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ADMINISTRATIVE PROCEDURES OF THE STATE MIGRATION SERVICE OF UKRAINE RELATING TO CITIZENSHIP

Abstract. **Purpose.** The purpose of the article is to reveal administrative procedures of the State Migration Service relating to citizenship. **Results.** The article characterises administrative procedures of the State Migration Service relating to citizenship. Relying on the analysis of the definition of “administrative procedure,” the administrative procedures of the State Migration Service of Ukraine relating to citizenship are considered as the procedure, prescribed by law, for the processing of administrative cases by the State Migration Service of Ukraine, as well as the decision making on the acquisition, retention, loss and recovery of citizenship with a view to ensuring the rights, freedoms and legitimate interests of a person. The specificities of the administrative procedure are its normative regularity, an appropriate sequence of actions, the result thereof is the adoption of an administrative regulation or the conclusion of an administrative contract; a mandatory public administrator involved. The administrative procedures of the State Migration Service of Ukraine relating to citizenship, such as processing of applications, decision making, the right to a review, fees, are analysed. It is emphasised that administrative procedures relating to citizenship should be improved by solving the problems of responsibility of officials and officers of the State Migration Service of Ukraine for violation of the legislation on citizenship; acquisition of citizenship by individuals, living on the temporarily occupied territories, which requires further development of domestic legislation. It is emphasised that the procedure for the processing of applications and complaints on citizenship and the implementation of decisions taken determines the requirements for the submission of applications and other documents for the establishment, registration and verification of Ukrainian citizenship, adoption of Ukrainian citizenship, registration of acquisition of Ukrainian citizenship, termination of Ukrainian citizenship. **Conclusions.** It is concluded that the priority trends in improving administrative procedures of the State Migration Service of Ukraine relating to citizenship is an immediate solution of the problems of responsibility of officials and officers of the State Migration Service of Ukraine for violation of the legislation on citizenship; acquisition of citizenship by individuals, living on the temporarily occupied territories, which requires further development of domestic legislation.

Key words: State Migration Service, administrative procedure, citizenship, decision, legal regulation, temporarily occupied territories, actor.

1. Introduction

One of the trends in reforming the activity of administrative bodies is improvement of existing approaches and development of new ones to their functioning. In this context, the study of administrative procedures as a central concept in the system of administrative law is increasingly important. The definition of “administrative procedure” has not yet been established, despite the frequent use of this term in the scientific and educational literature. This raises the question of defining the legal nature of the administrative procedure of the SMS

relating to citizenship, as well as trends in its improvement in the field under study.

It should be noted that administrative procedures have been and remain the subject of scientific interest by domestic and foreign administrative scientists such as: V. Averianov, D. Bakhrakh, Yu. Bytiak, O. Bandurka, V. Harashchuk, I. Holosnichenko, M. Dzharafrova, Ye. Demskyi, T. Kolomoyets, A. Komziuk, O. Lahoda, Ye. Leheza, H. Pysarenko, V. Tymoshchuk, V. Shkarupa, and others. In the field of state migration policy, this concept has been studied in the works by O. Vlasenko,

S. Mosondz, V. Olefir, Ya. Poiedynok, N. Tyn-dyk, and others.

The purpose of the article is to reveal administrative procedures of the State Migration Service relating to citizenship.

2. Specificities of the administrative procedure

In general, a "procedure" is an officially established or accepted manner in which something should be implemented, executed or registered; a number of any actions, the course of something (Bilodid, 1970, p. 343). At the legislative level, the definition of "administrative procedure" is defined in the draft Law of Ukraine "On administrative procedure" of June 09, 2015 – administrative procedure – the manner, prescribed by law, in which administrative proceedings should be conducted; administrative proceedings shall consist of a series of procedural actions consistently performed by an administrative body and procedural decisions taken to consider and resolve an administrative case, culminating in the adoption and, where necessary, execution of an adopted administrative regulation (Draft Law of Ukraine On Administrative Procedure of June, 2015). Therefore, the legislator proposes to define the concept through the definition of "proceeding" as synonymous. In this context, Yu. Frolov argues that the concepts of "procedure" and "proceeding" correlate as "statics" and "dynamics" (Frolov, 2013).

In the scientific literature, administrative procedure is defined as the procedure established by the provisions of administrative procedural law for the activities of actors of legal relations in the implementation of legal regulatory mechanism for public administration, processing and resolution of specific administrative cases (Ishchenko, 2017); the manner, established by law, in which individual administrative cases are processed and resolved by public administration bodies with a view to ensuring the rights, freedoms and legitimate interests of individuals and legal entities, the normal functioning of civil society and the State (Halunko, Olefir, Pykhtin, 2011, p. 276); the manner, established by law (officially), in which administrative cases are processed and resolved by administrative bodies, aimed at the adoption of an administrative regulation or the conclusion of an administrative contract (Komziuk, Bevzenko, Melnyk, (2007, p. 47).

The analysis of the given definitions allows to focus on the broad understanding of this concept, when through the procedure describes almost all activities of public administrators, as well as on a narrow understanding – the resolution of individual administrative cases by public administration bodies.

Therefore, the definitions given make it possible to identify the specificities of the administrative procedure are its normative regularity, an appropriate sequence of actions, the result thereof is the adoption of an administrative regulation or the conclusion of an administrative contract; a mandatory public administrator involved.

The administrative procedures of the SMS relating to citizenship are the procedure, prescribed by law, for processing administrative cases by the State Migration Service of Ukraine, as well as the decision making on the acquisition, retention, loss and recovery of citizenship with a view to ensuring the rights, freedoms and legitimate interests of the individual.

The administrative procedures of the SMS relating to citizenship is based on principles: 1) The rule of law, implying that a person, his or her rights and freedoms are recognised as high values and determine the content and focus of State activities; 2) Legality, implying that administrative procedures for processing a case are carried out within the limits of competence in accordance with the Constitution of Ukraine and other laws of Ukraine, as well as on the basis of international treaties consented by the Verkhovna Rada of Ukraine as binding; 3) The equality of participants in administrative proceedings before the law, providing for the equality of rights of persons involved in the administrative procedure, regardless of race, skin colour, political, religious or other beliefs; sex, ethnic and social origin, property, place of residence, linguistic or other characteristics; 4) The impartiality of the administrative authority, which shall treat all participants in the administrative procedure equally; 5) The administrative authority's proper use of the powers conferred; 6) The reasonableness of actions implying the conduct of the administrative procedure and decision making, taking into account all the circumstances of the case; 7) Proportionality – the negative effects for the individual and the public interest should be minimal. Furthermore, the administrative authority shall observe the principle of proportionality in procedural actions and decision making; 8) The transparency of the administrative procedure, implying that the right of everyone to have access to information relating to the exercise of powers by the administrative authority is ensured; 9) The timeliness and reasonable time, required for the processing and resolution of a case within the time either prescribed by law, or within a reasonable time, that is, the shortest time sufficient for the conduct of the administrative procedure without undue delay (Draft Law of Ukraine On Administrative Procedure, 2015).

The administrative procedures of Ukraine relating to citizenship are carried out by the SMS under the legal regulations as follows: Law 2235- III of Ukraine of January 18, 2001 "On Citizenship of Ukraine", the Decree of the President of Ukraine Procedure for Processing of Applications and Submissions on Citizenship and Execution of Decisions, approved by the Decree 215 of the President of Ukraine of March 27, 2001 (in the edition of Decree 588 of the President of Ukraine of June 27, 2006), Resolution 795 of the Cabinet of Ministers of June 04, 2007 "On approval of the list of paid services provided by units of the Ministry of Internal Affairs and the SMS, and payments for their provision", Decree 7-93 of the CMU "On the State Fees" of January 21, 1993, Order 715 of the Ministry of Internal Affairs of August 16, 2012 "On approval of samples of documents submitted for identification of the citizenship of Ukraine, adoption of the Ukrainian citizenship, registration of acquisition of Ukrainian citizenship, termination of Ukrainian citizenship, termination of decisions on registration of Ukrainian citizenship".

The concept of "citizenship/nationality" is enshrined in the European Convention on Nationality of the Council of Europe of 6 November 1997, ETS 166: "Nationality' means the legal bond between a person and a State and does not indicate the person's ethnic origin" (European Convention on Nationality, 1997), as well as in Law 2235-III of Ukraine "On Citizenship of Ukraine" of January 18, 2001: "Citizenship" is the legal bond between a natural person and Ukraine, which is manifested in their mutual rights and duties (Law of Ukraine On Citizenship of Ukraine of January, 2001).

In addition, the European Convention on Nationality of the Council of Europe defines the procedures relating to nationality, such as:

1) Processing of applications: Each State Party shall ensure that applications relating to the acquisition, retention, loss, recovery or certification of its nationality be processed within a reasonable time;

2) Decisions: Each State Party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality contain reasons in writing.

3) Right to a review: Each State Party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality be open to an administrative or judicial review in conformity with its internal law;

4) Fees: Each State Party shall забезпечує, щоб ensure that the fees for the acquisition, retention, loss, recovery or certification of its nationality be reasonable. Each State Party shall ensure that the fees for an administrative or

judicial review be not an obstacle for applicants (European Convention on Nationality, 1997).

The territorial bodies of the SMS of Ukraine decide on the acquisition of Ukrainian citizenship: 1) by birth; 2) by territorial origin; 3) due to adoption of citizenship; 4) as a result of recovery of citizenship; 5) as a result of adoption by the adopting parents; 6) as a result of guardianship or custody of the child, placement of the child in a health-care institution, an educational institution or other children's institution in a family-type children's home or a foster family; 7) as a result of guardianship of a person recognised as incapable by a court; 8) in connection with the Ukrainian citizenship of one or both parents of a child; 9) as a result of recognition of paternity or maternity or establishment of paternity or maternity; 10) on other grounds provided for in international treaties consented by Ukraine as binding (Decree of the President of Ukraine Procedure for Processing of Applications and Submissions on Citizenship and Execution of Decisions, 2001).

3. Processing of applications as part of the administrative procedure relating to citizenship

The procedure for the processing of applications and complaints on citizenship and the implementation of decisions taken determines the requirements for the submission of applications and other documents for the establishment, registration and verification of Ukrainian citizenship, adoption of Ukrainian citizenship, registration of acquisition of Ukrainian citizenship, termination of Ukrainian citizenship. Thus, applications for the establishment and registration of citizenship of Ukraine by a person residing on the territory of Ukraine, as well as on the registration of acquisition of citizenship of Ukraine by a person residing on the territory of Ukraine, shall be issued in the name of the head of the territorial body of the State Migration Service of Ukraine at the place of residence of a person. They are drawn up in writing with the date of writing and signed by the applicant, parent, legal representative of the child, guardian of the disabled person or other representative of the person. Applications are submitted to the territorial unit of the State Migration Service of Ukraine at the place of residence or registration of a person in Ukraine by a person who is legally resident in Ukraine and by a person who has been granted refugee status in Ukraine or asylum in Ukraine. The procedure determines the list of documents that are submitted for the establishment, registration and verification of citizenship of Ukraine, approval of Ukrainian citizenship, registration of acquisition of citizenship of Ukraine, as well as termination of citizenship of Ukraine.

Processing of applications as a component of the administrative procedure for citizenship involves verification of compliance with the requirements of the legislation of Ukraine by the territorial units of the SMS. If all the documents submitted are proper, the territorial unit of the SMS, within two weeks from the date of their receipt, submits them to the territorial body of the SMS of Ukraine. If the check establishes that the documents submitted by the applicant do not meet the requirements of the legislation of Ukraine, the territorial unit of the SMS of Ukraine within two weeks from the date of receipt of the documents returns them to the applicant for elimination of defects. If the applicant within two months from the date of return of the documents does not eliminate the defects and does not file the documents again, the head of the territorial unit of the SMS of Ukraine decides to terminate the proceedings on this application (Decree of the President of Ukraine Procedure for Processing of Applications and Submissions on Citizenship and Execution of Decisions, 2001).

The territorial body of the SMS is responsible for actions to verify the compliance of the submitted documents with the requirements of the legislation. In case of compliance of documents with the requirements of the legislation on acquisition of citizenship by a person, as well as in the absence of the grounds stipulated by law, in the presence of which the recovery of Ukrainian citizenship is not allowed (also checked by the Security Service of Ukraine), the head of the territorial body of the State Migration Service of Ukraine or his deputy makes a decision on registration of acquisition of citizenship of Ukraine by the person.

Decision-making as part of the administrative procedure relating to citizenship provides that the decision on the acquisition of citizenship of Ukraine by a person or on the refusal of the application for acquiring citizenship of Ukraine by a person not later than three months from the date of receipt of the documents shall be sent to the territorial unit of the SMS of Ukraine, in which the documents were submitted by the applicant (Decree of the President of Ukraine Procedure for Processing of Applications and Submissions on Citizenship and Execution of Decisions, 2001). The latter shall, within one week of the receipt of the decision, notify the applicant of it in writing. If a decision has been taken to refuse an application for the acquisition of Ukrainian citizenship, the reasons for the refusal shall be provided. The grounds for revocation of the decision on registration of citizenship shall be the submission of false information or false documents, the concealment by the person of any material fact, in

the presence of which the person cannot acquire Ukrainian citizenship, including the non-performance of the obligation by the person to terminate foreign citizenship (nationality) in the declaration on termination of foreign citizenship or in the declaration on absence of foreign citizenship (Law of Ukraine On Citizenship of Ukraine, 2001).

The decision to acquire Ukrainian citizenship is revoked by the head of the territorial body of the State Migration Service of Ukraine or his deputy, the corresponding notification is sent within a week to the territorial unit of the SMS of Ukraine, where the application for annulment of the decision on registration of citizenship of Ukraine has been submitted. In addition, the territorial unit of the SMS of Ukraine, within one week of receiving notification of the annulment of the decision to acquire Ukrainian citizenship, shall inform in writing the person concerned indicating the reasons for the annulment of the decision (Decree of the President of Ukraine Procedure for Processing of Applications and Submissions on Citizenship and Execution of Decisions, 2001).

If the decision on citizenship is taken by the President of Ukraine, the administrative procedure provides for the actions of the territorial unit of the SMS, the territorial body of the SMS check compliance of the submitted documents with the legislation of Ukraine. In case of their conformity, the territorial body of the SMS, considering the results of the verification by the Security Service of Ukraine and the Ministry of Internal Affairs of Ukraine, prepares an opinion on the possibility of granting the applicant's application and submits this opinion together with the submitted documents to the SMS within three months from the date of receipt of the documents.

The SMS of Ukraine authorises: the compliance of documents submitted with the requirements of the legislation of Ukraine; confirmation of the fulfilment of the conditions for adoption of Ukrainian citizenship or termination of Ukrainian citizenship; the absence of grounds on which the adoption or termination of Ukrainian citizenship is not permitted. If case of their compliance, the SMS of Ukraine approves the conclusion of the territorial body of the SMS of Ukraine on the possibility of granting the applicant's application and submits it together with the submitted documents to the Commission under the President of Ukraine on Citizenship.

In case of non-compliance of documents submitted with the requirements of the legislation of Ukraine, the territorial unit of the SMS returns the documents to the applicant within the time limits prescribed by law. If the appli-

cant within two months from the date of return of the documents does not eliminate the defects and does not submit the documents again, the head of the territorial unit of the SMS of Ukraine shall decide on the termination of the processing of this application.

The legislation shall determine the total period for processing applications and complaints relating to citizenship, the decision on which shall be taken by the President of Ukraine, by the SMS of Ukraine, its territorial bodies and units shall not exceed eight months from the date of their submission, while applications relating to Ukrainian citizenship of children, persons who have been granted refugee status in Ukraine or asylum in Ukraine and stateless persons shall not exceed six months from the date of their submission.

The right to a review as a part of the administrative procedure relating to citizenship is regulated by Art. 26-29 of the Law of Ukraine "On Citizenship of Ukraine", providing for decisions relating to citizenship may be appealed to the court in the manner established by law, as well as actions and omissions of officials and officers, violating the procedure and time for processing cases relating to citizenship and the execution of decisions on citizenship issues. The latter may also be subject to administrative appeal.

Legislation of Ukraine, in particular, Resolution 795 of the Cabinet of Ministers of June 04, 2007 "On approval of the list of paid services provided by units of the Ministry of Internal Affairs, the National Police and the State Migration Service, and the amount of payment for their provision" (Resolution of the Cabinet of Ministers of Ukraine On approval of the list of paid services provided by the units of the Ministry of Internal Affairs, the National Police and the State Migration Service and the amount of payment for their provision, 2007), provides for the amount of fees for acquisition, retention, loss, recovery or certification of its citizenship established within reasonable limits. This information is available on the website of the SMS of Ukraine.

Therefore, the administrative procedures of the SMS of Ukraine relating to citizenship are regulated by the current legislation regulating the issue of acquisition, retention, loss, recovery or certification of its citizenship.

However, issues relating to the acquisition of citizenship by persons residing in the temporarily occupied territories remain urgent. As a result of the armed conflict in eastern Ukraine and establishment of the self-proclaimed "people's republics" in the Donetsk and Luhansk regions in 2014, the territorial units of the SMS

ceased their activities in the localities defined by law in the Donetsk and Luhansk regions. Consequently, it is extremely difficult to authorise citizenship of Ukraine by a person who has resided and obtained a passport of a Ukrainian citizen in non-government-controlled territories. Since internal (not biometric) passports of Ukrainian citizens, issued before 2016, are only paper carriers, their authenticity can only be checked against the data of the archive card in the archives of the territorial body where they were issued. However, passports issued in the occupied territory of the Autonomous Republic of Crimea and non-government-controlled territories of the Donetsk and Luhansk regions, cannot be authorised. In the event of the loss of such passport, a person shall identify not only his or her person, but also his or her Ukrainian citizenship (Website of the Right to Protection Charitable Foundation, 2021).

To date, the identification of a person and identification of Ukrainian citizenship in such cases is carried out in accordance with the procedure established by Decree 289 of the Cabinet of Ministers of Ukraine of 4 June 2014 "On the approval of the Procedure for registration of documents confirming the citizenship of Ukraine, identity or special status of citizens to citizens living in the temporarily occupied territory of Ukraine" (Resolution of the Cabinet of Ministers of Ukraine On approval of the Procedure for registration of documents confirming the citizenship of Ukraine, identity or special status of citizens to citizens living in the temporarily occupied territory of Ukraine, 2014) and Resolution 302 of the Cabinet of Ministers of Ukraine On approval of the sample form, technical description and Procedure for registration, issuance, exchange, transfer, withdrawal, return to the state, invalidation and destruction of the passport of a citizen of Ukraine of March 25, 2015 (Resolution of the Cabinet of Ministers of Ukraine On approval of the sample form, technical description and Procedure for registration, issuance, exchange, transfer, withdrawal, return to the state, invalidation and destruction of the passport of a citizen of Ukraine, 2015).

4. Conclusions

Consequently, the priority trends in improving administrative procedures of the State Migration Service of Ukraine relating to citizenship is an immediate solution of the problems of responsibility of officials and officers of the State Migration Service of Ukraine for violation of the legislation on citizenship; acquisition of citizenship by individuals, living on the temporarily occupied territories, which requires further development of domestic legislation.

References:

- Halunko, V.V., Olefir, V.I., Pykhtin, M.P. ta in.** (2011). *Administrativne pravo Ukrayny [Administrative law of Ukraine]*. Kherson : PAT Khersonska miska drukarnia» (in Ukraine).
- Ishchenko, Yu.V.** (2017). Zaokhochuvalni administrativnyi protsedury: deiaki problemni realizatsii [Incentive administrative procedures: some problematic implementations]. *Naukovi zapysky NaUKMA – Scientific notes of NaUKMA*, 193, 41-45 (in Ukraine).
- Komziuk, A.T., Bevzenko, V.M., Melnyk, R.S.** (2007). *Administrativnyi protses Ukrayny [Administrative process of Ukraine]*. Kharkivskyi natsionalnyi un-t vnutrishnikh spraw. K.: Pretsident (in Ukraine).
- Ievropeiska konventsii pro hromadianstvo : pryiniaty 06 lystop. 1997 roku № 166** [European Convention on Nationality of November 6, 1997 № 166]. (1997). *zakon.rada.gov.ua*. Retrieved from https://zakon.rada.gov.ua/laws/show/994_004#Text (in Ukraine).
- Ukaz Prezydenta Ukrayny** Poriadok provadzhennia zaiauvamy i podanniamy z pytan hromadianstva ta vykonannia pryiniatykh rishen vid 27 berez. 2001 roku № 215 [Decree of the President of Ukraine Procedure for Processing of Applications and Submissions on Citizenship and Execution of Decisions of March 27, 2001 № 215]. (2001). *zakon.rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/215/2001#Text> (in Ukraine).
- Projekt Zakonu Ukrayny** Pro administrativnu protseduru vid 09 chervnia 2015 roku [Draft Law of Ukraine On Administrative Procedure of June 9, 2015]. (2015). *zakon.rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/document/nt1470> (in Ukraine).
- Zakon Ukrayny** Pro hromadianstvo Ukrayny : pryiniaty 18 cich. 2001 roku № 2235-III [Law of Ukraine On Citizenship of Ukraine of January 18, 2001 № 2235-III]. (2001). *zakon.rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/2235-14?find=1&text=%D0%B3%D0%B0%D1%80%D0%B0%D0%BD%D1%82#Text> (in Ukraine).
- Postanova Kabinetu Ministriv Ukrayny** Pro zatverdhennia zrazka blanka, tekhnichnoho opysu ta Poriadku oformlennia, vydachi, obminu, peresylannia, vyluchennia, poverennia derzhavi, vyznannia nedisnym ta znyshchennia pasporta hromadianyna Ukrayny : pryiniata 25 berez. 2015 roku № 302 [Resolution of the Cabinet of Ministers of Ukraine On approval of the sample form, technical description and Procedure for registration, issuance, exchange, transfer, withdrawal, return to the state, invalidation and destruction of the passport of a citizen of Ukraine of March 25, 2015 № 302]. (2015). *zakon.rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/302-2015-%D0%BF#Text> (in Ukraine).
- Postanova Kabinetu Ministriv Ukrayny** Pro zatverdhennia perekliu platnykh posluh, yaki nadaiutsia pidrozdilam Ministerstva vnutrishnikh spraw, Natsionalnoi politsii ta Derzhavnoi mihratsiinoi sluzhby, i rozmiru platy za yikh nadannia : pryiniata 4 cherv. 2007 roku № 795 [Resolution of the Cabinet of Ministers of Ukraine On approval of the list of paid services provided by the units of the Ministry of Internal Affairs, the National Police and the State Migration Service and the amount of payment for their provision of June 4, 2007 № 795]. (2007). *zakon.rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/795-2007-%D0%BF#Text> (in Ukraine).
- Postanova Kabinetu Ministriv Ukrayny** Pro zatverdhennia Poriadku oformlennia dokumentiv, shcho pidtverdzhuiut hromadianstvo Ukrayny, posvidchuiut osobu chy yii spetsialnyi status, hromadianam, yaki prozhyvajut na tymchasovo okupovanii terytorii Ukrayny : pryiniata 4 cherv. 2014 roku № 289 [Resolution of the Cabinet of Ministers of Ukraine On approval of the Procedure for registration of documents confirming the citizenship of Ukraine, identity or special status of citizens to citizens living in the temporarily occupied territory of Ukraine of June 4, 2014 № 289]. (2014). *zakon.rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/289-2014-%D0%BF#Text> (in Ukraine).
- Sait blahodiiho fondu** «Pravo na zakhyt» [Website of the Right to Protection Charitable Foundation]. (2021). *r2p.org.ua*. Retrieved from <https://r2p.org.ua/problema-bezgromadyanstva-v-ukrayini/>
- Bilodid, I.K.** (1970). *Slovnyk ukrainskoi movy [Dictionary of the Ukrainian language]*. Kyiv (in Ukraine).
- Frolov, Yu.M.** (2013). Administrativnyi protsedury: zmist ta osoblyvosti [Administrative procedures: content and features]. *Forum prava – Forum of Law*, 3, 692–698 (in Ukraine).

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АДМІНІСТРАТИВНІ ПРОЦЕДУРИ ДЕРЖАВНОЇ МІГРАЦІЙНОЇ СЛУЖБИ УКРАЇНИ У СФЕРІ ГРОМАДЯНСТВА

Анотація *Мета.* Метою статті є розкриття адміністративних процедур Державної міграційної служби України у сфері громадянства. *Результати.* Стаття присвячена характеристиці адміністративних процедур Державної міграційної служби України у сфері громадянства. На підставі аналізу дефініції «адміністративна процедура» визначено, що адміністративні процедури Державної міграційної служби України у сфері громадянства являють собою визначений у законодавстві порядок розгляду Державною міграційною службою України адміністративних справ, а також прийняття відповідного рішення щодо набуття, збереження, втрати та поновлення громадянства з метою забезпечення прав, свобод та законних інтересів особи. Виокремлено визначальні ознаки адміністративної процедури як її нормативну урегульованість, що являє собою відповідну послідовність дій, результатом є прийняття адміністративного акта або укладення адміністративного договору; обов'язковим суб'єктом є орган публічної адміністрації. Здійснено аналіз таких адміністративних процедур Державною міграційною службою України у сфері громадянства, як: розгляд справ, рішення, право на перегляд, збори. Акцентовано на необхідності удосконалення адміністративних процедур у сфері громадянства шляхом вирішення проблем щодо відповідальності посадових і службових осіб Державної міграційної служби України за порушення законодавства про громадянство; набуття громадянства особами, що проживають на тимчасово окупованих територіях, що вимагає подальшого розвитку вітчизняного законодавства. Наголошено, що Порядок провадження за заявами і поданнями з питань громадянства та виконання прийнятих рішень визначає вимоги до подання заяв та інших документів для встановлення, оформлення та перевірки належності до громадянства України, прийняття до громадянства України, оформлення набуття громадянства України, виходу з громадянства України. *Висновки.* Зроблено висновок, що пріоритетними напрямами удосконалення адміністративних процедур Державної міграційної служби України у сфері громадянства є нагальне вирішення проблем щодо відповідальності посадових і службових осіб Державної міграційної служби України за порушення законодавства про громадянство; набуття громадянства особами, що проживають на тимчасово окупованих територіях, що вимагає подальшого розвитку вітчизняного законодавства.

Ключові слова: державна міграційна служба, адміністративна процедура, громадянство, рішення, нормативно-правовий акт, тимчасово окуповані території, суб'єкт.

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