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European University Institute, Florence
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Ukraine

Oxana Shevel[1]

1 Introduction

In common with other former Soviet republics which emerged as independent states following the dissolution of the Soviet Union, Ukraine faced the most basic but profoundly important state building task: that of defining the body of citizens of the new state, and the rules on acquisition and loss of citizenship for those who were not included in the initial body of citizens.

In the nearly twenty years that have passed since Ukraine adopted its first citizenship law on 8 October 1991, the citizenship rules have evolved substantially. As the citizenship rules have evolved, some cornerstone elements have persisted. The first such element is the territorial (as opposed to ethno-cultural) definition of the official nation that was reflected in the original citizenship law and upheld and broadened in the subsequent versions. This territorial civic definition of the nation in the law was not an outcome of civic national identity, as some theories of citizenship would predict (Brubaker 1992), but a side effect of domestic divisions on the national question. The second persistent element of the Ukrainian citizenship regime is the non-recognition of dual/multiple citizenship. Ukraine's opposition to the principle of dual/multiple citizenship is political, stemming from concerns over possible negative consequences of dual citizenship (in particular with Russia) for the sovereignty and territorial integrity of Ukraine. The complicated historical relationship between Russia and Ukraine, the large Russian minority in the east and south of Ukraine, and the continued skepticism and even downright non-acceptance of Ukrainian independence by many in Russia fuel these concerns.

At the same time, since the late 1990s a third trend in Ukrainian citizenship politics becomes discernable that can be described as a form of Europeanization. In the middle of the 1990s, Ukraine began soliciting opinions from international organizations with expertise on citizenship matters, such as the Council of Europe (COE), the Organization for Security and Cooperation in Europe (OSCE), and the UN High Commissioner for Refugees (UNHCR), on its citizenship rules and the compatibility of national legislation with international legal standards on citizenship. The first major outcome of these consultations were the 1997 changes to the citizenship law and the subsequent bilateral agreements on citizenship which Ukraine concluded with several post-Soviet republics that allowed tens of thousands of Formerly Deported Peoples (FDPs), primarily Crimean Tatars, to acquire Ukrainian citizenship. A new version of the citizenship law adopted in 2001 and amendments to this law adopted in 2005 further aligned the Ukrainian legislation with European citizenship norms, such as the 1997 European Convention on Nationality. In the process of crafting the 2001 and 2005 changes, Ukraine softened its opposition to dual/multiple citizenship by allowing some exceptions to the prohibition, mirroring the 1997 Convention. However, as relations with Russia (and, as a result, the issue of dual citizenship) remain politicized in Ukraine, this politicization continues to inform the politics of citizenship policymaking.

[1] The author would like to thank Katja Swider for research assistance.

2 Historical background

Ukraine is a successor of the Ukrainian Soviet Socialist Republic (Ukrainian SSR) which was a constituent republic of the Soviet Union from the time of its founding in December 1922 until its dissolution in December 1991. When Ukraine was a republic of the Soviet Union, citizenship of the Ukrainian SSR formally existed but had no practical or political consequences because republican citizenship was fully subsumed into union citizenship. According to the Soviet citizenship law, every citizen of a union republic was simultaneously a citizen of the USSR.[2] The union republics had neither republic citizenship laws nor bureaucracies administering republican citizenship separately from the Soviet citizenship.[3] The Soviet law also did not provide for any documentation demonstrating a person's citizenship of a union republic. All in all, as legal experts of the Ukrainian citizenship administration reasonably concluded, 'the lack of legal rules on Ukrainian SSR citizenship calls in doubt the very reality of this citizenship's existence.' (Chaly et al. 1998: 2). In the absence of official documents recording republican citizenship within the Soviet Union, in the post-Soviet period the *propiska* residency registration stamp in an individual's Soviet passport that attested to his or her legal residency in a particular place was to become the only clear formal criterion for establishing that person's citizenship status in the newly independent states. As will be discussed in Section 3.5 below, determining citizenship on the basis of *propiska* was fraught with a number of difficulties and at times created cases of statelessness in both individual and group cases.

Citizenship emerged as a salient political issue in the union republics of the USSR in the late Soviet period, when sovereignty movements began to gain momentum. Given that having a citizenship law is an indispensable attribute of independent statehood, the timing of the emergence of the citizenship question in not surprising. In Ukraine, the origins of citizenship policy can be dated to the 1990 Sovereignty Declaration which established that the 'Ukrainian SSR has its own citizenship' and that 'acquisition and loss of citizenship is to be regulated by the Law on Citizenship of Ukrainian SSR.'[4] The first Ukrainian citizenship law was adopted by the Ukrainian Supreme Soviet (*Verkhovna Rada*) in fall of 1991, when the Soviet Union was still legally in existence.[5]

Records of the legislative debates of the 1990 Sovereignty Declaration and of the 1991 Law reveal that certain issues dominated the debate as they were particularly controversial.[6] Among these issues where the implications of the Ukrainian citizenship law for Ukraine's

[2] See, for example, art. 1 of the 23 May 1990 Citizenship Law of the USSR. Text in Andrienko et al. (2000: 103-119).

[3] Decree of the Presidium of the Ukrainian SSR Supreme Soviet from 4 September 1981 titled 'On the procedure of admittance to citizenship of the Ukrainian SSR' specified that the Presidium accepts applications for citizenship of Ukrainian SSR and through it to the USSR, but this applied to non-Soviet citizens only and not to Soviet citizens who moved from one Soviet republic to another. Text of the decree in Andrienko et al. (2000: 94-95).

[4] Section IV of 16 June 1990 Sovereignty Declaration, reprinted in Andrienko et al. (2000: 122).

[5] Law No. 1636-XII from 8 October 1991 'On citizenship of Ukraine,' text in *Vidomosti Verkhovnoi Rady Ukrainy*, 1991, no. 50, p. 701. A draft of the 1991 Citizenship Law was first debated in the Rada in July 1991; repeated first readings took place on 12 September 1991; the law was approved on 8 October 1991 and entered into force on 13 November 1991.

[6] Stenographic reports from debate of the Sovereignty Declaration in the Ukrainian Supreme Soviet on 28 June, 12 and 13 July 1990 (*Bulleten Verkhovnoi Rady Ukrainy* no. 53, 28 June 1990; *Bulleten Verkhovnoi Rady Ukrainy* no. 63, 12 July 1990; *Bulleten Verkhovnoi Rady Ukrainy* no. 66, 13 July 1990), and stenographic reports from debate of the citizenship law in the Ukrainian Supreme Soviet on 28 June, 12 September, and 8 October 1991 (*Bulleten Verkhovnoi Rady Ukrainy* no. 82, 28 June 1991; *Bulleten Verkhovnoi Rady Ukrainy* no. 7, 12 September 1991; *Bulleten Verkhovnoi Rady Ukrainy* no. 18, 8 October 1991).

continued political affiliation (or lack of affiliation) with the Soviet Union, the related issue of dual citizenship, and the possibility of preferential access to Ukrainian citizenship for ethnic Ukrainians abroad. In Ukraine, the right (nationalists and national-democrats) and the left (the unreformed Communists and their allies) clashed over these matters.

As they were ideologically committed to Ukrainian state independence, the Ukrainian right saw citizenship legislation as a key pre-requisite for achieving independence, applying the logic that without a population to be claimed as its lawful citizens, an independent sovereign state is impossible. As one member of parliament from the right put it during the first reading of the 1991 citizenship law in June 1991, 'citizenship law is one of the most important instruments to ensure our sovereignty; sovereignty that had been proclaimed but has not yet been realized… If we are serious about building a sovereign state, [we have to realize that] there can be no sovereignty without law on citizenship.'[7] The draft Sovereignty Declaration contained a section on citizenship (sect. IV) proclaiming that 'the Ukrainian SSR has its own citizenship.'[8] This clause turned out to be the single most contested clause of the Declaration. Members of parliament spent more time discussing the citizenship clause than any other clause of the Declaration, including such controversial ones as Ukraine's right to its own armed forces.[9] The Declaration was ultimately about whether Ukraine remained in the Union or whether it left it, and the wording of the citizenship clause bore directly on the issue of succession and independence. If Ukrainian citizens remained citizens of the USSR, Ukraine did not become a full-fledged independent state. By contrast, establishing a form of Ukrainian citizenship which was not linked to USSR citizenship in any way would have been a major step toward full-fledged independence. The right thus favoured the clause 'the Ukrainian SSR has it own citizenship' without any qualifiers, while the Ukrainian communists wanted this clause supplemented with the statement 'citizens of the Ukrainian SSR remain citizens of USSR.' After lengthy debates, a compromise wording was adopted. Sect. IV of the Declaration read: 'The Ukrainian SSR has its own citizenship and *guarantees* every citizen the right to retain citizenship of the USSR' (emphasis added). This wording was ambiguous enough to be acceptable to both the left and the right: USSR citizenship found its way back into the declaration, as the left wanted, but Ukrainian citizenship was not automatically subsumed into Soviet citizenship.[10]

When the first citizenship law was debated in the Ukrainian parliament in the autumn of 1991, dual citizenship again dominated the debate. By then, the August 1991 coup and Ukraine's declaration of independence greatly diminished hopes of preserving the Soviet Union. At the same time, dual citizenship was still a mechanism to maintain close political ties between states, a possible step towards creation of a joint state with Russia at some future time – the explicit objective of the unreformed Ukrainian communists and their allies. The right thus favoured the wording 'in Ukraine there is single citizenship,' without any qualifiers, while the left wanted either to remove this clause, or supplement it with the statement 'dual citizenship is allowed.' The left came extremely close to success: on 8 October 1991, the

[7] MP Osadchuk, quoted after stenographic record in *Bulleten Verkhovnoi Rady Ukrainy*, no. 82, 28 June 1991, pp. 41-42.
[8] Draft text of the Sovereignty Declaration as printed in *Bulleten Verkhovnoi Rady Ukrainy*, no. 61, 11 July 1990, pp. 7-12.
[9] Verbatim report of the article-by-article debate takes up 265 pages, 66 of which (or 25 per cent) are devoted to the debate of the clause 'Ukrainian SSR has it own citizenship.' Author's calculation drawing on the Supreme Soviet bulletins for the period in question.
[10] Further details on the debates over the citizenship clause in the Sovereignty Declaration are provided in Shevel (2009).

clause 'dual citizenship is allowed' was rejected by just two votes.[11] In the end, neither the left nor the right commanded sufficient votes in the parliament to get their first preference passed. The final wording of the contested clause was a compromise again. It read: 'in Ukraine there is single citizenship. Dual citizenship is allowed on the basis of bilateral agreements.' No such agreements were subsequently concluded.

A special citizenship regime for ethnic Ukrainians was another issue that figured prominently during the 1991 citizenship law debate (it diminished, but never completely disappeared, during the subsequent years when amendments to the 1991 law were discussed). A preferential regime in citizenship acquisition for ethnic Ukrainians was championed by the right who viewed ethnic Ukrainians as the 'core' of the Ukrainian political nation.[12] Members of parliament from the right proposed to state in the law that the right to Ukrainian citizenship be extended to ethnic Ukrainians who lived in the west, and to Soviet citizens who had 'ethnic Ukrainian' recorded in their Soviet passports.[13] Since the right and the centre-right together constituted a minority in the parliament, these proposals were not adopted.

2.1 Defining the body of citizens: divided elites and civic nation by default

A key foundational element of the Ukrainian citizenship regime, as with any new state, is definition of the original body of citizens – those who were recognized as being citizens of the new state *ex lege*. This group, which can be called the 'official' nation of the state, is the legal and political community in whose name the state is constituted and on whose loyalty and support the state expects to rely. The politics behind the process of defining the original body of citizens has been investigated in theoretical literature on citizenship, most prominently by Rogers Brubaker (1992) who has argued using the example of France and Germany that historically formed ethnic or civic national identity translates into ethnic or civic citizenship laws in modern states. In some cases, however, this causal pathway is not available because there is no dominant conception of national identity that can translate into citizenship law. Ukraine, where the left and the right bitterly disagreed on the national question, is one of such state. The evidence from the Ukrainian case shows that under these conditions, civic citizenship laws can arise as a side effect of contested politics of national identity.

Already in the 1991 Citizenship Law, the official Ukrainian nation was defined on the basis of territory: a person's birth or permanent residence, or that of an ancestor, on the territory of Ukraine became the basis for defining the body of citizens of the Ukrainian state. The territorial definition can be characterized as a compromise between the option preferred by the Ukrainian right (to extend the right to Ukrainian citizenship not only to those with links to the territory of Ukraine but also to ethnic Ukrainians), and the Ukrainian left (who initially opposed the very idea of the citizenship law in Ukraine, and subsequently focused on promoting dual citizenship with Russia). The third political camp in Ukraine, the ideologically amorphous centre comprised of the former *nomenklatura* and the new oligarchs,

[11] Stenographic report from the second reading of the 1991 Citizenship Law on 8 October 1991. *Bulleten Verkhovnoi Rady Ukrainy* no. 18, 8 October 1991, p. 26.
[12] This understanding of the nation is reflected in the program of People's *Rukh*, an umbrella anti-Communist popular movement formed in the late Soviet period (and subsequently a party). *Narodnyi Rukh Ukrainy za Perebudovy* 1989: 18.
[13] See statements by MP during 28 June 1991 and 12 September 1991 debate in the Supreme Soviet (*Bulleten Verkhovnoi Rady Ukrainy* no. 82, 28 June 1991, pp. 31-31; *Bulleten Verkhovnoi Rady Ukrainy* no. 7, 12 September 1991, p. 48), and by MPs Romaniuk and Vlokh during 12 September 1991 debate (ibid, pp. 52, 94-95).

was not ideologically committed to any particular image of the nation but supported the territorial definition for pragmatic reasons. Such a definition legitimized state independence and by extension the centrist elites' ruling position, and also had potential electoral benefits since upholding an ideologically neutral territorial principle allowed centrist elites to frame themselves for voters as a preferable alternative to the two brands of 'radicals' (Communists on the left and nationalists on the right).[14]

The territorial definition of the official Ukrainian nation was reflected already in the 1991 Citizenship Law adopted on 8 October 1991 and in force since 13 November 1991, and was upheld and broadened with each subsequent change to the law. The 1991 Law (art. 2) defined the initial body of citizens as including two categories of people:[15]

1) All those who where residing permanently in Ukraine when this Law entered into force irrespective of their origin, social and property status, race, ethnicity, sex, education, language, political beliefs, religious affiliation, professional occupation, who are not citizens of other countries, and who do not object being citizens of Ukraine.
2) Those who at the time of the Law's entry into force were abroad on government service, military service, or studying if they were born, or can prove that they had permanently resided in Ukraine, who are not citizens of other countries, and who expressed their desire to be citizens of Ukraine no later than one years after this law entered into force (this deadline was subsequently extended several times, eventually till 31 December 1999).[16]

In addition, art. 16 exempted those who were born on the territory of Ukraine or had at least one parent or grandparent born on the territory of Ukraine from the residency requirement, and further stipulated that once the deadline set forth in art. 2 para. 2 expired, those who belonged to the group referred to in this clause can acquire Ukrainian citizenship without satisfying language and residency requirements.

On 16 April 1997, the 1991 citizenship law was amended and the body of citizens as defined in art. 2 was further expanded to include not only students, servicemen, and government employees living abroad as of 13 November 1991, but anyone who was not living in Ukraine on 13 November 1991 but who was born or permanently resided on the territory of Ukraine (as well as descendents, children and grandchildren, of such persons), if they did not have foreign citizenship and provided they applied before 31 December 1999 to formally establish their belonging to the citizenship of Ukraine.[17] After this deadline, the people in question could become Ukrainian citizens on preferential terms, as art. 16 waived the five year residency requirement and the Ukrainian language requirement for this group.[18]

On 18 January 2001, the *Rada* approved a new version of the citizenship law which introduced a number of important changes, including a further expansion of the initial body of

[14] See Shevel (2009: 279-283) for more detailed discussion of these three elites groups and their views on the national question).
[15] Text of the 1991 Citizenship Law in *Vidomosti Verkhovnoi Rady Ukrainy*, 1991, no. 50, p. 701.
[16] Text of the relevant amendments in *Vidomosti Verkhovnoi Rady Ukrainy*, 1993, no. 14, p. 121; *Vidomosti Verkhovnoi Rady Ukrainy*, 1994, No. 43, p. 390; *Vidomosti Verkhovnoi Rady Ukrainy*, 1997, No. 19, p. 3-5.
[17] The procedure of establishing one's belonging to Ukrainian citizenship (*vyznannia nalezhnosti do hromadianstva Ukrainy*) for the purposes of being recognized a citizen of Ukraine *ex lege* was a distinct procedure established in the Ukrainian law in addition to the naturalization procedure – called 'admission to citizenship' (*pryiom do hromadianstva*). The naturalization procedure included various requirements (see below), while the only requirement in the citizenship establishment procedure was to prove one's or one's ancestor's birth or permanent residency on the territory of Ukraine and the absence of foreign citizenship.
[18] Law No. 210/97-VR from 16 April 1997 'On Citizenship of Ukraine,' text in *Vidomosti Verkhovnoi Rady Ukrainy*, 1997, No. 23, p. 169.

citizens and a further simplification of the naturalization requirements for persons with family origins in the territory of Ukraine.[19] Thus, art. 3 para. 3 of the 2001 Law included in the original body of citizens those former Soviet citizens who moved to Ukraine after 13 November 1991 for permanent residency and whose Soviet passports were stamped with 'citizen of Ukraine' stamp by the Ukrainian Ministry of Interior organs, as well children of such persons who were minors upon their arrival to Ukraine. Additionally, art. 8 ('Acquisition of Ukrainian citizenship on the basis of territorial origin') was added to the law which stipulated that one can register as a citizen of Ukraine provided that the person, or at least one of his or her grandparents, parents, or full-blood sibling, was born on or permanently resided before 16 June 1990 (the date of the adoption of the Sovereignty Declaration) on the territory of Ukraine.[20] These persons could register as Ukrainian citizens, although, if they held foreign citizenship, they were obliged to terminate this citizenship and produce documentary proof to this effect within one year of registering as citizens of Ukraine (in 2005 this deadline was extended to two years).[21] Another nod to the territorial principle was found in art. 9 para. 4 of the 2001 law which exempted those former Soviet citizens who had a *propiska* on the territory of Ukraine recorded in their Soviet passports from the requirement to obtain permission for permanent residency as a pre-requisite for naturalization.

On 16 June 2005, further amendments to the 2001 citizenship law entered into force which expanded eligibility to Ukrainian citizenship on the basis of territorial descent also to those who had a half-blood brother or sister, or son or daughter, or grandson or granddaughter who was born or permanently resided on the territory of Ukraine.[22] Tables 1 and 2 below summarize the progressive expansion of the category of people eligible for Ukrainian citizenship on the basis of territorial origin, and the progressive easing of requirements this group had to fulfil to affiliate to Ukrainian citizenship.

[19] Law No. 2235-III from 18 January 2001 'On Citizenship of Ukraine,' text in *Vidomosti Verkhovnoi Rady Ukrainy*, 2001, no. 13, p. 65.

[20] In the 2001 Law, the term 'territory of Ukraine' was for the first time explicitly defined as referring to the territory of the Soviet Ukrainian SSR which became the territory of independent Ukraine, but also to the territories of the short-lived independent Ukrainian state formations that existed during the first part of the 20th century: the Ukrainian People's Republic (UNR), the West Ukrainian People's Republic (ZUNR), the Ukrainian State, the Ukrainian Socialist People's Republic, and Transcarpathian Ukraine. This elaboration served a two-fold purpose. First, it gave a degree of historicity to the current Ukrainian state, explicitly linking it to independent state formations of the past. Second, by including all previous Ukrainian state formations into the concept of 'territory of Ukraine' the issue of the entitlement to Ukrainian citizenship of ethnic Ukrainians was addressed as a matter of practice, without the need to resort to politically and legally controversial ethnic designations in the law (Andrienko et al. 2002: 66). Given that the term 'territory of Ukraine' now includes territories outside the boundaries of contemporary Ukraine and covers the region where ethnic Ukrainians have historically resided, one would be hard pressed to find an ethnic Ukrainian who does not have at least one grandparent who was born, or was a resident, on these territories.

[21] Law No. 2663-IV from 16 June 2005 'On introducing changes to the law of Ukraine "On citizenship of Ukraine".' Text in *Vidomosti Verkhovnoi Rady Ukrainy*, 2005, no. 30, p. 408.

[22] Law No. 2663-IV from 16 June 2005 'On introducing changes to the law of Ukraine "On citizenship of Ukraine".' Text in *Vidomosti Verkhovnoi Rady Ukrainy*, 2005, no. 30, p. 408.

Table 1. The body of citizens in citizenship laws

1991 citizenship law (art. 2, para. 1 and 2; art. 16)	1997 version of the 1991 law (art. 2, para. 3)	2001 citizenship law (art. 8, para. 1)	2005 amendments to the 2001 law (art. 8, para. 1)
Permanent residents of Ukraine as of 13 November 1991; military personnel, students, and government-sent employees abroad	Those who were born or permanently resided on the territory of Ukraine and their descendents (children, grandchildren)	Those who were born or permanently resided on the territory of Ukraine, or at least one of whose parents, grandparents, or a full-blood sibling, was born or permanently resided on the territory of Ukraine	Those who were born or permanently resided on the territory of Ukraine, or at least one of whose parents, grandparents, children, grandchildren, full or half-blood sibling, was born or permanently resided on the territory of Ukraine

Table 2. Applicability of naturalization requirements to those with territorial origin from Ukraine

Naturalization requirements	1991 Citizenship Law	1997 version of the 1991 Law	2001 Citizenship Law	2005 amendments to the 2001 Law
5 year residency	No	No	No	No
Knowledge of Ukrainian language	Yes	No	No	No
Legal source of income	Yes	Yes	No	No
Permanent residence permit	n/a	n/a	No	No
Obeying the Constitution	Yes	Yes	No	No
Proof of release from prior citizenship	Yes	Yes	Yes	Yes

3 Current citizenship regime

3.1 The main modes of acquisition and loss of citizenship

According to art. 6 of the 2001 Citizenship Law, as amended in June 2005, citizenship of Ukraine can be acquired:

1) by birth;
2) by territorial origin;
3) by admission to the citizenship;
4) by restoration of the citizenship;
5) by adoption;
6) by establishment of guardianship or wardship for a child or placement of the child in a childcare or healthcare institution, family children's home or adoptive family, or placement in the care of a foster parent family;
7) by establishment of wardship for a person adjudged as lacking capacity;
8) in circumstances where one or both parents of a child is/are citizen(s) of Ukraine;
9) by recognition of parenthood or affiliation;
10) on other grounds stipulated by international treaties of Ukraine

Acquisition by ius sanguinis and ius soli

The acquisition of Ukrainian citizenship at birth is governed by the principle of ius sanguinis and partially by the principle of ius soli. According to art. 7 of the 2001 Law, Ukrainian citizenship is granted at birth to a child whose one or both parents, at the time of child's birth, were citizens of Ukraine, irrespective of the place of the child's birth. In addition, the acquisition of citizenship by descent on the basis of ius sanguinis is also provided in art. 15 which stipulates that the recognition of paternity or maternity, or establishment of paternity or maternity (and, since 2005, also the establishment of guardianship or adoption – art. 12) are grounds for acquisition of Ukrainian citizenship.

The citizenship law provides for the acquisition of Ukrainian citizenship also on the basis of ius soli, but only in certain instances. Thus, according to art. 7 of the 2001 Law, a child born on the territory of Ukraine whose parents or one or parents are lawfully residing in Ukraine as stateless persons, aliens or refugees and who has not acquired by birth the citizenship of either of his/her parents (or only acquired citizenship of the refugee parent), shall be deemed a citizen of Ukraine from the moment of birth. A newborn child found on the territory of Ukraine is also treated as the citizen of Ukraine provided both parents are unknown.

In addition, the ius soli principle is also used in the right to apply for recognition as a citizen of Ukraine on the basis of territorial origin (art. 8 of the 2001 Law, see Section 2.1 above for details). In 2005, ius soli principle was extended as art. 8 was supplemented with a clause stating that a child born on the territory of Ukraine after 24 August 1991 who has not acquired citizenship of Ukraine at birth and is a stateless person or an alien with regards to whom an obligation to terminate foreign citizenship was undertaken, can be registered as a citizen of Ukraine on request of one of his or her legal representatives.

Acquisition by naturalization

Ukrainian citizenship law provides for the possibility of naturalization for persons lawfully residing in Ukraine. The Ukrainian law uses the term 'admission to citizenship' *(pryiniattia do hromadianstva*) rather than the term 'naturalization'. According to art. 9 of the 2001 Law, aliens or stateless persons can be admitted to the citizenship of Ukraine if they apply for naturalization and fulfill the following conditions:

1) recognition of and compliance with the Constitution and laws of Ukraine;
2) submission of a declaration on the absence of foreign citizenship (for stateless persons) or the assumption of an obligation to terminate foreign citizenship(s) (for aliens). Those granted refugee or asylum status in Ukraine may file a declaration renouncing their foreign citizenship rather than being under an obligation to terminate such foreign citizenship (there are exceptions to this requirement, as discussed in Section 3.2 below);
3) continuous lawful residence on the territory of Ukraine for the previous five years. For those married to Ukrainian citizens, this term is reduced to two years. For those granted refugee or asylum status, the residency term is shortened to two years, from the date the status was granted.
4) possession of immigration permit. Recognized refugees and certain categories of stateless persons are exempt from this requirement;
5) command or understanding of state language to the extent sufficient for communication (the requirement does not apply to deaf, blind, or mute individuals);
6) legal source of income (recognized refugees are exempt from this requirement).

Those who have rendered distinguished service to Ukraine and those whose admission to the citizenship of Ukraine is of state interest for Ukraine are exempt from requirements three through six above.

Loss of citizenship

Citizenship of Ukraine can be lost or annulled. According to art. 19 of the 2001 Citizenship Law, Ukrainian citizenship can be lost under certain circumstances, namely:

1) if a citizen of Ukraine who has come of age voluntarily acquires foreign citizenship;
2) if citizenship was acquired through a naturalization procedure as established by art. 9 on the basis of fraud, false information or forged documents that the applicant knowingly submitted;
3) if a citizen of Ukraine voluntarily enlisted in the military service of another state where such service is not universal under the laws of that state.

To prevent statelessness, art. 19 also specifies that Ukrainian citizenship will not be lost even if conditions one or two apply if the person in question will become stateless upon losing Ukrainian citizenship.

The loss of Ukrainian citizenship under art. 19 is not automatic, however, but requires an administrative procedure for each individual case. This procedure entails a governmental body (domestically the Interior Ministry and abroad the consular services) to submit a formal petition with supporting documents, including a document proving that the citizen in question has acquired foreign citizenship. The final decision to deprive a person of Ukrainian citizenship is taken by the Citizenship Commission of the Presidential Administration and is signed by the president.[23]

As there are no bilateral agreements between Ukraine and other states on sharing such information, there are few ways for the Ukrainian authorities to obtain legal proof that a Ukrainian citizen has acquired foreign citizenship short of catching a citizen with two passports in his or her hand. Even this may not be sufficient, however. As legal experts from the Citizenship Department of the Ukrainian Presidential Administration explained in a commentary to the 2001 Citizenship Law, in order to determine whether a Ukrainian citizen has voluntarily acquired citizenship of a foreign state the Ukrainian authorities need a confirmation from competent authorities of the relevant foreign state to guard against the possibility that the foreign citizenship was acquired but subsequently lost or revoked. In the latter case, revocation of Ukrainian citizenship would render the person in question stateless and therefore is not permissible (Andrienko et al. 2002: 129). In practical terms, it means that even catching someone with two passports in hand will not be enough to deprive the person of Ukrainian citizenship without additional confirmation of the person's citizenship status by official organs of a foreign state. Some of the existing case law indicates that there may be a system of information sharing between passport offices of the former Soviet republics with

[23] The administrative procedure on the loss of citizenship is detailed in the addendum to the Presidential Decree No. 215/200 from 27 March 2001 'Questions of the execution of the law of Ukraine "On citizenship of Ukraine"' titled 'Procedure on the processing of applications and motions concerning questions of the citizenship of Ukraine and the execution of decisions taken.' Articles 71, 72, and 88 of the Procedure detail administrative steps and required documents for citizenship cancellation. Text of the decree and the addendum reprinted in Andrienko et al. (2002: 156-224).

regard to individual's citizenship status, and that an official confirmation that one is indeed a citizen of one of the former Soviet republics can lead to annulment of Ukrainian citizenship.[24]

Another article of the 2001 law relating to the loss of citizenship is art. 21 which stipulates that an earlier decision to grant one Ukrainian citizenship can be reversed (and therefore the granting of citizenship annulled) if a person has acquired Ukrainian citizenship (on the basis of territorial origin under art. 8 or whose Ukrainian citizenship was reinstated pursuant to art. 10) as a result of fraud, or by knowingly submitting false information or forged documents, or if the person concealed a significant fact due to which such person could not have acquire the citizenship of Ukraine.

3.2 Dual/multiple citizenship

Ukrainian legislation does not recognize dual citizenship. Art. 4 of the 1996 Constitution states that in Ukraine there is single citizenship. The 2001 Citizenship Law also states that single citizenship is one of the principles on which the law is based (art. 2 para. 1). The single citizenship clause in the 2001 Law further stipulates that if a citizen of Ukraine acquires citizenship of another state, in legal relations with Ukraine such person is considered only to be a citizen of Ukraine. As discussed above, the issue of dual citizenship in Ukraine is interpreted primarily through the prism of Ukraine's relations with Russia, the complicated historical legacy of this relationship, and the resulting fears on the part of the political elites that dual citizenship with Russia is fraught with dangers for Ukraine's sovereignty and territorial integrity. As a result, from the time the citizenship issue first emerged on the political and legal agenda in the twilight of the Soviet era, strong opposition to dual citizenship crystallized on the part of the centrist and rightist elites, while the Ukrainian Communist party and its allies on the left, in contrast, have been vocal supporters of dual citizenship.

In the first half of the 1990s, the legal fate of dual citizenship often hung in the balance. In the 1991 Law, the clause legalizing dual citizenship failed by just two votes. The adoption of the Constitution in June 1996, after a protracted debate, marked a watershed on the issue. After art. 4 of the Constitution stipulated that in Ukraine there is single citizenship, future initiatives to introduce dual citizenship (such as during the debate of the 1997 Citizenship Law) could be rebutted with a constitutional argument.[25] Indeed, in the 1997 version of the citizenship law the prohibition against dual citizenship has been strengthened as the clause "dual citizenship is allowed on the basis of bilateral agreements" has been dropped from art. 1 of the law.

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[24] Supreme Administrative Court, Case No. K-19264/06 from 23 October 2007. Full text of the ruling is available at http://www.reyestr.court.gov.ua/Review/1333887

[25] At the same time, it is interesting to note that supporters of dual citizenship have long maintained that the provision on single citizenship (*iedyne hromadianstvo*) in the Constitution was meant to disallow internal citizenship of regions of Ukraine and not multiple citizenships with other states. For this interpretation, see statement by MP Alekseiev during the second reading of the 1997 Citizenship Law on 12 February 1997. Stenographic report available at http://www.rada.gov.ua/zakon/new/STENOGR/index.htm . Neither the 1991 Citizenship Law, nor the 1996 Constitution, nor the 1997 Citizenship Law defined the meaning of the term 'single citizenship,' which allowed the arguments such as those by Alexeiev to be made. However, art. 2 para. 1 of the 2001 Citizenship Law explicitly defined 'single citizenship' as 'citizenship of the state of Ukraine that rules out the possibility for existence of a citizenship of administrative-territorial units of Ukraine,' but continued to state that if a citizen of Ukraine acquires a citizenship of another state or states, in legal relations with Ukraine such citizen shall be acknowledged as the citizen of Ukraine only.

More recently, however, Ukraine has contextualized and somewhat softened its opposition to multiple citizenship. This is evidenced by many qualifying clauses regarding dual citizenship introduced in many changes to the Citizenship Law in 2001, when the new version of the law was adopted, and additionally in 2005, when the 2001 Law was amended.

The 2001 Law *de facto* recognized dual citizenship in several specific instances, since art. 19 specified exceptions to the clause that Ukrainian citizenship is lost if an adult Ukrainian citizen voluntarily acquires foreign citizenship. According to art. 19, para. 1, sect. 2, a foreign citizenship shall not be deemed to have been acquired voluntarily, and therefore Ukrainian citizenship should not be terminated, if: (a) a child acquires by birth the citizenship of Ukraine concurrently with the citizenship of another state or states; (b) a child who is a citizen of Ukraine acquires the citizenship of his adoptive parents who are foreigners; (c) a citizen of Ukraine acquires another citizenship automatically by virtue of marriage with a foreigner. Conditions (a) and (c) are the same ones found in art. 14 of the 1997 European Convention on Nationality as the cases of multiple citizenship that states signatories of the Convention agree to allow.[26]

Additionally, the 2001 Law and amendments added to it which were approved in June 2005 specify several instances when Ukrainian citizenship can be acquired through naturalization, recognition, or on the basis of territorial origin without submitting documented proof of release from prior citizenship. The documented proof of release from prior citizenship requirement does not apply to those granted refugee status in Ukraine (they submit instead a declaration of renunciation of foreign citizenship), or if the document testifying the termination of foreign citizenship cannot be obtained from the competent authorities of a foreign state 'for reasons beyond the applicant's control' (arts. 8, 9, 10 of the 2001 Law). What constitute 'reasons beyond one's control' is also formally defined in the 2001 Law (art. 1). Under the law, such reasons include the non-issuance by the foreign state of the proof of citizenship renunciation to the applicant within the time frame stipulated in that state's legislation, or the high cost of the renunciation procedure (exceeding half of the monthly minimum wage in Ukraine). Further, in 2005, the one year deadline for submitting documentary proof of foreign citizenship renunciation was extended to two years.

The main reason behind this contextualization of the single citizenship principle is the growing awareness on the part of the Ukrainian citizenship policymaking elites of the European trends with regard to citizenship reflected in documents such as the 1997 European Convention on Nationality. From the middle of the 1990s, the European bodies such as the Council of Europe, the UNHCR, and the OSCE became deeply involved with citizenship issues in Ukraine. The involvement of the European bodies, and the subsequent Europeanization of Ukrainian citizenship legislation, occurred due to the massive statelessness problem that the 1991 citizenship legislation inadvertently enabled, the extent of which has become evident by the middle of the 1990s. Section 3.4 below discusses this issue in greater detail.

3.3 Special rules for those with family origins from the territory of Ukraine

Although the Ukrainian right has repeatedly made proposals to this effect, especially in the early parts of the 1990s, no special rules for co-ethnics exist in Ukrainian citizenship law. Instead, a preferential citizenship acquisition regime for those who themselves, or one of

[26] Text of the 1997 European Convention on Nationality available at http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm

whose family members, is linked to the territory of Ukraine either through birth or permanent residency was established already in the first Citizenship Law adopted in 1991 and expanded in the subsequent editions of the law. Section 2.1 above specifies how the size of this group has been progressively expanded with each change to citizenship law, and what naturalization requirements are waived for this group.

3.4 International cooperation, Europeanization, and reduction of statelessness

As noted in Section 3.2, by the start of the millennium Ukrainian citizenship law and policy had undergone a process of Europeanization demonstrated most clearly in the 2001 Citizenship Law and the 2005 amendments to it which were informed by such international documents as the 1997 European Convention on Nationality and drafted in close consultation with the UNHCR and the Council of Europe. The involvement of international agencies in Ukrainian citizenship policymaking commenced already in the middle of the 1990s and was prompted by the problem of statelessness.

Statelessness in Ukraine was an inadvertent side effect of the 1991 Citizenship Law, in particular of the 'zero option' clause in the law that overall prevented statelessness, as it recognized as Ukrainian citizens all permanent residents on the territory of Ukraine as of 13 November 1991. However, a specific group found itself stateless as a result of this provision – some 108,000 members of the so-called Formerly Deported Peoples (FDPs). The FDPs were primarily Crimean Tatars, but also several other smaller ethnic groups who were deported from Crimea in the 1940s by the Stalin regime and who have been returning to Ukraine since the late Soviet period.

By the middle of the 1990s, some 258,000 FDPs had returned to Ukraine. Of them, roughly 150,000 arrived and registered residency in Ukraine before 13 November 1991 and were duly recognized as citizens of Ukraine *ex lege* under the 1991 Citizenship Law. The remaining FDPs fell into two categories. About 25,000 were *de jure* stateless, having left their previous republic of residence before citizenship legislation was enacted there, and they had neither Ukrainian nor any other citizenship. The remaining approximately 83,000 were legally citizens of the republic of their prior residency (mostly Uzbekistan, but also Georgia, Russia, Kyrgyzstan, Kazakhstan and Tajikistan). The international organizations considered most in this latter group to be *de facto* stateless because, since they were permanently residing in Ukraine, they derived no practical benefits from the citizenship they legally possessed and many were not even aware that they were in theory citizens of the states they left – especially if they had a Ukrainian *propiska* residency registration stamp in their Soviet passports, as the Soviet system whereby *propiska* (renamed registration in the post-Soviet period) was the basis for accessing benefits and receiving services from the state continued in Ukraine. Furthermore, many were also at risk of becoming *de jure* stateless as the legislation of many post-Soviet states, including Uzbekistan, provided that citizenship would be forfeited if citizens lived abroad for an extended period without registering with consular authorities (Uehling 2004: 11).

After a period of intense negotiations and consultations between the Ukrainian authorities, representatives of international organizations, and the Crimean Tatar leaders, a series of legislative amendments and bilateral agreements were signed and implemented in Ukraine that enabled the vast majority of FDPs to acquire Ukrainian citizenship on the basis

of territorial origin in the process of UNHCR-funded citizenship campaign.[27] By 2004, some 112,000 FDPs were able to obtain Ukrainian citizenship (Uehling 2004: 1).

Evidencing the Europeanization process of Ukraine's citizenship regime, Ukraine signed the 1997 European Convention on Nationality on 1 July 2003 and ratified it on 12 December 2006, becoming one of just two post-Soviet states (together with Moldova) to ratify the document. On 19 May 2006 Ukraine also signed the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, becoming the very first Council of Europe member state to sign this document on the date it became open for signature. To date Ukraine remains one of just two – again together with Moldova – post-Soviet states to sign the document.[28]

3.5 Some practical obstacles in citizenship acquisition

The legal provisions regulating citizenship acquisition in Ukraine are rather generous, especially with regard to those who have family origins in the territory of Ukraine, but in practice these and other categories of applicants for Ukrainian citizenship at times face administrative obstacles that can delay or prevent them from exercising their right to Ukrainian citizenship and in some cases create the risk of statelessness. In the absence of systematic publicly available data on the number of people thus affected it is difficult to talk about numbers, so this section will summarize the nature of the main known obstacles.

The first such obstacle, which was particularly acute in the 1990s, concerns the *propiska* residency registration stamp. As noted above, in the Soviet era there were no documents certifying one's republican-level citizenship. As a result, in the post-Soviet period, the terms 'residency' and 'permanent residency' referred to in the law as the basis for determining citizenship status were in practice taken to mean possession of a *propiska* residency registration stamp in a person's internal Soviet passport.[29] Those who permanently resided in Ukraine at the time the law entered into force but who did not have a permanent *propiska* stamp thus often faced problems acquiring Ukrainian citizenship. Over time this problem diminished as the central authorities inched towards the view that the fact of permanent residency, not the *propiska* stamp, should matter for citizenship status. Some people thus were able to turn to courts and to call on witnesses and/or produce other documents proving permanent residency, and then use the court rulings to exercise their right to Ukrainian citizenship. Many of the FDPs used this pathway, although the exact numbers are unknown.

Another way in which *propiska* (which has been renamed *rehistratsia*, or registration) issues may be complicating citizenship acquisition pertains to Ukrainian citizens who give birth abroad. By law, if at least one parent is a citizen of Ukraine, children are also citizens of Ukraine, regardless of their place of birth, and most Ukrainian citizens who had children born

[27] For detailed analysis of the consultations between the Ukrainian authorities and the international bodies on citizenship issues in the 1990s, see Shevel (2000, 2009). The UNHCR citizenship campaign, it's largest in the world at the time, is detailed and analyzed in Bierwirth (1998), Schodder (2005), Uehling (2004), UNHCR Ukraine (2000).

[28] Ukraine has not yet ratified this Convention, however, while Moldova already did in December 2007. The list of signatories of the Convention is at http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=200&CM=1&DF=&CL=ENG

[29] The Soviet *propiska* stamp contained the address where one was legally allowed to reside (which was usually one's home address, or dormitory or military quarters in case of students and servicemen), and thus was a handy shortcut for determining one's place of permanent residency at a given moment in time.

abroad would be able to register them as Ukrainian citizens either at the Ukrainian diplomatic missions (if they permanently reside abroad), or with the Ministry of Interior local offices at the place of their *rehistratsia* back home.

However, if a Ukrainian citizen established permanent residency abroad (by obtaining a green card in the US or another comparable document elsewhere) and no longer has a *rehistratsia* in Ukraine, but did not complete the administrative procedure in Ukraine to become a non-resident (*vyizd za kordon na postiine prozhyvannia*, commonly known by its Soviet-era abbreviation PMZh) and does not have a PMZh stamp in the passport, such a person might experience difficulties registering his or her children as Ukrainian citizens. This is because some diplomatic missions (for example, the Ukrainian consulate in New York),[30] state that they only process citizenship applications from persons who have a PMZh stamp, and that all others need to direct their citizenship-related queries to the competent organs at their place of residence in Ukraine.

Yet, if one does not have either a PMZh stamp or Ukrainian *rehistratsia* stamp, it is not clear what Ukrainian authority is supposed to be processing these persons' requests concerning the citizenship of their children. If the child is born in a country where he or she does not automatically acquire citizenship of the country of birth or some other citizenship, statelessness could result. The number of people who could be thus affected is unknown but likely is relatively small.

In addition to obstacles stemming from *propiska/rehistratsia* rules, other practical obstacles relating to Ukrainian citizenship acquisition include the lack of documents confirming territorial origin; differences in the spelling of the name in the documents confirming birth on the territory of Ukraine and in the passport; and the lack of the national passport of the state of prior citizenship on the part of those former Soviet citizens who moved to Ukraine in the early and mid-1990s possessing only Soviet passports. The lack of valid passports led to difficulties in acquiring residency permits from the Ministry of Interior, which in turn hampered naturalization. Spouses and other relatives of the FDPs who do not qualify for Ukrainian citizenship on the basis of territorial origin are one specific group thus affected. The process of acquiring the national passport of the former Soviet republic of prior citizenship varies in cost and complexity, and then needs to be followed by the also usually costly and lengthy procedure of formally renouncing the old citizenship in the process of application for Ukrainian citizens.

Yet another administrative impediment in citizenship is related to birth registration. This affects primarily but not exclusively the children of refugees. The Family Code of Ukraine (art. 275) stipulates that stateless persons and aliens lawfully residing in Ukraine enjoy the same rights in family relationship matters as citizens of Ukraine, subject to exclusions provided by the Constitution, other laws or international agreements. The practice of birth registration and subsequent issuing of birth certificates thus greatly depends on the lawfulness of parents' stay in the country. The risk of statelessness is created when refugees, asylum seekers, and other foreigners who may be stateless do not possess all the necessary documents making their residence in Ukraine legal under the law (such as valid national passports, residency permits, and local registration). The authorities can refuse to issue birth certificates in such cases, although the rejection can be contested in court. The UNHCR is monitoring this set of issues and has lobbied the government to pursue birth registration practices that would allow refugee children to exercise their legal right to Ukrainian citizenship.

[30] http://www.ukrconsul.org/ctitzenship/poriadok01.htm#1

4 Current political debates and reforms

Since 1991, when the first Citizenship Law was adopted, the Ukrainian citizenship regime has been evolving rapidly and frequently. Two versions of the citizenship law were adopted in 1997 and 2001, respectively, plus amendments to the law were adopted almost every year. After the adoption of the 2001 Citizenship Law in January 2001, however, the legislative activity has slowed down. Several important amendments to the law were introduced in June 2005, as detailed above, but otherwise in almost ten years since the adoption of the 2001 Law only two minor technical changes were made (in April 2005 and most recently in May 2007).[31] Therefore, Ukrainian citizenship regime can be considered to have been stabilised as the citizenship issue no longer generates much legislative activity.

The slowing down of citizenship reforms can be explained by the fact that the 2001 citizenship law addressed most of the significant practical and legal problems that had been outstanding in Ukraine since the early 1990s, most notably the practical difficulties of acquiring citizenship on the basis of territorial origin that threatened tens of thousands of FDPs as well as other former Soviet citizens with statelessness. Changes were also made to the provisions on citizenship acquisition by children, bringing the Ukrainian law into compliance with the European Convention on Nationality.

At the same time, the citizenship issue has not lost its political salience, and periodically surfaces on the front pages of news media. Before contested national elections, for example, politicians who count on the support of Russian-speakers in the East and South of the country frequently make a promise to introduce dual citizenship in Ukrainian legislation. Former President Kuchma made this promise during the 1994 presidential elections campaign (Zevelev 2001: 137), and so did current President Yanukovych when he first ran for president in 2004.[32] As soon as the office is assumed, however, the promises are forgotten. This shows not only that that the citizenship issue is manipulated as an electoral strategy, but also speaks to the fact that holders of top political offices in Ukraine continue to perceive dual citizenship primarily through the lens of state sovereignty, and therefore continue to oppose it.

Two decades post-independence, the feeling that Ukraine's state sovereignty has not solidified sufficiently to be beyond danger, especially from Russia, is still present. As Volodymyr Lytvyn, Speaker of the parliament and former Presidential Chief of Staff, expressed the sentiment succinctly in 2003: 'if we have dual citizenship, we will not have the state.'[33] Thus, even politicians who promise dual citizenship when they are running for office to attract votes, once they assume office are forced to adopt positions based on where they sit, as it were. Instead of pursuing electoral promises of dual citizenship, they continue in the steps of their predecessors and uphold the commitment to single citizenship. Commenting on

[31] Law No. 2508-IV from 5 April 2004 raised the age of required personal consent while acquiring Ukrainian citizenship or succeeding from Ukrainian citizenship from fourteen to fifteen years. *Vidomosti Verkhovnoi Rady Ukrainy*, 2005, no. 20, p. 277. Law No. 1014-V from 11 May 2007 changed the word used to describe conscription-style (i.e. mandatory) military service in art. 19 of the 2001 Citizenship Law. *Vidomosti Verkhovnoi Rady Ukrainy*, 2007, no. 33, p. 442.

[32] Yanukovych made this announcement on 27 September 2004 during a meeting with Russian media representative (*Ukrains'ka Pravda*, 27 September 2004, also *Uriadovyi Kur'ier*, 6 October 2004). Most recently, in July 2010, the head of Donetsk region (*oblast*) state administration Anatoliy Blyzniuk, expressed support for legalization of dual citizenship. 'Donetskie vlasti vystupili za legalizatiu dvoinogo grazhdanstva' [Donetsk authorities spoke in favour of legalizing dual citizenship], *Segodnia*, 19 July 2010, http://www.segodnya.ua/news/14155004.html

[33] *Chas2000*, 28 February 2003.

these dynamics, former President Leonid Kravchuk reacted to the promise of dual citizenship articulated by the then-presidential candidate Yanukovych as follows: 'a candidate for president and president are two very different things. When one wins presidency, different motivating factors come into play.'[34]

To the credit of Ukrainian citizenship policy experts, they seem to have found a way to hold on to the principle of single citizenship in general while aligning this commitment with the European standards as reflected in the 1997 European Convention on Nationality by recognizing multiple citizenship in specific instances and specifying detailed and nuanced exceptions to the requirement to renounce foreign citizenship as a pre-condition for acquiring Ukrainian citizenship. The fine-tuning of these provisions can be expected to continue in the future, as there still remain practical problems associated with the renunciation requirement that create a risk of statelessness. In particular, the requirement in art. 8 of the 2001 Citizenship Law that those who acquire Ukrainian citizenship on the basis of territorial origin are obliged to return their national passports to the competent body of the country of foreign citizenship within two years of acquiring Ukrainian citizenship creates obstacles to some applicants.[35] In June 2005, this clause was amended and refugees were exempted from the passport return requirement. It is possible that further modifications to this clause will be made to mitigate the risk of statelessness arising for those who are unable to obtain document confirming the return of passports from the consular authorities of the state of prior citizenship.

The most recent developments in Ukrainian citizenship policymaking are two controversial amendments to the citizenship law currently pending in the parliament. The amendments were submitted in September and November 2008 and passed at the first reading stage on 2 June 2009.[36] Both drafts were submitted by a member of parliament from the then-governing Yulia Tymoshenko Block (BYT). Draft No. 2752 proposes amendments to art. 19 of the 2001 Citizenship Law that remove exceptions to dual citizenship prohibition currently contained in this article (for cases when foreign citizenship was acquired automatically by birth or marriage, which are the exceptions contained in the 1997 European Convention on Nationality). The draft also adds a concluding clause to the citizenship law requiring security service organs to check if government employees are in possession of foreign citizenship within six months of the law's entry into force. Draft No. 3102-1 proposes to introduce penalties for the concealment of a foreign citizenship. The proposed amendment to art. 19 of the 2001 Citizenship Law adds a requirement for citizens of Ukraine who obtain foreign citizenship to inform competent state authorities of Ukraine of this fact within 90 days of receiving foreign citizenship. Non-compliance with this requirement, according to the draft, would lead to a fine in the amount from 100 to 500 times the minimum monthly wage for ordinary citizens and from 1,000 to 3,000 times the minimum wage for state officials (draft No. 3102-1 also proposes amendment to the Criminal Code of Ukraine to this effect).

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[34] *Den*, 29 September 2004.

[35] According to NGO partners of the UNHCR in Crimea, consulates of Russia and Uzbekistan in particular refuse to accept passports and issue certificates confirming the reception of passports until the applicants have paid fees (150 USD in case of Uzbekistan, 40 USD in case of Russia as of 2007). This creates a risk of statelessness, as Ukrainian citizenship is granted on the condition that within two years the recipient furnishes Ukrainian state authorities a confirmation issued by the competent authority of the state of prior citizenship that this citizenship was renounced.

[36] Draft No. 2752 from 5 September 2008 introducing amendments to the citizenship law 'to remove collisions that allow dual citizenship' (text and accompanying documents available at http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=33004), and Draft No. 3102-1 from 18 November 2008 'On declaring foreign citizenship' (text and accompanying documents available at http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=33322).

Both drafts narrowly passed at the first reading stage on 2 June 2009, but since then seemingly have been relegated into oblivion. This can be explained by the explicitly political and arguably even personal nature of the amendments submitted in 2008. The drafts were registered in the parliament shortly after the Russian-Georgian war of August 2008,[37] when Russia justified its invasion of Georgia in part with the argument that it was defending its citizens (more than half of South Ossetia's 70,000 residents were estimated to be holding Russian passports).[38] The drafts also came hard on the heels of the April 2008 legal changes in Romania which simplified the rules for acquisition of Romanian citizenship by those who held Romanian citizenship in the past and their descendents, while the June 2009 vote on the drafts came after further changes to Romanian legislation that extended eligibility to Romanian citizenship from second to third-generation descendents of former citizens.[39] Given that some of the territories of south-western Ukraine were part of Romania in the inter-war period, Ukrainian officials expressed their concern and negative attitude to these changes. Both the Russo-Georgian war and the Romanian legal changes were explicitly mentioned during the debate of the 2008 amendments in the *Rada* as threatening developments that Ukraine needs to guard against by finding a way to prevent the situation whereby masses of Ukrainian citizens can become holders of Russian and Romanian passports.[40] However, such concerns were not explicitly shared by more pro-Russian political forces in Ukraine, such as the then-opposition and now governing Party of Regions as well as the Communist Party. Both did not support the 2008 drafts during the June 2009 vote.[41] Given that following the 2010 presidential elections the Party of Region now commands both the majority in the *Rada* and the office of the presidency, the approval of the September 2008 drafts is unlikely in the near future.

A personal dimension of the 2008 drafts further makes their future highly volatile and uncertain. The drafts were registered shortly after the Ukrainian press broke the news that the Presidential Administration and the Prosecutor's Office were planning to revoke the Ukrainian citizenship of one of the high-profile politicians of Georgian origin, David Zhvania, for allegedly acquiring Ukrainian citizenship illegally.[42] According to the same report, relations between Zhvania and then-President Yushchenko, former allies in the 2004 Orange Revolution, became hostile, which prompted the Presidential Secretariat to accuse Zhvania of acquiring Ukrainian citizenship without having all the grounds to do so. Allegations that high ranking Ukrainian politicians have citizenship of more than one state periodically break out in

[37] Draft No. 3102-1 was registered in November, but it's an amendment to the Draft No. 3102 registered in September 2008.
[38] "Q&A: Conflict in Georgia," *BBC World Service*, 11 November 2008, http://news.bbc.co.uk/2/hi/europe/7549736.stm .
[39] See EUDO Romania country report, pp. 17-18 (http://eudo-citizenship.eu/docs/CountryReports/Romania.pdf), also Iurii Onyshev, 'Ivan Popesku: Sproshchena protsedura otrymannia rumuns'koho hromadianstva ne poznachytsia na ukrainstiakh' [Simplified procedure of Romanian citizenship acquisition will not affect Ukrainians], *Glavred*, 19 May 2009, http://ua.glavred.info/archive/2009/05/15/102705-8.html .
[40] See, for example, statements by MPs Shvets and Zaiets, stenographical record available at http://www.rada.gov.ua/zakon/skl6/4session/STENOGR/02060904_42.htm . At the same time, it should be noted that Ukrainian officials saw Romanian precedent as less threatening than the Russian one. As Petro Poroshenko, Minister of Foreign Affairs at the time argued, in the case of Romania there are 'sufficient constraining factors, including NATO and the EU' that would prevent the country from being involved into any armed conflict with its neighbors over territorial claims. Poroshenko as quoted in 'Podviine hromadianstvo: khloptsi, chyii vy budete?' [Dual citizenship: guys, who do you belong to?]", N*edvizhimost' 5000*, 23 January 2010, http://www.realt5000.com.ua/news/1215087/?lng=uk .
[41] Voting results are available at http://gska2.rada.gov.ua/pls/radac_gs09/g_frack_list_n?ident=6643&krit=66
[42] Viktor Chervokiunia, 'Kuma Yushchenka pozbavliaiut' hromadianstva Ukainy' [Godfather of Yushchenko's son is being stripped of Ukrainian citizenship], *Ukrains'ka Pravda*, 20 May 2008, http://www.pravda.com.ua/articles/4b1a9fc66ef9d .

the Ukrainian media and the discussion rapidly becomes politicized. Thus, the citizenship status of the former President Yushchenko's American-born wife has been frequently questioned by his political opponents, especially during the bitterly contested 2004 presidential campaign. A former prime minister Yukhym Zviahilsky was said to have both Ukrainian and Israeli citizenship, another former prime minister Pavlo Lazarenko (currently serving a jail sentence in the US for money laundering, wire fraud, and extortion) was arrested entering the US on a Panama passport, and various Ukrainian oligarchs have also been accused of holding multiple passports.[43] Reacting to September 2008 drafts, a member of the then-opposition Party of Regions alleged that the BYT drafts were tabled in reaction to a BYT member of parliament suspected of having two citizenships quitting the BYT and defecting to the opposition.[44] Given that political loyalties and fortunes change in Ukraine with mind-boggling frequency, it is by no means certain that everyone who supported the drafts in June 2009 in the first reading would support them in the second reading, or that these drafts would even make it to the legislative agenda now, after the major realignment in the Ukrainian political landscape following the 2010 Presidential elections.

5 Conclusion

From the time the first Citizenship Law entered into force in Ukraine in November 1991 and until August 2008, over 752,000 people acquired Ukrainian citizenship under the law.[45] The adoption of the 2001 Citizenship Law in January 2001 can be considered as an end stage in the formation of citizenship regime in independent Ukraine, at least for the moment, as the citizenship law has changed relatively little since. From the time the first Citizenship Law was adopted in 1991, Ukrainian citizenship regime has rested on two key principles – the territorial basis for defining the body of citizens, and opposition to dual citizenship. Since the second half of the 1990s, a third trend became discernable – the Europeanization of Ukrainian citizenship policy. Ukrainian citizenship policymakers have been working on bringing the Ukrainian law closer to the European standards, in particular the standards reflected in the 1997 European Convention on Nationality, while at the same time maintaining a commitment to the principle of single citizenship. As argued in this paper, these efforts were largely successful.

Looking into the near future, two types of issues are likely to remain important and politically salient in Ukraine. First, further fine-tuning of rules governing the acquisition of citizenship, especially provisions specifying how the requirement to document release from prior citizenship are to be handled in practice, can be expected. Second, the issue of dual citizenship is likely to remain politicized. At the two ends of the political spectrum in this controversy are forces geopolitically oriented towards Russia who favour dual citizenship, and those whose geopolitical outlook it pro-western and who favour an affirmation and further strengthening of the single-citizenship principle. It may seem ironic that a pro-western political orientation in Ukraine is associated with rejection rather than greater tolerance for

[43] Ihor Slisarenko, 'Dual citizenship: "for" and "against"', *Den'*, 27 January 2010, http://www.day.kiev.ua/291059/

[44] Olena Lukash of the Party of Regions, as quoted in Oleksandr Mikhel'son, 'U Tymoshenko I Lytvyna vynaishly karu za passport bez tryzuba' [In Tymosheko and Lytvyn (parties – m.n.) they found a punishment for the passport without the trident], *Forpost*, 12 September 2008, http://www.4post.com.ua/politics/107725.html

[45] Ministry of Interior, 'Ten more people became citizens of Ukraine,' 4 July 2008, http://mvs.gov.ua/mvs/control/m@ain/uk/publish/article/121865?search_param=%D0%B3%D1%80%D0%BE%D0%BC%D0%B0%D0%B4%D1%8F%D0%BD%D1%81%D1%82%D0%B2%D0%BE&searchForum=1&searchDocarch=1&searchPublishing=1 .

dual citizenship, given that such tolerance has been a trend in the west in recent decades. However, given the geopolitical realities in Ukraine and the role played by the 'Russian factor' in Ukrainian domestic politics, this state of affairs is not really surprising.

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