

**LAW OF THE REPUBLIC OF AZERBAIJAN “ON CITIZENSHIP OF THE REPUBLIC OF AZERBAIJAN”**

**CHAPTER I. GENERAL THESIS**

**Article 1. The right to citizenship.**

Regarding Article 52 of the Constitution of the Republic of Azerbaijan every person having affiliation to the state of Azerbaijan, political and legal relations and mutual rights and obligations is the citizen of the Republic of Azerbaijan. Persons born on the territory of the Republic of Azerbaijan or born from the citizens of the Republic of Azerbaijan are considered to be citizens of the Republic of Azerbaijan. A person is the citizen of the Republic of Azerbaijan if one of his parents is the citizen of the Republic of Azerbaijan.

**Article 2. Provision of the right to citizenship.**

In compliance with Part I, Article 53 of the Constitution of the Republic of Azerbaijan the citizen of the Republic of Azerbaijan in no case shall be deprived of the citizenship of the Republic of Azerbaijan. Regarding Part II, Article 53 of the Constitution of the Republic of Azerbaijan the citizen of the Republic of Azerbaijan under no circumstances shall be exiled from the Republic of Azerbaijan or extradited to a foreign state.

In compliance with Part 3, Article 53 of the Constitution of the Republic of Azerbaijan, the Republic of Azerbaijan provides legal protection and patronage for citizens of the Republic of Azerbaijan permanently or temporarily living outside of its territory.

The State of Azerbaijan in the person of its bodies and official functionaries is responsible before the citizens of the Republic of Azerbaijan as a guarantee of the right to the citizenship.

**Article 3. Equal citizenship**

Citizenship of the Republic of Azerbaijan is equal for all irrespective of foundations of its acquisition.

Rights, freedoms and liabilities of citizens of the Republic of Azerbaijan before the law are equal irrespective of their origin, social and property statuses, racial and national affiliation, education, language, religious beliefs, political and other convictions, type and nature of occupation, residence, period (time) of residence in the present place and other circumstances.

**Article 4. Legislation of the Republic of Azerbaijan on Citizenship.**

Legislation of the Republic of Azerbaijan on citizenship consists of the Constitution of the Republic of Azerbaijan, of this Law and corresponding legislative acts of the Republic of Azerbaijan.

**Article 5. Affiliation to the citizenship of the Republic of Azerbaijan.**

The following persons can be considered citizens of the Republic of Azerbaijan:

1. Persons who were citizens of the Republic of Azerbaijan before this law comes into force (basis: registration of this person at the place of residence in the Republic of Azerbaijan by the day this Law comes into force);
2. Persons who were not citizens of the Republic of Azerbaijan, or of other states by January 1, 1992, but were registered in the Republic of Azerbaijan;

3. Refugees accommodated on the territory of the Republic of Azerbaijan from January 1, 1988 till January 1, 1992;

4. Persons who have obtained the citizenship of the Republic of Azerbaijan in compliance with this Law.

Persons mentioned in Paragraph 2, Part 1 of this Article obtain the citizenship of the Republic of Azerbaijan in the event if they submit an application for acquisition of citizenship of the Republic of Azerbaijan during one year since the day this Law comes into force.

Refugees who obtained citizenship of the Republic of Azerbaijan based upon Paragraph 3, Part 1 of this Article, do not lose the right to return to the country of origin. Those persons will have the same privileges as forcibly displaced persons as provided in the legislation of the Republic of Azerbaijan.

#### **Article 6. Documents identifying the citizenship of the Republic of Azerbaijan.**

Documents identifying the citizenship of the Republic of Azerbaijan are as follows:

1. Birth Certificate;
2. Identification card of the citizen of the Republic of Azerbaijan;
3. Passport of the citizen of the Republic of Azerbaijan.

#### **Article 7. Retention of the citizenship upon marriage and divorce.**

Marriage of a man or a woman who is a citizen of the Republic of Azerbaijan to a foreign citizen or a stateless person as well as dissolution of such a marriage shall not by itself change the citizenship of either spouse.

Change of citizenship by one of the spouse will not cause change of citizenship of the other spouse.

#### **Article 8. Retention of citizenship of the Republic of Azerbaijan by persons living outside of its territory.**

Residence of the citizen of the Republic of Azerbaijan on the territory of a foreign country shall not cause termination of citizenship of the Republic of Azerbaijan.

#### **Article 9. Protection of citizens of the Republic of Azerbaijan living outside the borders of the Republic of Azerbaijan by the State of Azerbaijan.**

State bodies of the Republic of Azerbaijan, its diplomatic representations and consular institutions in foreign countries and international entities, as well as their official functionaries are responsible to take measures in order that the citizens of the Republic of Azerbaijan, permanently or temporarily living in a foreign state, fully enjoy all rights given to them by legislation of a foreign country, by international treaties in which the Republic of Azerbaijan and the state of stay participate, and by international customs; to protect their rights and interests provided by the law in the order defined by legislation; and in necessary cases to take measures for rehabilitation of the violated rights of the citizens of the Republic of Azerbaijan.

#### **Article 10. Non recognition of the affiliation of a citizen of the Republic of Azerbaijan to the citizenship of a foreign state.**

Affiliation of the citizen of the Republic of Azerbaijan to citizenship of a foreign state is not recognized except the cases stipulated in international treaties of the Republic of Azerbaijan or in Paragraph 32, Article 109 of the Constitution of the Republic of Azerbaijan.

## **CHAPTER II. ACQUISITION OF THE CITIZENSHIP OF THE REPUBLIC OF AZERBAIJAN.**

### **Article 11. Foundations for acquisition of the citizenship of the Republic of Azerbaijan.**

A person shall acquire the citizenship of the Republic of Azerbaijan in the following cases:

1. when born on the territory of the Republic of Azerbaijan, or born from citizens of the Republic of Azerbaijan;
2. as a consequence of admission to citizenship of the Republic of Azerbaijan;
3. by reasons stipulated by bilateral and multilateral international treaties of the Republic of Azerbaijan;
4. by other reasons stipulated by the present Law.

### **Article 12 Acquisition of the citizenship of the Republic of Azerbaijan by children of stateless persons.**

A child born on the territory of the Republic of Azerbaijan from stateless persons is a citizen of the Republic of Azerbaijan.

### **Article 13. Citizenship of children whose parents are unknown.**

A child born from unknown parents on the territory of the Republic of Azerbaijan is a citizen of the Republic of Azerbaijan.

### **Article 14. Admission to the citizenship of the Republic of Azerbaijan.**

Foreign citizens and stateless persons living on the territory of the Republic of Azerbaijan already for 5 years and submitting a document about the knowledge of the state language may be admitted to the citizenship of the Republic of Azerbaijan upon their application in compliance with this Law irrespective of racial and national affiliation, sex, education, language, religious beliefs, political and other convictions, place of residence.

Application for naturalization of the citizenship of the Republic of Azerbaijan is rejected if the person applying for it, was accused of forced overthrow or change of the state and social system secured by the Constitution of the Republic of Azerbaijan, violation of territorial integrity of the Republic of Azerbaijan; carries out activity causing damage to the state security, protection of public order, health or morality of population; propagates hostility, racial, religious and national exclusiveness and is connected with terrorist activity.

Admission to the citizenship of the Republic of Azerbaijan is implemented in compliance with Paragraph 20, Article 109 of the Constitution of the Republic of Azerbaijan.

A person applying for admission to the citizenship of the Republic of Azerbaijan pays state duties in the order and amount provided by the legislation of the Republic of Azerbaijan.

### **Article 15. Restoration of citizenship of the Republic of Azerbaijan.**

A person who was citizen of the Republic of Azerbaijan before or whose citizenship of the Republic of Azerbaijan was terminated shall be restored in the citizenship of the Republic of Azerbaijan upon his application with restrictions mentioned in Part 2, Article 14 of this Law taken into consideration.

### **CHAPTER III. TERMINATION OF CITIZENSHIP OF THE REPUBLIC OF AZERBAIJAN.**

#### **Article 16. Foundations for the termination of the citizenship of the Republic of Azerbaijan.**

Termination of citizenship of the Republic of Azerbaijan takes place in the following cases:

1. in consequence of withdrawal of the citizenship of the Republic of Azerbaijan;
2. in consequence of loss of the citizenship of the Republic of Azerbaijan;
3. for reasons stipulated in international treaties, of the Republic of Azerbaijan;
4. under other principles stipulated in this Law.

Resolution on termination of the citizenship of the Republic of Azerbaijan is endorsed in compliance with Paragraph 20, Article 109 of the Constitution of the Republic of Azerbaijan.

#### **Article 17. Withdrawal from citizenship of the Republic of Azerbaijan.**

Withdrawal from citizenship of the Republic of Azerbaijan is implemented upon the application of a person in the order provided in this Law.

Withdrawal from citizenship of the Republic of Azerbaijan is rejected if a person applying for withdrawal, has unfulfilled liabilities before the state or property obligations, which are connected with vital interests of physical persons and legal entities in the Republic of Azerbaijan.

When a person applying for the withdrawal has been involved in criminal liability as a defendant, or he/she is legally accused and there is a Law court sentence to be executed in relation to him/her, or when withdrawal from the citizenship of the Republic of Azerbaijan by a person contradicts the interests of national security of the Republic of Azerbaijan, withdrawal from citizenship of the Republic of Azerbaijan is not allowed before these cases are eliminated.

A person applying for withdrawal from the citizenship of the Republic of Azerbaijan pays state duties in the order and amount provided by the legislation of the Republic of Azerbaijan.

#### **Article 18. Loss of citizenship of the Republic of Azerbaijan.**

If a person deliberately submitted forged information or fraudulent documents for acquisition of the citizenship of the Republic of Azerbaijan, the acquired citizenship of the Republic of Azerbaijan is lost.

### **CHAPTER IV. CITIZENSHIP OF CHILDREN ON THE CHANGE OF CITIZENSHIP OF PARENTS AND UPON ADOPTION.**

#### **Article 19. The change of the citizenship of children in the event of change of their parents' citizenship.**

In the event of change of citizenship of parents, as a consequence of which both parents become citizens of the Republic of Azerbaijan their children under 14 years of age shall acquire the citizenship of the Republic of Azerbaijan.

If one of the child's parents is known and the parent acquires the citizenship of the Republic of Azerbaijan his child under the age of 14 acquires the citizenship of the Republic of Azerbaijan.

**Article 20. Retention of citizenship of the Republic of Azerbaijan by a child under guardianship or trusteeship.**

Where both parents or the only parent of the child living on the territory of the Republic of Azerbaijan withdraw from citizenship of the Republic of Azerbaijan, and also do not participate in the child's upbringing, upon whom guardianship and trusteeship by citizens of the Republic of Azerbaijan is established, the child shall retain the citizenship of the Republic of Azerbaijan upon the parents', guardian's or trustee's application.

**Article 21. Acquisition of citizenship of the Republic of Azerbaijan by children in the event of acquisition of citizenship of the Republic of Azerbaijan by one of his parents.**

Where one of the parents is a person who acquired the citizenship of the Republic of Azerbaijan while the other remains a foreigner, the child shall acquire the citizenship of the Republic of Azerbaijan upon an application of the parent who has acquired the citizenship of the Republic of Azerbaijan with the consent of the parent who is a foreign citizen.

Where one of the parents of the child living on the territory of the Republic of Azerbaijan is a person who has acquired the citizenship of the Republic of Azerbaijan, while the other remains a stateless person, the child shall acquire the citizenship of the Republic of Azerbaijan.

Where one of the parents of the child living outside the territory of the Republic of Azerbaijan is a person who has acquired the citizenship of the Republic of Azerbaijan while the other is a stateless person, the child shall acquire the citizenship of the Republic of Azerbaijan upon an application of the parent who has acquired the citizenship of the Republic of Azerbaijan with the consent of the parent who is a stateless person.

**Article 22. Retention of citizenship of the Republic of Azerbaijan by children in the event of their parents' withdrawal from the citizenship of the Republic of Azerbaijan.**

When the citizenship of the Republic of Azerbaijan of one of the parents is terminated while the other remains in the citizenship of the Republic of Azerbaijan the child retains the citizenship of the Republic of Azerbaijan. Renunciation of citizenship of the Republic of Azerbaijan by the child is allowed upon an application of the parent whose citizenship of the Republic of Azerbaijan has been terminated and with consent of the parent who retains the citizenship of the Republic of Azerbaijan.

**Article 23. Acquisition of the citizenship of the Republic of Azerbaijan by children in the event of adoption.**

When citizens of the Republic of Azerbaijan adopt a child who is a foreign citizen or a stateless person, the child shall acquire the citizenship of the Republic of Azerbaijan.

When one of spouses adopting a foreign child is a citizen of the Republic of Azerbaijan while the other is a stateless person, the child shall acquire the citizenship of the Republic of Azerbaijan.

When one of spouses adopting a foreign child is a citizen of the Republic of Azerbaijan while the other is a foreign citizen, the child shall acquire the citizenship of the Republic of Azerbaijan with the consent of the adopters.

When one of spouses adopting a stateless child is a citizen of the Republic of Azerbaijan while the other is a stateless person, the child shall acquire the citizenship of the Republic of Azerbaijan.

When one of spouses adopting a stateless child is a citizen of the Republic of Azerbaijan while the other is a foreign citizen, the child shall acquire the citizenship of the Republic of Azerbaijan with the consent of the adopters.

**Article 24. Determination of citizenship of children in the event of adoption.**

When a child who is a citizen of the Republic of Azerbaijan is adopted by foreign citizens, the child's citizenship of the Republic of Azerbaijan is terminated upon their application.

When one of the spouses adopting a child who is a citizen of the Republic of Azerbaijan, is a citizen of the Republic of Azerbaijan while the other is a foreign citizen, the adopted child retains the citizenship of the Republic of Azerbaijan. The child shall withdraw from the citizenship of the Republic of Azerbaijan upon the application of adopters.

When both of the spouses adopting a child who is a citizen of the Republic of Azerbaijan, are stateless persons, or one of the spouses is the citizen of the Republic of Azerbaijan while the other remains a stateless person, the child shall retain the citizenship of the Republic of Azerbaijan.

**Article 25. Indispensability of children's consent upon the change of their citizenship.**

Change of the citizenship of children between the age of 14 to 18, in cases stipulated by Article 19-24 of the this Law, can follow only after the children's consent.

**CHAPTER V. FORCE OF INTERNATIONAL LEGAL NORMS RELATED THE CITIZENSHIP ISSUES.**

**Article 26. Force of international legal norms concerning citizenship issues.**

If there are any contradictions between this Law and international treaties of the Republic of Azerbaijan, provisions of appropriate treaties are applied.

President of the Republic of Azerbaijan

Heydar Aliyev

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