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## **Contrived Citizenship in Olympic Competition: Politicisation of the Olympic Games – to Divide Instead of to Unite when Para-diplomacy is Abused**

### **Abstract**

*An Olympian Spirit is an ideal goal envisioned to bring outstanding athletes in many sports together in objective competition. Historical rules have been strict, some nations have skirted accepted regulations. Then more recently, multiple standards have been relaxed to the point where they seem to be non-existent or mandatory more on some than on others: both nations and athletes. This is para-diplomacy gone wild in the wrong direction. Examples are bountiful: changing of citizenship vicariously, representing countries without citizenship, testing positive for contraband substances then being allowed into competition, denial of a place in competition because the brand on a snowboard is not that of an Olympic “sponsor,” and the list goes on. Olympic training is gruelling. To allow an unqualified athlete to compete deprives a qualified athlete of an opportunity that can be life-changing. Same for fictional disqualification, medal stripping or reduction on pretext technicalities, raiding by some countries of athletes born and trained in other countries. Standards must be uniform, applicable to all competitors, enforced punctiliously by the International Olympic Committee (IOC). Alternatively, right-thinking countries will consider withdrawing from the Olympics. Is the Olympic goal only to make money, to generate media contracts, to pander to sponsors? What sanctions are appropriate? If an athlete wins a medal under a “false flag,” should that award be transferred to her/his real country? When an athlete violates a material rule, should the team of athletes representing that athlete’s country be sanctioned? If fairness is to dominate, what is fair?*

**Keywords:** Olympic Games, sport, citizenship, sponsorship, competition

## 1. Introduction

Much of the controversy over multi-national sports competitors began or at least escalated with Chinese-American (United States born) “Big Air” and “Halfpipe” gold medalist in the 2022 winter Olympic skier Gǔ Àilíng [谷爱凌], known in the West as Eileen Gǔ, who also won a silver Olympic medal in “Slopestyle” competition. Gǔ Àilíng was born in San Francisco, California to a mother who was born in People’s Republic of China [hereinafter China] and an American father, making her American by conventional citizenship standards. Chinese coaches recruited Gǔ to compete for China to which she acquiesced, all-the-while contending she would not renounce her United States citizenship, necessary for her, *inter alia*, to matriculate at Stanford University as an American and as a legacy because her mother is a Stanford *alumna*. Part of the issue is that China does not permit dual citizenship: someone born in China who migrates and receives foreign citizenship must relinquish their Chinese citizenship; someone such as Aileen Gǔ who was born in America must relinquish her American citizenship in order to gain Chinese citizenship. Although the United States allows multiple citizenships, for Gǔ to become a Chinese citizen she would have to formally renounce her United States citizenship. Gǔ told reporters rather arrogantly: “When I’m in the U.S., I’m American, but when I’m in China, I’m Chinese” (Binner, 2021). Citizenship does not work that conveniently, at least not as a rule, nor should it. In fairness to the people of China, however, it is important to note that the overriding issue seems to be more of status than of national origin. By way of example, Arnold Schwarzenegger, famed movie actor, at age 23 the youngest “Mr. Olympia” ever, former husband of Maria Owings Shriver [granddaughter of wealthy Ambassador Joseph Patrick Kennedy, Sr., niece of the late President John Fitzgerald Kennedy] and himself two-term Republican Governor of California, was able to retain his Austrian citizenship when he became naturalised in the United States (Leamer, 2005, pp. 199–200), although, same as for China, this is unusual for Austria, transparently a “double standard” favouring the rich and the famous. So, this hypocrisy extends well beyond sports competition, although undoubtedly the visibility it receives in the sphere of sports competition causes this form of a double standard to be understood by the public more than in other contexts. Denigration of the Olympics by anyone’s misconduct relegates the Olympics into disrepute, whether the misconduct involves citizenship misrepresentation, drug abuse, pretext disqualifications, or other questionable behaviour.

An Olympian Spirit is an ideal goal envisioned to bring outstanding athletes in many sports together in objective global competition. Historical rules have been strict, some nations have skirted accepted regulations. Then more recently, multiple standards have been relaxed to the point where they seem to be non-existent or mandatory more on some than on others: both nations and athletes. This is para-diplomacy gone wild in the wrong direction. Examples are bountiful: changing of citizenship vicariously, representing countries without citizenship, testing positive for contraband substances then allowed back into competition, denial of a place in competition on the American team as Julia Marino was because the brand "Prada" on a snowboard is not that of an Olympic "sponsor" (Anderson, 2022). That list goes on. By eliminating legitimate competitors or by allowing entry of seemingly illegitimate competitors, the Olympic games become a pedestal for the lucky at best, or for the corrupt, denigrating traditional Olympic values. Leaving aside the acceptability of any country "raiding" Olympic athletes from a competitor nation or tolerating that paradigm, what must certainly be prohibited is a resulting practice whereby an athlete gains one questionable profit from a foreign country, such as Olympic medals, then returns to the home country to attend college on the basis of birth citizenship at a time when countries such as the United States are inclined to limit both Asian immigration (Hanna & Batalova, 2021) and acceptance of Asian students at elite American universities (Xu, 2021).

Citizenship issues are at the forefront of some countries currently, notably Poland and the United States. In the United States, with the administration of President Joseph Robinette Biden, Jr, its Southern border (with Mexico) is functionally "open," meaning a plethora of migrants cross into the United States each day, frequently risking sexual harm from drug cartel members or perishing in the Rio Grande River as they try to wade or swim across. It has been only since 1882 that the Federal government and not the states came to regulate migration into the United States, some states having abused their authority during the period of American Slavery (Law, 2021). More than 6.7 million refugees from (in some cases through) Ukraine have been admitted as of 01 October 2022 following the invasion by the Russian Federation of Ukraine on 20 February 2022 (The First News, 2022), with that number swelling to 6.884 million by 10 October 2022, with many receiving PESEL (work registration) accounts entitling them to work in Poland, although 5.08 million have left Poland (PolskieRadio.pl, 2022). In an effort to help foreigners to enter and remain

in a country, sometimes politicians betray citizens of their own country in various ways, such as by handing jobs to newcomers that have been long coveted by their own citizens, especially native-born minorities (Sobel, 2016). This situation can foster ethnic and racial hatreds, evidenced in Sweden, the United States, and becoming visible in Poland with so many highly-educated Ukrainian refugees taking coveted jobs away from under-educated Polish citizens. Persons whose lives are endangered should be granted refuge in a safe haven country. Economic migrants are an entirely different story and, indeed, Olympic level athletes who travel from one country to another in search of fame and commercial royalties fame brings are economic migrants. To explore this phenomenon, various types of citizenship will be explored.

Several research questions are addressed in this chapter: 1) Do athletes contrive to adjust their citizenship to compete on Olympic teams with higher status?; 2) If so, is their purpose financial, such as to gain income from product endorsements?; 3) Do countries connive with athletes to attract promising competitors by offering them "citizenship"?; 4) What concrete action should be taken to minimise this behaviour? In the following parts of this text, the author will try to answer all of them.

## 2. Varieties of Citizenship

Most people in the world are citizens of at least one country somewhere, generally that is where they were born and where they live currently. Some change their country of residence, domicile, and citizenship, occasioned when they are adopted, marry a foreign national, work abroad for a long time, change countries for income tax considerations, or for other reasons. Infrequently, people become "stateless," such as if they have been divested of citizenship where they were born and no other country is willing to confer citizenship on them, fearing the wrath of the country where they were born. This has been the case with residents of Estonia who fled China in 1989 because of their participation in the student uprising on 4 June 1989 at Tiananmen Square, Beijing, following the suppression of which China hunted them down as wanted criminals (Zhang B., 2002; He, 2014; Zhang L., 2020). Some were given refuge by states such as Estonia, but they have not become Estonian citizens (Roads & Kingdoms, 2017). Carrying a "gray" passport issued to "aliens" including ethnic Russians who have not successfully completed a rigorous Estonian language

examination, they cannot depart from Estonia and expect to be allowed entry into any other country besides the country where they were born. Functionally, they have become prisoners to their host country, having been sent into exile by the government of their homeland, return to which would mean death or torture with lengthy imprisonment (Human Rights Watch, 2019).

### *Conventional Citizenship*

Citizenship is obtained by birth for most people, who take the citizenship of their parents and of the country where they were born. Usually, they are one and the same. Sometimes, parents-to-be arranged to give birth to a child in a country they deem to be more favourable than their own, often the United States, sometimes a European country, in which case they hope the child will have the citizenship they wanted for themselves. Occasionally, individuals or couples migrate lawfully and become citizens of their adopted country by naturalisation. Less frequently, until recently, people migrated unlawfully then hoped to receive amnesty entitling them to secure naturalised citizenship. This became with the inauguration of U.S. President Joseph Robinette Biden, Jr. on 20 January 2021 with the “open” Southern border of the United States he encouraged. Undoubtedly, citizenship in the United States by persons who have been or will be born in the United States to a mother who is present in the country unlawfully, will have to be decided by the United States Supreme Court, unless the Congress acts to determine this outcome one way or another by statute and the statute is upheld by the Supreme Court. Citizenship in the United States (and Canada) is different from citizenship almost anywhere else in the world, in that American citizenship is conferred based on where a child is born (with very limited exceptions), whereas in most of the world citizenship is conferred upon a child based on to whom s/he was born: citizenship of the parents regardless of where born.

### *Birthright Citizenship*

Full citizenship is conferred automatically by birth of a child to parents who are citizens of a country, according to the laws of about one quarter of the world’s nations. United States and Canada are the only developed countries to confer citizenship by birth within the country

regardless of the citizenship of the child's parents. Unless renounced, this type of citizenship is viewed as being both absolute and permanent. It cannot be withdrawn or forfeited even by conviction of a serious crime. It cannot be annulled or "cancelled" under any circumstance. However, a person who has renounced citizenship of the country within which s/he was born but who recants that renunciation may become a citizen once more by naturalisation if citizenship is restored, subject to the same limitations as pertain to anyone who was not born in the country but became a naturalised citizen.

Citizenship *jus soli* or "right of the soil" by birth within a country's "soil" meaning borders, in contrast to citizenship *jus sanguinis*, meaning "right of blood" by reason of a parent's bloodline (frequently the father's) no matter the birth location, is followed by the common law of England. With enactment of the Fourteenth Amendment to the United States Constitution on 09 July 1868, clause one providing that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside," *jus soli* became the basis for citizenship of anyone born on American soil, with limited exceptions, as clarified by the United States Supreme Court in its decision of *United States v. Wong Kim Ark*, 169 U.S. 649 (1898). Wong had been born in San Francisco in 1873, remained permanently domiciled in the United States thereafter before traveling to China to visit relatives' multiple times. Returning in 1890, Wong was denied admission under the Chinese Exclusion Act applicable to non-American citizens who had been born in China and were deemed to be immigrants. Crucial to an understanding of *Wong Kim Ark* is the rationale of the majority (6:2, one Justice abstaining) opinion that appears to limit its application to the case of a child such as Wong who was born in the United States to parents who were aliens at the time of his birth but maintained a permanent domicile in the United States. This is evident from Justice Gray's legal issue framed in his Opinion of the Court, stating: "whether a child born in the United States, of parents of Chinese descent, who, at the time of his birth, are subjects of the emperor of China, but have a permanent domicile and residence in the United States, and are there carrying on business, and are not employed in any diplomatic or official capacity under the emperor of China, becomes at the time of his birth a citizen of the United States. For the reasons above stated, this court is of opinion that the question must be answered in the affirmative" (169 U.S. 649, 705). In addition, the majority opinion in *Wong* that "Wong

Kim Ark has not, either by himself or his parents acting for him, ever renounced his allegiance to the United States, and that he has never done or committed any act or thing to exclude him therefrom" (169 U.S. 649, 704-05). This leaves unanswered in 1898 whether an alien including an alien child born in America without maintaining a permanent domicile in the United States, could be deprived of citizenship, or whether, as Justice Gray mentioned in *obiter dictum*, such a person might commit "any act or thing to exclude him therefrom" (169 U.S. 649, 705). What would be such an "act" or "thing," exactly? Possibly that a child is born to a parent present in the United States unlawfully? Or an athlete, born, raised, and trained in the United States, who competes for a foreign country that does not recognise dual citizenship, pursuant to circumstances that may be akin to constructive renunciation of birth citizenship? Each of these and other scenarios may be or may become relevant. Is there or will there be such a thing as constructive renunciation of citizenship, meaning implied from a person's conduct?

An example of what some might term "accidental citizenship" is that of former British prime minister Boris Johnson, born in New York City when his British parents were there because his father was a Columbia University student. Only in 2016 did Johnson renounce his American citizenship, occasioned by what he considered to be a hefty United States tax on property he sold in London (Peddicord, 2022). Someone born in the United States to parents who were citizens of a foreign country at time of the child's birth would become an American citizen by birth as well as a citizen of the foreign country of her/his parents by reason of their citizenship if the latter country follows the principle of *jus sanguinis*. What of parents, particularly a pregnant mother, who contrive to travel to the United States to deliver their child on American soil, intending not to remain in America but to return to their homeland? They do not seem to want or expect domicile in the United States. Should they be covered by *Wong Kim Ark*, or is this outcome simply too "accidental"? Examples abound of both Chinese females (SCMP, 2019) and males (Harney, 2013) who seek artificial insemination with sperm or eggs provided by anonymous Western donors, sometimes seeking American citizenship for the child(ren) to be produced, then with the child(ren)'s citizenship the same for themselves. Viewed in this context, sports figures seeking to exploit citizenship may not be so audacious, certainly not so unusual. Does a rule of reason work in this context, or do countries require a *per se* rule applicable to everyone, rich or poor?

### *Conferred Citizenship*

Pursuant to Article 137 of the Constitution of the Republic of Poland, the Polish President may confer Polish citizenship upon anyone, details specified in the Act of 15 February 1962 on the Polish Citizenship and the Decree of the President of the Republic of Poland of 14 March 2000, although this Presidential discretion is exercised sparingly. When citizenship is conferred upon both parents, automatically it extends to their children under age sixteen, and to children over age sixteen with their consent (President.pl). This practice, in variation, known as citizenship by declaration, is available in Czech Republic and Germany, among other nations. Section 31 of the Czech Citizenship Act 186/2013, as amended, allows citizenship by declaration for descendants of any Czechoslovak or Czech citizen (GetCzechCitizenship.com). In Germany, the Fourth Act Amending the Nationality Act that became effective on 20 August 2021 “created a ten-year right of declaration (Section 5 of the Nationality Act), granting children born to a German parent after 23 May 1949 (entry into force of the Basic Law) who, under the version of the Reich and Nationality Act valid at the time of their birth, were excluded in a gender-discriminating manner from acquiring German citizenship by descent at birth have the option of obtaining German citizenship by making a simple declaration to the competent citizenship authority” (Federal Foreign Office). Australian law currently allows someone who is Australian, such as by descent, to merely “affirm” Australian citizenship, then receive it by declaration (Australian Citizen Test). Declaration pertains to persons whose ancestors have been of a declared nationality, or *jus sanguinis*, so it does not pertain ordinarily to citizenship *jus soli*. Several combinations and permutations of conferred or declared citizenship exist, they vary country by country.

Important to this analysis is Chinese nationality that can be conferred pursuant to the Nationality Law of the People’s Republic of China (CNL). Section 5 of the CNL expressly declares “Any person born abroad whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality.” It goes on to impose limitations: “But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality.” Accordingly, Aileen G who was born in the United States and received American citizenship from birth should not qualify to be a Chinese citizen by declaration.



Article 7 of the CNL provides: “Foreign nationals or stateless persons who are willing to abide by China’s Constitution and laws and who meet one of the following conditions may be naturalised upon approval of their applications:

- they are near relatives of Chinese nationals;
- they have settled in China; or
- they have other legitimate reasons.

However, CNL Article 8 provides that: “Any person who applies for naturalisation as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalisation as a Chinese national has been approved shall not retain foreign nationality”. So in the case of Aileen G , her mother and her maternal grandmother both are Chinese, so the disqualifying variable would be G ’s American citizenship, unless renounced. If she did receive Chinese citizenship for the Olympics but did not renounce the same thereafter, she could retain her American citizenship because the United States allows dual citizenship. Probably, her only consequence would be to have her Chinese citizenship revoked pursuant to the interface of CNL Article 8 and Article 9.

Article 8 provides that: “Any person who applies for naturalisation as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalisation as a Chinese national has been approved shall not retain foreign nationality”.

Article 9 provides further: “Any Chinese national who has settled abroad and who has been naturalised as a foreign national or has acquired foreign nationality of his own free will shall automatically lose Chinese nationality”. An interesting question arises: did Aileen G obtain United States citizenship at birth “of her own free will”? No is the only logical answer.

### *Constructive Citizenship*

Families of military personnel who are serving or deceased may be eligible for what is called Constructive Citizenship in one of several categories. To become a candidate for the office of United States president or vice president, one must be a “natural born” United States citizen pursuant to Article II, section 1, clause 5 of the United States Constitution. This has posed issues for some candidates, such as Senator Barry Goldwater (R-AZ) who received the Republican Presidential nomination in 1964 but

lost to President Lyndon Baines Johnson, and Senator John Sidney McCain, III (R-AZ) who won the Republican Presidential nomination in 2008 but lost to Senator Barack Hussein Obama (D-IL). Goldwater had been born in Arizona when it was a territory before statehood, and McCain had been born in the Panama Canal Zone where his father was stationed as a United States Navy officer. Ultimately, United States District Court Judge William Alsup ruled that Senator McCain was a natural-born American citizen, relying in part on an act of Congress that specifically conferred American citizenship by birth under these circumstances, and in part upon Senator Goldwater's case (NBC, 2008). It is important to note, however, that both parents of Senator Goldwater and Senator McCain were American citizens. On this issue, legal scholars have voiced disagreement, sometimes politically, with the prevailing view taken by Laurence Henry Tribe, Carl Morris Loeb University Professor of Constitutional Law, *Emeritus*, at Harvard Law School,<sup>1</sup> supporting Judge Alsup's decision (Mikkelson, 2008). In 2020, Congress passed a bill expressly conferring American citizenship upon children born abroad to American service members or civil servants such as diplomats serving abroad "Citizenship for Children of Military Members and Civil Servants Act".

### *Naturalised Citizenship*

Citizenship in most countries may be obtained by naturalisation, a procedure whereby a foreign national proposes to become a citizen of an adopted country by swearing allegiance to that country, thereby assuming the obligations of the country into which s/he has been naturalised, including its taxation obligations. This new citizen may retain obligations to the country of their original citizenship unless renounced. In the case of the People's Republic of China [China]), however, that country does not recognise "dual" citizenship, and upon being naturalised in another country a Chinese person must renounce Chinese citizenship. To fail to

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1 Note that Professor Tribe was born in the French Concession at Shanghai to Jewish parents: his mother with many Jewish people had been given refuge in Harbin by the *Kuomintang* [Chinese Nationalist Party] at the heroic behest of Soong Meiling [Mme. Chaing Kai-shek], China's First Lady; his father was Polish, in exile from the Nazi Holocaust in occupied Poland. Nationalist China recognised licenses of displaced Central and Eastern Europeans, revoked by the Nazi regimes, entitling them to practice their professions. When he was six years old, Professor Tribe's family migrated to the United States.

renounce Chinese citizenship, a Chinese citizen who is naturalised in another country will face prosecution upon returning to China, the penalty is likely to include revocation of her/his Chinese international passport and Houkou, the latter being the Chinese household registration card that doubles as a domestic passport (Boquen, 2022). Without an active Houkou, a Chinese person will be unable to travel on airplanes, trains, busses, subways, or public transportation generally, probably be unable to work. Furthermore, a Houkou is location-specific, entitling its holder only to live in the area so designated on the Houkou, and if China were to strip someone of their Houkou, with that action the person would forfeit any land to which s/he would have remained entitled under the Houkou when in effect. If China refuses to recognise the passport of the country into which the Chinese person has been naturalised, or if the person did not bring their foreign passport with them to China, this person would be unable to depart from China without the intervention of the country that naturalised the Chinese person, creating a diplomatic drama that might go on for many months.

### *Dual Citizenship*

Many countries in the world allow their citizens to hold “dual” citizenship, for many this means a second citizenship, for some it can include a third or even a fourth citizenship. Some countries, such as the People’s Republic of China, do not permit dual citizenship at all, others permit it with restrictions (VisaGuide.world, N.d.). Dual citizenship is valuable to persons holding it: they will receive dual voting rights and dual entitlement to Healthcare, although it does come with drawbacks, including potentially double taxation, burden of offering both (all) passports in travel, lack of consular protection from one’s main country when in the dual citizenship nation.

### *Artificial Insemination with Surrogate Motherhood*

Neither artificial insemination nor surrogate motherhood creates an obstacle to citizenship in the United States, provided the child born therefrom is born in the United States. This is an advantage of citizenship *jus soli*. However, until recently, a child born outside of the United States from artificial insemination would be denied American citizenship even

if both parents were citizens of the United States. This policy changed in 2021, allowing a child born under these circumstances abroad to be granted American citizenship, provided the parents were married to each other at time of the child's birth and at least one parent is American (Diaz, 2021). Typically, the father will be American, consigning artificial fertilisation abroad where medical expenses are less expensive than at home, the donor of the egg may not be, the surrogate may not be, the identity of the egg donor may not be known in fact or this may be required to remain confidential to protect her anonymity. Sometimes, sperm may come not from the male parent but from an anonymous donor, in which case either the mother (if her egg has been used) or both parents will be the adoptive parent(s) functionally rather than either of them being a biological parent.

### *Contrived Citizenship*

Family members of military personnel who are either serving or who have lost their lives in military service may be eligible for Constructive Citizenship in one or more of several categories that include Expedited Naturalisation, adjusting status of spouses and/or children of service members, expedited processing, overseas naturalisation of spouses and/or children of service members (U.S. Citizenship & Immigration Service, N.d.). Benefits of this kind are intended to maintain family ties among children born to United States military and naval personnel serving overseas. An example of this, mentioned previously, is the case of the late U.S. Senator, prisoner of war and Presidential candidate John Sidney McCain, III (R-AZ), who had been born in Coco Solo, Panama to a serving naval officer who would go on to become a four star admiral and chief of naval operations. Reflected in this kind of citizenship is the strength of family ties to the country of patriation. United Kingdom follows a similar regime, requiring "registration" of children born outside of the United Kingdom to a British parent ([www.gov.uk](http://www.gov.uk)). Eligibility includes but is not limited to children born to serving or deceased British service personnel, provided the British parent possesses "settled status" or "indefinite permission to remain" in the United Kingdom (Global Citizenship Solutions, N.d.).

### *Parental Adoption*

Generally speaking, lawful adoption of a child entitles the adopted child to take the citizenship of the parents. This situation can become complicated when, somewhat unusually, the parents decide to dissolve the adoption, or a “disruption” occurs when a different parent or set of parents adopts the child before s/he obtains citizenship, leaving the status of the child’s citizenship in a quandary. In the United States, for example, once the child obtains citizenship, neither dissolution nor disruption of the adoption impacts the child’s citizenship. Trouble occurs when dissolution or disruption of the adoption occurs before citizenship, possibly following a foreign adoption that the country of the adoptive parents, such as the United States, declines to recognize (U.S. Customs & Immigration Services, N.d.). This means that prospective adoptive parents, no matter the country of which they are citizens, should immediately secure the adoption takes place in the country where they intend to reside and to raise their adopted child(ren), and the child(ren) must have their citizenship secured at once so that citizenship becomes independent of the adoption. Once naturalised, children remain citizens of the country in which they have been naturalised, regardless of whether the adoption is dissolved by the adoptive parents or disrupted such as by the child being re-adopted by different adoptive parents (U.S. Customs & Immigration Services, N.d.). Rather evidently, international adoptions pose a hazard to adopted children. Some countries are reluctant to recognise foreign adoptions for the purpose of granting citizenship to the adopted children. This seems unfortunate at a time when a wave of migration is occurring worldwide, and in most instances adoption by parents affluent enough to negotiate an international adoption would appear to be in the best interests of the child(ren), the standard courts tend to use when evaluating any change in a child’s supervision.

### *Renounced Birthright Citizenship*

Citizens born in a country sometimes decide to renounce that birthright citizenship. In a country where citizenship is grounded on ethnicity, the outcome may be different than in a country such as the United States or Canada where citizenship normally is grounded on birth location. Ethnicity does not change. Renunciation of citizenship is different from citizenship dissolution, the former is a voluntary act by a citizen

to relinquish their citizenship, the latter is a governmental decision to dissolve naturalised citizenship, generally for fraud in obtaining it or on account of a subsequent criminal conviction. Government cannot dissolve anyone's birthright citizenship. When someone does renounce their citizenship, they relinquish all rights and privileges of that citizenship, and unless they have secured citizenship in another country beforehand, they may be rendered stateless, unprotected by any government and unable to travel (U.S. Citizenship Laws & Policy, N.d.). This is one reason why a country such as the United States requires citizenship renunciation to occur abroad, by the renouncing citizen taking an oath of citizenship renunciation at a United States embassy or consulate. In effect, the country whose citizenship is being renounced does not want to have to deport its former citizen who no longer enjoys a right to remain on its soil.

### *Flexible Citizenship*

Flexible or "Flex" citizenship seems to have its roots from the United States Future Leaders Exchange Program ("FLEX") created by the United States Congress in 1992, first for Estonian children, then for Eastern European youth generally. As its popularity burgeoned, many Chinese students applied for its benefits (Ong, 1998). This became an ambition of Chinese "cosmopolitan" parents who aimed to send their children to elite United States colleges, improving their chances of competing for prestigious jobs in the Chinese workplace (Ong, 1999). In this situation, parents are exploiting a host country for whatever values it might have in improving their child(ren)'s education, wealth, networking, or social standing. Rather evidently, "cosmopolitan" citizenship carries with it questionable loyalties by parents and children alike: are they disloyal to their country of birth, such as China, by wanting to obtain benefits from a foreign land, such as the United States, or disloyal to those foreign lands by exploiting their benefits without necessarily transferring their allegiance thereto? (Milikh, 2016).

### *Pretended Citizenship*

Citizenship as a pretense is core to this analysis, it is a form of fraud whether prosecuted or not by either country involved. It occurs when a citizen of one country endeavours (contrives) to obtain recognition by another country as a citizen or national, traversing laws or customs of

both countries. It is different from either dual citizenship or permanent residency obtained lawfully by a citizen of one country desiring to live or work in another location. In the context here, someone secures an arrangement in a foreign country to compete as an athlete, for example, without relinquishing their legitimate citizenship or applying lawfully for citizenship in another country. In effect, in this example, the person quietly interrupts their legitimate citizenship in an effort to pass as the subject of a foreign country temporarily, meaning for the duration of a competition such as the length of summer or winter Olympic games that last only several weeks every four years generally, intending all the while to return to the country of their legitimate citizenship.

American skier Eileen Gū, born, raised, and trained in the United States, told reporters “When I’m in the U.S., I’m American, but when I’m in China, I’m Chinese,” thereby admitting that her Chinese “citizenship” during the 2022 Winter Olympics was a pretense. Gū is American by birth to a Chinese mother, Yan Gū, and an American father although her parents have not married. By many accounts, Gū and her mother considered her chances of winning multiple gold medals skiing for China were greater than had she skied for the United States of which she was and is a citizen by birthright. At stake were high-profile “sponsorships” from manufacturers of sporting equipment, fast food and soft drink products, even automobiles and health resorts. American corporations and the elites who run them make fortunes selling out the United States for profits to China and themselves (Schweizer, 2022). This has to stop.

Gū Ailing or Eileen Gū was not the only foreign athlete competing for China in the 2022 Winter Olympics, professing to do so in the name of generating “unity”: Samuel Ikpefan of Nigeria, Richardson Viano of Haiti, and Yohan Goutt-Gonçalves of the Democratic Republic of Timor-Leste also competed under the Chinese flag (Creech, 2022). Does inter-flag athletic competition promote “unity” or chaos, this is a derivative question. Eventually, countries with vast athletic training capabilities will stop training athletes of foreign ethnicity.

### *Strategies for Planned Change*

Nations of the world simply have to collaborate more effectively to construct than to enforce proper regulations on global athletic competitions. In the process, nations should consider forming more closely aligned policies involving the granting of citizenship, recognition of citizenship

from other countries, sanctions on people generally who violate laws pertaining to citizenship, access to foreign countries, participation in global athletic competitions.

1. Countries must unite to formulate a common regime for “citizenship” as that term pertains to global competitions, especially.

2. At its core, as a concept, “citizenship” must reflect where a prospective competitor resides currently or has resided for a reasonable period immediately prior to the competition into which s/he enters.

3. Citizenship in sports competition such as the Olympics should relate to the training of an athlete as well as to their domicile, meaning where they live at time of competition, where they have lived over several years before each game. It seems inherently unfair to taxpayers of a country that have paid part or all of the cost of arduous sports training to then witness the trained athlete return home or go on to compete as a member of another nation’s team; even more unfair if the trained athlete moves on to compete for a country with which s/he enjoys few to no ties whatsoever.

4. International Olympic Committee (IOC) directors and managers should adopt then enforce regulations requiring accurate declarations by coaches and competitors as to each competitor’s actual citizenship, supported by documentary proof including passports, with competitors and teams that provide false data to lose medals or sub-medal recognitions, and be banned from competition for a lengthy period.

5. Part of the problem is that some countries, such as the People’s Republic of China (P.R.C.) do not allow for dual citizenship. Chinese passport holders cannot lawfully hold citizenship in another country. Eileen Gü boldly and incredibly told reporters: “When I’m in the U.S., I’m American, but when I’m in China, I’m Chinese,” but that is unfair to other competitors from the United States, China, other nations who will likely face exclusion from competition because of someone such as G. Certainly, she took the place that otherwise would have gone to a young female Chinese athlete.

6. Countries must establish regulations for inviting foreigners to live and work within their territories: Poland’s invitation of nearly seven million Ukrainians comes at a price to Polish workers.

7. No country can maintain “open” borders for long, such as the United States has been doing since the change of administrations early in 2021. Some migrants are people who have been displaced by conflict or other oppression, many are economic migrants, some are criminals or foreign operatives. Left unchecked, these migrants pose a very serious threat to



a country's general population, evidenced by a recent Las Vegas stabbing spree attributed to a Guatemalan criminal who entered the United States illegally, then committed heinous crimes in multiple states (Reilly, 2022).

### 3. Conclusions

Citizenship regulations have become fragmented and chaotic in recent years, leading to contrived qualifications of some athletes seeking to become Olympic game participants or competitors in other global athletic events. Fragmented citizenship divides more than it unites. Part of this is due to vast differences in the meaning of citizenship or of its enforcement. Another part is due to seeming indifference by the International Olympic Commission (IOC) or counterpart oversight organisations that bear responsibility for governance of competitive sporting events. An Olympian Spirit is an ideal goal envisioned to bring outstanding athletes in many sports together in objective competition. Historical rules have been strict, some nations have skirted accepted regulations. Then more recently, multiple standards have been relaxed to the point where they seem to be non-existent, or mandatory more on some than on others: both nations and athletes. This is para-diplomacy gone wild in the wrong direction. Examples are bountiful: changing of citizenship vicariously, representing countries without citizenship or ties, testing positive for contraband substances then being allowed into competition, denial of a place in competition because the brand on a snowboard is not that of an authorised Olympic "sponsor," and the list goes on. Olympic training is grueling. To allow an unqualified athlete to compete deprives a qualified athlete of an opportunity that can be life-changing. Same for fictional disqualification, medal stripping or reduction on pretext technicalities, raiding by some countries of athletes born and trained in other countries. Standards must be uniform, applicable to all competitors, enforced punctiliously by the International Olympic Committee (IOC). Alternatively, right-thinking countries will consider withdrawing from the Olympics. Is the Olympic goal only to make money, to generate media contracts, to pander to sponsors? What sanctions are appropriate? If an athlete wins a medal under a "false flag," should that award be transferred to her/his real country? When an athlete violates a material rule, should the team of athletes representing that athlete's country be sanctioned? If fairness is to dominate, what is fair? To answer the Research Questions,

1) Do athletes contrive to adjust their citizenship in order to compete on Olympic teams with higher status? They do; 2) If so, is their purpose financial, such as to gain income from product endorsements? It is; 3) Do countries connive with athletes to attract promising competitors by offering them “citizenship”? Some do; 4) What concrete action should be taken to minimise this behaviour. Countries should unite to develop and adhere to a normative standard of citizenship for international sports competition, possibly through the United Nations.

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