

Constitutional Law of the Republic of Tajikistan on Nationality of the Republic of Tajikistan

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Nationality is a person's stable legal connection with the state expressing in total their mutual rights, obligations and responsibility founded on recognition and respect of the dignity, fundamental rights and freedoms of a human being.

The present constitution law has for an object to ensure the implementation of norms and principles of international law and the Constitution of the Republic of Tajikistan relating to nationality and human rights, creation of the most favourable legal conditions for every national of the Republic of Tajikistan (and) state's protection and guardianship to national of the Republic of Tajikistan abroad.

CHAPTER I. GENERAL PROVISIONS

Article 1. Right to nationality

The right to nationality is an inherent right of a human being.

In the Republic of Tajikistan every person has the right to nationality. No one may be deprived of nationality or of the right to change his nationality.

Article 2. Nationality of the Republic of Tajikistan

In the Republic of Tajikistan a nationality of the Republic of Tajikistan is established.

A national of the Republic of Tajikistan shall be considered a person who is the national of the Republic of Tajikistan on the day of adoption of the Constitution [date:] or who had acquired the nationality of the Republic of Tajikistan in accordance with the present constitutional law.

Article 3. Legislation on nationality of the Republic of Tajikistan

Nationality of the Republic of Tajikistan shall be regulated by the Constitution of the Republic of Tajikistan, the present constitutional law and by other legislative acts to be passed in accordance with them, as well as by international treaties.

Article 4. Double nationality

Belonging of Tajikistan's nationals to other state's nationality is not permitted barring the cases fixed by the law and interstate treaties of Tajikistan.

Article 5. Retention of nationality of the Republic of Tajikistan by persons domiciled abroad

Domicile of a national of the Republic of Tajikistan abroad shall not in itself entail termination of nationality of the Republic of Tajikistan barring the cases fixed in the present constitutional law.

Article 6. Protection and guardianship of nationals of the Republic of Tajikistan abroad

The nationals of the Republic of Tajikistan abroad enjoy the protection and guardianship of the Republic of Tajikistan.

State bodies of the Republic of Tajikistan, diplomatic and consular representatives of the Republic of Tajikistan, their officials must ensure that the nationals of the Republic of Tajikistan abroad shall be secured the possibility to enjoy the rights fixed by legislation of the state to a residence, international treaties of the Republic of Tajikistan, international usages in full measure must protect their rights and legally provided interests and, if necessary, take measures to restore the abused rights of nationals of the Republic of Tajikistan.

Article 7. Inadmissibility of extradition of a national of the Republic of Tajikistan to a foreign state

A national of the Republic of Tajikistan may not be extradited to a foreign state, barring the cases fixed by the interstate treaties of the Republic of Tajikistan.

Article 8. Nationality of the Republic of Tajikistan and matrimony

Marriage of a national of the Republic of Tajikistan to a person who is a national of a foreign state and the dissolution of such a marriage shall not entail any change in the nationality.

Change in the nationality by one of the spouses shall not entail a change in the nationality of the other spouse.

Dissolution of a marriage shall not entail a change in the nationality of the children born in this marriage or adopted.

Article 9. Reduction of statelessness

The Republic of Tajikistan shall encourage acquisition of nationality of the Republic of Tajikistan by stateless persons and shall not prevent them from acquisition of other nationality.

Article 10. Honorary nationality of the Republic Tajikistan

For outstanding, public services to the Republic of Tajikistan or to the international community a person not being a national of the Republic of Tajikistan may be granted with his consent honorary nationality of the Republic of Tajikistan.

Honorary nationals of the Republic of Tajikistan shall enjoy the rights of nationals of the Republic of Tajikistan in accordance with the Regulations on honorary nationality of the Republic of Tajikistan adopted by the President of the Republic of Tajikistan.

Article 11. Legal status of other states - nationals and stateless persons

Persons being on the territory of the Republic of Tajikistan who are not nationals of the Republic of Tajikistan shall possess in full the rights and freedoms and bear the whole of responsibility fixed by the Constitution, laws and interstate treaties of the Republic of Tajikistan, barring of the exception defined by the Constitution, laws and interstate treaties of the Republic of Tajikistan.

Article 12. Implementation of international treaties

At the time of taking a decision of nationality parallel with the present constitutional law the implementation of international treaties of the Republic of Tajikistan regulative(ing) these questions shall be ensured.

If an international treaty of the Republic of Tajikistan has established rules other than those contained in this constitutional law, the rules of the treaty shall be implemented.

Article 13. Documents confirmative (confirming) the nationality of the Republic of Tajikistan

Documents confirmative[ing] the nationality of the Republic of Tajikistan is a passport of a national of the Republic of Tajikistan and, before it's receiving - birth certificate or other document contained(ing) a record to a person's nationality.

Article 14. Glossary of terms used in this constitutional law

If by this constitutional law shall be not fixed other rules, the terms had used in this constitutional law shall mean as the following: [If different is not fixed by this constitutional Law, the terms which are applied in this constitutional Law shall signify the following:]

- a) other nationality - nationality of other state;
- b) foreign national - a person who possesses of [is possessed of] nationality of a foreign state and who is not a national of the Republic of Tajikistan;
- c) stateless person - a person who shall not belong to the nationality of the Republic of Tajikistan and shall lack evidence of his belonging to a nationality of other state; [- a person who is not a Tajik national and who has no proof of being a national of other state];
- d) competent authorities [empowered bodies] state organs and institutions mentioned in Article 38 of this Law.

CHAPTER II. ACQUISITION OF NATIONALITY OF THE REPUBLIC OF TAJIKISTAN

Article 15. Grounds and order for acquiring nationality of the Republic of Tajikistan

Nationality of the Republic of Tajikistan is acquired:

1. By birth;
2. In its registration order;
3. By naturalization;
4. As a consequence of restoring of the nationality of the Republic of Tajikistan;
5. By a choice of a nationality (option) when a state belonging territory is to be changed and on other grounds provided for by international treaties of the Republic of Tajikistan;
6. On other grounds provided for by this Law.

Article 16. Nationality of children whose parents are nationals of the Republic of Tajikistan

A child both of whose parents were nationals of the Republic of Tajikistan at the time of its birth is a national of the Republic of Tajikistan irrespective of whether it was born.

Article 17. Nationality of children one of whose parents is a national of the Republic of Tajikistan

When there is a difference in the nationality of the parents one of whom was a national of the Republic of Tajikistan at the time of a child's birth, said child is a national of the Republic of Tajikistan:

- if it was born on the territory of the Republic of Tajikistan;
- if it was born outside of the Republic of Tajikistan, but one or both of its parents were domiciled at the time on the territory of the Republic of Tajikistan;

When there is a difference in the nationality of the parents one of whom was a national of the Republic of Tajikistan at the time of a child's birth, the nationality said child, born outside of the Republic of Tajikistan shall be decided by an agreement of the parents if at the time both parents were domiciled outside the Republic of Tajikistan.

A child, one of whose parents was a national of the Republic of Tajikistan at the time of its birth and the other a stateless person or else unknown, is a national of the Republic of Tajikistan irrespective of the place of birth.

In the case of affiliation of a child whose mother is a stateless person but its father is recognized as a national of the Republic of Tajikistan, said child under fourteen shall be a national of the Republic of Tajikistan irrespective of its place of birth.

Article 18. Acquisition of nationality of the Republic of Tajikistan by the children of stateless persons

The child of stateless persons born on the territory of the Republic of Tajikistan is a national of the Republic of Tajikistan.

Article 19. Nationality of children whose parents are not known

A child, being on the territory of the Republic of Tajikistan both of whose parents are not known is a

national of the Republic of Tajikistan.

Article 20. Nationality of children whose parents are not in the nationality of the Republic of Tajikistan

A child born on the territory of the Republic of Tajikistan whose parents were nationals of other states, is a national of the Republic of Tajikistan, if the child shall be not granted a nationality by these states.

Article 21. Acquisition of nationality by its registration order

In registration order nationality of the Republic of Tajikistan is acquired by:

- a) persons whose spouse or else of near relation is a national of the Republic of Tajikistan;
- b) persons at the time of whose birth at least one of the parents was a national of the Republic of Tajikistan, but the mentioned persons had acquired other nationality by birth within five years after being eighteen;
- c) children of former nationals of the Republic of Tajikistan born after stopping their parents' nationality of the Republic of Tajikistan within five years after being eighteen;
- d) nationals of the former USSR living on the territory of the states had entered the former USSR, as well as arrived for domiciling on the territory of the Republic of Tajikistan, if they shall put an application for acquiring the nationality of the Republic of Tajikistan within three years after coming into force of the present constitutional Law;
- e) stateless persons who, on the date when the present constitutional Law came into force, were permanent residents on the territory of the Republic of Tajikistan or other republic directly had entered the former USSR by the time on the first of September 1991, if they within a year after coming into force of the present constitutional law shall put in an application for acquiring the nationality of the Republic of Tajikistan;
- f) foreign nationals and stateless persons irrespective of their residence if they, themselves at least one of been their near relation had been in the nationality (citizenship) of the Republic of Tajikistan by birth and if they within a year after coming into force of the present constitutional law shall put in an application for acquiring the nationality of the Republic of Tajikistan.

Article 22. Naturalization as a national of the Republic of Tajikistan

Foreign nationals and stateless persons may be naturalized as national of the Republic of Tajikistan at their request, in accordance with the present constitutional law.

Ruling on application for naturalization shall be made by the President of the Republic of Tajikistan.

Article 23. Terms of naturalization as a national of the Republic of Tajikistan

A person able who is eighteen years of age and not being as a national of the Republic of Tajikistan may submit an application on matters of naturalization as a national of the Republic of Tajikistan irrespective of its origin, social status, race and nationality, sex, education, language, attitude religion, political and other convictions.

An ordinary term of naturalization as a national of the Republic of Tajikistan is a domicile on the

territory of the Republic of Tajikistan: for foreign nationals and stateless persons - totally five years or three years uninterruptedly directly before submitting an application; for refugees recognized as such by law of the Republic of Tajikistan and a treaty of the Republic of Tajikistan the mentioned terms shall be shortened by half. Term of residence on the territory of the Republic of Tajikistan shall be considered as uninterrupted if a person had been abroad for studies or treatment not more than three months

The circumstances facilitating the naturalization as a national of the Republic of Tajikistan i.e. giving the right of shortening up to lifting the requirements of the second part of the present article are:

- a) being in the nationality of the former USSR;
- b) adoption of a child who is a national of the Republic of Tajikistan;
- c) presence of high achievements or science, engineering and culture as well as possession of occupation or qualification which are of interest to the Republic or Tajikistan;
- d) presence of services to the people of the Republic of Tajikistan, in reviving of the Republic of Tajikistan, in implementation of common to all mankind ideals and valuables;
- e) taking refuge on the territory of the Republic of Tajikistan;
- f) when a person or at least one of his near relations had been in the past as a national (citizen) of the Republic of Tajikistan by birth;

Article 24. Grounds for refusal of naturalization as a national of the Republic of Tajikistan

An application on matters of naturalisation as a national of the Republic of Tajikistan shall be refused if the applicant:

- a) speaks for forcible change of the constitutional system of the Republic of Tajikistan;
- b) is a member of parties and other organizations which activity is incompatible with the constitutional principles of the Republic of Tajikistan;
- c) had been convicted and is serving his sentence in form of confinement for actions which are to be prosecuted by the laws of the Republic of Tajikistan;
- d) is a national of other state when there is not an interstate agreement with the state on dual nationality.

The disposition of the first part or the present article shall affect the persons mentioned in Article 23 and in the third part of Article 25 of the present constitutional law as well.

Article 25. Restoration of the nationality of the Republic of Tajikistan

In the registration order restoration of the nationality of the Republic of Tajikistan may take place for

- a) persons whose the Republic of Tajikistan nationality had been stopped in connection with the adoption, institution of ward or trusteeship.
- b) persons whose nationality of the Republic of Tajikistan had been stopped in connection with changing their parents' nationality - within five years on reaching eighteen years of age.

The former nationals of the Republic of Tajikistan deprived of the Republic of Tajikistan nationality or who had lost it without their freely willing shall be considered as restored to such nationality.

A person who before had been in the nationality of the Republic of Tajikistan and with respect to whom the disposition of the first and second parts of the presents article shall not affect, the nationality of the Republic of Tajikistan may be restored on his application.

Article 26. Option in the event of the Republic of Tajikistan frontier changing

In the event of changing of the Republic of Tajikistan's frontier in accordance with the order defined by the legislation of the Republic of Tajikistan, persons living on the territory which had changed its state belonging have the right of option in order and terms to be defined by an international treaty of the Republic of Tajikistan

CHAPTER III. TERMINATION OF THE REPUBLIC OF TAJIKISTAN NATIONALITY

Article 27. Grounds for termination of the Republic of Tajikistan nationality

Nationality of the Republic of Tajikistan is terminated:

- a) as a consequence of renouncing of the nationality;
- b) as a consequence of forfeiting of the nationality;
- c) as a consequence of disaffirmation of a decision on naturalization;
- d) as a consequence of depriving of the nationality;
- e) by means of optation in the event of changing a state belonging of a territory and on other grounds provided for by an international treaty of the Republic of Tajikistan;
- f) on other grounds provided for by the constitutional law.

Article 28. Renunciation of the Republic of Tajikistan nationality

Renunciation of the Republic of Tajikistan nationality may take place:

- a) on a national application in order provided for by the present constitutional law;
- b) in registration order if at least one of the applicant's parents, spouse or child has other nationality or else applicant had gone to other for domicile in the fixed order, providing for lack of obstacles defined by the second and third parts of the article.

Renunciation of the Republic of Tajikistan nationality may be refused if the applicant lives or intends to domicile in a country which is not bound up with the Republic of Tajikistan by treaties' obligations on legal aid but the applicant has property commitments to juridical or physical persons of the Republic of Tajikistan, or else has not fulfilled his obligations to the state ensuring from the grounds fixed by law of the Republic of Tajikistan.

Renunciation of the Republic of Tajikistan nationality is not allowed:

- a) after receiving a call-up papers to military at a fixed date service and up to it ending;

b) if an applicant is under indictment or if there is a court judgement against him liable to enforcement, or if the person's renunciation of the nationality of the Republic of Tajikistan is against the interests of the national security of the Republic of Tajikistan;

Declining of renunciation of the Republic of Tajikistan nationality or refusal from registration of renunciation of the nationality of the Republic of Tajikistan must be motivated by the competent authorities.

Article 29. Forfeiting of the Republic of Tajikistan nationality

Nationality of the Republic of Tajikistan shall be forfeited:

a) as a consequence of enlisting a person in the army, security service, the police, justice branches or in other state or government bodies of a foreign state;

b) if a person - resident abroad has not been registered in a consulate without valid reasons by his fault within five years.

Forfeiting of the Republic of Tajikistan nationality shall come into force as from the registration of the fact by the competent authorities.

Article 30. Disaffirmation of a decision on naturalization as a national of the Republic of Tajikistan

A decision on naturalization as a national of the Republic of Tajikistan shall be disaffirmed if a person had acquired the Republic of Tajikistan nationality on the ground of wittingly false informations and false documents. Fact of submitting the wittingly false information and false documents shall be fixed in the court. Disaffirmation of the decision on naturalization shall not lieve [release] the person of [from] responsibility defined by law.

Disaffirmation of a decision on naturalization as a national of the Republic of Tajikistan shall not entail any change in the nationality of the other spouse or children of the person mentioned in the first part of the article, when these relations had acquired the Republic of Tajikistan nationality together with him if there is no proof of their information about acquiring the nationality of the Republic of Tajikistan by unlawful way.

Disaffirmation of a decision on naturalization shall be possible within five years after the naturalization.

CHAPTER IV. NATIONALITY OF PARENTS AND NATIONALITY OF CHILDREN, GUARDIANS AND TRUSTEES. NATIONALITY Y OF UNABLE PERSONS

Article 31. General provisions of nationality of children and nationality of parents

Nationality of children aged to fourteen shall follow the nationality of their parents.

A change in the nationality of children aged fourteen to eighteen shall take place only with their consent.

Nationality of children shall not change in the event of changing the nationality of their parents deprived of the parent's rights. In order to change the nationality of children shall not need a consent of parents deprived the parent's rights.

Article 32. Nationality of children in the event of changing the nationality of both parents or a single parent

If both parents or a single parent become(s) a national of the Republic of Tajikistan or when their Republic of Tajikistan nationality is terminated the nationality of the children shall be correspondingly altered.

If both parents or a single parent of a child who lives on the territory of the Republic of Tajikistan and who is under the warship or trusteeship of a national of the Republic of Tajikistan, renounce of the Republic of Tajikistan nationality and at the same time do not take care of the child than by an application of the parents, guardians or trustee the child shall reserve the Republic of Tajikistan nationality.

Article 33. Nationality of children at the time of acquiring by one of their parents nationality of the Republic of Tajikistan

If one parent becomes a national of the Republic of the Tajikistan his(her) child shall acquire the same nationality on the ground of an application submitted by the parent who had acquired the Republic of Tajikistan nationality and if there is other parent's consent given in writing.

Article 34. Nationality of children at the time of terminating the Republic of Tajikistan nationality of one of their parents

If the Republic of Tajikistan nationality of a parent is terminated, but the other retains such nationality, than a child shall retain the Republic of Tajikistan nationality. On application by the parent whose nationality is to be terminated and with written consent of the parent who retains the Republic of Tajikistan nationality, the nationality of the Republic of Tajikistan of the child shall be terminated but on condition that the child shall be granted other nationality.

Article 35. Nationality of children in case of adoption

A child who is a national of the Republic of Tajikistan adopted by persons who are nationals of the Republic of Tajikistan, shall retain the nationality of the Republic of Tajikistan. If adopters or one of them is a national of other state than on their application the child's nationality shall terminate providing he shall be granted other nationality.

A child who is not a national of the Republic of Tajikistan and adopted by a national of the Republic of Tajikistan or by a married couple - nationals of the Republic of Tajikistan shall become the Republic of Tajikistan national.

A child who is not national of the Republic of Tajikistan adopted by a married couple one of whom is a national of the Republic of Tajikistan, but the other is a stateless person shall become a national of the Republic of Tajikistan.

A child who its not a national of the Republic of Tajikistan adopted by a married couple one of whom is a national of the Republic of Tajikistan but the other is a foreign rational shall become national of the Republic of Tajikistan by the adopters' consent. If there is no consent the child shall become a national of the Republic of Tajikistan if he lives on the territory of the Republic of Tajikistan or, in other case, the child shall; be or becomes a stateless person.

Article 36. Nationality of incapable and nationality of guardians

Nationality of a person who is an incapable shall follow the nationality of his guardian.

Article 37. Arguments on children's nationality and incapable persons.

Arguments among parents, guardians or a trustee on nationality of children and incapable persons shall be examined by the judicial way proceeding from child or incurable's interests.

CHAPTER V. STATE BODIES RULING ON MATTERS OF THE REPUBLIC OF TAJIKISTAN NATIONALITY AND THEIR AUTHORITIES

Article 38. State bodies of the Republic of Tajikistan ruling on matter of the Republic of Tajikistan nationality

The state bodies ruling on matters of the Republic of Tajikistan nationality are:

- the President of the Republic of Tajikistan;
- Commission on Matters of Nationality under the President of the Republic of Tajikistan;
- Ministry of the Interior of the Republic of Tajikistan;
- Ministry of Foreign Affairs of the Republic of Tajikistan, diplomatic and consular representatives of the Republic of Tajikistan.

Article 39. Authorities of the President of the Republic of Tajikistan on matters of nationality

The President of the Republic of Tajikistan shall take decisions on matters:

- a) naturalisation as a national of the Republic of Tajikistan of foreign nationals, nationals of former USSR and stateless persons with respect to whom the action of article 19 of the Constitutional Law shall not affect;
- b) restoration to the Republic of the Tajikistan nationality of persons with respect to whom the action of the first and the second parts of article 25 of the Constitutional Law shall not affect;
- c) allowance for release from the Republic of Tajikistan nationality of persons with respect to whom the action of point "b" of the first part of the article 28 of the present Constitutional Law shall not affect;
- d) allowance for a national of the Republic of Tajikistan to acquire at the same the nationality of other state;
- e) disaffirmation of a decision on naturalisation as a national of the Republic of Tajikistan;
- f) granting the honorary nationality of the Republic of Tajikistan.

A person may not be deprived of the honorary nationality of the Republic of Tajikistan without consent of the Majlisi Oli of the Republic of Tajikistan.

For preliminary consideration of the matters mentioned in present article the President of the Republic of Tajikistan shall establish a Commission on Matters of Nationality.

In order to carry out the authorities defined by the present Constitutional Law the President of the

Republic of Tajikistan shall issue decrees.

Article 40. Authorities of the Commission on Matters of Nationality under the President of the Republic of Tajikistan

The Commission shall submit for consideration to the President of the Republic of Tajikistan proposals on each application and representation on matters of nationality. Proposals of the Commission shall be officially registered as a protocol and to be signed by all of its members taken part in a sitting.

At the time of consideration of applications and representations on matters of nationality the Commission shall thoroughly estimate applicant's arguments contents of a representation' conclusion of state bodies and public organizations on applications, other documents and testimonial evidence which should be properly registered. The Commission has the right to demand on the matter being under its consideration the documents and materials of state bodies which shall submit the necessary information in terms fixed by the Commission

Article 41. Authorities of Ministry of the Interior of the Republic of Tajikistan

Ministry of the Interior of the Republic of Tajikistan and subordinate to it corresponding authorized organs shall:

- a) receive from persons living on the territory of the Republic of Tajikistan applications and solicitations on matters of nationality of the Republic of Tajikistan;
- b) examine facts and documents submitted as a basis of an application and solicitation on matters of the Republic of Tajikistan nationality;
- c) direct solicitations on matters of nationality together with the corresponding documents to the Commission on Matters of Nationality under the President of the Republic of Tajikistan;
- d) define the belonging of persons living on the territory of the Republic of Tajikistan to the Republic of Tajikistan nationality;
- e) in the event fixed by the present Constitutional law carry out registration of acquiring or terminating of the Republic of Tajikistan nationality, under application of interested person living on the territory of the Republic of Tajikistan.

Distribution of competence on matters of nationality of the Republic of Tajikistan inside of the system of home affairs bodies shall be fixed by a decree of the Republic of Tajikistan Government.

Article 42. Authority of Ministry of Foreign Affairs of the Republic of Tajikistan, diplomatic and consular representatives of the Republic of Tajikistan

Ministry of Foreign Affairs of the Republic of Tajikistan, diplomatic and consular representatives shall :

- a) receive from persons living outside of the Republic Tajikistan boundaries applications and solicitations on matters of nationality of the Republic of Tajikistan;
- b) examine facts and documents submitted as a basis of applications and solicitations on matters of nationality of the Republic of Tajikistan;
- c) direct solicitations on matters of nationality together with the corresponding documents to the

Commission on Matters of Nationality under the President of Republic of Tajikistan;

- d) define the belonging of persons living outside of the Republic of Tajikistan boundaries to the Republic of Tajikistan nationality;
- e) keep account of nationals of the Republic of Tajikistan resident abroad;
- f) on application of interested persons living outside of the Republic of Tajikistan boundaries carry out registration of acquiring or terminating of the Republic of Tajikistan nationality in the cases fixed by present Constitutional Law.

Under a treaty between the Republic of Tajikistan and other state the authorities mentioned in the first part of this Article may be carried out by the diplomatic and consular representatives of that state.

CHAPTER VI. PROCEDURE ON MATTERS OF NATIONALITY OF THE REPUBLIC OF TAJIKISTAN

Article 43. Order of submitting applications and solicitations on matters of nationality

Applications on registration of changing of nationality shall be made to the home affairs organs of the Republic of Tajikistan to the address of the applicants residence, and persons living abroad shall submit such application as appropriate ate through the diplomatic or consular representatives of the Republic of Tajikistan.

Solicitations on matters of nationality shall be made to the President of the Republic of Tajikistan through the home affairs organs to the address of residence, and persons living abroad shall submit such solicitations through the diplomatic or consular representatives of the Republic of Tajikistan.

Article 44. Form of applications and solicitations on matters of the Republic of Tajikistan nationality

Applications and solicitation shall be submitted in writing. Consent of interested persons of acquiring, terminating, retaining or changing of nationality must be in written form. A signature below this document shall be witnessed by a notarial Signature. Signatures of nationals living abroad may be witnessed by the diplomatic or consular representatives of the Republic of Tajikistan.

If an applicant can not sign an application or a solicitation of his illiteracy or deformity it shall be signed by other person at his request and about this case shall be made a notarial record. Outside of the Republic of Tajikistan boundaries such as record in applications or solicitations shall be made by the diplomatic or consular representatives of the Republic of Tajikistan.

If an applicant can not sign an application on a solicitation because of his illiteracy or deformity it shall be signed by other person at his request and about this case shall be made a notarial record. Outside of the Republic of Tajikistan boundaries such a record on applications or solicitations shall be made by the diplomatic or consular representatives of the Republic of Tajikistan.

Article 45. Order of official registration of applications and solicitations, on matters of nationality of the Republic of Tajikistan

Official registration of an application or solicitation on matters of nationality of the Republic of Tajikistan shall be made by home affairs organs to the address of residence at the time of personally applicant's address, but if an applicant lives abroad, this official registration is to be made as

appropriate by the diplomatic or consular representatives of the Republic of Tajikistan.

If there is a valid document making sure the impossibility an applicant's personally address, then a home affairs organ, the diplomatic or consular representatives must registrate the materials on nationality on application or solicitation passed through other person or else sent in by mail. In this case a signature below the application or solicitation must be notarized.

At the time of submitting an application or solicitation on matters of nationality of the Republic of Tajikistan a state box shall be paid. Not well provided persons shall be released completely or partialy from the state tax payment by the order fixed by law of the Republic of Tajikistan.

Article 46. Conclusions and representation on solicitation on acquiring or terminating of the Republic of Tajikistan nationality

A home affair organ of the Republic of Tajikistan or else the diplomatic or consular representatives of the Republic of Tajikistan on solicitations of acquiring or terminating of the Republic of Tajikistan nationality shall pass its motivated conclusion and if necessary they shall make a representation.

Conclusions and representation on matters of the Republic of Tajikistan nationality and other necessary documents shall be sent to the Commission on matters of nationality under the President of the Republic of Tajikistan.

Article 47. Period of submitting and consideration of applications and solicitations on matters of the Republic of Tajikistan nationality

Period of consideration of an application on matters of nationality shall not be more than six months and of an solicitation - nine months.

Period of submitting an application on matters of nationality missed for valid reasons may be restored at an applicant's request by the Commission on matters of nationality under the President of the Republic of Tajikistan.

Article 48. Date of acquiring or terminating of nationality of the Republic of Tajikistan

The Republic of Tajikistan nationality shall be considered as acquired or terminated from the day when a corresponding decision had been passed by a competent authority or when the decree of the President of the Republic of Tajikistan had been issued.

CHAPTER VII. EXECUTION OF DECISIONS ON MATTERS OF THE REPUBLIC OF TAJIKISTAN NATIONALITY

Article 49. Bodies executing decisions on matters of the Republic of Tajikistan nationality

Execution of decisions on matters of the Republic of Tajikistan nationality regarding to the persons living on the territory of the Republic of Tajikistan shall be put on Ministry of Interior and in relation to persons living abroad the execution of these decisions shall be put on Ministry of Foreign Affairs, the diplomatic and consular representatives of the Republic of Tajikistan.

Article 50. Delivery of documents, certifying acquisition and termination of the

Republic of Tajikistan nationality

Persons who in the fixed order had acquired the Republic of Tajikistan nationality by organs of home affairs of the Republic of Tajikistan, the diplomatic or consular representatives of the Republic of Tajikistan shall be delivered the passport of the national of the Republic of Tajikistan. In the children's documents who are under sixteen shall be made a record of their belonging to the Republic of Tajikistan nationality.

Persons living on the Republic of Tajikistan territory whose nationality had been terminated and who at the same time is not a national of other state shall be delivered by the organs of home affairs by the identity card certifying their statelessness - appearance to residence.

Article 51. Control over execution of decisions on matters of the Republic of Tajikistan nationality

Control over execution of decisions on matters of the Republic of Tajikistan nationality shall be carried out by the Commission on matters of nationality under the President of the Republic of Tajikistan, by other competent authorities as well in accordance with their competence.

CHAPTER VIII. APPEAL OF DECISIONS ON MATTERS OF THE REPUBLIC OF TAJIKISTAN NATIONALITY

Article 52. Appeal of refusal in registration of changing nationality and decisions of belonging to the Republic of Tajikistan nationality

Decisions of a competent organ on refusal in registration of acquiring or terminating of nationality of the Republic of Tajikistan or else on belonging to the Republic of Tajikistan nationality may be appealed to the court within a month.

Article 53. Appeal of officials' actions on matters of the Republic of Tajikistan nationality

Refusal in receiving applications and solicitations on matters of nationality, violation of the terms of consideration of application and solicitations as well as other actions of officials of the competent bodies breaking the procedure of consideration the matters of nationality and the order of execution of decisions on matters of the Republic of Tajikistan nationality may be appealed in the fixed order to an abovestanding through subordination rule, official or to the court. Persons domiciled abroad shall appeal the illegal actions of officials of diplomatic and consular representatives of the Republic of Tajikistan to the Supreme Court of the Republic of Tajikistan.

CHAPTER IX. INTERSTATE TREATIES

Article 54. Implementation of interstate treaties

If by an interstate treaty of the Republic of Tajikistan has established rules other than those contained in this constitutional Law, the rules of the treaty shall be applied.

E. Rahmonov
President
Republic of Tajikistan
City of Dushanbe

November 4, 1995

RESOLUTION of the Majlisi Oli of the Republic of Tajikistan on procedure of putting into effect the constitutional law of the Republic of Tajikistan "On nationality of the Republic of Tajikistan"

The Majlisi Oli of the Republic of Tajikistan resolves:

1. To put into effect the constitutional law of the Republic of Tajikistan "On nationality of the Republic of Tajikistan" on the day of its official promulgation.
2. To instruct the Government of the Republic of Tajikistan to ensure bringing the normative acts issued by the Government of the Republic of Tajikistan, ministries, state committees and entities of the Republics of Tajikistan into accordance with the constitutional law of the Republic of Tajikistan "On nationality of the Republic of Tajikistan".
3. To declare null and void the Law of the Republic of Tajikistan "On nationality of the Republic of Tajikistan" from the 28th of June 1991 and Resolution of the Supreme Soviet of the Republic of Tajikistan from the 27th of June 1991 " On procedure of putting into effect the Law of the Republic of Tajikistan "On nationality of the Republic of Tajikistan" (Bulletin of the Supreme Soviet of the Republic of Tajikistan, 1991, # 14, Art 232, 233).

S. Rajabov
Chairman
Majlisi Oli of the Republic of Tajikistan

#105
City of Dushanbe
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