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***DUAL CITIZENSHIP THROUGH QUALITATIVE  
AND QUANTITATIVE EYES***  
***THE DUAL CITIZENSHIP:  
THE ARMENIAN AND AMERICAN  
LEGAL REGULATION***

Introduction

One citizenship or dual citizenship...such a question in an era of globalization is not actual. The Dual Citizenship is already adopted by the numerous states and the states trying to get closer the status of dual citizens and the citizens of their countries by providing them the same rights and obligations, but in many countries there is no legal equality between the dual citizens and the citizens of this state.

The regulation of the rights and obligations of the citizens depends on which country and countries belongs the dual citizen. It should be mentioned that there are 3 models of the Dual Citizenship:

- States, which recognized and adopted the Dual Citizenship fully on the domestic level;
- States, which adopted the Dual Citizenship partly; and
- The States which doesn't adopt the Dual Citizenship in generally.

On the base of investigation of the legislative acts on Citizenship of the different states I classify the next following models:

- The states which have neutral approach towards the Dual Citizenship;
- The states, which doesn't recognize the Dual Citizenship, but in practically have the dual citizenship or in a few cases grant the dual citizenship;
- The states which grant dual citizenship only on the base of the treaty, of domicile in this country and only to the concrete states and with restrictions.

So, very important for the legal regulation of the legal status of the dual citizens is find out to which model of the state or states belongs the dual citizen.

Taking into account that the Republic of Armenia and USA will be the subject of this investigation it should be mentioned that the USA belongs to the group of states, which doesn't recognize the dual citizenship, but it is exist de facto and Armenia belongs the group of states which allowed the dual citizenship on the base of the international treaty and with some restrictions.

***1. CONCEPT OF DUAL CITIZENSHIP  
(NATIONALITY)***

**1.1 The modern regulation of the Dual  
Citizenship and its definition**

The right to have citizenship devoted from the provisions of the numerous international conventions – Universal Declaration of Human Rights (Article 15)<sup>1</sup>, International Covenant on Civil and Political Rights (Article 24)<sup>2</sup>. The right to have the citizenship was changed during the time and nowadays it also includes the right to have dual citizenship<sup>3</sup>.

The right to have the Dual Citizenship is a right which was disputable right since 1930 until 1977<sup>4</sup>. At the beginning states was trying to prohibit the dual citizenship and the realization of the rights of the dual citizens. The right to have a dual citizenship was banned in many states de-jure, but de-facto it was in many states<sup>5</sup>. After adoption of the European Convention on Nationality in 1977 the situation de-jure was changed and states become more tolerant than before towards Dual Citizenship<sup>6</sup>. So, it could be said that the modern regulation of the Dual Citizenship nowadays is based on the principle of the legal tolerance.

For the effective legal regulation of the Dual Citizenship it is very important to give the definition of the Dual Citizenship. It should be mentioned that because of the existence of the different laws on Citizenship in countries there are many legal provisions on the issues of Dual Citizenship which are differs from one country to other. There are many different attitudes towards the Dual Citizenship. For instance, according to the Stanley A. Renshon: "Dual citizenship involves the simultaneous holding of more than one citizenship or nationality"<sup>7</sup>. S.A.Avagyan notes that "Dual Citizenship is the opportunity of the citizen to hold citizenship of another state at the same time on the basis of international treaty and federal law"<sup>8</sup>.

According to the Mohsen Aghahosseini the "Dual nationality is a status possessed by a significant and now increasing number of individuals all over the globe"<sup>10</sup>. For instance, George Bancroft said that "the United States would as soon tolerate a man with two wives as a man with two countries; as soon bear with polygamy as that state of double allegiance which common sense so repudiates that it has not even coined a

word to express it”<sup>11</sup>. There were done also other definitions, for example, the “Dual citizenship in simply way is opportunity for citizen, who comes to one country and this country allow to keep the citizenship of his/her country”<sup>12</sup>. Also, “Dual Citizenship means that individuals combine citizenship in and of two nation-states”<sup>13</sup>.

The importance of the definition of the concept of Dual citizenship will give us opportunity to find out the phenomenon of Dual Citizenship in generally and to regulate the rights and obligations of the dual citizens in the effective way.

The definition of the Dual Citizenship is also important for the distinguishing the dual Citizenship from the Second Citizenship. The Second Citizenship is not legal category and it is fully differs from the Dual Citizenship. In case of Dual Citizenship there is signed agreement or treaty between states or the states adopted the Dual Citizenship on the legislative domestic level. But in the case of the Second citizenship there is no legal base for its adoption and there is also the existence of the second passport, which couldn’t considered as a legal base in the case of differences or conflicts between rights and obligations of the dual citizens of different states.

On the base of summary of the definitions on the Dual Citizenship it should be mentioned that the Dual Citizenship is not just a constitutional right, it is also the significant link/connection between the state and individual. The Dual Citizenship could strength or weak the relations between state and person, so the definition of the Dual Citizenship is important for both. The Dual Citizenship is also could concerns the relations concerning the other states, so it is also the issue of interstate relations. So, dual citizenship is a status of person which gives right/opportunity to have two citizenships and realizes the rights and freedoms and to take responsibility equal to two states.

It worth mentioning that the definition of the Dual Citizenship is also important for distinguishing it’s from the multiple citizenship (for the recognition of the dual or multiple citizenship on domestic legislative level and legal regulation between states). “In principle, individuals may hold even more than two citizenships; hence the terms “multiple” or “plural” citizenship”<sup>14</sup>. “International law stipulates that, as a matter of each nation-state’s sovereignty, it determines its citizens according to its own law”<sup>15</sup>. Besides the internal regulation of the Dual Citizenship by the states it is important the regulation of it on the conventional dimension (bilateral or multilateral agreements), i.e. the subject and the number of state-parties of these agreements depends is the state recognize Dual Citizenship of Multiple Citizenship.

### 1.2 The dual citizenship of Armenia and

### USA

The history showed the main reasons the recognition of the Dual Citizenship were demographical, the existence of the big Diaspora, emigration and immigration and other bases. Armenia is the one among other states which adopted the Dual Citizenship on the base of involvement of the Diaspora in the Armenian society and to strength to ties between Armenians living abroad and Armenian living inside of Armenia.

Considering briefly the prehistory of the Dual Citizenship in the Republic of Armenia it should be mentioned that in the historical republics of Armenia there wasn’t the Dual Citizenship. In the 1<sup>st</sup> Republic (1918-1920) there were provisions on the material needs of emigrants<sup>16</sup>. In the 2<sup>nd</sup> Republic of Armenia (during the Soviet period) the Dual Citizenship was prohibited in Armenia and every citizen of Armenia was the citizen of the Soviet Union<sup>17</sup>. “In the 3<sup>rd</sup> Republic of Armenia (since the establishment of the new independent state, 1991) the Dual Citizenship was explicitly banned according to the RA Constitution of 1995”<sup>18</sup>.

It should be mentioned that the recognition of the Dual Citizenship was the request of the Article 4 of the Declaration of the Independence of the Republic of Armenia. According to the Article 4 of the ADI: “...Armenians of the Diaspora have the right of citizenship of Armenia”<sup>19</sup>, i.e. it should have been affirmed in the 1995 RA Constitution. But it doesn’t included in the Constitution, but “in legal aspect the Declaration of the Independence of the Republic of Armenia is the organic part of the content of the Constitution of the Republic of Armenia”<sup>20</sup>.

After the constitutional amendments in 2005 in Armenia the Dual Citizenship in Armenia was recognized by the Constitution<sup>21</sup>. But there is no definition of the dual citizenship in the Article 30.1 of the Constitution. It stipulates that the rights and obligations of the dual citizens regulated by the Law. According to the amendments of the Law on Citizenship of the Republic of Armenia (26.02.2007) the dual citizens have all rights and obligations with the citizens of Armenia, exceptions are the bases stipulated by the international treaties and law (and Law stipulated these restrictions, especially concerning the political participation of the dual citizens).

According to the Article 13<sup>1</sup> of the above-mentioned Law, which concerns the Dual Citizenship, defines who the dual citizen is: “a person who have more than one citizenship”. Then, it stipulates that the dual citizen of the Republic of Armenia is recognized for Armenia only as an Armenian citizen.

The domestic legislation of the Republic of Armenia doesn’t regulate all rights of the dual citizens. Though in the above-mentioned Law there is a legal equality between the dual citizens and the citizens of

Armenia, but practically there aren't some amendments or new laws related their rights besides the electoral rights. For example, it is not clear how and where the dual citizens will realize their economic and social-cultural violated rights. Concerning their obligations there is only regulation of the military obligation, but there is no legal regulation on the tax and other obligations. So, it is not clear which citizenship is dominant. And it should be mentioned that in the domestic legislation of Armenia there aren't common standards or principles on the regulation of the legal status of the dual citizens like a principle of the effective citizenship<sup>22</sup>.

Considering the dual citizenship in U.S. it should be said that the "Dual citizenship became a major issue during the War of 1812, when the British military tried recruiting, and in some cases forcing, British-born American citizens to fight on Britain's side. For years, being a dual citizen was seen as unpatriotic, and until 1967 it was possible for the United States to revoke American citizenship for people who voted in foreign elections. But in the 1967 *Afroyim vs. Rusk* decision, Supreme Court justices ruled 5-4 that it was unconstitutional to bar dual citizenship."<sup>23</sup>

Nowadays, the dual citizenship is recognized in the USA and there are some regulations on obtaining of the dual citizenship, for example Aleinikoff<sup>24</sup> suggested 4 ways<sup>25</sup>. The analyze of these ways give base to say that that the dual citizenship in USA is a significant part of the migration policy of America. Because of huge and mixed population (and also the existence at the same time of the principles of *jus soli* and *jus sanguinis*) in U.S. it is an impossible to avoid the problems related with the dual citizenship. USA recognized the dual citizenship mostly trying to integrate the immigrants to the American society. If U.S. by recognizing the dual citizenship solves inter alia legal, political, integration and cultural issues, Armenia has no such task and it is just solve the issue of reintegration of Armenians.

The Dual Citizenship (dual citizen) in an American point of understanding is:

- 1) it has become a fact of globalization<sup>26</sup>;
- 2) a matter of affirming the full breadth of individual identity<sup>27</sup>;
- 3) not a half-national of each of his two countries of nationality. Dual citizen is a full national of both, meaning that he has a full allegiance/protection relationship with both<sup>28</sup>;
- 4) dual citizenship allows a person to have many, or in some cases all, of the rights and responsibilities that adhere to citizenship in each of the several countries in which he or she is a citizen-regardless of their actual physical residence in a country<sup>29</sup>;
- 5) in aspect of immigration USA encourages the dual citizenship<sup>30</sup>.

## 2. ELECTORAL RIGHTS OF DUAL CITI-

## ZENS IN ARMENIA AND USA

### 2.1 International legal regulation of the issues of Dual Citizenship

The very difficult aspect of the legal status of the dual citizens is the realization of the electoral rights of the dual citizens. It should be mentioned that the realization of the electoral rights is more difficult than other rights of the dual citizens, because of the lack of international (bilateral and multilateral) treaties on this issue. Only according to the Article 17 (p.1) of the European Convention on the Nationality: "Nationals of a State Party in possession of another nationality shall have, in the territory of that State Party in which they reside, the same rights and duties as other nationals of that State Party"<sup>31</sup>.

The majority of the states trying to find legislative solutions on the issues of dual citizenship by making the legislative domestic provisions in accordance with the international conventional norms. Though in the above-mentioned Convention stipulated the principle of legal equality of the dual citizens, but many states have their own legislative regulation. For example, there are some legislative acts in Russia, which regulates the issues of the Dual Citizenship: the Constitution of the Russian Federation<sup>32</sup>, Law of the Russian Federation on Citizenship<sup>33</sup> and the Law on "Basic guarantees of the electoral rights and on the right of participation in the referendum of the Citizens of the Russian Federation"<sup>34</sup>. It should be mentioned that the Constitutional Court<sup>35</sup> of the Russian Federation considering the constitutionality of the electoral rights of the dual citizens according to these Laws mentioned in his Conclusion that the dual citizens have no rights to be elected, they deprived from their passive electoral rights. In the motivation of the Court, inter alia, was the following that the members of the parliament should serve only interests to the Russian people, when the parliament member is a dual citizen he/she couldn't serve for both countries interests. According to the Law on Citizenship of Macedonia<sup>36</sup> the dual citizens have the same rights (including the electoral rights) and obligations as the citizens of the Macedonia, the changes and exceptions should be done on the base of the international treaties. "In Sweden, the potential violation of the principle of "one person, one vote" was what opponents of liberalizing citizenship laws regarded as the most important problem. However, the benefit of having more people participating in the state where they reside was later seen as outweighing the problem of double voting"<sup>37</sup>.

Considering the case law of the European Court of Human Rights on the issues of dual citizenship it is worth mentioning that the right to be nominated, in spite of its importance, has no absolute character. As the third Article of the First Protocol of the ECHR, while

guaranteeing this right does not give any specification and does not present its legal definition/notion that provide an opportunity for possible limitations<sup>38</sup>. Consequently, countries/states have the freedom within their constitutional framework to define PMs' status including standards of PM nominations<sup>39</sup>.

In related with the political participation of the dual citizens within EU it should be mentioned that that they are mostly realize their political rights, especially electoral rights. If any country in which there is no right to participate even on the municipal elections it is result of the existence of the democratic deficit, so the political participation of the dual citizens is facilitated<sup>40</sup>.

**2.2. The legal regulation of the electoral rights of dual citizens in the Republic of Armenia and in USA**

It should be mentioned that Armenia doesn't ratify any International convention on the issues of Dual Citizenship. Armenia had changed the amendments into national legislative acts: Law on Citizenship of RA, Law on Military Obligation, Electoral Code, Administrative Code and Criminal Code and in other laws. According to the provisions of the Electoral Code of Armenia (Article 2), Law on local the self-government in the city of Yerevan (Art. 42, 45), Law on local self-government (Art. 24), Law on local referendum (Art. 3), it is prohibited to realize the passive electoral right for the dual citizen. The dual citizens also couldn't realize their active electoral right; they could only in the case of a one year registration in Armenia and factual living in it. So, such provision could be considered as a restriction of the rights of the dual citizens. As a restriction it is violates the principle of the equal citizenship for all Armenians on the base of non-discrimination<sup>41</sup>. From the other hand, such restriction could be justified in aspect of the "positive discrimination", which allows to use some restrictions towards the dual citizens in favor of interests of the state. The European Commission for Democracy through Law in his Join opinion mentioned "that restrictions on the right to vote, both active and passive, should be abolished. Once the right to dual citizenship has been accepted, citizens with dual citizenship should not have fewer rights than other citizens; such limitations are not common"<sup>42</sup>.

So, the legislation on the electoral rights of the dual citizens in Armenia has restrictive nature in aspect of the European standards on the Dual Citizenship. But it is very important to mention that the protection of the rights of the dual citizens should be subject to the global interests – to the national security interests of the Armenia<sup>43</sup>. Because the President of the country, the member of the Parliament, the member of the Constitutional Court<sup>44</sup> and also the high level ranking officials of the National Security Service<sup>45</sup> and Police<sup>46</sup> couldn't be the threat (by their dual citizenship) to the

Armenian sovereignty, national security and constitutional order.

Comparing the Dual Citizenship in Armenia and USA it is important to investigate is the Dual Citizenship of the USA the same as the Dual Citizenship in Armenia or no? "The issue of multiple citizenships in the United States arises in the context of unprecedented immigration"<sup>47</sup>. If the Dual Citizenship in Armenia mostly connects with the Diaspora issue, in USA it is an immigration issue. So, the regulation differs each from the other, but the investigation of the Dual Citizenship in USA is very important for Armenia because of the huge Armenian community (Diaspora)<sup>48</sup> in USA.

"The United States does not formally recognize dual citizenship, but neither does it take any stand politically or legally against it. There are no U.S. policies or laws that prohibit an American citizen from obtaining a second or even a third citizenship, swearing allegiance to a foreign state, voting in another country's election, serving in the armed forces (even in combat positions, and even if the state is a hostile one), running for office and (if successful) serving as an adviser to a foreign government – all while still an American citizen."<sup>49</sup> It means that the American policy differs from the Armenian, because Armenia de jure recognizes the Dual Citizenship, but practically not fully (taking into account the restrictions on the rights of the dual citizens) and USA vice versa. "Dual citizenship allows a person to have many, or in some cases all, of the rights and responsibilities that adhere to citizenship in each of the several countries and responsibilities that adhere to citizenship in each of the several countries in which he or she is a citizen – regardless of their actual physical residence in a country; the geographical proximity of the "home" to the chosen country; or the nature of their economic, cultural, or political ties to the new country. The idea seems counterintuitive. How could a person owe allegiance or fully adhere to the responsibilities of citizenship in several or more countries at the same time? In the United States, the legal answer is: Easily"<sup>50,51</sup>. The United States is one of the few countries which considers the holding by the person of the dual citizenships at the same time so open or tolerate. For the big countries with a huge multinational population the issue of the Dual Citizenship is a part of the migration policy, but for countries with a small population and ethnic homogeneity, the Dual Citizenship is way of the strengthening the ties of the dual citizens with their motherland. It should be mentioned that USA in generally recognized the equality of the rights and freedoms of the dual citizens and US citizens, but also it depends from the basis of the obtaining the dual citizenship and from which country this dual citizen. For instance, "the latest census figures show that the number of legal and illegal immigrants living in the United States has almost tripled

since 1970, rising from 9.6 million to 34.2 million today”<sup>52</sup>. “Between 2000 and 2004, a time of economic downturn in the United States, nearly 6.1 million immigrants, both legal and illegal, arrived in the United States”<sup>53</sup>. “These figures represent the largest absolute number of foreign-born population in U.S. history”<sup>54</sup>. It means that USA having so large number of immigrants should solve and regulate their status (especially the issue of dual citizenship) in U.S., so “the USA recognizes the immigrants from forty-two other countries by holding their home citizenship if their father or grandfather were American descent”<sup>55</sup>.

The introduced common policy of U.S. towards dual citizenship gives opportunity to understand the regulation of the dual citizenship by USA. “Most countries that allow dual citizenship also restrict and regulate it – but not the United States. The United States is surely among the most, if not permissive on these issues. It has no restrictions whatsoever on any of the wide range of practices than other countries regulate”<sup>56</sup>.

Concerning the multiple voting of USA should be mentioned that American dual citizens have right to vote in foreign elections. Stanley A. Renshon recommended that “American citizens should be actively discouraged from voting in foreign elections. This discouragement should take the form of making such a prohibition a stated condition of citizenship applications, including such an affirmation as part of the oath of citizenship, and placing pressure on foreign countries not to make efforts to enroll American citizens in foreign voting. It might well also include congressional legislative action proscribing such behavior.”<sup>57</sup> Bruce Fein mentioned that “Americans who vote in a foreign election, occupy any office in a foreign state, enlist in a foreign army, attempt to overthrow the U.S. government, or otherwise affirm allegiance to a foreign nation should forfeit their citizenship”<sup>58</sup>. “The problem with that approach is that the Supreme Court ruled 5-4 in *Afroyim v. Rusk* (1967) that an American could not lose his or her citizenship for voting in a foreign election. Fein’s solution: “Congress should either propose a constitutional amendment to overcome *Afroyim*; or, enact legislation that deletes the specific intent requirement in the expectation that the high court will reconsider the precedent”<sup>59</sup>.

Sum up the above-mentioned, it should be mentioned that “U.S. law cannot of course mandate what other countries choose to do or not to do with their former nationals, but it can be made clear in a variety of ways that recruiting American citizens to vote in foreign elections is not looked upon with favor by the United States”<sup>60</sup>. So, the legislation of

the Republic of Armenia and the United States regulate the electoral rights of the dual citizens by the different ways. But in two countries there are some doubts related to the participation of the dual citizens in the electoral process, but the U.S. more democratic in this aspect and consider the political participation of the dual citizens as a guarantee for the integration of the immigrants to the American society.

### 3. MILITARY OBLIGATIONS OF DUAL CITIZENS IN ARMENIA AND USA

#### 3.1 The international conventions on the military obligation of the Dual Citizens

The other significant aspect that arises is the regulation of the military obligation of the dual citizens. “Even ancient democracies have bound the citizenship with military obligation. They found that the citizenship of a person is attributable to his belonging to the military forces of the state. Military obligation by its character is a political obligation and by this reason cannot be separated from the issue of citizenship”<sup>61</sup>.

“There is no unified approach towards the regulation of issues pertaining to the military obligation of dual citizens in the modern state. Some states regulate those issues by means of multilateral and bilateral treaties. Examples of this would be the international agreements<sup>62</sup> among the United States and some of the European countries: USA and Norway (1930), USA and Sweden (1933), USA and Switzerland (1937), USA and Finland (1939); and the international treaties among the European states: Switzerland and Finland (1958), France and Israel (1959)<sup>63</sup>, France and Spain (1970)<sup>64</sup>, as well as conventions on military service between Argentina and Finland (1963), Argentina and United Kingdom (1963). These treaties contain provisions that dual citizens are obliged to serve in the army of the state in which they lived constantly or predominantly. If a dual citizen has served in one state’s military he or she must be considered free from military service in the other one”<sup>65</sup>. The same attitude stipulated at the multilateral agreements: the Strasbourg Convention of 1963 on The Reduction of Cases of Multiple Nationality and Military Obligations in Case of Multiple National, Convention on Military Obligations in cases of Multiple Nationality (1993), European Convention on Nationality (1997) and other international legal acts. According to these treaties there are some principles on the military obligation, but the very important thing is that the dual citizens have to serve in the military forces in country where they live dominantly. This principle in the international law is famous as a principle of effective citizenship. “The latter was made famous to the international community by the *Nottebohm*

case<sup>66</sup>. The fact of existence of the connection, which permits to speak about effective citizenship, is stated by the court at the hearing of the concrete circumstances of the case, taking into consideration first of all the actual residence (constantly or predominantly). Besides, factors like the source of constant income (where a person works or receives pension etc.), where she/he has real estate, whether she/he is considered on state service or serves in the army, the country she/he is connected by the closest public, family and other connections should be taken into consideration<sup>67</sup>. Taking into account the provisions of the international treaties and case-law it should be mentioned that the legal regulation of the military obligation of the dual citizens should be according them, i.e. “the dual citizens must serve in the army of the state where they constantly live”<sup>68</sup>.

### **3.2. Legislative regulation of the military obligation of the dual citizens in the Republic of Armenia and in USA**

According to the Law on Military obligation of RA<sup>69</sup> the dual citizens must serve in the military service of Armenia if they live in the period of calling to serve in army in Armenia. If they serve in other country they are considered free from the realization of the military obligation in Armenia. In this aspect Armenia follow to provisions of international treaties and to the experience of many countries.

How regulated the serving of the Dual Citizens USA in a foreign army? “American citizens should be actively dissuaded from seeking to serve in a foreign military service of whatever kind unless specifically authorized by competent federal authorities. This discouragement should take the form of making such a prohibition a stated condition of visa applications, including as affirmation to this affect as part of the oath of naturalization, making it a finable offense while as American citizen and placing pressure on foreign governments not to make efforts to enroll American citizens in standing for or serving in foreign armies. American citizens who do should incur financial penalties”<sup>70</sup>.

“The willingness to serve and protect one’s country is one of the most solemn responsibilities of citizenship”<sup>71</sup> and the very significant one. For example, when considering the tax obligation of the dual citizens it could be solved by the bilateral agreement of the avoiding of the double taxation and solve the problem, but when we are speaking about military obligation which realization could be by the dual citizens as in peace time, as well as in the non-peaceful time it is not so easy to regulate it on the level bilateral agreement.

It should be mentioned that the American approach has changed during the time. According to the Kawakita case the Supreme Court said, that: “the behavior of Kawakita, especially concerning serving at

the military forces of Japan, is a treachery towards USA. Court said, that American citizen has loyalty obligation towards America in spite where is he lives<sup>72</sup>. Nowadays, the approach of USA has changed and it stated, that “immigrants from countries in which ethnic military conflict is a fact of life can hardly be expected to leave their feelings when they arrive in the United States...The problem of dual citizens or even American citizens with strong homeland feelings, entering into combat in one form or another in their countries of origin is certainly not as large as a problem numerically as the issue of foreign voting. The numbers are most likely very small. Nonetheless, it is worth paying attention to because it is part of a group of behaviors that tend to reinforce emotional ties to foreign countries-when every effort should be made to foster attachments to this country. The USA cannot easily cement immigrant ties to this country while encouraging immigrants to vote, serve, and fight abroad for other countries”<sup>73</sup>.

Summarizing the Dual Citizenship in the USA it should be say that the American approach towards Dual Citizenship evolved since 19<sup>th</sup> century up to now. If in 19<sup>th</sup> century the Immigration Laws of the Unites States was prohibited the Dual Citizenship, now it is one of the unique states which de jure doesn’t recognize the Dual citizenship (there is no definition of the Dual Citizenship in the American legislation), but de facto recognize it in a very tolerant way.

### **Conclusion**

On the base of the investigation of the Dual Citizenship of Armenia and USA it should be emphasized the following main aspects:

#### *1. Concerning the Dual Citizenship in Armenia and USA*

- The Dual Citizenship of Armenia is recognized with purpose to strength the ties between Armenia and Armenian Diaspora. The Dual Citizenship within Armenian legislation means that the person could hold more than one citizenship.

- The Dual citizenship of USA was recognized on the migration policy and interests. In American approach it is also means the fact of holding more than one citizenship.

So, the base and procedure of the obtaining of the Dual citizenship in Armenia and USA are different. The difference is also in the legal regulation: in the civil law system the institute id the dual citizenship is regulated by the law and in the common law system by the case-law, which sometimes radically differs.

#### *2. Concerning the suffrage of the dual citizens*

- The regulation of the electoral rights of the dual citizens in Armenia has restrictive nature (because the dual citizens deprived from their some political rights) in aspect of international standards. But the approach which used in the legislation of RA is a posi-

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tive discrimination, which could be justified and considered as lawful in aspect of the Armenian sovereignty and national security interests.

- The American approach to the suffrage of the Dual citizens based on the principle of the legal equality and provide the right to participate in the foreign elections.

The electoral system of any country is the one significant cornerstone of the democracy, so every state which seeks to create democratic society should provides some preconditions for it. In aspect of the electoral rights of the dual citizens the states have to provide the realization of the some political rights. For example, if there are no active and passive electoral rights, the state should creates opportunity to participate in the other sphere of political engagement: participation in the demonstrations, participation at the elections on the municipal level and other rights.

### 3. Concerning the military obligation of the dual citizens

- In the domestic legislation of the Republic of Armenia the dual citizens have to serve only in one state. If the dual citizen serves in the other states he deprived from his citizenship.

- USA tolerates the serving of the dual citizen in the military forces of the other state.

The military obligation of the dual citizens is the very sensitive issue. The military obligation should be depends on the will of every state and there weren't common standards or imposing provisions towards states. The military obligation is related direct with the national security of country and it couldn't be the subject of the discussion of the states.

<sup>1</sup> Տե՛ս According to the p.1 of the Article 15 of the UDHR: “Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”.

<sup>2</sup> Տե՛ս According to the p.3 of the ICCPR: “Every child has the right to acquire a nationality”.

<sup>3</sup> Տե՛ս European Convention on Nationality. Strasbourg, 6.XI.1977. <http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm>

<sup>4</sup> Տե՛ս The beginning of the conventional regulation of the Dual Citizenship was the signing of the Bancroft treaties (1868).

Then, in 1928 was adopted the code of Bustamante, in 1930 was adopted the Convention on certain questions relating to the conflict of Nationality Laws, in 1963 was adopted the Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality, in 1964 was adopted the Convention on the exchange of information concerning acquisition of nationality, in 1997 was adopted the European Convention on Nationality and other legal acts.

<sup>5</sup> Տե՛ս For instance, many citizens of the post-soviet countries had the dual citizenship: the citizenship of the new independent state and the citizenship of the Russian Federation even when this new independent state prohibited the dual citizenship. The good example of it the Republic of Armenia.

<sup>6</sup> Տե՛ս European Convention on Nationality contains all legal norms concerning the issues of Dual Citizenship, which were adopted in the previous Conventions on the Dual Citizenship. /Explanatory memorandum/

<sup>7</sup> Տե՛ս Renshon Stanley Allen. The 50% American immigration and national identity in an age of terrorism. Georgetown University Press. Washington, D.C. 2005. P.3

<sup>8</sup> Տե՛ս Avagyan S.A. Russia: Citizenship, foreigners, external migration. Juridical center PRESS, 2003, p. 643

<sup>9</sup> Տե՛ս As Mohsen Aghahosseini mentioned “dual nationality” and “dual citizenship” are often used interchangeably, though under certain national laws, including the United States law, there exists a technical distinction between a “national” and a “citizen”. Where the distinction is observed, every citizen is also a national and enjoys full measure of political rights, but the reverse is not always the case, for there may be non-citizen nationals not entitled to certain rights, such as the right to vote or to move freely to all parts of the national territory. Mohsen Aghahosseini. Claims of dual nationals and the development of customary international law: issues before the Iran-United States Claims. Martinus Nijhoff Publishers, Leiden/Boston. P. 15.

<sup>10</sup> Տե՛ս Mohsen Aghahosseini. Claims of dual nationals and the development of customary international law: issues before the Iran-United States Claims. Martinus Nijhoff Publishers, Leiden/Boston. P. 15.

<sup>11</sup> Տե՛ս George Bancroft, the United States diplomat who negotiated the Bancroft treaties on nationality issues with European powers, in a letter dated 26 January 1845 to Lord Palmerston, the then British foreign secretary. The letter is reprinted in Sen. Ex. Doc. 38, 36<sup>th</sup> Cong., 1<sup>st</sup> Sess. 164(1860), and quoted in D.A. Martin, New Rules on Dual Nationality for a Democratizing Globe: Between Rejection and Embrace, 14 Georgetown Immigration L.J. (1999). For a similarly strong but more recent view, see G.A. Geyer, Americans no more: The death of Citizenship, 1<sup>st</sup> Ed., New York: Atlantic Monthly Press, 1996, at 68, 312. Mohsen Aghahosseini. Claims of dual nationals and the development of customary international law: issues before the Iran-United States Claims. Martinus Nijhoff Publishers, Leiden/Boston. P. 15.

<sup>12</sup> Տե՛ս Dual Citizenship, Birthright citizenship, and the meaning of the sovereignty. Hearing before Subcommittee on Immigration, border security, and claims of the Committee on the Judiciary House of Representatives (109 Congress, First session, September 29, 2005). Serial No. 109-63, page 6.

<sup>13</sup> Տե՛ս Thomas Faist, Jurgen Gerdes. Dual Citizenship in an Age of Mobility. 2008. P. 4.

<sup>14</sup> Տե՛ս Thomas Faist, Jurgen Gerdes. Dual Citizenship in an Age of Mobility. 2008. P. 4.

- <sup>15</sup> St'u Thomas Faist, Jurgen Gerdes. Dual Citizenship in an Age of Mobility. 2008. P. 4.
- <sup>16</sup> St'u The Collection of Laws of the Armenian Parliament /1918-1920/. Law on the assistance of the Armenian refugees in Iran (03.12.1918). Yerevan, 1998. P.20. Law on the assistance of the Armenian refugees in Iran (03.12.1918).
- <sup>17</sup> St'u Свод законов СССР. Том 1, С. 21.; Ведомости Верховного Совета СССР, 1977г., N 41, p. 616. Article 31 of the Armenian Soviet Socialist Constitution.
- <sup>18</sup> St'u Solomonyan Narine. Dual Citizenship as a legal category. [http://www.aiprg.net/UserFiles/File/journal/special\\_issue\\_2006/ns-3.pdf](http://www.aiprg.net/UserFiles/File/journal/special_issue_2006/ns-3.pdf).
- <sup>19</sup> St'u <http://www.armenica.org/armenia/doi.html> Declaration of the Independence of the Republic of Armenia.
- <sup>20</sup> St'u Nazaryan Vladimir. The ten year of the Declaration of Independence of the Armenia. Bulletin of the Constitutional Court of the Republic of Armenia. 2000. N 3, P. 5.
- <sup>21</sup> St'u Constitution of the Republic of Armenia. Yerevan, Mkhitar Gosh, 1997. According to the part 5 of the Article 30.1 of the Constitution of the Republic of Armenia: "The rights and responsibilities of the persons having dual citizenship shall be defined by the law".
- <sup>22</sup> St'u See the case of Nottebohm. ICJ case on Nottebohm. See below.
- <sup>23</sup> St'u [http://www.palmbeachpost.com/localnews/content/local\\_news/epaper/2008/06/07/s1a\\_dual\\_citizenship\\_0608.html](http://www.palmbeachpost.com/localnews/content/local_news/epaper/2008/06/07/s1a_dual_citizenship_0608.html)
- <sup>24</sup> St'u T. Alexander Aleinikoff, Between Principles and Politics: The Direction of U.S. Citizenship Policy. Washington, D.C. Carnegie Endowment for International Peace, 1998, p. 26-27.
- <sup>25</sup> St'u 1) he/she may be born in the United States to immigrant parents. All children born in the United States are U.S. citizens, regardless of the status of their parents (jus soli); 2) a person may be born outside the USA to one parent who is a U.S. citizen and another who is not (jus sanguinis); 3) a person can become a naturalized citizen in the United States, and that act is ignored by his/her country of origin; 4) a person can become a naturalized citizen of the USA and in doing so lose their citizenship in the country of origin- but her/she can regain it at any time and still retain US citizenship (this is de facto dual citizenship)".
- <sup>26</sup> St'u Peter J. Spiro. Dual Nationality: Unobjectionable and unstoppable. <http://www.cis.org/articles/cantigny/spiro.html>
- <sup>27</sup> St'u Peter J. Spiro. Dual Nationality: Unobjectionable and unstoppable. <http://www.cis.org/articles/cantigny/spiro.html>
- <sup>28</sup> St'u Mohsen Aghahosseini. Claims of Dual Nationals and the Development of Customary International Law. Martinus Nijhoff Publishers. 2007. P. 23.
- <sup>29</sup> St'u Renshon Stanley Allen. The 50% American immigration and national identity in an age of terrorism. Georgetown University Press. Washington, D.C. 2005. P.3.
- <sup>30</sup> St'u Renshon Stanley Allen. The 50% American immigration and national identity in an age of terrorism. Georgetown University Press. Washington, D.C. 2005. P. 25-26.
- <sup>31</sup> St'u European Convention on Nationality. Strasbourg, 6.XI.1977 <http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm>
- <sup>32</sup> St'u According to the P. 1 Article 62 of the Constitution of the Russian Federation: "The citizen of the Russian Federation could have the citizenship (dual citizenship) of the foreign state in accordance with the international treaty or federal law".
- <sup>33</sup> St'u According to the Article 6 of the Law on Citizenship of the Russian Federation: "The Russian Federation adopts the dual citizenship with states, which sign treaties on the regulation of the Dual Citizenship".
- <sup>34</sup> St'u According to the p.3.1 Article 4 of the Law on "Basic guarantees of the electoral rights and on the right of participation in the referendum of the Citizens of the Russian Federation": "Dual citizens deprived from the passive electoral rights, they could realize only their active rights".
- <sup>35</sup> St'u Conclusion of the Constitutional Court of the Russian Federation on the case of Kara-Murza /4.12.2007/. According to the facts of this case the applicant was the candidature of parliament member and registration of his candidature was rejected because of being the candidature a dual citizen.
- <sup>36</sup> St'u Macedonia ratified the European Convention on Nationality in 18.02.2002
- <sup>37</sup> St'u Thomas Faist, Jurgen Gerdes. Dual Citizenship in an Age of Mobility. 2008. P. 12.
- <sup>38</sup> St'u The decision on case Mathieu-Mohin & Clerfayt versus Belgium, 02.03.1987
- <sup>39</sup> St'u The case of Gitonas & other v. Greece, 01.07.1997.
- <sup>40</sup> St'u Dual citizenship: Policy trends and political participation in EU member states. <http://74.125.113.132/search?q=cache:HOT5hNsEkSQJ:www.europarl.europa.eu/document/activities/cont/200807/20080702ATT33270/20080702ATT33270EN.pdf+Dual+citizenship+within+EU&cd=4&hl=en&ct=clnk&gl=us>
- <sup>41</sup> St'u Speaking about the principle of the equality of the rights and freedoms it is necessary to mention the Article 7 of the Universal Declaration of HR, the Article 26 of the International Covenant of the Political and Civil Rights, the Article 14 of the European Convention of Human Rights and the Article 5 and 17 of the European Convention on Nationality.
- <sup>42</sup> St'u Venice Commission. Strasbourg, 6 July. 2007. CDL-AD (2007)023. Opinion No. 378/2006.
- <sup>43</sup> St'u According to the Article 43 of the Constitution of the Republic of Armenia: "The fundamental human and civil rights and freedoms set forth in Articles 23-25, 27, 28-30, 30.1, Part 3 of Article 32 may be temporarily restricted only by the law if it is necessary in a democratic society in the interests of national security, public order, crime prevention, protection of public health and morality, constitutional rights and freedoms, as well as honor and reputation of others."
- <sup>44</sup> St'u Law on Constitutional Court of the Republic of Armenia (01.06.2006). Article 14.
- <sup>45</sup> St'u Law on the Service in National Security bodies (20.03.2007).



<sup>46</sup> Տե՛ս Law on Police Service (20.03.2007).

<sup>47</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. Georgetown University Press. Washington, 2005. P. xx.

<sup>48</sup> Տե՛ս According to the Department of Diaspora of the Ministry of Foreign Affairs of the Republic of Armenia /2008/ the big Armenian communities are in the following countries: Russian Federation, USA, France, Georgia, Iran, Ukraine, Argentina, Lebanon, Poland Syria, Turkey, Uzbekistan, Canada, Bulgaria, Australia, Germany, Greece, Iraq, Brasilia, Kazakhstan, Turkmenistan, Uruguay, Spain and other countries.

<sup>49</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. Georgetown University Press. Washington, 2005. P. 3-4.

<sup>50</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. Georgetown University Press. Washington, 2005. P. 29. Dual nationality has long been recognized as an issue in the relationship among states, and they have found their way into various international treaties over time; Peter J.Spiro, “Dual Nationality and the Meaning of Citizenship”, *Emory Law Journal* 46, no.4 (1997); 1412-85. However, a review of these various treaties and related instruments like human rights protocols emerges with two key findings that are relevant to our concerns here: (1) “The limitations that international legal norms impose on a state’s authority over nationality policy are unclear, but remain decidedly modest” (Aleinikoff and Klusmeyer, *Citizenship Today*, 65; emphasis added); and (2) “Despite the steady growth of adherence to these human rights instruments (treaties) commentators who have studied nationality law most closely in both its domestic and international aspects, have emphasized the decisive role, and relative autonomy of states in regulating national policy” (Aleinikoff and Klusmeyer, *Citizenship Today*, 69).

<sup>51</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. Georgetown University Press. Washington, 2005. P. 3.

<sup>52</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. Georgetown University Press. Washington, 2005. P. 7; 33. G.Escobar, “Immigrants’ Ranks Tripled in 29 Years,” *Washington Post*, January 9, 1999; U.S. Bureau of the Census, *Current Population Reports: The Foreign-Born Population in the United States: March 1999* (Washington D.C.: U.S. Government Printing Office, 2000); Steven A. Camorata, *Immigrants in the United States-2000: A Snapshot of America’s Foreign Born Population* (Washington, D.C.: Center for Immigration Studies, 2004); Eduardo Porter, “Estimate of Illegal Immigrants Reaches as Many as 8.5 Million for Some Experts,” *Wall Street Journal*, August 14, 2001.

<sup>53</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. Georgetown University Press. Washington, 2005. P. 7; 33. Camarota, *Immigrants*.

<sup>54</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. Georgetown University Press. Washington, 2005. P. 7; 33. The figures that follow, unless otherwise noted, are drawn from U.S. Bureau of the Census, *Profile of the Foreign Born Population in the United States: 1997, Current Population Reports Special Studies* (Washington, D.C.: U.S. Government Printing Office, 1997), 8-49.

<sup>55</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. Georgetown University Press. Washington, 2005. P. 6; 31. These include Belgium, Brunei, Cambodia, the Congo, Croatia, Finland, Liberia, Luxembourg, Malawi, Mauritania, Moldova, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Oman, Pakistan, Palau, Qatar, Rwanda, Sierra Leone, Singapore, Samoa, Sudan, Swaziland, Sweden, Taiwan, Tanzania, Thailand, Tonga, Uganda, Ukraine, United Arab Emirates, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, and Zimbabwe.

<sup>56</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. P. 194.

<sup>57</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. P. 196.

<sup>58</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. P. 202. Bruce Fein, “Dual Citizenship Folly,” *Washington Times*, March 1, 2005.

<sup>59</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. P. 202. Bruce Fein, “Dual Citizenship Folly,” *Washington Times*, March 1, 2005.

<sup>60</sup> Տե՛ս Stanley A. Renshon. *The 50% American. Immigration and National Identity in an age of Terror*. P. 203.

<sup>61</sup> Տե՛ս I. Blyunchli. *Modern international law of civilized countries*. P. 245, M., 1877.

<sup>62</sup> Տե՛ս These treaties contain provisions that dual citizens are obliged to serve in the army of the state in which they lived constantly or predominantly. If a dual citizen has served in one state’s military he or she must be considered free from military service in the other one.

<sup>63</sup> Տե՛ս The agreement between France and Israel provides that dual citizens must undergo military service in the state of constant residence. In case of residence in a third state, the subjects have the right to choose the state of obligatory military service. It is worth mentioning that the individuals who served in one state and have constant residence at another state are considered free from military service in the state of their second citizenship.

<sup>64</sup> Տե՛ս According to the bilateral treaty between France and Spain, a dual citizen is obliged to serve in the military forces of the state in which he has lived during last 12 months before reaching the age of 18. The regulation of military service issues in these treaties was based on the principle of effective citizenship.

<sup>65</sup> Տե՛ս Solomonyan Narine. *Armenian Journal of Public Policy. Dual Citizenship as a legal category*.

[http://www.aiprg.net/UserFiles/File/journal/special\\_issue\\_2006/ns-3.pdf](http://www.aiprg.net/UserFiles/File/journal/special_issue_2006/ns-3.pdf)

<sup>66</sup> Տե՛ս <http://www.icj-cij.org/docket/files/18/2676.pdf>

<sup>67</sup> Տե՛ս Solomonyan Narine. Armenian Journal of Public Policy. Dual Citizenship as a legal category. [http://www.aiprg.net/UserFiles/File/journal/special\\_issue\\_2006/ns-3.pdf](http://www.aiprg.net/UserFiles/File/journal/special_issue_2006/ns-3.pdf)

<sup>68</sup> Տե՛ս Solomonyan Narine. Armenian Journal of Public Policy. Dual Citizenship as a legal category. [http://www.aiprg.net/UserFiles/File/journal/special\\_issue\\_2006/ns-3.pdf](http://www.aiprg.net/UserFiles/File/journal/special_issue_2006/ns-3.pdf)

<sup>69</sup> Տե՛ս [www.arlis.am](http://www.arlis.am) Law of RA on Military obligation.

<sup>70</sup> Տե՛ս Stanley A. Renshon. The 50% American. Immigration and National Identity in an age of Terror. P. 207.

<sup>71</sup> Տե՛ս Stanley A. Renshon. The 50% American. Immigration and National Identity in an age of Terror. P. 207.

<sup>72</sup> Տե՛ս [http://lawdigest.uslegal.com/immigration/dualcitizenship/7259/KawakitaV.United States 1952](http://lawdigest.uslegal.com/immigration/dualcitizenship/7259/KawakitaV.United%20States%201952).

<sup>73</sup> Տե՛ս Stanley A. Renshon. The 50% American. Immigration and National Identity in an age of Terror. P. 207-208.

**ԱՄՓՈՓՈՒՄ**

***Երկրադաքացիությունը որակական և քանակական տեսանկյունից  
Երկրադաքացիություն. Հայաստանի և ԱՄՆ-ի իրավական կարգավորումները***

Մասնանադրական բարեփոխումներից հետո երկրադաքացիության վերաբերյալ ծագեց օրենսդրական կարգավորման անհրաժեշտություն, արդյունքում ի հայտ եկան վիճահարույց հարցեր, որոնց գիտական վերլուծությունն առ այսօր արդիական է:

Մասնավորապես, այնպիսի հարցեր, ինչպիսիք են երկրադաքացիության ընդունելի մոդելները, պետությունների պոզիտիվ պարտականությունները երկրադաքացիների իրավակարգավիճակի նկատմամբ, «արդյունավետ քաղաքացիության» սկզբունքի կիրառումը, երկրադաքացիության և ազգային անվտանգության հարցերի փոխհարաբերակցությունը, երկրադաքացիների ակտիվ և պասիվ ընտրական իրավունքների իրացումը, զինվորական պարտավորությունների կատարումը և այլն:

Հարկ է նշել, որ երկրադաքացիության ճանաչման հարցում պետությունները բաժանվում են մի քանի խմբի՝ պետություններ, որոնք ամբողջությամբ ճանաչում և ընդունում են երկրադաքացիությունը, պետություններ, որոնք ճանաչում են երկրադաքացիությունը մասամբ և պետություններ, որոնք ընդհանրապես չեն ճանաչում երկրադաքացիությունը: Մենք ավելի քան 90 պետության համապատասխան օրենսդրության վերլուծության հիման վրա, այս դասակարգմանը հավելել ենք պետությունների հետևյալ խմբերը՝ պետություններ, որոնք չեզոք են վերաբերվում երկրադաքացիությանը, պետություններ, որոնք չեն ճանաչում երկրադաքացիությունը, բայց գործնականում մասն պետություններում առկա է երկրադաքացիությունը կամ բացառիկ դեպքերում շնորհվում է երկրադաքացիություն, և պետություններ, որոնք շնորհում են երկրադաքացիություն միայն պայմանագրի հիման վրա և որոշակի սահմանափակումներով:

Երկրադաքացիության օրենսդրական արդյունավետ կարգավորման համար անհրաժեշտ է պարզել, թե ինչպիսի միջազգային պրակտիկա է գործում այս հարցի առնչությամբ և երկրադաքացիության որ մոդելին է պատկանում ՀՀ-ը: Այս առումով հետաքրքրաշարժ է նաև այն պետությունների իրավական դաշտի ուսումնասիրությունը, որտեղ մեծաքանակ հայկական սփյուռք է բնակվում՝ ԱՄՆ, ՌԴ և այլն: Մույն հոդվածում հատկապես ԱՄՆ է դարձել ուսումնասիրման առարկա, քանի որ երկրադաքացիության կարգավորման ոլորտն փորձ ունի՝ սկսած միջազգային երկկողմ պայմանագրերի կնքման նախահայր լինելուց մինչ ներկա օրենսդրական կարգավորում:

**РЕЗЮМЕ**

***Качественные и количественные аспекты двойного гражданства  
Двойное гражданство: правовые регулирования в Армении и в США***

После конституционных реформ возникла необходимость законодательного регулирования двойного гражданства, вследствие чего появились оспариваемые вопросы, научный анализ которых актуален и в наше время.

В частности, такие вопросы, как модели двойного гражданства, позитивные обязательства государств по отношению к правовому статусу лиц с двойным гражданством, применение принципа «эффективного гражданства», соотношение двойного гражданства и национальной безопасности, реализация активных и пассивных избирательных прав лиц с двойным гражданством, исполнение воинских обязанностей и т.д.

Необходимо отметить, что в вопросе двойного гражданства государства делятся на несколько групп: государства, которые полностью признают и принимают двойное гражданство, государства, которые признают двойное гражданство частично и государства, которые вообще не признают двойное гражданство. Мы, на основе анализа соответствующего законодательства более чем 90 государств, к этой группе государств добавляем следующие страны: государства, которые относятся к двойному гражданству нейтрально, государства, которые не признают двойное гражданство, но на практике есть случаи двойного гражданства или в редких случаях выдается двойное гражданство и государства, которые выдают двойное гражданство только на основе договора и с определенными ограничениями.

Для эффективного законодательного регулирования двойного гражданства необходимо выяснить какова международная практика по этому поводу и какой модели двойного гражданства принадлежит РА. В этой связи интересно изучение правового поля тех государств, где живет большая армянская диаспора: США, РФ и т.д.. В этой статье именно США является предметом изучения, так как США имеет специфический опыт регулирования двойного гражданства начиная от заключения международных двусторонних соглашений до нынешнего законодательного регулирования.