

# EXTRATERRITORIAL POLITICAL RIGHTS AND DUAL CITIZENSHIP IN LATIN AMERICA \*

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*Abstract: There is variation among the Latin American sending countries in the timing, sequence, and form by which they have approved retention-of-nationality laws (dual-citizenship laws) and have extended political rights to their migrants abroad. This variation is the product not only of the characteristics of the migration in each country but also of the specificity of their political and electoral systems and of the historical relationship between the state and its citizens. I focus my analysis on Latin American migration to the United States, which, although not the only destination, has attracted the majority of Latin American migrants and has significantly influenced, with its immigration policies, the policies of Latin American sending countries towards their émigrés.*

## INTRODUCTION

Political participation across borders and dual nationality, both expressions of the transformation of the state in this new era of globalization and increased migration, have become common phenomena worldwide. In the United States, a major point of destination of Latin American migration, a growing number of Latin American immigrants are becoming dual citizens by naturalization, thanks to laws in their countries of origin that allow them to retain their original citizenship. At the same time that these immigrants are integrating into the polity of the United States, they are becoming active members of the political communities of their countries of origin as these countries extend political rights to their nationals abroad.

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The United States has maintained a de facto “tolerant” policy (Aleinikoff and Klusmeyer 2001) towards dual citizenship, which has, in effect, shifted the decision on dual citizenship to the sending countries. Hence, Latin American countries have been the ones dictating the constitutional and legislative changes, not only to extend citizen rights to nationals abroad but also to enable them to become dual citizens.

Dual nationality and voting abroad have been debated simultaneously, because both concern the migrant community and have been up for discussion in the Latin American sending countries, particularly in the 1990s, during the same political conjunctures. We must distinguish these two issues, however, in order to better understand the origin and consequences of each one.

The first goal of this paper is to show that within the context of Latin America-U.S. migration, dual citizenship has been the result of the integration of immigrants as citizens in the receiving country. In contrast, the extension of political rights in the home country has been the result of the inclusion of nationals abroad in the political community of their countries of origin.

Since the overlap of the political communities in sending and receiving countries is a relatively new phenomenon, we still do not know much about its dynamics and consequences. However, by exploring the variations, the different routes by which Latin American countries have allowed dual citizenship and extended political rights to nationals abroad, we can learn something about the potential role of these migrants in the political dynamic of the sending and receiving countries.

The second goal of this paper is to study the variation among the major Latin American sending countries in the timing, sequence, and form by which they allowed dual citizenship and extended political rights to their nationals abroad. These variations, I argue, are the product first of timing and dimension of the migration and the socioeconomic characteristics of the migrants from each country. Second, the variations are the product of the political and electoral systems of the countries and of the historical relationship between the state and its citizens. I will analyze the enactment of retention-of-nationality laws and the extension of political rights to nationals abroad by looking at the three transnational political actors defined by Itzigsohn (2003)—the state, the political parties, and the immigrant community—and their interplay in both the country of origin and the country of residence.

I focus my analysis on Latin American migration to the United States. Even though the United States is not the only destination, this country attracts the majority of Latin American migrants and its migration policies have had a significant influence on the policies of Latin American sending countries. I will examine in detail the cases of Colombia, the Dominican Republic, and Mexico, countries that have some of the largest migrant

communities in the United States, and which have adopted dual citizenship policies, extended voting rights to nationals abroad, and carried out elections overseas. I will also present some contrasting cases, such as Argentina and Chile, countries with different patterns of migration, laws of dual citizenship and extension of citizen rights.

In the following pages, I will first present a theoretical discussion of citizenship and migration. After a brief introduction to the Latin American migration history, I will discuss the retention-of-nationality laws and compare the two main avenues to dual citizenship Latin American countries follow. Next, I will discuss the wave of democratization that facilitated the extension of political rights to nationals abroad and will focus on the various Latin American routes to extraterritorial political rights.

#### MIGRATION AND CITIZEN RIGHTS

Increasing international migration is transforming the relationship between the state and its citizens. The modern state-citizenship relationship developed under the assumption of confluence between the state, the territory, and the population. Nonetheless, migration is forcing a redefinition of the state and of citizenship, both in its normative and substantive dimensions. The normative dimension of citizenship refers to the formal ascription of people to a state and its territory and is known in international law as nationality (Bauböck 2006, 17). The substantive dimension of citizenship refers to the rights and obligations that tie citizens to the state.

From the perspective of normative citizenship, migration is transforming relations between states, because dual or multiple citizenship (or nationality) implies the intersection of two or more states that share a common body of citizens. Modern citizenship became solidly ascribed to single membership in a territorially defined state. Restrictions on dual nationality were adopted individually by most states, and collectively in international agreements such as the Hague Convention of 1930 and the European Convention on the Reduction of Multiple Nationality in 1963 (Faist et al. 2004, 923). Since the late twentieth century, however, increased migration has challenged the validity of single ascription, and dual and multiple nationality have proliferated (Spiro 1997). In receiving countries, the provisions restricting dual nationality have been progressively applied with “decreasing rigor” and sending countries have started to see the advantages of sustaining ties with the non-resident migrants (Martin 2003, 6–7).

Migration is also changing the state’s relationship with its citizens (substantive citizenship) as receiving countries extend rights to non-citizen residents, although not in the case of the United States in the last two decades, as explained below, and as sending countries, interested in

retaining ties with their émigrés, extend citizen rights to nationals abroad. (For more on the extension of citizen rights to non-citizen residents in the European Union, see Perchinig 2006.) This extension of rights to nationals abroad by sending countries, in particular, is divorcing citizenship from the territorial dimension of the state. Political rights are crucial in the redefinition of the state/citizenship relation, because while civil and social rights have existed in liberal democracies independent of the status of citizenship, political rights have been linked to this status and have distinguished citizens from non-citizens. Thus, giving the right to vote to nationals abroad, as well as allowing long-term foreign nationals to participate in elections, is a symptom of “the broader transformation of the territorial and membership boundaries that circumscribe democratic citizenship” (Bauböck 2005, 683).

In order to study this relationship between migration, citizenship, and the state, we need to contextualize migration within the north/south divide (Castles 2004, 861–862) and differentiate analytically the implications of migration for citizenship in sending and receiving countries.

In receiving countries, the main concern is the immigrant population within their borders and the extent to which immigrants gain access to rights. Besides a model of differential exclusion, where immigrants are incorporated in specialized ways, such as guest worker programs (Martin 2000, 29–30), there are various models by which immigrant countries can extend or deny rights to immigrants (Aleinikoff 2000). In the United States, before the 1996 welfare reform law, Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the model of immigrant incorporation allowed permanent immigrants, even if denied the right to vote, to be “eligible for most federal benefits available to citizens” (Aleinikoff 2000, 157). The welfare reform, and, I would add, the 1996 Anti-Terrorist Act and the Patriot Act of 2001, have shifted U.S. immigrant policy towards a different model (these laws have stressed the rights still held by Congress to deport legal or illegal aliens), one in which rights are progressively made exclusive to citizens (Aleinikoff 2000, 155–63). Naturalization has become the only mechanism for immigrants to gain access to social benefits and, after the antiterrorist measures, the right to avoid deportation.

Thus, in the United States, particularly since the 1990s, the difference between lawful residents and citizens has increased and determines not only who does and does not receive political rights but also social and civil rights (Escobar 2006). This shift in the model of incorporation of immigrants in the United States has had consequences for citizenship: first, because immigrants have felt the pressure to nationalize and, in fact, have done so in large numbers (Jones-Correa 2003; Mazzolari 2005); second, because migrants have acquired the new nationality, without renouncing their nationality of origin, by becoming dual citizens.

According to Aleinikoff and Klusmeyer (2001, 76–78), who distinguish between open, tolerant, and restrictive regimes, the United States could be classified as tolerant in its approach to dual and multiple nationality since the principle of renunciation at the time of naturalization is not enforced. This tolerant approach, as mentioned above, has indirectly transferred the decision concerning dual nationality to the sending countries, which, by enacting retention-of-nationality laws, are able to give their nationals abroad automatic dual citizenship when they become American citizens.

In sending countries, the main concern regarding citizenship and migration is the retention of formal ties with the numerous nonresident nationals who want to nationalize in their country of settlement. Countries may or may not be inclined to reform constitutions or to enact retention-of-nationality laws. Legal traditions and historical experiences are important. However, in Latin America, the governments' desires to keep the connection with their nationals abroad, in some cases under pressure from the migrant communities, seem to have prevailed over other concerns.<sup>1</sup>

Sending states can also extend citizen rights to these nationals residing abroad. Even though most citizen rights remain dormant while immigrants are under the jurisdiction of the receiving country, political and social rights can be and have in fact been extended in some countries.<sup>2</sup>

Post-national, national, and transnational theoretical approaches have been proposed for the study of citizenship and migration (Bloemraad 2004; Bauböck 2003, 2005, 2006). The post-national approach maintains that citizenship rights are not bound to nation-states any longer but are organized by the principle of universal personhood (Soysal 1994). This approach is useful for understanding the legal framework of the postwar era, within which dual citizenship has flourished and nationality (or normative citizenship) and democratic citizenship (substantive citizenship) have developed as human rights (Faist et al. 2004). However, the post-national perspective ignores the critical role states still have as granters of rights for single or multiple citizenship.

The traditional assimilation paradigm assumes that naturalization is the last step in the integration of immigrants in the receiving state (Gordon 1964). This paradigm agrees with the notion of single allegiance and assumes that as immigrants assimilate, they abandon their previous loyalties and adhere to the new society. Supporters of this perspective

1. Even in Mexico, where the nationalist ideology and the legal tradition did not favor the acceptance of dual nationality, retention-of-nationality laws were enacted. For more on Mexico's nationality, see Guarnizo (1998), and on legal tradition, see Fitzgerald (2005).

2. Countries such as Mexico or Colombia have extended social security to cover nationals abroad. Mexico has also developed education and health programs abroad (Guarnizo 1998, 62–63; Smith 2003, 306–310; Escobar 2006).

look with dismay at the increase in the number of dual citizens and see the continuous ties that migrants maintain with their countries of origin as a threat to the stability of the receiving country (Renshon 2001; Huntington 2004). This approach denies the transformation of the state as a result of migration and ignores studies showing that maintaining ties with the country of origin does not necessarily preclude assimilation (Portes, Haller, and Guarnizo 2002).

The transnational perspective looks at the continuous ties migrants maintain with their countries of origin. This perspective addresses the social, cultural, political, and economic consequences of these continuous ties for the migrants and for both nations involved (Basch et al. 1994; Portes, Guarnizo, and Landolt 1999; Levitt 2002).

The study of citizenship from the transnational perspective addresses the implication of migration for the status of membership in national political communities. Bauböck (2006, 28) has defined transnational citizenship as the “overlapping memberships between separate territorial jurisdictions that blur their political boundaries to a certain extent” and has proposed an alternative model of citizenship: stakeholder citizenship according to which states remain as differentiated entities, but rights, disconnected from the status of citizenship, can be offered by the states to a mobile population (2005, 686). This model, which accepts the idea that migrants can have stakes simultaneously in more than one polity, addresses the fact that nationals abroad have “stakes” in the state of origin as senders of remittances, property owners, lobbyists abroad, etc.

The transnational approach to citizenship does not see the end of the national state, which continues to be the main grantor of membership status and rights, but it does not ignore either the imminent transformation of the state/citizen relations as simple aberrations of the traditional conception of the national state. It acknowledges the implications that migration has for the status of membership and which do not fit within the legal and conceptual models of the traditional national state.

#### MIGRATION AND CITIZENSHIP IN LATIN AMERICA

Latin America has historically been a region of immigration, mostly from Europe. Between the second half of the nineteenth century and the first half of the twentieth century (particularly between 1880 and 1930), the main destinations of this European migration were Argentina and Brazil (Massey et al. 1998, 196). Historically, Latin America has also been a region of intra-regional migration between countries. As the European migration declined, this intra-regional migration—which had been for the most part concentrated in border areas—grew substantially

after the 1950s. This growth, though, was partly an extension across borders of internal rural to urban migration and was predominantly a response to Argentina and Venezuela's demand for labor (Massey et al. 1998, 197–198).

Beginning in the mid-1970s, a new pattern of emigration emerged in Latin America. This pattern included first, skilled workers and professionals who escaped the military coups in the southern cone countries (1975 in Argentina, 1973 in Chile, 1973 in Uruguay) and who migrated to Europe, Australia, Canada, and other Latin American countries (Mexico and Costa Rica); second, the forced migration of large sections of the population in Central America and the Caribbean, including Dominicans and Cubans in the 1960s and 1970s, and Nicaraguans, Salvadorans, and Guatemalans in the 1980s (Massey et al. 1998, 201–203; Pellegrino 2000, 398). This trend of political international migration overlapped to some extent with the large flow of economic migrants that resulted from the economic crisis faced by most Latin American countries in the 1980s. This migration flow went predominantly to the United States, whose Latin American population grew from 1,582,489 in 1960 to 6,538,914 in 1980 and to 16.3 million in 2004 (Pellegrino 2000, 399; United States Census Bureau 2004).

Population growth, industrialization, and the political and economic crisis in Latin America explain to some extent recent patterns of migration. The political and economic hegemony that the United States has traditionally held in Latin America, along with the universalization of life styles and consumption patterns explain why the United States has become a magnet for large sectors of the Latin American population (Pellegrino 2000, 405–406). In general, this migration of Latin Americans to the United States is part of the global south-north divide and wealth inequality that has created political as well as economic instability in the South and has pushed people to look for economic and political stability in the highly industrialized countries (Castles 1998).

The recent waves of immigrants have developed continuous and significant economic, political, cultural and social ties with their countries of origin. Remittances from migrant workers to Latin America have become a crucial component of Latin American economies today (the Inter-American Development Bank estimated the amount of remittances sent to Latin America in 2006 at \$45 billion). Aside from these remittances, the economic links also include transnational entrepreneurship by economic migrants who develop transnational businesses (Guarnizo 2003) and community development projects carried out by organized groups to help people in their countries of origin (Portes, Escobar, and Walton Radford 2007). Political transnationalism has developed in this context of increased migration that links sending and receiving countries.

## RETENTION-OF-NATIONALITY LAWS: TRANSFORMING MIGRANTS INTO DUAL CITIZENS

Before 1991, only four Latin American countries allowed dual citizenship; however, since 1991, twelve more countries have followed this route (see table 1). In order to understand why some Latin American countries have changed their laws, and why some earlier than others, we can focus on the role of the transnational actors involved.

Of the three political transnational actors identified by Itzigsohn (2000)—the state, the political parties, and the migrant community—only the state and the migrant community are directly concerned with dual citizenship. The incorporation of migrants in the political community of their host country is not directly relevant for the political parties in sending countries. On the other hand, parties in the receiving country, the potential beneficiaries of the incorporation of immigrants, have no means or legitimacy for influencing sending countries' policies.

Based on the study of Latin American dual citizenship, Jones-Correa (2003) has identified two possible routes to dual citizenship: from below, when the initiative comes from the community of migrants, and from above, when the main impulse comes from sending states. Why a country follows one or the other route, I argue, can be explained by examining the two main factors accounting for Latin American countries' growing interest in dual citizenship since the 1990s. First, the new communities of Latin American immigrants, arising from the U.S. Immigration and Nationality Act of 1965, grew significantly, and their leaders were trying to gain a political space within the United States. Echoing a move towards dual nationality worldwide, they saw the possibility of achieving integration without having to relinquish their cherished nationality of origin. Leaders from other immigrant communities may have shared this interest in political participation; however, only Colombians, Dominicans, and Ecuadorians carried out the dual citizenship campaign successfully in the early 1990s (see second row of table 1).

The second critical factor behind the move towards dual citizenship was the anti-immigrant wave that arose in the 1990s in the United States, crystallizing first in California's Proposition 197 and later in the 1996 immigration reforms.<sup>3</sup> Anti-immigrant sentiment and the laws

3. Congress approved three major immigration laws in 1996. The Personal Responsibility Act and Work Opportunity Reconciliation Act (PRWORA) reduced the level of benefits received by legal immigrants. The Illegal Immigration Reforms and Immigrant Responsibility Act (IIRIRA) was designed to reduce immigration by increasing border patrols and by introducing a pilot telephone verification program for employers to verify the status of future employees. The Antiterrorism and Effective Death Penalty Act, a response to the 1993 World Trade Center bombing, made it easier to detain without bail foreigners accused of committing crimes in the United States and to deport them after they had served their sentences (Martin and Midgley 1999). These laws have increased the number

Table 1 Latin American Countries That Accept Dual Citizenship

<i>Agent/Motives</i>	<i>State</i>	<i>Migrant Communities</i>
Internal to Sending Countries	Uruguay (1919)	
	Panama (1979)	
	El Salvador (1983)	
	Costa Rica (1995)	
Political Incorporation in the United States		Colombia (1991)
		Dominican Republic (1994)
		Ecuador (1995)
Protection of Migrant Rights in the United States	Brazil (1996)	Peru (1996)
	Mexico (1998)	Bolivia (2004)
	Guatemala (1999)	Chile (2005)
	Venezuela (1999)	
	Honduras (2003)	

Source: Jones-Correa (2003). Calderón Chelius (2003a). República de Bolivia, Ley 2631 de 2004. República Bolivariana de Venezuela (1999), *Constitución República Bolivariana de Venezuela*. República de Honduras: Decretos 345/2002 y 31/2003.

that have progressively restricted rights exclusively to citizens created enormous pressure on migrants to nationalize. Nationalization became the way for immigrants to protect their rights in the United States and dual citizenship the way to preserve the formal ties to the home country. Hence, after 1996, many Latin American countries changed their laws and constitutions to guarantee their national migrants access to citizenship rights in the United States or to defend those rights they previously had, as legal residents, but which have become increasingly restricted to citizens. Thus, unintentionally, the pressure to nationalize that resulted from anti-immigrant legislation in the United States, has led to the enactment of legislative changes in Latin American countries enabling migrants to become dual citizens. In some cases, the initiative came mostly from the state, as was the case in Mexico and Brazil, whereas in other cases the immigrant communities played a more significant role in the establishment of these laws (see third row of table 1).

We need to take into account that regional diffusion (Berry and Berry 1999; Weyland 2005) was a contributing factor because the countries

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of immigrants nationalizing in the United States (Jones-Correa 2003; Escobar 2004). The USA PATRIOT Act that followed the September 11, 2001 attacks on the World Trade Center has also reduced civic rights.

that established dual citizenship early served as examples and, in some instances, as providers of direct advice to the other countries. However, what made the retention of nationality laws almost imperative for many sending countries in the region by the late 1990s was the immigration reforms in the United States.

In sum, in the early 1990s, some Latin American sending countries abandoned the principle of exclusivity of citizenship as their nationals residing in the United States became interested in naturalizing to gain power and a voice as communities. After the mid-1990s, many more Latin American countries followed this path in response to the threat imposed by the new anti-immigrant laws that endangered the rights and privileges of their nationals living in the United States.

There is another group of countries (first row of table 1) that accepted dual citizenship early on as a result of particular internal events or legal traditions, and independently from the migration events described above.<sup>4</sup>

Colombia was a pioneer among the Latin American countries in passing the retention-of-nationality laws in the 1990s. It was among the Latin American countries whose population in the United States grew significantly after the immigration reforms of 1965, particularly during the 1980s. By the late 1980s, community leaders were realizing that the lack of U.S. citizenship was limiting the economic and political development of the Colombian community.<sup>5</sup> Thus, the movement for dual nationality, which Colombians abroad began at the end of the 1980s, started focusing primarily on this community's potential political role within the United States.

Although there had been contacts between politicians and immigrants interested in dual nationality since 1984, the organized campaign for dual nationality began in 1988 when Colombian leaders in the United States managed to include the issue in the project of constitutional reform that President Barco Vargas tried (unsuccessfully) to get approved by Congress that year. The initiative came from members of the Colombian American National Coalition (CANCO), a nonpartisan and nonprofit political organization created in Miami in 1986 to promote the interest of Colombians in the United States and to support Colombian American candidates.<sup>6</sup> By 1988, CANCO had opened chapters in

4. On dual nationality in Uruguay, Panama, and Costa Rica, see Jones-Correa (2003, 306–307). El Salvador passed its dual nationality law in 1983, before the main exodus resulting from the civil war. At that time, Salvadorans migrated mostly to the neighboring Central American countries, so the law was designed with the Central American integration project in mind (personal interview with the Consul of Salvador in Los Angeles, Mexico, 11–05).

5. From Colombian American National Coalition Coordinator to Virgilio Barco Vargas, President of Colombia. March 23, 1988. Personal communication.

6. From the president of the Washington chapter of the Colombian American National Coalition to Proarte (Queens, NY). Washington, February 14, 1988, personal communication.

Chicago, Washington, DC, and New York and had established contact with Colombian politicians, particularly the presidential candidate Luis Carlos Galán. At the time, because of the absence of other examples in Latin America (apart from Uruguay), Colombian leaders cited Israel's, Egypt's, and Lebanon's constitutions as examples.<sup>7</sup> The campaign for dual nationality was soon adopted by leaders of the Colombian community, particularly by the newly created (in 1986) formal branch of the Colombian Liberal Party (Partido Internacional Liberal de Nueva York) in New York.<sup>8</sup> At this point, following advice from Colombian congressmen, the political leaders in the United States promoted a multiparty committee to work on the petition, which included not only dual nationality, as was the original idea, but also the extension of the franchise to nonresident Colombians to allow them to participate in Congressional elections, and the creation of a special electoral jurisdiction for Colombians living abroad. The committee organized a campaign and gathered 5,000 signatures in support of the project in 1988 (Serrano 2003, 131).

After the failure of the constitutional reform for reasons that had nothing to do with the project of dual nationality, a new opportunity, ultimately successful, came with the Constitutional Assembly of 1991. There was no opposition to the project allowing Colombian citizens to retain their nationality after becoming citizens of another country (many projects presented to the Constitutional Assembly included this provision),<sup>9</sup> and an article to the Constitution was enacted into law relatively quickly by the Colombian Congress (1993). The immediate consequence of this law was the increase in the rate of naturalization among Colombians in the United States (Escobar 2004; Mazzolari 2005).

Similar to the Colombian case, the initiative for the enactment of dual citizenship came from the Dominican immigrants in the United States. This community, well organized along the lines of the political parties and opposed to the regime in the Dominican Republic, developed with the politically motivated migration of exiles from the authoritarian regime in the 1960s, but was joined by the more economically oriented migrants of the 1970s and 1980s (Sagás 2004, 56–57). By the late 1980s, as leaders of the immigrant community started to venture into local politics in New York (the first Dominican American representative was elected to the City Council in 1991), they saw naturalization of migrants as necessary for the empowerment of the Dominican community and requested enactment

7. Capítulo Doble Nacionalidad Subcomisión 0404, Comisión de Derechos Humanos. Comisiones Nacionales Preparatorias de la Asamblea Nacional Constituyente. República de Colombia (no date).

8. Personal interview with one of the founders of the Liberal Party in New York 2001–2002.

9. República de Colombia, *Gaceta Constitucional* (Colombia, 1991).

of the retention-of-nationality laws. The increasing importance of the migrant community as a major contributor to the political campaigns of the Dominican parties gave them the necessary leverage among the political parties to make this claim (Graham 2001, 92–94; Sagás 2004, 59).

The opposition parties made various unsuccessful attempts to enact retention-of-nationality laws in the 1980s and 1990s in the Dominican Republic. However, it was not until the constitutional reform of 1994, which preceded the regime change, that this legislation, along with other important electoral and judicial reforms, was finally approved by the Dominican congress (Graham 1997, 98–107; Hartlyn 1998, 254). As in Colombia, more than the state, the migrant community—whose leaders had already achieved positions of power in New York and needed to enlarge their constituency—was the main political transnational actor behind the enactment of dual citizen laws.

Mexico constitutes an example of the second route to dual citizenship, the one in which the state takes the lead in the establishment of the retention-of-nationality law, within the context of the constitutional reform of 1996. The main arguments in support of this law, which was approved after the consulates and the secretary of international relations carried out inquiries among community leaders in the United States, were that it allowed migrants to defend themselves from the anti-immigrant laws in the United States and would better protect their rights by allowing them to adopt U.S. nationality and participate in elections (Calderón and Martínez Cossio 2003, 229; Fitzgerald 2005, 184). Allowing Mexican nationals to naturalize in the United States favored the Mexican state, first, because it encouraged migrants to participate in U.S. politics as an ethnic lobby in support of the interest of the Mexican state and second, because it could secure the continuing flow of remittances, investments, and development contribution of the migrant population to Mexico (Guarnizo 1998, 61–62; Fitzgerald 2000, 23; Smith 2003).

The anti-immigrant legislation of the United States and the claims for dual citizenship it generated among the migrant population also resulted in the acceptance of dual nationality in Brazil (1996), Perú (1996), Guatemala (1999), and later, in Honduras (2003) (Calderón 2003b, 107–108; Durand 2003, 173; Zapata 2003, 335). Two Latin American countries, Bolivia and Chile, have followed the Latin American trend, in both cases under the intense pressure from the migrant community, by adopting dual citizenship in 2004 and 2005 respectively.<sup>10</sup>

10. República de Bolivia, Ley 2631 de 2004; República de Chile, Ley No 20.050 Septiembre 17, 2005. Bolivians in the United States were directly involved in the dual citizenship campaign; however, other communities abroad joined in solidarity (“Carta Abierta de la Asociación de Residentes Bolivianos en España dirigida al Sr. Presidente Gonzalo Sanchez de Lozada.” Murcia, España, 21 de abril de 2003). Personal interview with member Monica Williams, Unión Cultural Boliviana Americana, Washington DC 1–2007.

The Latin American countries that have not accepted dual citizenship are Cuba, Haiti, Paraguay, and Nicaragua (see table 3). An interesting case is that of Argentina, whose constitution does not explicitly accept dual or multiple nationality but, at the same time, does not permit native-born Argentines to lose their nationality either, thereby indirectly allowing their nationals to have dual and multiple nationality. Following the doctrine of single nationality, Argentina signed international agreements to prevent the conflicts that dual or multiple nationality could entail. An old agreement with Sweden and Norway in 1885 and a protocol signed by Chile, Colombia, Ecuador, El Salvador, Honduras, Nicaragua, and Panama in 1906 established that Argentines who nationalized in these countries and went back to Argentina for two or more years would lose the adopted country's nationality. More recent treaties with Spain (1971) and Italy (1974) allow successive citizenship. Argentines can acquire the status of citizens while residing in these countries without losing their original nationality, which they cannot practice simultaneously but can regain once they move back to Argentina. Even though in principle these treaties allow for successive and not simultaneous dual citizenship, in practice, Argentines use their passports and participate in elections as dual citizens.<sup>11</sup>

The first route to dual citizenship—the one in which the immigrant community, seeking incorporation in the United States, is the predominant actor—invalidates the arguments of those who fear the detrimental consequences of the increase in the number of dual citizens among the American population. These arguments ignore the fact that the retention-of-nationality laws that generalized in the 1990s resulted from the Latin American immigrant communities' interest in becoming active participants of the American political community. This analysis also makes evident the unintended consequences of the anti-immigration laws of 1996, which has prompted almost all Latin American sending states to enact retention-of-nationality laws, automatically increasing the number of dual citizens as immigrants naturalize.

#### LATIN AMERICAN DEMOCRATIZATION AND THE EXTENSION OF POLITICAL RIGHTS

The wave of democratization that started in Latin America in the 1980s is associated with the generalization of the extension of political rights to nationals abroad in Latin America (Calderón 2003a, 33). During this time, democratic governments replaced dictatorships (Argentina 1985, Brazil 1986, Chile 1990, Honduras 1981, Paraguay 1985, Perú 1989, Guatemala 1985, etc.), and formally democratic but restricted regimes

11. Cancillería Argentina-OIM 2002, 59–60. Phone interview with the Ministerio del Interior, June 2006.

were democratized (Colombia 1991, Dominican Republic 1994–1996, Mexico 1996); and in countries devastated by civil wars, fighting parties reached peace agreements (El Salvador 1992, Guatemala 1996, Nicaragua 1990). In this context of democratization, some of the new constitutions and laws, which expanded citizen rights in general, also extended the rights to nationals abroad. There was significant variation from country to country in the forms by which these changes took place. The extent to which the citizen rights were extended to nationals abroad—the presence or absence of intense debates—are variations that depend on the size and importance of the population abroad, the history and nature of the countries' political systems, as well as on the states' and political parties' interest in the role these immigrants could play in both their countries of origin and their countries of residence.

In addition to each country's political characteristics (migration, political systems, etc.), the timing of the democratic change also determined the extent to which citizen rights were expanded to nonresidents abroad. Whether democratization took place early, affecting only the politically motivated migration of the 1960s and 1970s, or later, thereby also including the much larger wave of economic and political migration of the late 1970s and 1980s, influence the way the states provided a wide or a narrow range of rights to their nationals abroad. The timing of the democratic transition may also be relevant because the countries that changed their legislation in the late 1990s and early 2000s had models to follow and, in some cases, the direct advice of participants in similar processes that had already taken place in other Latin American countries.<sup>12</sup> The increasingly crucial role immigrant remittances played in many sending countries' economies has also become an important contributing factor.

In sum, the wave of democratization in Latin America in the last two decades served as the context for the extension of political rights to nationals beyond the national territories. This trend of expansion of extraterritorial political rights constitutes a redefinition of the political community and the nation beyond territorial boundaries in order to include the growing number of migrants who remain tied to their original countries and plays an increasingly significant role in those countries. Even though political rights are becoming universal rights, it is within specific political communities ascribed to national states that people gain access to these rights.

#### THE VARIOUS ROUTES TO EXTRATERRITORIAL POLITICAL RIGHTS

The forms and timing by which Latin American countries have extended political rights to their nationals abroad vary widely. To understand the

12. One of the principal figures associated with the struggle for Colombians abroad to gain dual citizenship and the extension of political rights of Colombians abroad was

origins and consequences of this variation, it is necessary to take into account the characteristics of the regime of the countries and the role played by the main political transnational actors—the state, the political parties, and immigrant organizations.<sup>13</sup> The state needs to be addressed in relation to the international community, the global context, and to its citizens; the political parties addressed as players in the domestic political system and as mediators between the state and its citizens; and the immigrant community addressed in its internal characteristics (organization, concentration, etc.) and in relation to the state of origin and the context of settlement.

Taking into account the national political regimes and the dynamic among the transnational actors, I have identified four distinct routes to the extension of political rights to nationals abroad in Latin America: 1) active political diaspora; 2) co-optation of migrants in corporative regimes; 3) early inclusion in ex-authoritarian military regimes; and 4) political party-driven incorporation (see table 2). In the following pages, I will explain and illustrate with examples each one of these different routes.

### *Active Political Diaspora*

The Dominican Republic has been characterized by a large emigrant population (765,000 in the United States, according to the 2000 U.S. census), a difficult process of state-building (accompanied by U.S. intervention), a long history of authoritarian neopatrimonial regimes<sup>14</sup> (Rafael Trujillo's era from 1930 to 1961 and Joaquín Balaguer's first term 1966–1978 and second term 1986–1996), and a parallel history of a very active political diaspora. Within this context, the right to vote for migrants was a highly contested issue, and migrants abroad became a powerful force behind acceptance of the vote and, as mentioned above, of dual citizenship.

Migration from the Dominican Republic—small and politically motivated before the 1950s, considerably larger and politically motivated during the 1960s and 1970s, and more economically motivated during the 1980s and 1990s—became not only numerically important, representing almost 10 percent of the island population, but politically significant

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contacted by both Mexican and Ecuadorian politicians interested in winning these rights in their respective countries. (Personal interviews with president of the Directorio Liberal Colombiano Internacional de New York, 2000, 2003).

13. I am following the classification of transnational political actors proposed by Itzigssohn (2000, 2003).

14. Neopatrimonial regimes are characterized by the concentration of power and resources in the executive and by the blurring of the public and the private. This system is based on personalistic and clientelist rule and rests on and reinforces both high levels of inequality and weak levels of formal organization, particularly among poorer sectors of society (Hartlyn 1998, 39, 102, 135).

Table 2 *Routes to Extraterritorial Political Rights in Latin America*

<i>Routes</i>	<i>Country</i>	<i>Formal Legislation</i>	<i>First Electoral Participation</i>
Active Political Diaspora	Dominican Republic	Electoral Law, 1997	2004, President
	Ecuador	Constitution, 1998	2006, President
	Bolivia	Electoral Law, 2005	Expected 2007 Referendum
State Cooptation of Migrants (Cooperative Regimes)	México	Political Reform, 1996	2006, President
	El Salvador	—	—
	Venezuela	Constitution, 1999	2004, Referendum
Early Inclusion (Ex-authoritarian Military Regimes)	Argentina	Law, 1991	1993, Congress 1995, President
	Perú	Constitucion, 1979	1980, President
	Honduras	Constitution, 1982	Electoral Law, 1981
		Decree, 91-2000	2001, President
	Brazil	Law, 1965	
		Constitutional National Assem- bly, 1988	1989, President 1993, Plesbiscite
Political Party Driven Incorporation	Colombia	Constitution, 1991	1965, President 1998, Senate 2000, House of Representatives

Source: Calderón Chelius (2003a). Official Web sites of Ecuador, Mexico, and Venezuela. Phone interviews with Latin American consulates and embassies in the United States.

as organized opposition to the regime. The two main opposition parties, the Partido Revolucionario Dominicano (PRD, Dominican Revolutionary Party, founded in 1939) and the Partido de la Liberación Dominicana (PLD, Party of Dominican Liberation, founded in 1973), developed organized constituencies in exile that maintained a strong link with the political events of the Dominican Republic (Hartlyn 1998, 76, 117). Economically, the migrant population also became significant for the political parties, both as a major source of campaign financing and as an increasingly important source of foreign currency through remittances. The organized diaspora played a fundamental role in the democratization process that crystallized in the new constitution passed in 1994 and general reforms.

The Dominican political system, described as a “partyarchy,” is characterized both by highly disciplined and controlled political parties that monopolize the political process and by a society whose organizations and mass media are penetrated by political parties (Hartlyn 1998, 151–152). This partyarchy system is at the root of the Dominican political culture, which includes deep party identification and politicization and high levels of organization.<sup>15</sup> The diaspora, sharing Dominicans’ high levels of politicization and well organized by the political parties, has been critical in redefining the relationship between migrants and the Dominican state.

The claim for the extension of political rights to Dominicans abroad was included implicitly in the new constitution of 1994, as was the retention-of-nationality law; however, it was not made into law until an electoral reform approved by Congress in 1997 (Graham 2001; Itzigsohn 2003, 277). Dominicans abroad participated in elections for the first time in 2004. Given the high involvement of Dominicans in their home country politics, the turnout for this first election was lower than expected.<sup>16</sup> The lack of information and the technical difficulties in organizing elections abroad for the first time explain to a large extent the lower than expected participation. However, there are other factors—e.g., the high cost of political campaigns in the United States—which need to be taken into account to explain the low turnout. Given the Dominican political culture and its involvement in home-country politics, it is possible to expect a larger political participation than that of the first elections once the infrastructural difficulties are overcome.

In comparison to other cases, the community of Dominicans abroad had the advantage of a history of active political involvement in their home country and well-organized and socially embedded political parties that served as excellent vehicles for the extension of political rights to this community. Other Latin American communities, such as Ecuadorians, which did not have these advantages, started their campaign for electoral rights early in the 1990s but were not able to achieve them until much later. The rights were accepted in 1998 and the first elections were held in 2006.<sup>17</sup> The growing demographic and economic relevance of Ecuadorian nationals abroad has allowed them to gain political rights in the context of constitutional and electoral reforms. As in Bolivia, where nationals abroad won voting rights in

15. Levitt (2002, 279) suggests that the high levels of organization are also due to the campaigns of civic organization that were developed by the government following the demise of the Trujillo dictatorship.

16. In the 2004 elections, 4 percent (26,437) of the adult population living in the United States (estimated at 670,000) cast ballots (Suro and Escobar 2006). See also Espinal (2005).

17. Jones-Correa (2003, 308), hoy.com.ec. October 16, 2006.

2005,<sup>18</sup> in Ecuador, the examples set by other Latin American countries were an important contributing factor.

*State Co-optation of Migrants (Corporative Regimes)*

The Mexican and Salvadoran experiences have been similar to that of the Dominican Republic in that they have a numerically and economically significant population abroad, particularly in the United States. However, political transnationalism in Mexico and El Salvador differs sharply from the Dominican Republic, first, because their states have been active participants in the transnational political field and, second, because the dominant parties restricted the franchise to nonresident citizens in order to protect their position in the government.

Since the late 1980s, the Mexican state has taken an aggressive role in shaping transnational relations with its nationals abroad. Totalling almost 10 million in 2002, or approximately 10 percent of the total Mexican population (SRE-IME 2005), this group is not only numerically important, but also crucial for the Mexican economy because of their remittances (\$20,034 in 2005, according to the Inter-American Development Bank [2006]) and their contribution to local and regional development projects.

The Mexican state has developed a corporatist strategy to co-opt the millions of Mexicans residing in the United States, the same strategy that the Partido Revolucionario Institucional (PRI) used during its nearly eighty years in power to co-opt and integrate other sectors of the population (peasant, workers, middle class) whose contributions were necessary but whose demands could threaten the regime's stability.<sup>19</sup> Under this strategy, the Mexican state designed cultural, educational, health, and sports, programs, among others, for its nonresident nationals and started to play an aggressive role in organizing the community abroad.

In this case, co-optation served various purposes. First, it allowed the government to retain a connection with the increasing number of emigrants, many of whom settled in the United States after the Immigration Control and Reform Act of 1986 (IRCA) gave almost three million undocumented Mexican immigrants living in the United States legal status and made the mostly circular migration of millions of people into the United States a more permanent one (Roberts et al. 1999, 251; Massey et al. 2002). Second, the co-optation strategy allowed the Mexican government to neutralize the opposition that had grown in the 1980s among the immigrant communities in California (Calderón and Martínez 2002; Guarnizo 1998; Fitzgerald 2000; Smith 2003).

In spite of the interest in co-opting its nationals abroad, the state, while ruled by the PRI, was not interested in extending the franchise

18. *El Mundo* (Bolivia) July, 12, 2005. [www.bolivia.indymedia.org](http://www.bolivia.indymedia.org)

19. See Rueschemeyer et al. (1992, 199–201).

to nationals abroad. The PRI feared that this extension would cause significant growth of the main opposition party, the PRD (Partido de la Revolución Democrático), the only party that had cultivated an important potential constituency in the United States (Calderón and Martínez 2003, 220–221; Fitzgerald 2000, 25–27).

The democratic reforms of the mid-1990s, which eliminated the requirement that citizens must vote in the special district where they reside, opened, in principle, the possibility for nationals abroad to participate in presidential elections. However, this participation was obstructed, in practice, by the absence of legal regulation and a system of registry and identification. While it was the dominant party, the PRI used these technical requirements to delay the electoral participation of Mexicans abroad (Calderón and Martínez 2003, 226–227). The defeat of the PRI in the 2000 elections, the support of President Vicente Fox, and the unprecedented growing demand by Mexican migrants in the United States,<sup>20</sup> helped the Mexican Congress finally accept in 2005 the right of nonresident nationals to vote. The levels of participation in the first election, the 2006 presidential elections, were extremely low, not only as a result of lack of information, and the infrastructure limitations on carrying out elections abroad (as in the other countries), but mainly because the law approved by Congress designed a very complex system of registry.<sup>21</sup>

The Mexican corporatist approach to the integration of nationals abroad under the PRI combined an aggressive campaign by the state to reach the Mexican population abroad with the neutralization of the opposition by limiting the voting rights of nationals abroad. The end of the PRI's hegemony and the extension of political rights to Mexicans abroad constituted a significant change, even though there are still serious obstacles to participation in the voting procedures that need to be overcome. The significant role the Mexican state has played among its nationals abroad has also created the potential of constructing, in the long run, a solid lobbying force within the United States

The case of El Salvador has important similarities with Mexico: a numerically and economically important migrant population, a state that grants dual nationality and reaches out to co-opt this migrant population,

20. Hometown associations, federations, and political organizations of Mexicans in the United States were actively involved in the campaign to win the vote (De la Garza and Hazan 2003; Comisión de Asuntos Legals' report, VI Regular Meeting of the IME Consulting Board, Patzcuaro, November 2005).

21. In the July 2006 election, 33,111 Mexicans sent their votes from abroad (32,632 counted as valid votes), representing only 0.053 percent of the total national electorate. The low turnout was expected, since only 56,749 Mexicans abroad asked to be registered (*El Mural*, July 2, 2006; *El Diario Digital* ([www.diario.com.mx](http://www.diario.com.mx)), January 17, 2006, February 18, 2006; *El Universal*, July 22, 2006). Of the approximately 3 million Mexicans living in the United States who were eligible to vote, only 28,335 actually did (Suro and Escobar 2006, *El Universal*, July 3, 2006).

and opposition parties struggling against incumbent parties in their effort to extend political rights to migrants abroad. The Salvadorian state was interested in securing the position of its nationals abroad by helping them achieve the Temporary Protected Status (TPS) in the United States, which gives migrants temporary legal status and the right to work. As in Mexico, integrating these nationals abroad into the home country's political community was not part of the state's agenda. The state was controlled by a political party uninterested in giving the vote to a population among which the opposition parties have traditionally recruited their constituency.<sup>22</sup>

Honduras followed a slightly distinct route: it formally sanctioned the right of nationals to participate in elections in the early 1980s but did not actually carry out elections abroad until after 2000, and then, only in the United States (Hernández 2003). Venezuelans abroad went to the polls for the first time in the 2004 recall referendum of President Hugo Chavez and then for presidential elections in 2006. Even though there are significant differences, the form of inclusion of immigrants abroad under the corporatist neo-authoritarian regime of President Chavez makes this case more similar to the co-opting and restricting strategy of the PRI than to the other routes.<sup>23</sup>

#### *Early Inclusion (Ex Authoritarian—Military Regimes)*

Argentina, Brazil, and Peru incorporated nationals abroad within the political community relatively early in comparison to the rest of Latin America and also in the sense that the incorporation predates the wave of mostly economically driven out-migration of Latin Americans of the 1980s and 1990s. This early incorporation of the population abroad, mostly political exiles, took place during the transition from military to democratic regimes in these countries, with the idea of making these exiles participants in the democratic process.<sup>24</sup> In spite of the symbolic significance this incorporation entailed, nationals abroad did not constitute, at the time of democratic transition, a decisive political or economic force. Hence, the political incorporation of nationals abroad, though considered crucial in the process of democratization in some of these countries, was not a particularly contested issue as it has been in the Dominican Republic or El Salvador.

22. For more on migrant organizations and political transnationalism, see Landolt et al. (1999) and Mahler (2002).

23. Republica Bolivariana de Venezuela, Consejo Nacional Electoral. Resolución No. 040724-1090, 27 de Julio de 2004; Constitución República Bolivariana de Venezuela 1999; Sandra Herenandez, "Ballot Restrictions shock Venezuelans," *The South Florida Sun-Sentinel* (Ft. Lauderdale), July 29, 2004. On Venezuelan regime under President Chavez see Blanco (2006) and Gómez (2005).

24. On Brazil and Peru, see Calderón (2003b, 90) and Durand (2003, 170–174), respectively.

Argentina has traditionally been a country of immigration, not only from Europe at the turn of the twentieth century but also from neighboring countries like Chile, Paraguay, and Bolivia. Since the 1960s, as the flow of immigrants continued, Argentina also started to experience emigration, mostly of skilled workers. During the 1970s, particularly during the military dictatorship (1976–1983), emigration doubled, reaching around 2 percent of the population, and became more diverse as a result of political repression and economic insecurity. Argentineans headed not only towards the United States, as did other Latin American migrants, but mainly to Europe, Mexico, Venezuela, Israel, Canada, and Australia (Pellegrino 2000, 9). Migration increased again in the 1990s and peaked after the economic crisis of 2001, creating a flow of migrants mainly towards Spain, Italy, and the United States (Jachimowicz 2003).

At the time of the transition to democracy, most Argentinean migrants abroad were political exiles who left in the late 1970s and early 1980s. Their political incorporation was a crucial step carried out by the civil government as part of the process of redemocratization to help foster their return. The initial project allowing Argentineans abroad to participate in elections was presented to Congress in 1986, but, for bureaucratic and other reasons independent of the project itself, the constitutional and electoral changes did not take place until 1991. In this new democracy, where no single party was defending its position in power, as in El Salvador or Mexico, and where the exiles represented a pro-democratic force, the inclusion of nationals abroad was welcome (Chávez 2003). Extending political rights to the exiles represented a form of “symbolic restitution” in recognition of their active role against the military regime and in support of democracy (Calderón 2003a, 57).

Chile serves as an interesting counterexample, not only to the Argentine case of early inclusion but, to the other routes to the extension of voting rights abroad. Chile’s transition to democracy occurred later and was a slower, more difficult process than the one experienced by Argentina, Brazil, or Peru. Chileans lived under a military dictator for more than fifteen years before voting in democratic presidential elections in 1989. The military maintained control over the transition process, however, and even after the election of a civilian government, there have been few constitutional amendments because any change requires the support of two-thirds of all deputies and senators (Silva 2002, 462). Every president since 1991 has backed projects to allow Chileans to participate in elections while residing abroad. Migrants themselves have also been campaigning for the right to vote, particularly those in Argentina, where 40 percent of nationals abroad reside.<sup>25</sup> However, the measure, opposed by the conservative parties, has not gained enough support.

25. The rest of the receiving countries, including the United States, Brazil, Australia, and Canada, each has less than 10 percent of the Chilean population abroad (Pereyra 2003, 194).

*Political-Party Driven Incorporation*

The case of Colombia differs from those of El Salvador and Mexico, because the Colombian state has played a relatively passive role in the incorporation of nationals abroad. The Colombian case also differs from the Dominican Republic because it does not have a history of significant politically active diaspora in the United States. The early extension of voting rights in presidential elections at the end of the short-lived military dictatorship of Gustavo Rojas Pinilla from 1953 to 1957 (Serrano 2003) makes this case similar to those in Argentina and Brazil. However, increasing migration by the late twentieth century and, especially, the wide range of political rights given to migrants (participation in presidential and congressional elections, a chair in the House of Representatives) makes this case exceptional in the Latin American context.

The second democratizing moment for the extension of political rights to Colombians living abroad was the Constitutional Assembly of 1991. This became the specific conjuncture in which the projects and proposal of dual nationality and extension of political rights, which had not gathered enough political support from legislators in previous years, made their way into the constitution.

In the Colombian communities in U.S. cities, such as New York, leaders of the main political parties had formed ad hoc organizations during elections, and representatives of leftist groups had also organized discussion and solidarity groups. Aside from small groups of politicians and activists and occasional participation in presidential elections by a relatively small number of Colombians abroad (Serrano 2003, 129), they were not actively involved in Colombian politics. The Colombian community was neither politically nor strategically relevant enough to successfully demand voting privileges and the creation of the special electoral jurisdiction of Colombians abroad.

Compared to other Latin American countries, the Colombian state has not been particularly aggressive in reaching its nationals abroad and has been a minor player in the transnational political arena, even though approximately 8 percent (3.3 million) of its population lives abroad (Departamento Administrativo Nacional de Estadística—Colombia 2006). It was not until 1994, under the Ernesto Samper administration, that the Colombian government took a more active role with Decreto 690, which redefined the role of the state not only to “protect” but also to “promote” the Colombian communities abroad (to help them preserve the national, historical and cultural heritage) and to “stimulate” their associations. The government of Alvaro Uribe (2002–2006) recognized the increasing importance of Colombians abroad (their remittances constitute the second largest source of foreign exchange after oil) and launched a new program, “Colombia Nos Une,” in order to play a more active role in the Colombian community abroad (Colombia, Ministerio de Relaciones

Exteriores 2004). It was only in Uribe's second administration (beginning in 2006), when the state started to play a more leading position as a transnational actor.

More than the community abroad and the state, political parties were the main agents in the extension of the political rights to Colombians abroad. However, as a result of the characteristics of the traditional Colombian political parties (highly factionalized, undisciplined, and discredited) and electoral system (extremely personalistic), politicians were more relevant as transnational political actors than the parties themselves.<sup>26</sup> As mentioned above, the politicians approached by the Colombian leaders in the late 1980s in support of dual nationality (including then-presidential candidate Luis Carlos Galán and Congressman Ernesto Samper) suggested to the leaders that they incorporate in their project the creation of an electoral circumscription for Colombians abroad, a proposition that was accepted by the Colombian leaders.<sup>27</sup> The original project presented to the Constituent Assembly's preparatory commission requested four senate seats for Colombians living abroad. This goal was not attainable, however, first because of a lack of political support from the Colombian emigrants and their organizations among the homeland political class; second, because the Constituent Assembly transformed the Senate from departmental jurisdiction to national jurisdiction, eliminating the possibility of creating a "territorially based" Senate special jurisdiction for nonresident Colombian nationals. Colombians abroad were forced to negotiate their inclusion in an article of the new constitution that created special jurisdictions, and reserved five seats in the House of Representatives for distribution among the indigenous minorities, black minorities, political minorities, and Colombians living abroad.<sup>28</sup> The article (176) was only enacted into law in 2001, not because of any strong opposition to the nonresident franchise but because of the complexity of the article, which included ethnic and political minorities along with Colombians abroad. A Supreme Court resolution that allowed all Colombian citizens to elect the representative to act on behalf of nonresident Colombians (as is the case for the political and ethnic minorities) created a rather awkward situation for the first election of the representative for Colombians abroad (2002).<sup>29</sup> To the surprise of the Colombian community, especially those residing abroad, the winner was a businessman from the entertainment industry residing in Miami

26. For more on Colombian political parties and electoral system, see Shugart et al. (2001) and Pizarro (2002).

27. Colombian American National Coalition, CANCO, document May 1988; personal interview with member of the Directorio Liberal Internacional de New York, New York, July 2002.

28. Colombian American National Coalition, CANCO, documents. *Gaceta Constitucional* (1991)

29. República de Colombia. Corte Constitucional Sentencia N C-169/2001.

who received 6,396 of his 8,540 votes in Colombia. This result gave rise to strong criticism by immigrant leaders, and the law was changed in 2005 to allow only Colombians abroad to elect their representatives.

Electoral participation of Colombians abroad has generally been low, even though it increased for the 2002 and 2006 presidential elections.<sup>30</sup> Participation has been particularly low in congressional elections.<sup>31</sup> In this case, neither the novelty of a first election nor a complicated system of registration, such as the one imposed by law on Mexicans, can be given as explanations. Difficulty in accessing voting places might be a factor in the low turnout, as in other countries, even though, at the request of politicians and leaders, the Colombian state has established additional registration and voting sites outside the usual polling places at embassies and consulates (e.g., in schools, fire stations, etc.). The apathy of the Colombian electorate and a political system that encourages the proliferation of candidates who each carry out personalized campaigns also contributed to the low turnouts, particularly in congressional elections. The political reforms approved by the Colombian Congress in 2003 were an important step in the reduction of personalism and in the consolidation of parties; nevertheless, they did not reduce the number of candidates for the House seat (which actually increased from twenty-five in 2002 to thirty-four in 2006 worldwide), nor did it increase participation in the congressional elections of 2006 (RNEC 2002, 2006).

In sum, the extension of political rights to nonresident nationals was not so much the result of the organizational or electoral strength of the nationals abroad as a political force vis-à-vis the Colombian state or the party in power. Rather, the extension of political rights was the result of the initiative of the small organized sectors of the Colombian community in the United States, and the interests of both U.S. Colombian leaders with political aspirations and Colombian politicians searching for potential electorate abroad, within the conjuncture of the Constitutional Assembly.

While giving the vote to nationals abroad has been a hotly debated and contested issue in Mexico and the Dominican Republic and is not yet even a viable project in El Salvador or Chile, the extensive prerogatives

30. In the highest turnout abroad for any election (the presidential elections of 2006), the votes cast by Colombians abroad (61,008 in the United States and 120,670 worldwide) represented less than 5 percent (4.9 percent in the United States and 4.6 percent worldwide) of the estimated adult population (RNEC 2002). I calculated the adult population using the proportion of Colombians older than 18 (77.9 percent) registered in the 2000 US census over the more accurate number of 2,000,000 Colombians estimated to be living now in the United States.

31. Only a little over 1 percent of the adult population of Colombians estimated to live in the United States (16,585) participated in the election of the House representative of Colombians abroad in 2006 (RNEC 2006).

Table 3 Variations in Dual Citizenship and Extraterritorial Political Rights in Latin American Countries

<i>Dual Citizenship and Extra- territorial Political Rights</i>	<i>Dual Citizenship Only</i>	<i>Extrater- ritorial Political Rights Only</i>	<i>No Dual Citizenship</i>	<i>No Extra- territorial Political Rights</i>	<i>Neither Dual C. nor Extra- territorial Political Rights</i>
Bolivia	Chile	Argentina	Argentina	Chile	Cuba
Brazil	Costa Rica		Cuba	Costa Rica	Haiti
Colombia	El Salvador		Haiti	Cuba	Nicaragua
Dominican Republic	Guatemala		Nicaragua	Guatemala	Paraguay
Ecuador	Panama		Paraguay	Haiti	
Honduras	Uruguay			Nicaragua	
Mexico				Panama	
Peru				Paraguay	
Venezuela				Uruguay	

for Colombian migrants have been possible, paradoxically, because of the high abstention rates and the political apathy of the community residing abroad, and also because the personalistic electoral system extends itself beyond borders, dispersing the votes among many candidates and eliminating any potential threat to the status quo. Colombian politics abroad has not challenged the political system in Colombia, but rather, has been an extension of it.

The extension of political rights to nationals abroad has been slower than the enactment of retention-of-nationality laws and has not been granted in as many sending countries (see table 3). The absence or instability of democratic institutions has limited this option in some countries (e.g., Cuba or Haiti). In others, governments and parties in power have been cautious and have opposed the inclusion of a new group that could change the internal balance of power (e.g., Chile, El Salvador, Paraguay, Uruguay). The logistical challenge of carrying out elections abroad, which, as we have seen, has contributed to the low turnouts, was also the main reason for excluding the vote abroad from the electoral reforms of 1997 in Guatemala (Zapata 2003, 338–339). More generally, we can say that the entitlement and actual exercise of political rights by nationals abroad, as is the case with any other sectors of society, depend on the existence of solid democratic institutions and practices.

## CONCLUSIONS

The study of retention-of-nationality laws and Latin American governments' extension of political rights to nationals abroad makes evident the influence of migration on citizenship and the state. The political community in countries of origin is transforming as these countries extend political rights to their citizens abroad. The political community of receiving countries such as the United States is also transforming as large numbers of immigrants, interested in maintaining ties with their original countries, are naturalizing and becoming dual citizens. This situation suggests not the disappearance of the state, which continues to be the main guarantor of citizen status and citizen rights, but rather its transformation, as sending and receiving countries share a common group of citizens and maintain policies that are mutually influential. A new theoretical transnational approach is needed to address this reality. Our conception of citizenship also needs to be transformed because migration is challenging the territorial boundaries that had previously defined the bearers of rights and obligations.

The extension of political rights to nationals abroad has become a trend among Latin American countries in the last few decades. Countries have enacted different laws at different times, thereby shaping the inclusion of nationals abroad in very particular ways. I have identified some routes of inclusion of nationals abroad by looking at the patterns of incorporation of other sectors of society, and more specifically, at the role of the main transnational actors, namely, the state, the political parties and the organized communities abroad.

This exercise of identifying routes to extraterritorial political rights is useful not only for better understanding the dynamics involved in the extension of the political community beyond the territorial state, but also for identifying differences in the political role that nationals abroad will play in their home countries. If we view these changes as episodes in the redefinition of national states within this era of globalization and international migration, it is possible to predict that in the long run, most sending countries will eventually agree to the formal incorporation of their migrants abroad in their political communities. However, we should not expect similar political performances by these communities abroad in their home countries. The path of incorporation of these extraterritorial citizens may provide some clues about the political performance of the migrant population.

The political incorporation of communities abroad in their countries of origin has been slower than the abandonment of the exclusivity of citizenship and is not yet a reality in many others, where it continues to be a point of contention. Two factors that count in favor of the communities abroad winning political rights today are the increasing leverage that these communities have gained over the years, as their remittances grow;

and the diffusion of the model of extraterritorial political rights within migrant communities. The main obstacle to the inclusion of migrants in their Latin American countries of origin continues to be parties and governments that fear that the political inclusion of this group of citizens residing abroad can challenge their position of power. More generally, the weaknesses of democratic institutions or, in some cases, the absence of these institutions, represent a clear limit not only to the formal enactment of these rights but to their actual exercise.

The acceptance of dual citizenship has been faster and more generalized within the region than extraterritorial political rights. The reason is that dual citizenship has become a mechanism to allow nationals abroad to gain and defend their rights in the receiving countries, while keeping their formal ties to their countries of origin. As such, dual citizenship does not represent a threat to the sending country's internal political balance. On the contrary, it can serve to guarantee the stability of the nationals abroad and, therefore, the continuous flow of remittances back home. Moreover, dual citizenship allows nationals abroad to turn themselves into a potential lobbying force within the receiving country, to the benefit of the country of origin.

The study of the various routes to dual citizenship reveals that it was precisely the desire to integrate more fully into the United States that brought about the legislation of dual citizenship in some Latin American sending countries in the early 1990s. The analysis also makes evident the unintended consequences of the anti-immigration laws of the United States in the 1990s. These laws helped homogenize the response from the Latin American sending countries, most of which have changed their legislation, independently of traditions and political regimes, as a measure to protect the rights of their nationals residing in the United States. The anti-immigrant legislation has accelerated a process that otherwise could have taken longer or, in some cases, would not have taken place at all.

In terms of the incorporation of immigrants into the receiving community, the analysis above contradicts speculations that dual citizenship expresses the disconnection of immigrants with the United States or a threat to the unity and democratic stability of the country (Renshon 2001). Immigrants have become dual citizens not when they have distanced themselves from the United States, reaching back towards their original countries, but when they have integrated into the political community of the receiving country. Either as a direct result of migrants' demands or as a result of the initiative of the sending states to protect the rights of nationals abroad, the retention-of-nationality laws have allowed immigrants to integrate while maintaining the almost inevitable role they now play in their countries of origin (senders of remittances, points of connection, lobbying forces, etc.).

In this new era of globalization, migrants are attached to their countries of origin not only because of the facilities in communication and transportation but because south to north migration connects sending and receiving countries economically, politically, culturally, and socially. What has changed in this new era is not the attitudes of immigrants, who supposedly lack commitment or loyalty; rather, the form in which the increasing number of immigrants can be incorporated has changed. The alternatives are not potential loyal and committed citizens — detached from their countries of origin and faithful to the new adopted country — versus “bigamous” others who want to avoid a choice, thereby endangering the core of American citizenship (Huntington 2004, 212–213). In this new era of globalization, the options for a host country are to either incorporate immigrants — even though they are also attached to their home countries — or to create a subclass of residents excluded from the rights and benefits of society.

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