

## DUAL NATIONALITY

### What It Is

A person is considered a dual national when he owes allegiance to more than one country at the same time.

### How Acquired

Dual nationality results from the fact that there is no uniform rule of international law relating to the acquisition of nationality. Each country has its own laws on the subject. Individuals may have dual nationality by automatic operation of different and sometimes conflicting laws.

The laws of the United States provide for acquisition of U.S. citizenship by birth in the United States and also by birth abroad to an American. For example, a child born abroad to U.S. citizens may acquire at birth not only American citizenship but also the nationality of the country in which it was born. Similarly, a child born in the United States to foreigners may acquire at birth both U.S. citizenship and a foreign nationality.

The laws of Jordan provide for the acquisition of Jordanian citizenship at birth to any child whose father is a Jordanian citizen. This is true regardless of the place of birth, and of other nationalities the child may have acquired.

The laws of some countries provide for automatic acquisition of citizenship after birth. For example, a U.S. citizen may acquire another nationality merely by marrying a citizen of certain foreign countries. In addition, some countries do not recognize naturalization in a foreign state as grounds for loss of citizenship despite the fact that one of the requirements for naturalization in the United States is a renunciation of other nationalities.

The automatic acquisition or retention of a foreign nationality does not affect U.S. citizenship; however, the acquisition of a foreign nationality upon one's own application may cause loss of U.S. citizenship under Section 249(a)(1) of the Immigration and Nationality Act (8U.S.C. 1481). In order for loss of nationality to occur under Section 349(a)(1), it must be established that the naturalization was obtained with the intention of relinquishing U.S. citizenship. Such an intention may be shown by a person's statements or conduct. If the U.S. Government is unable to prove that the person had such an intention when applying for and obtaining the foreign citizenship, the person will have both nationalities.

## Current Law and Policy

United States law does not contain any provisions requiring U.S. citizens who are born with dual nationality or who acquire a second nationality at an early age to choose one nationality or the other when they become adult.

While recognizing the existence of dual nationality and permitting Americans to have other nationalities, the U.S. Government does not endorse dual nationality as a matter of policy because of the problems which it may cause. Claims of other countries upon dual national U.S. citizens often place them in situations where their obligations to one country are in conflict with the laws of the other. In addition, their dual nationality may hamper efforts to provide diplomatic and consular protection to them when they are abroad. It generally is considered that while a dual national is in the other country of which the person is a citizen, that country has a predominant claim on the person. This is especially pertinent for persons who have military obligations. Your passport states that "a dual national, while in the jurisdiction of the other country which considers that person its national, be subject to all its laws, including being conscripted for military service." Jordan does have compulsory military service and does require non-resident Jordanians with dual nationality to register for the draft.

## Allegiance to Which Country

Like Americans who possess only U.S. citizenship, dual national U.S. citizens owe allegiance to the United States of America and are obliged to obey its laws and regulations. Dual nationals usually have obligations to the foreign country as well. Although failure to fulfill such obligations may have no adverse effect on the person while in the United States because the foreign country would have few means to force compliance under those circumstances, the dual national might be forced to comply with those obligations or pay a penalty if he/she go to the country of their other nationality. In cases where a dual national encounters difficulty in a foreign country of which the person is a citizen, the ability of the U.S. Government to provide assistance is quite limited since many foreign countries do not recognize the dual national's claim to U.S. citizenship.

## Which passport To Use

Section 215 of the Immigration and Nationality Act (8 U.S.C. 1185) requires U.S. citizens to use U.S. passports when entering or leaving the United States unless one of the exceptions listed in Section 53.2 of Title 22 of the code of Federal Regulations applies. Dual nationals may be required by the other country of which they are citizens to enter and leave that country using its passport, but do not endanger their U.S. citizenship by complying with such a requirement. The laws of Jordan do not require that a Jordanian citizen enter and leave Jordan on a Jordanian passport.

In fact, it is rare that the Jordanian authorities do require a dual national to obtain a Jordanian passport prior to departure. However, they have done so in special cases. If such a decision is made, the dual national has no choice but to comply.