

Limits of the Administrative Judiciary's Powers in Annulment Lawsuit

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Abstract

The nullity plea is characterized by some elements. These elements have important effects concerning of administrative judge in the plea. These various effects go with the plea in all its stages from accepting it until its end. In fact, we have come across that the limits of these authorities are of two kinds namely the conditions of accepting the nullity plea and the acts of sovereignty and legislative limits. The second type is confined only to Iraq.

The second stage of the plea in the investigation by the judge about the validity of the pretension embodied by the vice in the administrative decision.

This will make the attacked decision illegitimate. Moreover, we have found that the powers of the administrative jurisprudence are not absolute. These are characterized by two kinds of limits. The first is the discretionary power which is related to the internal vices such as the abuse of power and the vice of the cause. As for the second, it is reflected by the exceptional conditions. The second one does not include all the vices of the administrative decision but it concerns the vice of incompetence and the violation of law.

Introduction

That the bond of nationality is the concept of the General Assembly does not arise primarily between the state and a person of natural pride because it is a strong sense of loyalty, belonging and spiritual solidarity that binds the individual to the state. Nationality is a political and legal bond between a specific country and a specific person. ((1)) since nationality is a political-legal association, which states that the integration of the individual into the element of the population is as components of the state. ((2)) It also means that the nationality bond is the emergence of a legal system between the state and the individual that arranges reciprocal rights and obligations for the parties that establish for this reward a position for the legal individual that defines rights and duties towards the state. There is what is known as nationality as "the status of the individual with the nature of the political and legal ties between him and the state that granted him it, and according to which legal individuals are distributed in the international community." ((3)) A T event of multiple sexual problems in the event that there is evidence of multiple nationalities for one person with several countries, Wei made it possible to generate a sexual problem in the absence of evidence of the nationality of any given person's case, and these cases lead to an understandable imbalance The public for the idea of citizenship itself in that it has established its pillars on the unity of link between one individual and one country. ((4)) Diversity is also inconsistent with the idea of the social in nationality, which includes the integration of the individual into the national group of the state, as the individual's integration into the national group is not envisaged. To more than one country at one time, ([5]) This is called positive p-symmetry, which is in the case of dual or multiple nationalities, as opposed to the term negative contradictions of nationality, which is called the doctrine of some problems of statelessness. A citizen who does not hold the nationality of any state at all, meaning that all countries have abandoned him and deprived him of enjoying my nationalities, as each of them stands negatively from him, and then he cannot imagine his existence there is a conflict between two or more persons about the nationality of this person. Some stateless persons have also been called "Bidun" ([6]), or the nationality is not anonymous, and that this nationality is not anonymous indicates that they are people, who have sex, but not specific, that is, they are of unknown nationality, and the unknown nationality is different from the stateless. Who does not prove his nationality to any country at all?

Research importance

We move in this research and there are two problems, namely that in the presence of two girls of people in an impossible legal situation: the first percent of people who have more than one nationality, which is a problem of multiple nationalities, and the second category of people who face deprivation of enjoying the nationality of any state from its launch And the problem of unknown sexual "Bidun", which is the problem of statelessness, which is the age of eating in the research and treatment through our study.

Research problem

The majority of Egyptian and French jurists called for the problems of diversity and lack of nationality for the term "destabilize nationalities," and expressed about the problem of multinationality with the instrument "Egg Abi Struggle" (positive struggle), and the problem of statelessness through the "negative conflict" status (negative conflict). And being a conflict of nationalities is not a concept of conflict of laws, unlike the laws it is not my battle in the field of nationality, as determining the nationality of the state can only be stopped according to what requires its legislation at the national level, so this legislation or not of the legislation determines the persons who hold the nationality of the state, Or from some people around this nationality. This was a conflict in the field of nationality and it was not only an expression of a realistic conflict between several centers that exist legally, where the individual is in a state of multinationality E in the search for the possibility of having one of these centers over another i.e. B is likely to be a multinational company, which holds On others, or for the collective pilgrimage of the individual's sex from other countries in the absence of nationality in the

search to determine the criterion by which the legal status is bound within the framework of the legal system given as foreigners from all countries. (7)

Research Methodology

Whereas, the nationality status was in term d of the nature of the political and legal ties between him and the state that gives him whatever they are. Because we follow the comparative approach in our research study, yes, that is, and we fight between national legislation and international agreement, international data, judicial and constitutional rulings, with different jurisprudential opinions that have made a great effort to solve sexual problems. The number, the shortage, and the lack of determination of the nationality, which is the "Bidun" category in the framework of the subject matter no. A, in which the legal center is for those who face difficulties and problems of the subject. Nationality according to the law.

Split the search

- The first requirement:the problem of multiple nationalities.
- The second requirement:the problem of statelessness .

The first requirement

The problem of multiple nationalities

The concept of multiple nationalities

The negotiations in the administrative contracts regard as a preliminary stage in it the discussions and deliberations are done between the administrative authority and the other side who would like to make a contract with it including matter or more regard with the contract which they want to conclude it in order to get an approximation in the various viewpoint of the contract's sides to barter or carry out common benefits.

It is a robot for a person for each nationality or more at the same time, meaning that this person is considered according to the nationality laws in force in two or more of those countries with nationalities, all at the same time. And GAA for multi - bi - a baa, which is expressed for the nationality of e Baz d WAJ, the number of nationalities T "contradicts the idea of the social in nationality, which requires the individual's integration into the national group for the state, because it does not portray the integration of the individual into a group Nationalism in most parts of the country at one time. (8)

In the administrative contract's field , there is a special meaning for the negotiation which don't different from the general meaning of it though of its characters as a special meaning because of the administrative contract's identity nature as a legal tool aim _ in general _ to achieve the administration's interest.

First branch

The causes of multiple nationality and equal cent

There are reasons for multiple nationalities that may be contemporaneous with childbirth, and it may be late for e. The reasons are separated as follows:

First / multiple nationality of the contemporary's birth

An individual may prove from the moment of his birth that he is more than one sexual, and this occurs as a result of the different foundations adopted by countries to grant their original nationality, ([9]) and an example of the diversity resulting from different bases of nationality origin is that a child is born who does not have the nationality of the state who takes the right to blood on the lands The state takes the oath of the governorate, in this case the blood money that was born immediately after birth is given based on the right to blood in the first state, and on the basis of the occurrence of the birth event on the lands of the second state. The child was born to a father who has more nationality than the state takes all the right of blood from the father's hand, and in this case the child is of all nationalities that the father carries. Likewise, children have parents of different nationalities who take the state only to B with the right to blood from point B only, while the father of the state takes blood with him from the pain of the hand, which leads to the acquisition of his nationality for all parents since its birth. (10)

Second / multiple nationality of the later on the Birth

Pluralism and the subsequent Christmas often occur in the form of the effect of naturalization, marriage or annexation of part of a country's territory to another state. Q. In the event of naturalization, a person may acquire from one state to another state, some remains retain his nationality, and PHP is merely introducing the nationality of the second multinational country. The same is the case when the wife of this person's new foreign nationality interferes, who are children of minors, while at the same time preserving their original nationality, by dependence, to remove the head of the family, that the situation justifies the principle of unity of nationality in the family.

The negotiation stage's limits different according to the way which depend by the administration to chose the contractor with it .therefore the negotiation's field about the way of contracting in the tender is fixed because of the restricting administration's willful in the choosing the contractor with it, i.e. it's willful is limited by the fixing's procedures on who present supply including the best conditions and the least price . But the negotiation's circle is wide when the administration turn to treat by the engagement attitude or direct agreement because the administration has a clear freedom in choosing the contractor according to these tow ways, in addition to the high level in the field of administrative contract which reached as in France or Egypt .

Third / disadvantages of multiple nationalities

The disadvantages of multiple nationalities can be diagnosed in these cases:

Lies on the shoulders multi

Dangerous sexual responsibilities in the face of different countries of his nationality, from those responsibilities to the performance of military service, which was not called two in one and two in the event of war, which leads to serious risks, for example a famous dispute between France and Belgium, the facts are summarized in that Mr. (Carliere) was born in Belgium to French parents, and upon reaching the age of majority he demanded the granting of his Belgian nationality on the basis of her birth to two foreigners on the state's territory, which is what responds to his Belgian authorities. The essence of Mr. (Carlier) to perform military service in France at the initiative of requesting an exemption from it based on his being a Belgian of my nationality and that he had performed military service in Belgium, and the eyes of disagreement arose between the two of the adherence to both of the subordination Mr. (Carliere) to me and I have this disagreement only from Before the conclusion of an agreement between the two countries in 1891, it was launched by the (Carliere) agreement to regulate the issue of performing military service for individuals who hold the nationalities of both countries. ((11)) In addition to political rights, it is not conceivable that the individuals who have been made will have a specific right to vote or to be nominated for membership in a single legislative council in the country with nationality and then proceed with this same right in another country that holds nationality. ((12)) In addition to the difficulty in determining the law that should be applied to the status of Law J is not multinational, and the enforcement that this law is the nationality law, then you must choose the law of the person's nationality. It has also been applied as a personal law for multinationals as it is not conceivable to apply the laws of different nationalities enjoyed by the individual simultaneously. Difficulty in determining which country enjoys multinational diplomatic protection in the event that his rights are violated or harm is caused by another country with the nationality residing in its territory.

En vertu de la contre-décision en tant qu'acte légal, de la suppression des décisions existantes, cesujetoctupeune place importante dans le droit administratif. Ces décisions sont une manière permettant à l'administration de supprimer toutes les décisions individuelles indésirables en raison de l'impossibilité de suivre des méthodes de retrait et de suppression en général.

De plus, la méthode de la contre-décision est protégée légalement par le texte aidant l'arrangement des conditions permettant d'obtenir la contre-décision ainsi que les garanties légales représentées par des principes généraux créés par loi administrative.

The second branch

Solutions used for the treatment of raised multiple sexual of the difficulties

Being multinational and the fact that his standing in the international community, Lucy didn't have that would stop you from college problems. There are questions that have been raised about solutions to address the outcome of this problem, for example: What country is committed to multinationality to perform the duty of military service in it? Will Yale T ZAM pay taxes and fees to the country of citizenship?

First / duty to military service

One of the duties of the citizens of each country is to perform the duty of service and the applied military, it is also multinational as it can be assigned to perform the duty of military service in every country with a nationality such as Tonyaha. Each seeks through international agreements and access to regulate the performance of multinational military service. ((13)) The Hague Convention established in 1930 a protocol for the performance of military service in cases of nationality gd WAJ, which stated in Mad Te first that "a person who holds the nationality of most of the state and is a habitual resident on the territory of one of these countries which is related to more than unrealistic Z of all military obligations in any other country is the state. Without prejudice to the provisions of Article 1 of this Protocol, if a person holds the nationality of most of the state, he shall have the right, according to the legislation of one of these countries, to descend from the nationality of that state. According to Article Three of the Protocol regarding that, a person who has nationality n one of Z these countries and lies in the nationality of another country, is weakened to perform military service in a country that has lost citizenship. ((14)) the problem has been solved by all national and national legislations separately: You have Decision No. (280) of 1986 which issued the Deputy Prime Minister and the Egyptian Minister of Defense who saved suffering. Yen flows who acquired the nationality of the nation-state from abroad and kept With the Egyptian nationality, from performing military service in the ranks of the Egyptian army.

Second / Financial Commitments

Among the difficulties facing multiple nationalities is the fulfillment of financial obligations, including taxes, which means the possibility of having multiple nationalities to confront the so-called double taxation phenomenon, and to overcome these difficulties, the state may work to avoid double taxation. And taxes through national legislation, as it was decided that fulfilling the individual's financial obligations in the state from some of them exempt him from fulfilling those obligations. States also seek to end these difficulties by concluding bilateral treaties with them, in addition to the collective agreements concluded within the framework of the League of Nations and the United Nations that aim to combat the AVI phenomenon of double taxation. (15)

III / enjoy the protection of the diplomatic of for a multi - nationality

It is not permissible for the state to practice protection diplomacy for the benefit of one and Tunisia for another country other than that the person is a resident at the same time and was of Palestinian nationality according to the text of Article (4) of the Hague Agreement concluded on April 12, 1930 and included some issues of conflict of laws regarding The subject of nationality. It also stressed that the International Court of Justice in its advisory opinion issued on April 11, 1949,

in the case of compensation for damages suffered by United Nations personnel. It is clear that the matter is related to the weighting position between the nationalities to protect this person and in order to preserve their rights and then my support for the possible Waller aj Jurisprudence Law and the abolition of giving the international right the right of the citizen. Protection diplomacy of the state of actual citizenship, that is, one country that is associated with more nationalities than others. (16)

The third branch

Legal status for multiple nationalities

Miss A must determine the law of a multinational person if the effects of the coordination struggle v have a sense of application that the nationality of Wen, which must find a standard under its weight, is one nationality, and which holds multiple nationalities - nationality is determined on the basis of the law and the duty to be applied to Dispute before. On the other hand, a country may consider it necessary to give preference to one of the nationalities that a person enjoys in order to determine the type of treatment that this person receives on its territory, ([17]), especially if it is a multinational national, which is the nationality of one of the countries. Hostile Z. Because it has become the necessary weighting of one of the nationalities enjoyed by the multinationality over the other of the other nationalities according to the caliber based on this weighting. Whatever is established on its legislation, jurisprudence and judiciary in different countries in this field, it must distinguish between the case of whether a person is multinational in facing one of the countries that enjoys nationality, or if it is facing the state and other countries that have nationality, and this is explained in what Follows:

First / center legal for multi - nationality in each state of t pleasures of nationality

When the nationality of the citizen is among the nationalities that he enjoys with a multinational, it is treated uh as his honest citizen. From this, the settlement is made on jurisprudence, judiciary and legislation, and a large nationality only without the rest of the other nationalities that a person has. All official and judicial authorities are bound by al-Qaeda in their treatment of this person, even if it shows them that the ties that bind him to another country that holds the nationality shake those who bind their state. ((18)) I agreed to the Hague Pasha Convention on the Nationality of this Al-Qaeda Organization as stipulated in Article Three of Al-Z that “..... When a person has the nationality of more than one country, every country can enjoy a nationality. Of its citizens. "Likewise, the poverty law in Egypt, as mentioned in Article (25) of the Civil Code that is appointed by the judge, the law, which must be applied in the case of citizens who do not know their nationality or who prove their nationalities multiple."For those who prove at that time that they are the Egyptian nationality of Egypt and of the foreign country or several foreign countries from those countries, according to the applicable law of Egypt." ((19)) The commentary commentary on this article states that “giving priority to the Egyptian nationality when competing with the other of the nationalities that the person has and one of the nationalities in international custom in determining the nationality that affects her. Because her sovereignty TaataLq does not accept this under your supervision from Btx will assess the authority of the judge in accordance with the provisions of the first paragraph mntq his hand b limits of controls from the Ajth support h and often the judge comes in the case of a negative disagreement according to the law of the person’s home or occupied place..... And it is important in case the dispute is positive whenever the nationality of an Egyptian is not Ladakh inconsistent with the nationality that emerges from the circumstances that a person considers more than others. ((20)) And it agreed to the Hague Convention in its fourth article, as it was stated that “the state is not permitted to practice protection diplomacy in favor of anyone Its citizens against another country to be one of its subjects as well.

Second: The legal status of a multinational person in a country of no nationality, or before the international court or before international arbitration courts:

A multinational issue may be raised in a country whose nationality does not carry a person, or it may be raised before an international court, or before an arbitration court or an international conciliation commission. The necessary weights have become one of the nationalities that a person has, but according to the standard is based on this weighting. There were many views on this topic, so the point of view went to the preference for older nationalities for the history of the nationalities enjoyed by the person based on the idea of acquired rights. As for the opposite opinion, it went to T. Fasil nationality is the last date based on the embodiment of one's true will Including the possible law on nationality of the state that approaches the provisions of the nationality law with the provisions of the law on the nationality of the judge on the basis that the judge is usually more able to apply the rules that are identical to the provisions of the postal law and those like them. Finally, my opinion went not to set a specific standard and leave it to the multinational will to choose the nationality that wants to be treated on the basis of the need to respond to sexual feelings in response and desire. In fact, all of these opinions were not Luke pd Z before the national and international judiciary together. Rather, his modern book included the national and international judiciary regarding the necessity of the possibility of actual or real nationality over any other nationalities on an equal footing enjoyed by the multinational, (21) If multinationality has acquired all nationalities that have their way correctly according to the law “every country carries a nationality, then the pure legal advantage of nationality among the other nationalities is not, in these nationalities it remains equal in light of the legal principles of any country.” To the existence of a legal Saudi T. rule in the possibility of having one of the nationalities enjoyed by multiple nationalities, which tends to jurisprudence and the elimination of the conditions and conditions of realism surrounding all the nationalities of the person’s nationalities at that time linking the individual out of reality, to allow him the virtue of one of these two nationalities On the other, and this is the essence of the theory of actual nationality. ((22)) in what follows we review the Cannivaro case that was brought before the Arbitration Court and the Principle

Committee of T. This case was presented to me by the Permanent Court of Arbitration in the Netherlands in 1912 and summarized the facts that Mr. Rafael Canifaro (Raphael Canifaro) was born on the territory of Italian citizenship in August in Peru and his Italian nationality was proven on the basis of blood as well as Peronism on the basis of the right to boycott, and when Mr. Farrow was asked, he was paying the taxes owed to him in Peru and he was attacking the protesters because he was Italian. And the government used, The Italian demanded protection, so she answered and supported standing with him. Regarding the holding of each state's position, the matter was presented to the Permanent Court of Arbitration in The Hague. It was lost, as Varo Peronia seemed to be due to realism. He settled in Peru, and exercised citizen rights in it in several regions, where he nominated himself for membership in the Senate and requested permission to obtain approval when he wanted to work. With one of the foreign countries, where he ended the court to search for those only on the arguments, (Peru) is the country towards which Mr. Evaro must commit financial costs. ((23)) After this case, the mixed arbitration case, which was formed after the end of the First World War, fought in terms of effective sexual favors. As for the actual sexual support standard and Sa Comparative Law. From this the text of Article 11/3 of the Hungarian Law of 1979, as well as the group of private international law for the Turkish year 1982, Article 4 Paragraph (c), Article 9.1 of the Austrian Special International Law for the year 1979, and Article (28) of the Portuguese Nationality Law of 1981 and all those texts The open was the national weighting for the country and it is multinational with more reliable ties. How much was the actual nationality criterion taken by the American-Iranian arbitration court on 3/29/1983 in the case of the so-called Nasser Al-Isfahani ((24)), where the American and Iranian duo carry, and it was decided that the court atmosphere is evoked through sexual realism that reflects all the closest ties, and ends with the electronic account e US A based on what the United States created, doing military service abroad, paying taxes to the US government, regularly voting in US elections, and marrying an American woman. We conclude from all the progress that will be invoked with the idea of nationality as an actual criterion for the preponderance of the nationalities that are enjoyed by the plurality of nationalities. Recognized. We have finished with the issue of the problem of multiple nationalities, as we are struggling to research the problem of lack of nationality through the second application.

Almt for b second

The problem of statelessness

Lack of citizenship

According to the text of Article 1/1 of the 1954 United Nations Convention relating to the Status of Stateless Citizenship, whereby a stateless nationality was defined as "a person who is not considered a citizen of the state according to its legislation." ((25)) Or "a person who does not belong to a state of law." A specific nationality and what is the protection law. " ((26)) The stateless, who does not hold the nationality of any state at all, that is, all countries have abandoned him and denied his nationality, to reflect the plurality of nationality, which is a citizen of more than the state according to the laws of the countries that have a second nationality. Some stateless people also call the term (Bidun) ((27)), which is an illegal term and gives the same concept of the problem of lack of nationality, which led them to define the concept of case 1 reform (the Bidun) and fire on it as "the person is not of a certain nationality." In the face of this additional criticism as the term defines nationality, it is understood that this person has gender from a to FT which is not specified, Bman Z is unknown nationality, and it is known that the concept of anonymous nationality in Law j differs from a stateless nationality, whose nationality has not been proven. State at all. In the following provisions of nationality executions, we review by stating the disadvantages and reasons for non-existence and what are the means of dealing with where the research is as this problem category (the Bidun) or what is known as "unidentified". Nationality'

First branch

The reasons for the lack of citizenship and equal Iha

The various legislations stipulate the basis for granting citizenship, cases of loss and restitution, which led to the presence of those who deny it from the laws of all countries that have nationalities, and the phenomenon of Ory E of lack. Citizenship according to the principle of a free state in the subject of nationality is Muslim by the general international law. Lack of nationality may be contemporaneous with childbirth, and it may be later in his birthday, and we explain the reasons as follows:

First / reasons for the lack of sexual contemporary for birth

- The history of the reasons for the lack of a contemporary sexual relationship of childbirth, as a general rule, to the different foundations adopted by the countries of nationality, due to the different legislation of the countries in which the sub-link is a result of those foundations. They take the right to blood, and in this case the two countries joke that the child enjoys the nationality that he offers to him in the case of statelessness from birth. Likewise, if the child is born to a father who is a citizen abroad, on the territory of the state takes the right of blood, and the father's role has been a ka born shaking the state's territory, then this child becomes stateless since he was born. The same applies in the case of the birth of a child to stateless or impotent parents, when the country in which the birth took place and the birth took place on its territory did not grant citizenship on the basis of the right of the governorate. He may take two or more blood from the father's hand only, and on the territory of any of them is born an illegitimate child (illegitimate), who has no lineage established in the Abe's law, the child will become stateless from his birthday, especially since he took the right of blood - derived from the mother In granting the original nationality it will not help as if it were a mother with a sexual offensive. ((28)) some jurisprudence indicates ((29)) that statelessness may be achieved as a result of the known state of perversion in some countries, which requires it to reject the state's nationality legislation for some of the elements involved. In the people of

the state. One of the most important examples of this is the refusal to grant citizenship to people who belong to the race of the Jew, whether by birth or through naturalization, and this situation was passed on to the post-war world first.

II / reasons for the lack of nationality of the later on the Birth

Dates for reasons of statelessness the general rule, that a person of his nationality without being able to acquire a new nationality in the joy that reaches him, and that the absence of his reasons was individual nationality, which is optional, and the so-called voluntary nationality when someone of his nationality came to me and who enjoys the preparation In order to acquire the new nationality, according to the state law, it is desirable in the city, which requires the disappearance of the original nationality of the naturalization student so that he acquires the nationality of the state, then the sandal in the acquisition of the new nationality, and thus becomes stateless. ([30]) Also, it may be the right of the person of his wife and minor children if the nationality law of the father or husband takes the principle of dependency and the family. The lack of nationality may occur later on Christmas Day as a result of mixed marriage. If a married woman in the Nationality Law loses her nationality as soon as she marries a foreigner, while the nationality law of the marriage country does not grant citizenship k - its direct effect on marriage, the original nationality does not disappear and does not She can acquire the nationality of her husband, so it becomes a useless nationality. Finally, statelessness may occur due to the involuntary loss of the will of the state, as the state is neutral for the person from his nationality to seek their opinion or drop him through punishment, in this case if this is not done, a person with another Z nationality becomes stateless from the date of y withdrawal or projection. (31)

III / disadvantages of the problems of n executions Nationality

Result in a lack of sexual disadvantages ,including the following:

1. The problem of determining the pain of a country that suffers from a stateless nationality, in the country on whose territory resides there is no obligation to keep him in this region, but he may have my name on his behalf where he does not wish to stay and protect him, as E represents his lack of nationality in law, and finds himself in A stalemate is not a way out of it if it keeps it outside the country on its territory and other countries refuse a basement for it. (32)
2. The problem of defining the law and the duty applicable to the stateless person's condition, and nationality emerges whenever the rule supporting the application of the nationality law calls for it, and it is an imposition that is not of any nationality.
3. The problem of defining the state that protects the stateless. The annexation of nationality lacks the protection that a citizen enjoys on the part of a state in the international community, and he is a foreigner for every country. (33)

The second branch

Means of preventive and therapeutic for the problem of lack of sexual and Bidun is unidentified nationality

First / means preventive

Contemporary national legislation has dealt with the phenomenon of the lack of multiple preventive sexual methods as follows:

1. The prevention of the problem of not a contemporary lack of childbirth from the introduction of the right, at least the amount of a reserve caliber next to the right of blood, and this depends on T and on which most legislation relies on comparative terms. It does not depend on a single basis and for humanitarian considerations, ([34]) also contributes to avoiding it, but that executions build the nationality of origin on the right of blood from the point of pain for every child born from the mother. From a father of an unknown or stateless citizen.
2. Prevention of the problem of postpartum deficiency, well. To avoid this form of deficiency, two cases must be taken into account:

First / Stopping the forcible loss of nationality on the condition that a new nationality is acquired. You do not give up the nationality until the new nationality is acquired. ((35)) This applies to all instances of involuntary loss of nationality that changed the nationality of Sawa by naturalization with the new nationality of QNB, as well as the naturalization of his children, citizens by extension of his new nationality and his wife if she wants to join the new nationality, and a citizen who marries a foreigner should not lose his nationality, but with Kidza according to The act of sex for a foreign husband. An example of this is the Nationality Law of 1985, Article 14/2 of it stipulates "losing his nationality and defending any motive that was excluded in the case, which resulted in a lack of citizenship." Article 97/1 of the French Nationality Law stipulates that "loss of nationality French does not have any effect except from the date of obtaining the foreign nationality, "as well as Article 10/2 of the Egyptian Nationality Law. No. (26) For the year 1975.

Second / The alternative text of penalties replaces the revocation of nationality and revocation of nationality in it, as it is better to combat the lack of nationality resulting from the withdrawal of the withdrawal and revocation of nationality in order to find an alternative to denying certain rights or confiscating money. An undesirable person or attending him in some places or obligated to reside in certain places. (36)

Second / remedial means

They find possible solutions to the defects resulting from the problems of shortage. Some international agreements have tried to find a solution to the problem of seeking shelter for stateless persons and the formation of the following:

1. The Hague Convention of 1930 on Certain Conflict of Laws Questions Concerning Nationality: The first article of the protocol provides for a special completion and statelessness that "if he has a person of his nationality after

registering him in a foreign country for him without obtaining another nationality, then the country who had his nationality before losing his nationality shall be dominated by him at the request of the country in which you reside." In two cases:

First / If the person is in a state of constant poverty due to illness, then he is curable or for any other reason.

Second / If a person in a country is sentenced to imprisonment for a period of at least one month a- Before the death of some of them or some of them who were granted amnesty.

2. The New York Convention of 1954, which entered into force on July 6, 1960, which stipulates in Chapter Six of its text that "the state resident of stateless nationality must guarantee the right to housing, education, public assistance, social security and freedom of movement".
3. An example of domestic legislation that has contributed to eliminating the absence of a sexual text is Article 1/1 of the Portuguese Constitution promulgated in 1976 and amended on September 30, 1982 to be "Foreigners and stateless persons present or residing in Portugal, we have the rights of Wei Shake Aoun L the same duties stipulated About it for Portuguese citizens. " (37)

Solving the problem of determining the law and the duty applicable to the personal issues of stateless persons. The correct approach was based on the realistic approach in determining the file of the statelessness law on the decision g regarding determining the international treatment of a multinational, and it may be the case of a stateless home or the location of the state This approach leads to him in a realistic manner, so the law must be applicable to disputes, personality e and the law of the citizen's state, and it is not possible to know or determine whether the law of the place where it is kept is valid. ((38)) this trend has been supported by international conventions and national legislation as well.

III / problem (Bidun) and means of treatment:

The State of Kuwait had a share in confronting the problem of lack of nationality represented by the (Bidun) category in Kuwait law ([39]) or without specifying the nationality. I found the problem before that there are international borders in the region, or is it known that the Arab tribes move freely between countries without being expressed to Kuwait by land for the purposes of work and trade, and I dealt with the residency law. In Kuwait No. (17) of 1959, the Bidun problem is as follows:

- The "Bidun" ([40]) are exempted from being subject to the Residency Law No. 17 of 1959, and that the humanitarian and social conditions for this group are considered children of clans and tribes who enter Kuwait by the land from those who are accustomed to their behavior for the purposes of trade and spend their misfortunes. He could not prove that his king was one of the people of Kuwait. He did not obtain Kuwaiti citizenship, due to his decision. Paragraph (d) of Article (25) of the said law is not excluded.
- Abolishing this exemption by Decree-Law (41) of 1987 to tighten controls on foreigners in order to preserve the country's safety and stability.

The cancellation of the dish has immediate effect, as it does not affect the status of the legal class of the Bidun from which that paragraph (d) of Article (25) was created, as this legal place cannot be canceled except in two cases:

- The first / that the same article states that the guardian is valid retrospectively, unless indicated.
- Second / The introduction of an article of the law explicitly states the legal repeal center in which Article 25/2 arose, and this was not indicated.

IV / center legal for the category of Bidun in under the provisions of the law of nationality of Kuwait No (21) .for the year : 2000

The third paragraph of Article 5 (prepared for it) of the Kuwaiti Nationality Law No. 21 of 2000 stipulated that "Kuwaiti nationality may be granted by decree based on the proposal of the Minister of Interior" who lived in Kuwait in 1965 and kept it. Residency there until the issuance of the decree granting citizenship what was mentioned in Article (7) bis added to the Nationality Law No. (11) Of 1998 from that date. A decree may be issued based on the proposal of the Minister of Interior to grant Kuwaiti nationality to adult children for the naturalization of their male children, if any, including the conditions stipulated in Clauses (5.3) 2 of Article 4 of this Law. They maintained their natural residence in Kuwait from the date on which they granted the person who obtained Kuwaiti nationality this nationality. "Nationality may be granted to Kuwaiti minors descended from the descendants of a naturalized citizen from among the children of the deceased male whose father is QB on behalf of the father of this nationality. And according to Article (17) of the Passports Law No. (11) of 1962 which stipulates that ... it is permissible when necessary. With the approval of the Minister of Interior, passports are granted to employees. Non-Kuwaitis working in the service government of Kuwait when they are assigned tasks abroad and within the limits of these tasks granted. Also, a non-Kuwaiti woman married with a Kuwaiti passport may travel when requested by the husband, provided that five years have passed since her marriage to him. She has not been convicted. She has a brain crime that has the security of the homeland or evil in it, and she is granted a passport in this case according to the conditions specified by the Minister of State.

The third branch

Legal status of stateless persons

There is no doubt that a stateless citizen is a foreigner from the country in which he resides. He is not a citizen there, and a foreigner from other countries, because it is difficult to determine his illegal status. The Administrative Court of the Egyptian State Council indicated this in one of its judgments issued when. If it is true that stateless citizenship denotes the meaning of Sunnah M means foreigner, and then there is no doubt that he described him as a foreigner and not a

relative as is the case with regard to what is considered a natural alien but an absolute alien. . He was indeed a foreigner to all nations, and this description is not any international legal system. AD enjoyed by foreign pain is considered a member. The case (j) is not in a particular society that derives from its legal association based on belonging to this society. ” (42) Perhaps many international efforts made the matter improve the legal status of the state of lesser nationality and jurisprudential views. And also to solve the problem of defining and clarifying the applicable law. For stateless persons:

First / The conclusion of the United Nations conventions relating to the status of stateless persons in 1954, which entered into force in 1960 after six countries, ratified them ([43]). However, this was not my travel to define the totality of the stateless sexual rights that the Convention provisions enjoy. Mostly, it is subject to the legal will and authority of each state party and some of the states' obligations towards it.

An Egyptian administrative court judge noted that "international practice has proven that every application submitted by the country in which he resides is stateless and leaves the necessary documents to leave its lands when it wants to. Free desire for it. (44)

Second: Determining the law applicable to the nationality of the Bidun when he is an officer supporting him and his nationality: It decided to double its scholars, ([45]) that the solution to the problem of determining the law that applies to statelessness when the officer is responsible for statelessness and the officer of nationality, for a logical solution A, is to resort to the idea similar to the actual nationality that was relied upon in defining a law for multiple nationalities, This idea of the association is called the most trusted and distinguished, and the associated states should be known. Regarding her stateless nationality, choose from those countries whose countries are linked more than others in the law that applies to stateless persons when the attribution officer is responsible for the nationality, as is the case with regard to personal status matters. When deducing the most reliable and distinct link through the presence of a stateless home and its business center in a particular country, either in cases where there is no home or center, work in any country must be inextricably bound alongside state law to have its place of residence. (46) Wen was minister of the logic of this solution and the consensus of jurisprudence, and the United Nations Convention on the Status of Stateless Persons was adopted. It came to the text of Article (12) thereof, "Subject to the personal conditions of the nationality of a stateless person under the law of the country of domicile E, or the law of the country of residence if he is not his home." As well as more Arab and foreign cooperative legislation. ((47))

Ring of

After that we finished the urged the problems of nationality we have reached the findings and recommendations of the following:

Results

1. The importance of the role that citizenship plays in the framework of international, public and private relations, as their relationship with other than M-B urged private international law, and this was in many times the extent to which cough first depends on Maha's sense of persistence in many of the matters that she deals with in Under this branch of law.
2. Considering the relationship of trust with the sexual happiness of the state, as the state is intended to define the corner divisions for which and in the way of which the condition of its citizens distinguish from other citizens of other countries, as is the importance of the aspect of political citizenship in that it is based on the principle of loyalty to the political person towards a state. This principle is to count the focus on the person's continuation as a member of the state. If it is mentioned that the person's loyalty towards him has diminished, or that the person has come from actions that do not correspond to this loyalty, it may be the hand of nationality.

Recommendations

1. Although stateless citizenship is considered a foreigner from every state residing on its territory, it is a requirement of justice and human rights principles that must be addressed regarding the preservation of the dignity of humanity, as well as the duty of a stateless state assistant. An unspecified nationality or nationality to integrate into the state of society in which you live in an attempt to grant him its nationality.
2. That he was stateless or of unknown nationality as a foreigner, but he was the most vulnerable, miserable and miserable among all foreigners, which requires treating him as deserving of his humanity, and refraining from the state that took against him from acts that harm him or degrade him.

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