

# CONSTITUTIONAL LAW OF THE REPUBLIC OF TAJIKISTAN

## ON NATIONALITY OF THE REPUBLIC OF TAJIKISTAN

The present Constitutional Law regulates relationships related to nationality of the Republic of Tajikistan and defines grounds, principles, conditions and procedures for acquisition and withdrawal of nationality of the Republic of Tajikistan.

### CHAPTER 1. GENERAL PROVISIONS

#### **Article 1. Principal definitions**

Principal definitions used in the present Constitutional Law:

– *National of the Republic of Tajikistan* – a person who is a national of the Republic of Tajikistan on the day of adoption of the Constitution of the Republic of Tajikistan or who acquired nationality of the Republic of Tajikistan in accordance with legislation of the Republic of Tajikistan and international treaties of Tajikistan;

– *Nationality of the Republic of Tajikistan* – steady political and legal relationship of a person with the Republic of Tajikistan, encompassing in totality mutual rights and obligations of the parties;

– *Foreign citizen* – a person who does not possess nationality of the republic of Tajikistan who is a citizen of a foreign state;

– *Stateless person* – a person who is not considered a citizen of any state in accordance with its legislation;

– *Dual nationality* – possession of a foreign citizenship by a national of the Republic of Tajikistan and possession of nationality of the Republic of Tajikistan by a foreign citizen in accordance with the international treaties of Tajikistan;

– *Child* – a person under eighteen years of age;

– *Residence* – legal stay of a person on the territory of the Republic of Tajikistan or abroad;

– *Permanent residence* – continuous residence of a foreign citizen or a stateless person on the territory of the Republic of Tajikistan based on as residence permit;

– *Residence permit* – a document proving the identity of a foreign citizen or a stateless person on the territory of the Republic of Tajikistan confirming his or her receipt of a permanent residence permit in Tajikistan..

#### **Article 2. Legislation of the Republic of Tajikistan on nationality of the Republic of Tajikistan**

Legislation of the Republic of Tajikistan on nationality of the Republic of Tajikistan 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 recognized by Tajikistan.

#### **Article 3. Implementation of international treaties on nationality**

When addressing issues of nationality of the Republic of Tajikistan the present Constitutional Law and international treaties of Tajikistan shall be applied.

#### **Article 4. The principles of nationality of the Republic of Tajikistan**

Nationality of the Republic of Tajikistan is based on the following principles:

- Right of each person to nationality;
- Equal rights of nationals regardless of grounds of acquisition of nationality;
- Support to prevent statelessness;
- Retention of nationality of the Republic of Tajikistan irrespective of the place of residence, marriage and dissolution of marriage.

#### **Article 5. Prohibition to extradite a national of the Republic of Tajikistan to a foreign state**

1. It is prohibited to extradite a national of the Republic of Tajikistan to a foreign state.
2. Extradition of a person who has committed a crime to a foreign state shall be decided on the basis of international treaties of Tajikistan.

#### **Article 6. Support to prevent 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 citizenship of another state.

#### **Article 7. Retention of nationality of the Republic of Tajikistan in case of matrimony and (or) dissolution of marriage**

1. Marriage of a national of the Republic of Tajikistan to a person who is not a national of the Republic of Tajikistan and (or) dissolution of such a marriage shall not entail any change of nationality.
2. A change of nationality of one spouse shall not entail a change of nationality of the other spouse.
3. Dissolution of marriage shall not entail a change of nationality of the children born during this marriage or adopted by the spouses.

#### **Article 8. Acquisition of dual nationality**

1. National of the Republic of Tajikistan who has citizenship of another state shall be considered only as a national of the Republic of Tajikistan, except of cases stipulated in the international treaties of Tajikistan.
2. Acquisition of dual nationality shall be defined by the international treaties of Tajikistan.

#### **Article 9. Honorary national of the Republic of Tajikistan**

1. 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.
2. The procedure for granting honorary nationality of the Republic of Tajikistan shall be defined by the Regulation on honorary nationality of the Republic of Tajikistan approved by the President of the Republic of Tajikistan.

#### **Article 10. Documents confirming nationality of the Republic of Tajikistan**

1. Document confirming nationality of the Republic of Tajikistan is an official document that indicates nationality of a person.

2. List of documents confirming nationality of the Republic of Tajikistan shall be specified by the legislation of the Republic of Tajikistan.

### **Article 11. State protection and auspices of a national of the Republic of Tajikistan residing outside the Republic of Tajikistan**

1. A national of the Republic of Tajikistan residing outside the Republic of Tajikistan enjoys protection and auspices of the Republic of Tajikistan.

2. State bodies of the Republic of Tajikistan, diplomatic missions, consular offices and other official representations of the Republic of Tajikistan are obliged to ensure that the national of the Republic of Tajikistan can fully exercise all the rights established by the legislation of the state of their residence or of the state of their stay, to protect their rights and legitimate interests.

## **CHAPTER 2.**

### **ACQUISITION OF NATIONALITY OF THE REPUBLIC OF TAJIKISTAN**

#### **Article 12. Grounds for the acquisition of nationality of the Republic of Tajikistan**

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

- by birth;
- by naturalization;
- by restoration of nationality;
- by a choice of a nationality of the Republic of Tajikistan in case of change of the State border of the Republic of Tajikistan.

#### **Article 13. Acquisition of nationality of the Republic of Tajikistan by birth**

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

2. 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 shall become a national of the Republic of Tajikistan if the child:

- was born on the territory of the Republic of Tajikistan;
- was born outside the Republic of Tajikistan, and his or her parents or one of them at the time of the birth of the child permanently resided on the territory of the Republic of Tajikistan.

3. 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 the other was a foreign citizen, and if at the time, both parents permanently resided 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. In case where the parents do not reach an agreement within the period of three months from the moment of child's birth, and if in accordance with the legislation of the state where the child was born he or she is not granted nationality of that state, the child shall be considered as national of the Republic of Tajikistan.

4. 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 an unknown person, shall be considered a national of the Republic of Tajikistan irrespective of the place of his or her birth.

5. 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 the Republic of Tajikistan, the child, regardless of the place of birth, is recognized as a national of the Republic of Tajikistan.

6. In the case where a child's father is a stateless person and a child is born to a woman who is national of the Republic of Tajikistan, the child, regardless of the place of birth, is recognized as a national of the Republic of Tajikistan.

7. A child born on the territory of the Republic of Tajikistan to stateless persons, if both or one of them permanently resides in the Republic of Tajikistan, is recognized as a national of the Republic of Tajikistan.

8. A child born on the territory of the Republic of Tajikistan, whose parents are unknown, shall become a national of the Republic of Tajikistan.

9. A child born on the territory of the Republic of Tajikistan, to parents who are foreign citizens or one of whose parents is a foreign citizen and the other one is a stateless person or unknown, shall be considered a national of the Republic of Tajikistan provided that according to the legislation of these states he or she is not granted nationality.

#### **Article 14. Naturalization as a national of the Republic of Tajikistan**

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

2. Foreign citizens and stateless persons who have reached the age of eighteen years, regardless of their nationality, race, sex, language, religion, political stance, education, social and (or) financial status, have a right to apply for the nationality of the Republic of Tajikistan.

#### **Article 15. General terms of naturalization as a national of the Republic of Tajikistan**

General terms of naturalization as a national of the Republic of Tajikistan are:

- permanent continuous residence of foreign citizens and stateless persons on the territory of the Republic of Tajikistan for the period of five years, from the day of obtaining residence permit until the day of submitting an application for naturalization as a national of the Republic of Tajikistan, if a person's one-time travel outside the Republic of Tajikistan in one year has not exceeded three months, except of the cases of departure for study, medical treatment and secondment;

- knowledge of the state language at the level of communication;

- not being under criminal prosecution.

#### **Article 16. Naturalization as a national of the Republic of Tajikistan under the simplified procedure**

1. The following foreign citizens and stateless persons have a right to file an application for naturalization as a national of the Republic of Tajikistan under the simplified procedure, without observing the conditions stipulated in paragraphs one and two of Article 15 of the present Constitutional law and without presenting a residence permit:

- a person with outstanding achievements in the sphere of science, technology, healthcare and sports, achievements in the economic, social and cultural development of the Republic of Tajikistan and the realisation of the universal human values;

- veterans of the World War II who possessed citizenship nationality of the former Union of Soviet Socialist Republics and live in the territory of the Republic of Tajikistan;
- a child or an incapacitated person who is under custody or guardianship of a national of the Republic of Tajikistan;
- a child or an incapacitated person who is under full state custody in the educational or medical institutions, institutions of social protection or other similar institutions of the Republic of Tajikistan;
- persons born in the Soviet Socialist Republic of Tajikistan, who were in possession of the citizenship of former Union of Soviet Socialist Republics, who resided or reside in the states former members of the Union of Soviet Socialist Republics, but who have not acquired citizenship of these states and, as a result, are stateless.

2. The following categories of persons can file an application for naturalization as a national of the Republic of Tajikistan with halved period of permanent residence, specified by the paragraph one of Article 15 of the present Constitutional Law:

- stateless persons, except of persons indicated in paragraph five of part one of the this Article ;
- foreign citizens whose father or mother at the time of his or her birth was a national of the Republic of Tajikistan, who acquired nationality of a foreign state by birth, within five years upon reaching the age of eighteen;
- foreign citizens whose father or mother is a national of the Republic of Tajikistan;
- persons who were born on the territory of the Soviet Socialist Republic of Tajikistan and held citizenship of the former Union of Soviet Socialist Republics.

3. The President of the Republic of Tajikistan may consider the issue of naturalization as a national of the Republic of Tajikistan of a foreign citizen and a stateless person without observing the conditions foreseen in Article 15 of the present Constitutional Law.

### **Article 17. Restoration of nationality of the Republic of Tajikistan**

1. Persons who lost nationality of the Republic of Tajikistan due to the change of the nationality of their parents upon their application can restore nationality of the Republic of Tajikistan within five years after reaching the age of eighteen.

2. Persons who lost nationality of the Republic of Tajikistan because of adoption upon their application can restore nationality of the Republic of Tajikistan.

3. Persons who previously held nationality of the Republic of Tajikistan upon their application can restore nationality of the Republic of Tajikistan.

### **Article 18. Grounds for rejection of naturalization and restoration of nationality of the Republic of Tajikistan**

An application for naturalization and restoration of nationality of the Republic of Tajikistan shall be rejected if the applicant:

- presented false information and forged documents;
- poses a threat by his or her actions to national security of the Republic of Tajikistan;
- is a member of a party and other organisations whose activity is officially prohibited in the Republic of Tajikistan;
- was convicted for committing serious and particularly serious crimes;
- is under criminal prosecution;
- is serving sentence of imprisonment;
- is a citizen of a foreign state that the Republic of Tajikistan does not have an international agreement for dual nationality with it.

## **Article 19. Choice of nationality in the event of change of the State border of the Republic of Tajikistan**

In the event of change of the state border of the Republic of Tajikistan in the order established by the legislation of the Republic of Tajikistan, persons residing on the territory which became subject to change of the state affiliation have the right to choose nationality of the Republic of Tajikistan in accordance with the procedures and timelines provided by the international treaty of Tajikistan.

### **CHAPTER 3.**

#### **WITHDRAWAL OF NATIONALITY OF THE REPUBLIC OF TAJIKISTAN**

### **Article 20. Grounds for the withdrawal of nationality of the Republic of Tajikistan**

Nationality of the Republic of Tajikistan shall be withdrawn in the following cases:

- due to the renunciation of nationality of the Republic of Tajikistan;
- due to the loss of nationality of the Republic of Tajikistan;
- due to the cancellation of the decision on naturalization as a national of the Republic of Tajikistan;
- by choosing citizenship of another state, in case of the change of the State border of the Republic of Tajikistan.

### **Article 21. Renunciation of nationality of the Republic of Tajikistan**

1. A national of the Republic of Tajikistan has a right to renounce nationality of the Republic of Tajikistan, except for the instances specified by the Article 22 of the present Constitutional Law.

2. Renunciation of nationality of the Republic of Tajikistan shall take place on the basis of application of the national of the Republic of Tajikistan.

3. Renunciation of nationality of the Republic of Tajikistan by a child below the age of fourteen, one of whose parents is a national of the Republic of Tajikistan and the other parent is a foreign citizen, or whose single parent is a foreign citizen, shall take place on the basis of application of the parents or a single parent, unless otherwise provided by international treaties of Tajikistan.

### **Article 22. Grounds for rejection of renunciation of nationality of the Republic of Tajikistan**

The grounds for rejection of renunciation of nationality of the Republic of Tajikistan are:

- upon receipt of the notification for compulsory conscription (until its completion);
- being under criminal prosecution;
- having unfulfilled obligation to the state, determined in accordance with the legislation of the Republic of Tajikistan;
- presence of conviction by court that has entered into force and is due for enforcement;
- absence of citizenship of a foreign state or of guarantees for acquisition of such;
- if renunciation of nationality of the Republic of Tajikistan creates a threat to national security.

### **Article 23. Loss of nationality of the Republic of Tajikistan**

1. A national of the Republic of Tajikistan who has entered military service, service in security agencies, judicial authorities, law enforcement agencies or other bodies of the public authority of a

foreign state, shall lose nationality of the Republic of Tajikistan, unless international treaties of Tajikistan provide otherwise.

2. A national of the Republic of Tajikistan who has voluntarily acquired citizenship of a foreign state, with which the Republic of Tajikistan does not have a treaty on dual nationality, shall lose nationality of the Republic of Tajikistan.

#### **Article 24. Cancellation of a decision on naturalization as a national of the Republic of Tajikistan**

1. A decision on naturalization as a national of the Republic of Tajikistan shall be cancelled if a person has acquired nationality of the Republic of Tajikistan on the basis of intentionally false information and forged documents. The fact of providing intentionally false information and forged documents shall be established by a court.

2. Cancellation of a decision on naturalization as a national of the Republic of Tajikistan shall not exempt the person from liability established by law.

3. Cancellation of a decision on naturalization as a national of the Republic of Tajikistan shall be possible within a time limit of five years after the day of naturalization.

#### **Article 25. Choice of nationality of another state (optation) in the event of change of the State border of the Republic of Tajikistan**

In the event of change of the State border of the Republic of Tajikistan in the order established by the legislation of the Republic of Tajikistan, persons residing on the territory of the administrative-territorial unit that has changed its state affiliation, have the right to choose the citizenship of a foreign state in accordance with the procedure prescribed by the international treaty of Tajikistan.

### **CHAPTER 4.**

#### **NATIONALITY OF CHILDREN IN THE EVENT OF CHANGE OF NATIONALITY OF PARENTS, CUSTODIANS AND GUARDIANS. NATIONALITY OF INCAPACITATED PERSONS**

#### **Article 26. Nationality of a child in the case of change in the nationality of parents**

1. If parents or a single parent of a child acquires the nationality of the Republic of Tajikistan, the child shall also acquire the nationality of the Republic of Tajikistan.

2. Nationality of the Republic of Tajikistan of a child shall be withdrawn if the nationality of the Republic of Tajikistan of his parents or a single parent is withdrawn, and if, as a result of such withdrawal, the child is not rendered stateless.

3. For the acquisition or withdrawal of nationality of the Republic of Tajikistan from a child from fourteen to eighteen years of age, child's consent must be acquired.

4. Nationality of the Republic of Tajikistan of a child shall not change, should nationality of his or her parents deprived of parental rights change.

#### **Article 27. Nationality of a child in case of acquisition or loss of nationality of his or her father or mother**

1. If a father or a mother of a child, who is a foreign citizen, acquires the nationality of the Republic of Tajikistan, their child residing on the territory of the Republic of Tajikistan, shall acquire

nationality of the Republic of Tajikistan on the basis of the application of the father or the mother who acquired nationality of the Republic of Tajikistan.

2. If a father of a mother, who is a foreign citizen, acquires nationality of the Republic of Tajikistan, their child residing outside of the Republic of Tajikistan, shall acquire nationality of the Republic of Tajikistan on the basis of the application of the father or the mother who acquired nationality of the Republic of Tajikistan.

3. If one parent of a child, who is a citizen of a foreign state, acquires nationality of the Republic of Tajikistan, and the other parent is stateless, their child may acquire nationality of the Republic of Tajikistan on the basis of the application of the parent who acquires nationality of the Republic of Tajikistan.

4. If one of the parents who is willing to acquire the nationality of the Republic of Tajikistan is a stateless person and the other one is a foreign citizen, the child shall acquire nationality of the Republic of Tajikistan on the basis of the application of the parents.

5. If the nationality of the Republic of Tajikistan of one of the parents is withdrawn, but the other parent remains a national of the Republic of Tajikistan, their 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 other parent who is a national of the Republic of Tajikistan, nationality of the Republic of Tajikistan of a child may be withdrawn, provided that the child will not be rendered stateless.

#### **Article 28. Nationality of a child in case of adoption**

1. A child adopted by a national of the Republic of Tajikistan or by a married couple who is a national of the Republic of Tajikistan, or by a married couple one of whom is a national of the Republic of Tajikistan and the other is a stateless person, shall acquire the nationality of the Republic of Tajikistan from the day of his or her adoption, irrespective of the place of residence, on a basis of the application of the adoptive parent, who is a national of the Republic of Tajikistan.

2. A child adopted by a married couple, one of whom is a national of the Republic of Tajikistan and the other is a foreign citizen, shall acquire the nationality of the Republic of Tajikistan on the basis of the application of the adoptive parents, irrespective of the place of residence. If within a year from the day of adoption, the application is not submitted by adoptive parents, the child shall acquire the nationality of the Republic of Tajikistan, if he or she resides in the territory of the Republic of Tajikistan.

#### **Article 29. Nationality of children and incapacitated persons who are under custody or guardianship**

1. A child or an incapacitated person who is a stateless person and is under the custody or guardianship of a national of the Republic of Tajikistan, shall acquire the nationality of the Republic of Tajikistan in accordance with paragraph three of part one, of Article 16 of the present Constitutional Law on the basis of the application by the custodian or guardian.

2. A child or an incapacitated person who is a stateless person and is under the full state custody in an educational or medical institution, an institution of social protection or other similar institution of the Republic of Tajikistan, shall acquire the nationality of the Republic of Tajikistan in accordance with paragraph four of part one of Article 16 of the present Constitutional Law on the basis of the application by the head of the institution in which a child or an incapacitated person lives.

3. A child or an incapacitated person who is a stateless person and is under the custody or guardianship of a foreign citizen acquiring the nationality of the Republic of Tajikistan, shall acquire the

nationality of the Republic of Tajikistan along with the custodian (guardian) on the basis of the latter's application. .

4. A child or an incapacitated person who is a national of the Republic of Tajikistan and is under the custody or guardianship of a foreign citizen, shall retain the nationality of the Republic of Tajikistan.

5. Disputes between the parents, as well as between parents and custodians or guardians regarding the nationality of a child or an incapacitated person shall be resolved in court based on the best interests of a child or an incapacitated person.

## **CHAPTER 5. COMPETENT AUTHORITIES ON MATTERS OF NATIONALITY IN THE REPUBLIC OF TAJIKISTAN**

### **Article 30. Competent authorities on matters of nationality in the Republic of Tajikistan**

The competent authorities adjudicating matters of nationality include:

- The President of the Republic of Tajikistan;
- The Commission on the Matters of Nationality under the President of the Republic of Tajikistan;
- Bodies of internal affairs;
- Bodies of foreign affairs.

### **Article 31. Competencies of the President of the Republic of Tajikistan on matters of nationality of the Republic of Tajikistan**

1. The President of the Republic of Tajikistan:
  - considers matters of acquisition and withdrawal of nationality of the Republic of Tajikistan;
  - cancels a decision of naturalization as a national of the Republic of Tajikistan;
  - approves the Regulation on the procedure for consideration of matters of nationality of the Republic of Tajikistan;
  - approves the Regulations on the honorary national of the Republic of Tajikistan;
  - establishes the Commission on the Matters of Nationality for preliminary consideration of matters of nationality and approves its Regulation;
  - establishes the operating and cooperation procedures of the competent authorities which consider matters of nationality of the Republic of Tajikistan;
  - considers the matters of naturalization as national of the Republic of Tajikistan of foreign citizens and stateless persons who do not without observing the conditions specified by the paragraphs one and two of Article 15 of the present Constitutional law;
  - establishes the procedure for consideration of matters of acquisition and withdrawal of nationality of the Republic of Tajikistan;
  - carries out other competencies on matters of nationality of the Republic of Tajikistan in accordance with the Constitution of the Republic of Tajikistan and other normative legal acts of the Republic of Tajikistan.

2. To address matters of nationality of the Republic of Tajikistan the President of the Republic of Tajikistan shall issue a decree.

### **Article 32. Competencies of the Commission on the Matters of Nationality under the President of the Republic of Tajikistan**

Competencies of the Commission on the Matters of Nationality under the President of the Republic of Tajikistan shall be determined in accordance with the Commission's regulations, approved by the President of the Republic of Tajikistan.

**Article 33. Competencies of the bodies of internal affairs on matters of nationality of the Republic of Tajikistan**

Bodies of internal affairs carry out the following competencies on the matters of nationality:

- Establish affiliation of persons residing on the territory of the Republic of Tajikistan to nationality of the Republic of Tajikistan;
- Receive from persons residing on the territory of the Republic of Tajikistan applications on matters of nationality of the Republic of Tajikistan;
- Verify facts and documents submitted in support of applications, and, if necessary, request additional information from relevant state bodies;
- Refer to the President of the Republic of Tajikistan applications on matters of nationality of the Republic of Tajikistan, proposals for withdrawal of nationality of the Republic of Tajikistan, conclusions and documents submitted with regard to specific grounds for the acquisition and withdrawal of nationality of the Republic of Tajikistan, as well as other materials.
- Implement decisions adopted by the President of the Republic of Tajikistan on matters of nationality of the Republic of Tajikistan pertaining to the persons residing on the territory of the Republic of Tajikistan;
- Within the framework of their competencies finalize relevant documents on matters of nationality .

**Article 34. Competencies of the bodies of foreign affairs on matters of nationality of the Republic of Tajikistan**

The bodies of foreign affairs carry out the following competencies on matters of nationality:

- Establish affiliation of persons residing outside of the Republic of Tajikistan to nationality of the Republic of Tajikistan;
- Receive from persons residing outside of the Republic of Tajikistan applications on matters of nationality of the Republic of Tajikistan;
- Verify facts and documents submitted in support of applications and, if necessary, request relevant state bodies to provide additional information;
- Refer to the President of the Republic of Tajikistan applications on matters of nationality of the Republic of Tajikistan, conclusions and documents presented with regard to specific grounds for the acquisition and withdrawal of nationality of the Republic of Tajikistan, as well as other materials;
- Implement legal acts adopted by the President of the Republic of Tajikistan on matters of nationality of the Republic of Tajikistan pertaining to persons residing outside of the territory of the Republic of Tajikistan;
- Within the framework of their competencies, finalize relevant documents on matters of nationality ;
- Maintain record of the nationals of the Republic of Tajikistan residing outside of the Republic of Tajikistan and the record of withdrawal of nationality by such persons.

**CHAPTER 6.**

**PROCEDURE FOR CONSIDERATION OF APPLICATIONS AND RESOLUTION ON MATTERS OF NATIONALITY OF THE REPUBLIC OF TAJIKISTAN**

### **Article 35. Procedure for submission of applications on matters of nationality of the Republic of Tajikistan**

1. Application on matters of nationality of the Republic of Tajikistan shall be submitted addressing the President of the Republic of Tajikistan by a person residing in the Republic of Tajikistan to the bodies of internal affairs according to person's place of residence, and by a person residing outside of the Republic of Tajikistan to the bodies of foreign affairs.

2. Application shall be submitted by the applicant in person. If the applicant cannot submit the application in person, then the application and the documents required for consideration can be sent via person authorized by the applicant or by post. In such case, authenticity of the applicant's signature and genuineness of the copies of all the required documents attached to the application shall be verified by a notary. 3. Application on change of nationality of a child or an incapacitated person shall be submitted by parents or their legal representatives according to the applicant's place of residence or place of residence of the child or the incapacitated person.

4. The form of the application and the list of information to be attached it, as well as the list of documents required to substantiate specific grounds for acquisition or withdrawal of nationality of the Republic of Tajikistan, are established by the Regulation on the procedures for consideration of matters of nationality of the Republic of Tajikistan.

### **Article 36. Collection of state fees and consular charges**

For consideration and issuance of documents on acquisition of nationality of the Republic of Tajikistan and withdrawal of nationality of the Republic of Tajikistan the state fees and consular charges shall be collected in the amount and in accordance with the procedures established by the legislation of the Republic of Tajikistan.

### **Article 37. Timelines for consideration of the applications on matters of nationality of the Republic of Tajikistan**

The time period for consideration of applications and proposals on matters of nationality of the Republic of Tajikistan, adoption of decisions on acquisition of nationality of the Republic of Tajikistan, withdrawal of nationality of the Republic of Tajikistan must not exceed one year from the day of submission of the application, proposal and all required documents formalized in proper manner.

### **Article 38. Acceptance of repetitive applications on matters of nationality of the Republic of Tajikistan**

1. Repetitive applications on the acquisition of nationality of the Republic of Tajikistan or withdrawal of nationality of the Republic of Tajikistan shall be accepted for consideration no sooner than upon expiry of one year after adoption of the previous decision.

2. In case of identification of previously unknown circumstances, repetitive applications can be accepted for consideration without observance of the time period stipulated in part one of the present article.

### **Article 39. Date of the acquisition or withdrawal of nationality of the Republic of Tajikistan**

1. Nationality of the Republic of Tajikistan is acquired:

- from the date of birth of a child – in accordance with the Article 13 of the present Constitutional Law;

- from the date of adoption of a child– in accordance with parts one and two of Article 28 of the present Constitutional Law;

- in remaining cases – from the date of publication of the respective of the President of the Republic of Tajikistan.

2. Nationality of the Republic of Tajikistan shall be withdrawn from the date of publication of the respective decree of the President of the Republic of Tajikistan.

#### **Article 40. Documents issued in regard of the acquisition or withdrawal of nationality of the Republic of Tajikistan**

1. Persons residing on the territory of the Republic of Tajikistan who acquired nationality of the Republic of Tajikistan in the manner established by the present Constitutional Law shall be issued with passport of a national of the Republic of Tajikistan by the bodies of internal affairs. In the documents of children below the age of sixteen a record shall be made regarding their affiliation with nationality of the Republic of Tajikistan. Shall it be impossible to make a record in the documents of children, they shall be issued with official statements proving their affiliation with nationality of the Republic of Tajikistan shall be issued.

2. Persons residing outside the Republic of Tajikistan who acquired nationality of the Republic of Tajikistan in the manner established by the present Constitutional Law shall be issued with regular travel passports of a national of the Republic of Tajikistan or with Certificates for Return to the Republic of Tajikistan by the bodies of foreign affairs.

3. Persons residing on the territory of the Republic of Tajikistan whose nationality of the Republic of Tajikistan was withdrawn in the manner established by the present Constitutional Law and who are not citizens of any other state shall be issued with residence permits for stateless persons by the bodies of internal affairs and the documents proving their nationality will be withdrawn. For departure of a stateless person outside of the Republic of Tajikistan the bodies of internal affairs shall issue him or her relevant documents.

4. Persons residing outside of the Republic of Tajikistan whose nationality of the Republic of Tajikistan was withdrawn in the manner established by the present Constitutional Law and who are not citizens of a foreign state shall be issued by the bodies of foreign affairs with certificates of stateless person formalized by the bodies of internal affairs and the documents proving their nationality will be withdrawn.

### **CHAPTER 7. CONCLUDING PROVISIONS**

#### **Article 41. Appeal against decisions of the relevant bodies and actions of officials responsible for matters of nationality of the Republic of Tajikistan**

Decision by the relevant bodies and actions of officials responsible for unjustified refusal to accept applications on matters of nationality of the Republic of Tajikistan, non-observance of the timelines and procedures for consideration of applications, procedures for the acquisition and withdrawal of nationality of the Republic of Tajikistan, implementation of the decisions on matters of nationality of the Republic of Tajikistan can be appealed to the higher-level authority or to a court.

**Article 42. Liability for non-compliance with the requirements of the present Constitutional Law**

Natural and legal persons in case of non-compliance with requirements of the present Constitutional Law shall be held liable in accordance with the legislation of the Republic of Tajikistan.

**Article 43. On declaration of the Constitutional Law "On Nationality of the Republic of Tajikistan" as void**

The Constitutional Law "On Nationality of the Republic of Tajikistan", 4 November 1995 (Akhbori Majlisi Oli of the Republic of Tajikistan 1995, #21, p. 243; 2008, #10, p.793) shall be declared void.

**Article 44. Procedure of entry into force of the present Constitutional Law**

The present Constitutional law shall come into force after its official publication.

**The President of the  
Republic of Tajikistan**

**Emomali Rahmon**

Dushanbe, 8 August 2015,  
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