

# JURISPRUDENCE

## BIPATRISM AND ITS PROBLEMS

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### Abstract

Bipatrism or dual citizenship refers to the legal status of a person being a citizen of two countries at the same time. While this offers advantages such as greater employment opportunities, ease of travel and access to social services in both countries, it also creates a number of challenges. First, bipatrism can lead to legal conflicts. Dual citizens are subject to the laws of both countries, which can sometimes conflict. For example, issues with military service obligations, tax obligations and legal responsibilities may arise, potentially leading to legal disputes and difficulties. Second, dual loyalties can cause significant anxiety. Individuals with dual citizenship may face situations where the interests of two countries collide, leading to a dilemma as to which country to prioritize. This can be especially problematic during times of diplomatic tension or conflict between two nations. In addition, bipatrism can complicate diplomatic relations. Countries can have different views on citizenship, which can lead to tensions with one nation refusing to recognize dual citizenship status. It can affect diplomatic negotiations and international relations. Finally, the administrative burden is considerable. Managing dual citizenship requires careful attention to the legal and bureaucratic requirements of both countries, which can be time-consuming and expensive.

**Keywords:** dual citizenship, problems, legal conflicts, national loyalty, tax issues

**Research methods:** analysis, synthesis, historical and comparative methods were used in the research work. To achieve the scientific results of the work, systematic, process, resource and effective approaches were used.

### Introduction

#### *Bipatrism*

Bipatrism, also known as dual citizenship, refers to the status of a person who is a legal citizen of two countries at the same time. This situation can arise in several ways, such as birth, naturalization, marriage or descent [3]. The legal recognition and consequences of dual citizenship vary widely between countries, with some states allowing it fully and others imposing restrictions or outright prohibitions.

Paths to dual citizenship:

- Birth: A child born to parents of different nationalities or in a country that practices *jus soli* (law of land) can acquire dual citizenship at birth.
  - Naturalization: An individual can acquire a second citizenship by completing residency and other requirements in another country.
  - Marriage: Some countries offer fast-track citizenship processes for foreign spouses, potentially leading to dual citizenship.
  - Descent: Individuals can claim citizenship through ancestral lines if the laws of their country of origin allow it.
- Advantages:
- Freedom of movement: Dual nationals can travel, live and work freely between the two countries without a visa or residence permit.
  - Access to services: They can access public services, education and healthcare in both countries.
  - Employment opportunities: Dual citizenship can provide more job opportunities in both countries.

- Political Participation: Dual citizens can vote and run for office in either country, provided both countries allow it.

### *Problems of bipatrism*

Bipatrism, or dual citizenship, presents several legal and political challenges that individuals must address. One important issue is conflicting obligations. Dual citizens may be subject to conflicting legal requirements in both countries. For example, they may be required to serve in the military in both countries, which causes legal and logistical problems. Moreover, differences in laws and enforcement systems between the two countries can create complex situations for dual citizens [1]. Another major problem is double taxation. Dual citizens may face the risk of being taxed on their global income by both countries. This can lead to complex tax situations and potential financial burdens. Despite tax treaties designed to reduce double taxation, navigating these treaties requires comprehensive knowledge and often professional advice, which can be costly. Legal conflicts are also a serious problem. Different legal systems can create conflicts over matters such as inheritance, divorce, and child custody. For example, a divorce finalized in one country may not be recognized in another, leading to lengthy litigation and uncertainty. Inheritance laws can vary widely, which can lead to disputes over the distribution of assets. Child custody issues can be particularly problematic because each country has its standards and regulations, making them difficult to enforce and resolve. Overall, while dual citizenship offers advantages, it also requires careful consideration and navigating a complex web of legal and political issues that often require expert guidance. Questions may arise about the loyalty of a dual citizen, especially if the two countries have strained diplomatic relations or conflicting interests.

Dual nationals may face restrictions on accessing sensitive information or working in certain government jobs due to security concerns. Dual nationals may face difficulties with visa requirements as some countries may not recognize one of the passports. When a legal problem arises abroad, dual nationals may find it difficult to get help from embassies, especially if the incident involves another country of citizenship [5]. Navigating between two cultural identities can be difficult, potentially leading to feelings of divided loyalty or identity confusion. Dual nationals may have access to social benefits in both countries but may be expected to contribute (e.g., through taxes or social service obligations) in both countries. Tracking and maintaining valid passports, visas, and other legal documents for both countries can be difficult. Compliance with the laws and regulations of both countries requires constant vigilance and knowledge of each country's legal changes. Dual citizenship can complicate inheritance and property laws, especially if the two countries have different rules. Issues such as divorce and child custody can become more complicated when the laws of two different countries are involved. In addition to double taxation, there may be complex financial reporting requirements for both countries, which may require specialized and expensive legal and accounting services. Some countries impose restrictions on ownership, investment, or business operations by dual nationals, potentially limiting economic opportunities. Overall, while dual citizenship can offer numerous advantages, it also presents a variety of challenges that individuals must carefully consider and manage. Each country has its own laws and regulations regarding dual citizenship, which can add another layer of complexity to the situation.

### Conclusion

Consequently, while dual citizenship, or bipatriism, offers individuals enhanced mobility across borders, cultural enrichment, and economic opportunities, it is not without challenges. The main concerns about dual citizenship revolve around legal complexities, potential conflicts of loyalty, and national security issues.

Legally, navigating between the two rights, duties, and obligations can be complex, often requiring careful consideration of different legal frameworks and diplomatic agreements between countries. In addition, dual citizens may face loyalty dilemmas in times of conflict or political tension between their two countries of citizenship, raising questions about where their true loyalties lie. From a national security perspective, dual citizenship can present vulnerabilities, as individuals may have access to sensitive information or positions of influence in multiple countries. This aspect requires robust regulatory frameworks to effectively manage risks and prevent abuses. In addition, dual citizenship can lead to administrative burdens, particularly about consular services, tax obligations, and military service requirements. These practical challenges require clear policies and efficient administrative procedures to ensure fair treatment and accountability for dual nationals. While dual citizenship offers significant advantages, including promoting global interaction and personal autonomy, addressing its associated complexities and potential drawbacks is critical to ensuring fair and secure international relations in an increasingly interconnected world.

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