

AMERICAN UNIVERSITY OF ARMENIA

**DUAL CITIZENSHIP IN ARMENIA: OVERVIEW OF CURRENT DYNAMICS AND
RECOMMENDATIONS FOR THE FUTURE**

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Abstract

After the Independence of Armenia there were number of discussions about the adoption of the law on Dual Citizenship in the RA. Politicians, ordinary citizens of the RA, Diaspora representatives had conflicting views on the subject.

After the Constitutional referendum of 2005 as well as the amendments made on the law of Citizenship on February 7, 2007 the limitation on Dual Citizenship was lifted. This process created an opportunity for Diasporan Armenians and former citizens of Armenia to become a citizen and be involved in the affairs of the RA.

This paper examines and underlines the role and the importance of the “Law on Citizenship” for Armenia. The research analysis the process of adoption of the law on Citizenship in Armenia, studies its strengths and weaknesses as well as current dynamics related to the mechanisms of its implementation. Studying the shortcomings that exist in legislation and its proper implementation, the paper offers some recommendations for the successful implementation of mechanisms regulating legal status of RA Dual citizens.

Introduction

The Declaration of Independence adopted by the Supreme Council of the Armenian Soviet Socialist Republic in 1990 states that “Armenians of the Diaspora have the right of citizenship of Armenia” (Declaration of Independence, 1990, Article IV).

The 1995 Constitution of RA explicitly banned dual citizenship. Since Independence of RA Diasporan Armenians could apply for Special Residency Status (SRS), which could also be granted to foreign citizens who were involved in research, cultural or business activities in Armenia. The SRS is valid for ten years. While SRS grants a number of privileges to foreign citizens, it falls short of offering rights and obligations to its holders equal to those of Armenia’s citizens. In particular, the SRS holders do not have the right to vote or be elected, join political parties, accept employment that requires Armenian citizenship, or serve in the military. The principle benefit of SRS status is a visa-free entry to Armenia (the RA “Law on Foreign Citizens”, 2006).

The constitutional referendum of November 25, 2005 lifted constitutional ban on dual citizenship in the RA. It is in the best economic and national security interests of Armenia to engage its nationals, Diasporan Armenians and former citizens of Armenia, in the process of the RA development. Dual citizenship can serve as a tool for engaging Diasporan Armenians and former citizens of Armenia in this process and assist to deepen Homeland - Diaspora relations. For Diasporan Armenians, this is likely to help preserve their national identity through having formal and closer relations with Armenia that would otherwise be diminished with time and generations (Poghosyan, 2005).

Dual citizenship is an issue of particular salience in Armenia because of its sizeable Diaspora. Among the priorities stated in the program of the RA Government is to strengthen

Armenia – Diaspora relationship. Lifting the limitation on Dual Citizenship in the legislation was one step towards establishing Armenia-Diaspora partnership (Kabeleova, 2007).

By the Constitution dual citizenship is no longer prohibited, and it is provided for in Article 13.1 of the Law on Citizenship of the Republic of Armenia. Discussions on the issues of dual citizenship and a new Article added to the RA “Law on Citizenship” lead to the amendments in the following laws that regulate the main features related to the legal status/obligations of the RA dual citizenship holders:

- the Constitution of the RA (Article 30.1),
- the Law on the Citizenship of the RA,
- the RA Law on Military Duty (Article 3.1 of the RA Law on Military Duty regulates issues of military duty for dual citizens),
- the RA Criminal Code (Article 314.1 was added to the RA Criminal Code, establishing criminal liability for failure to notify the relevant the RA Government entities of acquiring or receiving citizenship of another country within the timeframe specified by the law);
- the RA Electoral Code (amendments of 2007 to the Electoral Code mainly addressed out-of-country voting (OCV) and voting by persons with dual citizenship. According to the amendments, persons with dual citizenship would not be able to seek office in national elections, and would be able to vote only if they are “registered” in Armenia).

According to the Concept Paper of the Ministry of Diaspora (2009), adoption of the law on Dual citizenship leads to the establishment of a framework and principles of regulation on the rights and duties of dual citizens of RA. The main objective of the framework is creation of

complete and equal opportunities for dual citizens allowing them to fulfill their rights and duties as prescribed by the law for the citizens of Armenia.

The main task for granting dual citizenship status is:

- to create links between Diaspora Armenians and their roots of identity and to discover as well as protect the opportunity to demonstrate their national potential,
- to legally regulate fulfillment of the rights and duties of dual citizens.

One of the main reasons for adopting the bill on Dual citizenship by RA National Assembly is that Armenian Diaspora communities around the world are an influential force. A considerable portion of the Diaspora is both wealthy and patriotic, serving as a reliable and powerful resource for economic and political support (Kzirian, 2006).

The other important reason is that Dual citizenship aims at addressing historical justice, by providing Armenians around the world with a formal link to the country of their ancestors, and creating opportunities for repatriation. Therefore, we can conclude that dual citizenship means increasing Armenian population, reinforcing army, spurring investments in economy and utilizes the potential of the entire Armenian nation for the benefit for the RA (Kzirian, 2006).

According to Kzirian (2006), although the idea of dual citizenship is often considered as an issue of international law, it is obviously a domestic legal concept. The concept of Dual citizenship comprises of the issues of assimilation, social integration and economic amalgamation. States face the problem of integration of dual citizens into society. To make integration process smoother the knowledge of the language and understanding of the practices and institutions that define culture and politics of the applying country are required (Shevchuk, 1995).

The dual citizenship is stipulated in the founding laws of a number of countries, international conventions, bilateral and multilateral agreements. The principal international document providing a formal basis for the concept of dual citizenship is the 1930 Hague Convention on “Certain Questions Relating to the Conflict of Nationality Laws.”

According to Kzirian (2006), treaties represent one method of dealing with dual citizenship issues. According to the international law, the treaties may help to provide regulations in cases of disputes over dual nationality.

Consequently, there is a need to attest the following research questions to understand the rationale behind a Dual Citizenship arrangement for the Republic of Armenia and to study the impact of Dual Citizenship to strengthen Diaspora-Homeland relations.

RQ1: What factors have impacted the need to adopt the Dual citizenship provision in the law on the Citizenship of the RA?

RQ2: What are the legal acts that regulate the rights and obligations of dual citizens in the RA?

RQ3: What are the strengths and weaknesses of the dual citizenship clause in the RA?

RQ4: What strategies should be developed to make Dual citizenship implementation mechanisms to work in the RA?

Methodology

The method of research includes the analysis of primary and secondary research data as well as review of relevant documents. For the purpose of this study in-depth interviews were conducted with 7 dual citizens and 2 experts of the field.

Therefore, a search was made to get the exact number of dual citizens residing in Armenia currently, but the Ministry of Foreign Affairs of RA and the Police Agency of Passports and Visas of RA refused to provide any official data. For this reason Snowballing method was used to find out Dual citizenship holders who are residents of RA.

Findings and Analysis

According to the majority of RA Dual citizens being interviewed one of the main obstacles they face during the process of acquiring Armenian citizenship is the extensive number of documents required to apply for Armenian citizenship. This fact artificially complicates and prolongs the process and it takes about 8-12 months to get RA citizenship.

The majority of respondents agreed that the process and the procedures of acquiring RA citizenship lack transparency (there are certain elements of corruption such as – some authorities at the Police Agency of Passports and Visas abuse their official positions).

Problems are also present in the legislative field. Though, after the adoption of Dual citizenship, amendments were made in several laws of the RA, there are spheres where the rights of dual citizenship holders in Armenia are not yet a subject to a legislative regulation. For example, the absence of a legal act regulating tax liabilities of dual citizenship holders leads to double taxation as well as avoidance of paying income tax by dual citizens in the RA.

According to the experts of the field, another problem that obstructs the process of acquiring the RA citizenship by Armenians living abroad is inappropriate implementation of legal acts which are present and are regulating the rights and obligations of dual citizens in the RA. This fact, in its turn, leaves them to feel defenseless in their own country.

To the question whether there is any institution that supports dual citizens to overcome the problems and obstacles they face while acquiring the RA citizenship (started from application submission to citizenship granting, which as stated above may take up to 12 months), 30% of respondents think that the only state body supporting applicants of dual citizenship of RA is the Ministry of Diaspora, 45% think that there is no such institution and the rest 15% are not even aware whether there is any institution that supports persons applying for dual citizenship of RA or not. After getting RA citizenship Dual citizens are recognized only as citizens of RA and have all the rights and obligations as the ordinary citizens of RA.

The respondents unanimously agreed that after adoption of dual citizenship norm in the RA “Law on Citizenship” the rights and obligations of RA dual citizens have been extended. After becoming a dual citizen, which means that a person was granted Armenian citizenship, he/she, who is especially resident of RA, has the same rights and obligations as any other citizen of RA: he/she should pay taxes and serve in the armed forces of the RA as well as gains the right to vote and be elected to the office in local elections.

Finally, all respondents think that simplified procedures should be developed for acquiring RA citizenship: the number of required documents should be reduced and the new timeframe should be developed. According to all respondents, this step will encourage many Armenians living abroad to apply for acquiring RA citizenship.

Factors impacting the need to adopt a Dual citizenship provision in the RA law on Citizenship

Many countries today tend to allow dual or multiple citizenships for their citizens. Children are increasingly born to parents holding different citizenships, and states do not take as seriously traditional notions that their citizens must be loyal to a single state (Kabeleova, 2007).

There have been various definitions of the dual citizenship on the conventional and legal levels. According to Avagyan (2006) “Dual citizenship is the opportunity of the citizen to hold citizenship of another state at the same time on the basis of an international treaty and federal law”.

According to Thomas Faist, Dual citizenship means that individuals combine citizenship in and of two nation states. It is a widely growing phenomenon. People travel to and from and even carry passports of various countries. “In this complex web of intricate economic, political and social entanglement, the nation-state now tackles the challenging proposition that an increasing number of individuals desire the citizenship of more than one country” (Faist, 2008).

According to the Concept Paper of the Ministry of Diaspora (2009), a) a person who has more than one citizenship is considered to be a person with dual citizenship, b) a citizen of RA is considered to be a citizen with dual citizenship if he/she besides the citizenship of the RA has a citizenship of other state (states), c) a citizen of the RA that possesses dual citizenship is recognized only as a citizen of the RA. This norm covers all those individuals who after January 1, 1995 have renounced citizenship of the RA not in accordance with the prescribed order and have adopted or received citizenship of another state, as well as those citizens of the RA who have unilaterally renounced citizenship of the RA.

While referring to the clause of Dual Citizenship in the RA, one has to deal with various factors.

One of those factors is the Armenian Diaspora which is a large and influential force that spans the entire globe. Any state seeking to integrate members of its Diaspora faces various challenges. Armenians abroad feel and act Armenian, yet could remain uncertain and uncommitted to returning as dual citizens. This monumental concern can be addressed through explicit state support and recognition of Diaspora Armenians as an integral and necessary component of Armenia's future (Kziryan, 2006).

According to political analyst Emil Danielyan (2007), The National Assembly of RA approved a package of amendments on February 26, 2007 that gives millions of ethnic Armenians around the world a chance to obtain Armenian citizenship without abandoning their current citizenship. The final version of the bill says that such citizens shall otherwise have all the rights and obligations of regular Armenian nationals.

The other important factors contributing the need to adopt dual citizenship are migration flows and demographic imbalance. In the last fifteen years Armenia suffered from a considerable migration of its citizens. Armenia can be more plausibly set apart from most other countries because, according to various estimates, as many as twice the amount of ethnic Armenians live outside the borders of today's Armenian state. These Diaspora communities are an influential force with which to be accounted.

According to RA Government Decree N27 (2009), during different years the reasons for migration have been changed. If before 1999 the main reason for migration was the absence of work places, then since 1999 the necessity to earn money to survive became as important as the previous factor.

Proceeding from demographic point of view, age-sex disproportional distribution of Armenia's population should be estimated unfavorable which is conditioned with predominantly male participation in emigration processes. The main factors affecting the demographic processes can be explained by the changes in general demographic indicators, mainly conditioned with macro-economic environment and incomes. The former Minister of Foreign Affairs Vardan Oskanian (2006) emphasized the point that Dual Citizenship serves as a mechanism for addressing Armenia's growing demographic imbalance.

The other factor affecting the adoption of Dual citizenship Institution in RA was the socio-economic situation (the economic crisis in 1990-2001) due to which the income inequality has sharply increased and had distractive impact on rooted negative demographic trends of RA (the Government Decree, 2009).

As a consequence of the above mentioned factors, Armenia is one of few countries in the world where the residents in the country are outnumbered by members of Diaspora.

One of the benefits of dual citizenship adoption is that the Government of RA emphasizes the importance of Dual citizenship as a tool to assist the repatriation process (the Concept paper of the Ministry of Diaspora, 2009).

According to Danielyan (2007), having an Armenian passport should seem more attractive to hundreds and possibly thousands of ethnic Armenians that have repatriated in recent years from neighboring Iran and Arab states like Iraq and Lebanon. But ultimately, it is citizens of Armenia that might emerge as the main beneficiaries of dual citizenship. Hundreds of thousands of them emigrated to Russia and other countries following the economic slump of the early 1990s. Many of them have since become citizens of those countries without surrendering

their Armenian passports. They will now not have to hide that from the Armenian authorities anymore.

One of the members of Armenian Revolutionary Federation Party (ARF), Ruben Hovsepian (2007) stated that "This legislation will allow our compatriots living in different countries to feel themselves full citizens of Armenia".

Grigor Hakobyan (2007), Central Asia-Caucasus analyst, divides Diasporan Armenians applying for Armenian citizenship into three categories:

First category includes the Armenians who left Armenia in the last 15 years and subsequently adopted the citizenship of their host countries. Most of them still have members of their families, relatives and friends residing in Armenia and continue to maintain plots of land and property in their native land. Till 2007 their number ranges from 700,000 to nearly a million people. Most of them are residing in Russia, the United States, and Europe.

The second category of Diasporan Armenians who are most likely to express an interest in adopting Armenian citizenship are likely to be from neighboring countries, specifically from Georgia, Turkey, Iran, Iraq, Syria, Lebanon and a number of other Middle Eastern states. Their motivation to get Armenian citizenship may differ: for most of them can be the better living standards enjoyed in Armenia as compared to those available in their host countries, for others can be war situation in their host country. Also existing family ties with extended family members residing or studying in Armenia could be another motivation to do so.

The third category of Diasporan Armenians applying for Armenian citizenship is Armenians residing in the United States, Canada and Europe for a long time. Many of them maintain active participation in their local communities and continuous ties with their Fatherland. Hundreds of them are engaged in charity work or have already established their

businesses in Armenia. Others take active part in fundraisings, fellowships and volunteer work associated with rebuilding Mountainous Karabakh or getting their graduate education in Armenia. The increasing business participation of Armenian Diasporans from the west who are used to do business in more transparent and less corrupt environments without any political patronage, may have significant results upon the struggle against corruption in Armenia. They may also accelerate a notch the developing market economy in the country, where the laws of supply and demand would reign supreme, at the expense of reduced government involvement in the country's economy.

By the time the practice of dual citizenship will attract more Diasporan Armenians back to Armenia and encourage them to invest more in their native country. The Minister of Diaspora of RA in her speech on dual citizenship (2009) mentioned that naturally, dual citizenship is the highest status when the foreigner receives the rights and obligations of an Armenian citizen, paying only 1-1.5 thousand drams for filing of the necessary document. She announced that since the law's adoption, 1,640 persons had been granted dual citizenship in 2008 and about 3,541 persons applied for acquiring RA citizenship in 2009. Diasporan Armenians take comfort that their investments and the inviolability of their property to be constitutionally secured and upheld in the court.

The Ministry of Diaspora of RA, which is part of the government since October 1, 2008, aims at the strengthening of ties between Armenia and the Diaspora and contributes to the process of Armenian national identity preservation. For Diaspora, the greatest issue still remains the imperative to maintain identity. No matter where Armenians live, the general and collective characteristic remains historical destiny, historical memory, and the natural responsibility towards national identity preservation. The problem of remaining Armenian in the Diaspora is

not just an abstract and emotional issue, it is an essential issue for the continuation and future of the Armenian statehood. Hence, the Government of RA initiated the process of adoption of Dual Citizenship institution that creates conditions for Diaspora Armenians providing them the legal-civil rights to live in Armenia

There is no question that Armenia could benefit greatly from a considerable injection of trained and professional individuals. Dual citizens would provide immeasurable value to the labor market through their skills and civic experiences from abroad.

Thus we can conclude that the benefits of Dual citizenship for RA are the following:

- Creating opportunities for repatriation,
- Using of potential of Armenians living abroad,
- Strengthening of ties with the Diaspora,
- Supporting of the national identity through having formal and closer

relations between Armenia and the Diaspora.

Legal acts regulating the rights and obligations of Dual citizens in RA

The issue of citizenship is regulated by the RA Constitution and the RA “Law on Citizenship”. By the Article 30.1 of the amended Constitution (2005) “The rights and responsibilities of the persons having dual citizenship shall be defined by the law.” The legal regulation of dual citizenship is provided by the RA “Law on Citizenship”.

Legal ground for gaining dual citizenship

A person of the Armenian origin, who is a citizen of another country, can obtain the citizenship of RA by providing documents which can prove his Armenian roots. The order of acquiring citizenship is defined by the RA law “On Citizenship”. In accordance with the law, any individual who does not have Armenian citizenship and is older than 18 is entitled to apply for citizenship of RA if he/she meets the following conditions: a) he/she has permanently resided in the RA in the course of the past three years, b) can communicate in Armenian and c) is familiar with the Constitution of RA. Besides, the citizenship may be granted to couples if one of the spouses or their child is a citizen of Armenia (RA “Law on Citizenship”, 2007).

For those individuals who are Armenians by origin the conditions of residence in Armenia within the period of the last three years and the ability to communicate in Armenian are not mandatory. The only condition for them to acquire citizenship of RA is the familiarity with the Constitution of RA, which is tested through a special examination.

Armenian citizenship is denied to individuals whose activity may damage the country's national interests by the law on Citizenship of RA (RA “Law on Citizenship”, 2007).

In accordance with the general rule, a dual citizen of RA has all rights prescribed to the citizen of RA and bears all responsibilities and liabilities prescribed to the citizen of RA. At the

same time the status of a dual citizen has certain peculiarities fixed by the legislation and the Armenian law establishes some standard restrictions on the rights of dual citizens (Concept paper of the Ministry of Diaspora, 2009).

The current procedure for receiving citizenship of RA is also regulated by a number of other regulatory legal acts.

The list of documents as well as the order of presentation of necessary documents for acquiring or terminating the citizenship of RA is defined by the Decree N1390-Ն of RA Government (2007) adopted on November 23, 2007.

The order of acquiring citizenship of RA is prescribed by the Decree N1110-Ն of RA Government (2007) adopted on September 20, 2007. In accordance with the order prescribed by the Government of RA, a citizen of RA, in case of adopting or receiving citizenship of other state, must inform about that to the corresponding authorized body of RA within one month.

As citizens of Armenia, Dual citizens of RA gain the right to vote, the right to buy and own land, enjoy legal protections of private property laws, and the ability to run for political office in case they have resided in Armenia for at least ten years. Thus, the main features related to the legal status/obligations of RA dual citizens are as follows:

Voting rights of Dual citizens in RA

The legal document regulating the rights to vote of dual citizens is the Electoral Code of RA. The February 2007 amendments to the Electoral Code mainly addressed out-of-country voting (OCV) and voting of persons with dual citizenship.

The citizens that have citizenship of both RA and of other state and are registered in the RA participate in the electoral voting in accordance with the order stipulated by the Electoral

Code of RA. *In accordance with the Electoral Code of the RA the elections in the RA are held only in the territory of RA* (RA Electoral Code, 2007).

Amendments to the electoral code made on February 2007 refer to the part of legislative package related to the issue of dual citizenship which means that amendments primarily affect the “Law on Citizenship” (as well as several other laws). The main amendments to the Code were those which affected voting by citizens abroad, as well as voting and candidacy rights of dual citizens located in Armenia.

Prior to the electoral amendments, according to Article 2 of the Electoral code, citizens of the Republic of Armenia, who travel or reside outside Armenia during elections, had voting rights. Diplomatic and consular missions of the Republic of Armenia ensured the exercise of electoral rights of those citizens of the Republic of Armenia (European Commission for Democracy through Law, 2007).

All provisions for voting abroad have now been removed from the law. The amendments (Articles 1, 6, 7 and 8 of the amendments) restrict the holding of elections out of the territory of the Republic of Armenia and exclude the possibility of voting in diplomatic and consular missions.

Provisions in Articles 2, 12 and 13 of the amendments aim at regulating voting rights of citizens with dual citizenship. These amendments define some restrictions between the voting rights of Armenians with dual citizenship who are residents of Armenia, and those who are not. *Article 2.7 of the Code (introduced by the amendments) stipulates that citizens with dual citizenship may vote if they are registered in Armenia, while those who are not registered in Armenia would not be allowed to vote.* Articles 12 and 13 of the amendments change Articles 65 and 97 of the electoral code respectively and exclude Armenian citizens with dual citizenship

from running as candidates for the Presidency and the Parliament. For local elections there is no such exception (RA Electoral Code, 2007).

The changes introduced in the Electoral Code of RA regulate the active and passive voting rights (rights to vote and to be elected) of dual citizens of RA. The restriction of passive suffrage means that the possibility of standing as either for presidential or legislative elections is limited. The Armenian National Assembly has chosen to give full active voting rights to those with an additional citizenship who establish residency in the Republic of Armenia, but not the right to be elected (the passive voting right) for national positions (European Commission for Democracy through Law, 2007).

There are no other restrictions for dual citizens prescribed by the Electoral Code of RA. Other restrictions prescribed by the Code are general and equally cover all Armenian nationals.

To conclude, the amendments allow dual citizens to vote meanwhile preclude them to run for national elective office. We can also conclude that from the point of view of the national security it is correct that not only foreign citizens, but also dual citizenship holders are allowed to fulfill their political rights with several limitations. For example, in cases when dual citizenship holders reject neutrality towards the country of their residency, depriving them of voting rights is a natural protective measure for each country and for RA, as well.

Military obligations of dual citizens of RA

RA Law on Military Duty regulates the rights and obligations of Dual citizens of RA. According to article 3.1, a citizen of RA that has adopted citizenship of other state is not exempt from the mandatory military service regardless of the fact whether he has served in the army of the other state or not. A citizen of other state that has adopted citizenship of RA is discharged of the mandatory military service if before adopting citizenship of RA he has not less than for 12

month served in the military forces of the other state or has served at least for 18 months the alternative military service, with the exception of the states that are defined by the Government of RA (Kabeleova et al, 2007).

Those dual citizens who are under 28 years old and have not served in the armed forces of their native countries for at least 12 months must complete a two-year military service in Armenia.

Tax liabilities of dual citizens of RA

Despite amendments were made in several laws regulating the rights and obligations of dual citizens in Armenia, tax peculiarities of dual citizens are not yet a subject of the legislative regulations. The absence of a legal act regulating tax liabilities of dual citizens, particularly income and property taxes, very often leads to double taxation of dual citizenship holders. Sometimes the absence of a legal act allows dual citizenship holders of RA to avoid paying income tax (Concept paper of the Ministry of Diaspora, 2009).

The rights of dual citizens to occupy state positions

The analysis of legislation reveals that there are certain restrictions for dual citizens to occupy responsible positions, particularly when their operation deals with the issue of national security. The other document regulating the rights and obligations of dual citizens is the RA “Law on Service in the National Security Bodies” (2007). According to Article 47 of the law, a dual citizen of RA can not serve in the national security bodies of RA.

According to article 45 of RA “Law on Service in the Police” (2007), only the servants of higher ranks who have obtained dual citizenship of RA face restrictions.

According to the acting legislation, other restrictions for occupying state positions are not envisaged by laws. Dual citizen of RA, except for the above mentioned cases, may occupy any other public service position.

Discussions on the issues of dual citizenship also lead to the amendments in RA Criminal Code (2007). Article 314.1 was added to RA Criminal Code that established criminal liability for failure to notify the relevant RA Government entities of acquiring or receiving citizenship of another country within the timeframe specified by the law. Dual citizens of RA, who are going to occupy a position prohibited by the law (officials of RA who in accordance with the law cannot be citizens of a foreign state), are deprived from the rights to occupy certain position within three - five years.

Staying Informed

Some restrictions related to the rights of dual citizens of RA are specified in RA Code of Administrative Offenses (2007). According to Article 195.2, in case of not informing about adopting or receiving citizenship of other state to the corresponding authorized body of RA within one month, a citizen should be fined by fifty times of the lowest salary.

Some foreign citizens that want to acquire citizenship of RA can lose their citizenship in accordance with the legislation of their states in case they adopt citizenship of any other state (e.g. Iran, Latvia, etc.). Thus, these individuals should be informed by the authorized bodies about the legislation of the states, the citizenship of which they have, to protect their rights and avoid any possible obstacles that later might emerge.

Often citizens of RA are writing applications to renounce citizenship of RA in order to adopt citizenship of other state, despite the fact that RA legislation does not prohibit the institution of the second citizenship, and granting citizenship of RA does not require the

condition of renouncing the previous citizenship (e.g. Russian Federation, etc.). Thus, it is important that these individuals be aware of the legislation of those countries for citizenship of which they have applied (RA “Law on Citizenship”, 2007).

We can conclude that despite the amendments made in several laws regulating rights and obligations of dual citizens in Armenia, main issue still is the clarification of the rights and duties of dual citizenship holders, defining their peculiarities and bargaining with the states having huge Armenian communities and establishing interstate agreements.

Strengths and weaknesses of dual citizenship arrangement in RA

The RA “Law on Citizenship” has positive effect that leads to the establishment of the institute of dual citizenship which will effectively implement our compatriots’ protection in foreign countries and in RA. Though with some shortcomings, RA dual citizenship arrangement was an important and necessary initiative taken by the RA Government.

Strengths of RA Dual citizenship arrangement

As the concept of Dual Citizenship involves questions of assimilation, social integration and economic amalgamation, states must create favorable conditions to integrate immigrants and potential dual citizens into the society. To make integration process smoother some basic things are required: the knowledge of the language and understanding the practices and institutions that define culture and politics of the applying country (Shevchuk, 1995).

One of the strengths of RA dual citizenship arrangement is the fact that any individual who does not have Armenian citizenship and is older than 18 is entitled to apply for acquiring citizenship of RA, in case he/she meets two of three main requirements for acquiring citizenship defined by the RA “Law on Citizenship” (2007): one of the requirements is the ability to communicate in Armenian and the second is to be familiar with the RA Constitution. The third requirement is the permanent residency of a person in RA in the course of the past three (3) years as is prescribed by the law.

Thus, for those individuals who are Armenians by origin the ability to communicate in Armenian is not mandatory. The only condition for them to acquire RA citizenship is the familiarity with the RA Constitution, which is tested through a special examination. Understanding of the structure of basic institutions of RA allows dual citizenship holders to

know which are the institutes that deal with the issue of dual citizenship and how they support dual citizens to protect their rights (RA law “on Citizenship”, 2007).

The other strength of dual citizenship arrangement in RA is the result of February 2007 amendments to RA Electoral Code which mainly addressed out-of-country voting (OVC) and voting by persons with dual citizenship. The amendments provided that persons with dual citizenship would not be able to seek office in national elections, and would be able to vote only if they are “registered” in Armenia. People not residing in Armenia and having a poor understanding of Armenia's social and economic needs and political landscape, should not be allowed to vote and to determine who will guide the country's public and foreign policy.

Moreover, according to RA Electoral Code (2007), elections in the Republic of Armenia shall be held only on RA territory. This statement proceeds from the point of a natural protective measure and intends to prevent the possible negative impact of the Armenian Diaspora living abroad (Russia, the USA, France, etc.) on the outcome of every Armenian election.

Weaknesses of RA Dual citizenship arrangement

In general, according to Shevchuk, (1995), the features of Dual citizens’ legal status are envisaged to be defined at the level of interstate agreements fixed in the international treaties. Till now RA has no bilateral agreement with any country on the issue of dual citizenship. The absence of bilateral agreements can be considered as one of the shortcomings of RA dual citizenship arrangements.

Simultaneously, the other shortcoming is that military and tax peculiarities of dual citizens are not yet a subject to legislative regulations in Armenia. The absence of a legal act

regulating tax rights and obligations of dual citizens very often leads to double taxation of dual citizenship holders (Concept paper of the Ministry of Diaspora, 2009)

While acquiring RA citizenship Dual citizenship holders face the obstacles that artificially complicate the process more complicated. As Armenia is still on the way of successful implementation of mechanisms regulating legal status of RA Dual citizens, it should take into account the practice of the countries that have extensive experience of regulating this issue through signing bilateral agreement, such as the Russian Federation.

Besides the legislation of the Russian Federation regulating questions of citizenship of the Russian Federation, there are certain international treaties and agreements that regulate the issues concerning acquisition of citizenship of the Russian Federation. For example, the Treaty between the Republic of Tajikistan and the Russian Federation (1995) envisages the possibility for a citizen of this state to acquire citizenship of the Russian Federation and regulates such issues of dual citizenship as military, educational, social and medical insurance, etc.

“Treaty on Friendship, Cooperation and Mutual Security” between Russian Federation and the Republic of Armenia signed on December 29, 1991 grants the right to acquire citizenship of both Russia and Armenia to the citizens of Russian Federation and citizens of Armenia if legislation of both countries does not prohibit dual citizenship.

As the constitutional amendments of November 2005 lifted constitutional ban on dual citizenship in RA, the Armenian Government, based on already existing legal norm (“Treaty on Friendship, Cooperation and Mutual Security” between Russian Federation and the Republic of Armenia (1991)), should sign a bilateral agreement with Russia that will regulate issues related to dual citizenship, such as military, educational, social and medical insurance, etc. Analysis of

the Treaty between the Republic of Tajikistan and the Russian Federation (1995) the following main features regulating the rights and obligations of Dual citizenship holder should be included and introduced in the treaty:

The citizens of Armenia and Russia shall:

- have equal rights to participate in economic activities in the territory of the Contracting Parties,
- enjoy equal civil rights and freedoms, as provided for in the legislation of the Contracting Parties,
- ensure accessibility and equal rights for citizens in obtaining secondary and higher education,
- serve at the armed forces of the permanent residency country. (A Russian citizen that has adopted citizenship of RA is discharged of the mandatory military service in case before adopting citizenship of RA he has not less than for 12 month served in the military forces of the other state or has served at least for 18 months the alternative military service, with the exception of the states that are defined by the Government of RA).

The signing of a bilateral agreement with the Russian Federation is important for the RA because a huge number of emigrants is sheltered in the Russian Federation and the Russian Federation is also considered a strategic partner for RA. In future RA Government may use this practice for signing agreements with other countries (Davtyan, 2006).

The Contracting Parties (The Republic of Armenia and the Russian Federation) shall:

- ensure equal rights for their citizens in obtaining, owning, using and disposing of property in their territory. National legislation on privatization shall regulate how citizens can receive state and municipal property free of charge, or obtain it in accordance with benefits effective in the privatization process,
- ensure guaranteed protection of their citizens' ownership rights,
- guarantee that the citizens of Armenia and Russia have equal rights to employment, and the provision of other social and legal guarantees in the territory of Armenia and Russia. The citizens of Armenia and Russia shall have equal rights in pay, working time and rest time regulations, labor protection and working conditions,
- have equal rights to social provisions, medical help and access to services offered by medical and health care establishments in the territory of the Contracting Parties shall be ensured for the citizens of Armenia and Russia.

The signing of a bilateral agreement with the Russian Federation is important for the RA because a huge number of emigrants is sheltered in the Russian Federation and the Russian Federation is also considered a strategic partner for RA. In future RA Government may use this practice for signing agreements with other countries (Davtyan, 2006).

Almost all dual citizens being interviewed emphasized one main obstacle they come across while acquiring RA dual citizenship. This issue is related to the huge number of requested documents which extend the process and it takes about 8 - 12 months to get RA citizenship.

Strategies to be developed: Acquisition of citizenship in a simplified procedure

Currently the Ministry of Diaspora elaborates a draft of simplified procedures for persons who are Armenians by origin. According to the simplified procedures, submission of a minimal set of documents should be required on the following terms and conditions: the person desiring to acquire citizenship of RA shall:

- provide documents approving his/her Armenian origin,
- be married to a citizen of RA,
- have children who have reached the age of 18 years and are citizens of RA.

RA Government should take into account the practice of the Russian Federation in this field. In order to receive Russian citizenship according to the simplified procedure, apart from the application, it is sufficient to submit a document confirming that he/she resides in the Russian Federation at least 5 years, or a Marriage Certificate in case he/she is married to a citizen of the Russian Federation.

Most of dual citizens being interviewed believe that the adoption of simplified procedures will encourage more Armenians from the Diaspora to apply for acquiring RA citizenship.

The simplified procedures will be of great asset if the Ministry of Diaspora simultaneously elaborates a new timetable, which, in its turn, will allow Armenians living abroad acquiring the RA citizenship within three months instead of within 8-12 months by submitting a minimal set of required documents.

Recommendations and Conclusion

The end goal of this Policy Internship Project is to provide recommendations which are relevant and workable for the RA Government.

In regards to the legislation, the adoption of a law on dual-citizenship in Armenia is only half of the battle. It remains up to the RA Government to make amendments to several laws that will allow dual citizens to fully enjoy their rights and bear obligations in the RA. To make tax peculiarities of dual citizens a subject of legislative regulation, the RA Government should elaborate a legal act to regulate tax rights and obligations of dual citizens and avoid double taxation of dual citizenship holders as well as prevent income tax avoidance.

As Armenia is still on the way of successful implementation of mechanisms regulating legal status of RA Dual citizens, it should take into account the practice of the countries that have already signed treaties with other countries like the Russian Federation. RA Government, based on the Treaty on Friendship, Cooperation and Mutual Security between Russian Federation and the Republic of Armenia signed on December 29, 1991, should sign a bilateral agreement with Russia that will regulate the questions of dual citizenship: military, educational, social and medical insurance, etc.

The other policy recommendation is to raise RA dual citizens' awareness about their rights and obligation by providing them maximal information about the procedures for application to acquire RA citizenship, informing about the institutes that deal with the issue of dual citizenship and their possible support to dual citizens. The RA Government should conduct awareness raising campaign through the Police Agency of Passport and Visas of RA and the Embassies as well as Consulates of RA acting in foreign countries. These state bodies should

provide complete information about required documents and procedures to the persons who want to get RA citizenship.

As the Ministry of Diaspora contributes to the implementation of various educational programs and development of public Armenian schools in the Diaspora, these programs may include some trainings and workshops related to peculiarities of dual citizenship arrangement in RA.

State authorities of RA, especially the Ministry of Diaspora, being a part of the executive branch and having the right of a legislative initiative, should elaborate the draft of the simplified procedures for acquiring RA citizenship for persons who are Armenians by origin. According to the simplified procedures the number of required documents will be reduced and in order to receive RA citizenship, apart from the application, it will be sufficient to submit a document confirming his/her Armenian origin.

Based on the mechanism of simplified procedures and studying practice of other countries (Treaty between the Russian Federation and the Republic of Belarus) the Ministry of Diaspora should elaborate new timetable that will allow Armenians living abroad to acquire the RA citizenship within three months instead of within 8-12 months by submitting a minimal set of required documents.

To sum up, it is important to mention that Dual citizenship necessitates a major reconstruction of policy initiatives in various areas. I do believe that by the time, when present shortcomings will be overcome the practice of dual citizenship will attract more Diasporan Armenians back to Armenian and encourage and create incentives for them to invest more in their native country.

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