

SOME ASPECTS OF DUAL CITIZENSHIP

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Problem statement. The institution of a citizenship is an important part of the legislation of any country, because the citizens are one of the main features of every state, along with the country creates proper living conditions and ensure their protection. Today, both at the domestic and international levels, the issue of dual citizenship is gaining more and more attention: some countries support it, while others strictly prohibit. It is necessary to find out the reason for such an ambiguous attitude to this phenomenon and whether it can take place in Ukraine.

Analysis of recent research and publications. It should be noted that such scholars as O. Ananin, R.B. Bedriy, O.A. Malinovskaya, V.V. Lazarev, Yu.S. Paleeva, I.A. Tolkachova, P.F. Chaly (domestic); W. Beck, W. Gassen, J. Mazing, P. Wason (foreign) and others devoted their research papers to the study of certain issues of the institution of a citizenship in Ukraine and abroad and also to the phenomenon of dual citizenship. However, the topic of the expediency of introducing dual citizenship in Ukraine by clarifying its advantages and disadvantages, taking into account the experience of foreign countries and external factors, has not been revealed by the scientists.

The purpose of the article. The aim of the this research is to analyze the advantages and disadvantages of a dual citizenship in Ukraine.

The principle of a dual citizenship (bipatrism) implies that a person can be a citizen of two states simultaneously. There is no joined law position on this phenomenon in the world today.

Rendering of material. At the international level, the issue of a dual citizenship is regulated by the European Convention on Nationality of 1997, which is completely neutral towards bipatrim: it does not prohibit or require its mandatory introduction, giving countries the right to choose; and bilateral agreements between states [3]. For example, the agreements of Ukraine with the Republics of Belarus, Kazakhstan, Tajikistan, the Kyrgyz Republic, Georgia, etc. on the avoidance of cases of the multiple citizenship; agreements of Spain with Latin American countries (Argentina, Bolivia, Guatemala, Ecuador, etc.) on dual citizenship [8].

In general, among the countries that have a positive attitude to bipatrim and allow the possibility of its existence are: Australia, Bangladesh, Belgium, Brazil, Great Britain, Vietnam, Greece, Israel, Canada, France, Sweden and others (about 100) [1]. On the other hand, most states do not support multiple citizenship: they allow certain prohibitions (54, namely Lithuania, Romania, Finland, etc.), prohibit or do not fully recognize (over 60) or with some exceptions (74). These are primarily Austria, Belarus, Denmark, Egypt, India, Indonesia, China, Mongolia, Uzbekistan and others.

In Ukraine, in accordance with Article 4 of the Constitution of Ukraine and with the Law of Ukraine "On Citizenship of Ukraine" there is a principle of a single citizenship, but it is still an issue to decide the status of the permission of dual (multiple) citizenship in Ukraine. In order to clarify this question, there is a necessity to analyze the pros and cons of this phenomenon.

According to majority of scholars among the main advantages are: the additional guarantees for the realization and protection of the individual rights and freedoms, as those who have multiple citizenship have equal rights and responsibilities with the citizens of the state in which they live, while maintaining cultural and other links with the country of origin. They have the right to retain their citizenship in a mixed marriage [7, p.6]. But at the same time the new obligations can be imposed (for example, taxes payment, carrying out military service) [5, p.67].

However, it should be noted that this phenomenon is a kind of legal anomaly, because a person actually uses the rights of only the state of permanent residence and

can not perform the duties of several states at the same time, because they may contradict each other. For example, in case of an armed conflict between states, a citizen, performing the military duty of one of them, automatically violates the obligations to the other [2, p.43].

In general, the differences in the legislation of the two states create contradictions in determining the legal status of a citizen, which leads to a number of problems. In addition, a dual citizenship restricts a citizen's right to diplomatic protection abroad if he or she is in the country where he or she has acquired additional citizenship. However, there is a downside: bипатриды may abuse the right to avoid criminal liability or prosecution, as most states adhere to the principle of non-extradition and protection of their citizens.

Due to the fact that today Ukraine has set a course for European integration, it is important to consider that the introduction of a dual citizenship will become a tool of public management, will contribute to the establishment of strong relations with European countries. At the same time, there is a danger of undermining the territorial integrity and sovereignty of the country. It is worth to mention that the Russian invasion of Georgia in 2008 was justified by the need to protect Russian citizens living in South Ossetia. In 2014, Russian passports were actively issued to residents of Crimea and Donbass [6, p.31]. Despite the fact that today Ukraine is in conflict with the Russian Federation, permission to obtain dual citizenship can be used by the aggressor country to carry out various manipulations, which can lead to repeat the situation with the Crimea.

Among the advantages of dual citizenship are the following:

1. The possibility for national minorities to have the citizenship of both Ukraine and the countries of their ethnic origin (Bulgarians, Romanians, Hungarians, Jews). According to the Kyiv International Institute of Sociology, 56.8% of the population in the Zakarpattia region voted for dual citizenship in Ukraine [6, p.32]. However, this is largely influenced by Hungarian policy. Thus, on September 19, 2018 the moment

of issuing the Hungarian passports to Ukrainian citizens at the Hungarian Consulate in Berehove was recorded.

It is clear that Hungary cares about preserving the national identity of the Hungarians in Ukraine, but it should be borne in mind that European values include not only the protection of the rights of national minorities to preserve their identity, but also the need to ensure inclusive development of these minorities. society, combating any form of isolation leading to discrimination.

2. Facilitating the procedure of employment for the Ukrainian labor migrants, as well as doing business abroad by the Ukrainians. At the same time, as it was mentioned above, they are obliged to pay taxes to the state budget of both countries of which they are citizens.

3. The opportunity of the Ukrainian diasporas to obtain Ukrainian citizenship, thus maintaining contact with compatriots abroad, to interest them in the affairs of the Motherland [2, p.44]. As a result, the unification of the Ukrainians around the world. However, this course some additional problems for both parties, which concern the mutual rights and obligations. The main question is whether our state will be able to fulfill its material obligations to potential citizens, given the economic potential of the country, if we add that the ability to control the process of paying taxes of persons who are citizens of several states is difficult if this person does not live in Ukraine?

That is why the Law of Ukraine "On the Legal Status of Foreign Ukrainians" introduced the status of a Ukrainian abroad with the issuance of a certificate, which gives the right to simplify the procedure for entry into Ukraine of representatives of the Ukrainian diaspora [1].

Conclusions and prospects for further development So, based on the all mentioned above, we can conclude that nowadays the legislation of Ukraine does not require common legislation to dual citizenship, as the number of disadvantages of the possibility of the existence of this phenomenon outweighs its advantages. On the contrary, it is necessary to create conditions to avoid the cases of bipatrim among the citizens by supplementing the Law "On Citizenship of Ukraine" with the provisions of

establishing liability for non-compliance with the principle of single citizenship, as well as creating a special body to control such cases of dual citizenship among the Ukrainians.

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