

The Concept of Nationality in U.S, U.K, China, India, Pakistan and Legal Framework in India

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ABSTRACT

Nationality is the characteristic origination from membership of some nation or state. The decision of the grant of nationality is a matter for each stated municipal law and is not governed by international law. This research study targets contemporary jurisprudence at international law regarding nationality. The research examines the causes of statelessness, the impacts and consequences that arise in a stateless society. It provides the analysis of the concept of acquisition and loss of nationality in different states. It further discusses the right and duties of state individual and modern nomad and refugee. It also focuses on the comparative study of citizenship and dual citizenship with different country. Besides, this research also finds out the solution for the aliens, deportees and unconnected people under the umbrella of international law.

Key Words: Nationality, International Law, Citizenship, Acquisition and Loss of Nationality, Contemporary Jurisprudence.

Introduction

Nationality is of utmost significance. The key factor that qualifies a person for access to political and economic rights and privileges under international law is their nationality. We must briefly clarify the concept of nationality. A state may be found to be governed by two or more states. (Cesarani et. al, 1996)

A person's nationality serves as a legal designation in international law that identifies them as a subject of a sovereign state. The diplomatic projection that comes with nationality ownership extends to the state, which frequently bases its legal authority on nationality. Individuals and the state have a relationship known as citizenship, within which the individual enjoys the benefits of the state and is

therefore entitled to its protection. Citizenship means a free status with associated obligations. Aliens and other non-citizens residing in the country are not or only partially accorded certain rights, duties and responsibilities that apply only to citizens. Citizenship is usually required to gain all political rights, including the right to vote and the ability to hold public office. Loyalty, taxes and military service are typical duties of citizenship.

Nationality

Meaning of Nationality

A person's nation, or in legal terms, their country, is the source of their origin, culture familiarity, association, affiliation, fidelity and allegiance. This relationship is referred to as their nationality. The right to reside in the country whose nationality they hold is typically granted to its citizens. An individual's nationality is their status as a member of that state's population and as such, one of its subjects. Nationality is a state of affairs that exists across time rather than a physical event that happens at a specific time (Boll, 2007).

A person's nationality impacts their political affiliation and states of mind (Spiro, 2011).

According to M.P Tandon, "Nationality is the characteristic originating from membership of some particular nation or state" (Weis, 1979).

A state and a person have a connection and a relationship known as "nationality," according to Hyde, in which the former may believe the latter owes it allegiance. (Boll, International law and several nationalities. In Nationality and Statelessness: A Guide for Members of Parliament (2007))

Public International Law states that municipal ordinances regulate nationality. However, the lack of uniformity across national municipal laws has always made it difficult when local rules collide with international laws (Millar, 1996). As a result, certain international rules have been acknowledged in order to address that nationality is the legal status of belonging to the group of people whose choices and actions are sanctioned by the state, which serves as that group's legal representative. In terms of international law, a person's nationality designates them as a subject or citizen of a certain state.

The status of nationality is what enables a nation to provide a subject right and impose responsibilities on a subject. Although the status is an essential prerequisite for nay rights and obligations created by the state, it often does not come with any automatic rights or obligations. Membership in a nation or sovereign state is defined as nationality in law. It should not be confused with citizenship, a more specific phrase occasionally used to describe the status of those citizens who enjoy full political rights.

The decision of nationality is a matter for each state's municipal law and is not governed by international law. What categories of people are eligible for citizenship depends on each state alone, in accordance with its own constitution

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and regulations. So it stands to reason that different states will have distinct laws governing how to determine nationality. However, it is also possible to identify some common concepts in the citizenship laws of other states. States typically base their determination of nationality on the following guidelines:

1. Based on the parents' nationality during the children birth (jus sanguinis);
2. From the government of the country where he was born (jus soil);
3. by combining these factors (PCIJ, 1923).

Priority one for the fulfillment of other fundamental human right is the right to one's nationality. Possession of a nationality confers the diplomatic protection of the nation of citizenship and is frequently a prerequisite for the exercise of fundamental rights under law or in practice.

Nationality and International Law

Everyone "has the right to a nationality," according to Article 15 of the Universal Declaration of Human Rights and "no one should be arbitrarily deprived of his nationality or refused the right to change his nationality" (Was and Edwards, 2014). The protection of children's rights and the nondiscrimination principle are widely used to define the right to nationality, as stated in Article 20 of the American convention on Human Rights. (UDHR ART 5) As per Article seven of the show on the Right of the youngster, each kid has the privilege to gain identity. Article five of the Show on the Disposal of all types of Racial Separation expresses that states must "deny and wipe out racial segregation in the entirety of its structures and to ensure the right of everybody, without differentiation as to race, variety, public or ethnic beginning, to correspondence under the watchful eye of the law, specifically in the delight in the accompanying freedoms." The identity related right to the extent that it guarantees that discernment is an essential part in the development of states, Master Acton, perhaps of the most splendid present day history specialist, sent off a savage assault against the whole hypothesis of identity, describing it as more ludicrous and criminal than the possibility of communism.

As indicated by the jurisdictional standard known as "identity hypothesis," residents are constantly limited by the laws of their nation of origin. This thought empowers a country to apply its regulations to extraterritorial conduct by its residents. Need one for the satisfaction of other key common freedoms is the option to one's ethnicity. Ownership of an ethnicity presents the discretionary security of the country of citizenship and is much of the time an essential for the activity of basic privileges under regulation or practically speaking. The option to one's own ethnicity is perhaps of the most fundamental common liberty. This proposes that each individual has a privilege to keep up with, change and procure a specific identity. As indicated by worldwide regulation a state is supposed to

satisfy its basic liberties obligations while giving or losing ethnicity. Specifically, a state is expected to maintain its ability to characterize who its residents are (Stark, 1947).

Individuals with no identification face difficulties in attending school, in consulting a doctor, in obtaining job, in opening a bank account, or even marrying since they lack nationality. They are “stateless” persons and under International Human Rights Instruments, everyone has the right to a nationality. No one can be denied their nationality to the opportunity to change their nationality unilaterally. According to Starke the various important incidents of nationality at international law are:

1. The entitlement to international diplomatic protection;
2. The responsibility of the state for its failure to prevent certain wrongful acts committed by its national or to punish him after these wrongful acts are committed in another State (Bennett, et. al, 2009).
3. The duty of a State to accept its own statesman;
4. The duty of the national to perform military service for the State to which he owes allegiance;
5. General right of the state to refuse extradition of its own nationals to another State requesting surrender;
6. Determination of enemy status in the time of war according to the nationality of the person concerned; and
7. Exercise of jurisdiction by states on the basis of nationality.

Past moving forward physical security, national character to advances great administration financial development, civic believe, the backing of vigorous social security nets and eventually the supportability of generous popular government.

Just as some individuals mistakenly believe that citizenship and nationality are synonymous, nationality is occasionally used as a simple synonym for ethnicity or national origin. Instead, then focusing on ties to a state or the present administration the cognate word for nationality in certain nations may be viewed as a synonym for ethnicity or as a symbol of cultural and familial self-determination. For instance, despite the fact that there isn't now an independent Kurdish state, some Kurds claim to be of the nation.

Citizenship

Citizenship binds the individual to the state, making one accountable to the state and deserving of national security. Citizenship can be a state of flexibility with obligations. Certain rights, duties and obligations inherent in citizens are denied or conferred to some extent on aliens and other non-citizens residing in the country. Citizenship is often a prerequisite for full political rights such as the right to vote or right to hold public office. Civil obligations include immobility, fees and military benefits. Citizenship is the most noteworthy level of nationality. This

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bigger term alludes to the different intuitive between level people and states, less frequently conferring political rights, but showing other interface, particularly universal security. In universal law, the term alludes to an individual entitled to assurance. For case, companies, ships and planes all have a nationality, which makes a difference recognize their connection with a specific nation (Ways back Machine, 2012).

Citizenship was first introduced in Greek communities and city states. It was frequently granted to landowners but not to women, enslaved people, or the poorer elements of society. Residents of Greek city states had the ability to vote. Were taxed, and were required to serve in the military. Citizenship was utilized by the Romans to distinguish Rome's citizens from the residents of the countries whose lands Rome had conquered and annexed. As their empire grew, the Romans granted citizenship to their allies in Italy, then to the inhabitants of other Roman provinces and eventually, in 212 CE, to all free people residing in the empire, citizenship in the Roman Empire had important legal privileges (Connor, 1994).

During the Medieval times, the idea of public citizenship nearly vanished from Europe, supplanted by an arrangement of primitive honors and commitments. Citizenship turned into an assurance of security for shippers and other special individual from the cases and privileges of primitive rulers in a few Italian and German urban communities and towns all through the late Medieval times and renaissance. Present day ideas of citizenship arose during the eighteenth century American and French Transformations, when people were dependent upon the coercive powers of absolutist rulers.

England, the term "subject" was originally intended to emphasize a person's subordinate position in regard to the monarch or state, whereas the term "citizen" was originally used to refer to membership in a local municipal corporation (Forlati and Annoni, 2013). The word subject is still favored over citizen in British common law and nationality legislation. The two wards are now basically equivalent, however, because the British constitutional monarchy is now a ceremonial one with no political control over its people. Citizenship, in other terms, refers to a person's connection with a state in which the individual owes the state allegiance and in thus entitled to the state's protection.

A phrase indicating complete civil and political privileges as well as participation in a political community, which implies that both the member and the state have a duty of protection towards each other. Both the person and the state have rights and responsibilities under this legal arrangement. An individual who holds the title of citizen, in other words, belongs to the political community, has full civil and political rights and is given protection both inside and outside of the State's borders. Nationality and citizenship are not usually the same. The status of a person may be determined using their citizen. On the other hand, nationality may also relate to ownership in addition to identification, for instance, an aero place, ship, or business. Citizenship is only one aspect of nationality. A state's citizens are its nationals, although not all nationals are necessarily citizens. The nationality

act of 1940 and the Immigration and Naturalization Act of 1950 in the United States provide a distinction between citizens and noncitizens. In the USA, citizens have access to all civil and political rights, but although nationals have certain benefits and legal protection, they are not able to exercise all CP rights as citizens do (Kalman, et. al, 2005).

Where you were born is referred to as your nationality. The government of a nation grants citizenship upon fulfillment of certain legal conditions. Citizenship may be thought of as a political status since it indicates which country recognizes you as a citizen. Nationality is often considered as having an ethnic or racial component and is more directly related to where you were born. Citizenship can vary since it's possible to have citizenship in many nations at once and renounce citizenship enjoys the freedom to reside, work vote and get health care in the nation. With regard to residence, it is a permit that stipulates the requirements for living in a certain nation. These licenses are for specified purposes such as labour, study or investment and the holder is not granted political rights such as the ability to vote. if you are unsure of your status, you might want to speak with an accomplished immigration lawyer. The answer is contingent upon the immigration benefit you got, your spouse's immigration status and the manner and timing of your benefit receipt. Although it may be more difficult after a divorce, it is still feasible. You must demonstrate your "good faith" marriage.

If your status is reliant on that of your spouse, a divorce or separation may have an impact on it. The divorce shouldn't affect your status if you already have a green card and are a permanent resident at the time of the split. You might have to wait longer to apply for naturalization, though, due to the divorce. You would have to wait five years in this situation as opposed to three.

Dual Nationality

Someone who simultaneously holds citizenship in two nations is said to be a dual national. Dual citizenship can be acquired by birth or naturalization. The rights and duties of dual citizens are the same as those of US citizens. Dual nationality refers to the circumstance in which a person holds dual citizenship with two different nations. Based on its own policy, each nation has its own nationality laws. People may have two nationalities automatically as a result of several legislation, rather than voluntarily.

A person who has dual citizenship is simultaneously a citizen of two nations. "A person owes lasting loyalty to a state" is what is meant by "national" Nationals are protected by that nation but do not have the same rights as citizens.

In a society with little mobility, having two nationalities was not a big deal. Early modern Europe did not have the circumstances to develop any significant incidence of dual nationality since the great majority of people were born, lived and died in the same region. Such circumstances resulted from American independence and immigration from Europe. With states pushing conflicting claims on peoples or seeking to shield citizens from the claims of another state of

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nationality, dual nationality arose as a severe danger to inter-state order. Dual nationality first become prevalent in the 19th and early 20th centuries as a result of naturalization by the United States of America of people from countries that did not acknowledge the option of expatriation. As of the start of the 19th century, most European States refused to acknowledge the naturalization of subject before another sovereign and continued to claim them as their own due to the feudal idea of perpetual loyalty (also known as “once a subject, always a subject”) states did not want to “free a national from his loyalty and therefore lose a prospective soldier, “accosting to a 1954 (ILC) research on multiple nationality. When immigrants made brief returns home to discover that they were required to serve in the military, dual nationality continued to irritate US bilateral ties with European states. The US would work to defend these new citizens from accusations made by their native counties (Afroyim v. Rusk, 387 U.S. 253).

Dual Nationality in United States

Dual citizenship allows Americans to have privileges both in the United States and in another nation. However, not everyone always agreed with this status. Many people have campaigned against dual citizenship for many years, both legally and culturally. People opposed dual citizenship because they believed it would weaken the country since dual nationals would have conflicting or divided allegiances to the United States and another nation. After World War II and significant Supreme Court decisions like Afroyin v Rusk this lessened. Dual citizenship became increasingly accepted for a variety of reasons, including (Folger, 2021).

- Military service decreases as global conflicts decrease.
- Emphasize human rights and gender equality so that mothers can pass on their nationality to their children.
- A Global Initiative to Reduce Statelessness.
- Increase in international marriages and immigration.

Many of the same personal, economic, and political rights mentioned in the previous lesson also apply to dual citizens, whether born or naturalized. These rights include obtaining family green cards, working anywhere in the United States, traveling without restrictions and with a US passport, voting in local, state and federal elections, attending school locally (no student visa required or pay tuition for international students), and Take advantage of government programs such as Medicare when needed.

If you were not born in the United States and wish to become a citizen, there are several requirements for obtaining dual citizenship. The criteria for obtaining U.S. citizenship may change depending on an individual's circumstances and former country of residence. Generally, you must hold a Permanent Resident (green) card and have lived in the United States continuously for five years to

apply for naturalization (three years if applying as the spouse of a US citizen), other eligibility requirements include being at least 18 years of age or older and having a basic knowledge of English reading, writing and speaking. Additionally, there are resources for applying for citizenship and permanent residency. Depending on the application you use and the category of submissions you fail, the fees can be high. These costs are determined by the United States Department of Homeland Security.

Multiple citizenships do not allow citizens to hold multiple citizenships, and some even consider dual citizenship a crime. Most of these countries are located in Asia, particularly in Central Asia and the Persian Gulf, and in Africa. In some cases, you may find a country that allows dual citizenship, such as Spain in Europe, which only allows its residents to acquire another citizen of a specific Latin American country.

Other countries, such as Saudi Arabia, China and India, do not allow any form of dual nationality and immediately revoke the nationality of citizens who do. Additionally, China and Saudi Arabia now make it a crime to acquire a new nationality without first giving up your own.

Perks of Dual citizenship

All political activities in dual citizenship countries are open to dual citizenship. This includes the freedom to vote, stand for election and donate to political campaigns. Dual citizens are free to travel and reside in their country of citizenship for as long as they wish, without the need for a visa or other authorization. They also work in both countries, but foreigners have to wait a long time to get a work permit. They are also not subject to any rules applicable to foreign traders.

The benefits and privileges available to dual citizens depend on the country of which they are citizens, for example, where they can go for medical care or procedures not available in their country of birth. They can pay the same fees as domestic students for their education. You can travel as a dual citizen with two passports. For example, if you are both a citizen of the United States and New Zealand, it will be easier to travel between the two countries. Having a passport will save you from needing a long-term visa and being questioned by customs officials about the reason for your trip. Additionally, holders of two passports have the right to enter the United States and New Zealand, which is advantageous if you have family members in both countries, or if you are a student or male. who studies or does business in both countries.

Owning property in both countries is another advantage of dual nationality. Some countries only allow their residents to own land. You can buy a property in one or both of these countries, as you have dual citizenship of both countries. This is especially useful if you travel between the two countries frequently, as owning property can be a more cost-effective way to maintain two residences.

As a dual citizen, you will benefit from full participation in the cultures of both countries. Dual nationality is also favored by some government officials, who

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see it as a way to bolster the country's reputation as a top tourist destination. Dual citizens have the opportunity to study the history of both countries, learn two or more languages, and experience new cultures.

Disadvantages of Dual Citizenship

If you hold dual nationality, you will be bound by the laws of both countries. For example, if you are both a U.S. citizen and a citizen of a country that requires military service, you could be stripped of your citizenship under certain circumstances, such as serving as an officer in a foreign military force at war with the United States. In general, U.S. policy recognizes that dual citizens may be legally required to perform military duties overseas, and that many may do so without compromising their U.S. Citizenship.

However, each situation should be thoroughly investigated. Even if a person holds dual citizenship with another country, the United States taxes its residents on money earned elsewhere in the world. If you live in your dual country of residence, which is a country other than the United States, you may have to pay taxes to the United States and to the government of the country from which the income was generated. On the other hand, tax treaties between the United States and other countries effectively reduce or eliminate the tax burden on individuals and avoid double taxation. For example, a treaty between the United States and New Zealand overrides each country's tax laws to avoid double taxation. Even if they live and work in New Zealand, dual citizens may still be required to file a US tax return.

In such cases, it is advisable to consult a certified tax specialist, as the tax regulations are complex and change from year to year. The disadvantages of dual citizenship largely depend on your employment options. If you are seeking employment with the U.S. government or your position requires access to material that the U.S. government considers classified, dual citizenship may prevent you from obtaining the security clearance necessary to perform such work. People born with dual citizenship may have fewer problems than those applying for dual citizenship. Dual citizenship sometimes occurs automatically. Sometimes, come to think of it, this process can be very long, expensive and difficult. This can prevent some people from pursuing their goals.

A person can be a citizen of one country or another. Citizenship is accompanied by the exercise of civil and political rights, but nationality does not always imply the exercise of political rights. A national is a person who, regardless of their status under domestic law, pledges allegiance to a State and is entitled to its protection. Citizenship and nationality are often used interchangeably. Since the former has a greater connotation than the latter, they are not quite the same. All people are citizens, although not all people are citizens. While nationality may or may not confer certain rights, citizenship implies full ownership of those rights within a political entity. Domicile means the country in which you have legal

permanent resident status or have close ties to you. Even if you don't currently live there, you intend to return. This is therefore your principal residence.

Certain benefits and rights are linked to citizenship. Domicile, on the other hand, refers to your permanent residence. For example, Hassan's country of origin is England. It can also be a city, a state or an entire country. He moved to France to continue his studies. However, after graduating from college, he intends to return home. In this case, his domicile remains in the United Kingdom, but he resides in France. Ali is another example. They have their own home in Spain and live in Germany. They made it clear that they wanted to move to Spain. For this purpose, they obtain Spanish driving licenses and open accounts with neighboring banks. They are also registered to vote in Spain. Thanks to these activities, Spain can now be considered their country of residence and residence. At 18, you can move. You must meet a set of requirements by providing evidence for each requirement. Moving has several requirements. However, the first two are basic requirements. You must have immigrated from the country where you currently live, settled there and provided convincing proof of your intention to live permanently or forever. The need to move is very important. You need to move from your previous residence to a new country. You must also provide convincing proof of your intention to permanently inhabit the new residence. A person usually owns a house. The domicile of an individual is defined for governmental jurisdiction and obligations, and interests governed by international law. Part of a person's legal status is determined by the personal laws they follow wherever they travel, not by the state they are in at the time. In common law jurisdictions such as the United States, a person's personal right is determined by their domicile; in civil law jurisdictions such as Europe and Latin America, this is usually determined by one's nationality or habitual residence (Acton, 1862).

Even if you happen to be traveling abroad when you are sued, the place of residence has legal jurisdiction and you can sue in the court of the place of residence. Only the place of residence of a person is entitled to inheritance tax on all of his intangible assets depending on the obligations and interests of the government. In the event of the intestate's death, the legality of his personal will or the mode of distribution of property is determined by the law of his domicile. The legality of a person's birth and the legality of his marriage may be determined by the laws of his place of residence.

Everyone must always have a resident, a central principle of Western law. A person can only have one home for the same purpose at a time and cannot lose one home until another is acquired. Domicile can be divided into the following categories: domicile of origin, domicile of choice and domicile of law.

A person acquires a domicile of origin at birth, almost always that of his father. If the father is deceased or the child is illegitimate, the mother is the legal guardian of the species. Most people have their own residence, usually established on a voluntary basis by actually living there; being present for coercive reasons (such as imprisonment) is sometimes not enough. If someone claims a place as their home but does not actually live there, they must show their intentions. Those

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who cannot afford it already have their own house. The best example of this is young children who often live with their father. A married woman is considered a resident of her household as long as she lives with her husband. Laws often refer to residence rather than domicile, which creates complications (or, in some laws, residence). Living in these settings often has the same meaning as home, although it can sometimes mean other things, such as an exclusive physical connection to a country, but no attitude is necessary to live there. Residence does not only refer to a place to stay; it can also refer to being physically there for a period of time.

Dual Citizenship in the UK

The UK allows dual citizenship (also known as dual citizenship), which means a person can be both a British citizen and a citizen of another country. It is recognized in the UK and does not deny UK citizenship. If UK citizens wish to acquire dual citizenship by becoming a foreign citizen, they do not need to apply for dual citizenship as they can simply apply for foreign citizenship and retain British citizenship. Persons of foreign nationality who wish to obtain British citizenship must follow the relevant procedures to obtain British citizenship. If you were born in the UK, you do not immediately acquire UK citizenship. It depends on your date of birth and the situation of your parents. You must confirm your UK citizenship. If you were born in the UK but are not yet a UK citizen, you can apply for citizenship. When you marry a British citizen, you do not immediately acquire British citizenship. In various countries, married people are immediately considered to have the nationality of their spouse. Children can inherit the nationality of their parents even if they were born abroad. There are different ways to obtain dual citizenship in the UK. Some people automatically obtain citizenship at birth, and others have the right to register for citizenship. Those who are not automatically British and are not eligible to register for citizenship can apply for citizenship through the naturalization process. Obtaining British citizenship through the naturalization process entitles you to the same healthcare, employment and social security benefits as any other British citizen; you must meet the mandatory entry requirements to apply for naturalization and there are some key points to keep in mind when applying for dual UK citizenship. You should check first if your home country allows you to have dual nationality. You have checked the requirements for UK citizenship. You are using the correct. If required, you must inform your home country that you are applying for British citizenship. The constitutions of many countries do not allow dual nationality. Although dual citizenship is permitted, the laws of some countries require you to apply to retain your citizenship before applying for dual citizenship in a foreign country. Applying for dual UK citizenship may require permission from the authorities in your country. If your home country does not allow dual citizenship, you should be prepared to lose your home country citizenship when naturalizing as a UK citizen. Some countries do not allow you to hold dual citizenship of Andorra, Azerbaijan,

Myanmar, Nepal, specific rules and any exceptions should be checked country by country. If you are a British citizen and wish to apply for citizenship in another country that does not allow you to have dual British citizenship, you can renounce your British citizenship.

Dual Nationality and Pakistan

Dual citizenship is permitted for Pakistani people with the 19 nations. This is due to dual nationality agreements that Pakistan's government has engaged into with 19 other nations. The Pakistani government has dual nationality agreements with many nations. None of these nationals must give up their citizenship in order to become Pakistan citizen (Niederhauser, 1981). Dual nationals are ineligible for recruitment to the Pakistani armed forces, according to a written response the defense minister sent to the senate (Cesarani et. al, 1996).

Senator Sughra Imam of the Pakistan People's Party (PPP) inquired about the military's admission policies for people with multiple nationalities. At the time of their final military selection, dual nationals must give up their other countries. Dual nationals are currently prohibited from running in elections for national or provincial assemblies.

There are roughly 16 nations with which Pakistan has signed dual nationality accords, including the US and the UK. A standing committee report on a draft of the 22nd constitutional amendment bill, which would let dual nationals to run for office, was recently introduced by the administration in the senate. Even if they do not now have dual citizenship, the measures have been applied to naturalized UK citizens who are foreign born and without dual citizenship. Consequently, a Pakistani who qualifies for Pakistan citizenship would be included in this group.

Dual Citizenship in China

The concept of dual citizenship does not exist in China, since the right of blood is the main foundation for citizenship. Dual citizenship is not recognized in China. However, there are relatively few instances in which someone could get dual citizenship with China (Cooke, 2017). For instance, a person with one Chinese parent and one non-Chinese parent who is born in China has Chinese citizenship and may obtain citizenship from the other parent. A person could also be born overseas to at least one Chinese parent who does not reside there, in which case they would receive dual citizenship from the Chinese parent and the nation of their birth.

Acquisition and Loss of Nationality

Modes of Acquisition of Nationality International Law

The five-method listed by Oppenheim for getting nationality are as follows

By Birth

Birth is the first and most significant way to acquire nationality. Many states grant nationality to people based only on their birth. All people who are born inside a state's borders are given that state's nationality. This idea is known as jus soli. The United States, the United Kingdom and many other Latin American countries adhere to the jus soli principle.

Naturalization

Naturalization is the second method of getting nationality. At birth, a person must choose a nationality. He might possibly change his nationality though; naturalization is the process by which a person gets the nationality another State after initially changing his nationality. Through naturalization, a person can get nationality in a variety of ways.

- (1) By way of marriage, example of a wife assuming the nationality of her husband.
- (2) Validation.
- (3) Choice.
- (4) Moving into a new home, and
- (5) Being appointed as a government official
- (6) Grant upon the state's request.

The child has the right to acquire the nationality of his adoptive parents upon adoption by parents who are citizen of another country (Tandon, 2022).

By Resumption

Resumption is their method of obtaining nationality. A person's nationality may occasionally be taken away for specific circumstances. He can then resume and regain his original nationality after meeting certain requirements.

By Subjugation

Subjugation is the fourth way to acquire nationality. That individuals from any territory who live there will immediately become citizens of Pakistan if that region joins Pakistan (Pandey, 2012).

By Cession

Cession is the sixth method of acquiring nationality. When a state cedes a portion of its territory to another state, every citizen of the former state gains citizenship in the latter State.

By Option

Option is the sixth ways to obtain nationality. The citizens of the former state have the choice to become citizens of any of the successor States when it is divided into two or more states. When territories are exchanged, the same rule applies.

By Registration

Through registration, a person may obtain the nationality of a state, depending on the state's laws, the registration procedure may vary from one to the next. It occurs when a person becomes a member of a state to which they were previously an outside.

Modes of Loss of Nationality in International Law

Oppenheim lists the following five ways to lose one's nationality:

By Release

The law of some states, like Germany, allows citizens to lose their nationality through release. It is necessary to submit an application for the loss of nationality via release. The applicant gets liberated from the nationality of the relevant state if the application is approved.

Deprivation

Violations of certain municipal rules by some citizens may result in the loss of their citizenship. Serving in another country's armed forces may also result in loss of citizenship under US law (Gettleman, 2019).

Expiration

Due to legal requirements, citizenship of some states expires after an extended absence. A naturalized US citizen loses his citizenship if he resides for three years in the country of his former residence or in a foreign territory where his place of birth is located (Pandey, 2012).

Renunciation

Another renunciation option is nationality. When a person acquires the nationality of several countries, he renounces it. In this case, he must decide which nation to continue to call home, and he must ultimately relinquish his one-state nationality. Under municipal laws in some states, including the UK, children with dual nationality have the right to declare upon reaching majority if they choose to renounce citizenship in one of the states. Such a young person may renounce British citizenship under the British Nationality Act 1948, but the Secretary of State may refuse to register such a declaration if made during a time when Britain is at war.

Substitution

Some countries allow you to change nationality. The idea is that a person can acquire the nationality of one country but not of another. This process of losing the nationality of one country and acquiring the nationality of another is called alternative nationality. Under the British Nationality Act 1948, the acquisition of foreign nationality by a British national does not necessarily result in the loss of British nationality. However, the US Citizenship Act of 1952 states that Americans who choose to naturalize in another country will lose their US citizenship.

Nationality Law in India

Indian nationality law describes the conditions for acquiring Indian nationality. The two main laws governing these standards are the Citizenship Act of 1955 and the Constitution of India. Anyone born in India between January 26, 1950 and July 1, 1957, regardless of the nationality of their parents, automatically obtains citizenship at birth. Citizenship is granted by birth if at least one parent was a citizen between July 1, 1987 and December 3, 2004. Persons born in the country

since then are immediately granted Indian citizenship if both parents are Indian citizens, or if one parent is a citizen and the other is not considered an illegal immigrant. Foreigners who have lived in India for at least 12 years and who have renounced any previous citizenship can become Indian citizens. Residents of neighboring countries belonging to certain religious minorities are eligible for a six-year waiver of residency requirements. In other words, the Citizenship Act 1955 sets out the rules for Indian citizenship. Under Article 11 of the Indian Constitution, Parliament has the power to issue rules and regulations relating to citizenship. To this end, Parliament passed the Citizenship Act in 1955.^{3.4} Methods of acquiring Indian citizenship:

Methods of Acquiring Citizenship of India

There are several ways to become an Indian citizen:

By birth, by incorporation of the territory, by descent, and by registration etc.

By Birth

A person is considered to be an Indian citizen if born on Indian soil. Persons born on or after January 26, 1950 but before July 1, 1987, regardless of the nationality of their parents. This is called a *net solo* (right to land). For instance, people born before December 3, 2004 but on or after July 1, 1987. At the time of birth, one of the parents of the child must be an Indian citizen. This is called *jus sanguinis* (right of blood or descent). Regardless of where the child is born, citizenship is granted based on the nationality of either parent, whether Indian or not, born on or after December 3, 2004. At the time of birth, the parents of the child must both be citizens of India. A person cannot be an Indian citizen if one of his parents is a hostile foreigner, foreign diplomat or an illegal immigrant. Anyone who enters Indian territory without a valid passport, uses a false passport or stays longer than the visa allows, is considered an illegal immigrant (Gopal, 2019).

By Incorporation of Territory

In issuing the Official Gazette, the Central Government shall declare any region or any state as part of the Union of India. Many territories including Goa, Sikkim, Pondicherry, Daman and Diu were annexed by India and the residents held Indian citizenship (Metcalf, 2006).

By Descent

A person is considered an Indian citizen if he was born outside India on or before January 26, 1950 but before December 10, 1992. But only if his father was an Indian citizen at the time of his birth. Children born on or after December 10, 1992 but before December 3, 2004 must have Indian parents (mother or father). Under the Citizenship Amendment Act 2003, the government issued an order stating that children should not be considered Indians on the basis of their origin alone. within one year of birth. Registration is required by law. The government can extend it if necessary (Butt, 2019).

By Registration

If the applicant is of Indian origin and has normally resided in India for seven years prior to filing the application for registration. If the applicant has resided regularly in India for seven years prior to submitting the application for registration and is married to an Indian citizen. If the person is a minor and their parents are Indian citizens. A person who lived in India for one year before submitting the registration application and whose parents were Indian citizens after independence. If a person has lived on board the vessel for one year prior to submitting the registration application and is registered as an Overseas Indian Citizen.

By Naturalization

A person can apply to the central government for naturalization if he has made significant contributions or services in the fields of science, art or literature. Individuals must meet the requirements of the Act's Third Schedule to obtain citizenship. Applicants for the citizenship certificate must be of high moral character, fluent in one of the languages listed in the Eighth Schedule of the Indian Constitution, be a legal resident of India and have renounced any previous citizenship. Applicants must have resided in India for 11 out of the last 14 years plus the year prior to submission of the application. In the interest of human progress, the government may derogate from the third condition of the schedule to this law.

Loss of Citizenship

When a person is no longer eligible under its laws to be a citizen of a country, he loses his citizenship to the benefit of his heirs. The most common ways of loss of nationality are:

- loss of nationality by conduct
- loss of nationality by fraud or deception One nationality
- Voluntary renunciation
- Acquiring another nationality (voluntary)
- Failure to renounce a different nationality either before or after gaining majority
- At the time of adoption or when surrogacy agreements are complete
- Residence abroad
- Serving in the military or civil service of a foreign country
- Loss of citizenship by parents that results in a child's loss of citizenship while still a minor: Depending on the legal and administrative environment, losing one's nationality may be voluntarily or involuntary (The Citizenship (Amendment) Act, 2019).

Renunciation of Citizenship

An Indian citizen who is a citizen of another country legally renounces his Indian citizenship, i.e. he loses his Indian citizenship. When the husband ceases to be an Indian citizen, his minor children also cease to be Indian citizens. However, such a child can become an Indian citizen within one year of reaching the age of majority by submitting a declaration of intent to return to India.

Termination of Citizenship

An Indian citizen can have their Indian citizenship revoked if they willingly or voluntarily accept citizenship of another state: State, and their Indian citizenship is automatically terminated. However, this provision does not apply to wars in which India is involved.

Deprivation of Citizenship

The Government of India has the power to revoke a person's citizenship in certain circumstances. But not all citizens are obliged to respect this. Only those who

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acquired citizenship by naturalization or registration are included. If an individual obtains citizenship by deception, the central government must terminate their Indian citizenship. This individual has shown a betrayal of the constitution of India. Citizen was imprisoned in any country for two years within five years of registration or naturalization, engaged in illicit trade with the enemy during war and regularly resided outside India for several consecutive years.

Conclusion

Public International Law states that municipal ordinances regulate nationality. However, the lack of uniformity across national municipal laws has always made it difficult when local rules collide with international laws (Millar, 1996). As a result, certain international rules have been acknowledged in order to address that nationality is the legal status of belonging to the group of people whose choices and actions are sanctioned by the state, which serves as that group's legal representative. In terms of international law, a person's nationality designates them as a subject or citizen of a certain state.

The status of nationality is what enables a nation to provide a subject right and impose responsibilities on a subject. Although the status is an essential prerequisite for many rights and obligations created by the state, it often does not come with any automatic rights or obligations. Membership in a nation or sovereign state is defined as nationality in law. It should not be confused with citizenship, a more specific phrase occasionally used to describe the status of those citizens who enjoy full political rights.

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