

THE LAW OF THE AZERBAIJAN REPUBLIC

On Citizenship of the Azerbaijan Republic

Section I

GENERAL PROVISIONS

Article 1. The Right for Citizenship

According to Article 52 of the Constitution of the Azerbaijan Republic, a citizen of the Azerbaijan Republic is a person who belongs to the Azerbaijan State and has legal and political ties, as well as mutual rights and obligations to it (State). A person born in the territory of the Azerbaijan Republic, or of a citizen of the Azerbaijan Republic shall become a citizen of the Azerbaijan Republic. A person one of whose parents is a citizen of the Azerbaijan Republic shall become a citizen of the Azerbaijan Republic.

Article 2. Guarantee of the Right for Citizenship

According to Part I of Article 53 of the Constitution of the Azerbaijan Republic, a citizen of the Azerbaijan Republic may never be deprived of citizenship of the Azerbaijan Republic.

According to Part II of Article 53 of the Constitution of the Azerbaijan Republic, a citizen of the Azerbaijan Republic may never be expelled from the Azerbaijan Republic or given to a foreign state.

According to Part III of Article 53 of the Constitution of the Azerbaijan Republic, the Azerbaijan Republic shall guarantee legal protection and provide patronage to its citizens, who temporarily or permanently reside outside the territory of the Azerbaijan Republic.

The State of Azerbaijan shall bear responsibility for guaranteeing the right of citizenship to the citizens of the Azerbaijan Republic through its bodies and executive officials.

Article 3. Equal Citizenship

The citizenship of the Azerbaijan Republic shall be equal to everyone regardless of basis for acquiring such citizenship.

The rights, freedoms and obligations of the citizens of the Azerbaijan Republic shall be equal regardless of their origin, social and property status, race and nationality, sex, educational background, language, religious views, political and other convictions, type and nature of employment, place of residence and period lived in such place of residence, as well as of other factors.

Article 4. Legislation of the Azerbaijan Republic on Citizenship

The legislation of the Azerbaijan Republic on citizenship consists of the Constitution, this Law and other relevant legislative acts of the Azerbaijan Republic.

Article 5. Affiliation to the Citizenship of the Azerbaijan Republic

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

- 1) Persons who had citizenship of the Azerbaijan Republic by the day of enactment of this Law (basis: persons who have been registered in a place of residence in the Azerbaijan Republic up to the day of entry into force of this Law);
- 2) Persons who are not citizens of the Azerbaijan Republic or other state and had a registered residence in the Azerbaijan Republic by January 1, 1992;
- 3) Refugees who have been settled in the territory of the Azerbaijan Republic from January 1, 1988 until January 1, 1992;
- 4) Persons who obtained the citizenship of the Azerbaijan Republic in accordance with this Law.

Persons envisaged in Paragraph 2 of the first part of this Article may acquire the citizenship of the Azerbaijan Republic in case if they applied for citizenship of the Azerbaijan Republic within one year from the day of enactment of this Law.

In accordance with Paragraph 3 of the first part of this Article, refugees who obtained the citizenship of the Azerbaijan Republic shall not lose their right to return to the countries they left. Privileges provided for internally displaced people by the legislation of the Azerbaijan Republic shall also apply to these persons.

Article 6. Document Confirming Citizenship of the Azerbaijan Republic

The following documents confirm the citizenship of the Azerbaijan Republic:

- 1) certificate of birth;
- 2) identification document of a citizen of the Azerbaijan Republic;
- 3) passport of a citizen of the Azerbaijan Republic.

Article 7. Retention of Citizenship upon marriage and divorce

Marriage and divorce of male or female citizen of the Azerbaijan Republic with a foreigner or a person without citizenship shall not be a reason for change of citizenship of either spouse.

Change in husband's (wife's) citizenship shall not be a reason for change in wife's (husband's) citizenship.

Article 8. Retention of Azeri Citizenship of Persons residing outside the Azerbaijan Republic

Residence by a citizen of the Azerbaijan Republic in a foreign state shall not by itself result in the loss of citizenship of the Azerbaijan Republic.

Article 9. Protection of Citizens of the Azerbaijan Republic Residing Outside the Azerbaijan Republic by the State of Azerbaijan

State bodies of the Azerbaijan Republic, its diplomatic representations and consulates in foreign countries and international organizations, as well as their officials shall be obliged to:

- take measures to ensure full use of all rights given to citizens of the Azerbaijan Republic temporarily or permanently residing outside the Azerbaijan Republic, in accordance with international legal documents which the Azerbaijan Republic is a party to, the legislation of foreign states, treaties concluded between the Azerbaijan Republic and states in which the citizens of the Azerbaijan Republic reside, as well as international practices;
- protect their legal rights and interests in a manner determined by the legislation;
- take measures to restore disturbed rights of the citizens of the Azerbaijan Republic, if necessary.

Article 10. Non-recognition of Azerbaijani Citizen's Affiliation to the Citizenship of a Foreign State

Affiliation of Azerbaijani citizen to the citizenship of a foreign state shall not be recognized, except for cases provided by international treaties of the Azerbaijan Republic, or cases treated in accordance with item 32 of Article 109 of the Constitution of the Azerbaijan Republic.

Section II

ACQUISITION AND RESTORATION OF CITIZENSHIP OF THE AZERBAIJAN REPUBLIC

Article 11. Grounds for acquisition of the citizenship of the Azerbaijan Republic

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

- 1) by birth in the territory of the Azerbaijan Republic or being born by a citizen of the Azerbaijan Republic;
- 2) by admission to the citizenship of the Azerbaijan Republic;
- 3) by grounds foreseen under the international treaties of the Azerbaijan Republic;
- 4) by other grounds foreseen under this Law.

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

A child born on the territory of Azerbaijan of stateless person residing permanently in Azerbaijan shall be a citizen of Azerbaijan Republic.

Article 13. Citizenship for Children Whose Parents are Unknown

A child, who lives on the territory of Azerbaijan and both parents of whom are unknown, is a citizen of Azerbaijan Republic.

Article 14. Admission to the citizenship of the Azerbaijan Republic

A foreigner or a stateless person who lives on the territory of the Azerbaijan Republic for the last 5 years and submits a document certifying his/her knowledge of the state language may be admitted to the citizenship of the Azerbaijan republic upon his/her own application consistent with this Law, regardless of his/her origin, social and property status, race and nationality, sex, educational background, language, religious views, political and other convictions.

If a person applying for the citizenship of the Azerbaijan Republic calls for forcible change in the state structure set by the Constitution of the Azerbaijan Republic, for disturbing its territorial integrity; performs activities that cause damage to state security, public order, the health and morality of the population; propagandizes racial, religious and national discrimination; has relations with terrorist activities, then such application for citizenship shall be rejected.

Decision on admission to the citizenship of the Azerbaijan Republic shall be adopted in accordance with Article 109 of Paragraph 20, of the Constitution of the Azerbaijan Republic.

A person applying for the citizenship of the Azerbaijan Republic shall pay official fee in a manner and amount determined by the legislation of the Azerbaijan Republic.

Article 15. Restoration of the Citizenship of the Azerbaijan Republic

A person, who has been previously a citizen of the Azerbaijan Republic, or whose citizenship has been terminated, may have his/her Azeri citizenship restored through application, taking into account the restrictions reflected in the second part of the Article 14 of this Law.

Section III

TERMINATION OF THE CITIZENSHIP OF THE AZERBAIJAN REPUBLIC

Article 16. Grounds for Termination of the Citizenship of the Azerbaijan Republic

The citizenship of the Azerbaijan Republic shall be terminated in the following cases:

- 1) as a result of secession from citizenship of the Azerbaijan Republic;
- 2) as a result of loss of the citizenship of the Azerbaijan Republic;
- 3) if there are grounds foreseen under international treaties of the Azerbaijan Republic;
- 4) if there are other grounds foreseen under this Law.

Article 17. Secession from the citizenship of Azerbaijan Republic

Secession from the citizenship of the Azerbaijan Republic shall be made upon application of a person in accordance with this Law.

Secession from the citizenship of Azerbaijan Republic can be denied if a person requesting secession has not honored his/her commitments to the state or has property obligations related to the interests of legal and physical entities of Azerbaijan Republic.

Secession from the citizenship shall not be allowed if a person applying for the secession from the citizenship of the Azerbaijan Republic, has been called for criminal liability as defendant, or if there is enacted court decision to be executed about this person, or if secession from Azerbaijani citizenship by a person conflicts the state security interests of the Azerbaijan Republic.

A person, who applies for secession from the citizenship of the Azerbaijan Republic, shall pay official fee in a manner and amount provided by the legislation of the Azerbaijan Republic.

Article 18. Forfeiting the Citizenship of the Azerbaijan Republic

If, while acquiring the citizenship of the Azerbaijan Republic, a person has deliberately falsified the data necessary to acquire the citizenship, or submitted a falsified document, he/she shall forfeit the citizenship of the Azerbaijan Republic.

Section IV

CITIZENSHIP OF CHILDREN IN CASES OF CHANGE OF THE CITIZENSHIP OF PARENTS AND ADOPTION

Article 19. Change in Citizenship of Children in Case of Change in Citizenship of their Parents

If parents change their citizenship and both of them acquire the citizenship of the Azerbaijan Republic, their children under the age of 14 shall be provided with the citizenship of the Azerbaijan Republic.

If one of the parents of a child is known, and if this parent acquires the citizenship of the Azerbaijan Republic, then his/her child under the age of 14 shall be provided with the citizenship of the Azerbaijan Republic.

Article 20. Retention of the citizenship of Azerbaijan of a child placed under guardianship or wardship

If both parents or one of the child's parents living on the territory of Azerbaijan secede from the citizenship of the Azerbaijan Republic and do not bring up the child placed under the guardianship or wardship of the citizenship of the Republic of Azerbaijan, the child shall retain the citizenship of the Azerbaijan Republic by request of the parents, the guardian or the wards.

Article 21. Acquisition of the citizenship of the Azerbaijan Republic by a child in case of acquisition of the citizenship of the Azerbaijan Republic by one of the parents

If one of the parents becomes a citizen of the Azerbaijan Republic while another remains a foreigner, the child can acquire citizenship of the Azerbaijan Republic by request of one of the parents who is acquiring citizenship of the Azerbaijan Republic, and with the consent of another parent.

If one of the parents becomes a citizen of the Azerbaijan Republic while another remains a stateless person, the child living on the territory of Azerbaijan shall become a citizen of the Republic of Azerbaijan.

If one of the parents becomes a citizen of the Azerbaijan Republic while another remains a stateless person, the child living beyond the borders of Azerbaijan can acquire citizenship of the Azerbaijan Republic by request of that parent who acquires citizenship of the Republic of Azerbaijan and with the consent of another parent.

Article 22. Retention of the citizenship of the Azerbaijan Republic by a child in case of secession from the citizenship of the Azerbaijan Republic by one of the parents

If one of the parents secedes from the citizenship of the Azerbaijan Republic while another remains a citizen of the Azerbaijan Republic, the child shall retain citizenship of the Azerbaijan Republic.

By request of the parent who secedes from the citizenship of the Azerbaijan Republic and the written consent of another parent who retains citizenship of the Azerbaijan Republic, the change of the child's citizenship may be granted.

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

A child, who is a foreigner or a stateless person and is adopted by the citizen of the Azerbaijan Republic, may become a citizen of the Azerbaijan Republic.

A child, who is a foreigner and is adopted by spouses one of whom is a citizen of the Azerbaijan Republic while another is a stateless person, shall become a citizen of the Azerbaijan Republic.

A child, who is a foreigner and is adopted by spouses, one of whom is a citizen of the Azerbaijan Republic while another is a foreigner, shall become a citizen of the Azerbaijan Republic by consent of the adopters.

A child, who is a stateless person and is adopted by spouses one of whom is a citizen of the Azerbaijan Republic while another is a stateless person, shall become a citizen of the Azerbaijan Republic.

A child, who is a stateless person and is adopted by spouses, one of whom is a citizen of the Azerbaijan Republic while another is a foreigner, shall become a citizen of the Azerbaijan Republic by consent of the adopters.

Article 24. Determination of Citizenship of Children in Case of Adoption by Foreigners and by Stateless persons

Citizenship of a child being the citizen of the Azerbaijan Republic, who is adopted by foreigners, may be terminated upon application of adopters.

A child being the citizen of the Azerbaijan Republic, who is adopted by spouses one of whom is a citizen of the Azerbaijan Republic while another is a foreigner, may retain the citizenship of the Azerbaijan Republic. The child may secede from the citizenship of Azerbaijan Republic by application of the adopters.

A child being the citizen of the Azerbaijan Republic, who is adopted by spouses both of whom are stateless or one of whom is a citizen of the Azerbaijan Republic while another is a stateless person, may retain the citizenship of the Azerbaijan Republic.

Article 25. Necessity of children's consent for the change of their citizenship

In the cases provided by Articles 19-24 of this Law, change of children's citizenship at the age from 14 to 18 can occur only with the consent of the children.

Section V

**FORCE OF INTERNATIONAL LEGAL NORMS RELATED TO ISSUES OF
CITIZENSHIP**

Article 26. Force of International Legal Norms Related to Issues of Citizenship

International Treaties of the Azerbaijan Republic shall apply in the cases of conflict between this Law and International Treaties of the Azerbaijan Republic.

**Heydar Aliyev
The President of the Azerbaijan Republic
Baku, September 30, 1998**