

Draft law on multiple citizenship in Ukraine

Introduction

1. Simplified procedure for acquiring multiple citizenship
2. Loss of Ukrainian citizenship
3. Who may not obtain Ukrainian citizenship
4. Other changes

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On 22 January 2024, the Ukrainian Parliament registered draft Law of Ukraine No. 10425 "On Certain Issues in the Field of Migration Regarding the Grounds and Procedure for Acquisition and Termination of Ukrainian Citizenship", which amends the Law of Ukraine "On Citizenship of Ukraine". This draft law provides for comprehensive changes to the legislation and will allow ethnic Ukrainians from around the world to obtain citizenship.

1. Simplified procedure for acquiring multiple citizenship

It is proposed to introduce a simplified procedure for obtaining Ukrainian citizenship for certain categories of foreigners. This procedure will be available, in particular, to citizens of more than 40 countries, including: Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States.

Citizens of these countries will be able to retain their citizenship during the procedures for obtaining/being admitted into citizenship by submitting a declaration of recognition as a citizen of Ukraine.

A declaration of recognising oneself as a citizen of Ukraine is a document in which a foreigner who is a citizen (subject) of a state whose citizens (subjects) acquire Ukrainian citizenship under a simplified procedure, when submitting an application for Ukrainian citizenship, or

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his/her legal representative certifies that in case of acquiring Ukrainian citizenship in legal relations with Ukraine, the person recognises himself/herself as a citizen of Ukraine only.

Descendants of people who lived or were born in Ukraine before 1991 will be able to obtain Ukrainian citizenship under this simplified procedure. In other words, this applies mainly to the Ukrainian diaspora.

2. Loss of Ukrainian citizenship

At the same time, the draft law significantly expands the list of grounds for losing Ukrainian citizenship.

These include the following:

- voluntary acquisition by an adult citizen of Ukraine of the citizenship of a state recognised by the Ukrainian parliament as an aggressor or occupying state, or citizenship of a state whose citizens (subjects) are not eligible to acquire Ukrainian citizenship under a simplified procedure;
- use by an adult citizen of Ukraine who holds citizenship (is a subject) of a foreign state of a foreigner's passport in Ukraine, which results in threats to the national security and/or national interests of Ukraine;
- acquisition of Ukrainian citizenship through submitting false information, forged documents; concealing any material facts, in the presence of which a decision on admission to Ukrainian citizenship could not be made in respect of a person; deception or failure to fulfil the obligation to terminate foreign citizenship, or in a declaration of renunciation of foreign citizenship and recognition of oneself as a citizen of Ukraine only; or failure to fulfil the obligation to pass exams on the fundamentals of the Constitution of Ukraine, history of Ukraine, the state language;
- establishing the fact of military service under a contract in a state designated an aggressor or occupying state by the Ukrainian Parliament;
- entry into force of a court verdict of guilty against persons, in particular, those convicted in Ukraine for committing a crime against the fundamentals of national security of Ukraine, against peace, security of humanity and international law and order;
- participation in armed aggression against Ukraine as part of the armed forces of a state designated an aggressor or occupying power by the Parliament of Ukraine, or which is in an armed conflict (war) with Ukraine or has contributed to the waging of armed aggression against Ukraine.

3. Who may not obtain Ukrainian citizenship

The draft law also specifies the list of persons who are not eligible for Ukrainian citizenship, including:

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- persons convicted in Ukraine of a grave or especially grave crime (until the conviction is cancelled or lifted), taking into account the level of threat to the state's national security;
- persons who have committed an act that is recognised by the Criminal Code of Ukraine as a grave or especially grave crime in another country;
- persons who pose a threat to national interests, national security, public order, sovereignty, and territorial integrity of Ukraine.

4. Other changes

Other noteworthy changes include:

- children born in Ukraine to foreigners who are staying in Ukraine on the basis of temporary residence permits will not be granted Ukrainian citizenship by birth;
- all citizens of the Russian Federation and the Republic of Belarus who received temporary certificates of citizenship of Ukraine during the war but are unable to provide documents confirming renunciation of citizenship for objective reasons are given 12 months from the date of cancellation of martial law to submit such documents;
- for persons married to Ukrainian citizens, it is proposed to increase the period of marriage for citizenship from two to three years;
- a mandatory requirement to pass exams in the Ukrainian language, the fundamentals of the Constitution of Ukraine and the history of Ukraine for persons applying to acquire/be admitted to Ukrainian citizenship (at present, the effective legislation requires passing exams only for the procedure of admission to citizenship). Persons holding citizenship of the countries on the "dual citizenship" list may take the exams within 3 years after acquiring/being admitted to Ukrainian citizenship.