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ENSURING CITIZENSHIP RIGHTS IN THE REPUBLIC OF UZBEKISTAN (RESOLVING THE PROBLEM OF REDUCING THE NUMBER OF STATELESS PERSONS IN THE REPUBLIC OF UZBEKISTAN)

Submission Date: November 20, 2023, **Accepted Date:** November 25, 2023,

Published Date: November 30, 2023

Crossref doi: <https://doi.org/10.37547/ijlc/Volume03Issue11-13>

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ABSTRACT

This article discusses the right to citizenship and the right to own it, as well as solving the problem of reducing the number of stateless persons in the Republic of Uzbekistan. Also, the article examines the legal documents defining the legal status of state citizens and stateless persons. The article presents the reasons for the emergence of stateless persons and solutions and suggestions for reducing their number.

KEYWORDS

Citizenship, stateless persons, citizenship, passport, birth, adoption, birth certificate, Civil Affairs Commission.

INTRODUCTION

Before talking about ensuring the right to citizenship in the Republic of Uzbekistan, we should have an understanding of the citizenship of the Republic of Uzbekistan. According to Article 8 of the Constitution of the Republic of Uzbekistan, the people of Uzbekistan are citizens of the Republic of Uzbekistan, regardless of their nationality. Citizenship in the Republic of Uzbekistan defines the permanent political-legal relationship of a person with the state, which is expressed in the sum of mutual rights, obligations and responsibilities and is based on the recognition and respect of human dignity, basic rights

and freedoms. Also, Article 22 of the Constitution stipulates the establishment of a single citizenship in the entire territory of the Republic of Uzbekistan. Relations in the field of obtaining and terminating the citizenship of Uzbekistan are regulated by legal documents.

Basically, legal relations related to the citizenship of Uzbekistan are regulated by the Law "On Citizenship of the Republic of Uzbekistan" adopted on March 13, 2020. According to the law, citizenship in the Republic of Uzbekistan is expressed in the sum of mutual rights, obligations and responsibilities of a person with the

state. It determines the permanent political-legal relationship based on the recognition and respect of human dignity, basic rights and freedoms. In the Republic of Uzbekistan, a single citizenship has been established for the entire territory of the country, and a citizen of the Republic of Karakalpakstan is also a citizen of the Republic of Uzbekistan. Citizens of the Republic of Uzbekistan have the same status before the law, regardless of gender, race, nationality, language, religion, social origin, faith, personal and social status. Everyone has the right to become a citizen in our country. No one can be deprived of the citizenship of the Republic of Uzbekistan or deprived of the right to change citizenship. The state protects the rights, freedoms and legal interests of its citizens in the territory of Uzbekistan and outside its territory. Decisions on acceptance of citizenship, restoration of citizenship, withdrawal of citizenship or loss of citizenship are adopted by the President of the Republic of Uzbekistan in the form of decrees and enter into force from the date of signing.

According to the Law "On Citizenship of the Republic of Uzbekistan", the following are citizens of the Republic of Uzbekistan:

- a person who lived permanently in the Republic of Uzbekistan as of July 28, 1992, was not a citizen of a foreign country and expressed a desire to become a citizen of the Republic of Uzbekistan;
- a person who lived in the territory of Uzbekistan, went out of Uzbekistan to study before July 28, 1992, continuously studied or served in the military, and within one year after the end of the study or military service A person who has returned to Uzbekistan and is registered as a permanent resident in the Republic of Uzbekistan, provided that he does not have foreign citizenship;

- a person who has the citizenship of the Republic of Uzbekistan on the date of entry into force of the Law "On Citizenship of the Republic of Uzbekistan";

- a person who has received the citizenship of the Republic of Uzbekistan in accordance with the above-mentioned Law.

Citizenship documents are used to determine citizenship in Uzbekistan. A passport, identification card or other document indicating the existence of citizenship of the Republic of Uzbekistan is recognized as a document confirming citizenship.

So, on what basis is it possible to get the citizenship of Uzbekistan? Citizenship of the Republic of Uzbekistan is acquired in the following cases:

- by birth;
- when the child is adopted;
- As a result of acceptance and restoration of the citizenship of the Republic of Uzbekistan.

In the case of obtaining citizenship by birth, if the parents (or one of them) were citizens of the Republic of Uzbekistan at the time of the child's birth, the child will acquire citizenship. Also, if the parents are stateless persons, but the child was born in the territory of Uzbekistan, that child receives the citizenship of Uzbekistan.

One of the cases of obtaining citizenship is the adoption of a child by citizens of the Republic of Uzbekistan. In this case, a child who is a citizen of a foreign country or a stateless person receives the citizenship of the Republic of Uzbekistan.

Admission to the citizenship of the Republic of Uzbekistan is carried out in a general procedure, in a simplified procedure and in a separate procedure.

In general, in order to implement the constitutional powers of the Republic of Uzbekistan to resolve the citizenship issues, the Citizenship Issues Commission under the President of the Republic of Uzbekistan is established. The commission is established for a period of five years and is an advisory body under the President, and its composition is also approved by the President. The main tasks of the commission are as follows:

- Consideration of petitions related to citizenship of the Republic of Uzbekistan, submission of proposals to the President of the Republic of Uzbekistan on citizenship issues;
- Control over the implementation of decisions on civil issues adopted by the President of the Republic of Uzbekistan;
- Analyzing the implementation of the legislation on citizenship of the Republic of Uzbekistan, submitting proposals to the President of the Republic of Uzbekistan aimed at eliminating the identified problems in this direction;
- study of international practice and advanced foreign experience on citizenship issues.

Before considering the issue of reducing the number of stateless persons in the Republic of Uzbekistan, it is appropriate to study the reasons for the emergence of stateless persons and what measures experienced countries are taking to solve this problem. At the end of 2021, the United Nations High Commissioner for Refugees (the agency mandated to prevent and reduce statelessness) counted 4.3 million stateless persons worldwide, but due to insufficient data, their

estimated that the actual number could be more than 10 million. So, what are the main causes of statelessness? The following situations often cause the increase in the number of stateless persons:

- lack of a birth certificate;
- political changes that may change the citizenship status of citizens of former states;
- conflict of laws between two countries or destruction of official documents;
- laws restricting the acquisition of citizenship;
- loss of citizenship or exit from it without first obtaining another one.

The legal status of stateless persons in Uzbekistan and the procedure for their acceptance into citizenship are regulated by the Law "On Citizenship of the Republic of Uzbekistan". Article 3 of this law explains the concept of a stateless person as follows: "A stateless person is a person who permanently lives in the territory of the Republic of Uzbekistan, is not a citizen of the Republic of Uzbekistan and does not have proof of citizenship of a foreign country". It is in Article 6 of this Law that the recognition of the citizenship of the Republic of Uzbekistan to a stateless person is explained. According to it, a stateless person can be recognized as a citizen of Uzbekistan on three grounds:

1. A person who was registered as a permanent resident in the Republic of Uzbekistan until January 1, 2005, and who did not previously hold the citizenship of a foreign country, shall be recognized as a citizen of the Republic of Uzbekistan if he so wishes.
2. If the person applying for citizenship has been living in the territory of Uzbekistan for 15 years and has not been a citizen of a foreign country during this period, he is recognized as a citizen of Uzbekistan.
3. A child, one of whose parents is recognized as a citizen of the Republic of Uzbekistan, shall be

recognized as a citizen of the Republic of Uzbekistan if he expresses his wish. But he must not have received the citizenship of a foreign country and must be living in Uzbekistan.

CONCLUSION

On March 10, 2021, the Presidential Decree No. PF-6185 "On providing an updated procedure for consideration of issues related to the citizenship of the Republic of Uzbekistan" was adopted and the following was established in order to reduce the number of stateless persons:

- "certificate of residence", "confirmation form", "citizen of a foreign country" and other terms were added to legal documents.
- the procedure for granting the citizenship of Uzbekistan to children who are considered citizens of a foreign country based on the place of birth and the citizenship of their parents was introduced;
- the period of non-registration at the consulate, which causes the loss of citizenship, was changed from 3 to 7 years;
- reducing the number of stateless persons - was defined as one of the main principles of citizenship.

In conclusion, in order to solve the problem of reducing the number of stateless persons, first of all, it is necessary to create awareness about statelessness and determine the number of stateless people. In addition, it is important to increase the administrative capacity of the registry office, strengthen political will, and eliminate the deficiencies in the national legislation that cause statelessness.

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