

Huaqiao-Huaren in the Framework of International Migration^{*}

– An Analysis of Identity and Dual Nationality

Li Anshan[†]

In recent years, with the further progress of globalization, the number of international migrants has greatly increased. More and more Chinese people are leaving their home country to live in other parts of the world. The fast-growing number of Huaqiao-Huaren has produced more and more misgivings especially in Western countries, and it even has been understood as a tool employed by China for external expansion. Hence, the topic regarding Huaqiao-Huaren has become a “political issue” in the world, some Western or private foundations have provided special funds for this kind of research. The author holds that the study of Huaqiao-Huaren has its own characteristics. Although in a broad sense, the study of international migration and transnationalism is promoted by globalization and the study of globalization, research on Huaqiao-Huaren is closely related to the fears of developed countries about the rapid rise of China. For example, US scholar Howard French

* This is the speech delivered at the Center for Strategic and International Studies (CSIS) in Washington, DC. The original language of the speech is Chinese.

† Li Anshan is Emeritus Professor at the School of International Studies, Peking University.

published a book in 2014, even with the sensation-mongering title *China's Second Continent: How a million migrants are building a new empire in Africa*. It gives expression to this kind of fear and makes a summary for this political topic.¹ The study of Huaqiao-Huaren in the framework of international migration is of great significance. In order to initiate a discussion, this paper mainly probes into two important issues: identity and dual nationality.

I. "HUAQIAO-HUAREN" AS A TOTALITY: TERMINOLOGY AND STATISTICS

"Huaqiao" has a clear definition.² So is "Huaren" though with both broad and narrow senses.³ However, ordinary Chinese are used to understanding and using "Huaqiao-Huaren" as a whole concept. The emergence of new migrants, i.e. mainland Chinese moving abroad since China launched its reform and opening-up program, has gradually made the concept of "Huaqiao-Huaren" and "international migrants from China" overlap. Although this is not an ideal situation, in addition to problems in the definition. Social science is always based on social reality, and it is difficult to change. It is precisely on this basis that I uses relevant ideas. "Migrants" is used to specially refer to Chinese moving to all other parts of the world. The term "Huaqiao-Huaren" is usually used on the Chinese mainland, "Huaren-Huaqiao" outside China, and "Huaqiao" in Taiwan. In all three cases, it is used to refer to Chinese moving to and settling down abroad. Although in recent years, the concepts of "Huaqiao-Huaren" and "Chinese international migrants" gradually overlap, they are still not yet completely identical. For example, Chinese who live outside their country of birth for more than a year are international migrants, and so Chinese students studying abroad for more than a year and Chinese people working in foreign countries for more than a year both fall into the bracket of international migrants; but they are not "Huaqiao" (Chinese nationals who have settled down abroad). The case is even more complex for "Huaren" (Chinese with foreign citizenship), ethnic Chinese born in a foreign country are "Huaren" but not Chinese international migrants.⁴

In Chinese language, there are a number of terms denoting the same sense for “Chinese abroad”, such as “Huaren”, “Huaqiao”, “Huaqiao Huaren”, “Huaren Huaqiao”, “Qiaobao”, “Haiwai Qiaobao”, “Zhongguo Guoji Yimin”, “Haiwai Yimin” and “Qiaomin”, together with slightly different ones, such as “Waiji Huaren”, “Xin Yimin”, “Xinqiao”, “Laoqiao”, “Guiguo Huaqiao” and “Guiqiao Qiaojuan”, as well as such as clearer ones as “Huayi” and “Huazu”. In English, there are “overseas Chinese”, “Chinese overseas”, “Chinese abroad”, “Chinese ethnic group”, “ethnic Chinese”, “Chinese in diaspora”, “Chinese diaspora”, “diasporic Chinese”,⁵ “sojourning Chinese”, “Chinese (im)migrants,” “new (im)migrants”, “overseas compatriots” or “Chinese people”, “Chinese communities”, “ethnic Chinese overseas” and “ethnic overseas Chinese”, in addition to such clearer ones as “returned overseas Chinese” and “overseas Chinese descendants”.

Since the Chinese government declared to give up recognition of dual nationality in 1955, Chinese living abroad experienced a process from perplexity to change and from inadaptation to adaptation, which can still be somewhat felt now. At that time, China adopted a different political system from those adopted in its neighboring countries. Southeast Asian countries were scared of communism and the “fifth column”. To allaying their fears, the Chinese government decided to give up the policy of recognition of dual nationality. At the same time, however, the Chinese government was unwilling to lose the millions of Chinese living overseas. Consequently, some vague terms were brought into use and they included “Huaqiao-Huaren”, “Haiwai Qiaobao” and “Haineiwai Tongbao”. This situation is due to the complexity of social reality and special political considerations, which in turn has produced a direct impact on relevant academic research.

Among those Huaqiao-Huaren, only a small number of them consider themselves Chinese. First, according to statistics provided by Mr. Hong Sisi, the number of Huaqiao-Huaren totaled about 20 million in the early

The use of “Huaqiao-Huaren” is due to the complexity of social reality and special political considerations.

1980s, of which 20% were Huaqiao. By 1984, the number of Huaqiao-Huaren reached 30 million.⁶ According to statistics on the sources of immigration in the third part of the report on global migration and remittance model released by the PEW Research Center in 2013, in 1990-2013, about 9.3 million Chinese moved to foreign lands,⁷ which should, of course, be added with the number of those who moved to other countries in the period from 1980 to 1989. Judging by 2014 statistics, there are about 60 million Huaqiao-Huaren, being scattered to 198 countries and regions worldwide, and about 30 million returned overseas Chinese living in various parts of the country. Second, according to “Migration and Remittances Factbook 2016” released by the World Bank, there are about 10 million Chinese living abroad.

In January 2015, the Ministry of Overseas Indian Affairs under the Indian government announced that the number of Indians living in 206 countries and regions throughout the world then was 28,455,026, of which non-resident Indians (NRIs) amounted to 11,379,746, and persons of Indian origin (PIOs), to 17,075,380. We notice that the statistics are accurate to the single digit.⁸ The data released in December 2013 by the Commission on Filipinos Overseas, the government agency in charge of overseas Filipino affairs under the Philippine government, showed that there were a total of 10,238,614 Philippines living overseas in 221 countries or regions around the world, of them there were 4,869,766 permanent residents, 4,207,018 temporary residents, and 1,161,830 irregular residents. Moreover, the figure released by the commission showed that the total number of overseas Filipinos at the end of 2014 was 2,099,012. These statistics are not only accurate to the single digit but also were listed in separate tables in line with different requirements, such as age, gender, education and origin.⁹ Viewed from the perspective of Chinese history, in the years of the Republic of China (1912-1949), various archives and magazines in China also recorded relevant statistics of Huaqiao-Huaren at that time.

The statistics in relation to Huaqiao-Huaren provided by the Chinese government lack accuracy, which are often expressed with the such vague determiners as “estimated”, “approximately” and “about”.

The governments of many countries have released statistics regarding their countries' emigrants in due course. Why has the Chinese government never published such statistics? There are two basic reasons for this, apart from some minor ones, such as confidentiality and lack of information. First, the definition of "Huaqiao-Huaren" is vague. It is hard to consider the definitions offered in the Regulations on Defining the Status of Huaqiao, Waiji Huaren, Guiqiao and Qiaojuan, issued by the Overseas Chinese Affairs Office of the State Council, strictly accurate, and to be taken as applicable norms in practical work, such as statistical, publicity and social activities. And second, the Chinese government lacks the necessary laws and mechanisms for collecting and processing the statistics.

II. THE IDENTITY DILEMMA: IDENTIFICATION AND RECOGNITION

In order to rally to the greatest extent the overseas compatriots, the Chinese government had used "Huaqiao" and "Huaren" together for quite a long time and "Haiwai Qiaobao" in the later stage. Although this umbrella term appears not to be very accurate, it is nevertheless conducive to rallying the majority. But in practice, there is a strict norm – it is mainly determined by nationality whether one is a Huaqiao or a Huaren. However, the important issue of subjective identification and objective identification of Huaqiao and Huaren is ignored. By subjective identification, it means whether Huaqiao and Huaren are willing to accept their identities; it touches on their immediate interests and cultural identity. By objective identification, it means whether a social member is considered "Chinese" by social groups other than the Chinese community, especially by mainstream society. In addition to the political identity, there are two other types of identity, i.e. ethnic identity and cultural identity. The degree of identification is closely associated with the policies of their native country and host countries.

It seems that the identification of Huaqiao should not be too difficult, as the main definition for them is immigrants who possess the Chinese nationality. But, different countries display different

degrees of recognition of dual nationality. Under such a condition, a Chinese ethnic settling down in a foreign land may retain his or her Chinese nationality while acquiring the nationality of the host country. Hence, it becomes a problem how to deal with this type of overseas Chinese, which also brings a certain sort of challenge to the identification of overseas Chinese. Therefore, it is necessary to have some clear norms for the identification. First of all, it touches on “subjective identification”. The subjective identification of overseas Chinese has something in common, which is expressed in the dress, housing, values, and attitudes. For instance, some prefer to wear typical Chinese clothing on special occasions (such as traditional Chinese garment and cheongsam) to show their Chinese identity. Chinese guilds, Chinatowns and Chinese restaurants are typical examples of the Chinese identity. Some wish to always remember this identity.¹⁰ Others opt to hide their true identity for the sake of living. Still others appear reluctant to admit their identity as Chinese.¹¹ Of course, there are different situations in relation to the issue of subjective identification of Huaqiao-Huaren.¹² Generally speaking, the subjective identity of Chinese is positively related to China’s national strength; the stronger the national power, the stronger the subjective identity. In addition, there are two factors associated with such subjective identification: time difference and distance ratio. By “time difference”, it refers to the fact that there is a sort of relationship of negative correlation between the time of settlement in a foreign land and the possibility of subjective identification. The longer the time a Chinese ethnic has resettled in a

The subjective identity of Chinese is positively related to China’s national strength; the stronger the national power, the stronger the subjective identity.

host country, the less his/her desire and possibility to identify with the home country. By “distance ratio”, it means the greater possibility for a Chinese ethnic to identify with the home country, the closer geographically his/her host country to China. Of course, none of these conclusions is absolute.

Any ethnic group has its own unique characteristics different from those of other ethnic groups.¹³ An

ethnic group is usually thought to have certain similar characteristics by the outside world. This stereotype becomes a social criterion to distinguish someone from “others”. The Chinese showcases quite a number of characteristics, such as their unique physical appearance, traditions of hardworking, thrift and filial piety. In most societies, as long as the father is Chinese (it is required in Taiwan from 1999 that both the parents must be Chinese), the offspring is regarded Chinese from the original ethnic group. The Chinese have also been considered as having a “central kingdom mentality”. Chinese entrepreneurs in Hong Kong have even been described as “being basically Confucian in nature”.¹⁴ Of course, the “Chinese” objective identity is often closely associated with the social environment in which they live. Objective identity is subject to influence from many factors, the key ones of which are power and interest. When a society is trapped in some sort of predicament (e.g., economic crisis, political infighting or external war), the mainstream society will more often than not turn their blame to the “dissidents” of the same society, i.e. immigrants, minority ethnics or vulnerable groups. The identity of “the other” does not appear highlighted in peacetime; in times of crisis, however, the “ethnic identity” towards them turns out to be the “pressure reducing valve” for easing social conflicts, making them the “scapegoat” upon which the social conflicts shall be shifted. Take the American society for example. African Americans, Chinese, Japanese, and Arabs have all become the focus of social conflicts or victims of international political environment in different periods of history. The Chinese were also made the scapegoat in time when Indonesia’s economy fell into difficulties. I define such situations as the “scapegoat phenomenon”, meaning blaming and venting anger on non-mainstream ethnics/communities when domestic or international conflicts arise.

Chinese communities are minority ethnics in all their host countries (except for Singapore). This characteristic makes their objective identification particularly important. Such objective identification is best illustrated by the words of an overseas Chinese, “The world is so funny: the government of the country where you are born (China) does not think you are Chinese, but foreign governments always take you as Chinese. When you want to

return to your country, because you are regarded as a foreigner, the Chinese embassy and consulate only give you a foreigner's visa for three months or a year; when you go home to visit relatives, you are also required to go to the public security for the record regularly. In foreign countries, foreign governments will always take you as Chinese.”¹⁵

In addition to the strong vitality of the Chinese culture expressed in each individual Chinese ethnic, there are five criteria that can be employed to identify the Chinese, namely, records, ancestral home, objective identity, time of migration and subjective identity. For someone coming from China, there must be some sort of historical record proving that he/she comes from China and his/her ancestral land is China. There must be some sort of objective marks (mainly physical characteristics) and some sort of Chinese cultural symbols retained. One can only be considered Chinese when one or one's ancestor moved to the host country after it was founded, and when one is willing to identify with his/her status as a Chinese or a foreigner of Chinese descent. The five factors can be summarized as record, origin, objective Chinese, time and subjective Chinese, the initials of the principal words forming the acronym “ROOTS”.¹⁶ Of course, such identification for overseas Chinese must be established on the basis of Huaqiao-Huaren's political identity, ethnic identity and cultural identity in their host countries.

III. DUAL NATIONALITY: CAUSES AND DEMANDS

It was a necessary as well as wise option of the Chinese government to stop recognizing dual nationality in 1955.

In the early years of the People's Republic of China, the country was plunged into encirclement by Western forces. Moreover, the Chinese government adopted certain policies towards its neighboring countries that were thought inappropriate by the latter, such as support extended to Communist parties in Southeast Asian countries posed a threat to the regimes of these countries. This produced distrust and even hostility towards China among its neighbors. In order to ease tension, the Chinese government signed a treaty with the government of Indonesia in 1955 on the issue of

dual citizenship,¹⁷ in which China announced it would no longer recognize dual nationality. Subsequently, the Chinese government solved the problem of dual nationality in accordance with this policy with its neighboring countries, i.e. Nepal (1956), Mongolia (1957), Malaysia (1974), the Philippines (1975) and Thailand (1975). In 1980, this policy was articulated in the Nationality Law of the People's Republic of China. This policy helped prepare a solid foundation on which China has developed its relations with its neighbors. Yet, it has caused inconvenience to overseas Chinese in a number of ways, and even has led to a significant loss of both lives and property.

The driving factors for solving the issue of dual nationality are as follows: The increasing number of Huaqiao-Huaren makes the issue increasingly outstanding; the increasing national strength makes Huaqiao-Huaren willing to retain Chinese nationality; Huaqiao-Huaren have an increasingly enhanced understanding of the relationship between their own rights and nationality; there is a trend in the international community to show recognition to dual nationality;¹⁸ and globalization has reduced the exclusiveness in the expression of personal loyalty to the country. These factors have prompted Huaqiao-Huaren to raise demand for dual nationality in addition to encouraging various sectors in the country to raise demand for recognizing dual nationality. It is in compliance with this demand that the Chinese government has been considering modifying the country's current policy in this regard.

In May and June 2000, the Canada China Chamber of Commerce and the *Canada China News* jointly conducted a survey by questionnaire, entitled "Can mainland Chinese immigrants restore dual nationality", the results of which were published in the *Canada China News* on June 9 the same year. In total, 102 faxed copies of the questionnaire were received and all the responses were in favor of restoring dual nationality. Respondents opting the choice of "very necessary" numbered 12 of the 20-35 age group, accounting for 12%; 60 of the 30-45 age group, accounting for 59%; and 30 of the 45-plus age group, accounting for 29%.¹⁹ In April 19, 2002, a Chinese language website in Canada by the name "star network" (www.newstarnet.com) forwarded an article

entitled “Eager to Embrace the Motherland” from the *New Star Times* which gave expression to the views of Chinese living in Canada on dual nationality. In July 2003, Chinese Canadian Lu Bingxiong wrote an article for *Ming Pao*, strongly urging overseas Chinese in Canada to support dual nationality. In October the same year, the Canadian Federation of Mandarin Chinese and Toronto Information Port made a dual nationality online poll which lasted 16 days. Among 1,888 participants, 92.16% held that China should allow overseas Chinese to retain their Chinese nationality when they acquire the nationality of their host countries that approve dual nationality.²⁰ The findings reflected the concern and expectation of Chinese emigrants in Canada on retaining their Chinese nationality. When Chen Yujie, director of the State Council Overseas Chinese Affairs Office, visited Canada in October and November 2003, Chinese Canadian celebrities Jiao Haitao, Yuan Zhiqiang and Lu Bingxiong expressed to her the will of the local Chinese. Chen Yujie attached great importance to the results of the survey on dual nationality, saying that the dual nationality was an important and sensitive issue.²¹

Chinese in other countries have also expressed similar views. In June 2004, “China in the 21st Century: Overseas Chinese and Foreign Exchange Seminar” was held in Paris, at which delegates of Chinese students studying in France reported the problem of dual nationality to Han Qide, the NPC Standing Committee vice chairman, and Chen Xiqing, vice president of China Overseas Friendship Association, hoping that China could acknowledge the Chinese nationality of Chinese students advancing their studies abroad.²² In November 2004, when Luo Haocai, vice chairman of the CPPCC National Committee and chairman of China Zhi Gong Party visited New Zealand, the Councils for the Promotion of Peaceful Unification of China in Wellington, the Waikato and the South Island jointly presented a letter of advice, stating that “we ardently expect the motherland to amend the ‘Nationality Law’ and recognize dual nationality as soon as possible,” expressing the fervent wish of local Chinese communities for the recognition of dual nationality by the Chinese government.²³

In October 2004, the Chinese newspaper *South America China*

Press conducted a poll mainly among Chinese from the mainland to investigate their opinion on asking the Chinese government to recognize dual nationality. Of the 167 respondents, 95 were in favor of China's recognition of dual nationality, accounting for 56.8%; four people were against the notion, accounting for 2.3%; and 68 were indifferent, accounting for 40.7%. Of the total, 96 were holders of Chinese passports, of them 65 gave the answer "No matter". Of the 71 who had been naturalized, 68 people chose to be in favor of dual nationality, while only three gave the answer "No matter"; nobody was against it, indicating 95.7% of the foreign passport holders hoped the Chinese government would recognize dual nationality.²⁴ The Chinese in Venezuela expressed a similar wish. In 2005, in order to press the Chinese legislation to solve the issue of dual nationality as soon as possible,²⁵ in 2005 representatives of Huaqiao-Huaren called for establishing a "Huaqiao-Huaren council for promoting China to recognize dual nationality".

China is becoming the world's largest emigrant country, with about 45 million Chinese living around the world. It now ranks first in the number of elites lost throughout the world. Restoration of dual nationality has become a considerable part of the urgent desire of new immigrants. At the end of 2011, for the first time the National People's Congress Standing Committee proposed the establishment of a permanent residence system for foreigners, sparking heated debates.²⁶ Since 2012, Jiao Haitao, residing in the United States and once serving as the chairman of the Federation of Mandarin Chinese in Canada, wrote an article entitled "Three Consequences of Not Recognizing the Dual Nationality of Huaqiao-Huaren", which had extensively circulated in the Chinese communities of North America. In the article, he also called for amending China's nationality law, causing great repercussions in the Chinese communities of North America. Meanwhile, he drafted an amended version of China's nationality law on his own, the first ever done by a private individual. The version got endorsed by a total of 3,818 signatories from Chinese around the world, including 1,969 from the United States and 1,039 from Canada. Such statistics were reported to government agencies concerned in China, hoping it could be submitted to the National People's Congress for

discussion through appropriate channels. Though his view may appear a bit too radical in some aspects, it has nevertheless played some sort of a role in understanding dual nationality and handling the issue of Huaqiao-Huaren's identity.²⁷

IV. DUAL NATIONALITY: TRENDS, ADVANTAGES AND DISADVANTAGES

Now, there are three schools of thought regarding the restoration of dual nationality: support, opposition and partial (conditional) restoration.²⁸ After World War II, quite a number of countries have adopted the policy of dual nationality; and this has become a trend in recent years. It is a contingency measure adopted by various countries to adapt to the situation of globalization. Many countries have amended their laws to shift to recognizing dual nationality. In 1986, France began to recognize dual nationality; in 1996, Mexico passed a law on dual nationality. Pakistan announced on August 29, 2002 that it would adopt the policy of recognizing dual nationality for Pakistanis who had obtained nationality in the United States and Sweden.²⁹ Other countries that used to have a negative attitude towards dual nationality, e.g., South Korea and Vietnam, have also turned flexible. Germany recognized dual nationality with limits in 2000. In 2007, it further changed its policy in this regard and announced that the applicants from EU member states or from among Swiss citizens did not need to give up their original nationality after they were granted German nationality upon application. Conversely, a German who applied for nationality of any other EU member states or Switzerland did not need to give up his/her German nationality, nor did he/she need to submit an application for retaining his/her German nationality either.³⁰

Many Australian citizens work in high-tech companies of North America and Europe. Many people in the country have long called for amending Australia's citizenship act to allow the holding of dual nationality. In May 2001, the government sought advice from the public. Since most of its citizens supported the policy to allow dual citizenship, the minister in charge of the Department of Immigration and Multicultural Affairs issued a statement on August 3 the same year, announcing that the government decided to

amend the citizenship law to allow Australian citizens to hold dual nationality, in the hope of encouraging more Australian citizens to go and work overseas in addition to providing them with more possibilities to return to work and serve their motherland.³¹ The president of the Philippines Gloria Arroyo signed a dual citizenship act on August 29, 2003, benefiting millions of Filipinos holding the nationality of other countries. Filipinos born in the country but having acquired the nationality of other countries may retain or regain their Philippine citizenship as well as voting and property rights after taking a pledge of allegiance. Besides, Filipinos working overseas are exempt from income tax. The main reason behind such modifications of the country's policies that had been in force for 67 years is that the establishment of dual nationality was hoped to further arouse the overseas Filipinos' interest in politics, economy and society in the Philippines and promote investment in the country for the development of domestic tourism as well as the country.³²

The Indian government has also changed its practice of non-recognition of dual nationality that had been implemented since 1955. The total income of overseas Indians reached US\$160 billion, equivalent to 1/3 of India's gross national income. The some US\$10 billion a year of expatriates' remittances turn out to be India's largest sum of foreign exchange earnings.³³ The success of overseas Indians brings wealth and honor for India. A lot of them see themselves as Indians with a strong sense of identity, and they strongly hope to retain their Indian nationality. Strengthening communication with these people has turned out to be one of the strategic objectives of the Indian government. As of 1999, the Overseas Citizenship of India card has been implemented to provide a variety of conveniences for overseas Indians.³⁴ In 2000, a high commission was established under parliamentarian L. M. Singhvi to handle the issue of dual citizenship; January 9 was made the overseas Indian festival, and on the day the government held various types of celebration activities to honor and reward outstanding overseas Indians.³⁵ In 2003, by adopting a nationality amendment, India has implemented conditionally the policy of dual citizenship for overseas Indians in 16 developed countries.³⁶

A UN survey indicates that many countries are now carrying out a policy of recognition of dual citizenship or partial recognition of dual citizenship.³⁷ Those people in favor of dual nationality in China hold that it is a global trend to recognize dual nationality and it is necessary for China to follow the trend of the times. First, recognition of dual nationality better ensures a win-win situation. On one hand, it will benefit Huaqiao-Huaren economically in addition to satisfying their emotional needs. On the other, such a policy is conducive to bringing in overseas talent, technology, funds and managerial expertise. In a number of developed countries, immigrants have turned out to be an accelerator of economic development and scientific entrepreneurship.³⁸ The free coming and going of more and more Chinese citizens holding dual nationality will bring more business opportunities, foreign exchange earnings, and tax revenue to China. Second, it is conducive to mobilizing all positive forces and enhancing national cohesion. Recognition of dual nationality may inspire Chinese working and living abroad to have the motherland in mind and safeguard the interests of the motherland as masters of the country, in addition to inspiring them to participate in a variety of discussions regarding national interests as citizens. Third, it is conducive to safeguarding the unity of the motherland. In the endeavor to oppose so-called Taiwan independence and promoting national reunification, the strength of Huaqiao-Huaren is in no way to be underestimated. Acknowledging the dual nationality of overseas Chinese will rightfully allow them to give support to the great cause of national reunification as citizens. The Taiwan authorities adhere to the principle of *jus sanguinis* descent, and consider all Chinese ethnics living abroad as Chinese. As naturalized overseas Chinese supporting “one China” and opposing “Taiwan independence” do not hold Chinese nationality, they are often made to encounter embarrassing situations: “As a foreigner, you have lost your Chinese nationality. What makes you qualified to talk about the reunification of China?” If they have Chinese nationality and are Chinese *de jure*, they can face up to anyone and express their views with full self-confidence.³⁹ This policy is also conducive to the management of overseas Chinese by the Chinese government

in accordance with the law. In addition, the enforcement of a dual nationality policy will make it possible to solve the problem of some Chinese settling down overseas holding two passports to have family reunions with their relatives, thus finding a more humane solution to the problem of “empty nests” (families with only elderly members) and “fallen leaves returning to the roots” (people working and living far away from native home getting back to their native lands at old age).⁴⁰

Those against the policy of dual nationality hold that it is a principle and target of the international system of nationality for one person to have only one nationality. Dual nationality is harmful both to the individual, the country and international relations; it is not conducive to relations between China and friendly countries (especially the Southeast Asian countries), and to the interests of overseas Chinese. The dual nationality holders may be subjected to discrimination in one country while having no right to require the other country to offer diplomatic protection. They have a duty of allegiance to two countries, once a conflict breaks out between the two countries, the dual nationality holders will fall into a dilemma where they find it impossible to fulfill their obligations to both countries. Dual nationality can easily lead to a variety of disputes. Once a dual nationality holder is involved in a legal dispute, it may increase difficulty in the handling of the case because of the dual nationality and dual jurisdiction. It is likely that a dual nationality holder runs to the other country to dodge the law after committing a crime in one country. Due to the large population of Huaqiao-Huaren, dual nationality may also bring China diplomatic disputes, making it more complex for a third country to deal with the dual nationality holders. In summary, people against the policy of dual nationality hold that dual nationality is likely to bring about conflicting obligations, barriers to government, conflicting rights and diplomatic troubles. In addition, if the Chinese government recognizes dual nationality, it is likely for the governments of

The implementation of dual nationality policy can benefit Huaqiao-Huaren economically, politically, and legally, facilitate their life.

the host countries to doubt the motivation of the applicants for naturalization, causing discrimination against Chinese, and increasing the difficulty of Chinese people's application for naturalization.⁴¹

The argument between the two views focuses on whether dual nationality brings advantages or disadvantages to both the people and the country. As a matter of fact, the policy will have both for the individual and the nation. The key lies in that each country should balance the advantages and disadvantages and adopt a policy regarding the issue of nationality that benefits the interests of the state and the people in view of its own national conditions as well as such factors as the people's requirements, the emigrants' choice, the population of its nationals overseas, relations with neighboring countries, and its development strategy. Against the backdrop of rapid globalization, some other countries are changing accordingly, making dual nationality a feasible strategic policy for netting talent, technology and capital. This should serve as a reference for us.

V. DUAL NATIONALITY: PROMOTION AND COORDINATING MOVES

In 1999, at the Second Session of the Ninth CPPCC National Committee, Chen Duo and 11 other committee members put forward Motion No. 2172, suggesting annulling the rule of "not recognizing dual nationality held by Chinese". The motion stated that the policy of the Chinese government on not recognizing dual nationality of Chinese citizens had played an important role in the past in such aspects as safeguarding national dignity and security; yet, due to the ever increasing population of new emigrants, for their every survival and development in their host countries, they "had no choice but to choose to have the citizenship of the host countries and even to become their nationals, thus achieving a dual nationality identity". Chinese consulates and embassies stationed in these countries have turned a blind eye to those Chinese. In order to mobilize the patriotic enthusiasm of overseas Chinese to serve the motherland, the proponents of the motion solemnly suggested the withdrawal of the resolution of "not recognizing Chinese citizens'

dual nationality” as soon as possible to allow Huaqiao-Huaren to really feel that the motherland and government of the motherland are a strong support when they struggle overseas. The motion was passed on by the State Council to the Ministry of Public Security for further deliberation.⁴²

In June 2003, a Chinese Canadian immigrant website by the name “star network” carried an article by Chinese scholar Cao Siyuan. The author of the article held that nationality is the premise of citizenship; it is a primary right of the citizens. Acquisition of a foreign nationality is not a crime; the person is fully qualified to independently choose whether to retain his/her nationality of the country of birth. China’s nationality law stipulates that the person immediately loses his/her Chinese nationality the moment he/she acquires the nationality of another country. This is tantamount to forcibly depriving of his/her Chinese nationality, a rather severe penalty to overseas Chinese who love their motherland. Such “penalty” is both groundless and unprofitable. The Chinese government often emphasizes that it is necessary to motivate all positive factors. Undoubtedly, recognition of dual nationality will mobilize, extensively and fully, the positive factor of patriotism seen in overseas Chinese.

At the Second Session of the Tenth CPPCC National Committee in 2004, Huang Yinhui put forward Motion No. 0222, entitled “Proposal on Amending Relevant Provisions in the Law of the People’s Republic of China on Nationality and Recognizing Dual Nationality on a Selective and Bilateral Basis”. The proposal suggested amending Articles 3, 5 and 9 of the Nationality Law, so that a Chinese citizen who has obtained the nationality of another country can choose to keep or give up his/her Chinese nationality. The Ministry of Public Security replied that amending and improving the Nationality Law had been included in the ministry’s plan for the Tenth Five-Year Plan period (2001-2005), and relevant work was underway.⁴³ The same year, Han Fangming, member of the Tenth CPPCC National Committee, put forward Motion No. 0320, proposing handling the nationality issue in a flexible way to encourage students advancing their studies to return to work, arguing, “It is perhaps an appropriate and effective way to flexibly

handle the issue of nationality while more definitely acknowledging that it is impossible to realize the recognition of dual nationality in the short run.” In 2005, the Central Committee of the China National Democratic Construction Association submitted a proposal at the annual “two sessions” of the NPC and CPPCC, proposing recognizing dual nationality and suggesting allowing Huaqiao-Huaren to attend the meetings of the NPC and CPPCC with the identity of citizens. Lin Mingmei, deputy to the National People’s Congress, made a proposal to the NPC to “appropriately relax the standard and scope of issuance of ‘green card’”, calling to facilitate the life and work of Huaqiao-Huaren returning to the motherland. As a returned overseas Chinese from Japan in the 1950s, Lin Mingmei held that the “green card” had benefited mainly foreign experts who had made special contributions or who had made large sums of investment. Naturalized Huaqiao-Huaren had not got any benefit from the “green card” system. The issuance of “green cards” in China have been subjected to strict standards of examination and approval and exercised within a limited range, scaring off young talented professionals who wished to come back to the country to work. Since the recognition of dual nationality involves numerous legal problems and inconveniences, Lin Mingmei proposed to extend the range of issuance of the “green cards” by lifting the unnecessary limits. Some others scholars had also studied the experience and policies of other countries in this regard, suggesting directly relaxing related policy requirements on the nationality of Huaqiao-Huaren and recognizing their dual nationality on a bilateral and selective basis.⁴⁴

In 1999, having studied the motion by Chen Duo and others, the Ministry of Public Security replied that the policy of not recognizing dual nationality had played an important historical role.⁴⁵ Judging by the reply, it was obvious that the Ministry of Public Security did not think it was necessary to change the policy immediately. In its reply to the motion submitted by Huang Yinhui in 2004, the Ministry of Public Security said that the Chinese government had been considering amending the Nationality Law. On August 15 the same year, the Ministry of Public Security and the Ministry of Foreign Affairs issued a document

entitled “Provisions on Examination, Approval and Management of Permanent Residence for Foreigners”. According to this document, foreigners, including overseas Chinese, would be issued green cards by China to obtain permanent residence in the country so long as they had met the necessary requirements. Despite the high threshold set by the documents, it showed some sort of flexibility in the relevant management system after all. Generally speaking, however, the Chinese government had remained rather cautious in response to the cry for recognizing dual nationality. Towards the end of 2004, an official from the State Council Overseas Chinese Affairs Policy Research Department stated that conditions in China for the implementation of dual nationality were not yet mature. But, he continued, in the absence of dual nationality, other ways could be employed to solve the issue, such as the “green card” system just announced by the Ministry of Public Security and the Ministry of Foreign Affairs, which allowed overseas Chinese to obtain permanent residence in China like other foreigners.⁴⁶ At the forum of representatives of overseas students held in late 2004, Liu Yanhua, then vice minister of science and technology, said that China was considering learning from India to adopt and implement preferential policies for professionals from overseas in order to pool outstanding overseas talent. He said, according to the national plan for scientific and technological development, China would carry out more preferential policies for outstanding talent from overseas and regulations would be enacted to open major science and technology projects to overseas Chinese students; for non-consensus projects in the mainland of China, special support would be extended.⁴⁷

On December 26, 2011, the 24th meeting of the 11th National People’s Congress reviewed for the first time the draft of the Exit and Entry Administration Law, which included the content of permanent residence. Playing a positive role in bringing in talent and investment, permanent residence was a common practice throughout the world. The draft stipulated that foreigners who had made outstanding contributions to China’s economic and social development or met other conditions for permanent residence in China would acquire permanent residence by way of personal

application and approval by the Ministry of Public Security. The draft triggered heated discussion on dual nationality among overseas Chinese. In 2014, Qiu Yuanping, then director of the State Council Overseas Chinese Affairs Office, revealed at a press conference that some departments concerned were studying on ways to improve the issuance and management of “green cards” and proactive efforts were being made to soften the terms for “green card” application. In order to bring in more innovative scientific and technological talent from abroad, as of the end of 2015 the Zhongguancun Management Committee started a pilot program regarding the naturalization of immigrants, cards for descendants of overseas Chinese, temporary ID cards for foreigners, and other relevant systems. These new measures adopted by Zhongguancun, the first National Independent Innovation Demonstration Zone in the mainland of China, especially the system of “cards for descendants of overseas Chinese”, opened up a new window for the recognition of the identity of overseas Chinese, thus being of great promotional and demonstrative significance.⁴⁸

Emigrants from China and students advancing their studies abroad are reluctant to give up their Chinese nationality when they apply for the nationality of their host countries; they expect the Chinese government to recognize their dual nationality. This expectation involves both emotional factors and practical needs.⁴⁹ It is no small challenge for the Chinese government to respond to the reasonable demand of these Chinese citizens. Nevertheless, the Communist Party of China is a party that always advances with the times; it is never scholastic and never stops braving new waters. It has put forward the concept of “a community of shared future” to other countries and regions in the world. Still more considerate should it be in the treatment of our Chinese compatriots who have settled down in foreign lands but are willing to retain Chinese nationality.

VI. DUAL NATIONALITY: LEGAL PROVISIONS AND PRINCIPLES

At present, the Chinese government pays great attention to people’s living standards, and it has devoted great efforts to solving difficulties for the public, particularly the vulnerable groups.

Internationally, the country has been endearing to spread and put in practice the concept of “a community of shared future”. This has been playing an important role in enhancing the legitimacy and credibility of the party in power and the government. The issue of dual nationality bears on the interests of a fairly large social group, a group the size of which has kept expanding, thus calling for urgent solutions. Judging by the situation in China regarding this issue, there are five facts that warrant no denial.

First, it is now a common practice for Chinese to migrate abroad, and emigrants are large both in number and in impact. It is precisely in view of this situation the Chinese government has repeatedly stressed the importance of Huaqiao-Huaren. Second, of all the emigrants there are quite a huge number who are reluctant to give up their Chinese nationality though they desire to improve their lot by acquiring the nationality of the host countries. Due to the fact that some countries do not require immigrants to give up their original nationality to apply for the nationality of the host countries, a considerable number of Huaqiao-Huaren have dual nationality. Third, China’s relevant laws are short of coping with changes in the situation and meet the needs of the national development strategy. Otherwise, the Chinese government would not net overseas talent by enacting such systems as the “green card” system. Fourth, the Chinese government has adopted a liberal and pragmatic policy in dealing with the dual nationality holders in Hong Kong and Macao, who are not required to choose one nationality, thus mitigating the effect of the provision regarding the loss of Chinese nationality in the Nationality Law.⁵⁰ Fifth, some Huaqiao-Huaren who have got the nationality of their host countries have to travel to and fro between China and their host countries either for family affairs or business. Of them, some wish to return to China, their country of birth. The policy of not recognizing dual nationality brings quite a lot of inconvenience to their life.

These facts remind us that it is time for us to consider amending or making relevant laws. It is important for us to pay attention to three principles when we deal with the relationship between relevant laws and civil rights. The first is the law should serve the people. The enactment and implementation of any law hinges on

the relationship between national interests, state jurisdiction and civil rights. What shall be done when any conflict occurs between the three? When constant progress is seen in world civilization, civil rights should never be ignored. When the central leadership of China elaborated the concept of overall national security, it states that it should “proceed from the purpose of the security of the people”; regarding foreign relations, it is necessary to “conscientiously protect China’s overseas interests, and constantly improve the ability and level of protection”. The “overseas interests” should rightfully include the interests of Huaqiao-Huaren. It is necessary for China’s diplomacy to serve the overall interests of the country as well as the interests of overseas enterprises and citizens. The attitude of “the less trouble the better” is obviously not compatible with the “people-oriented” philosophy of governance in China today. Only

Chinese diplomacy should serve the overall interests of the country as well as the interests of overseas enterprises and citizens.

by providing the citizens with order and rights can the law give expression to its value of existence. Many articles studying the pros and cons of the dual nationality policy mostly focus on analyzing the policy’s advantages and disadvantages to the country but overlook the nature of law to serve the wellbeing of citizens. It is one of the most important responsibilities of a legitimate government to provide protection to civil rights.

The second principle is the unity of the authority and adaptability of the law. When the state works out a policy or law, it often has to sacrifice the interests of certain people of certain social groups for overall national interests. Legislation regarding nationality gives consideration mainly to domestic factors. Different countries are different in history, culture and legislative principles, some are against dual nationality while others are for the system, hence the existence of dual nationality for a long time to come. In 1980, the Chinese government announced China’s Nationality Law, which formally established the principles and policies for handling the issue of nationality. On the one hand, the law must be

enforced to give an expression to the authority of the law. On the other, it is necessary to make an exception for a number of special cases. If it has developed into a habit not to observe the law, it means a problem has occurred either in the law or in the law enforcer. Some staff in Chinese embassies stationed abroad ignore the country's Nationality Law and the fact that some Huaqiao-Huaren are dual nationality holders. What goes wrong? It seems that there is nothing wrong to explain this abnormal phenomenon by resorting to flexibility. Once such flexibility has developed into a common phenomenon, it will be time for us to consider the adaptability of the law. Once a law is hard to materialize, it is then time for the government to consider its adaptability.

The third principle is the unity of legal stability and effectiveness. China made the announcement of not recognizing dual nationality in the 1950s; it was a policy that China had to take when China's relations with its neighboring countries were a bit abnormal. It represented both an irregular concession at the sacrifice of China's national interests and Chinese citizens' interests. Still, the concession made by China did not stop the subsequent anti-Chinese tides in Indonesia and Vietnam. It cannot be denied that during these anti-Chinese tides it was their identify that caused the Huaqiao-Huaren residing in Indonesia and Vietnam the iniquitous sufferings. The characteristics of the contemporary times are quite different from those in the past. Viewed from a global perspective, all countries are endeavoring to enhance their global competitiveness; factors giving birth to exclusion or boycott of dual nationality are gradually reducing due to competition and integration in multiple ways. Viewed from the perspective of basic human rights, the Chinese government mainly took into consideration political factors when it made the decision to give up the recognition of dual nationality while ignoring the personal willingness of overseas Chinese in Southeast Asia to be Chinese citizens. Now, the possibility or right for an individual to make his/her own choice regarding nationality has increased. In addition, people have become greatly more tolerant for an individual to choose his/her own nationality. Viewed from the perspective of national strength, in 1979, one year before the Nationality Law was promulgated, China's per-capita

GDP was a mere US\$182. At that time, China was suffering from blockage and isolation deliberately imposed by the West. Today, China's status in the international arena has been greatly enhanced, and its economic strength and political prestige have kept growing. Viewed from the perspective of the surrounding environment, during the Cold War China was besieged by hostile forces. Now, the Belt and Road Initiative and the establishment of the Asian Infrastructure Investment Bank (AIIB) provide new opportunities for neighboring countries. China's growing political influence has prompted neighboring countries to heighten their expectations for improving relations with China. Such characteristics of the times should be given expression in the laws enacted.

Although it is rightful for the law to remain unchanged for a considerably long time in order to maintain its stability, there is nothing wrong for the law to serve the reality. The reality is changing. So, laws and policies should not stick in the rut; rather, it is appropriate for them to keep pace with the times and changes. Otherwise, it will be hard for the law to give expression to the spirit of the times and play the role it should play. Laws in other countries are often made to keep pace with the advance of the times by amendment. This may be one of the ways. At present, it is a worldwide phenomenon for capital, technology, talent and labor to flow across national borders, and the governments of many

countries are amending existing laws and enacting new laws on immigration, investment and nationality to adapt to the changes. In view of this, the Nationality Law of China should also be amended. When formulating and enforcing a dual nationality policy, it is necessary to pay attention to the following five principles.

The principle of sovereignty. This is the first and foremost principle a country should uphold in formulating policies and enacting laws in relation to foreign relations. Sovereignty

When formulating and implementing the dual nationality policy, the government should pay attention to the principles of sovereignty, free will, reciprocity, flexibility and gradual progress.

represents the basic status of a country in international law. When enacting relevant laws regarding Hong Kong and Macao, the Chinese government can act with confidence because they are Chinese territories and all the laws to be enacted apply to Chinese citizens. It is somewhat different in the case of Huaqiao-Huaren, however. When handling the issue of Chinese nationality, it is necessary to take into consideration the interests of the host countries where overseas Chinese reside; this touches on relations between countries. Therefore, when enacting laws related to the issue of nationality, it is both necessary to give primary attention to China's sovereignty and show respect for the sovereignty of the host countries. Here, the principle of sovereignty gives expression to the mutual respect shown between countries.

The principle of free will. By this, it means that the application of dual nationality should be made by an individual out of his/her own free will. Dual nationality may involve conflicts in nationality and many other problems mentioned above, such as allegiance, joining the military. In order to avoid such disputes, application out of free will is necessary. Any overseas Chinese caring about the Chinese nationality will have it retained for him/her out of his/her will. Therefore, personal application (for juveniles their applications can be made by their parents or caregivers on their behalf) is a necessary procedure. Only on the basis of free will the implementation of a dual nationality policy will be meaningful. This touches on the subjective identification mentioned previously.

The principle of reciprocity. If any of the host countries of Huaqiao-Huaren acknowledges or allows dual nationality and some of the local Chinese ethnics have the requirement to retain their Chinese nationality, the Chinese government can sign a bilateral agreement on dual nationality with the government of the said country. Huaqiao-Huaren in some countries have a strong desire to retain or restore their Chinese nationality, it may be appropriate for China to try out a dual national system through diplomatic negotiations. Absence of international conventions in this regard and insufficiency of domestic legislation in solving the problem of dual nationality have compelled quite a number of countries to tackle the problem by way of bilateral consultation.

The principle of reciprocity means, in addition to taking a reciprocal policy, the emigrating and immigrating countries resolve the issue by means of bilateral agreement.

The principle of flexibility. Between non-recognition and recognition of dual nationality there is a huge enough room to accommodate different policies and measures. On the part of the Chinese government, it can resort to multiple policy choices, such as commending outstanding Huaqiao-Huaren on a regular basis, and issuing “home visit permits” and “China (Overseas) passport” to Huaqiao-Huaren. Huaqiao-Huaren in different countries have different pursuits, as do Chinese who went abroad in the Republic of China period, those who settled down abroad since the late 1950s, and those who did so after 1980s. The same also holds true for overseas Chinese descendants and new emigrants from China. Rigid uniformity will never do in the implementation of a dual nationality policy.

The principle of gradual progress. It mainly refers to adopting a policy of pressing forward step by step in view of different conditions. Regarding domestic legislation, it may be appropriate to start with the easy steps and the difficult ones afterwards, or working out relevant regulations first and enacting laws afterwards. When conditions in a particular area have turned relatively mature, a law may be then enacted, or regulations targeting a particular group of people (such as overseas students) can be worked out first, followed by those targeting the majority (such as all new emigrants) before gradually extending the coverage to all Huaqiao-Huaren groups. Bilateral agreements may be first signed with countries that respond positively while putting off a bit with another one that has doubts. An agreement can be immediately negotiated and reached with any overseas Chinese host country that is eager for such an agreement. Generally speaking, the formulation of relevant policies should be gradual and appropriate, with full consideration of the country's resources.

To go and study abroad has been fervently desired by many Chinese students, and it is also something appreciated by Western countries. The phenomena of “Chinese complex”, “passing traveler mentality”, “migratory bird mode” and “floating migrant status”

unique to the forebears of overseas Chinese students may continue among the new comers. The Chinese government should offer convenience and preferential options in multiple ways to Huaqiao-Huaren (including students, graduates and those employed) to satisfy what they desire and guarantee their interests, making them feel proud to be Chinese and become an important force for the realization of the Chinese Dream.

¹ Howard W. French, *China's Second Continent: How a million migrants are building a new empire in Africa*, Knopf, 2014. For more recent research on overseas Chinese in Africa, refer to Li Anshan, "Chinese immigration in international political discourse: A case study of Africa," *West Asia and Africa*, Issue No. 1, 2016, pp. 76-97.

² It is clearly stipulated in the Law of the People's Republic of China on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese that returned Huaqiao refers to those overseas Chinese having returned to their native country to settle down. Huaqiao refers to Chinese citizens who have settled down abroad, and Qiaojuan refers to the family members of overseas Chinese and returned overseas Chinese.

³ In the broad sense, Huaren includes all Chinese people (an abbreviation for Chinese of the Huaxia origin), including overseas Chinese and their descendants; it is a generic name used to denote all Chinese ethnics down from the Chinese ancestor. In the narrow sense, it usually refers to Chinese ethnics living overseas and having foreign citizenship, generally referred as "Chinese with foreign citizenship".

⁴ Zhang Xiuming, "New Changes in the Relations between Huaqiao-Huaren and China since the 21st Century", *Report of Huaqiao-Huaren Studies (2015)*, Beijing: Social Sciences Academic Press, 2015, p. 5. For other definitions, see Li Minghuan, "The Definition and Types of International Migrants and Chinese Emigration", *Journal of Study of Huaqiao-Huaren History*, pp. 1-10, Issue No. 2, 2009; Zhang Xiuming and Mi Sumin: "The Latest Development and Characteristics of International Migration Concept – An analysis of international migration and Huaqiao-Huaren", *Research on the History of Huaqiao-Huaren*, No.3, 2014, pp. 1-10.

⁵ “Diaspora” formerly referred to Jewish groups living in other parts of the world other than their native homes. Later, it gradually came to refer to other ethnic groups living away from their native homes. There are different views regarding to the meaning of this word. Mr. Wang Gungwu believes that the meaning of the term “diaspora” has been political, indicating some people’s prejudices. See *Asian Affairs* interview with Wang Gungwu, “Diaspora, a Much Abusive Word”, <http://www.asian-affairs.com/Diasporas/wanggungwu.html>, accessed October 8, 2015. However, “diaspora” has been gradually accepted in the international migration research. The author participated in the UNESCO International Scientific Committee, responsible for compiling Volume IX of the *General History of Africa*. One of the themes of the book is African diaspora.

⁶ Overseas Chinese Affairs Office of the State Council: *A Collection of Documents, 1955-1999* (internal documents), 1999, pp. 17, 23-24.

⁷ “Changing Patterns of Global Migration and Remittances”, December 17, 2013, <http://www.pewsocialtrends.org/2013/12/17/changing-patterns-of-global-migration-and-remittances/>, accessed December 10, 2014.

⁸ “Population of Overseas Indians”, Ministry of Overseas Indian Affairs, January 2015, http://moia.gov.in/writereaddata/pdf/Population_Overseas_Indian.pdf, accessed September 14, 2015.

⁹ “Statistical Profile of Registered Filipino Emigrants”, Commission on Filipinos Overseas, http://www.cfo.gov.ph/index.php?option=com_content&view=article&id=1340:stock-estimate-of-overseas-filipinos&catid=134:statisticsstock-estimate&Itemid=814; http://www.cfo.gov.ph/index.php?option=com_content&view=article&id=1341:statistical-profile-of-registered-filipino-emigrants&catid=134:statisticsstock-estimate&Itemid=814, accessed December 24, 2015.

¹⁰ Such as the Dungan people in Central Asian countries claim externally that they are the Dungan, while internally claim they are from the “Central Plains of China” or are “Hui people from Shaanxi”. Dungan people who are living in the Kyrgyzstan city of Osh called themselves “Osh Huihui”. In November 1990 when the Association of All Russian Dungan People was established, Osh Huihui cried because they did not understand the Shaanxi-Gansu dialect. Wang Guojie, “The Geographical Distribution of Hui Muslims in Central Asia in 1877”, *Ningxia Social Sciences*, No. 4, 1997, pp. 76-80.

¹¹ At the Taipei Symposium held by the Huaqiao-Huaren Studies Association in 2001, a Chinese American complained that she did not want to be called a Chinese, but she was always referred to as a Chinese. This fact shows that her own subjective intention cannot change the identity of the objective identity (physical characteristics), and this objective identity is the identification by others of her as a symbol of the Chinese.

¹² Jennifer W. Jay, “Writing the Chinese Diaspora: Multiculturalism and Confucian Values”, in *Power and Identity in the Chinese World Order*, eds. Billy K. L. So, John Fitzgerald, Huang Jianli & James K. Chin, Hong Kong University Press, 2003, pp. 311-330.

¹³ For different comments on race group, please refer to Ronald Cohen, “Ethnicity: Problem and Focus in Anthropology”, *Annual Review of Anthropology*, Vol. 7, 1978, pp. 379-403.

¹⁴ Adrian Chan, “On Being Chinese”, in *Power and Identity in the Chinese World Order*, eds. Billy K. L. So, John Fitzgerald, Huang Jianli & James K. Chin, Hong Kong University Press, 2003, pp. 269-270.

¹⁵ Jiao Haitao, “Overseas Chinese — dual nationality policy”, <http://www.fr-cn.fr/china/overseas-chinese/17734.html>, accessed July 24, 2015.

¹⁶ Li Anshan, “Huaqiao-Huaren in Ethnic Minorities: migration characteristics, identification standards and statistics”, *Journal of Overseas Chinese History Studies*, No. 3, 2003. The author had proposed the vitality of Chinese culture is related to four factors: the number of Chinese people, the host country’s cultural influence, China’s status and the host country’s national policy. Li Anshan, *A History of Chinese Overseas in Africa*, Beijing: Overseas Chinese Publishing House, 2000, pp. 507-508. Wang Gungwu noted the other two factors: the relationship between the quality of Chinese im-

migrants and the subjective identity, “the promotion of the status of immigrants also means that many well-educated Chinese become immigrants. They are intoxicated with the values of the Chinese people, and proud of their civilization, and maintain the social and cultural life of the Chinese people....” Wang Gungwu, *Selected Works of Wang Gungwu*, Shanghai: Shanghai Education Press, 2002, p. 219.

¹⁷ Zhou Nanjing and Liang Yingming, “On the Historical Role of *Jus Sanguinis* in China”, *Huaqiao History*, No. 4, 1986; Cai Renlong, “The birth and Development of Indonesia Huaqiao-Huaren Nationality”, *Chinese Historical Essays*, Fujian Province Huaqiao-Huaren Historical Society, Vol. 2, 1985. See also: Wu Qianjing, *Relationship between Huaqiao-Huaren and Chinese Ethnic Group*, Beijing: Xinhua Press, 2003, pp. 126-154; Liu Hua, *Huaqiao’s Nationality and China Nationality Law*, Guangzhou: Guangdong People’s Publishing House, 2004, pp. 160-192; Cheng Xi: “From the Abandonment of Dual Nationality and the Relationship between Overseas Chinese Affairs and China’s Diplomacy”, *Southeast Asia Studies*, No. 3, 2004.

¹⁸ According to a recent survey, 74% countries in the world recognize or partially recognize dual nationality. Li Anshan et al., *Dual Citizenship and Protection of Overseas Compatriots’ Rights and Interests*, Jiangsu People’s Press, 2016, p. 2.

¹⁹ Refer to the Canada China Chamber of Commerce on the resumption of dual nationality discussion review, Business Association, Canada China Chamber of Commerce, May 2000. Some media from China’s mainland and Hong Kong often mixed the questionnaire with the survey conducted in October 2003. See “Overseas Chinese Desire China’s Recognition of Dual Nationality”, *The Mirror*, November 2004.

²⁰ “92% immigrants from the mainland expecting for dual nationality (Canadian Putonghua Committee)”, <http://ncccweb.com/archives/182>, accessed April 2, 2015. The government should pay attention to their view that the Chinese government should allow Chinese emigrants to retain their nationality in the countries which recognize dual nationality. One-sided view that they require the Chinese government to recognize dual nationality is a kind of misunderstanding.

²¹ “The Chinese government attaches great importance to the dual nationality on public opinion survey”, <http://immigration.tigtag.com/canada/living/9577.shtml>, accessed May 10, 2016.

²² Wang Huiyao, *Returnees’s Era*, Beijing: Central Compilation and Translation Press, 2004.

²³ The “New Zealand Overseas Chinese Express Their Will for Dual Nationality”, *International Herald Leader*, December 2, 2004.

²⁴ CPPCC members proposed to recognize dual citizenship, allowing immigrants to participate in domestic politics, http://news.xinhuanet.com/newscenter/2005-03/13/content_2690019_2.htm, accessed April 2, 2015.

²⁵ “The Venezuelan President Issued an Amnesty, Sixty Thousand Chinese People Were Benefited”, <http://news.sina.com.cn/c/2004-12-24/09194615578s.shtml>, accessed April 28, 2016.

²⁶ “The National People’s Congress Proposed the Establishment of a Foreigners ‘Permanent Residence System’ in China, Sparking Overseas Chinese’s Discussion on ‘Dual Nationality’”, http://www.kx001.com/repaste/93844481_6397998077.html?Stat=orrecn_out, accessed June 4, 2015.

²⁷ Jiao Haitao, “Three consequences of not recognizing the dual nationality of Huaqiao-Huaren”, http://blog.sina.com.cn/s/blog_5ef1fe090102e6nw.html, accessed May 5, 2015; “more than 3,000 Chinese people signed a letter for dual nationality to the Chinese government”, <http://www.naweeklytimes.com/hd/hd431-2.html>, accessed May 5, 2016.

²⁸ Zhou Nanjing, “Overseas Chinese Nationality Question Discussion Series”, Hong Kong: Hong Kong Social Science Publishing House Co., Ltd., 2005. It is worth noting that individuals and countries have an important role in this, especially for those who have emigrated overseas. The author has combed the legislative principles of nationality, the phenomenon of dual nationality, the nationality conflict and the international attitude from resistance to the recognition of dual nationality. See also: Li Anshan, “The Nationality of Overseas Chinese”, *International Politics Quarterly*, No. 2, 2005, pp. 101-114.

²⁹ “New Zealand Overseas Chinese Express Their Will for Dual Nationality”, *International Herald Leader*, December 2, 2004.

³⁰ Sun Chengbin, trans., “German dual nationality”, *Deutschland-studien*, No. 3, 2007, p. 23.

³¹ “Australia to amend the bill, will allow its citizens to have dual nationality”, <http://news.sohu.com/95/09/news146110995.shtml>, accessed April 28, 2016.

³² “The President of the Philippines Signed the Dual Citizenship Act”, <http://news.sina.com.cn/w/2003-08-29/1537655714s.shtml>, accessed April 28, 2016.

³³ Qiu Liben, “New Trends of International Remittance and Our Remittance Policy”, *Overseas Chinese History Study*, No. 2, 2004, p. 9.

³⁴ Zhang Yinglong and Huang Zhaohui, “The Study on the Policy of Overseas Indians”, *Qiaowu Gongzuo Yanjiu*, No. 6, 2004, p. 23.

³⁵ Jia Haitao, “India’s Dual Nationality Program: Background, Content and Prospect”, *Academic Research*, No. 9, 2003, pp. 148-151. January 9 is the day when Gandhi returned to India from South Africa in 1915 to lead the independence movement. Choosing this day as an overseas Indian festival is of far-reaching significance.

³⁶ “Latest update on dual nationality (overseas Indian citizenship), December 23, 2003”, Consulate General of India, New York, US. Some articles said that the India government agreed that overseas Indians of seven countries could apply for the nationality of India, see Jia Haitao, “India’s Dual Nationality Program: Background, Content and Prospect”, p. 150. This statement is wrong.

³⁷ Department of Economic and Social Affairs, United Nations, World Population Policies Database, http://esa.un.org/PopPolicy/about_database.aspx.

³⁸ For example, in the United States: immigrants created 1/4 of US high-tech companies. Nearly half of the top 50 US listed companies by market value are created or co-founded by immigrants. 42% of the top seven cancer research centers in the US were born in foreign countries. In the Silicon Valley, 36.4% of the population was born abroad, and 1/3 of the start-up companies are the creations of the Indian Americans. In the field of education, in 2011, of the US university electronic engineering full-time graduate students, international students accounted for 71%; and of the computer science and international students, 65%. Among US science and engineering professionals with a doctorate degree, the proportion of foreigners went up from 23% in 1993 to 42% in 2010. This situation applies to all developed countries, such as the United Kingdom and Australia. “2015 Chinese International Migration Report: the number of immigrants in developed countries are basically stable”, the State Council Overseas Chinese Affairs Office website, http://news.gmw.cn/2015-04/08/content_15312082.htm, accessed December 20, 2015.

³⁹ “New Zealand Overseas Express Their Will for Dual Nationality”, *International Herald Leader*, December 2, 2004.

⁴⁰ Liu Guofu, “New ‘Chinese Nationality Law’”, *Southeast Asian Studies*, No. 4, 2010, pp. 67-74; Wei Jingui, Wang Shaolan: “On Chinese Citizen’s Dual Nationality”, *Journal of Yangzhou University* (Social Science Edition) 2014, No. 6, pp. 18-25.

⁴¹ Yang Yubin, “On Nationality’s Unique Principle”, *Hebei Law Science*, No. 5, 1997, pp. 21-23; Jiang Ming, “Stick to One Person, One Nationality”, *China Lawyer and Jurist Journal*, No. 2, 2009, pp. 38-42.

⁴² “The Second Session of the Ninth CPPCC National Committee Proposal No. 2172”, and “People’s Republic of China Public Security Ministry Public Proposal No. 104 (1999): Reply to the No. 2172 Proposal of Second Session of the Ninth CPPCC National Committee”, Proposals Committee under the National Committee of CPPCC, *Understanding the Will of the People*, Beijing: New World Press, 2003.

⁴³ “The Second Session of the Tenth National Committee of the CPPCC Proposal No. 0222”, and “People’s Republic of China Public Security Ministry, May 10, 2004, Public Proposal No. 2004-68, Reply by Letter”, Proposals Committee under the National Committee of CPPCC, *Understand-*

ing the Will of the People, Beijing: New World Press, 2005, pp. 614-618.

⁴⁴ Li Anshan, "On the Nationality of Overseas Chinese", *International Politics Quarterly*, No. 2, 2005, pp. 101-114; Chen Changfu, "Nationality: 'Single' or 'Double'?" Zhang Yinglong, Huang Zhaohui: "India Overseas Policy Research"; Zhou Nanjing, *The Nationality Issues of Overseas Chinese Series*, Hongkong: Hongkong Social Science Publishing Company, 2005, pp. 278-289, 290-311.

⁴⁵ See No. 42.

⁴⁶ The State Council Overseas Chinese Affairs Office, "The Implementation of Dual Nationality, Conditions Are Not Mature Yet", http://news.xinhuanet.com/overseas/2004-12/23/content_2370727.htm, accessed April 28, 2016.

⁴⁷ "Chinese officials: China intends to implement dual nationality to attract overseas talent", <http://www.huaxia.com/xw/dlxw/2004/12/243247.html>, accessed April 28, 2016. It is because of a number of media used dual nationality to report the news, vice minister Liu of the Chinese Ministry of Science and Technology had to come forward to correct this statement, he said, "At present, many countries in the world have attached great importance to attracting overseas talent. For example, India has taken a 'dual nationality' approach. Our country is to adopt the 'permanent residence' approach, that is, the 'green card'." Liu Yanhua did not talk about China's "dual nationality" in this meeting. *Keng Po*, December 30, 2004.

⁴⁸ "China tried out 'Chinese Descendent Dard' and the recognition of dual nationality in reality", <http://www.bcbay.com/news/2015/12/05/382284.html>, accessed December 18, 2015.

⁴⁹ Jiao Haitao, "Overseas Chinese are a great force for national rejuvenation: to commemorate the 55th anniversary of the national day and to call for the country's recognition of dual nationality", from www.beifang.ca (North Chinese Community of Canada); Jiao Haitao, "On Dual Nationality – on the 55th Anniversary of the National Day", <http://creaders.net>, accessed September 29, 2004, the World Wide Web reader network.

⁵⁰ "Interpretations by NPC Standing Committee of the Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region", Zhang Yong, Chen Yutian, *On Nationality of Hong Kong Residents*, Beijing: Law Press, 2001, pp. 180-181.