uk/dual-citizenship> [<https://perma.cc/MA4T-5MLW>] (last visited May 4, 2019).

138. *Id.* If the individual applying is anticipating acquiring another nationality after he or she has renounced his or her British citizenship, he or she must have clear proof from the foreign government that he or she is guaranteed citizenship to avoid the problem of statelessness. *Id.*

or older and of sound mind.<sup>139</sup> To apply, the individual must gather proof of current British citizenship and proof of future citizenship elsewhere.<sup>140</sup> The United Kingdom is one of the few countries that allows citizens to go through this process remotely, as applicants can send their materials via mail or an online portal.<sup>141</sup> Additionally, there is currently a fee of UK£372 to apply for renunciation in the United Kingdom.<sup>142</sup>

France, too, permits its citizens to renounce their citizenships.<sup>143</sup> France requires proof of an alternative citizenship for an applicant to proceed with the process.<sup>144</sup> The applicant additionally must explain why he or she wants to rid himself or herself of his or her French citizenship and announce that he or she “[has] a lack of family and professional ties in France.”<sup>145</sup>

## 5. Brazil

Brazil too allows citizens to apply to renounce their Brazilian citizenships.<sup>146</sup> The application for renunciation in Brazil requires proof of another citizenship (and a translation of the naturalization certificate if necessary), an explanation as to why the individual wants to renounce his or her citizenship, and a birth certificate or marriage certificate if the individual acquired Brazilian citizenship through marriage.<sup>147</sup> Applications for renunciation in Brazil pass through the Ministry of Justice.<sup>148</sup> The Brazilian government also allows

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139. *Id.*

140. *Id.*

141. *Give Up (renounce) British Citizenship or Nationality*, GOV.UK, <https://www.gov.uk/renounce-british-nationality> (last visited May 4, 2019)

142. *Id.*

143. Michael Lokesson, *How to Renounce Your Citizenship*, NAT'L GEOGRAPHIC (Aug. 3, 2013), <https://news.nationalgeographic.com/news/2013/08/130822-ted-cruz-howto-renounce-citizenship/> [<https://perma.cc/336E-KZ2H>].

144. *Id.*

145. *Id.*

146. *Processo para Perda da Nacionalidade Brasileira* [*Process for the Loss of Brazilian Nationality*], CONSULADO-GERAL DO BRASIL EM SÃO FRANCISCO [CONSULATE GENERAL OF BRAZIL IN SAN FRANCISCO] (May 30, 2018), [http://saofrancisco.itamaraty.gov.br/pt-br/perda\\_de\\_nacionalidade.xml](http://saofrancisco.itamaraty.gov.br/pt-br/perda_de_nacionalidade.xml).

147. *Nacionalidade e Naturalização* [*Nationality and Naturalization*], MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA [MINISTRY OF JUSTICE AND PUBLIC SECURITY], <http://www.justica.gov.br/seus-direitos/migracoes/nacionalidade#perda> [<https://perma.cc/GH6R-P5HA>] (last visited May 4, 2019).

148. *Id.*

individuals to apply to reinstate their citizenships after they renounce them.<sup>149</sup>

Brazil also technically does not allow for dual citizenship, but as time has passed, the government has become more lenient in not revoking citizenships from Brazilian nationals abroad.<sup>150</sup> Since 1994, Brazilian nationality law allows two exceptions for keeping dual nationalities: when the second nationality came to the Brazilian citizen through birth or descent, instead of voluntary naturalization, or when it was necessary for the Brazilian citizen to acquire a foreign citizenship to participate in the exercise of civil rights in his or her new country.<sup>151</sup> This amendment was added to Brazilian nationality law in 1994, and since then the government has been increasingly reluctant to revoke citizenships from Brazilian nationals simply because they acquired another citizenship.<sup>152</sup>

## 6. Russia

Prior to the fall of the Soviet Union, there was no option for renunciation in Russia, however there now is a process to renounce one's Russian citizenship.<sup>153</sup> Russia requires that anyone who wants to renounce have citizenship in another country avoid statelessness.<sup>154</sup> The applicant for renunciation must include proof of Russian citizenship, which might cause an issue for Russians who have lived abroad for extended periods of time and who may need an up to date passport.<sup>155</sup> An application for renunciation of Russian citizenship must also include official documentation that the applicant is up to date

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149. *Id.*

150. Ana Farah, *Dual Citizenship in Brazil*, THE BRAZIL BUS. (May 22, 2013) <https://thebrazilbusiness.com/article/dual-citizenship-in-brazil> [<https://perma.cc/EZ2P-5CN9>].

151. Marisa Barbosa, *Brasileiro pode perder a nacionalidade de origem ao se tornar cidadão de outro país* [*Brazilian May Lose His or Her Nationality by Becoming Citizen of Another Country*], GAZETA NEWS (Apr. 20, 2017), <https://gazanews.com/brasileiro-pode-perder-nacionalidade-de-origem-ao-se-tornar-cidadao-de-outro-pais/> [<https://perma.cc/K2Y9-7GJK>].

152. *Perda da nacionalidade* [*Loss of nationality*], PORTAL CONSULAR MINISTÉRIO DAS RELAÇÕES EXTERIORES [CONSULAR PORTAL MINISTRY OF FOREIGN AFFAIRS], <http://www.portalconsular.itamaraty.gov.br/perda-da-nacionalidade> [<https://perma.cc/V9PA-GRPN>].

153. *Renunciation of Russian Citizenship*, RUSSIAN NAT'L TOURIST OFF., <https://www.visitrussia.org.uk/russian-service-centre/renunciation-of-russian-citizenship/> [<https://perma.cc/6N5D-LVZ4>] (last visited May 4, 2019).

154. *See id.*

155. *Id.*

on all taxes owed to the Russian government.<sup>156</sup> Any document that is submitted as part of an application for a minor to renounce citizenship must also be notarized.<sup>157</sup> There is a fee that accompanies this process and it takes a minimum of six months for it to be completed, and the process often takes longer.<sup>158</sup>

Russia allows individuals to have dual citizenship, but failure to disclose said dual citizenship to the government is a crime in Russia and can result in imprisonment.<sup>159</sup> Russia also has country-specific agreements with other nations that make it easier for citizens of the two countries to move between them or make it easier for residents of those nations to also gain citizenship in Russia, thus gaining a second citizenship.<sup>160</sup> The countries that Russia has specific agreements with include Kazakhstan, Kyrgyzstan, Armenia, Belarus, Tajikistan, and Turkmenistan.<sup>161</sup> Russia has these agreements with Kazakhstan and Belarus through the Treaty of the Eurasian Economic Union, a treaty that also strives to encourage economic integration throughout those nations.<sup>162</sup>

## 7. China

In China, there are limitations on who can renounce their citizenships, but most Chinese nationals are able to apply for renunciation.<sup>163</sup> Excluded from those able to renounce are active military personnel and state functionaries.<sup>164</sup> In addition to this, there are limitations on why an individual can renounce his or her Chinese nationality. Accepted reasons include an individual having close

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156. *Id.*

157. *Id.*

158. *Id.* Getting the official documents to show that the individual has paid all of his or her taxes due will likely take considerable time given Russia's bureaucracy, so retrieving the required documents before starting the process will likely add to the total time that this process will take. *Id.*

159. Carl Schreck, *Russian Expats Wrestle With Dual-Citizenship Dilemma*, RADIO FREE EUROPE (June 23, 2014), <https://www.rferl.org/a/russia-expatriates-dual-citizenship-law/25432010.html> [<https://perma.cc/Z6WK-QVFN>].

160. Treaty on the Eurasian Economic Union, Belr.-Kaz.-Russ., Nov. 18, 2011, *available at* [https://www.wto.org/english/thewto\\_e/acc\\_e/kaz\\_e/WTACCKAZ85\\_LEG\\_1.pdf](https://www.wto.org/english/thewto_e/acc_e/kaz_e/WTACCKAZ85_LEG_1.pdf) [<https://perma.cc/88H7-7V49>].

161. *Id.*

162. *Id.*

163. Gary Chodorow, *Applying to Renounce Chinese Citizenship*, CHODOROW L. OFFS. (June 10, 2014), <http://lawandborder.com/renunciation-chinese-citizenship/> [<https://perma.cc/4TLY-RSCJ>].

164. *Id.*

relatives who are foreign nationals, an individual already being settled abroad, or an individual having another “legitimate reason”.<sup>165</sup> If an application for renunciation is approved, the applicant loses his or her Chinese citizenship immediately.<sup>166</sup>

Like India, China does not allow dual citizenship, so if a Chinese national has acquired a foreign citizenship, he or she will automatically lose his or her Chinese citizenship and an application for renunciation is not necessary.<sup>167</sup> There is no requirement that an individual have and present proof of a foreign citizenship in the application for renunciation, which breaks with international law on statelessness.<sup>168</sup> Despite this, an applicant for renunciation in China must have a litany of paperwork with him or her to complete the application.<sup>169</sup> This includes: recent photos, a written statement detailing the reasons for renunciation, a resume and a copy of his or her Chinese passport, among other requirements.<sup>170</sup> China is one of the few countries in the world that does not treat the renunciation of citizenship as a permanent event, as individuals with legitimate reasons can apply to restore their Chinese citizenships.<sup>171</sup>

## 8. Japan

In Japan, citizens must apply to the Minister of Justice and be granted approval to renounce their Japanese nationalities.<sup>172</sup> There is an option to reinstate citizenship later on if the individual returns to Japan and intends to live there long term.<sup>173</sup>

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165. *Id.*

166. [Nationality Law] (promulgated by Order No. 8 of the Chairman of the Standing Comm. of the Nat'l People's Cong., effective Sept. 10, 1980) Standing Comm. Nat'l People's Cong. Gaz. (China), available at [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384056.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384056.htm) [https://perma.cc/5MDJ-42MC].

167. *Id.*

168. See Chodorow, *supra* note 163. China is a party to the 1954 Statelessness Convention, but put the limitation on the agreement that it only applies to Hong Kong and not the People's Republic of China. See 1954 Statelessness Convention, *supra* note 44, art. 3.

169. See Chodorow, *supra* note 163.

170. See Chodorow, *supra* note 163.

171. See Chodorow, *supra* note 163.

172. *The Choice of Nationality*, THE MINISTRY OF JUST., <http://www.moj.go.jp/ENGLISH/information/tcon-01.html> [https://perma.cc/C8C9-LLJW] (last visited May 11, 2019).

173. Keiko K., *How to Get Your Japanese Citizenship Back*, DISCOVER NIKKEI (Nov. 14, 2016), <http://www.discovernikkei.org/en/journal/2016/11/14/japanese-citizenship-back/> [https://perma.cc/PP6T-P7JF].

Japan does not allow dual citizenship.<sup>174</sup> Japanese nationals who hold multiple citizenship must make a declaration of choice as to citizenship when they are young.<sup>175</sup> If they choose to maintain Japanese citizenship, they must make an effort to renounce the other nationality.<sup>176</sup> A Japanese national who acquires citizenship abroad is assumed to have renounced his or her Japanese citizenship upon naturalization in another country.<sup>177</sup> If a citizen fails to abide by the whole choice procedure, the Minister of Justice could revoke the citizen's Japanese citizenship.<sup>178</sup> Outside of the potential for having Japanese citizenship revoked, there is no other penalty that accompanies having two citizenships in Japan.<sup>179</sup> If an individual acquires another citizenship involuntarily (i.e., marrying a Japanese citizen), then he or she is allowed to have dual citizenship, but the Japanese government only recognizes the Japanese citizenship.<sup>180</sup>

Country	Allows Renunciation?	Military Service Requirement	Requirement of Other Citizenship	Tax Responsibilities	Age Requirement
United States	Yes.	No.	No.	Yes.	Yes.
Singapore	Yes.	Yes.	Yes.	No.	Yes.
Brazil	Yes.	Yes.	Yes.	No.	No.
China	Yes.	No.	Yes.	No.	No, but parents must apply on behalf of their minors.
Japan	Yes.	No.	Yes.	No.	Yes.
India	Yes.	No.	Yes.	No.	No, but parents have

174. See The Choice of Nationality, *supra* note 172.

175. See The Choice of Nationality, *supra* note 172.

176. See The Choice of Nationality, *supra* note 172.

177. See The Choice of Nationality, *supra* note 172.

178. See The Choice of Nationality, *supra* note 172..

179. Cory Baird & Sakura Murakami, *What does Japan's Nationality Act really mean for its dual citizens?*, JAPAN TIMES (Sept. 19, 2018), <https://www.japantimes.co.jp/community/2018/09/19/how-tos/japans-nationality-act-really-mean-dual-citizens/#.XKd4XOtKi9Y> [<https://perma.cc/87WQ-7FRU>].

180. *Supra* note 179.

					to apply on behalf of minors.
Russia	Yes.	Yes.	Yes.	No.	Yes.
Continental Europe	Yes.	Depends on the nation.	Yes.	Some EU countries have exit taxes.	Yes, specific age depends on the country.

Table 1

### B. Concrete Rights

Though there is no right to renounce in a binding international treaty, nearly every country in the world allows its citizens to renounce their citizenships.<sup>181</sup> This includes every major jurisdiction across the world and emerging major jurisdictions.<sup>182</sup> The procedures in each country may differ slightly and must be followed to renounce that particular country's citizenship, but all of these procedures address similar concerns prior to allowing someone to renounce his or her citizenship and end with a similar results.<sup>183</sup> Despite differences in procedure, each one ends with renunciation of citizenship if the requirements are followed.<sup>184</sup>

While these procedures demonstrate that there is a right to renounce citizenship across the world, there are also several caveats that may prevent an individual from renouncing his or her citizenship that are also recognized nearly uniformly across the world.<sup>185</sup> As discussed earlier, there are several treaties and international agreements that require signatories to combat the problem of statelessness.<sup>186</sup> As a result of these agreements and the general consensus to avoid having a population of stateless individuals across the world, nearly every country across the world requires an individual to have acquired

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181. *See generally supra* note 24.

182. *See generally supra* note 24. All of the countries that occupy permanent seats on the UN Security Council allow their citizens to renounce citizenship, lending support to the later argument that there is a customary right to renounce since all major world powers support renunciation. *See McGill, supra* note 131.

183. *See* Table 1.

184. *Id.*

185. *Id.*

186. *See* 1954 Statelessness Convention, *supra* note 45.

citizenship in another country before he or she can renounce his or her original citizenship.<sup>187</sup>

The United States does not require applicants to have acquired a second citizenship at the time of applying to renounce citizenship.<sup>188</sup> However, US nationals who wish to renounce their citizenships may only do so through applying at a US consulate in a foreign country.<sup>189</sup> Since it is impossible to renounce US citizenship while within US territory, it is generally assumed that the individual seeking renunciation has some sort of permission to be in the foreign country since he or she is present there at the time of renunciation.<sup>190</sup> While this likely means that most applicants will have already acquired new citizenships in whichever countries they now reside, the US process leaves open the possibility that former US citizens could render themselves stateless.<sup>191</sup>

The United Kingdom also has a system to address the statelessness problem without requiring individuals to concretely have another nationality at the time of renouncing British citizenship.<sup>192</sup> The United Kingdom requires that the individual either have another nationality at the time he or she renounces or “nearly have acquired” another nationality.<sup>193</sup> Like the US procedure, the UK procedural requirements dance around addressing the problem of statelessness without completely putting procedures into place to prevent it.<sup>194</sup> Additionally, China does not require renouncing individuals to have new citizenships.<sup>195</sup>

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187. See 1954 Statelessness Convention, *supra* note 45. .

188. See Renunciation of U.S. Nationality Abroad, *supra* note 69.

189. See Renunciation of U.S. Nationality Abroad, *supra* note 69..

190. See Renunciation of U.S. Nationality Abroad, *supra* note 69.

191. See Renunciation of U.S. Nationality Abroad, *supra* note 69.

192. See Dual Citizenship, *supra* note 137.

193. See Dual Citizenship, *supra* note 137.

194. See Renunciation of U.S. Nationality Abroad, *supra* note 69.; *see also* Dual Citizenship *supra* note 137.

195. See [Nationality Law] (promulgated by Order No. 8 of the Chairman of the Standing Comm. of the Nat'l People's Cong., effective Sept. 10, 1980) Standing Comm. Nat'l People's Cong. Gaz. (China), *available at* [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384056.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384056.htm) [<https://perma.cc/5MDJ-42MC>]. There is no indication as to why Chinese laws on renouncing citizenship allow for a situation in which the person renouncing becomes stateless. However, China is one of the few countries where an individual can get his or her citizenship back after renunciation. So, China may not be concerned with the problem of stateless former Chinese citizens since the option of taking the citizenship is available. *See* Nationality Law of the People's Republic of China *supra* note 166.

Forced conscription and military service requirements have been on the decline since the United States ended conscription and moved to an all-volunteer military in 1973.<sup>196</sup> Though most countries no longer have mandatory military service requirements, it is widely recognized that failure to serve mandatory service may prevent an individual from completing the process of renunciation.<sup>197</sup> Several nations who retain military service requirements, like Brazil and Russia, have developed many exceptions to the rule that allow people to get out of serving.<sup>198</sup>

It is also generally recognized that tax, financial, or criminal liability in the state which the individual wants to renounce can prevent a successful application for citizenship renunciation.<sup>199</sup> Most nations have a fee that accompanies the application to renounce, and the fee varies by jurisdiction.<sup>200</sup> Since most nations tax based on residency and not on citizenship, those who have already moved from the country they intend to renounce citizenship from in generally will not have a financial liability unless there is a tax issue outstanding from when they were domiciled there.<sup>201</sup>

The United States, however, does tax based on citizenship instead of residence.<sup>202</sup> This means that anyone attempting to renounce citizenship in the United States may encounter more difficult financial process compared to the processes in other countries.<sup>203</sup> Not only is the United States the outlier in this arena of renouncing citizenship, but many former US citizens chose to embrace a foreign citizenship because of the US tax scheme.<sup>204</sup>

While there may be several obstacles in the way of renouncing citizenship depending on the jurisdiction that the individual is within, it is clear that there is a pathway forward to renunciation across the

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196. Joshua C. Hall, *The Worldwide Decline in Conscription, A Victory for Economics?*, LIBR. ECON. & LIBERTY (Oct. 3, 2011), <https://www.econlib.org/library/Columns/y2011/Hallconscription.html> [<https://perma.cc/3JLD-HFRN>].

197. *Id.* As a result, it is unlikely that Kwan will ever be able to renounce his Singaporean citizenship unless there is a major shift in international law on this topic or Singapore changes their laws. It is equally as unlikely that either of these things occur within Kwan's lifetime. *See* Mead, *supra* note 15.

198. *See* Hall, *supra* note 196.

199. *See* Table 1.

200. *Id.*

201. *Id.*

202. I.R.C. §§ 877, 877A (2008).

203. *Id.*

204. *Id.*

world.<sup>205</sup> Despite a lack international legal agreements to support the right to renounce citizenship, it has developed nonetheless as seen by the above analysis across major jurisdictions.<sup>206</sup> In this case, the customary right to renounce has developed alongside the international agreements designed to advance the right to possess a citizenship.

### C. Rights with Multiple Norms

Country	Allows Dual Citizenship?
United States	Yes.
Singapore	No.
Brazil	No.
China	No.
Japan	No.
India	No.
Russia	Yes.
Continental Europe	Depends on the nation.

Table 2

The right to renounce citizenship may be recognized across the world, but other citizenship rights, like dual citizenship, are recognized through several international norms.<sup>207</sup> Dual citizenship, specifically, is recognized in a few different nations.<sup>208</sup> Several nations allow dual citizenship without any restrictions,<sup>209</sup> including France, the United Kingdom, and the United States.<sup>210</sup> Meanwhile, many countries limit dual citizenship, but allow a few exceptions through which people may retain two or more citizenships.<sup>211</sup> In contrast, some countries refuse to acknowledge more than one citizenship and have mechanisms in place to trigger the renunciation of one citizenship upon the acceptance of

205. See Table 1.

206. *Id.*

207. See generally Table 2.

208. *Id.*

209. Scott Podvin, *Second Passports: Some Countries Permit Dual Citizenship*, LINKEDIN (July 6, 2015), <https://www.linkedin.com/pulse/second-passports-some-countries-permit-dual-spodvin-post-harvard-edu/> [<https://perma.cc/Z48Z-HCSV>].

210. See *Dual Nationality*, *supra* note 71; *Dual citizenship*, *supra* note 137; Lokesson, *supra* note 143.

211. See generally Yossi Harpaz & Pablo Mateos, *Strategic Citizenship: Negotiating Membership in the Age of Dual Nationality*, 45 J. ETHNIC & MIGRATION STUD. 843 (2018).

another.<sup>212</sup> Meanwhile, in this middle of this spectrum, there are some countries that have developed such wide reaching exceptions in allowing dual citizenship that they nearly recognize it in every case.<sup>213</sup>

Many countries allow dual citizenship in specific circumstances or have created systems where dual citizenship is allowed, but not fully recognized.<sup>214</sup> For example, some nations allow dual citizenship for specific groups of people, usually those who are native citizens in that country who have since gained a second nationality.<sup>215</sup> Other countries technically allow dual citizenship, but do not recognize the second citizenship as they recognize the first.<sup>216</sup> For example, dual citizenship is accepted in Russia, though the Russian government only recognizes the Russian citizenship of an individual who possesses two or more citizenships.<sup>217</sup>

There is also a norm among several nations who do not allow dual citizenship at all.<sup>218</sup> China, Japan, and Singapore do not allow dual citizenship in any form.<sup>219</sup> Nations that do not allow citizens to maintain more than one citizenship differ in the way in which they approach only allowing one citizenship.<sup>220</sup> Some nations require individuals to formally declare allegiance to one citizenship versus another, while others automatically assume that the individual has renounced his or her original citizenship upon becoming naturalized in another country.<sup>221</sup>

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212. *Id.*

213. *Id.* Brazil is an example of this trend; despite being a nation that technically does not allow dual citizenship, it approves it in nearly every case. *See* Farah, *supra* note 150.

214. *Id.*

215. *See* Harpaz & Mateos, *supra* note 211.

216. *See* Harpaz & Mateos, *supra* note 211.

217. *See* Schreck, *supra* note 159.

218. *See* Table 2.

219. *See* [Nationality Law] (promulgated by Order No. 8 of the Chairman of the Standing Comm. of the Nat'l People's Cong., effective Sept. 10, 1980) Standing Comm. Nat'l People's Cong. Gaz. (China), available at [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384056.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384056.htm) [<https://perma.cc/5MDJ-42MC>]; *The Choice of Nationality*, *supra* note 172; *Renunciation*, IMMIGRATION & CHECKPOINTS AUTHORITY (Jan. 08, 2019), [https://www.ica.gov.sg/citizen/citizenship/citizen\\_citizenship\\_renunciation](https://www.ica.gov.sg/citizen/citizenship/citizen_citizenship_renunciation).

220. *See* Harpaz and Mateos, *supra* at 211.

221. *See* Harpaz and Mateos, *supra* at 211. Singapore, for example, does both of these procedures regarding dual citizenship. When an individual becomes naturalized in Singapore, it is assumed that he or she has given up any foreign citizenship. If a child is born with Singaporean citizenship and a foreign citizenship, he or she has until his or her twenty-second birthday to formally declare which nationality he or she intends to keep. *See supra* note 108.

Despite clear-cut norms surrounding the right to renounce citizenship and some restrictions that may come along with the process, dual citizenship essentially splits across three different norms depending on the jurisdiction. Additionally, within these norms there are further divisions. For example, countries that allow dual citizenship in specific circumstances can differ on what those specific circumstances are.<sup>222</sup> Dual citizenship can either be recognized with no restrictions, recognized sometimes or denied in full.<sup>223</sup> In conclusion, the international community is in a bit of disarray when it comes to the concept of dual citizenships and how to approach them.

*D. Renunciation Procedures with No Singular Norm*

Country	Right to Restore Citizenship	Semi-Citizenship Rights
United States	No.	No.
Singapore	No.	No.
Brazil	No.	No.
China	Yes.	No.
Japan	Yes.	No.
India	No.	Yes.
Russia	No.	No.
Continental Europe	No.	Yes, with EU membership.

Table 3

While some aspects of renouncing citizenship across the world are settled or more varied across a few different norms, there are some issues that have come about recently that have no singular norms to govern them. This includes the choice to reinstate citizenship rights sometime after previously renounced citizenship in that country and the ability to retain a sort of semi-citizenship benefit in a country despite having renounced complete citizenship there.<sup>224</sup> These trends are not universally recognized but may become more prevalent as time passes.<sup>225</sup>

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222. See Table 2.

223. *Id.*

224. See Table 3.

225. *Id.*

The idea that renunciation of a particular citizenship does not have to be permanent is fairly new and not widely recognized. Both China and Japan are major powers that allow individuals to reinstate their citizenships if they return to establishing a domicile in either of these respective countries at some point in their lives.<sup>226</sup> China added reacquisition of citizenship to its nationality laws in 1980.<sup>227</sup> Meanwhile, Japan has had this choice as part of its nationality laws since 1950.<sup>228</sup>

While China and Japan are currently the only two major powers to allow individuals to reinstate their citizenships, there are several other nations that also have the process available.<sup>229</sup> There are currently options to reinstate or reacquire citizenship in several other countries from the nations that are specifically included in this survey.<sup>230</sup> Most of these countries make the option of reinstatement available to only individuals who were born in that specific nation, voluntarily renounced their citizenships, and then later returned to live in their home country.<sup>231</sup> However, as there is no single norm with this new

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226. See [Nationality Law] (promulgated by Order No. 8 of the Chairman of the Standing Comm. of the Nat'l People's Cong., effective Sept. 10, 1980) Standing Comm. Nat'l People's Cong. Gaz. (China), available at [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384056.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384056.htm) [https://perma.cc/5MDJ-42MC]; see Keiko, *supra* note 173.

227. *Responses to Information Requests*, IMMIGRATION AND REFUGEE BOARD OF CANADA, <https://www.justice.gov/sites/default/files/pages/attachments/2016/07/07/chn105410.e.pdf> [https://perma.cc/2FND-MB5V] (last updated Jan. 5, 2016).

228. [Nationality Act] Law No. 147 of 1950, as amended by Law No. 88 of 2008 (Japan), available at <http://www.japaneselawtranslation.go.jp/law/detail/?ft=1&re=01&dn=1&co=01&ky=%E5%9B%BD%E7%B1%8D%E6%B3%95&page=1> [https://perma.cc/P5EQ-2QBL].

229. *Id.*; see [Nationality Law] (promulgated by Order No. 8 of the Chairman of the Standing Comm. of the Nat'l People's Cong., effective Sept. 10, 1980) Standing Comm. Nat'l People's Cong. Gaz. (China), available at [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384056.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384056.htm) [https://perma.cc/5MDJ-42MC]; see also Keiko, *supra* note 173.

230. There are currently options to restore citizenship rights in several other nations, including: Ireland, see *Renounce or Reacquire Irish Citizenship*, DEPARTMENT OF JUST. & EQUALITY (Dec. 20, 2016) <http://www.inis.gov.ie/en/INIS/Pages/citizenship-renounce-reclaim>, the Netherlands, see *How Can You Regain Your Dutch Citizenship*, MINISTRY OF JUST. & SECURITY, <https://ind.nl/en/Forms/8074.pdf> (last visited May 5, 2019), Australia, see *Become an Australian Citizen Again (Resuming Australian Citizenship)*, DEP'T OF HOME AFFS. <https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/become-citizen-again#HowTo> (last visited May 5, 2019), and South Africa, see *Retention of South African Citizenship*, SOUTH AFRICAN HIGH COMMISSION LONDON, <http://southafricahouseuk.com/civic/citret.php> (last visited May 5, 2019).

231. See *Become an Australian Citizen Again (Resuming Australian Citizenship)*, DEP'T OF HOME AFFS. <https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/become-citizen-again#HowTo> (last visited May 5, 2019)

option of a sort of “take-back,” some nations, like Australia, do not require the individual to have been born there originally.<sup>232</sup>

Similar to the provisions of reinstating citizenship rights, there are also some countries that allow individuals who have renounced their citizenships to retain a set of semi-citizenship rights to give them easier access to travel and business in that country.<sup>233</sup> Those who retain this status have fewer rights in the specific country than those who are citizens, but still have an advantage over non-citizens.<sup>234</sup> This trend is also fairly recent and not recognized in a single norm across the world.<sup>235</sup>

These semi-citizenship rights are primarily seen in India through its OCI visa program. The OCI visa allows former Indian citizens to have easier travel to and throughout India and to share in economic benefits provided to Indian citizens who do not reside in India.<sup>236</sup> Former Indian citizens do not have the option to reinstate their citizenships as some of the countries discussed above, but the option of the OCI visa allows them to retain many of the benefits of keeping Indian citizenship in the first place.<sup>237</sup>

Out of the major jurisdictions surveyed, India is the only nation to currently have anything like this visa system in place.<sup>238</sup> However, US citizens have the ability to retain their US, passports while they undergo the renunciation process.<sup>239</sup> Since the US process is generally more complicated given the US exit tax regime, this creates a potential time where a future former US citizen has retained some semi-citizenship rights.<sup>240</sup> While it does not rise to the level of a quasi-citizenship right, it is another instance where citizenship rights are unclear.

The renunciation process varies throughout continental Europe depending on the specific country, but membership in the European

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232. *Become an Australian citizen again (resuming Australian citizenship)*, AUSTRALIAN GOVERNMENT DEPARTMENT OF HOME AFFAIRS, <https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/become-citizen-again#HowTo> [<https://perma.cc/24Y2-P7AU>] (last visited May 4, 2019).

233. See Table 3.

234. Harpaz & Mateos, *supra* note 211.

235. Harpaz & Mateos, *supra* note 211.

236. See Overseas Citizen of India (OCI) Cardholder, *supra* note 125.

237. See Overseas Citizen of India (OCI) Cardholder, *supra* note 125.

238. See Overseas Citizen of India (OCI) Cardholder, *supra* note 125.

239. Robert W. Woods, *Give Up Citizenship, Keep Your Passport*, FORBES (Mar. 11, 2015, 9:39 AM), <https://www.forbes.com/sites/robertwood/2015/03/11/give-up-citizenship-keep-your-passport/#78e4d258e1f9> [<https://perma.cc/42G2-QCJW>].

240. *Id.* See also I.R.C. §§ 877, 877A (2008).

Union creates a sort of semi-citizenship right for people who renounce citizenship in one EU member state in favor of another EU member state.<sup>241</sup> Retaining an EU passport in this scenario would grant the individual the right to travel freely and work in the country of his or her former citizenship, which allows the individual who renounced to keep some rights that are generally associated with a citizen of that country.<sup>242</sup> This also does not quite rise to the level of OCI visa available in India, but is another instance of the choice to maintain a sort of semi-citizenship right after renouncing citizenship in a particular country.<sup>243</sup>

While several norms have developed regarding the process of renunciation, this Note has also shown that more recent practices related to renunciation have not yet reached the point of settled norms across the world.<sup>244</sup> As time passes, however, more countries have chosen to add reinstatement of citizenship or semi-citizenship rights despite settled norms in these topics.<sup>245</sup> These developments show that this topic will likely continue to progress and develop as the world continues to become more globalized and interconnected.<sup>246</sup>

#### *IV. TOWARD A CUSTOMARY INTERNATIONAL LAW RIGHT TO RENOUNCE*

International customary law is one of the two sources of international law, the other being the law that is codified through different conventions and treaties.<sup>247</sup> International customary law is created through “general and consistent practice of states.”<sup>248</sup> The consistent use of certain practices by the international community creates an obligation for states to continue to follow these practices.<sup>249</sup>

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241. *EU citizenship*, EUROPEAN UNION, [https://europa.eu/european-union/topics/eu-citizenship\\_en](https://europa.eu/european-union/topics/eu-citizenship_en) [<https://perma.cc/A4ZQ-AVXH>] (last updated June 25, 2018).

242. *Id.*

243. *See id.*

244. *See* Table 3.

245. *See generally supra* note 230.

246. *See Worster, supra* note 22.

247. *See Customary International Law*, CORNELL L. SCH. LEGAL INFO. INST., [https://www.law.cornell.edu/wex/customary\\_international\\_law](https://www.law.cornell.edu/wex/customary_international_law) [<https://perma.cc/UAT6-ZJZF>] (last visited May 4, 2019).

248. *Id.*

249. *Id.*

As a result, this obligation becomes international law by way of the customary use.<sup>250</sup>

While the data presented in the survey in Part III establishes a sufficient practice of granting a right of renunciation to reach the standard of a customary international legal right, it is important to engage in a larger discussion about citizenship rights to analyze this data as it stands and as it is further developing in citizenship rights beyond the right to renounce citizenship.<sup>251</sup> As discussed in Part II, the foundation behind the right to renounce citizenship is the fundamental, codified right to have a citizenship in the first place to prevent against statelessness, conceptually akin to homelessness on a worldwide level. Since Article 15 of the UDHR addresses the issue of statelessness, the right to renounce grows out of this topic tangentially and becomes a voluntary positive right to choose one's nationality that was facilitated through the establishment of a right to have a citizenship at all times.<sup>252</sup>

The contours of this right manifest into two separate categories: substantive and procedural limitations, as seen in the survey of Part III. Some jurisdictions attach military service requirements or complicated tax schemes as substantive hurdles to clear in order to renounce citizenship.<sup>253</sup> Most countries do not impose these limitations, instead choosing to impose paperwork, proof of another citizenship, and sometimes providing the original country of citizenship with the reason as to why the person is choosing to claim citizenship elsewhere. As discussed previously, there are some nations, including the United States, that do not impose a requirement of showing proof of citizenship in another nation prior to allowing renunciation.<sup>254</sup> Given that the foundation of renunciation is the right to possess a citizenship and the commitment of the international community to work against statelessness, it may be helpful to add concrete requirements of a second passport in these nations.

Every seat on the UN Security Council has a process through which its citizens may renounce their nationalities in favor of

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250. *Id.*

251. *See infra* Part III.

252. *See* UDHR, *supra* note 21. One of the topics emphasized in the UDHR is mobility, so the right to renounce grows out of the citizenship rights included in the UDHR, and also has roots in this fundamental concept of control over one's own movements. *See* UDHR, *supra* note 21.

253. *See* Table 1.

254. *See* Renunciation of U.S. Nationality Abroad, *supra* note 69.

citizenship in a new nation.<sup>255</sup> In addition to this, the four nations widely recognized as the world's greatest emerging markets, Brazil, Russia, India, and China, each also allow individuals to renounce their citizenships if they so choose.<sup>256</sup> Finally, Singapore, a small nation that is quickly growing in to an economic power and consequently, a destination for those who want to renounce their citizenships, also has a procedure in place.<sup>257</sup> While the right to renounce citizenship may not be found in any particular international treaty, it has clear support across the entire globe.<sup>258</sup>

The trend in this area is the expansion of rights in general, whether it be expanded access to renouncing citizenships, more nations allowing dual citizenships or more countries adding a procedure to allow reinstatement of citizenship.<sup>259</sup> As seen in the survey in Part III, not every country is in accordance with allowing dual citizenship rights.<sup>260</sup> As international travel continues to become easier and more accessible, it is likely that people will continue to engage in choosing and changing their citizenships.<sup>261</sup> This may someday lead to the development of uniform customary law on the issue of dual citizenship, but it does not exist yet.

There is even less agreement regarding how the international community will proceed on new trends such as allowing the reinstatement of citizenship after renunciation or allowing people to retain a sort of quasi-citizenship right after they have renounced, as seen in the last part of the survey.<sup>262</sup> This is potentially the future of the development of citizenship rights as the world becomes increasingly more globalized and high net worth individuals try to take advantage

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255. *UN Security Council*, *supra* note 136; *see also* Table 1.

256. *See* Table 1.

257. *See* Renunciation, *supra* note 108.

258. *See* Table 1.

259. *See* Harpaz & Mateos, *supra* note 211.

260. *See infra* Part III.

261. *Id.* This trend of shopping for citizenship in a forum most hospitable to high net worth individuals is already being seen in some individual cases. For example, Eduardo Saverin, one of the co-founders of Facebook, renounced his US citizenship in 2012 in favor of obtaining citizenship in Singapore. *See* Naazneen Karmali, *Facebook Co-Founder Eduardo Saverin Becomes Singapore's Richest Person*, *FORBES* (Dec. 8, 2017, 5:54 AM), <https://www.forbes.com/sites/naazneenkarmali/2017/12/08/facebook-co-founder-eduardo-saverin-becomes-singapores-richest-person/#2ebe50e16a8e> [<https://perma.cc/7HG3-2DJV>].

262. *See infra* Part III.C.

of laws to essentially shop for the forum most hospitable to their money.<sup>263</sup>

At the same time, as the world refugee crisis continues to grow more dire, it increases the number of people who are becoming displaced and may need to address changing or renouncing a citizenship. Universally implemented procedures to reestablished renounced citizenships could help avoid statelessness completely, whether it be a wealthy individual who somehow got lost in the web of manipulating citizenship laws to take advantage of a tax have or an individual who was forcibly displaced or maybe even someone somewhere in between. Regardless of what is to come, allowing citizenships to be taken back is the next logical step in the progression of these rights.

While the survey in Part III leads to a discussion on international norms of citizenship-related rights, the first thing the survey reveals is no country has a blanket prohibition on the renunciation of citizenship.<sup>264</sup> International customary law comes to be through the existing practices of states, and there is a process for renouncing citizenship in nearly every country, including all major jurisdiction across the world.<sup>265</sup> All of the ingredients are there, the procedures of the world are just ahead of the international laws that govern it.

#### V. CONCLUSION

The right to renounce citizenship is not found in any major binding international agreement.<sup>266</sup> Yet, there are procedures to renounce citizenship in nearly every country across the world, including every major jurisdiction.<sup>267</sup> The prevalence of this process across the globe supports the argument that this has become an international customary right in line with the rights that find themselves within the pages of international treaties. Renunciation of citizenship, and related practices, will likely become more popular as the world becomes even smaller, so this practice will continue to develop and take its place among global norms.

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263. Eric Barton, *The people moving to countries that fit their politics*, BBC (Feb. 16, 2017), <http://www.bbc.com/capital/story/20170216-the-people-moving-to-countries-that-fit-their-politics> [<https://perma.cc/2DG5-AJEN>].

264. See Worster, *supra* at 23.

265. See Customary International Law, *supra* at 247.

266. See Worster, *supra* at 23.

267. See Worster, *supra* at 23.

