

## **Rethinking Dual Citizenship: A Case of India**

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**Abstract:** In India, dual citizenship is not allowed by the Indian Constitution. Though the demand for dual citizenship has been raised in different forum, considerations have been advanced justifying the granting of the dual citizenship. In spite of its word, the dual citizenship has not been granted stating that the concept of dual citizenship is not consistent with the Constitution of India and the Citizenship Act, 1955. Any move would require amending the constitution. Dual citizenship has been a consistent demand of the Indian diaspora and the justification was more for emotional reasons. The longing of the PIOs in forging emotional and cultural bonds with their country of origin is quite evident in the scale of philanthropic activities carried out by them in India. They believe that dual citizenship will strengthen this bond and further facilitate diaspora's contribution in India's development. In 2005 the Indian government introduced the Overseas Citizenship of India (OCI) card scheme, which comes close to dual citizenship. In August 2005 the Indian parliament passed a Citizenship (Amendment) Ordinance, amending the 1955 Citizenship Act, which was promulgated on 28 June 2005. The OCI scheme was formally launched by the Prime Minister during the Pravasi Bharatiya Divas at Hyderabad on 7<sup>th</sup> June 2006. The new rules enshrined in section 7A of the Citizenship Act 1955, as amended, have opened up the possibility to acquire OCI for PIOs who are citizens of another country.

**Keywords:** Dual Citizenship, Overseas Indians, OCI, PIO, India

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### **I. INTRODUCTION**

When life for a Chinese in the United States became monotonous and career growth became limited, the question of returning back to China surfaced. He had been in the United States for the last ten years and was working in the Silicon Valley. He posted his dilemma in one of the largest online communities of Chinese returning migrants. Numerous comments poured in with advice from both returnees and as well as non returnees who mostly encouraged him to return to China. However, one of the many questions that stood out was of and about citizenship. They were of the opinion that he should return only after he gets American citizenship so as to allow himself to be paid differently. It would also secure his easy return to the United States without worrying about the tedious American immigration requirements and paperwork.

As opposed to the advantages regarding American citizenship, there was also the issue of negativity that could arise due to the legal status of the returnee. The returnee might also face many restrictions working and living in China as a foreigner and might also even risk deportation if things went wrong. The discussion on the online community of Chinese returning migrants revealed both the rising tide of Chinese professional migrants returning to China and also the critical role that citizenship status plays in a migrant's plans of returning and in the complex relationship with both the homeland and the country of immigration. The return migration of mainland Chinese professionals has gained increasing public attention and has been highlighted in recent years against the backdrop of China's robust economic growth in difference to the economic growth in the United States and around the world. Reports and studies have also pointed and focused on the demographic profiles of returnees, patterns of return migration, treatment and adjustment of returnees in China and also their contributions to China's economic, educational and scientific development.

#### **Dual Citizenship in India**

Though the demand for dual citizenship has been raised in different forum, considerations have been advanced justifying the granting of the dual citizenship. In spite of its word, the dual citizenship has not been granted stating that 'the concept of dual citizenship is not consistent with the Constitution of India and the Citizenship Act, 1955' (Lall, 2001: 167). Any move would require amending the constitution. Dual citizenship has been a consistent demand of the Indian diaspora and the justification was more for emotional reasons. The longing of the PIOs in forging emotional and cultural bonds with their country of origin is quite evident in the scale of philanthropic activities carried out by them in India. They believe that dual citizenship will strengthen this bond and further facilitate diaspora's contribution in India's development.

In India, dual citizenship is not allowed by the Indian Constitution. It is Part II of the constitution (Articles 5-11) titled 'Citizenship' that addresses the question, 'Who is a citizen of India?' (Roy, 2006: 1421). It was the constitution in 1950 that first drew the lines between citizens and non-citizens/aliens. Roy (ibid) discussed how the demarcation of citizenship seems to have been in response largely in the context of partition, though not entirely determined by it. Thus even as it talks about citizenship accruing to Indians on account of birth and domicile, Articles 5 to 7 concern themselves largely with the modalities of deciding the complicated question of citizenship of people 'migrating' between India and Pakistan between March 1, 1947 and January 26, 1950. As far as migration from Pakistan into India was concerned, the Constitution (Article 7) established that a person having gone to Pakistan after March 1, 1947, shall not be 'deemed to be citizen of India', unless after having migrated to Pakistan the person returned to India on a permit for resettlement.

Article 8 concerns citizenship rights to persons of Indian origin residing outside India, the Constitution provided that persons residing outside India could register themselves as Indian citizens with the diplomatic or consular authority of India in that country, if they, or either of their parents or grandparents was born in India (as defined in the India Act of 1935) (Roy, 2006: Wiesbrock 2008). They also noted that, according to Article 9 of the Constitution, 'no person shall be a citizen of India by virtue of Article 5, or be deemed to be a citizen of India by virtue of Article 6 or Article 8 if he has voluntarily acquired the citizenship of any foreign state'. While there is no reference here to Article 7, Supreme Court judgments in the early 1960s, decided that a person, who migrated to Pakistan after March 1, 1947 and acquired Pakistani nationality, could not claim the citizenship of India (Basu 1999: 18). Thus Indian citizenship as manifest in the Constitution at its commencement thus, emphasizes ethnic ties, yet it is also associational in nature, disregarding territorially bound determination of citizenship (Rodriguez 2005)<sup>1</sup>.

## II. REVIEW OF LITERATURE

Liu's study explores returning migrants' choices and interpretations of citizenship based on a comprehensive ethnographic study of the online Chinese community and interviews of returnees (Liu, 2012: 36). The study also revisits Aihwa Ong's (1999) provocative concept of 'flexible citizenship' which describes the transnational mobility of Hong Kong business elites who accumulated multiple passports and embodied the prevalence of flexible accumulation and the power of global capitalism. Unlike Ong's concept of 'flexible citizenship', Liu (2012) proposes the notion of 'selective citizenship'. Liu's study looked at ordinary migrants and how they negotiated complex immigration laws and citizenship requirements to gain their transnational mobility in the first place. It shows migrants' careful choice of citizenship based on a historically formed unequal international system in which different passports and citizenship carry different privileges and prestige. It also highlights the varied and nuanced understandings of nationality and citizenship among ordinary migrants. Selecting or changing nationality is a way for migrants to claim their own identity and autonomy as for them, nationality is questionable for the underlying agenda of nations to claim subjects and loyalty.

The concept of 'selective citizenship' also complicates the meanings of 'dual nationality' and 'dual citizenship'. The tide of return of mainland Chinese professional migrants' reflects the historical reforms and changes in China (Liu, 2012). Surveys and reports have pointed out the preference to stay abroad considering the unsettling political environment in China and better career opportunities in the United States. In total contrast to this survey was another survey which was conducted by Vivek Wadhwa et al (2009) and his associates in which demonstrated the surging waves of returning Chinese professional migrants. In this particular survey, the major reasons for professional migrants returning home were for career opportunities, family ties and the prospect of the better quality of life in the homeland (ibid).

Liu's study also indicated similar reasons for returning, especially returnees' preference for more cultural comfort and better career opportunities back in China in comparison with the glass ceiling and cultural alienation in the United States. There are other significant benefits of returning, such as 'a faster career track', 'start your business in the future', 'visibility and view from the top in the company, higher social status, close to family and childhood friends, more lively and dynamic environment and even find your ideal soulmate'.

Unlike migrants from Hong Kong and Taiwan who can possess multiple nationalities as their home countries allow that, mainland Chinese have to choose one nationality because China's nationality law does not allow dual citizenship. The lack of flexible citizenship and together with discriminatory treatment of different groups in China deeply frustrates mainland Chinese migrants and returnees. This treatment leads them to sharp criticisms of the insufficient citizenship rights in China on the one hand and their careful calculation of the costs and the gains of different citizenship, on the other. T.H. Marshall (1988) identified citizenship as a process of the enlargement of rights in a homogenous western society. Immigration scholars in recent years have increasingly viewed citizenship as a social category and a site of negotiation and contestation. Immigrants'

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<sup>1</sup> Cited in Roy, 2006: 1422.

choice of citizenship, scholars have noted, if often based on their cautious consideration of the boundaries citizenship entails and their careful calculation of the costs and benefits of naturalization (Yang 1994).

An important reason for returning Chinese migrants to apply for US citizenship is the advantageous position of a US citizen in the global labor market. The necessity of US citizenship is justified by high salary. The US citizenship and part of the family still living in the US ensured the mobility and the ability to bargain for ideal payment packages. The fact that someone has a US Citizenship enables her/her to bargain for better economic privileges as opposed to those who are not US citizens. Even among those who have been outside those who have been to the west particularly leads the top positions in firms and companies. Pay packages and remunerations also bring in demarcation among those who have the US citizenship and those locals who do not have the US citizen or who have not altered their citizenship while been out. For many returning Chinese migrants from the United States, obtaining US citizenship and retaining a base in the United States played a crucial role in getting assigned an advantageous compensation package. US citizenship even outplayed western nationalities and where it attests highly unequal international economic order where United States occupies the core and US residence and legal status are viewed as the most beneficial. We also see this kind of analysis in Xiang Biao's (2007) study where he illustrated the global body-shopping on Indian IT workers.

As professionals who often travelled internationally, returning Chinese migrants also valued the advantage of the free access to most countries provided by a US passport. The convenience of international travel with a US passport was pointed out as one of the foremost reasons for applying for a US citizenship. The difference in international travel between Chinese and US citizenship reveals the unequal status of nations in the interlocking international system of nation states. Returnees also compared social and familial conditions and political systems in different national contexts in making their choice of citizenship. Many returning migrants based their applications for US citizenship on careful considerations of family interests especially children's education. Concerned with the quality of life and the stressful schooling in China, as well as the painful cultural transition of a US-born child brought back to China, many returning migrants opted for US citizenship to secure family reunion in the US and to keep children there for better educational and career opportunities. Gender stereotypes still exist, such as returning men being viewed as more 'career-oriented', while staying women are viewed as 'content with comfortable American life'. However, many Indian students turned migrant families are formed with spouses both highly educated and independent, women are often on an equal footing with their male partners in designing career paths and deciding whether to return.

### **III. OBJECTIVE AND METHODOLOGY**

#### **Objective**

1. Uncover the notion of citizenship and how the overseas Indians reconceptualise this very notion in the midst of their allegiance to their countries of destination but remaining true to their country of origin.

#### **Methodology**

In-depth interviews were conducted among the selected respondents gathered through snowball sampling.

### **IV. ANALYSIS: A CASE OF INDIA**

Overseas Indians forms the largest diaspora in the world, living across the globe and who are continuously on the move. Be it for economic, political, psychological, practical, patriotic and familial reasons, Indians continue to forge multiple relationships and have maintained their homes in different locations across the globe. As many more people cross the national borders and take up residence in countries that are not their own, the very essence of the concept of citizenship is being challenged. Many migrants tend to live in more than one country and very often move between them. For these mobile professionals, they do not have political, social and other citizenship rights in these countries as enjoyed by the citizens of those countries. Castles and Davidson (2000) 'focuses on the political ramifications of globalization and particularly on its implications for the notion of citizenship'. They discussed how new forms of citizenship are beginning to emerge in response to the problems posed by globalization and population movements.

An increased transnational flow of people, ideas, images, technologies and movies is one of the marked features of contemporary globalization (Appadurai 1996). These flows according to Chen (2014), have broken the physical boundaries of nation-states, shrunk the distances between people around the world and obscured the links between the state and its citizens. Saskia Sassen (2002) additionally observes, in a world of mass migration, global commoditization and destabilizing of national state-centered hierarchies of power, territorial sovereignty has become increasingly decoupled from citizenship practices and identities, as well as from discourses of loyalty and national attachment. The literature on transnational migration and flexible citizenship has suggested that people are able to live simultaneously in more than one nation-state and have multiple senses of belonging and affiliation (Ong 1999; Bosniak 2000). Thus, the assumption that there is a one-to-one relationship between territory, sovereignty, identity and citizenship can no longer be held (Chen, 2014). This

requires a new explanation of citizenship and of the way that people re-imagine identities and boundaries in the increasingly globalised world.

In 2005 the Indian government introduced the Overseas Citizenship of India (OCI) card scheme, which comes close to dual citizenship. In August 2005 the Indian parliament passed a Citizenship (Amendment) Ordinance, amending the 1955 Citizenship Act, which was promulgated on 28 June 2005 (Wiesbrock, 2008). The OCI scheme was formally launched by the Prime Minister during the PBD at Hyderabad on 7<sup>th</sup> June 2006. The new rules enshrined in section 7A of the Citizenship Act 1955, as amended, have opened up the possibility to acquire OCI for PIOs who are citizens of another country and:

1. Were citizens of India at the time of or at any time after the commencement of the constitution or
2. Were eligible to become citizen of India at the time of commencement of the constitution or
3. Belonged to a territory that became part of India after 15<sup>th</sup> august 1947<sup>2</sup>.

The personal scope of the PIO scheme also encompasses the adult child or grandchild of such a citizen or a minor child of any of such person mentioned<sup>3</sup>. Only PIOs in countries that allow dual citizenship can apply for the card. The fee for application for registration as OCI amounts to US \$ 275 in local currency for each applicant, of which an amount of US \$ 250 will be refunded if the registration as OCI is not granted<sup>4</sup>. Successful applicants receive a certificate similar to an Indian passport but in a different color. OCI holders are eligible to multiple-entry life-long visa. A multi-entry, multi-purpose OCI 'U' (Universal) sticker is pasted in their foreign passport (Wiesbrock, 2008: 37). For any length of stay in India, they are no longer obliged to register with the local police authority. Moreover, OCI cardholders enjoy extensive rights that are equal to those of Indian citizens in respect of economic, financial and educational fields, except in relation to acquisition of agricultural or plantation properties. They are also exempted from voting rights and do not have the right to hold constitutional posts like the president, vice-president or a judge of the Supreme Court or high courts.

A crucial distinction between the OCI card and dual citizenship is that the holders of an OCI card do not possess any voting rights. Yet, at the 4<sup>th</sup> PBD in 2006, the government announced that it would consider granting overseas rights to the Indian diaspora. This statement was mainly aimed at Indian emigrants to the Gulf region who are not able to naturalize in their country of residence, due to the restrictive citizenship regulations of the Gulf States (Wiesbrock, 2008). Reiterating the same statement, Iqbal (2012)<sup>5</sup>, stated how the Prime Minister, Manmohan Singh at the 10<sup>th</sup> PBD, Jaipur called upon the Indian communities living abroad to play a more active role and contribute more to the building of a modern India and promised significant steps to facilitate, encourage and promote their engagement with the country of their origin. The Prime Minister announced the right of franchise to the NRIs who are registered under the Representation of the People Act, 1950. In his speech, the Prime Minister also added that a notification has been issued to enable Indian residents abroad to participate in the country's political processes; a bill had been introduced in parliament to merge and streamline the PIO and the OCI schemes by amending the Citizenship Act. Similar information was also noted in another newspaper, *The Times of India*, where the Prime Minister invited the overseas Indians to vote in the upcoming assembly elections. The paper also noted that in the last round of assembly elections in April 2011, only one NRI had registered his name for casting his vote. Sujit Datta, an NRI living in Oman was the only overseas Indian to vote in the West Bengal state polls after the election commission's announcement that NRIs would be allowed to exercise their franchise if they registered their names in the voter's list<sup>6</sup>.

### **Person of Indian Origin (PIO) and Overseas Citizenship of India (OCI)**

The government of India launched the Persons of Indian Origin (PIO) Card which allows visa free entry to persons of Indian origin living abroad. The card has validity for 15 years from the date of issue and is available up to the fourth generation of Indians living abroad, except for a few specified countries (Gangopadhyaya, 2005: 98). The PIO card holder is exempted from visa and registration with the Foreigner's Registration Office if the stay in India does not exceed 180 days on a continuous basis. The objective of this card is to reinforce the emotional bonds of Indians who have made other countries their homes, but who now wish to renew their ties with their land of their origin'. The foreign spouse of a citizen of India or PIO is also covered under the scheme. This scheme entails a host of amenities to PIOs, which are accessible to Non-

<sup>2</sup> This includes Sikkim from 26 April 1975, Pondicherry from 16 August 1962, Dadra and Nagar Haveli from 11 August 1961 and Goa, Daman and Diu from 20 December 1961.

<sup>3</sup> Section 7A (iv) and (v) of the Citizenship Act as amended.

<sup>4</sup> MOIA, Compendium on Policies, Incentives and Investment Opportunities for Overseas Indians (2006), government of India, pp. 136, 137, available at: <http://www.oifc.in/pdf/compendium-MOIA.pdf>

<sup>5</sup> Iqbal, Mohammed. 2012. 'NRIs will get right to vote; Pension fund for Overseas Workers', *The Hindu*, Hyderabad edition, Monday, Jan 9, pg. 1.

<sup>6</sup> NRIs can vote in Indian polls: PM. 2012. *The Times of India*, Hyderabad edition, Monday, Jan 9, pg. 1 & 13.

Resident Indians (NRIs). For example, PIO Card holders can acquire, hold, transfer and dispose of immovable properties in India, except agricultural/plantation properties (Gangopadhyaya, 2005: 98). They can get admission for their children in educational institutions India under the general category quota for NRIs. They are also eligible for various housing schemes of Life Insurance Corporation of India, state governments and other government agencies. However, the response to the PIO card scheme was not very enthusiastic, possibly due to lack of information and publicity and thus failure on the part of the expatriate community to fully understand and appreciate its significance. Another reason for the lukewarm response for the card may have been the high fees that were charged at US\$1,000 per person (HLC on Indian Diaspora, 2001).

### **Merger of the PIO and the OCI card**

The Indian government has been implementing different policies towards the estimated 25 million Indians who are spread across the length and breadth of the globe. Also previously mentioned, the then Prime Minister Dr. Manmohan Singh in his inaugural address at the 10<sup>th</sup> PDB in Jaipur stated that a bill has been introduced in the Parliament to merge and streamline the PIO and the OCI card schemes by amending the Citizenship Act, 1955. The Modi government after it came to power in May 2014 has been emphasizing the interests in connecting ties with its overseas children. The significance of those steps is reflected in the extraordinary emphasis on connecting with the overseas communities of India. The new importance of diaspora in Modi's diplomacy was reflected in the special outreach to Indian communities during his visits to the United States, Australia and Fiji. The spectacular gatherings of the diaspora in New York and Sydney in 2014 are all instances of these kinds of spectacular steps towards the diasporic population. The Modi government's enthusiasm for the diaspora saw the transformation of the annual gathering of the Indian diaspora into a special affair when the 13<sup>th</sup> PDB was held in Modi's home state, Gujarat, in January 2015 (Mohan and Chauhan, 2015).

Jain (2015) notes that, a day before the PDB meet opens in Gujarat, the President is said to have cleared an ordinance amending the Indian Citizenship Act to merge the PIO and OCI card schemes<sup>7</sup>. This merging of the two cards will ensure life-long Indian visa to PIOs, besides exempting them from police reporting. The amendments to the Citizenship Act will benefit PIOs and will give them benefits like life-long visa and exemption from registering with the FRO/FRRO if their stay in India exceeds six months. This is in line with the Prime Minister Narendra Modi's assurance to the Indian diaspora at New York's Madison Square Garden, where he announced life-time visas for PIOs as well as merger of the PIO and OCI schemes<sup>8</sup>.

The Ministry of Home Affairs (MHA) has promulgated the Citizenship (Amendment) Ordinance, 2015 on 6<sup>th</sup> January 2015 to carry out certain amendments in the citizenship Act, 1955. The most significant was the amendment related to merger of the PIO card scheme with OCI card scheme. PIO card scheme has since ceased to exist from 9<sup>th</sup> January 2015. The existing PIO cards are now deemed as OCI cards. The new card will now be called OCI cardholder. A proposal is under consideration to introduce the above bill to replace the Citizenship (Amendment) Ordinance, 2015. Major changes brought in the OCI scheme are as follows:

1. (a) A PIO, who is a minor child and whose parents are citizens of India or one of the parents is a citizen of India, is eligible for registration as OCI cardholder.
  - (b) Spouse of foreign origin of a citizen of India or of an OCI cardholder, whose marriage has subsisted for a continuous period of not less than two years, is eligible for registration as OCI cardholder. Such registration is subject to cancellation on dissolution of marriage or if the spouse has solemnized marriage with another person during the subsistence of the earlier marriage.
  - (c) A PIO who is a minor child of a person is eligible to get an OCI card holder.
  - (d) Persons of Indian origin of the fourth generation i.e. great grandchild have been made eligible for registration as OCI cardholder. Earlier it was restricted to third generation for OCI registration though permitted for PIO card.
2. The above changes are governed by the provision that no person, who is a citizen of Pakistan, Bangladesh or such other country as the central government may notify, shall be entitled for listing as OCI cardholder.
  3. Following merger of two schemes, a decision has been taken by Ministry of Home Affairs to do away with U-Visa sticker which is presently given with OCI card for sticking on the passport of the applicant. An appropriate endorsement about lifelong visa will be made on the OCI card itself, once the existing stock of blank OCI documents gets exhausted.

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7 Jain, Bharti. 2015. 'Citizenship ordinance merging PIO, OCI schemes gets President's nod', *The Times of India*, Jan 6, <http://timesofindia.indiatimes.com/india/Citizenship-ordinance-merging-PIO-OCI-schemes-gets-Presidents-nod/articleshow/45783266.cms>(accessed 12th Nov 2015).

<sup>8</sup> Desai, Ronak D. 2014. Modi's NRI, NRI's Modi: The Courtship is on: Will it lead to a partnership?, *Indian Express*, Dec, 2. <http://indianexpress.com/article/opinion/columns/modis-nri-nris-modi/>

### **Process of becoming an American**

Apart from those who went overseas (US with regard to this particular study) for work, majority of my respondents in the study went to the US for pursuing higher education and after completion of their studies, they found jobs, worked, got married, had kids and decided to move back to India for different reasons most appropriate to them. Starting with the student visa, work visa, permanent residence and then on to applying for citizenship, many of them have gone on to becoming American citizens. The entire process for becoming an American citizen in the words of one of the respondents,

*The visa after student visa is for three years for working and you can get it extended for another three years and beyond that if you want to be there, you need to have a permanent residence and then after wards you can apply for citizenship. You need to maintain your permanent residence for five years and in those five years, you need to stay at least one year continuously in US, you should live there continuously for one complete year, you shouldn't even go to Canada or Mexico, you shouldn't leave American soil and if you maintain your permanent residence for five years, then you are eligible for applying for American citizenship.*

Interestingly this particular respondent never even maintained his permanent residence in the United States as he never intended to stay in the US for long. He only wanted to explore and experience life and get to have global exposure. Permanent residence was due when he was still there, but life in the US got boring for him and the experience that he was looking for was all achieved and so decided to come back. In his words,

*The first time I got my permanent residence, it was due of course because if you are going to be there then you need to have one and if you are there for more than 6 years, then you get your permanent residence so then I thought I'd stay more than 6years and then I went and got it. But more than 7 years staying in the US got boring for me and the experience that I was looking for was all achieved and so it was ok and decided to come back and by the time I decided to move back, there was no point maintaining that permanent residence, keeping that wasn't adding anything to/for me. I could have kept it thinking of going back again but I never wanted to go back there again and for travelling visa is easier than a permanent residence if I was living here and if I wish to go back the immigration officers would ask me as to why I am living in India when I have a permanent residence and wants to know, so it was not worth it at all. I can travel any amount of times I wish to so which is what I am doing.*

### **Being an Indian citizen: I'm an Indian with an Indian passport**

Divergent thoughts have been shared and discussed in the midst of interviews with people who went overseas for a good number of years, either for work or study, with regard to the question of claiming the citizenship of the country they were in during their particular sojourn abroad. As mentioned earlier, greater part of the respondents went to the US for pursuing their dreams, either for higher studies or for better job opportunities. Some went with a specific goal set in mind what to do in what amount of years but while some did not have a clue and went blindly.

The one big reason that people give when they go overseas is their intention to come back after a couple of years after earning good money, boosting their career graph, gaining global experience and exposure to things around. It was found that among people who go abroad and whose main goal is monetary benefit, monetary gain, then coming back after a specific number of years is impossible as one never get to do that. As opposed to monetary gain, if the main goal is time goal then one gets to do things in a specific number of years and eventually return back. Being an Indian and having an Indian passport, working in an American company is equally good to that of an Indian having an American passport. For this particular respondent who worked in Los Angeles for 8 years and moved back to working and living in Hyderabad. In his words,

*I have an Indian passport but I worked on HI visa, it is a work visa, I did not apply for a green card which is a permanent residence card though it was due for me. If you apply for green card, you can stay there as long as you want, we had plans of coming back so we did not apply for that. I still have the HI visa which is valid for 10 years and I can still use that if I wish to go back and work, travel in and out of the country for work. I am also aware of the Overseas Citizenship of India card and people who are of Indian origin but have other citizenship do apply for that. But if I can still work on an Indian passport in a foreign country and not live there permanently, it's not a big deal and I can still be an Indian with an Indian passport and travel as and when work requires.*

A contrasting kind of opinion was shared by a respondent who went to the US for higher studies and continued to stay on after completion of her studies and worked there. She is married to an American Jew and

working as a freelance writer and her husband heading a consultancy firm in Hyderabad<sup>9</sup>. She stated that she's not interested in emigrating, so has never opted for citizenship. All the 17 years of her life in the US, she was on a working visa and now a green card holder and still has the Indian passport. In her words,

*We have lots of diversity in this family because my husband is an American and I am an Indian so there are no reasons involved in here, no question of emigrating and immigrating. It is a bi-country issue that involves two families, so the next primary issue apart from paying our bills and maintain our lives to an extent and everything, the next is to keep both families happy, to maintain a balance between two places. I have to be here for my family and for my daughter to get a taste of Indian heritage and also the same for my husband in his side of the family. There are lots of variables in this family, so there is no immigration decision, he's not thinking I am fed up of United States and I want to move to India or I am not thinking that I am fed of India and want to immigrate to America. So it's always a balancing act for us and not a quite case where couples both of Indian origin coming back together and deciding on what to do next. There are lot of families who have moved back and who are members of TEA<sup>10</sup> and citizens themselves. They are citizens of America and it makes a lot of sense for them because it acts as a back door and for business, they can come and go anytime, they do not have to go through the whole process of visa.*

### **It is easier to go back and forth between India and the US with a green card/OCI card**

In the case of India, the situation has taken a different turn when it comes to the issue of dual citizenship. The Indian government does not permit dual citizenship under any circumstances though there have been hue and cries from Indians settled across the globe. When the OCI scheme was finally launched in late 2005, it was hoped that this status would help overseas Indians to journey back to the country of their birth, convey monetary worth and benefits to Indian economy and contribute to the development process. Both the PIO card and the OCI are legal statuses and are of interest to ascertain how they may influence the concrete actions of diasporic individuals (Naujoks 2013). The granting of PIO and the OCI card has enabled those Indians who have obtained citizenship of other countries to move and connect in a better way. In the words of one respondents who is an American citizen and has an OCI card,

*OCI card per se enables us to live and work here, let us be Indians as we want to, only thing is that it does not let us vote, that's it! Some of the rules doesn't impact us at all like for instance, owning agricultural land, we do not have a history of owning farm lands so that does not affect us at all. It feels good to be US citizens just for the simple reason that it makes travelling abroad very easier; we do not need visa for so many countries and so saves a lot of time, money and effort when travelling. Having said that, even if we have to travel with visa, we can deal with it and so it makes travelling more comfortable. For my husband's field of work, he has to travel to different countries and it sometimes becomes a problem if your visa doesn't come through on time but now that we are citizens, we do not have that problem and it is comfortable.*

Beyond the fact that the OCI card has made travelling easier and comfortable, the OCI card has also enabled more people to come to India serving as a catalyst expressed by another respondent,

*I don't know whether it can be called a dual citizenship card but we do have the American citizenship and the OCI card. If India offers the dual citizenship card then we would definitely go for the option but OCI is very extremely convenient. I think that is one of the catalysts that are bringing lots of people back to India, allowing lot more people to come to India without having to worry about all the formalities. So now we don't have to worry about registration, visa or anything.*

Another respondent who has started a business venture on his own expressed his happiness and excitement being in India irrespective of the challenges that he encounter in the pursuit of his dreams, he said,

*I have the OCI, I got it when I was still in the US, I am excited about being here and don't regret anything about any of this, there has been no drawbacks, though there are inefficiencies but I believe it is a part of all this so I have accepted it. Overall, I'm being very positive about being here in India. Lots of people say that the OCI is more or less similar to dual citizenship because of its various benefits; you can stay here as long as you want and not worry about anything. Giving out OCI is a good thing because India needs a lot of people to come back and develop the country.*

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<sup>9</sup> She came to Hyderabad in 2002 with her husband and a daughter because of the husband's project in Hyderabad and at the time of interview (2012), she was packing to go back to the US after completion of her husband's project in Hyderabad.

<sup>10</sup> Twin cities Expatriate Association (TEA) based in Hyderabad for the expatriates and foreign nationals who come together, more information can be found from their website, [www.hytea.org](http://www.hytea.org).

On the question of why one would prefer to have an OCI card when one is a citizen of a different country other than India, the choices that one is capable of making when their children comes of age. There is a good chance of these individuals allowing their children to go overseas to pursue higher education or for working purposes. They have the flexibility of living in both their adopted country as well as their own 'homeland'. They get the best of both the worlds, and their ability to adapt gives them an edge over the rest. They are able to travel without much hassle, get to go to different places without the pain of applying for visas and reporting to the police if their stay exceeds the specified days. They have the advantage of moving anywhere if the economic opportunities are seen better elsewhere, they have the flexibility of changing identities, choosing cultures and chasing opportunities. At the same time, they can frequently go back home unlike generations past.

## V. CONCLUSION

The concept of citizenship has been changing since the latter half of the twentieth century due to several factors. One of the very important factors is the large-scale movement of people as refugees, forced labour, voluntary migrants for economic or family relations, or as employees in transnational corporations. The large-scale movement of people led to the loosening of borders because not only was there a constant transnational flow and relocation of people, but also of people, culture and ideas. She pointed how individual members do not only have 'commitment to a single nation state and this is also because of large migrant populations with new diasporic identities' (Sharma 2004: 100). As opposed to the new models of migration, traditional models of migration assume that when one migrant settle down in one place, they take on a new singular, political identity. However, a world interconnected by rapid means of transportation and instant communication ensures that links between countries remains continuous through migrant populations. She talks of how immigrant communities because of the various opportunities maintain ties with both the countries of origin and co-ethnics around the world. She described how 'many people see their passports only as glorified travel documents and as instrument for opening doors of economic opportunities in different parts of the world' (Sharma 2004: 104).

The above narratives illustrate the divergent ways in which Indians interpret and understand their own experience of claiming citizenship through their transnational practices. Nevertheless, these narratives collectively show that the Indians in the study are flexible subjects who navigate among the different regions of family, workplace and nation-states in order to gain better opportunities for their careers and their families. As active social actors, they are able to move between national spaces, play off one nation-state against another and seek the strategic advantages of both host and home countries. The narratives show that people are able to live dual or hybrid lives-moving easily between different cultures and pursuing benefit that require a simultaneous presence in both. They are both here and there, creating new forms of citizenship-identity.

The policy discourse on mobility, especially on the movement of highly skilled, remains locked within the boundaries of nation-states, framed by the assumption that there is a one-to-one relation between social identity and nation-states. This is evident in the popular languages of brain drain, brain gain or circulation in the policy discourse which assumes that the 'brains' involved are not only a resource for the nation state but belong and thus can be lost or gained by it. Such an understanding has led nations to compete for highly skilled talents by developing policies to best tap into the global talent pool for e.g., the US has revised its immigrant law to attract more extremely skilled professionals and help them working in the country. By contrast, in the case of India, the government deploys diasporic options to entice overseas Indian talents to bring their skills and expertise back to India. This has strengthened Indians and its overseas Indians and continued national membership and loyalty experienced.

As clearly seen, people's activities, practices and belongings are not rooted in a single nation-state, but in a transnational space which relies more on connectivity and cooperation than on competition. Thus, there arises a need to rethinking the role of nation-states in dealing with global flows of people and in defining citizenship. Chen (2014: 101) is of the view that these has implications for imagining global politics on academic mobility that go beyond the framework of nationalism and support global cooperation for the sake of a better mobilizing of talent and knowledge. She further pointed out that as more and more people are on the move, as transnationalism and flexibility have been increasingly recognized, nation-states need to have the capacity to pursue a broader international agenda and policies that allow individuals and groups to better achieve their interests, dreams and aspirations in this growing, interconnected world.

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