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**CONTRADICTION BETWEEN THE CONSTITUTION AND
THE CITIZENSHIP ACT IN REGARD TO MULTIPLE
CITIZENSHIP IN THE REPUBLIC OF ESTONIA AND ITS
EFFECT ON CITIZEN'S RIGHTS AND OBLIGATIONS**

Bachelor's thesis

Programme HAJB, specialisation EU and International Law

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Tallinn 2022

I hereby declare that I have compiled the thesis independently and all works, important standpoints and data by other authors have been properly referenced and the same paper has not been previously presented for grading.

The document length is 11 770 words from the introduction to the end of the conclusion.

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ABSTRACT

The issue of multiple citizenship and the continuous contradiction between the Constitution and Citizenship Act, which should technically regulate it, has been at the centre of discussion and topical theme in the Republic of Estonia for many years. This thesis analyses existing non-legal clarity in regard to multiple citizenship in the Republic of Estonia. The main research question that this thesis focuses on is: How does the contradiction between the Citizenship Act and the Constitution of the Republic of Estonia in regard to multiple citizenship affect the legal rights and obligations of a person? Based on the analysis of the legal aspects regarding multiple citizenship in the Republic of Estonia, the thesis additionally puts forward suggestion for a change within the legislation by the example of certain other European Union countries in order to eliminate the existing contradiction between the Citizenship Act and the Constitution as well as bring more legal clarity to the issue.

Keywords: multiple citizenship, contradiction, constitution, citizenship act, Estonia.

INTRODUCTION

Since restoring its independence on the 20th of August in 1991, the Republic of Estonia has had a strict citizenship policy due to long-standing historic reasons, such as non-allegiance to the state and security threat. The nowadays world is moving towards globalisation, the societies are more mobile and people move between the countries. Some of them stay in states for short period of time, while at the same time, other people move abroad, marry or can also be sent to work into another country.

In order to investigate the topic of contradiction of multiple citizenship related legislation in Estonia, it is necessary to define some of the key terms, such as “citizenship” as well as “dual citizenship”. Citizenship is something, which distinguishes a citizen through different special rights from those people, who have not been granted a citizenship.¹ From the legal point of view, citizenship is referred to as the legal bond between the state and the person concerned, to which also different civil, political, and social rights are attributed to, such as the right to liberty, right to vote and right to social security.² Citizenship also brings with obligations, such as, for example, the military service obligation for men, allegiance obligation and tax obligation.

Numerous often cited scholars, such as Rainer Bauböck, also refer to citizenship as a relation of an individual with a state.³ Under international law, the term often refers to the legal status, together with a bundle of legal rights and duties associated with it.⁴ It entails also the obligations for the other states to respect the legal bond of an individual with a certain state. Citizenship is what creates of the unity of rights and obligations that essentially determines the possibility and reality of subjective rights in public law.⁵

Multiple citizenship, sometimes also referred to as dual citizenship, is the simultaneous holding of more than one citizenship, whereby a person can claim exclusive rights, protection and membership from more than one state concurrently.⁶ Thus, a person has the same kind of legal

¹ Narits, R. (1996). Topeltkodakondsusest. *Juridica*, (9), 472–474.

² Macklin, A. (2018). The return of banishment: Do the new denationalisation policies weaken citizenship?. In *Debating transformations of national citizenship* (163–172). Springer, Cham.

³ McKinnon, C., & Hampsher-Monk, I. (Eds.). (2004). *Demands of citizenship*. A&C Black.

⁴ Stokke, K. (2017). Politics of citizenship: Towards an analytical framework. *Norsk Geografisk Tidsskrift-Norwegian Journal of Geography*, 71(4), 193–207.

⁵ Narits (1996), *supra nota* 1.

⁶ Horváth, E. (2008). Dual Citizenship in Europe: From Nationhood to Societal Integration, In: Thomas Faist (Ed.), *Nationalities Papers* (187–216). The United Kingdom: Cambridge University Press.

bond with different states. Being in dual citizenship status enables a person to enjoy both economic as well as political rights and opportunities in two different states. Dual citizenship has been treated internationally in various ways – it can be explicitly legal to have multiple citizenships, the issue can be ignored completely or it might be also that the state requires one to renounce one of the two citizenships.⁷

Multiple citizenship has become particularly relevant throughout the last years due to the developing world, where the movement of people between different countries is increasing. Furthermore, people work abroad and often over time settle in. Some of them even form a family abroad and this can lead to consideration of applying for citizenship in the country of residence and thus multiple citizenship comes in play.

The Republic of Estonia is no different in the matter and many Estonian citizens live and work abroad and some of them have in addition to Estonian citizenship second citizenship acquired elsewhere. In Estonia, dual citizenship is ruled out by the Citizenship Act, which provides in the second point of section 1 in article 1 that “An Estonian citizen may not simultaneously hold the citizenship of another state without prejudice to the special rules established in section 3 of this Act”.⁸ According to the section 3 subsection 1, “a person who as a minor acquires Estonian citizenship as well as the citizenship of another state must renounce either his or her Estonian citizenship or his or her citizenship of the other state within three years after attaining the age of 18 years”.⁹ At the same time, the act is overridden by the Constitution, which entails in the § 8 “no one may be deprived of an Estonian citizenship acquired by birth”, which means that it is prohibited to deprive a person of his or her Estonian citizenship that has been acquired by birth.¹⁰ This situation has created legal uncertainty for the citizens with dual citizenship regarding their rights and obligations.

The novelty of this topic lies in the fact that apart from comprehensive papers about the multiple citizenship situation in Estonia, there has not been any thorough research into solutions, how the legal contradiction between the Citizenship Act and the Constitution could be solved based on the example of neighbouring European Union countries.

⁷ Alarian, H. M., & Goodman, S. (2017). Dual citizenship allowance and migration flow: An origin story. *Comparative Political Studies*, 50(1), 133–167.

⁸ Citizenship Act. RT I, 08.07.2021, 6

⁹ *Ibid.*

¹⁰ The Constitution of The Republic of Estonia. RT I, 15.05.2015, 2.

From the legal point of view, multiple citizenship is unlawful in Estonia.¹¹ The Citizenship Act prohibits the holding of dual citizenship.¹² At the same time, the Constitution, which is the supreme law in the state, stipulates that the state cannot take away Estonian citizenship received by birth.¹³ Based on mentioned, there is no legal clarity about multiple citizenship in the Republic of Estonia.

The main research question that this thesis analyses is: Whether unequal treatment based on rights and obligations in connection with the contradiction between the Constitution of the Republic of Estonia and the Citizenship Act in relation to dual citizenship in the Republic of Estonia is justified?

The aim of the research is to provide suggestions to the Estonian Government for a change within the legislation by the example of certain other European Union countries in order to eliminate the existing contradiction between the Citizenship Act and the Constitution. The possible amendments could later be referred to the Estonian Parliamentary for adoption.

In order to achieve the aim, the following research objectives are set:

1. To provide an overview of the legal history of and analyze the concept of multiple citizenship
2. To provide an exploration of multiple citizenship and consequences towards rights and obligations due to legal contradiction in the Republic of Estonia
3. To provide an insight into the situation with multiple citizenship in selected European Union countries and make proposals at the national level on this basis

The thesis is based on qualitative analysis of the citizenship legislation in place in Estonia as well as rights and obligations, which go with the citizenship. The thesis also explores the legal framework in certain other European Union countries, such as Latvia, Lithuania, Finland and Denmark and on the basis of results provides a suggestion for a change within the legislation of Estonia. In addition, different rights and obligations are being examined, such as the right to liberty, right to vote, right to social security as well as military service obligation, allegiance obligation and tax-paying. The countries were chosen due to the fact that Estonia shares the same democratic values with those states. These four countries also have close relations with Estonia already for a long time. Estonia, Latvia and Lithuania have all had the same historical

¹¹ Citizenship Act, *supra nota* 8.

¹² *Ibid.*

¹³ The Constitution of The Republic of Estonia, *supra nota* 10.

background. Denmark and Finland, on the other hand, are the close neighbouring countries that could serve as role models. In addition, the author makes inquiries to the foreign authorities dealing with citizenship questions in Estonia, Latvia, Lithuania, Denmark and Finland. The methodology entails different methods of interpreting the law to interpret legal rules as well as legal-historical approach and legal-historical interpretation.

To find the answer to the main research question, the thesis is structured as follows. The first section explores the legal history and concept of multiple citizenship. Additionally, analyses the current lack of legal clarity within rights and obligations provided by the legal regulation and policy in the Republic of Estonia is done. The second chapter explains the situation with multiple citizenship in other chosen European Union countries. Following the chapter about the international experience about multiple citizenship, the thesis will provide possible solutions to the Estonian Parliamentary to change the Citizenship Act provisions regarding multiple citizenship to bring some legal clarity to the question of dual citizenship in Estonia.

1. MULTIPLE CITIZENSHIP

1.1. Brief legal history of multiple citizenship

In this subsection, the author will provide an overview of the legal history of multiple citizenship and explain its concept from the legal point of view. Citizenship can be acquired usually in two ways – on the basis of *jus sanguinis* principle, meaning that by the nationality or ethnicity of one or both of the parents or according to the *jus soli* principle, which entails that citizenship is determined based on the territory of the state, where one is born.¹⁴ However, when it comes to multiple citizenship, then it can be acquired through a scenario, where a person is born in a country, where the law of the territory, *jus soli*, not really used in the European Union, is in force, but whose parents are the citizens of a state, where the blood principle, *jus sanguinis*, for example, the Republic of Estonia, is used instead.¹⁵

The shifts in the citizenship policy indicate the increase of migration between countries, which inevitably results in people with different identities and ties. The roots of the legal history of the multiple citizenship lie within the 19th century.¹⁶ It used to be a norm internationally that multiple citizenship as such should be avoided. The states functioned on the basis of the so-called doctrine of “perpetual allegiance”. This meant that one should belong to only one state throughout their whole life.¹⁷ The held viewpoint was that multiple citizenship would not benefit the individuals concerned, while also affecting the relations of different nations.¹⁸ Citizenship was seen as tightly related to the sovereignty of the state and thus, dual citizenship was rather seen as a threat to this kind of bond between the state and its citizen. Human rights-related obligations were not as important as they are today and not accepting multiple citizenship entailed that states could treat the citizenships the way they wanted. In case multiple citizenship would have been allowed, the other state concerned could get involved and provide protection to the people with multiple citizenship.¹⁹ Furthermore, the family model of the aforementioned time period also reflected the attitude towards the issue. Namely, the traditional

¹⁴ Tanasoca, A. (2018). *The ethics of multiple citizenship*. Cambridge University Press.

¹⁵ Horváth (2008), *supra nota* 6.

¹⁶ Shachar, A., Bauböck, R. (2017). *The Oxford handbook of citizenship*. Oxford: Oxford University Press.

¹⁷ Tanasoca (2018), *supra nota* 14.

¹⁸ Yanasmayan, Z. (2015). *Citizenship on paper or at heart? A closer look into the dual citizenship debate in Europe*. *Citizenship Studies*, 19(6–7), 785–801.

¹⁹ Macklin (2018), *supra nota* 2.

family usually consisted of a man and a woman, who were born and grew up in the same country. It was not even rare when they originated from the same town as well as the region.²⁰

The mindset of one citizenship only still was hard to get rid of. The efforts were made even through international treaties to reduce multiple citizenship. Convention on Certain Questions Relating to the Conflict of Nationality Law came into force in 1930, which precisely provided for the opinion that there shall be only one nationality for a person.²¹ Possession of dual citizenship was seen as non-allegiance towards the state as well as possible treason. This particular convention was one of the conventions of the time, which had one of the leading roles in establishing the opposition towards multiple citizenship.²² The same approach was taken also by the International Law Commission of the United Nations in 1954, which put forward that one is entitled to only one nationality.²³ The states stuck to the system that in case an individual developed any kind of relations with another state, then the first citizenship lost effect instantly.

It was not until towards the second half of the 20th century, that very conservative take on dual citizenship gradually started changing. Societies and mankind became more mobile, people moved between the countries. As a result, the states grew into being more diverse and interconnected between themselves.²⁴ The doctrine of perpetual allegiance ceased to exist. By the 1960s and 1970s, states started neglecting various conventions, such as the Strasbourg Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality of 1963, which had affected so far the regulation of the dual citizenship. The convention was signed by twelve European countries, such as Denmark, Austria, Germany, the Netherland etc. In addition to everything else, gender equality saw positive developments around the world and rights of the women regarding the passing on of the citizenship became recognized.²⁵ Due to the fact that the trend among the states was that multiple citizenship became more common, the Convention also less fulfilled its objective. At the end of the 20th century, more specifically in 1993, the second Protocol of Strasbourg

²⁰ Shachar, A., Bauböck, R. (2017), *supra nota* 16.

²¹ League of Nations, *Convention on Certain Questions Relating to the Conflict of Nationality Law*, 13 April 1930, League of Nations, Treaty Series, vol. 179, 89, No. 4137.

²² Flournoy, R. W. (1930). Nationality Convention, Protocols and Recommendations Adopted by the First Conference on the Codification of International Law. *The American Journal of International Law*, 24(3), 467–485.

²³ Howard, M. M. (2005). Variation in Dual Citizenship Policies in the Countries of the EU. *International Migration Review*, 39(3), 697–720

²⁴ *Ibid.*

²⁵ *Ibid.*

Convention amended the 1963 Strasbourg Convention on the Reduction of Cases of Multiple Nationality and Military Obligations as well as the European Convention on Nationality of 1997 legalized dual citizenship in the European Union.²⁶

There has been a big shift in the attitude towards multiple citizenship, which has also been covered within the Maastricht Centre for Citizenship, Migration and Development (MACIMIDE) database, a database covering 200 states between the period of 1960 to 2018 combining various research lines across different Faculties of Maastricht University in order to contribute to a better understanding of the dynamics and consequences of transnational migration and mobility in a European and global context.²⁷ The MACIMIDE provides that if in the year 1960, it was a usual procedure that if one acquires another citizenship, then it is preceded by renouncement of the previous original citizenship, then by 2018 75% of countries allowed people who acquired another citizenship to retain their original citizenship as well.²⁸

Currently, citizenship is seen as a human right rather than a contract between the person and state concerned. Dual citizenship is currently treated either as an institutional, meaning de jure or non-institutional, meaning de-facto.²⁹ It is seen as something, which will be of benefit for the state as such a system would fasten the integration process of people and ease the process of naturalization of those who want it.

Dual citizenship is a topic, which is in a process of continuous development. However, looking at the trends, it can be said that due to the different benefits of dual citizenship, the attitude towards dual citizenship has moved from hostility to de-facto toleration.³⁰ The near future will bring with increasing number of countries accepting dual citizenship.

²⁶ Apostolache, M. A. (2015). Considerations on the issue of multiple citizenship. *Jurnalul de Drept si Stiinte Administrative*, 1(3), 14–22.

²⁷ Maastricht Centre for Citizenship, Migration and Development. Accessible: <https://macimide.maastrichtuniversity.nl/> , 10 January 2022.

²⁸ Flournoy (2017), *supra nota* 22.

²⁹ Shevchuk, Y. I. (1996). Dual citizenship in old and new states. *European Journal of Sociology / Archives Européennes de Sociologie / Europäisches Archiv Für Soziologie*, 37(1), 47–73.

³⁰ Sredanovic, D. (2016). Political parties and citizenship legislation change in EU28 countries, 1992–2013. *International Political Science Review / Revue Internationale de Science Politique*, 37(4), 438–452.

1.2. Introduction of multiple citizenship situation in the Republic of Estonia

The section will explain the situation of multiple citizenship in the Republic of Estonia. A comprehensive analysis will be done about the topic of multiple citizenship in Estonia from the legal point of view. The Estonian Citizenship Act citizenship is following the *jus sanguinis* principle.³¹ According to this principle, the descendants of the citizens will immediately get to become Estonian citizens. A citizen of the Republic of Estonia is not allowed to hold simultaneously Estonian citizenship and citizenship of another country as provided by the Citizenship Act.³² At the same time, the Constitution of Estonia does not allow the state to deprive one from citizenship, which has been acquired by birth.³³ The aforementioned entails that currently there is still a contradiction between the Citizenship Act and the Constitution. However, as the Constitution is superior, then it overrides what is written in the Citizenship Act and thus the state is not able to enforce citizenship law on the people with dual citizenship until the issue has been resolved. Furthermore, as a result of the lack of legal clarity, the authorities of the Republic of Estonia do not also have an in-depth overview of people with dual citizenship. The annex 5 showcasing e-mail correspondence with the Ministry of Interior officials is a confirmation of it. The statistics provided does not provide comprehensive overview as Ministry of Interior does not have data about past periods. No statistics is available retroactively, so no comparison is possible. Estonia does not really have a good overview of present situation. Information has been made available for a fee, and at considerable cost. Even the Statistical Database of Statistics Estonia, which manages, among other things, population statistics, does not provide any sufficient data. Similarly, Police and Border Guard Board does not provide any information.

According to the statistics from 2012, which is the latest available data on multiple of this kind on multiple citizenship, the following information is available:

- 201 330 people living in Estonia have one parent of Estonian nationality and one parent of foreign nationality, 193,043 of them have Estonian citizenship themselves;
- 12 131 persons with one parent of one foreign nationality and one parent of another foreign nationality of which 3 923 persons have Estonian citizenship;

³¹ Fein, L. C., & Straughn, J. B. (2014). How citizenship matters: Narratives of stateless and citizenship choice in Estonia. *Citizenship Studies*, 18(6–7), 690–706.

³² Citizenship Act, *supra nota* 8.

³³ The Constitution of The Republic of Estonia, *supra nota* 10.

- 27 034 persons belong to the group with one parent of undetermined nationality and one parent of a foreign nationality, of which 9 029 have Estonian citizenship themselves.³⁴

The aforementioned statistics are very old as well as unclear. The data is ambiguous and lacks concreteness. Based on international statistics deriving from research, Estonia is considered one of the most hostile countries, when it comes to the topic of dual citizenship.³⁵ According to the latest statistics of 2022 provided by the Population Register, there are 3 361 people with dual citizenship in the Republic of Estonia. Citizenship as such provides every citizen with certain rights as well as obligations. For example, on the basis of § 28 of the Constitution, Estonian citizens have the right to assistance from the state in the case of old age, incapacity for work, loss of a provider or need. Moreover, it can often be the case, that social assistance is received from multiple states, even though the tax is paid only in one state. These are just some examples of the rights, which the citizens hold. In the Republic of Estonia, a person holding a dual citizenship has a right:

- to vote in local elections if he or she has reached the age of 16, and in elections to the Parliament and the European Parliament and in referendums if he or she has reached the age of 18 and has not been declared legally incompetent by a court of law.
- belong to political parties
- stand as a candidate for election to the National Assembly if he or she is at least 21 years old
- stand as a candidate for President if he or she is at least 40 years of age and is a natural-born citizen.³⁶

Every citizen has obligations towards the state. The obligations are that one needs to be loyal to the constitutional order and defend Estonia's independence (duty of loyalty), an Estonian male citizen shall be a conscript of the Defence Forces until the age of 16 to 60 (national defence obligation) and the citizen must comply with Estonian constitutional order (citizens of

³⁴ (2013). Riigikogu kantselei ja õigus-ja analüüsisiosakond teemal Topeltkodakondsus. Accessible: https://www.riigikogu.ee/wpcms/wp-content/uploads/2015/01/Teemaleht_17_2013.pdf , 10 January 2022.

³⁵Dumbrava, C. (2015). Super-foreigners and sub-citizens: mapping ethno-national hierarchies of foreignness and citizenship in Europe. *Ethnopolitics*, 14(3), 296–310.

³⁶ Valimised. Accessible: <https://www.eesti.ee/et/kodakondsus-ja-dokumentid/kodakondsus/valimised> , 10 January 2022.

other countries and stateless persons staying in Estonia are also obliged to comply with Estonian constitutional order).³⁷

The Republic of Estonia evolves within multiple citizenship topic very slowly. The state is still stuck in old viewpoints and has not moved much closer to legalizing multiple citizenship. The state also lacks a necessary outlook on the present situation and statistical data regarding the amount of people affected by dual citizenship, which is one of the big factors restricting to solve the existing legal contradiction.

1.3. Regulation of multiple citizenship in the Constitution and the Citizenship Act

The following section will analyze the situation of dual citizenship in the Republic of Estonia and its framework. It will also provide how the existing contradiction affects the rights and obligations of the citizens. From the legal point of view, there is a contradiction on multiple citizenship in Estonia.

After the regaining independence in 1991, the number of Estonians, who acquired additional citizenship in addition to the Estonian one, increased rapidly. The Constitution states in § 8, that “no one may be deprived of an Estonian citizenship acquired by birth”³⁸. The provision guarantees thus that if one does not want to renounce one of the citizenships or one does not agree with the provision, then he or she can continue living with two different citizenships and the state cannot take any measures regarding the person. The exact same principle is also stipulated in § 5 (3) of the Citizenship Act itself.³⁹ It means that even though multiple citizenship is prohibited on the basis of the Citizenship Act, then due to the fact there is a constitutional prohibition on the depriving of the citizenship, then in reality it is not possible for the state to impose any kind of sanctions on the person due to him or her holding multiple citizenship. Presently, there is also a lack of legal clarity when it comes to providing Estonian government authorities with the written statement about renouncing previous citizenship in order to receive Estonian citizenship. The law does not anyway provide what happens in a case,

³⁷ The Constitution of The Republic of Estonia, *supra nota* 10.

³⁸ *Ibid.*

³⁹ Citizenship Act, *supra nota* 8.

where the state has not received any confirmation from the person concerned that the previous citizenship has been renounced.⁴⁰

Despite the the supremacy of the Constitution, Estonia has based its citizenship policy on the ban on dual citizenship. The Citizenship Act, which was passed on the 19th of January in 1995, states in the second point of section 1 in § 1 that “An Estonian citizen may not simultaneously hold the citizenship of another state without prejudice to the special rules established in section 3 of this Act”.⁴¹ Based on the same legal act, “a person who as a minor acquires Estonian citizenship as well as the citizenship of another state must renounce either his or her Estonian citizenship or his or her citizenship of the other state within three years after attaining the age of 18 years” according to the section 3 subsection 1.⁴² § 19 (3) stipulates that when applying for Estonian citizenship through the naturalization process, which means a process of acquiring citizenship for the person, who is not birth-right citizen, one must provide proof in a written form to the state authorities, indicating that he or she already has been or will be released from the previous citizenship or that a person is a stateless person. In addition, § 29 of the Citizenship Act stipulates that “the governmental authority authorised by the Government of the Republic deems a person to have ceased to be an Estonian citizen when the person accepts the citizenship of another state or when he or she renounces Estonian citizenship in favour of the citizenship of another state”.⁴³ Consequently, Citizenship Act rules out dual citizenship.

The fact that the Constitution prevails, means that the Citizenship Act actually will apply only to the scenarios, where citizenship is acquired through the naturalisation process. Consequently, the present policy leaves the person concerned into a situation, where he or she is violating Citizenship Act by not renouncing one of the citizenship. A person, who just wants to maintain ties with the other state continuously lives in violation of the latter act. The state cannot use any legal sanctions against the individual due to the supremacy of the Constitution, which overrides the latter act. Several Estonians holding dual citizenship have been members of the Estonian Government and have been elected to Parliamentary during 13th and 14th composition as well as earlier.⁴⁴

⁴⁰ Herzog, B. (2012). The paradoxes of citizenship removal: Soviet and post-Soviet citizenship. *East European Politics and Societies*, 26(04), 792–810.

⁴¹ Citizenship Act, *supra nota* 8.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ Järve, P. (2007). Estonian citizenship: Between ethnic preferences and democratic obligations,[w:] *Citizenship Policies in the New Europe*, eds. R. Bauböck, B. Perching, W. Sievers.

The mentioned legal contradiction has been also brought to the attention of the Chancellor of Justice of Estonia already a long time ago. Namely, in 2008, a natural person applicant turned to Indrek Teder, who was during that time the Chancellor of Justice, for analysing whether certain articles of the Citizenship Act comply with the Constitution.⁴⁵ The procedure was started by the chancellor of justice, who also turned to the Ministry of Interior for information request and the ministry's stance on the constitutionality of the provisions. The Ministry of Interior came to the conclusion that the provisions comply fully with the constitution, which from legal point of view is not true.⁴⁶ The overall state of the existing contradiction can be summarized in a way that Estonia currently *de facto* tolerates dual citizenship if Estonian citizenship has been received by one by birth.⁴⁷

When it comes to a debate about the legalization of multiple citizenship, then there are numerous advantages and disadvantages, which have been brought out by different interest groups. If a person has two citizenships, then, in reality, it also means commitments to two different countries concurrently. The Constitution puts forward in § 124 that “Estonian male citizens have a duty to participate in national defence on the basis and pursuant to a procedure provided by law”.⁴⁸ A dual citizen in the Republic of Estonia might face a scenario, where he or she needs to attend compulsory military service in multiple states at the same time, due to holding two different citizenships. The contradiction between the Citizenship Act and the Constitution leads to a situation, where on one hand, a citizen might face military service obligation in Estonia, but at the same time might be called up by Finnish military service. Furthermore, after military service, the person is granted the status of reservist in the army and might get recruited during training. It can lead to the situation, where Estonia is training a person for another state. In Lithuania, a person, who has served at military in the European Union or NATO member state can be exempt from military service, however they will be added to reservists list.⁴⁹ Similarly in Finland, one might get exempted from service if one is a citizen of another state and has resided for seven years abroad, but might still get called up if one

⁴⁵ (2008). Märgukiri. Accessible:

https://www.oiguskantsler.ee/sites/default/files/field_document2/6iguskantsleri_margukiri_sunniga_saadus_kod_akondsusest_loobumine.pdf , 17 January 2022.

⁴⁶ *Ibid.*

⁴⁷ Kochenov, D. (2011). Double Nationality in the EU: An Argument for Tolerance. *European Law Journal*, 17(3), 323–343.

⁴⁸ The Constitution of The Republic of Estonia, *supra nota* 10.

⁴⁹ (2022). F.A.Q. Accessible: <https://www.karys.lt/en/communicate/f.a.q/397> , 17 January 2022.

returns to Finland before the end of the year in which he turns 30 years old.⁵⁰ The contradiction between the legal acts leaves the officials in the dark as they might not have any information about the other citizenship. It can have a significant state security threat to the state in case of an individual has also citizenship of a third state and also possible non-allegiance in case of any military conflict. During a conflict, it might bring up a complicated situation, where there might be a risk that the person concerned will instead choose the allegiance of another country, which is more beneficial and will not fulfil a commitment to national defence to Estonia.

Having a multiple citizenship and having done military service abroad will also provide the person more favourable status compared to the person with one citizenship in Estonia as the latter will need to serve in military here, while the one with dual citizenship can be freed from service in Estonia and will not even be included in the reserve, which again frees from further obligations, such as military exercises carried out regularly after service. Dual citizenship might bring up difficulties for drafting reservists as multiple countries would need to somehow come up to solution, which country will get ultimately the right for that person. Thus, dual citizenship status brings quite a lot of problems both for the states as well as bigger obligations for the individuals who are dual citizenship holders.

However, multiple citizenship has numerous other effects for the states concerned, which can seem like a disadvantage for the states, but an advantage for the person. Namely, people with multiple citizens are allowed to vote during the local elections.⁵¹ This, in itself, can have a detrimental effect on the state and political landscape of the state concerned through, for an instance, election results. On the other hand, many scholars have argued against this and said that potential double voting is not really a big issue. Based on the opinion of some scholars, the power of an individual voice is too weak to have any direct effect on any kind of equality matter in politics. The held view of the scholars is that the bigger effect comes from those who are wealthy, but casual voters do not have any significant effect on politics.⁵² Furthermore, it has also been said that even though a dual citizen might be able to vote twice, then actually the voting takes place in different political systems and different elections and thus, it is wrong to refer to the situation as dual voting. However, if we take it into the Estonian context, then it can still have an effect on the result of the elections. Estonia has slightly over 1.3 million

⁵⁰ Ministry of Defence. (2008). Conscription Act. Accessible: <https://www.finlex.fi/en/laki/kaannokset/2007/en20071438.pdf> , 17 January 2022.

⁵¹ Valimised, *supra nota* 34.

⁵² Shachar, A., Bauböck, R. (2017), *supra nota* 16.

inhabitants and the electors turnout is not big. For example, in 2021, during the local elections, 54.7% of the populations cast the vote, but in a small municipality every vote counts.⁵³ Another problem arises with the Parliamentary elections. Section 4 of the Riigikogu Election Act provides that Estonian citizens who have attained 18 years of age by the election day have the right to vote.⁵⁴ This effectively means that also people with dual citizenship can go and vote for their preferred candidate. Dual voting right as such might seem as an innocent aspect in a bigger sense, but in a smaller country like Estonia, where anyway the voters amount is not big, such votes from people with multiple citizenship can have a significant impact. It has been outlined also by the European Court of Human Rights that dual citizens living abroad can have undue influence on the decision making in their origin state. Through voting, they are expressing their opinion on an issue that might not directly influence their present life. The right to vote for persons of dual nationality is contradicted by the fact that these persons are not exercising their voting right with the same care as the mono citizens.⁵⁵ The consequences of the elections are often borne by the resident citizens.

Dual citizenship enables one to receive a retirement pension from multiple states. According to the State Pension Insurance Act section 4, a person residing permanently in Estonia as well as a foreigner, who is a resident of Estonia within the meaning of Income Tax Act is entitled to receive a state pension. Additionally, State Pension Insurance Act stipulates that persons who have attained 65 years of age and whose pension qualifying period provided for in Chapter 8 of the Act and earned in Estonia is at least 15 years have the right to receive old-age pension.⁵⁶ The latter means that dual citizenship might be treated more favourably in material terms than a mono citizenship holder i.e single citizenship holder. The multiple citizenship holder will receive ultimately more money as an old-age pension and consequently will be in a better position financially. Moreover, the situation will affect and can slow down the integration process of the people.⁵⁷ The unresolved contradictory issue of multiple citizenship has been

⁵³ (2022). Hääletamisest osavõtu statistika. Accessible: <https://kov2021.valimised.ee/et/participation/index.html>, 10 February 2022.

⁵⁴ Riigikogu Election Act. RT I, 03.01.2020, 13

⁵⁵ Beckman, L. (2006). Citizenship and Voting Rights: Should Resident Aliens Vote?, *Citizenship Studies*, 10(2), 153–165.

⁵⁶ State Pension Insurance Act, RT I, 18.02.2022, 6.

⁵⁷ Kalev, L., Annus, R. (2012). Mitmikkodakondsuse võimalused ja riskid. *Riigikogu Toimetised*, 26, 52–62.

addressed numerous times by different political parties as well as experts from the Integration Foundation.⁵⁸

The underlying tone of the expressions on the state of the issue is that the state should finally resolve the contradiction that has been there for years now and bring some clarity. The majority of the political parties in Estonia represent the viewpoint that the ban on multiple citizenship has outlived its time and it is time to move on. In their opinion, Estonia should follow the example of other states, such as Latvia, Denmark and Finland, where dual citizenship is allowed.

In 2018, the Reform Party lodged a draft law “Kodakondsuse seaduse muutmise seaduse eelnõu (634 SE)” (“Draft Act amending the Citizenship Act (634 SE)”) in the Parliamentary in order to amend the Citizenship Act, but it was rejected during the first read as the constitutional affairs committee proposed to reject with 50 votes for and 35 against.⁵⁹ A year later, the Reform party lodged another draft law “Kodakondsuse seaduse muutmise seadus (37 SE)” (“Draft Act amending the Citizenship Act (37 SE)”), which was again rejected similarly through the proposal of a constitutional committee with 52 votes for and 30 against.⁶⁰ The reason behind the reject was the fact that it was argued that legalizing multiple citizenship would put citizens with only Estonian citizenship into unequal situation. Furthermore, multiple citizenship was said to be security threat for Estonia. Some politicians also did not agree with the choice of possible countries with whom multiple citizenship would have been allowed and said that it should either be all states or remain illegal.⁶¹ Another stance, which was brought up by the opposing politicians was that the draft law would create a situation, where different groups of people will suffer unequal treatment as the proposed amendments would treat unequally

⁵⁸ Kallas, K. (2016). Eesti inimarengu aruanne 2016/2017 Eesti rändeajastul. Accessible: <https://2017.inimareng.ee/sisseranne-ja-loimumine/kodakondsus-ja-poliitilised-oigused-randeajastul/> , 10 February 2022.

⁵⁹ Riigikogu (2018). Topeltkodakondsuse eelnõu lükati EKRE ja juhtivkomisjoni initsiatiivil tagasi. Accessible: <https://www.riigikogu.ee/fraktsioonide-teated/eesti-konservatiivse-rahvaerakonna-fraktsioon/topeltkodakondsuse-eelnou-lukati-ekre-ja-juhtivkomisjoni-initsiatiivil-tagasi/> , 15 February 2022.

⁶⁰ Reformierakond: sünnijärgseid kodanikke ei tohiks sundida kodakondsusest loobuma. (2019). Accessible: <https://www.delfi.ee/artikkel/87703443/reformierakond-sunnijargseid-kodanikke-ei-tohiks-sundida-kodakondsusest-loobuma> , 15 February 2022.

⁶¹ Riigikogu põhiseaduskomisjon (2019). Vabariigi Valitsuse arvamuse teatavaks tegemine kodakondsuse seaduse muutmise seaduse eelnõu (37 SE) kohta. Accessible: <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/147f7ee6-52cd-4cf4-b0fa-e2292ef15ebb/Kodakondsuse%20seaduse%20muutmise%20seadus> , 15 February 2022.

people, who have received citizenship by birth and people, who have acquired it through naturalisation.⁶²

The Republic of Estonia does not have any mechanism for a good overview of the amount of those with dual citizenships, because people do not have an obligation to disclose such information to Estonian authorities. The state does not have clear statistical information about the exact amount of people with dual citizenship both in Estonia as well as those living abroad. The aforementioned fact has been also brought forward by the Ministry of Interior. Namely, the author of this paper has turned to the Ministry of Interior with a request about the number of people with dual citizenship in the Republic of Estonia. The request was answered by an advisor from the Citizenship and Migration Policy Department of the ministry. Their answer also acknowledged that in reality, the person might not provide the state with the relevant information, which impedes the authorities from having a clear overview of the real amount of those concerned with the topic (Annex 1). Consequently, unfortunately Estonian authorities do not have a clear picture of the amount of affected people by multiple citizenship nor an effective mechanism to even get such data.

The multiple citizenship has both advantages and disadvantages. The Republic of Estonia should re-evaluate its current stance regarding the legal contradiction and its affect on rights and obligations on the citizens concerned. It would be necessary for the state to investigate the legal experience of other neighbouring countries and implement similar solution locally.

⁶² *Ibid.*

2. POSSIBLE SOLUTIONS TO THE CONTRADICTION OF MULTIPLE CITIZENSHIP IN ESTONIAN LEGISLATION

2.1. Analysis of Multiple Citizenship in other countries

The following sections will give an overview of the multiple citizenship policy in the chosen European Union countries. None of those countries have constitutional contradiction in dual citizenship matter. In addition to the countries featured in this thesis, the author has asked for the most recent statistics also from multiple other countries, which have not been included in this thesis. There is no unity among the member states of the European Union on multiple citizenship, but it can be said that most of the countries allow it under certain conditions. The amount of countries, which does not allow it at all is rather small, e.g Spain and Austria.⁶³

2.1.1. Multiple citizenship in Denmark

When looking at the topic of multiple citizenship on the example of other European Union countries, then example could be brought from Denmark. While most of the European Union countries have amended their laws regarding citizenship, then Denmark has still in force citizenship act from the year 1950.⁶⁴ Denmark similarly with Estonia has been for years quite strict when it comes to dual citizenship. In 2002, the person, who wanted to become a Danish citizen through the naturalization process was obliged to pledge allegiance to Denmark, had to reside 9 consecutive years in Denmark as well as provide sufficient knowledge of local language and familiarity with the history, society and culture of the country. A few years later, in 2006, the measures were taken further and the applicant had to also prove that he or she has not received any financial benefits from another country more than a year within the previous 5 years period and the citizenship test was introduced.⁶⁵ No information was provided to the author of the paper by the Ministry of Immigration and Integration regarding the number of people with dual citizenship in Denmark due to the fact that The Ministry of Immigration and Integration did not find any cases nor information, which would answer inquiry. Extracting

⁶³ Yossi H. & Pablo M. (2019). Strategic citizenship: negotiating membership in the age of dual nationality, *Journal of Ethnic and Migration Studies*, 45(6), 843–857.

⁶⁴ Midtbøen, A.H. (2019). Dual Citizenship in an Era of Securitisation: The Case of Denmark. *Nordic Journal of Migration Research*, 9(3), 298–303.

⁶⁵ *Ibid.*

such information would require more than using few simple commands and consequently would need general administrative process, which is not possible at this stage (Annex 2).

A quite big change in the citizenship policy happened in 2011 when dual citizenship was legalized. Under the law reform, the children of immigrants can receive Danish citizenship quite easily and without needing to renounce a previous citizenship. The Danes, who are living abroad are also to keep their Danish citizenship or retrieve it without any serious restrictions. The new policy marked the end of one of the harshest citizenship policies in Europe.⁶⁶ Another very crucial fact about the shift towards multiple citizenship was the fact that the change was done through reaching a consensus among all Danish parties. The main referred factor in dual citizenship was the fact that there is no reason to conclude that one will lose affiliation with Denmark when working in another country and opting for the second citizenship.⁶⁷ Another argument brought up in the process was the using dual citizenship as a security measure, which means that if a person commits a serious crime, such as a terror attack on the soil of Denmark, then state is able to strip him or her from the Danish citizenship and expel the person.⁶⁸

Denmark policy is a good example when analysing the present state in Estonia. It is possible to draw a parallel here as similarly like in Estonia, Denmark used to have a very strict stance towards multiple citizenship, but the consensus was reached among different parties in the Parliament and a new page was turned and dual citizenship got accepted and legalized. There is a harsh criticism about dual citizenship and most opponents similarly see Estonian citizenship strictly linked to loyalty and possible security threat to the country. The possible viable solution here is that it would be possible to implement, for an instance a dual citizenship stripping possibility. It could entail that any serious crime committed against Estonia might lead to the deprivation of Estonian citizenship.

2.1.2. Multiple citizenship in Latvia

Latvia is one of the countries, which also permits dual citizenship. However, the citizenship policy at the beginning of 2000s was no different from usual trend, where dual citizenship was very strictly regulated. The move towards more liberal take on dual citizenship began already in 2004, when Latvia faced harsh criticism from Latvians living abroad regarding the multiple citizenship. Furthermore, the statistics regarding the people, who left the state. As a result, the

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

government created a working group, whose task came to be to investigate the issue and come up with specific changes, which could be accordingly implemented.⁶⁹

Latvian citizenship law got amended in 2013 and dual citizenship was widened. Since 2013, according to the Article 9 of Latvian Citizenship Law (*Pilsonības likums*) dual citizenship is allowed in Latvia in case the person has received the first citizenship from a state, which belongs to the European Union, the European Free Trade Association, NATO, some specific countries like New Zealand, Australia as well as states with which Latvia has concluded international agreements.⁷⁰ Moreover, on the basis of the same Article, the Cabinet of Minister has a right to allow a person concerned to retain its other citizenship if it really serves in a certain way the interest of state. The right for another citizenship is also granted to those, who has granted such a status through adoption or marriage.⁷¹ The aim of allowing dual citizenship in Latvia was to make sure that the flow of immigrants is made up primarily of “emigrants return”, useful for the future needs of the economy, and to stem, as far as possible, the arrival of foreign immigrants.⁷² In other cases, for example, when a person has gotten the other citizenship while not being off the age, then they need to renounce another citizenship or by the age of 25, lodge an application to renounce Latvian citizenship.⁷³

The total number of dual citizens in the Republic of Latvia as of 1st of January 2021 according to the Ministry of Interior was 35,363 (Annex 3). Furthermore, one of the important advantages of the Latvian approach to multiple citizenship through limiting it to so-called friendly states and democratic countries is again the security issue, which is all the time brought up. In the states belonging to, for example, the European Union, NATO, European Free Trade Association, the same democratic values are being strongly upheld that are in Latvia. However, making dual citizenship accessible to other groups, would, on the other hand, have a detrimental effect on liberal democratic values. Latvian dual citizenship amendments from 2013 could potentially put forward another possible pathway to follow for Estonia. The amendments included also some specific countries of which citizenship holders could also

⁶⁹ Krūma, K. (2010). Country Report: Latvia. *EUDO Citizenship Observatory*.

⁷⁰ (1994). Citizenship Law. Accessible: <https://likumi.lv/ta/en/en/id/57512-citizenship-law> , 12 February 2022.

⁷¹ *Ibid*.

⁷² Carpinelli, C. (2019). The Citizenship Policies of the Baltic States within the EU Framework on Minority Rights. *Polish Political Science Yearbook*, 48(2), 193–221.

⁷³ Van Der Baaren, L. (2020). *Dual citizenship in the European Union: trends and analysis (2010-2020)*. European University Institute. Accessible: https://cadmus.eui.eu/bitstream/handle/1814/67854/RSCAS_2020_04.pdf?sequence=1&isAllowed=y , 12 February 2022.

become citizens of Latvia. The reason behind is that those particular states have been friendly states towards Latvia via accepting their refugees years ago.⁷⁴

2.1.3. Multiple citizenship in Lithuania

Lithuania is one of those countries, where just like in Estonia, multiple citizenship is prohibited by law. More specifically, the Constitution of Lithuania holds in Article 12, that a person cannot simultaneously have the citizenship of Lithuania as well as a citizenship of some other state, except for in very specific circumstances, which are mentioned in the law.⁷⁵ Multiple citizenship is quite strictly regulated in Lithuania. The first amendments of 2016 of the Republic of Lithuania Law on Citizenship put forward that a person is eligible for dual citizenship in case where the person himself or herself or if the person has one or more parent, grandparent or grandparent, who had Lithuanian citizenship between the period of 1918 and 1940 and who left the country before 1990 without repatriating.⁷⁶ According to the legislation in force, dual citizenship is possible only for those who can reinstate their Lithuanian citizenship. Such a procedure is available only for those aforementioned people, meaning those with citizenship between 1918–1940 and who fled the country during the war due to Soviet or Nazi occupation or are descendants of such people. The dual citizenship policy has been handled in Lithuania case-by-case basis.

Since 2016, the Lithuanian Citizenship Law got amended. It meant that there are more cases under which a person may hold citizenship of another state. More specifically, Article 7 has laid down 10 cases, which allow a person to hold dual citizenship. Some of the exceptions are, for example, acquiring citizenship of the Republic of Lithuania and citizenship of another state at birth, by virtue of marriage, through adoption of Latvian citizens before becoming 18 years old or getting adopted by citizens of another state before reaching the age of 18, while being Latvian citizen.⁷⁷ However, in 2019, a referendum took place, which was about amending the citizenship law Article 12 in the Constitution of the Republic of Lithuania and legalize dual citizenship for all Lithuanians. The voter turnout was not large and consequently did not fulfil

⁷⁴ Birka, I. (2015). “Evaluation of Dual Citizenship Regulation of Latvia in Accordance with Theories of Democracy”.

⁷⁵ The Constitution of The Republic of Lithuania (1992). Accessible: https://www.legislationline.org/download/id/8210/file/Lithuania_Constitution_1992_am2019_en.pdf , 12 February 2022.

⁷⁶ (2010). Republic of Lithuania Law on Citizenship. Accessible: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/7d4f43a1d63b11e69c5d8175b5879c31?jfwid=-ji9gtnhdw> , 18 February 2022.

⁷⁷ *Ibid.*

the threshold requirement of having the voter turnout above 50%, and at least 33.3% of registered voters would be in favour of the proposal. The law did not get amended.⁷⁸ Presently no statistics is being provided to natural person (Annex 4).

Significant difference that Lithuania has and other two Baltic States do not have is that Lithuanian citizenship is also granted to Lithuanian Jewish citizens, who had to leave Lithuania due to facing persecutions between 1918 and 1940.⁷⁹ When it comes to citizen's obligations, such as military service, which is compulsory to male citizens, then those, who have already served in other European Union or state belonging to the North Atlantic Treaty Organization (NATO), then it is possible to request for the recognition of the service as equivalent to the one done in Lithuania. However, the citizen will still be a reservist and can be called up during trainings or in time of needs. Similarly to Estonia, Lithuanians have big concerns about military service and patriotism and consequently have remained with the amendments of 2015 and allow multiple citizenship case-by-case basis.

2.1.4. Multiple citizenship in Finland

Finland is another country, which had a very similar take on multiple citizenship as Estonia. Throughout history, Finland has been under the rule of the Swedish Kingdom as well as Russian Federation. During those eras, citizenship laws were not really covered and there was no legal clarity on the matter whatsoever. Multiple citizenship was in the centre of discussions for a long time and as of 2003, Finland joined the countries, where dual citizenship is allowed. In 2003, Nationality Act was passed. The act was of great importance as it did not include any more provisions about the loss of Finnish citizenship after the person has acquired citizenship of another state. In addition, the legal act made it possible for reacquiring Finnish citizenship if it was previously lost due to the prohibition of multiple citizenship.⁸⁰

Finland used to be of an opinion that multiple citizenship might have a security threat to the country, shared loyalty, military service as well as voting rights.⁸¹ These arguments are the same that Estonian experts and politicians have held and still hold about dual citizenship. Within the years those views changed and multiple citizenship was rather seen as positive and

⁷⁸ (2019). 2019 05 14 Referendum on Dual Citizenship held in Lithuania. Results. Accessible: <https://www.migration.lt/referendum-on-dual-citizenship-held-in-lithuania-results> , 18 February 2022.

⁷⁹ Carpinelli (2019), *supra nota* 72.

⁸⁰ Groenendijk, K., Ersbøll, E., Waldrauch, H., & Bauböck, R. (2006). *Acquisition and Loss of Nationality/ Volume 2: Country Analyses: Policies and Trends in 15 European Countries* (588). Amsterdam University Press.

⁸¹ *Ibid.*

in the bigger picture even useful for the state. The abolition of the prohibition on dual citizenship would enable Finland to have better ties with the citizens living abroad as well as re-establishing connections with the diaspora population. There are a lot of immigrants living in Finland, who have ended up there due to different reasons. The state authorities considered multiple citizenship as a way to make it easier for them to get Finnish citizenship and through that make a big breakthrough in integration. Having Finnish citizenship will provide them full rights and obligations and equalize them with the native citizens of Finland.⁸²

Nowadays, based on Finnish legislation, multiple citizenship is legal. It is possible to apply for Finnish citizenship when a number of requirements are fulfilled. According to Section 21 of the Finnish Nationality Act, it is possible to acquire Finnish citizenship if the person holds the citizenship of Iceland, Norway, Sweden or Norway if the person concerned has been permanently resident and domiciled in Finland for the last two years without interruption.⁸³ When one decides to apply for citizenship of another country, then Nationality Act also does not require renouncement of Finnish citizenship. The total amount of Finnish citizens, who are considered dual citizens is, based on the statistical data, provided to the author, of 2020, 149 879 (Annex 5).⁸⁴

2.2. Harmonization of multiple citizenship legislation based on international legal practice

The following part will discuss potential ways for harmonization of multiple citizenship related legislation on the basis of the expertise of previously mentioned countries. The author has analysed the concept of multiple citizenship in the European Union countries on the example of Latvia, Lithuania, Denmark and Finland. Table 1 gives an overview of the countries and the authorities, which have been turned to in the course of the thesis and the responses received.

⁸² *Ibid.*

⁸³ Nationality Act. Accessible: en20030359_20070974.pdf (finlex.fi) , 20 February 2022.

⁸⁴ 1rk -- Finnish citizens with dual nationality by age and second nationality, 2000–2020. Accessible: https://pxnet2.stat.fi/PXWeb/pxweb/en/StatFin/StatFin__vrm__vaerak/statfin_vaerak_pxt_11rk.px/table/tableViewLayout1/ , 20 February 2022.

Table 1. National authorities queried by the author and respective responses received in terms of the number of persons with dual citizenship, answer

Country	Addressee	Answer
Estonia (Appendix 1)	Population Register of the Estonian Ministry of Interior	Population Register provided that they currently do not have the number of persons with dual citizenship in Estonia, but they can find it from the database. The data analyst had to write a program to get the data, there was a fee of EUR 83.
Denmark (Appendix 2)	The Ministry of Immigration and Integration of Denmark	It is not possible to provide relevant data as no data was found among documents and cases, which could go under the author's inquiry.
Latvia (Appendix 3)	The Ministry of Foreign Affairs of Latvia	The Ministry provided data as of January the 1st 2021.
Lithuania (Appendix 4)	Migration Department under the Ministry of the Interior of the Republic of Lithuania; Statistics Department	Lithuanian authorities forwarded the statistics and suggested to look further from the website of the Migration Department.
Finland (Appendix 5)	Statistical Information Service of Finland	Finnish statistics department provided an official database, which has a detailed overview of dual citizenship holders throughout the years.

Source: Aasma (2022)

The Republic of Estonia has had a conservative take on the issue of citizenship since becoming an independent state. The chosen countries have all had similar approach to the multiple citizenship years ago, but have since changed their stance. Based on the situation in Latvia, Lithuania, Finland or Denmark, it would be possible to harmonize the citizenship law in the Republic of Estonia. There is no legal contradiction in the four mentioned countries as citizenship laws in force very effectively regulate the area and are in line with constitution. For an instance, it would be possible to make use of Denmark's legal practice where dual

citizenship is explicitly and it is not anymore necessary to renounce citizenship of another country. Furthermore, Estonia could also make use of the policy that the state does not demand renouncing of domestic citizenship if the person decides to apply for citizenship abroad.

In case Estonia would like to stick to its quite conservative and strict policy, then it would be possible to follow the Lithuanian lead. Lithuania has kept a rather regulated stance in multiple. The laws provide clear situations and exceptions which allow holding dual citizenship. Furthermore, as provided in earlier chapter, the state deals with it case by case basis. Estonia could also revise its legislation and provide specific scenarios for dual citizenship. For example, it can be added to the law, that if one has acquired both citizenship as a virtue of birth, then multiple citizenship status can be kept. Similarly, getting additional citizenship via marriage could be adopted in Estonia. Even though Lithuania did not succeed at a referendum for amending its citizenship legislation, then still such a referendum idea should be considered in Estonia as well. It can be a good guidance for the politicians and legal experts about the stance of Estonians on this issue.

Another possibility for harmonization could be to make a list of so-called friendly countries and allies and allow dual citizenship with those countries. This is something that the Republic of Estonia could take over from Denmark. Regarding friendly countries on example of Denmark, Estonia could amend the citizenship laws to allow dual citizenship with the member states of the European Union and the European Free Trade Association. The list of allied countries can be extended, which for example could include the members of the North Atlantic Treaty Organisation (NATO). The countries, which belong among the member states of the latter also share the same democratic values and principles as Estonia. As has been stated regarding the Danish approach, then these friendly states are the states, which accepted Estonian refugees during world wars when they applied for asylum after fleeing the Republic of Estonia. Finnish legislation is another example of having a friendly country policy. It means that here again Estonia could amend the law and provide an additional list of countries with which multiple citizenship would be allowed.

3. FURTHER STEPS WITH MULTIPLE CITIZENSHIP IN THE REPUBLIC OF ESTONIA

In chapters 1 and 2, the thesis has examined the legal history of dual citizenship, its domestic legal contradiction and deriving direct influence on the rights and obligations of a citizen. Attention was brought to the way multiple citizenship has been handled in Latvia, Lithuania, Denmark and Finland. In the present chapter, the author puts forward suggestions for the Estonian Government, implementation of which would bring clarity into the topic of multiple citizenship in Estonia and remove the contradiction between Constitution and the Citizenship Act.

Examination of Estonian legal contradiction and inquiry into state authorities in terms of multiple citizenship, has shown that the state has taken a superficial approach to dual citizenship. From the national enquiries, one gets the impression that the State does not even really have a direct interest in clarifying the matter and resolving the legal conflict. There has not been real debate among the authorities on the existing debates. Instead, there have been populist standpoints during election campaigns regarding the policies from different political parties with the aim to address the potential electorate. Unfortunately, the issue of dual citizenship and legal contradiction is still unresolved. To this day there is no legal clarity about dual citizenship holders. Presently it seems that dual citizenship contradiction is not of priority to Estonian authorities even though that in some cases it could even pose a threat to national security. The countries, which have been covered in this paper, have had similar strict policy towards dual citizenship, which however has been changed to acceptance. Based on the experience of those other countries, it would be possible to better develop dual citizenship in a way that would create greater legal clarity for the Estonian state.

Today, the Citizenship Act prohibits explicitly holding of dual citizenship for Estonian citizens. Applying for citizenship second would require theoretically losing Estonian citizenship. In order to apply for Estonian citizenship while having one of another country requires lodging an official document, which needs to confirm that previous citizenship has been renounced. The Constitution prohibits the state from stripping the person from taking away the Estonian citizenship acquired by birth, thus latter requirements cannot be enforced either. Unfortunately, nothing has been done in order to eliminate the contradiction between the two legal acts. It is time to review the existing laws and make necessary amends. Similarly to the countries, which

have been covered within the paper, Estonia should amend the current Citizenship Act as well as establish transparent statistics regarding dual citizenship holders.

The author puts forward following proposals for amendments to the Estonian Government:

Amendments to Citizenship Act:

Amend § 1 Section 1 in the following way:

- An Estonian citizen may at the same time be a citizen of another country in accordance with the special provisions of this Act.

Remove current section 1 of § 3 and amend the article in the following way:

- A person who, as a minor, acquires or obtains the citizenship of both Estonia and another country does not have to renounce the citizenship of either Estonia or another country within three years of attaining the age of 18, subject to specified exceptions.

Add another subsection under § 3, which would be worded as follows:

Estonian citizens, who has acquired the citizenship by birth, may be citizen of an another country if:

- The country belongs to the European Union
- The country belongs to the European Free Trade Association
- The country belongs to the North Atlantic Treaty Organization
- The country belongs to the list of countries with which the Republic of Estonia has special agreements.

Another section should be added under the same article:

A person, who is holding citizenship of another country can apply for Estonian citizenship if: he or she has resided in the Republic of Estonia for a sufficient number of years; the person does not have any criminal background; the person has enough knowledge of Estonian language.

The mentioned amendments would solve the legal uncertainty of dual citizenship in the Republic of Estonia, eliminate the legal contradiction as well enable comprehension of the situation. Based on the practice of other states, the Republic of Estonia could benefit from the amendments and make multiple citizenship work for itself.

CONCLUSION

The aim of this thesis has been to provide suggestions to the Government of the Republic of Estonia for change of current legislation of multiple citizenship with a goal to get rid of the conflict between the two laws – the Constitution of the Republic of Estonia and Citizenship Act. Furthermore, the effect of the legal contradiction on rights and obligations has been examined.

The thesis has examined the legal history, legal regulation of multiple citizenship in the Republic of Estonia, more specifically contradiction between Citizenship Act and the Constitution regarding this matter and its effect on the rights and obligations of citizens. The thesis has explained multiple citizenship situation in Estonia as well as in other countries like Latvia, Denmark, Lithuania and Finland. On the basis of a qualitative analysis of the current Estonian laws and proposed actions, the thesis concludes that the legal uncertainty, which affects a big amount of people has a negative effect on the obligations that come together with the citizenship as well as causes inequality between different groups of people. This entails that Estonians, who are the holders of dual citizenship often face double obligations from different states, while at the same time profit from different benefits that states grant to the citizens. Such a system requires intervention from the Estonian government. The thesis also puts forward specific proposals of amendments to the Estonian Government.

Citizenship law in Estonia is shaped in a way that on the one hand, Citizenship Act rules out a situation where one person has citizenship of the Republic of Estonia. On the other hand, however, Constitution of Estonia overrides the same law and provides that one cannot be deprived of the citizenship acquired by birth. Estonian state authorities do not have a good comprehensive overview about the scale of multiple citizenship holder in Estonia. The statistics on hand does not give full overview to the state, because due to the contradiction, state does not have any mechanism either how to get the data. The citizenship related legislation does not in fact give instructions or straight obligations for an individual to inform officials about the dual citizenship status. The enquiries to both state authorities in Estonia as well as abroad within embassies confirmed the situation. Estonia is not putting in effort to collect relevant data.

Regarding the rights and obligations, then as has been put forward in the thesis, multiple citizenship brings with both benefits as well as difficulties for citizen. On the one hand,

Estonian citizen with multiple citizenship status can enjoy bigger rights than a mono-citizen Estonian citizen due to receiving more social benefits from the states, such as bigger pension, due to sourcing it from multiple states. Furthermore, multiple citizenship has direct effect on elections. People holding dual citizenship can make use of their privilege on the face of enjoying the right to cast votes at elections in the both states, where they hold the citizenship. Estonia being a small country population wise means that such a loophole can have effect on the political scene through votes casted by people, whose daily life is not directly affected by Estonian politics. There have been attempts by some parties to change the contradiction through amendments to the existing laws, but the proposed legal drafts were all pushed back by the parliamentary parties of the time.

The situation regarding multiple citizenship was looked into on the example of other chosen European Union countries like Denmark, Latvia, Lithuania and Finland. All those four countries allow dual citizenship. The Republic of Estonia could take over some of the citizenship policy present in those countries, such as creating a list of certain friendly countries or other kind of specific countries with which dual citizenship could be legal. The author has suggested that Estonia should amend § 1 and § 3 of the Citizenship Act through changing their wording. Furthermore, a new section should be added under §3, which would have a list of specific countries with which Estonia would allow holding a dual citizenship.

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APPENDICES

Appendix 1. Inquiry into Population Register of the Ministry of Interior regarding Number of People With Dual Citizenship in Estonia

Tere

Hetkeseisuga meil **topeltkodakondsusega isikute** arvu ei ole. Kuid saame selle andmebaasist välja võtta. Saan ma õigesti aru, et soovite ainult arvu?

Kuna andmeanalüütikul tuleb andmete saamiseks kirjutada programm, siis on teenus tasuline, maksumus on 83. - eurot.

Lugupidamisega

Eveliina Varis

Rahvastikuregistri klienditugi

e-kiri: abi@rahvastikuregister.ee

Telefon: +372 612 4444

Siseministeeriumi infotehnoloogia- ja arenduskeskus

www.smif.ee

Käesolev e-kiri võib sisaldada asutusesiseseks kasutamiseks tunnistatud teavet.

This email may contain information that has been classified as internal use.

From: Norman Aasma <normanaasma232@gmail.com>

Sent: 2022-01-17 19:42:01.071

To: abi@rahvastikuregister.ee

Subject: **Topeltkodakondsusega isikute** arv Eestis

TÄHELEPANUI Tegemist on väljastpoolt asutust saabunud kirjaga. Tundmatu saatja korral palume linke ja faile mitte avada!

Tere!

Olen Norman Aasma. Olen Tallinna Tehnikaülikooli 3. kursuse õigusteaduse tudeng ja kirjutan bakalaureuse lõputööd teemal, mis on seotud **topeltkodakondsusega** Eestis. Kas Siseministeeriumil on andmeid kui palju on hetke seisuga **topeltkodakondsusega isikute** arv Eestis? Internetiotsingute tulemusel olen leidnud vaid andmed 2012. aasta seisuga, kuid sellest on 10 aastat möödunud ja seega andmed kindlasti muutunud.

Lugupidamisega Norman Aasma E-post: normanaasma232@gmail.com Tel: +372 53 090 157

Appendix 2. Inquiry into Ministry of Foreign Affairs of Denmark regarding Number of Persons With Dual Citizenship in Denmark

Number of persons with dual citizenship in Denmark ➤ 🖨️ 🔗


 **Norman Aasma** <normanaasma232@gmail.com> Thu, 20 Jan, 22:03 ☆ ↶ ⋮
to um ▼

Hello!

My name is Norman Aasma. I am a third year law student at Tallinn University of Technology. I am writing my graduation thesis on the topic related to the dual citizenship situation in Estonia and using several countries including Denmark as an example. Thus, I have a question. Namely, does the Ministry of Foreign Affairs of Denmark have data on how many people with dual citizenship are there currently in Denmark and how many there were there by the date 31.12.2020, 31.12.2019 and 31.12.2015?

Thank You in advance
Best regards
Norman Aasma
E-mail: normanaasma232@gmail.com
Tel: +372 53 090 157

The Ministry of Immigration and Integration letter of 3 February 2022 (UIM Id: 1891699)

 **Jura** <juraehed@uim.dk>
to me ▼

Dear Norman Aasma

Please find attached the Ministry of Immigration and Integrations letter.

Yours sincerely,

Christoffer Bruus
Specialkonsulent
Juraenheden

Udlændinge- og Integrationsministeriet
Departementet
Slotsholmsgade 10
1216 København K
Telefon: 6198 4000
E-mail: uibm@uim.dk
www.uim.dk

Appendix 3. Inquiry into Ministry of the Interior of the Republic of Latvia regarding Dual Citizenship in Latvia

Number of persons with dual citizenship in Latvia ▷



Norman Aasma <normanaasma232@gmail.com>
to pasts ▾

Thu, 20 Jan, 21:09 ☆ ↶ ⋮

Hello!

My name is Norman Aasma. I am a third year law student at Tallinn University of Technology. I am writing my graduation thesis on the topic related to the dual citizenship situation in Estonia and using several countries including Latvia as an example. Thus, I have a question. Namely, does Latvian Ministry of Interior have data on how many people with dual citizenship are there currently in Latvia and how many there were there by the date 31.12.2020, 31.12.2019 and 31.12.2015?

Thank You in advance

Best regards

Norman Aasma

E-mail: normanaasma232@gmail.com

Tel: +372 53 090 157

Fwd: Number of persons with dual citizenship in Latvia ▶ Inbox x



Zane Zeimule <zane.zeimule@pmlp.gov.lv>

to me ▾

Labdien!

Saskaņā ar Fizisko personu reģistra datiem uz 01.01.2021. Latvijā ir **35 363** Latvijas un citas valsts dubultpilsoņi.

Dati par 31.12.2019 un 31.12.2015. nav apkopoti.

Hello!

The total number of dual citizens in Latvia on January 1, 2021 - **35 363**.

Data for 31.12.2019 and 31.12.2015. not compiled.

--

Ar cieņu

Pilsonības un migrācijas lietu pārvaldes

Personu statusa kontroles nodaļas

vadītāja vietniece Zane Zeimule

tālrunis 371 67219485

Appendix 4. Inquiry into Migration Department under the Ministry of the Interior of the Republic of Lithuania regarding Dual Citizenship in Lithuania

Number of persons with dual citizenship in Lithuania ➤



Norman Aasma <normanaasma232@gmail.com>
to Info ▾

Thu, 20 Jan, 21:52 ☆ ↶ ⋮

Hello!

My name is Norman Aasma. I am a third year law student at Tallinn University of Technology. I am writing my graduation thesis on the topic related to the dual citizenship situation in Estonia and using several countries including Lithuania as an example. Thus, I have a question. Namely, does Migration Department under the Ministry of the Interior of the Republic of Lithuania have data on how many people with dual citizenship are there currently in Lithuania and how many there were there by the date 31.12.2020, 31.12.2019 and 31.12.2015?

Thank You in advance
Best regards
Norman Aasma
E-mail: normanaasma232@gmail.com
Tel: +372 53 090 157

Ats: Number of persons with dual citizenship in Lithuania request ➤ Inbox x



Informacijos centras <info@migracija.gov.lt>
to me ▾

Wed, 26 Jan, 08:59 ☆ ↶ ⋮

Hello,

We would like to inform that public statistical data is available on the website of the Migration department <https://migracija.lv.lt>. The information that is not available to the public can be provided only to the legal entities. You may also contact the Statistics department at: info@stat.gov.lt

Sincerely
Migration Department under the Ministry of the Interior of the Republic of Lithuania



Tel. +370 707 67000
E-mail: info@migracija.gov.lt
<http://www.migracija.lv.lt/>
<http://www.migracija.lt/>


MIGRACIJA.LT

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Appendix 5. Inquiry into Statistics Finland regarding Dual Citizenship in Finland

Number of persons with dual citizenship in Finland ✕ 🖨️ 📧


 **Norman Aasma** <normanaasma232@gmail.com> Wed, 26 Jan, 10:58 ☆ ↶ ⋮
to info ▾

Hello!

My name is Norman Aasma. I am a third year law student at Tallinn University of Technology. I am writing my graduation thesis on the topic related to the dual citizenship situation in Estonia and using several countries including Finland as an example. Thus, I have a few questions.

1. Does Statistics Finland have data on how many people with dual citizenship are there currently in Finland?
2. Does Statistics Finland have data on how many there were people with dual citizenship in Finland by the date 31.12.2020, 31.12.2019 and 31.12.2015?

Thank You in advance
Best regards
Norman Aasma
E-mail: normanaasma232@gmail.com
Tel: +372 53 090 157

 **STAT YHT Info** <info@stat.fi> Wed, 26 Jan, 13:33
to me ▾

Dear Norman Aasma,

Thank you for your email. You can find our statistics on the structure of the population here: https://tilastokeskus.fi/til/vaerak/index_en.html
Database tables are available here: https://pxnet2.stat.fi/PXWeb/pxweb/en/StatFin/StatFin_vrm_vaerak/?tablelist=true
Please use the table 11rk -- Finnish citizens with dual nationality by age and second nationality, 2000-2020: https://pxnet2.stat.fi/PXWeb/pxweb/en/StatFin/StatFin_vrm_vaerak/statfin_vaerak_pxt_11rk.px/
Please see an example retrieval here: <https://pxnet2.stat.fi/443/PXWeb/sq/fcc79096-59e6-4119-8525-8197b2796ab2>
Population structure 2021 will be published 31 March 2022.

Here are instructions on how to select data from database tables:

- In the table list, click the name of the table from which you want to select data.
- Select the data you want from the boxes by clicking the variable. The selected row turns blue. At least one variable must be selected from boxes marked "mandatory".
- If you want to select several variables from one box, press the Ctrl button when selecting. Consecutive variables can also be highlighted with the mouse.
- If the box has a "Select classification" drop-down menu, you can select different classifications from it, such as different area or age groups.
- When you have selected the data you want, press the "Show table" button.
- You can save the table on your device. Saving options for different file formats can be found in the drop-down menu "Save result as...".
- A link to the table you made is available in the drop-down menu "Save your query".

More instructions on how to use the table: http://www.stat.fi/tup/tilastotietokannat/ohjeet_en.html

Best regards,
Maija Maronen

Statistics Finland
Statistical Information Service
+358 29 551 2220
info@stat.fi

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I Norman Aasma

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