

NACIONALIDAD Y MIGRACIÓN EN EL MÉXICO MODERNO

DAVID FITZGERALD

Nationality and Migration in Modern Mexico. Journal of Ethnic and Migration Studies. (2005)31 (1), pp. 171-191.

Reseña de FELIPE REYES ROMO (2006)

El autor dice que una actividad fundamental en la formación del moderno estado nacional es el definir quien es un ciudadano nacional (Torpey 2000). Varias posiciones han emergido recientemente en la literatura para explicar los modos diversos en los cuales es definida la nacionalidad en diferentes contextos. Una posición enfatiza la legalidad del entendimiento histórico de la nacionalidad étnica o territorial (Brubaker 1992; Jacobson 1996: 25–6; Koopmans and Statham 1999; Weiner 1992). Otras rechazan el legado del argumento de nacionalidad y apuntan a modelar influencias demográficas y patrones de migración así como la estabilidad de las fronteras del estado (Hansen y Weil 2001; Joppke 199; Weil 2001). Mientras que muchos países de inmigración han sido analizados extensivamente, la aplicabilidad de esos argumentos en países de emigración es una cuestión abierta.

El ensayo perfila las perspectivas teóricas existentes examinando el desarrollo histórico de la ley de nacionalidad de México. Brevemente argumento que México es excepcionalmente un país de emigración, sus leyes de nacionalidad reflejan sus experiencias como país de inmigración con una posición internacional débil. Los actores políticos han escogido estratégicamente entre diferentes modelos exógenos de nacionalidad que mejoran su interés doméstico en México en el marco del sistema de estados. La interacción de esos modelos afecta las asimetrías históricas y contemporáneas en las relaciones entre México y los países de origen de los migrantes y los países de destino son factores críticos para explicar sus leyes de nacionalidad. Las leyes de nacionalidad en México no son explicadas por legados históricos o nacionalidades étnicas o territoriales, de acuerdo a las predicciones teóricas.

Explicando la Ley de Nacionalidad

México se encuentra entre los países que distinguen entre ciudadanía y nacionalidad. La ciudadanía del estado es la identidad legal orientada hacia los derechos y obligaciones dentro del estado, mientras que la nacionalidad es una membresía certificada por el propio estado y se encuentra orientada hacia afuera, hacia otros estados (Donner 1994). Los principios legales de descendencia y territorio regulan la nacionalidad. El Jus Sanguinis asigna la nacionalidad basada en la descendencia familiar o genealógica. El principio de territorio está dividido entre la atribución

de la nacionalidad basada en el nacimiento en un territorio determinado (*jus soli*) y residencia en un territorio (*jus domicili*). la mayoría de los estados aplica principio combinados de territorio y descendencia (Bauböck 1994; Brubaker 1989). Lo que explica la configuración de la ley de nacionalidad son cuatro factores, de acuerdo a la literatura relevante: los legados de nacionalidad; modelos; patrones demográficos y relaciones inter-estados. Esas explicaciones no son siempre mutuamente excluyentes y algunos autores las combinan para explicar la ley de nacionalidad en determinados escenarios, no obstante que son líneas de argumentación fuertemente opuestas (cf. Brubaker 1992 and Weil 2001). De acuerdo a la perspectiva de la herencia de la nacionalidad, los estados tienden a adoptar el *jus sanguini*, donde la comprensión de la nacionalidad es étnica o basada en la descendencia, mientras que los estados tienden a adoptar el *jus soli* cuando su entendimiento de la nacionalidad está marcada por las fronteras del territorio estatal (Bauböck 1994: 31; Koopmans and Statham 1999: 660–1; Weiner 1992).

En el clásico ejemplo de una concepción étnica de la nacionalidad. Alemania ha sostenido un régimen de *Jus sanguini* e la mayor parte de su historia moderna, mientras que el caso francés se ha sostenido, primariamente, en la tradición del *Jus soli* (Brubaker 1992; cf. Joppke 1999). El derecho a definir la nacionalidad es fuertemente celosamente por los estados soberanos, pero en un mundo conformado por un sistema de estados, las leyes de nacionalidad están orientadas hacia las demandas de otros estados (Donner 1994). La ley de nacionalidad está regulada por múltiples acuerdos como el de la Convención de Haya de 1930, tanto como por modelos político.-culturales que han sido adoptados mundialmente a través de “políticas modernas” (Meyer 1987; Weil 2001).

La perspectiva demográfica argumenta que los países que comparten similares patrones de migración comparten leyes similares de nacionalidad (Bauböck 1994: 41; Weil 2001: 19). la convergencia hacia una norma global en la cual los países de inmigración siguen inicialmente el *Jus soli* y países de emigración adoptan inicialmente modelos tipo *Jus sanguini* para buscar soluciones similares a problemas demográficos, tanto como la emulación de modelos exógenos. De acuerdo con Bauböck, “desde la perspectiva de los intereses del Estado, la razón detrás de la adopción del *Jus Soli*, dentro de un territorio y *Jus sanguino* fuera de él puede ser el intento de aumentar el número de ciudadanos” (1994: 41).

México, país de emigración e inmigración

La mayoría de las investigaciones sobre nacionalidad y migración, examinan casos que son inicialmente países de inmigración (e.g. Aleinikoff and Klusmeyer 2000; Brubaker 1992; Favell 2001; Jacobson 1996; Joppke 1999; Lesser 1999; Solberg 1970). Un estudio del caso mexicano con más de un siglo de historia de emigración masiva e inmigración numéricamente pequeña pero políticamente significativa, revela que el impacto de ambas en la Ley de nacionalidad. Los nacidos en el extranjero comparten. En los últimos cien años, México se ha convertido crecientemente en un “país de emigración”. 7.8 millones de mexicanos de nacimiento se encontraban viviendo en los Estados Unidos para el año 2000, representando el 8% de la población de México. Los Estados Unidos es el destino de cerca del 9% de los migrantes mexicanos (IFE 1998). Adicionalmente 13.8 millones de personas nacidas en los Estados Unidos declaran ser descendientes de mexicanos

Discusión

En la trayectoria de México hacia un régimen mixto de nacionalidad tipo Jus soli-Jus Sanguini han tenido efectos fundamentales en las relaciones inter-estados. En contra de las expectativas de la posición demográfica en la teoría existente, Las leyes de nacionalidad de México, inicialmente reflejan su experiencia como país de inmigración. La adopción del jus sanguini y jus soli no corresponden consistentemente con las concepciones de nacionalidad predichas por las herencias de las posiciones de nacionalidad. La mixtura de regímenes en la Ley de nacionalidad. Los naturalizados mexicanos parecen estar en desventaja en comparación con los de nacimiento por la antigua inhabilitación a tener doble nacionalidad, su susceptibilidad a la desnaturalización e inelegibilidad para cargos de gobierno o el servicio militar en tiempos pacíficos. Los mexicanos naturalizados son “ciudadanos a prueba” (Bauböck 2000: 308). La literatura sociológica sobre las leyes de nacionalidad han sido cautivas de la división soli-sanguini que igual revela características de la ley que han sido ignoradas La razón de esta jerarquía de ciudadanos estriba en los intentos de las elites mexicanas de mantener el precario balance entre promover cierta clase de inmigración y emigración mientras prevé el que los migrantes internacionales se conviertan en vehículo de intervención de los Estados extranjeros.

La ambivalente incorporación de los emigrantes

La incorporación ambivalente de inmigrantes durante el siglo XIX, las elites criollas animaron la inmigración de europeos, para importar científicos deseables, tratados raciales y culturales, sin embargo algunos colonialistas tomaron ventaja de las ofertas del gobierno mexicano para obtener la ciudadanía automática. Sin embargo, lo más notable de la ambivalencia se registra en tanto como la restricción jus soli y los estatus diferenciales de ciudadanía nacional dirigidas hacia los inmigrantes, revela la debilidad de la posición geopolítica de México, la ley de nacionalidad afectando a los migrantes sugiere un patrón similar como resultado de las conflictivas relaciones entre México y los Estados Unidos, el principal destino de los migrantes. La aplicación del Jus sanguini ha sido atemperada por miedos a que los mexicanos sean “extranjerizados” y que su incorporación a los derechos políticos y económicos de México sea para devengan en algún daño de los “intereses nacionales”. Prácticamente todos los estados tienen requerimientos para prevenir una naturalización puramente instrumental o la atribución de nacionalidad a una cadena infinita de descendientes de los emigrantes (Weil 2001), pero la situación de México es doblemente precaria por su débil posición en el contexto de emigración .inmigración.

Las elites políticas mexicanas de los años 20 y 30 vieron la emigración como una amenaza al proceso de construcción de estado. Encarando las humillaciones de las repatriaciones y deportaciones realizadas por el gobierno de los Estados Unidos y la falla de México por atraer una inmigración masiva desde Europa, el gobierno mexicano y la mayoría de los políticos animaron a los migrantes a volver (González Navarro 1994a). En 1939, una enmienda de la ley de nacionalidad y naturalización permitió el retorno de emigrantes quienes habían perdido su nacionalidad mexicana por la naturalización en el extranjero, para recobrar la mexicana reestableciendo su residencia en México. El reporte de la comisión legislativa defendió su iniciativa como un significado para incentivar la repatriación. Seguida de la repatriación masiva a principios de los 30's el gobierno mexicano en primera instancia hizo la distinción entre los ciudadanos americanos de origen mexicano y los nacionales mexicanos. Esto fue largamente ignorado hasta que se dieron los acuerdos para la migración temporal con el gobierno de los Estados Unidos en los años 1942 a 1964 (Sherman 1999).

El rechazo a la naturalización preferencial de 1937 de los emigrantes descendientes de habla hispana falla especialmente dado que, desde 1917, los latinoamericanos han disfrutado una naturalización preferencial,. Los latinoamericanos deben haber vivido en México entre dos y cinco años , basados en “ niuestra aspiración fraternal que nos une con países de la misma raza” y ”las profundas relaciones culturales y de vecindad con las naciones de la región” Así, a decenas de miles nacionales españoles se les dio refugio de su guerra civil y recibieron la misma preferencia. en el año de 1939.

Por medio de la concepción etno-cultural de nacionalidad, los hijos hispano-hablantes de los mexicanos en los estados unidos serían más parte de la misma “ raza” como los españoles o bolivianos. Sin embargo, los mexico-americanos fueron tratados como extranjeros no-latinos por que los primeros fueron considerados agentes potenciales de intervención de los Estados Unidos . No fue sino hasta 1974 cuando la segunda o tercera generación de mexicanos en el extranjero fueron objeto del mismo trato preferencial de naturalización que se les dan a los latinoamericanos. Esto puede ser explicado por el intento del Echeverría de lograr una mayor legitimidad internacional construyendo relaciones con las elites chicanas (Santamaría Gómez 1994). Una relación ambivalente entre México y los Estados Unidos explican la posición del gobierno hacia los migrantes más que cualquier noción sostenida de lazos etno-culturales con gente en el exterior originaria de México. Además ,, en contra de las expectativas de posición demográfica , las nuenaces de la ley de nacionalidad mexicana reflejan la experiencia como país de inmigración más que un país de emigración, esto inicialmente en el siglo pasado. Modelando los efectos de los debates legislativos estuvieron repletos de referencias positivas a leyes extranjeras.

Así al modelar la explicación por si sola es insuficiente dadas las múltiples leyes internacionales. Los legisladores estratégicamente trazaron sobre modelos contendientes para justificar mejor su posición política. Por ejemplo, en 1917 la comisión constitucional reportó las diferencias entre nacionalidad de los regímenes latinoamericanos y el norteamericano, basados sobre posiciones geopolíticas favorables en comparación con los estados europeos. dDe acuerdo a este argumento los norteamericanos tenían suficiente poder militar para ignorar los reclamos de Jus sanguini provenientes de estados europeos hacia las Américas. Los estados latinoamericanos debido a su debilidad, fueron forzados hacia el sistema híbrido.

The modelling position is correct in that there has been a deliberate alignment of Mexican law with dominant international models. Mexico has continuously had some kind of mixed jus soli/sanguinis regime since 1886. 25 Yet the modelling explanation is insufficient, because there are competing models available for jus soli, jus sanguinis, or a mixed regime. Further, those models were transformed when they were adopted. For instance, the qualification that jus sanguinis did not apply to the children of naturalised Mexicans was not the result of deliberately emulating the law of other countries. Fears of foreign influences via emigrants and immigrants explain why specific models were adopted, others rejected, and the way those models were transformed in the Mexican context. I now turn to the debates about jus soli and jus sanguinis to determine if nationality law is a reflection of political elites' conceptions of nationhood as 'state/territorial' in the former or 'ethnic' in the latter. Jus Sanguinis and 'Shallow' Descent Jus sanguinis has been identified with an ethnic conception of nationhood (Bauböck 1994: 31; Weiner 1992). An analysis of all 43 references to jus sanguinis as well as related terms of descent such as blood (sangre), race (raza), and heritage (herencia) in the 58 debate episodes from 1916 to 1997 suggests members' conceptions of blood ties were generally shallow and rarely implied 'the nation' was a descent group. The typical meaning of descent was shallow in two ways. First, discussions of blood ties

usually were framed explicitly in terms of parental or familial descent, rather than an expression of profound racial belonging, in keeping with the narrow legal definition of *jus sanguinis*.²⁶ Second, deputies in even the earliest debates from 1916, when scientific racism was in its heyday, described the Mexican *raza*, nationality, and nation as mutable entities.²⁷

The dominant national ideology claimed a cultural and biological *mestizaje* resulting in a new Mexican *raza* (Knight 1990). Claims of a common, primordial descent group simply would not make sense within an overarching nationalist frame that defines Mexico's relatively recent construction from heterogeneous elements. No national populations are truly homogenous, but in settings like Japan, the claim to homogeneous descent is more cognitively believable and politically effective in regulating immigration law (see Cornelius 1994). As in other countries whose populations derive from both colonisers and indigenous populations, common descent claims have little traction in Mexico (Francis 1976).

A further limitation to a discourse of common primordial descent was the ethnic stratification of Mexican society. Ambiguities in federal citizenship law prior to the liberal 1857 Constitution 'displayed tensions between the elimination of criteria of caste and of slavery in order to create a broadly based nationality and the restriction of access to public office and to the public sphere to independent male property holders who could read and write' (Lomnitz 2001: 64). Literate property holders were overwhelmingly of Creole descent. Federal citizenship and nationality law did not explicitly distinguish among Mexicans by ethnicity, but a *de facto* graded citizenship discriminating against the indigenous continued, and local laws sometimes relegated the indigenous to the status of *de jure* secondary citizens as well (Hu-DeHart 1984). Legacies of exclusions from full citizenship within Mexico established a pattern into which the graded forms of citizenship for immigrants and emigrants easily fit. In sum, the second-class status of the indigenous undermined claims to a shared Mexican heritage.

Even the unifying national myth of *mestizaje* that reached its heyday following the Revolution was based on a history of mixing separate ethnic origins. Consequently, the adoption of *jus sanguinis* in Mexico as a consistent and primary principle of nationality since 1836 cannot be traced to a legacy of an ethnic understanding of nationhood, as the legacies of nationhood position would predict. *Jus sanguinis* discussions emphasised descent as parental or genealogical transmission of legal status rather than ethnic descent. There is not a consistent relationship between legal nationality principles and ethnic or state-territorial framed understandings of nationhood.

Dual Nationality

Debates about dual nationality in the 1990s are a strategic site to examine the effects on contemporary nationality law of inter-state relationships, exogenous models, and a demographic context of mass emigration. In this section, I argue that despite an apparent embrace of emigrants through a dual nationality law, a legacy of anti-interventionist nationalism restricted emigrant nationality by limiting *jus sanguinis* to the first generation born abroad and limiting the rights of dual nationals. Like most states, Mexico historically has rejected dual nationality (Donner 1994; Gómez-Robledo Verduzco 1994; Vargas 1998). References to dual nationality in congressional debates have been relentlessly negative,²⁸ though the provision that 'nationality should be singular' was not adopted until 1993.²⁹

Since the adoption of a mixed *jus soli/sanguinis* regime in 1886, many children born to Mexican nationals in *jus soli* countries like the United States and children born in Mexico to foreigners from *jus sanguinis* countries were *de facto* dual nationals. 'Voluntary' foreign naturalisation was grounds for denationalization until 1998, 30 but the interpretation of 'voluntary' narrowed in 1939 and 1993, so that emigrants who adopted a foreign nationality as an employment requirement were considered to have involuntarily naturalised. They became *de facto* dual nationals as well. 31 The 1998 'non-forfeiture' (no *pérdida*) of nationality law protected native Mexicans from mandatory denationalisation, though they may still voluntarily expatriate. In keeping with the historic bias against immigrants, naturalising Mexicans were forced to choose Mexican nationality alone. Emigrants who had adopted a foreign nationality and the first generation born to Mexican nationals abroad were offered a five-year window to regain their Mexican nationality. 32

The 1997 constitutional reform limiting *jus sanguinis* to the first generation born abroad limited the infinite extension of dual nationality. 33 Proponents of dual nationality invoked its acceptance by more than 50 countries. Countries of former mass emigration like Spain and Italy (Balfour 1996; Gabaccia 2000) and contemporary countries of emigration like Mexico, China, India, and Caribbean states (Fitzgerald 2000; Guarnizo 1998; Lessinger 1992; Nyíri 2001) have extended ties to emigrants and their descendents living abroad in an effort to gain their economic and political support. In many cases, recognising dual nationality is an important element of those statist projects (Freeman and Ögelman 1998; Hansen and Weil 2002; Itzigsohn 2000; Jones- Correa 2001). Mexican opponents of dual nationality invoked an older, more formalised norm against the practice from the 1895 Institute of International Law in Cambridge declaration and the 1933 Nationality Convention in Montevideo (Comisión Especial 1995). With competing exogenous models available, legislators appealed to whichever model supported their interests. The principal argument in favour of dual nationality during the debates 34 and a colloquium with academics and government officials (Comisión Especial 1995) was that in an increasingly hostile political atmosphere in the United States, emigrants could best protect their rights by adopting US nationality and voting in US elections. Mexicans historically have had among the lowest naturalisation rates of any national-origin group in the United States, and Mexican legislators argued the rate would increase if emigrants could retain their Mexican nationality for its practical and ideological value.

Left unsaid in these discussions was that according to international law, dual nationals of one country cannot appeal to their second country of nationality for legal protection from the first (Donner 1994). The Mexican government exchanged the legal right to protect those who became dual nationals in the United States for an attempt to increase Mexican government influence in the United States. Members of the commission argued Mexicans were at a disadvantage compared to other national-origin groups in the United States whose native countries permitted dual nationality, thus stimulating greater rates of US naturalisation and stronger potential lobbies for their home countries (Comisión Especial 1995). President Zedillo privately told a group of US Latino leaders in Texas in 1995 that the goal of dual nationality was 'to develop a close relationship between his government and Mexican Americans, one in which they could be called upon to lobby US policy-makers on economic and political issues involving the United States and Mexico' (Corchado 1995). Nationality law was to be a tool of Mexican foreign policy. In agreeing to form a commission to study dual nationality, representatives from all parties signed a document suggesting the need to recognise dual nationality as a means of facilitating emigrants' 'economic and family projects in their country of origin'. 35

Remittances have long been important to the Mexican economy, but their importance increased during the 1990s as eight per cent of the Mexican population emigrated northwards (see Figure 1; Migration News 2003). The self-interest of the Mexican state in encouraging remittances was invoked explicitly in Gómez Villanueva's presentation of the non-forfeiture law: [T]he importance of the contribution of conational is such that it requires firm and solidary actions on the part of the Mexican state. It should be remembered that the third largest source of foreign currency in our country after petroleum is the monetary remittances of migrants to their Mexican families, in an annual sum of approximately six billion dollars. 36

In addition to the economic argument, newly competitive Mexican politics in the late 1980s and the incorporation of emigrants into those politics through opposition campaigning among the Mexican population living in the United States were critical factors in the interest the Mexican state and ruling party showed towards emigrants after decades of neglect (Sherman 1999). Although the 1997 constitutional reforms were passed 405 to 1 at a time of increasingly competitive politics, a number of arguments against dual nationality or the expansion of full rights of citizenship to dual nationals revealed fears of US economic intervention. Even as Deputy Sandoval Ramírez supported the amendment on behalf of the centre-left Party of the Democratic Revolution (PRD), he warned of 'the conflicts that derive from the existence of dual or multiple nationality' and the danger of 'the involuntary creation of a "Trojan horse"'. 37

A faction of the PRD feared *mexicano-norteamericanos* would take advantage of their greater wealth and buy control of the national patrimony, particularly the border and coastal strips from which foreigners were excluded from direct ownership, or that dual nationals would invoke the protection of foreign governments. The sole vote against the non-forfeiture reform came from Tenorio Adame of the PRD who made the following defence of restricting emigrant rights: It is not possible that those who have fought for the agrarian reform, those who have fought for Article 27 of the Constitution!; those of us who have been committed to justice for peasants in the country, that now we give up our historical patrimony for all Mexicans so that *mexicanos-norteamericanos* would also have the opportunity to take in the possibility [of buying] those territories that were reserved exclusively for Mexicans. 38

Mexican legal scholars Becerra Ramírez (2000: 328) and Trigueros Gaisman (1996) have made similar arguments for restricting the rights of dual nationals, who are entirely emigrants, given the prohibitions on dual nationality for naturalised Mexicans. 39 Yet PRD Deputy Adolfo Zinser argued that not since the American colonisation of Mexico's northern territories in the nineteenth century have foreign states attempted to use Mexican nationality law to harm Mexico, so Mexico should be less cautious about recognising dual nationality and nationality rights for immigrants or emigrants. 40 In the final bill, dual nationals were given the right to own property in coastal and border zones. Dual nationals do not have rights that historically have been reserved for native Mexicans like eligibility for certain political offices and peacetime military service. 41 Dual nationality does not mean dual citizenship in this case, as dual nationals are prohibited from the exercise of specific rights of Mexican citizenship. Emigrant activists have decried dual nationality as a cynical attempt to detract attention from their campaign for full political rights of citizenship, particularly the right to vote in Mexican elections from abroad (Santamaría Gómez 2001). In July 1996, the Congress amended the Constitution to allow Mexicans to vote for president outside their districts of residence, but voting from abroad will only become a reality if enabling legislation is passed to organise elections outside Mexico. While all major political parties are formally on

record as supporting the measure, the Institutional Revolutionary Party blocked an enabling law in 1999, presumably based on the assumption that emigrants would vote against it. Proponents of the absentee vote from abroad argue that voting is a basic right of citizenship and that emigrants should have a voice in Mexican politics given their massive remittances. Detractors cite the expense of conducting elections abroad, the menace of fraud or US meddling in the process, and the potential for an absentee minority to decide the fate of the resident majority without having to face the consequences of their decisions (Fitzgerald 2004; Smith 2003).

Mexico has recognised dual nationality because of US-resident Mexicans' increased remittances, the unparalleled numbers of Mexicans abroad in absolute and relative terms, their potential source of support for the Mexican state as an ethnic lobby, and the contested incorporation of emigrants into Mexican partisan politics. Within this constellation of 'intermestic' and inter-state interests (see Manning 1977), political elites justified changing the law by pointing to the increasing number of countries accepting dual nationality. Degrees of citizenship that historically have attenuated the influence of foreigners in Mexican politics and the economy continue to prevent the full exercise of citizenship by naturalised Mexicans and dual-national emigrants.

Conclusions

The diffusionist argument that nationality laws are converging according to a global model (Weil 2001) is supported by the Mexican case. Mexican law-makers have routinely invoked universally accepted international law as well as more specific European, Latin American and US models. However, the availability of competing nationality principles suggests that an exogenous modelling account by itself is not sufficiently explanatory. Actors invoke different models strategically and adapt them in new ways by attaching a range of qualifications and restrictions. An analysis of Mexican nationality law and its congressional debate from 1916 to 1998 suggests that *jus sanguinis* and *jus soli* do not consistently correspond with the respective ethnic and state-territorial framings of nationhood predicted by the legacies of nationhood position (Bauböck 1994; Weiner 1992). Discussions of *jus sanguinis* emphasise descent as parental or genealogical transmission of legal status. A national ideology of the recent melding of races and a history of second-class citizenship for the indigenous limits claims to a common primordial ethnic origin. The Mexican case suggests the posited relationships between *jus sanguinis* and an ethnic understanding of nationhood, and *jus soli* and a state-framed understanding of nationhood, are not universally applicable (cf. Bauböck 1994; Weiner 1992).

A different kind of historical legacy that does emerge as critical in explaining nationality law is the legacy of the asymmetrical relationship between the Mexican state on the one hand and immigrants' states of origin and the United States on the other. Mexican elites at various historical periods have attempted to attract immigrants' financial and human capital. *Jus soli* and *jus domicili* have been used to promote immigration and assimilation, but the fact that many immigrants come from countries with which Mexico has had tumultuous relationships has caused political elites to place secondary restrictions on immigrant citizenship. These restrictions have taken the form of graded statuses and the differential assignment of citizenship rights to those statuses. Similarly, the vast power inequalities and historical traumas of the Mexico-US relationship have caused elites to restrict *jus sanguinis* and the citizenship rights of emigrants. Fears, and the strategic exploitation of fears, that emigrants will be a vehicle of US economic

domination temper the Mexican state's otherwise inclusive project aimed at attracting remittances and encouraging a foreign lobby. Though emigrants have not demonstrably served as US agents, the legacy of colonisers and immigrants calling on the military, economic and diplomatic power of their native countries in the nineteenth century has had a lasting impact on nationality policy. Thus, even though Mexico is overwhelmingly a country of net emigration, its nationality laws continue to reflect its experiences as a geopolitically weak country of immigration during its earlier history. Attending to features of nationality law beyond the *jus soli/sanguinis* distinction in a geopolitically weak country illuminates these dynamics.