

YOUR COUNTRY FOR SALE?: UNDERSTANDING THE CITIZENSHIP BY INVESTMENT

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ABSTRACT

Where is the cheapest place to buy citizenship? With this question used as a heading in a BBC News Business section, by the reporter Kim Gittleson, New York, We got an idea of writing an academic paper concerning this issue, which is very controversial.

Some people call it citizenship for sale and others call it citizenship by investment; but what is really the difference? This is a scheme of acquiring citizenship rather than yours in case you accept to pay a predetermined sum of money or under a form of investment, it is only made to attract rich individuals and raise the revenues of that country you are applying for citizenship.

In this paper, we will analyze this kind of acquiring citizenship in comparison with the normal way of gaining another country's nationality within the spirit of international human rights law.

Key words: Citizenship for sale, Citizenship by investment, Nationality, Human Rights

1. INTRODUCTION

Is there a legitimate reason for someone to buy a citizenship of another country? The answer is absolutely ‘yes’ but you can also find other reasons which are not legitimate like escaping taxations of his or her own country, avoiding justice or avoiding paying loans.

In some countries, getting citizenship may take more than five years if the normal process of naturalization is used something that sounds ridiculous to businessmen. That is why people would choose to use much money within a short period of time to gain nationality of a country they want to live in. The idea of investment citizenship is not new, it has been here for decades just for countries to raise their own incomes. As early as in the 1980s Canada and the Caribbean island of St Kitts and Nevis started this program whereas countries like US and UK opened similar programs in the 1990s.

As we are typing this paper many anti-immigration draft of policies are under examination plus the already existing ones. This rise of policies came as a way to restrict many people who are willing to move countries for various opportunities and stability from reaching this target and this motivated the idea of selling citizenship to those who can afford it and block those who are unable.

Those who want to move are motivated by a desire to stay global, a changing clientele and using the acquired citizenship as a commodity. However, the rest of population think that the government is selling their countries for the best of luck rich men.

In this paper, we will examine ; the normal way of acquiring citizenship, the investment citizenship and critics behind this type of citizenship.

2. ON BECOMING A CITIZEN

Some people would argue that when someone is born within or outside a country from the parents whose one or both nationalities match the one of that country , is automatically a citizen of that country. However, there is no proof of this citizenship, to gain it one must be registered and get identification documents like identity cards or passports.¹

For migrants to become citizens of another country; they need to meet different harsh conditions whether they are children or adults. For children, there are only two ways to gain nationality of another State; one is jus sanguinis (right they get because of a blood relationship with their parents who have already that citizenship) and jus soli (right they earn because of the relationship they have with the territory or place of birth). For adults, there is a requirement to be naturalized which actually depends on how long he or she has spent within the citizenship granting country and this period is not the same among countries.²

Becoming a national of a certain country itself has no significant meaning but what does being a national of that country can provide someone with; that what matters. Those privileges and mobility found for a certain group of citizen is what push people to fit for a second passport. For

¹ Judith Saurer, The Acquisition of Citizenship in the OECD countries, ifo DICE Report, ifo Institute, 2017 available at <https://web1.cesifo-group.de> accessed on 9 August 2018.

² Felfe, Ch., H. Rainer and J. Saurer, "Why Birthright Citizenship Matters for Immigrant Children: Impacts on Parental Educational Choice", CESifo Working Paper No. 6037, August 2016 available at <https://www.cesifo-group.de>

example with a Japanese or Singaporean passport you can visit more countries than anyone in the world without visa.³

Having dual citizenship can also be a double-edged sword. For one side a dual nationality holder can enjoy both social service systems, vote, or run office depending on the limits provided in the law, work without the need of work permits like foreigners, owning properties as well as the right to carry two passports. The other side means that having dual citizenship would invoke double obligations, double taxations, issues in security clearance and facing complicated process and too costly.⁴ Shortly, becoming a citizen of any country other than yours implicates that you will be permitted to enjoy socially provided civic rights and protections which will be paid by executing national duties like paying taxes and contributing to the development of the host State.⁵

Having dual citizenship is not as easy as it sounds. Some countries like US,UK, Australia and Switzerland have no restriction on holding it whereas some countries like Singapore, Austria, India do not recognize dual citizenship and may only recognize it under special circumstances.⁶ This means that anyone who wish to get a citizenship rather than his/her existing one would have to check all restrictions provided in the laws of the countries they wish to move to.

3. THE CITIZENSHIP FOR SALE?

Why governments sell citizenship? The shortest answer is that it does need money. In practice, there is nothing a country can do for free and it is not citizenship that is going to start with.

Immigrant Investor Programs (IIPs) in some countries as its name is, simply indicates that citizenship is sold for migrants 'pecuniary capital as well as their abilities to create a rentable investment in those countries. Attracting wealth in financial capital and human capital and

³ Henley & Partners Passport Index, Global Ranking-2018, available henleypassportindex.com, accessed on 31 July 2018

⁴ Investopedia, Dual citizenship: The advantages and disadvantages, Available at <https://www.investopedia.com/articles/personal-finance/031315/advantages-disadvantages-dual-citizenship.asp> accessed on 31 July 2018

⁵ PWM, A Guide to global citizenship, Financial Times, London, July 2017, p.9

⁶ D'ALLESSIO LAW GROUP, List of countries that allow or disallow dual citizenship, available at dlgimmigration.com accessed on 31 July 2018.

cultivating engagement⁷ where host States rely on the participation of immigrant in the development of their destination; are both two key dimensions that countries consider when granting citizenships to investors.

Another reason countries mainly rich ones choose to attract rich immigrants is to reduce the number of ordinary immigrants who will invest nothing in the development of the host country but would benefit from social interests provided by the host State. However, is it fair to grant citizenship to one group of riches while millions are waiting for visas? Let see in this table below how with money you can easily get citizenship in some countries

No	COUNTRIES	TIME TO CITIZENSHIP	MINIMUM INVESTMENT
1	ANTIGUA & BARBUDA	3-4 months	US\$100,000
2	CYPRUS	3 months	€2,000,000
3	DOMINICANA	3-4 months	US\$200,000
4	GRENEADA	3-4 months	US\$200,000
5	MALTA	12 months	€1,150,000
6	SAINT LUCIA	4-6 months	US\$100,000
7	ST. KITTS & NEVIS	4-6 months	US\$150,000
8	BULGARIA	24 months	€1,000,000

As you you can see in the above table⁸, some citizenships are given even in the same period one would initiate a visa application procedure and far more different from the normal naturalization of adults where the shortest lenght of stay is nothing less than 4 years⁹. Statistically saying, with an example of European Union member states' report, from 2009 to 2014 more than 850,000

⁷ Patrick J. Schena, Juergen Braunstein, Asim Ali. "The Case for Economic Development Through Sovereign Investment: A Paradox of Scarcity?", Global Policy, 2018

⁸Arton Capital, Citizenship by investment available at: <https://www.artoncapital.com/citizenship-by-investment/> accessed on 20 July 2018.

⁹ Supranote 1.

migrants have gained nationality every year in each one of 28 States of the EU.¹⁰ This kind of ordinary naturalization also cost a fortune to the applicants.¹¹

4. IS CITIZENSHIP A RIGHT?

The right to a nationality is legally supported in the Article 15 of the Universal Declaration of Human Rights, Article 24 of the International Covenant on Civil and Political Rights, Article 29 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and it is also contained in Article 6 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The same provisions are mutatis mutandis in the Constitutions and Citizenship Acts of different countries across the globe.

The above provisions are only applicable to ordinary ways of acquiring citizenship where the person claiming such citizenship is linked to the country she or he is applying to. The idea of citizenship by investment does not fit into the spirit of international human rights law.

5. CONCLUSION

In this paper, we studied the idea of acquiring citizenship, we discussed the so-called citizenship for sale or citizenship by investment and we tried to find the place of the right to citizenship in the international human rights law. Besides the fact that citizenship for sale may be exploited by criminals to escape justice from their countries or avoiding taxation, it can also be used to weaken the rate of migration of ordinary citizens. We do not support the idea that states should be selling citizenship to richer persons around the globe whereas it takes years to gain citizenship to the rest of the world rather we support the idea of establishing flexible policies of migration where the world will be open to all people with legally justifiable reason to migrate.

¹⁰ Eurostat 2016 found <http://www.europeanmigrationlaw.eu/documents/Eurostat-AcquisitionCitizenship2016.pdf> accessed on 10 August 10, 2018.

¹¹ In Citizenship and Legal Statuses by Maarten Peter Vink, available at <https://ind.nl/EN/individuals/dutch-citizenship/costs-income-requirements> [accessed 10 August 2018].

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