

**Constitutional Law of the Republic of Tajikistan on Nationality of the
Republic of Tajikistan**
(as amended by the Law of 06.10.2008, №414).

The present Constitution Law incorporates the norms and principles of the Constitution of the Republic of Tajikistan, international law relating to nationality and human rights, creates the most favourable legal conditions for every national of the Republic of Tajikistan, provides state's protection and auspices to nationals of the Republic of Tajikistan abroad (as amended by the Law of 06.10.2008, №414).

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 nationality.

Nationality of the Republic of Tajikistan is uniform and equal, irrespective of grounds of acquisition as amended by the Law of 06.10.2008, №414).

Article 2. Nationality of the Republic of Tajikistan

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

A national of the Republic of Tajikistan is a person who is a national of the Republic of Tajikistan on the day of the adoption of the Constitution or who 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

Legislation of the Republic of Tajikistan on Nationality is based on the Constitution of the Republic of Tajikistan and shall include the present Constitutional Law and other normative legal acts of the Republic of Tajikistan, as well as international legal acts recognised by Tajikistan (as amended by the Law of 06.10.2008, №414).

Article 4. Dual nationality

Nationals of Tajikistan are not permitted to acquire nationality of another state, except in cases provided by the law and interstate treaties of Tajikistan.

Article 5. Retention of nationality of the Republic of Tajikistan by persons residing outside the Republic of Tajikistan

Residence of a national of the Republic of Tajikistan outside the Republic of Tajikistan shall not itself entail withdrawal of nationality of the Republic of Tajikistan, except in cases provided by the present Constitutional Law.

Article 6. State protection and auspices of nationals of the Republic of Tajikistan residing outside the Republic of Tajikistan

Nationals of the Republic of Tajikistan residing outside the Republic of Tajikistan enjoy protection and auspices of the Republic of Tajikistan.

State bodies of the Republic of Tajikistan, diplomatic missions and consular offices of the Republic of Tajikistan, and their officials are obliged to ensure that the nationals of the Republic of Tajikistan abroad enjoy opportunities to fully exercise all the rights established by the legislation of the state of their residence, international treaties of the Republic of Tajikistan, international custom, to protect their rights and legitimate interests and, when necessary, to take measures to restore infringed 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

No national of the Republic of Tajikistan may be extradited to a foreign state. Extradition of a criminal to a foreign state shall be granted on the basis of a bilateral agreement (as amended by the Law of 6.10.2008, №414).

Article 8. Nationality of the Republic of Tajikistan and matrimony

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

A change of nationality of one spouse shall not entail a change of nationality of the other spouse.

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

Article 9. Reduction of statelessness

The Republic of Tajikistan encourages the acquisition of nationality of the Republic of Tajikistan by stateless persons and does not prevent them from acquisition of another nationality.

Article 10. Honorary nationality of the Republic of Tajikistan

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

The Regulation on honorary nationality of the Republic of Tajikistan is approved by the President of the Republic of Tajikistan (as amended by the Law of 6.10.2008, №414).

Honorary nationals of the Republic of Tajikistan shall enjoy the rights of nationals of the Republic of Tajikistan in accordance with the Regulation on honorary nationality of the Republic of Tajikistan.

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

Persons being on the territory of the Republic of Tajikistan who are not nationals of the Republic of Tajikistan shall enjoy all the rights and freedoms and bear all the duties established by the Constitution, laws and interstate treaties of the Republic of Tajikistan, except for the limitations established by the Constitution, laws and interstate treaties of the Republic of Tajikistan (as amended by the Law of 6.10.2008, №414).

Article 12. Implementation of international treaties

When addressing issues of nationality, along with the application of the present Constitutional Law, international treaties, recognised by the Republic of Tajikistan, governing these issues, are applied. If this Constitutional Law and other laws of the Republic of Tajikistan do not comply with recognised international legal acts, the norms of international legal instruments shall be applied (as amended by the Law of 6.10.2008, №414).

Article 13. Documents confirming the nationality of the Republic of Tajikistan

Documents confirming nationality of the Republic of Tajikistan is a passport of a national of the Republic of Tajikistan and, before its receipt, a birth certificate or other documents with a reference to a person's nationality.

Article 14. Principal definitions

The following definitions in the present Constitutional Law are applied in the following sense:

- a) Nationality of the Republic of Tajikistan – steady legal relationship of a person with the Republic of Tajikistan, encompassing in totality rights and reciprocal duties;
- b) Another nationality – nationality of another state;
- c) Foreign citizen - a person, who is a citizen of a foreign state and who does not possess nationality of the Republic of Tajikistan;
- d) Stateless person - a person who is not a national of the Republic of Tajikistan and has no proof of citizenship of another state;
- e) Child - a person under eighteen years of age, if he or she, in accordance with the legislation of the Republic of Tajikistan, has not reached the age of majority;
- f) Residence – legal stay of a person on the territory of the Republic of Tajikistan or abroad;

g) The territory of the Republic of Tajikistan - territory of the Republic of Tajikistan within the state borders of the Republic of Tajikistan or territory of the Republic of Tajikistan within the administrative borders of the Republic of Tajikistan on the day of the occurrence of circumstances related to the acquisition or withdrawal of the nationality of the Republic of Tajikistan in accordance with the present Constitutional Law (as amended by the Law of 6.10.2008, №414).

CHAPTER II. ACQUISITION OF NATIONALITY OF THE REPUBLIC OF TAJIKISTAN

Article 15. Grounds for acquisition of nationality of the Republic of Tajikistan

Nationality of the Republic of Tajikistan shall be acquired on the following grounds:

1. By birth;
2. By the established registration order;
3. By naturalization;
4. By Restoration of nationality of the Republic of Tajikistan;
5. By a choice of a nationality (optation) when national affiliation of certain territory changes and on the other grounds stipulated in international treaties of the Republic of Tajikistan;
6. On the other grounds stipulated in this Law.

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

A child, both of whose parents at the time of the birth of the child were nationals of the Republic of Tajikistan, is a national of the Republic of Tajikistan irrespective of the place of his or her birth.

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

When the nationality of the parents is different but one of them at the time of the child's birth was a national of the Republic of Tajikistan, the child is a national of the Republic of Tajikistan:

- if the child was born on the territory of the Republic of Tajikistan;
- if the child was born outside of the Republic of Tajikistan, but his or her parents or one of them at the time of the birth of the child had permanent residence on the territory of the Republic of Tajikistan;

When the nationality of the parents is different but one of them at the time of the child's birth was a national of the Republic of Tajikistan, and if at the time, both parents had permanent residence abroad, the nationality of the child born outside of the Republic of Tajikistan shall be determined on the basis of a written agreement between the two parents.

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

In the case where a child's mother is a stateless person and an affiliation is established with the child's father who is a national of Tajikistan, the child, regardless of the place of birth, is recognised as a national of the Republic of Tajikistan (as amended by the Law of 6.10.2008, №414).

Article 18. Acquisition of nationality of the Republic of Tajikistan by a child born to stateless persons (as amended by the Law of 6.10.2008, №414)

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

Article 19. Nationality of children whose parents are unknown

A child who is on the territory of the Republic of Tajikistan, both of whose parents are unknown, is a national of the Republic of Tajikistan.

Article 20. Nationality of a child whose parents are not nationals of the Republic of Tajikistan

A child born on the territory of the Republic of Tajikistan, to parents who are nationals of other states, is considered a national of the Republic of Tajikistan provided that these states have not granted him or her citizenship (as amended by the Law of 6.10.2008, №414).

Article 21. Acquisition of nationality by the established registration order

Nationality of the Republic of Tajikistan is acquired through the established registration order by:

- a) Persons, whose spouse is a national of the Republic of Tajikistan;
- b) A person at the time of whose birth at least one of the parents was a national of the Republic of Tajikistan, but who acquired another nationality by birth within five years after reaching the age of eighteen;

Parts c), d) and e) are excluded (as amended by the Law of 6.10.2008, №414)

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

Foreign citizens and stateless persons may be naturalized as nationals of the Republic of Tajikistan at their request, in accordance with the present Constitutional Law.

Decisions on applications 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 legally capable person who has reached the age of eighteen years and is not a national of the Republic of Tajikistan, may apply for the nationality of the Republic of Tajikistan, regardless of nationality, race, sex, language, religion, political beliefs, education, social or financial status (as amended by the Law of 6.10.2008, №414).

The general condition for granting nationality of the Republic of Tajikistan is permanent residence on the territory of the Republic of Tajikistan for foreign citizens and stateless persons for five years continuously immediately before making a request; for refugees, recognised as such by the law of the Republic of Tajikistan and the Republic of Tajikistan contract specified periods are halved. The period of residence on the territory of the Republic of Tajikistan shall not be interrupted if a person has left the Republic of Tajikistan for study or medical treatment for a period not exceeding three months.

The circumstances facilitating the naturalization as a national of the Republic of Tajikistan including giving the right of reducing the requirements, or even lifting them, of the second part of the present article are:

- a) Possession of the citizenship of the former USSR;
- b) Adoption of a child who is a national of the Republic of Tajikistan;
- c) Presence of high achievements in science, engineering and culture as well as possession of occupation or qualification which are of interest to the Republic of Tajikistan;
- d) Presence of services to the people of the Republic of Tajikistan, in reviving the Republic of Tajikistan, or the implementation of ideals and values common to all mankind;
- e) Obtaining asylum on the territory of the Republic of Tajikistan;
- f) Persons who previously held nationality (citizenship) of the Republic of Tajikistan by birth (as amended by the Law of 6.10.2008, №414);
- g) Marriage to a national of the Republic of Tajikistan for a period of at least three years (as amended by the Law of 6.10.2008, №414).

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

An application for naturalization as a national of the Republic of Tajikistan shall be rejected if the applicant:

- a) Advocates for violent change of the constitutional order of the Republic of Tajikistan;
- b) Is a member of parties and other organizations whose activity is incompatible with the constitutional principles of the Republic of Tajikistan;
- c) Has been convicted and is serving his or her sentence of imprisonment for acts prosecuted under the laws of the Republic of Tajikistan;
- d) Is a national of other state where there is no interstate agreement with that state on dual nationality.

The norms of the first part of the present article shall also apply to the persons indicated in Article 23 and in the third part of Article 25 of the present Constitutional Law (as amended by the Law of 6.10.2008, №414).

Article 25. Restoration of nationality of the Republic of Tajikistan

Restoration of nationality of the Republic of Tajikistan may take place through the established registration order for:

- a) Persons whose nationality of the Republic of Tajikistan ceased because of adoption, custody or guardianship.
- b) Persons within five years after reaching the age of eighteen, whose nationality of the Republic of Tajikistan ceased due to the change of the nationality of their parents.

The former nationals of the Republic of Tajikistan deprived of their nationality or who had lost it without free expression of their will shall be considered as having restored such nationality.

Nationality of the Republic of Tajikistan may be restored to a person who previously was a national of the Republic of Tajikistan and who is not covered by the first and second parts of the present article, at his or her request.

Article 26. Choice of nationality in the event of change of the borders of the Republic of Tajikistan

When establishing and changing the state border of the Republic of Tajikistan, both establishing and adjusting legal relations with States bordering Tajikistan, persons residing in a territory that has changed its national affiliation, have the right to choose one nationality or another in

accordance with the procedures set out in international agreements of one or the other State (as amended by the Law of 6.10.2008, №414).

CHAPTER III. WITHDRAWAL OF NATIONALITY OF THE REPUBLIC OF TAJIKISTAN

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

Nationality of the Republic of Tajikistan shall be withdrawn:

- a) Due to the renunciation of nationality;
- b) Due to the loss of nationality;
- c) Due to the cancellation of the decision on naturalization;
- d) Due to deprivation of nationality;
- e) By choosing a nationality (optation) when national affiliation of certain territory changes and on other grounds provided by international treaties of the Republic of Tajikistan;
- f) On other grounds provided by the present Constitutional Law.

Article 28. Renunciation of nationality of the Republic of Tajikistan

Renunciation of the nationality of the Republic of Tajikistan may take place:

- a) At the request of a national in the manner prescribed by the present Constitutional Law;
- b) By the established registration order, if person's, who announced his or her intention to renounce his or her nationality of the Republic of Tajikistan, at least one of the parents, spouse or child has another nationality or if the person had left for permanent residence in another state in accordance with the law, provided that there are no obstacles envisaged in the second and third parts of this article. An application for renunciation of nationality of the Republic of Tajikistan may be rejected if the national resides or intends to settle in a country which is not bound with the Republic of Tajikistan by treaty obligations for legal assistance, but he or she has property obligations to individuals or legal entities of the Republic of Tajikistan, or else has not fulfilled his or her obligations to the state, resulting from the grounds determined by the law of the Republic of Tajikistan.

Renunciation of nationality of the Republic of Tajikistan is not allowed:

- a) Upon receipt of the notification of compulsory conscription and until its completion;

b) If a national applying for renunciation of the nationality of the Republic of Tajikistan is charged with a criminal offence or there is a conviction that has entered into force and is due for enforcement, or if the person's renunciation of nationality of the Republic of Tajikistan is contrary to the interests of the national security of the Republic of Tajikistan;

Rejection of an application for renunciation of nationality of the Republic of Tajikistan or rejection to register the renunciation of nationality of the Republic of Tajikistan must be motivated by the competent authorities.

Article 29. Loss of nationality of the Republic of Tajikistan

Nationality of the Republic of Tajikistan shall be lost:

a) As a consequence of enlistment of a person for military service, for security service, police, judicial authorities or for other bodies of the public authority and administration of a foreign state;

b) If a person permanently residing abroad has not registered in a consulate without valid reasons within five years.

Loss of nationality of the Republic of Tajikistan shall come into force from the time of registration of that fact by the competent authorities.

Article 30. Cancellation 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 cancelled if a person has acquired the nationality of the Republic of Tajikistan on the basis of intentionally false information and false documents. The fact of intentionally false information and false documents shall be established by a court. Cancellation of the decision on naturalization shall not exempt the person from liability established by law.

Cancellation of a decision on naturalization as a national of the Republic of Tajikistan shall not apply to the spouse and children of the person referred to in the first part of this article, when the latter has acquired the nationality of the Republic of Tajikistan together with him or her, unless it is proved that they were aware that their nationality of the Republic of Tajikistan has been acquired unlawfully.

Cancellation of the decision on naturalization shall be possible within a time limit of five years after naturalization.

CHAPTER IV. NATIONALITY OF CHILDREN AND NATIONALITY OF THE PARENTS, CUSTODIANS AND GUARDIANS. NATIONALITY OF INCAPACITATED PERSONS

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

Nationality of children under the age of fourteen shall be determined by the nationality of their parents.

Nationality of children aged between fourteen and eighteen years shall be changed only with their consent.

Nationality of children shall not change in the event of change of the nationality of their parents deprived of parental rights. In order to change the nationality of children, consent of parents deprived of parental rights, is not required.

Article 32. Nationality of children in the event of change of 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 their nationality of the Republic of Tajikistan is withdrawn the nationality of the children shall correspondingly change.

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 custody of guardianship of a national of the Republic of Tajikistan, renounce their nationality of the Republic of Tajikistan and at the same time do not participate in the upbringing of the child, then the child by application of the parents, custodian or guardian shall retain nationality of the Republic of Tajikistan.

Article 33. Nationality of children in the case of one of the parents acquiring nationality of the Republic of Tajikistan

If one parent acquires nationality of the Republic of Tajikistan his/her child shall be granted nationality of the Republic of Tajikistan on the application of the parent who has acquired the nationality of the Republic of Tajikistan and upon written consent of the other parent.

Article 34. Nationality of children upon withdrawal of nationality of the Republic of Tajikistan of one of their parents

If the nationality of the Republic of Tajikistan of one of the parents is withdrawn, but the other retains such nationality, then a child shall retain the nationality of the Republic of Tajikistan. On the basis of the application of the parent, whose nationality is withdrawn and with the written consent of the parent who remains a national of the Republic of Tajikistan, nationality of the Republic of Tajikistan of the child shall be withdrawn, provided that the child is granted another nationality.

Article 35. Nationality of children in case of adoption

A child who is a national of the Republic of Tajikistan upon his or her adoption by persons who are nationals of the Republic of Tajikistan, shall retain nationality of the Republic of Tajikistan.

A child who is not a national of the Republic of Tajikistan upon his or her adoption by a national of the Republic of Tajikistan or by a married couple who are nationals of the Republic of Tajikistan shall become a national of the Republic of Tajikistan.

A child who is not a national of the Republic of Tajikistan upon his or her adoption 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 is not a national of the Republic of Tajikistan upon his or her adoption by a married couple, one of whom is a national of the Republic of Tajikistan but the other is a foreign national shall become a national of the Republic of Tajikistan by agreement of the adopters. In the absence of such agreements, the child shall become a national of the Republic of Tajikistan, if he or she resides on the territory of the Republic of Tajikistan or if otherwise, he or she would be stateless.

Article 36. Nationality of incapacitated persons and nationality of guardians

Nationality of an incapacitated person shall be determined by the nationality of the guardian.

Article 37. Disputes concerning nationality of children and incapacitated persons

Disputes between the parents, custodians or guardians on the nationality of children and incapacitated persons shall be considered in court, based on the interests of a child or an incapacitated person.

CHAPTER V. STATE BODIES OF THE REPUBLIC OF TAJIKISTAN ADJUDICATING ON MATTERS OF NATIONALITY AND THEIR COMPETENCIES

Article 38. State bodies of the Republic of Tajikistan adjudicating on matters of nationality of the Republic of Tajikistan

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

- The President of the Republic of Tajikistan;
- The Commission on the Matters of Nationality under the President of the Republic of Tajikistan;
- The Ministry of Internal Affairs of the Republic of Tajikistan;
- The Ministry of Foreign Affairs of the Republic of Tajikistan, diplomatic missions and consular offices of the Republic of Tajikistan.

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

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

- a) Naturalization as a national of the Republic of Tajikistan of foreign citizens, citizens of the former USSR and stateless persons with respect to whom Article 19 of the present Constitutional Law does not apply;
- b) Restoration of nationality of the Republic of the Tajikistan of persons with respect to whom the first and the second parts of Article 25 of the present Constitutional Law does not apply;
- c) Permission for renunciation of nationality of the Republic of Tajikistan by persons with respect to whom paragraph "b" of the first part of Article 28 of the present Constitutional Law does not apply;
- d) Permission for a national of the Republic of Tajikistan to have simultaneously a nationality of another state;
- e) Cancellation of a decision on naturalization as a national of the Republic of Tajikistan;
- f) Granting honorary nationality of the Republic of Tajikistan.

Excluded (as amended by the Law of 6.10.2008, №414)

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

In order to carry out the competences stipulated by the present Constitutional Law the President of the Republic of Tajikistan shall issue decrees.

Article 40. Competencies of the Commission on the 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 submission on matters of nationality. Proposals of the Commission shall be officially registered in a protocol and signed by all its members participating in a sitting.

At the time of consideration of applications and submissions on matters of nationality the Commission shall comprehensively evaluate applicant's arguments, the content of the submission, the conclusion of the state bodies and public organizations on applications, other documents and duly register testimonial evidence. The Commission has the right to request on the subject matter under its consideration the documents and materials of state bodies that present the necessary information within the terms set by the Commission.

Article 41. Competencies of the Ministry of Internal Affairs of the Republic of Tajikistan

The Ministry of Internal Affairs of the Republic of Tajikistan and its subordinate agencies endowed with relevant expertise shall:

- a) Receive from persons residing on the territory of the Republic of Tajikistan applications and petitions on matters of nationality of the Republic of Tajikistan;
- b) Verify facts and documents submitted in support of applications and petitions on matters of nationality of the Republic of Tajikistan;
- c) Refer applications on matters of nationality together with the corresponding documents to the Commission on the Matters of Nationality under the President of the Republic of Tajikistan;
- d) Establish affiliation of persons residing on the territory of the Republic of Tajikistan to nationality of the Republic of Tajikistan;
- e) Upon applications of interested persons residing on the territory of the Republic of Tajikistan shall carry out registration of the acquisition or cessation of nationality of the Republic of Tajikistan, in cases determined by the present Constitutional Law.

Distribution of competence on matters of nationality of the Republic of Tajikistan in the system of internal affairs of the Republic of Tajikistan shall be determined by the decree of the Government of the Republic of Tajikistan.

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

The Ministry of Foreign Affairs of the Republic of Tajikistan, diplomatic missions and consular offices of the Republic of Tajikistan shall:

- a) Receive from persons residing outside the Republic Tajikistan applications and petitions on matters of nationality of the Republic of Tajikistan;
- b) Verify facts and documents submitted in support of applications and petitions on matters of nationality of the Republic of Tajikistan;
- c) Refer applications on matters of nationality together with the corresponding documents to the Commission on the Matters of Nationality under the President of the Republic of Tajikistan;
- d) Establish affiliation of persons residing outside the Republic of Tajikistan to nationality of the Republic of Tajikistan;
- e) Register nationals of the Republic of Tajikistan, permanently residing outside the Republic of Tajikistan;

f) Upon application of persons residing outside the Republic of Tajikistan shall carry out registration of the acquisition or cessation of nationality of the Republic of Tajikistan, in cases determined by the present Constitutional Law.

According to the agreement between the Republic of Tajikistan and other state competences set out in the first part of this article may be exercised by the diplomatic missions and consular offices of the Republic of Tajikistan.

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

Article 43. Procedure for submission of applications and petitions on the matters of nationality

Applications for registration of a change of nationality shall be submitted to the bodies of Internal Affairs of the Republic of Tajikistan according to the applicant's place of residence, and persons residing outside the Republic of Tajikistan shall submit such applications to the corresponding diplomatic missions and consular offices of the Republic of Tajikistan.

Applications on matters of nationality shall be submitted to the President of the Republic of Tajikistan through the bodies of Internal Affairs according to the applicant's place of residence, and persons residing outside the Republic of Tajikistan, shall submit such applications through the diplomatic missions and consular offices of the Republic of Tajikistan.

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

Applications and petitions for nationality shall be submitted in writing. Consent of persons on the acquisition, withdrawal, retention or change of nationality must be in writing. A signature on the document shall be confirmed by a notary. Signatures of nationals of the Republic of Tajikistan residing outside the Republic of Tajikistan can be certified by diplomatic missions or consular offices of the Republic of Tajikistan.

If an applicant is unable to sign the application or petition due to his or her illiteracy or his or her physical disabilities, it shall be signed at his or her request by another person, in which case a relevant notarial record shall be made. Outside of the Republic of Tajikistan such record in the application or petition shall be made by a diplomatic mission or consular office of the Republic of Tajikistan.

Article 45. Procedure of official registration of applications and petitions on matters of nationality of the Republic of Tajikistan

Official registration of an application or petition on matters of nationality of the Republic of Tajikistan shall be conducted by the body of Internal Affairs at the place of residence at the personal request of the applicant, but if the applicant resides outside the Republic of Tajikistan,

this official registration is to be made by the appropriate diplomatic mission or consular office of the Republic of Tajikistan.

If there is proper documentation proving the impossibility of personal request of the applicant, the authorities of Internal Affairs, diplomatic mission or consular office of the Republic of Tajikistan are obliged to register documentation on nationality upon application or petition, submitted through another person or sent by mail. In this case, the signature on the application and petition must be confirmed by a notary.

Upon submission of applications and petitions on matters of nationality of the Republic of Tajikistan a state fee shall be paid, the size of which is determined by law of the Republic of Tajikistan. Persons with low income are exempted wholly or partially from paying the state fee in accordance with the law of the Republic of Tajikistan.

Article 46. Conclusions and reporting on applications for acquisition or withdrawal of the nationality of the Republic of Tajikistan

A body of Internal Affairs of the Republic of Tajikistan or the diplomatic mission or consular office of the Republic of Tajikistan shall issue its reasoned opinion, and if necessary shall prepare a narration, on the application of the acquisition or withdrawal of nationality of the Republic of Tajikistan.

Conclusions and reporting on issues of nationality of the Republic of Tajikistan and other necessary documents shall be sent to the Commission on the Matters of Nationality under the President of the Republic of Tajikistan.

Article 47. Terms for submission and examination of applications and petitions on matters of nationality of the Republic of Tajikistan

Term of examination of the applications for nationality should not exceed six months, and of the petitions - nine months.

If term for submission of applications for nationality of the Republic of Tajikistan is missed for valid reasons, it can be restored at the request of the applicant by the Commission on the Matters of Nationality under the President of the Republic of Tajikistan.

Article 48. Date of acquisition or withdrawal of nationality of the Republic of Tajikistan

The nationality of the Republic of Tajikistan is considered as acquired or withdrawn from the day when a corresponding decision has been passed by a competent authority or when the decree of the President of the Republic of Tajikistan has been issued.

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

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

Execution of decisions on matters of nationality of the Republic of Tajikistan in respect to persons residing on the territory of the Republic of Tajikistan shall be the responsibility of the Ministry of Internal Affairs of the Republic of Tajikistan and in respect to persons residing outside the Republic of Tajikistan shall be responsibility of the Ministry of Foreign Affairs, diplomatic missions and consular offices of the Republic of Tajikistan.

Article 50. Delivery of documents, certifying acquisition and withdrawal of the nationality of Republic of Tajikistan

Persons who in the established order have acquired nationality of the Republic of Tajikistan are issued passports of nationals of the Republic of Tajikistan by the bodies of internal affairs of the Republic of Tajikistan, diplomatic missions or consular offices of the Republic of Tajikistan. In the documents of children under sixteen years of age, a record of their affiliation with nationality of the Republic of Tajikistan is made.

Persons residing on the territory of the Republic of Tajikistan, whose nationality of the Republic of Tajikistan is withdrawn and who are not nationals of another state, are issued residency visas for stateless persons by the bodies of internal affairs of the Republic of Tajikistan.

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

Supervision of the execution of decisions on matters of nationality of the Republic of Tajikistan shall be conducted by the Commission on the Matters of Nationality under the President of the Republic of Tajikistan, as well as other authorities in accordance with their competence.

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

Article 52. Appeals against rejection to register the change of nationality and decisions on possession of nationality of the Republic of Tajikistan

Decision of a competent authority on rejection to register the acquisition or withdrawal of nationality of the Republic of Tajikistan or else to register the fact of possession of nationality of the Republic of Tajikistan may be appealed to the court within one month.

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

Rejection to accept applications and petitions for nationality, violation of terms of examination of applications and petitions, as well as other actions of officials of the respective competent authorities who violate procedure for considering cases on nationality and the procedure of execution of decisions on nationality of the Republic of Tajikistan, may be appealed in accordance with established procedure to the superior official or to the court. Persons permanently residing outside the Republic of Tajikistan, appeal against unlawful actions of the officials of diplomatic missions and consular offices 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 an interstate treaty of the Republic of Tajikistan has established rules other than those contained in this Constitutional Law, the rules of the interstate treaty shall apply.

E. Rahmonov
President
Republic of Tajikistan
City of Dushanbe
November 4, 1995

RESOLUTION

On the procedure of entry into force of the Constitutional Law of the Republic of Tajikistan "On Nationality of the Republic of Tajikistan"

The Majlisi Oli of the Republic of Tajikistan decides:

1. Enact the Constitutional Law of the Republic of Tajikistan "On nationality of the Republic of Tajikistan" from the date of its official publication.
2. That the Government of the Republic of Tajikistan shall ensure the harmonization of the normative legal acts issued by the Government of the Republic of Tajikistan, ministries, state committees and agencies of the Republics of Tajikistan with the Constitutional Law of the Republic of Tajikistan "On nationality of the Republic of Tajikistan".
3. To declare void the Law of the Republic of Tajikistan from June 28, 1991, "On nationality of the Republic of Tajikistan" and Resolution of the Supreme Council of the Republic of Tajikistan from June 27, 1991, "On the procedure of entry into force of the Law of the Republic of Tajikistan" (Bulletin of the Supreme Council of the Republic of Tajikistan, 1991, # 14, Art. 232, 233).

S. Rajabov
Chairman
Majilisi Oli of the Republic of Tajikistan

#105
City of Dushanbe
November 4, 1995