

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 relations, as well as mutual rights and obligations to it (State). A person who is born in the territory of the Azerbaijan Republic, or by 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 time 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 before up to 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 enactment of this Law);
- 2) Persons who are not citizens of the Azerbaijan Republic or other state, but have been registered in a place of residence in the Azerbaijan Republic until 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.

Based on 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 countries they left. Privileges provided for internally displaced people by the legislation of the Azerbaijan Republic shall also apply to these persons.

Article 6. Documents to Prove the Citizenship of the Azerbaijan Republic

The following documents shall prove 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 in cases of Settlement and Dissolution of Marriage

Settlement or dissolution of marriage between male or female citizen of the Azerbaijan Republic and a foreigner or a stateless person shall not be a reason for change in citizenship of spouses.

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 after Persons Who Reside Outside the Azerbaijan Republic

Residence of a citizen of the Azerbaijan Republic in the territory of a foreign state shall not be a reason for termination of his/her Azeri citizenship.

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 Azeri Citizen's Affiliation to the Citizenship of a Foreign State

Affiliation of Azeri 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 paragraph 32, Article 109 of the Constitution of the Azerbaijan Republic.

Section II

ACQUIRING AND RESTORATION OF THE CITIZENSHIP OF THE AZERBAIJAN REPUBLIC

Article 11. Grounds for Acquiring the Citizenship of the Azerbaijan Republic

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

- 1) if a person is born in the territory of the Azerbaijan Republic or by a citizen of the Azerbaijan Republic;
- 2) if a person is admitted to the citizenship of the Azerbaijan Republic;
- 3) if there are grounds provided by international treaties of the Azerbaijan Republic;
- 4) if there are other grounds provided by this Law.

Article 12. Acquiring Azeri Citizenship by Children of Stateless Persons

A child who belongs to stateless persons and is born in the territory of the Azerbaijan Republic shall become a citizen of the Azerbaijan Republic.

Article 13. Citizenship for Children Whose Parents are Unknown

A child whose both parents are unknown, and who is located in the territory of the Azerbaijan Republic, shall become a citizen of the Azerbaijan Republic.

Article 14. Admittance to the Citizenship of the Azerbaijan Republic

A foreigner or a stateless person who lives in 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, protection of public tranquility, the health and morality of the population; propagandizes racial, religious and national exception; has relations with terrorist activities, then such application for citizenship shall be rejected.

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

A person applying for the citizenship of the Azerbaijan Republic shall pay state duty 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 enumerated 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 dropping the citizenship of the Azerbaijan Republic;

- 2) as a result of forfeiting the citizenship of the Azerbaijan Republic;
- 3) if there are grounds provided by international treaties of the Azerbaijan Republic;
- 4) if there are other grounds provided by this Law.

Article 17. Dropping the Citizenship of the Azerbaijan Republic

Dropping the citizenship of the Azerbaijan Republic shall be done upon application of a person in a manner determined by this Law.

If a person, who applies for dropping the citizenship of the Azerbaijan Republic, has got non-fulfilled obligations to the State, or property liabilities that concern interests of legal entities and individuals of the Azerbaijan Republic, then the application for dropping the citizenship may be rejected.

If a person, who applies for dropping the citizenship of the Azerbaijan Republic, has been called for criminal liability as defendant, or if there is enacted court decision to be executed in respect to such person, or if dropping the Azeri citizenship by such person conflicts the state security interests of the Azerbaijan Republic, then the dropping of the citizenship shall not be allowed until these cases are eliminated.

A person, who applies for dropping the citizenship of the Azerbaijan Republic, shall pay state duty 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 IN 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 identified, 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 the Azerbaijan Republic after a Child Placed under Guardianship or Custody

If both parents or a single parent of a child living in the territory of the Azerbaijan Republic drop the citizenship of the Azerbaijan Republic, and they (he/she) do not (does not) participate in raising a child upon whom a guardianship or custody by citizens of the Azerbaijan Republic was appointed, then the citizenship of the Azerbaijan Republic shall be retained after this child upon application by parents, guardian or custodian.

Article 21. Acquiring the Citizenship of the Azerbaijan Republic by Children if One of Their Parents Acquires the Citizenship of the Azerbaijan Republic

If one of a child's parents has acquired the citizenship of the Azerbaijan Republic and the other parent is a foreigner, then this child may acquire the citizenship of the Azerbaijan Republic upon application of the parent, who has got the Azeri citizenship, and with consent of the other parent, who is a foreigner.

If one of the parents of a child living in the territory of the Azerbaijan Republic has acquired the citizenship of the Azerbaijan Republic, and the other parent is a stateless person, then this child shall acquire the citizenship of the Azerbaijan Republic.

If one of the parents of a child living outside the territory of the Azerbaijan Republic has acquired the citizenship of the Azerbaijan Republic, and the other parent is a stateless person, then this child may acquire the citizenship of the Azerbaijan Republic upon application of the parent, who has acquired the Azeri citizenship, and with consent of the other parent, who is a stateless person.

Article 22. Retention of the Citizenship of the Azerbaijan Republic after Children if Azeri Citizenship of One of Their Parents is Terminated

If the Azeri citizenship of one of a child's parents is terminated, but his/her other parent stays the citizen of the Azerbaijan Republic, then this child shall retain the citizenship of the Azerbaijan Republic. The child may be allowed to drop the citizenship of the Azerbaijan Republic upon application by the parent, whose Azeri citizenship has been terminated, and with consent of the other parent, who retained the citizenship of the Azerbaijan Republic.

Article 23. Acquiring the Citizenship of the Azerbaijan Republic by Children in Case of Adoption

If citizens of the Azerbaijan Republic adopt a foreign or a stateless child, then this child shall acquire the citizenship of the Azerbaijan Republic.

If one of the spouses, who adopt a foreign child, is a citizen of the Azerbaijan Republic, and the other one is a stateless person, then this child shall be provided with the citizenship of the Azerbaijan Republic.

If one of the spouses, who adopt a foreign child, is a citizen of the Azerbaijan Republic, and the other one is a foreigner, then this child may acquire the citizenship of the Azerbaijan Republic upon agreement of persons who adopt this child.

If one of the spouses, who adopt a stateless child, is a citizen of the Azerbaijan Republic, and the other one is a stateless person, then this child shall be provided with the citizenship of the Azerbaijan Republic.

If one of the spouses, who adopt a stateless child, is a citizen of the Azerbaijan Republic, and the other one is a foreigner, then this child may acquire the citizenship of the Azerbaijan Republic upon agreement of persons who adopt this child.

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

If a child being the citizen of the Azerbaijan Republic is adopted by foreigners, the Azeri citizenship of this child may be terminated upon application by persons, who adopt this child.

If one of the spouses, who adopt a child citizen of the Azerbaijan Republic, is the citizen of the Azerbaijan Republic, and the other one is a foreigner, then the adopted child shall retain the citizenship of the Azerbaijan Republic. This child may drop the citizenship of the Azerbaijan Republic upon application by persons, who adopt him/her.

If both of the spouses, who adopt a child citizen of the Azerbaijan Republic, are stateless persons, then this child shall retain the citizenship of the Azerbaijan Republic. If one of the spouses, who adopt a child citizen of the Azerbaijan Republic, is the citizen of the Azerbaijan Republic, and the other one is a stateless person, then this child shall retain the citizenship of the Azerbaijan Republic.

Article 25. Necessity of Consent by Children for Changing Their Citizenship

In cases provided by Articles 19-24 of this Law, the citizenship of children between the age of 14-18 may be changed only with their consent.

Section V

EFFECTIVENESS OF INTERNATIONAL LEGAL NORMS RELATED TO ISSUES OF CITIZENSHIP

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

If there is a conflict created between this Law and international treaties of the Azerbaijan Republic, then such treaties shall apply.

Heydar Aliyev
The President of the Azerbaijan Republic
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