

**LAW OF AZERBAIJAN**  
**On Citizenship of the Azerbaijan Republic**  
(In force since 30 September 1998)

**Section I**  
**GENERAL PROVISIONS**

**Article 1. The Right to Citizenship**

According to Article 52 of the Constitution of the Azerbaijan Republic, a person affiliated to the Azerbaijan State, having legal and political relations with it as well as mutual rights and obligations, is a citizen of the Azerbaijan Republic. A person, who is born on the territory of the Azerbaijan Republic, or to a citizen of the Azerbaijan Republic, shall be a citizen of the Azerbaijan Republic. A person, one of whose parents is a citizen of the Azerbaijan Republic, shall be a citizen of the Azerbaijan Republic.

**Article 2. Guarantees related to 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 extradited 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 to the citizens the rights related to citizenship of the Azerbaijan Republic through its bodies and executive officials.

**Article 3. Equality of Citizenship**

Citizenship of the Azerbaijan Republic shall be equal to everyone regardless of the basis of its acquisition.

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<sup>1</sup>, sex, educational background, language, religious views, political and other convictions, type and nature of employment, place of residence and the time lived in such a 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.

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<sup>1</sup> Meaning "Ethnical origin" in this context (*transl*)

**Article 5. Affiliation to the Citizenship of the Azerbaijan Republic**

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

- 1) Persons having citizenship of the Azerbaijan Republic on the day of entering into force of this Law (on the basis of: person's registration in his/her place of residence in the Azerbaijan Republic up to the day of entering into force of the present Law);
- 2) Persons who, until 1 January 1992, were not citizens of the Azerbaijan Republic or any other state but who have been registered in their place of residence in the Azerbaijan Republic;
- 3) Refugees who have been accommodated in the territory of the Azerbaijan Republic from 1 January 1988 until 1 January 1992;
- 4) Persons who obtain 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 citizenship of the Azerbaijan Republic if they apply for it within one year from the day of entry into force of this Law.

Refugees acquiring citizenship of the Azerbaijan Republic in accordance with paragraph 3 of the first part of this Article shall not lose their right to return to the countries that they have left. Privileges provided for forcefully displaced people by the legislation of the Azerbaijan Republic shall also apply to these persons.

**Article 6. Documents attesting Citizenship of the Azerbaijan Republic**

The following documents shall attest 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 the cases of Conclusion and Dissolution of Marriage**

Conclusion or dissolution of marriage by a man or a woman of Azerbaijani citizenship with a foreigner or a stateless person shall not entail a change of citizenship of the husband or wife.

A change in husband's (wife's) citizenship shall not entail a change in wife's (husband's) citizenship.

**Article 8. Retention of Azerbaijani Citizenship by Persons Residing Outside the Azerbaijan Republic**

Residence of a citizen of the Azerbaijan Republic in the territory of a foreign state shall not entail termination of his/her Azerbaijani citizenship.

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

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 recognised by the Azerbaijan Republic, the legislation of foreign states, treaties concluded between the Azerbaijan Republic and the States in which the citizens of the Azerbaijan Republic reside, as well as in accordance with international practices, to protect their lawful rights and interests in the manner determined by the legislation and, where necessary, to take measures for restoring the infringed rights of the citizens of the Azerbaijan Republic.

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

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

**Section II  
ACQUISITION AND RECOVERY OF CITIZENSHIP OF  
THE AZERBAIJAN REPUBLIC****Article 11. Grounds for the Acquisition of Citizenship of the Azerbaijan Republic**

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

- 1) upon birth on the territory of the Azerbaijan Republic or to a citizen of the Azerbaijan Republic;
- 2) upon admission to 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. Acquisition of Azerbaijani Citizenship by Children of Stateless Persons**

A child born on the territory of the Azerbaijan Republic to stateless persons shall be a citizen of the Azerbaijan Republic.

**Article 13. Citizenship of Children whose Parents are Unknown**

A child found on the territory of the Azerbaijan Republic, whose both parents are unknown, shall be a citizen of the Azerbaijan Republic.

**Article 14. Admission to Citizenship of the Azerbaijan Republic**

A foreigner or stateless person residing on the territory of the Azerbaijan Republic for the last 5 years, who submits a document certifying his/her knowledge of the state language, may be

admitted to citizenship of the Azerbaijan Republic upon his/her personal application in accordance with this Law, regardless of his/her origin, social and property status, race and nationality<sup>2</sup>, sex, educational background, language, religious views, political and other convictions.

A person's application for citizenship of the Azerbaijan Republic shall be rejected if the person makes appeals for forcible change of the State structure set by the Constitution of the Azerbaijan Republic, commits acts harmful for the State security, public order, health or public morals, disseminates ideas of racial, religious and national<sup>3</sup> exclusion or has relations with terrorist activities.

Decision on admission to 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 citizenship of the Azerbaijan Republic shall pay state duty in a manner and amount determined by the legislation of the Azerbaijan Republic.

### **Article 15. Recovery of Citizenship of the Azerbaijan Republic**

A person, who has been previously a citizen of the Azerbaijan Republic, or whose citizenship has been terminated, may recover his/her Azerbaijani citizenship through his/her application, subject to restrictions enumerated in the second part of Article 14 of this Law.

## **Section III**

### **TERMINATION OF CITIZENSHIP OF THE AZERBAIJAN REPUBLIC**

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

Citizenship of the Azerbaijan Republic shall be terminated in the following cases:

- 1) as a result of renouncing citizenship of the Azerbaijan Republic;
- 2) as a result of deprivation of 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.

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

#### **Article 17. Renunciation of Citizenship of the Azerbaijan Republic**

Renunciation of citizenship of the Azerbaijan Republic shall be effected through person's application in the manner determined by this Law.

A person's application for renunciation of citizenship may be rejected if the person applying for renunciation of citizenship of the Azerbaijan Republic, has unsettled obligations to the State, or property liabilities that concern interests of legal entities and individuals of the Azerbaijan Republic.

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<sup>2</sup> "Ethnical origin" in this context (*transl.*)

<sup>3</sup> "Ethnical" in this context (*transl.*)

In the case if the person applying for renunciation of citizenship of the Azerbaijan Republic is being charged in a criminal case as defendant, if there is valid and enforceable court decision in respect to him/her, or if his/her renunciation of the Azerbaijani citizenship conflicts with the State security interests of the Azerbaijan Republic, renunciation of citizenship shall not be allowed until the foregoing conditions are cleared.

A person applying for renunciation of citizenship of the Azerbaijan Republic shall pay state duty in the manner and in the amount provided by the legislation of the Azerbaijan Republic.

#### **Article 18. Deprivation of Citizenship of the Azerbaijan Republic**

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

### **Section IV**

#### **CITIZENSHIP OF CHILDREN IN THE CASES OF CHANGE IN PARENTS' CITIZENSHIP AND ADOPTION**

#### **Article 19. Change in Children's Citizenship in the Case of Change in their Parents' Citizenship**

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

#### **Article 20. Retention of Citizenship of the Azerbaijan Republic by a Child subject to Guardianship or Custody**

If both parents or the single parent of a child residing on the territory of the Azerbaijan Republic renounce citizenship of the Azerbaijan Republic and, at the same time, do not participate in upbringing of the child who is subject to guardianship or custody by citizens of the Azerbaijan Republic, then, upon application by the parents, guardian or custodian, the child shall retain citizenship of the Azerbaijan Republic.

#### **Article 21. Acquisition of 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 citizenship of the Azerbaijan Republic and the other parent is a foreigner, then this child may acquire citizenship of the Azerbaijan Republic upon application of the parent who has acquired the Azerbaijani citizenship and with the consent of the other parent - foreigner.

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

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

#### **Article 22. Retention of Citizenship of the Azerbaijan Republic by Children in the case of termination of the Azerbaijani Citizenship of one of their Parents**

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

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

A foreign child or a stateless child shall acquire citizenship of the Azerbaijan Republic upon adoption by citizens 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 considered to have acquired 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 citizenship of the Azerbaijan Republic according to an agreement between the persons adopting the 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 acquire 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 according to an agreement of the persons adopting the child.

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

If a child, who is a citizen of the Azerbaijan Republic, is adopted by foreigners, Azerbaijani citizenship of this child is terminated upon application by the persons adopting this child.

If one of the spouses, who have adopted a child - citizen of the Azerbaijan Republic, is a citizen of the Azerbaijan Republic, and the other one is a foreigner, then the adopted child

shall retain citizenship of the Azerbaijan Republic. This child may withdraw from the citizenship of the Azerbaijan Republic upon application by the adopters.

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

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

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

### **Section V EFFECTIVENESS OF INTERNATIONAL LEGAL NORMS RELATED TO CITIZENSHIP ISSUES**

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

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

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