

References:

1. Professional Development For Lawyers [Electronic resource] – Access mode:<http://www.lawpracticetoday.org/article/professional-development-lawyers/>
2. Professional Development: It's Not Just for Lawyers [Electronic resource]. – Access mode: https://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v36_is5_pg58.html

Natalia Bruchkovska,

Research supervisor: Vitaliy Tchornenkyy

Candidate of Law Sciences, Associate Professor

Language tutor: Anetta Artsyshevska

Candidate of Philological Sciences, Associate Professor

Ivan Franko National University of Lviv

ACQUISITION AND TERMINATION OF CITIZENSHIP IN UKRAINE

The notion of citizenship has been known for a long time. It appeared in the Middle Ages, when it was used for the evaluation in accordance with the law and property rights. At the end of the 18th and early 19th centuries, citizenship became the subject of legal regulation and the institution of citizenship, which corresponds to its current state, began to form.

Article 1 of the Law of Ukraine "On Citizenship of Ukraine" provides a clear definition of the concept of citizenship, in particular, this legal relationship between an individual and Ukraine, which is manifested in their mutual rights and obligations.

Citizenship is based on the factual connection between the individual and the state. However, the presence of this factual link does not always indicate that the person has a nationality. Citizenship, besides being the basis of legal status, is also the object of one of the most important human rights because it provides the opportunity to fully exercise their rights and freedoms, including participation in management, and entails the fulfillment of obligations towards the state, including its protection. The institute of citizenship includes the norms regulating the legal status of foreign citizens, stateless persons, refugees, with which it is closely connected by granting asylum and the country of residence.

It is possible to analyze the concept of citizenship by analyzing its principles. The Law of Ukraine "On Citizenship" provides for the following principles:

1) single citizenship - the citizenship of the state of Ukraine, which excludes the possibility of the existence of citizenship of administrative-territorial units of Ukraine. If a citizen of Ukraine acquired citizenship of another state or states, in legal relations with Ukraine, he or she shall be 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;

2) prevention of cases of statelessness;

3) impossibility of deprivation of citizenship of Ukraine;

4) recognition of the right of a citizen of Ukraine to change citizenship;

5) the impossibility of automatic acquisition of citizenship of Ukraine by a foreigner or stateless person as a result of marriage with a citizen of Ukraine or the acquisition of Ukrainian citizenship by his wife (husband) and the automatic termination of the citizenship of Ukraine by one of the spouses due to the termination of marriage or the termination of Ukrainian citizenship of the other spouse;

6) equality before the law of citizens of Ukraine irrespective of the grounds, procedure and moment of their acquisition of citizenship of Ukraine;

7) preservation of citizenship of Ukraine irrespective of the place of residence of a citizen of Ukraine.

Article 6 of the Law of Ukraine "On Citizenship of Ukraine" provides for the following grounds for acquiring citizenship: birth –origin, adoption of citizenship, renewal of citizenship, recovery, child custody, establishment of a person recognized as incapacitated by the court, guardianship, in connection with the stay of one or both parents of a child in the citizenship of Ukraine, recognition of paternity or maternity or the establishment of the fact of paternity or maternity, other grounds provided by international treaties of Ukraine.

The first way of acquiring citizenship is by affiliation, which means the acquisition of citizenship by birth.

The second method, called naturalization (- the process of granting a foreigner national to a certain country by the authorities authorized by them), differs from the acquisition of citizenship by birth by the fact that the adult person is consciously seeking acquiring the citizenship of another state. It should be noted that naturalized citizens have a slightly different status than citizens by birth.

The next way of acquiring citizenship is to renew citizenship (this is the acquisition of citizenship by a person who already had it, but has lost it. As a rule, the restoration of citizenship is carried out individually by applying for renewal of citizenship of Ukraine.

Another way is repatriation, which is used in peculiar cases when a lot of people lost their citizenship due to important historical events. A citizen in this case does not have any relation to the loss of citizenship.

The system of state bodies that are empowered to resolve citizenship issues include:

- The President of Ukraine
- Commission under the President of Ukraine on issues of citizenship
- a specially authorized central body of executive power on issues of citizenship and its subordinate bodies
- Ministry of Foreign Affairs of Ukraine, diplomatic missions and consular offices of Ukraine

There are three reasons for terminating legal relationship between an individual and Ukraine. The free refusal from the citizenship of Ukraine is one of the grounds, which is an indicator of democracy and effective application of the Law "On Citizenship of Ukraine".

Refusal from citizenship is carried out on the citizen's own will, as a rule, for political reasons, and sometimes because of family circumstances. Political reasons are dissatisfaction with the state policy. Reasons of a personal character may be related to the fact that a citizen wishes to marry a person from another state, and this state does not allow to marry foreign citizens.

The second reason for the termination of citizenship is its loss (denaturalization) - it is the termination of citizenship on the initiative of the state. Under the current legislation of Ukraine grounds for the loss of citizenship of Ukraine are:

1) the voluntary acquisition of citizenship by a citizen of Ukraine another citizenship, if at the time of such acquisition he reached adulthood.

2) the acquisition of the citizenship of Ukraine by a person on the basis of Article 9 of this Law as a result of deception, deliberate false representation of information or false documents;

3) voluntary joining the army of another state, which is in accordance with the legislation of this state is not military duty or alternative (non-military) service.

Article 9 of the Constitution of Ukraine regulates that current international treaties, the consent to obligatory character of which is rendered by the

Verkhovna Rada of Ukraine is part and parcel of the national legislation of Ukraine. Therefore, the grounds for termination of citizenship are international treaties when the situation envisaged in such a document happens. International treaties provide for the loss of citizenship in connection with the change of territory. This can take place both in voluntary (optach) and in the forced (transfer) order.

Optimization is the choice of citizenship by filing individual applications in cases where the state affiliation of the territory in which a person lives is changing. In such cases, the States concerned may, by mutual agreement, set a time limit within which persons with disputed legal status are entitled to choose the nationality of one of the parties. Option can also be declared for stateless persons, if the state conducts a campaign for their mass naturalization.

Transfer - automatic change of citizenship automatic change of citizenship, when with the transition of territory automatically changes citizenship, regardless of the consent or disagreement of the population of the transitioned territory.

International treaties are concluded in order to prevent apatrice, dual citizenship and facilitate a simplified procedure for the acquisition and termination of citizenship.

To conclude, the nature of state society is always determined by legal status of a person and a citizen. The country's own citizens, foreign citizens and stateless persons live on the territory of Ukraine. In legal terms, citizenship is an important basis for establishing the legal status of a person in the state. Citizenship of Ukraine is governed by the Constitutional of Ukraine, the Law of Ukraine "On Citizenship of Ukraine" of October 8, 1991 and other legislative acts. According to them, nobody can be deprived of citizenship or the right to change citizenship. It is a necessary basis for granting a person with the status of a citizen the opportunity to fully participate in the political, economic, legal and cultural life of the society and the state. In accordance with generally accepted norms of international law, the right to citizenship is an inalienable right of every person.