

DUAL (MULTIPLE) CITIZENSHIP: ADVANTAGES AND DISADVANTAGES

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Abstract. The paper defines the problem of multiple citizenship, although at the legislative level this phenomenon is not fully recognized, at the same time in practice it is quite common with the simultaneous absence of effective sanctions for acquiring citizenship of another state, while maintaining Ukrainian. The main problem of dual citizenship is the lack of common standards of its legal regulation both at the national and international levels. Therefore, the necessity for legal regulation of this issue is urgent.

The notion that dual citizenship can become an effective way of interaction with the ukrainian diaspora abroad and contribute to its involvement in the cultural, economic and political life of the country is substantiated. In addition, this phenomenon expands opportunities for employment, training and doing business in other countries.

Key words: dual citizenship, European Convention, citizens, advantages and disadvantages of dual citizenship.

Formulation of the problem. In Ukraine, the issue of dual citizenship is a matter of pressing concern because, although at the legislative level this phenomenon is not fully recognized, at the same time in practice it is quite common with the simultaneous absence of effective sanctions for acquiring citizenship of another state, while maintaining Ukrainian. Therefore, the need for legal settlement of this issue is extremely important.

Analysis of recent research and publications. The issue of the institution of dual citizenship is an important and at the same time interesting topic for the fundamental research because of its relevance for the world community at the present stage of development. Certain aspects of dual citizenship were studied in the scientific works of the following scientists: O.A. Kolomiets, P. Chalyi, V. Ilnytskyi, S. Mitriaieva, M. Lendiel and others.

The purpose and objectives of the article. The purpose of the research is to determine the advantages and disadvantages of dual (multiple) citizenship.

The main problem of dual (multiple) citizenship is the absence of common standards of its legal regulation at both national and international levels.

Presenting main material. According to the Universal Declaration of Human Rights, the fundamental rights include, in particular, the right of a person to citizenship, which essentially gives a person the full right to a set of rights and freedoms, as well as to perform duties under the laws of a country [2].

The issue of dual (multiple) citizenship, which the European Convention on Nationality interprets as the simultaneous belonging of a person to the citizenship of two or more states, is quite ambiguous. The Convention also lists the cases of such citizenship permitted by the states, in particular children who have acquired different nationalities at birth and citizens who acquire another nationality in connection with marriage [6].

However, the Convention states that States are not restricted in their national law by establishing their own conditions for dual (multiple) citizenship. Therefore, in practice, there are both countries that take full advantage of multiple citizenship and those that emphasize the disadvantages and prohibit it at the legislative level. There is also no single point of view on this issue in scientific circles, so, despite numerous studies, it remains relevant because of several reasons: the mass migration processes, the presence of a large Ukrainian diaspora abroad, as well as living in Ukraine a large number of national minorities who seek to associate themselves with their country of origin not only through cultural but also legal ties. Thus, analysing the benefits of the multiple citizenship, we can highlight the possibility of a free residence in several countries at the discretion of the individual. Another positive point is the availability of additional guarantees for the implementation and protection of human rights and freedoms, as persons with dual (multiple) citizenship on the one hand are equal in rights and responsibilities with other citizens of the country of residence. At the

same time on the other hand, they maintain cultural and legal ties with their country of origin. In addition, the increase of the amount of persons with a dual citizenship, according to supporters of this phenomenon, can contribute to the development of the relations between countries and strengthen the process of globalization [6, p. 402].

The disadvantages of a dual citizenship for individuals can be concerned as additional responsibilities, in particular in matters of military service or double taxation. At the same time, it should be borne in mind that conflicts in the legal status of such persons are inevitable, as a result of contradictions in the legislation of different countries, which may not always be resolved in favor of a person with dual (multiple citizenship). In addition, such persons in accordance with international norms have fewer rights to diplomatic protection.

Thus, according to the Article 4 of the Convention, which regulates certain issues related to the conflict of laws on citizenship, a state cannot provide diplomatic protection to its citizen from another country of which he is also a citizen [7].

Regarding the cultural and legal relationship with the country of origin, opponents of a dual citizenship note that its effectiveness in this aspect is minimal, because, in practice, a person has the opportunity to implement the rights and to perform duties only before one country, while the rights and obligations towards another are inherently declarative. Also among the disadvantages is that according to some researchers, a dual (multiple) citizenship can pose a threat to national security, as it contributes to separatism or increased influence of other states in border areas [4, p. 402].

It should be noted that despite the lack of a single point of view on this issue, there is still a certain direction in the world. Thus, about 75% of countries do not object to such a phenomenon as dual (multiple) citizenship and do not require immigrants to renounce the citizenship of the country of origin [1, p. 2].

At present, the legislation of Ukraine does not provide for the possibility of obtaining dual citizenship. In particular, Article 2 of the Law of Ukraine "On Citizenship of Ukraine" provides: "If a citizen of Ukraine has acquired citizenship (citizenship) of another state or states, in legal relations with Ukraine he is recognized only as a citizen of Ukraine. with Ukraine, he is recognized only as a citizen of Ukraine. ". However, this does not mean a direct prohibition of dual citizenship, as its loss occurs only from the moment of issuance of the Decree of the President of Ukraine on termination of citizenship in respect of a certain person. In practice, we observe the following: if a citizen of Ukraine has acquired the citizenship of another state, in legal relations with Ukraine he is recognized only as its citizen and does not automatically lose this status.

Today, the legislation of Ukraine on citizenship needs to be changed. It should aim to reduce the incidence of bipatrim (dual citizenship). In particular, our state has concluded numerous international agreements in this regard. Among them is the Agreement between Ukraine and the Republic of Uzbekistan on the Prevention of Dual Citizenship, signed on 15 December, 1996 and ratified on 13 July, 1997. The Article 2 of the Law of Ukraine "On Citizenship of Ukraine" states: "If a citizen of Ukraine has acquired the citizenship (citizenship) of another state or states, then in legal relations with Ukraine he is recognized only as a citizen of Ukraine. If a foreigner has acquired the citizenship of Ukraine, then in legal relations with Ukraine he is recognized only as a citizen of Ukraine"[5, p. 65] .

Conclusions and prospects for further development. In conclusion, it should be noted that a dual (multiple) citizenship can be an effective way to interact with the Ukrainian diaspora abroad and to contribute to its involvement in the cultural, economic and political life of the country. In addition, this phenomenon expands opportunities for employment, training and doing business in other countries. At the same time, the introduction of dual citizenship may lead to new and increased threats to national security. Therefore, solving this issue requires the more balanced approach.

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