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## **LAW OF TURKMENISTAN ON NATIONALITY OF TURKMENISTAN**

### **Chapter 1. GENERAL PROVISIONS**

#### Article 1. Nationality of Turkmenistan

The nationality of Turkmenistan being the integral attribute of the state sovereignty of Turkmenistan determines the person's country of nationality and stable legal relationship between them, the aggregate of their mutual rights and obligations.

#### Article 2. National and state

Turkmenistan in its bodies and officials is responsible to the nationals of Turkmenistan and a national of Turkmenistan is responsible to his state. He has to observe the Constitution and law of Turkmenistan to discharge the obligations established by them, to guard Turkmenistan's interests and protect its territorial unity, to respect culture, customs, traditions and language of Turkmen people and representatives of all nationalities living in the territory of Turkmenistan.

#### Article 3. Nationals of Turkmenistan

Nationals of Turkmenistan are persons that acquired nationality under the present Law.

#### Article 4. Right to nationality

National of Turkmenistan cannot be deprived of the nationality or the right to change nationality.

#### Article 5. Equal nationality

The nationality of Turkmenistan is equal to all nationals of Turkmenistan regardless of the grounds of its acquisition.

#### Article 6. Aliens and stateless persons

Aliens in Turkmenistan are recognized as persons not being the nationals of Turkmenistan and having the proofs of their nationality of another state.

The persons not being the nationals of Turkmenistan and having no proofs of their nationality of another state are recognized as a stateless ones.

The aliens and stateless persons in the territory of Turkmenistan enjoy the rights and liberties of the nationals of Turkmenistan unless otherwise established by the legislation.

The aliens in the territory of Turkmenistan are guaranteed the right to appeal to the diplomatic representatives and consular establishments of their countries.

Article 7. Inadmissibility of expatriation, extradition of a national of Turkmenistan to another state of restriction of right to come back home

A national of Turkmenistan cannot be expatriated from Turkmenistan or restricted with the right to come back home.

A national of Turkmenistan cannot be extradited to another state if it is not specified in interstate agreements of Turkmenistan or international legal instruments (agreements, conventions) if Turkmenistan is their party.

Article 8. State protection of rights and legal interests of nationals of Turkmenistan

Turkmenistan protects the rights and legal interests of its nationals as in its territory so outside.

Turkmenistan, its diplomatic representatives and consular establishments, as well as its officials are to take measures so that the nationals of Turkmenistan be able to enjoy in full volume every right granted by legislation of the country of presence and the international agreements the parties of which are Turkmenistan and the country of presence.

In case if in the country of presence of the nationals of Turkmenistan there are no diplomatic representatives and consular establishments of Turkmenistan the protection of rights and legal interests of the nationals of Turkmenistan may be carried out by the respective bodies of another countries.

Article 9. Dual nationality

Turkmenistan recognizes the dual nationality, i.e.a. person being a national of Turkmenistan has a nationality of another country.

Article 10. Document confirming the nationality of Turkmenistan

The document confirming the nationality of Turkmenistan is a passport of the nationality of Turkmenistan.

Passport standards, procedure and conditions of its issue are determined by the Cabinet of Ministers.

The nationality of Turkmenistan of children under 16 is confirmed by their birth certificates or a passport of one of the parents being a national of Turkmenistan.

## **Chapter 2. ACQUISITION AND PRESERVATION OF THE NATIONALITY OF TURKMENISTAN RE-ACQUISITION OF THE NATIONALITY OF TURKMENISTAN**

Article 11. Grounds for the nationality acquisition

The nationality of Turkmenistan is acquired:

1. on birth;

2. as a result of being granted the nationality of Turkmenistan;
3. on other grounds specified in the present Law.

#### Article 12. Children's nationality the parents of whom are nationals of Turkmenistan

A child both parents of whom are the nationals of Turkmenistan by the birth time is considered to be a national of Turkmenistan regardless whether he's been born in the territory of Turkmenistan or outside.

#### Article 13. Children's nationality one of the parents of whom is a national of Turkmenistan

In the case one of the parents is a national of Turkmenistan by the child's birth the latter is considered to be a national of Turkmenistan:

1. if he is born in the territory of Turkmenistan;
2. if he is born outside Turkmenistan but the parents or one of them lived permanently in the territory of Turkmenistan that time.

With any difference in the parents nationality one of whom was a national of Turkmenistan by the child's birth if that time both parents lived permanently outside Turkmenistan, the child's nationality is determined according to the parent's consent in writing.

A child one of the parents of whom was a national of Turkmenistan by the child's birth and another had no nationality or was unknown, is a national of Turkmenistan regardless of the birth place.

In case of the child's affiliation the mother of whom is a stateless person and the father is recognized as a national of Turkmenistan a child under 14 becomes a national of Turkmenistan regardless of the birth place. In case of the permanent residence of this child outside Turkmenistan his nationality is determined on the basis of the parents written application.

#### Article 14. Acquisition of the nationality of Turkmenistan with the children or stateless persons

A child born in the territory of Turkmenistan with the stateless persons residing permanently in the territory of Turkmenistan is considered to be a national of Turkmenistan.

#### Article 15. Nationality of children the parents of whom are unknown

Being in the territory of Turkmenistan a child both parents of whom are unknown is considered to be born in it and to be a national of Turkmenistan. In case of a least one of the parents tutor and guardian appears this child's nationality may change pursuant to the present Law.

#### Article 16. Acquisition and reservation of the nationality of Turkmenistan when contracting and dissolving marriage

Contracting marriage of a national of Turkmenistan with a person being a national another state or married with someone stateless, as well as much marriage dissolution do not entail any change of the spouse's nationality.

Any change of the nationality of one of the spouses does not entail that of another spouse.

A person having contracted marriage with a national of Turkmenistan is naturalized as a national of Turkmenistan if an application is available for the naturalization of Turkmenistan and the conditions specified in Article 18 of this Law are observed.

Article 17. Reservation of the nationality of Turkmenistan with persons living in another state

Residence of a national of Turkmenistan in the territory or another state does not entail the cessation of the nationality of Turkmenistan.

Article 18. Conditions of granting the nationality of Turkmenistan

A person may be granted the Turkmen nationality by his application if he:

1. takes upon himself the obligation to observe and respect the Constitution and Laws of Turkmenistan;
2. knows the state language within the communication abilities;
3. lives permanently in the territory of Turkmenistan for last 7 years;
4. has the source of living legal in the territory of Turkmenistan.

In exceptional cases the President is entitled to the naturalization of Turkmenistan only if the applicant observes point 1 of the first part of the present Article.

An application for the naturalization in Turkmenistan is declined if the person appealing for that:

1. has committed a crime against humanity specified in the international law or genocide;
2. has been convicted with punishment in the form of imprisonment for a grave designed criminal offence;
3. acts consciously against independence of Turkmenistan.

The provision of part 3 of this Article affects also persons indicated in Articles 19, 20 and the part 3 of the Article 49 of the present Law.

Article 19. Right to simplified acquisition of the nationality of Turkmenistan

The Turkmen residents or born in other states, except of the states of the former USSR, are entitled to the simplified acquisition of the nationality of Turkmenistan. This right relates also to the persons that lived permanently in the territory of Turkmenistan but have been compelled to leave its territory or left its bounds as a result of persecution by the political or religion motives and their descendants as well.

Such persons are granted the nationality if there are wish and conditions specified in points 1, 2, 4 of the first part of Article 18 of the present Law.

Article 20. Re-acquisition of the nationality of Turkmenistan

A person having ceased the nationality of Turkmenistan on the grounds specified in Article 21, points 1 and 3 of Article 22, and on the grounds specified in the present Law may be re-acquired according to his application for the nationality of Turkmenistan, if when submitting the application he lives in the territory of Turkmenistan, of intends to settle in it, as well as under the conditions defined in points 1 and 2 of the first part of Article 18 of the present Law.

### **Chapter 3. CESSATION OF THE NATIONALITY OF TURKMENISTAN**

#### Article 21. Grounds for cessation of the nationality of Turkmenistan

The nationality of Turkmenistan is ceased:

1. owing to the cessation of the nationality of Turkmenistan;
2. owing to the loss of the nationality of Turkmenistan;
3. on another grounds specified in the present Law.

#### Article 22. Cessation of the nationality of Turkmenistan

Cessation of the nationality of Turkmenistan is carried out in accordance with the person's application in order established by the present Law.

Cessation of the nationality of Turkmenistan is not allowed if a person appealing for that is instituted to criminal proceedings as the accused, or there is the court's judgment put into force and is to be executed with regard to him, or he has the tax debts or another debts and obligations not paid off to the state, the nationals of Turkmenistan, enterprises, organizations and institutions located in the territory of Turkmenistan.

#### Article 23. Loss of the nationality of Turkmenistan

The nationality of Turkmenistan is lost:

1. owing to being called to arms, security service, police, legal bodies or other bodies of the state authorities in another state excluding those cases specified in international agreements of Turkmenistan;
2. if the nationality of Turkmenistan has been acquired as a result of submitting the deliberately false data or documents;
3. on the grounds specified in interstate agreements of Turkmenistan.

The loss of the nationality of Turkmenistan under point 1 deemed to start from this fact registration by the plenipotentiary state bodies indicated in Article 34 of the present Law.

### **Chapter 4. CHILDREN'S NATIONALITY WHEN CHANGING THE PARENTS' NATIONALITY OF ADOPTION**

Article 24. Change of the children's nationality when changing the parents' nationality

When changing the parents' nationality due to which both become the nationals of Turkmenistan or both cease the nationality of Turkmenistan, the children's nationality under 14 changes respectively.

If only one of the parents of a child is unknown, in that case when changing the nationality of Turkmenistan a child under 16 may reserve the nationality of Turkmenistan.

The children's nationality doesn't change when changing the nationality of the parents deprived of the parental rights.

Article 25. Acquisition of the nationality of Turkmenistan by children under 14 in case of acquiring the nationality of Turkmenistan by one of the parents

If one of the parents acquired the nationality of Turkmenistan and another remains a national of other state, a child may acquire the nationality of Turkmenistan by the joint parents application.

If one of the parents acquires the nationality of Turkmenistan and another remains the stateless one, a child living in the territory of Turkmenistan becomes a national of Turkmenistan.

Article 26. Reservation of the nationality of Turkmenistan by children under 14 in case of cessation of the nationality of Turkmenistan by one of the parents or its loss

If one of the parents ceases the nationality of Turkmenistan or loses it and another remains a national of Turkmenistan, a child reserves the nationality of Turkmenistan. Pursuant to both parents application such child may be permitted to cease the nationality of Turkmenistan.

Article 27. Acquisition of the nationality of Turkmenistan by children under 14 in case of adoption

A child being a national of another state or a person without nationality, being adopted by the nationals of Turkmenistan becomes a national of Turkmenistan.

A child being a national of another state when being adopted by spouses one of whom is a national of Turkmenistan and the other without nationality, becomes a national of Turkmenistan.

A child being a stateless person when being adopted by spouses one of whom is a national of Turkmenistan becomes a national of Turkmenistan.

A child being a national of another state when being adopted by spouses one of whom is a national of Turkmenistan and another a national of other state, becomes a national of Turkmenistan with the consent of the persons adopting in writing.

Article 28. Reservation of the nationality of Turkmenistan by a child under guardianship

If both parents or one of the parents of a child under 14 living in the territory of Turkmenistan cease the nationality of Turkmenistan or lose it and, besides, are

deprived of the parental rights, a child reserves the nationality of Turkmenistan pursuant to the guardian's application.

Article 29. Reservation of the nationality of Turkmenistan by children under 14 in case of adoption

A child a national of Turkmenistan being adopted by the nationals of another state reserves the nationality of Turkmenistan in case of living in the territory of Turkmenistan.

A child a national of Turkmenistan being adopted by the spouses one of whom is a national of Turkmenistan.

A child a national of Turkmenistan being adopted by the stateless persons or the spouses one of whom is a national of Turkmenistan and another a stateless one reserves the nationality of Turkmenistan.

Article 30. Necessary consent of children when changing their nationality

The change of the children nationality from 14 to 18 in case of changing their parents nationality, as well in case of adoption, might be only with the written consent of the children.

## **Chapter 5. BODIES ADOPTING DECISIONS CONCERNING NATIONALITY AND THEIR AUTHORITIES**

Article 31. The President of Turkmenistan

The President adopts the decisions concerning the nationality of Turkmenistan, and in case specified in part 2 of Article 61 of the Constitution the Prime Minister of the Mejlis of Turkmenistan.

The President of Turkmenistan adopts the following decisions concerning the nationality:

1. the naturalization of Turkmenistan with the nationals of other states and the stateless persons living in the territory of Turkmenistan and outside;
2. the re-acquisition of the nationality of Turkmenistan;
3. the cessation of the nationality of Turkmenistan;
4. the declination of the application for the naturalization and re-acquisition of the nationality;
5. the loss of the nationality of Turkmenistan under points 2 and 3 of Article 22 of this Law.

Article 32. Bodies developing and registering the instruments relating to the nationality

The development and registration of the instruments relating to the nationality of Turkmenistan are made for:

1. the persons living permanently in the territory of Turkmenistan – the Ministry of Interior;

2. the persons living permanently abroad – the Ministry of Foreign Affairs of Turkmenistan.

#### Article 33. Authorities of the Interior bodies of Turkmenistan

The Ministry of Interior, administration and departments of Interior of the local executive powers:

1. receive the applications for the nationality of the persons living permanently in Turkmenistan, and along with the necessary documents submit them for the President's consideration;
2. register the loss of the nationality of Turkmenistan by the persons living permanently in the territory of Turkmenistan;
3. determine the nationality of Turkmenistan for the persons living permanently in Turkmenistan.

#### Article 34. Authorities of the Ministry of Foreign Affairs, diplomatic representatives and consular establishments of Turkmenistan

The Ministry of Foreign Affairs, the diplomatic representatives and consular establishments, the plenipotentiary representatives of Turkmenistan in other states:

1. receive the applications for the nationality of the persons living permanently outside Turkmenistan, and along with the necessary documents submit them for the President's consideration;
2. register the loss of the nationality of Turkmenistan by the persons living permanently outside Turkmenistan;
3. determine the nationality of Turkmenistan for the persons living permanently outside Turkmenistan;
4. Keep the account of nationals of Turkmenistan living permanently outside Turkmenistan.

In case if there are no diplomatic representatives or consular establishments of Turkmenistan in this or that country, the diplomatic representatives and consular establishments of other states exercise these bodies functions under relative agreements.

### **Chapter 6. CARRYING ON THE MATTER RELATING TO THE NATIONALITY**

#### Article 35. Form and procedure of submitting applications for the nationality

The matters relating to acceptance, cessation or re-acquisition of the nationality of Turkmenistan are considered by the written application of the concern person.

The application for the nationality are addressed to the President of Turkmenistan through the Interior bodies to the permanent address of the applicants, and those of the persons living permanently abroad – through the relative diplomatic representatives or consular establishments of Turkmenistan.

In case specified in Chapter 4 of the present Law, as well as with respect to the persons recognized incapable in established procedure, the applications for the

nationality of Turkmenistan are submitted by the parents or other legal representatives. The signatures of the nationals of Turkmenistan living abroad may be witnessed by the diplomatic representatives or consular establishments of Turkmenistan.

#### Article 36. Conclusions for the applications for the nationals of Turkmenistan

The bodies of Interior, or diplomatic representatives, consular establishments, or the plenipotentiary representatives of Turkmenistan registering the applications for the nationality make the motivated conclusions.

The Ministry of Interior, the Ministry of Foreign Affairs and the National Security Committee address their conclusions for the applications or presentations for the nationality and other necessary instruments for the President's consideration and resolution.

The Commission for the Nationality to the President presents the motivated conclusion to the President for the naturalization expediency of Turkmenistan, the cessation or re-acquisition of every applicant living permanently outside Turkmenistan including the possibilities of his labor, housing and other settlement in Turkmenistan.

The conclusion for the applications for the cessation of the nationality of Turkmenistan contains the exact data in respect of the issues indicated in Article 21 of the present Law.

#### Article 37. Procedure of considering the instruments relating to the nationality

To carry on the preliminary consideration of issues concerning the nationality of Turkmenistan the President establishes the Commission for the Nationality. The instruments relating to the nationality addressed to the President are considered by this Commission.

When considering the applications and representations for the nationality the Commission evaluates in details the applicants arguments, the representation content, the state bodies conclusions, other instruments and evidences duly registered.

The Commission is entitled to demand the instruments and materials relating to the matter under implementation from the respective state bodies and public organizations that present the necessary information in term fixed by the Commission.

The Commission submits the proposals on each application or representation for the Presidents consideration.

The Commission meetings are plenipotentiary if thereunto participates more than a half of its members. The Commission resolution is adopted by a mere majority of votes.

The Commission resolution is registered in the minutes signed by every member of the Commission having participated at that meeting.

#### Article 38. Instruments relating to the nationality

The President of Turkmenistan issues decrees in regard to the acceptance, re-acquisition and cessation of the nationality, and when declining the application and loss of the nationality under points 2 and 3 of Article 22 of the present Law – Resolutions.

#### Article 39. Term of considering applications for the nationality

In term of considering the applications for the nationality should not exceed six month.

#### Article 40. Repeated consideration of applications for the nationality

The repeated acceptance, re-acquisition and cessation of the nationality is considering on expiring one year after the previous resolution for this issue. In case of any circumstance for the matter that hasn't been and couldn't be known to the applicant, the repeated application might be considered earlier.

#### Article 41. Calculation of acquisition, loss and cessation of the nationality

The nationality of Turkmenistan is acquired on the date of:

1. the issue of the President's Decree for the nationality acquisition;
2. the birth or adoption of the persons under age;
3. the issue of the Presidents Decree for the nationality of Turkmenistan granted to the minor's parents.

The loss of the nationality of Turkmenistan under points 2, 3 of Article 22 of the present Law comes from the date of adoption the Presidents Resolution with regard to this issue.

Those are deemed to be re-acquired of the nationality from the date issue the Presidents Decree with regard to this item.

#### Article 42. Calculation of the residential term in the territory of Turkmenistan

The term of the permanent residence in the territory of Turkmenistan indicated in the first part of Article 18 of this Law includes:

1. the term of military service if a person lived before in the territory of Turkmenistan, and the interval between the date of leaving the service and that of arrival to Turkmenistan for the permanent residence doesn't exceed six month;
2. the studies time outside Turkmenistan if the interval between end of studies or the dismissal from the educational establishment and the date of arrival to Turkmenistan does not exceed six months;
3. the leave time for business mission outside Turkmenistan if the internal between the end of mission and the date of arrival to Turkmenistan does not exceed six months.

The calculations of the six-month term indicated in the first part of this Article is stopped in case of disease, natural calamity or for other valid reasons.

The term of residence in the territory of Turkmenistan doesn't include the term serving the criminal sentence assigned by the legal bodies of other states, as well as the time being on business mission, treatment and other cases of temporary living in the territory of Turkmenistan.

The President has the right to recognize and include other circumstances of the persons absence in the territory of Turkmenistan as if living permanently in the territory of Turkmenistan.

The time living in the territory of Turkmenistan doesn't include the period preceding the abolition of the persons nationality of Turkmenistan.

## **Chapter 7. IMPLEMENTATION OF DECISIONS CONCERNING NATIONALITY**

### Article 43. Bodies implementing decisions concerning nationality

The implementation of decisions concerning nationality with respect to the persons living permanently in Turkmenistan is imposed on the Ministry of Interior, administrations, bodies of Interior, and with respect to the persons living in another state – on the Ministry of Foreign Affairs, respective diplomatic representatives, consular and plenipotentiary establishments of Turkmenistan.

Those living in Turkmenistan whose nationality of Turkmenistan is ceased receive the residential permit from the bodies of Interior.

### Article 44. Control over implementation of decisions on nationality

Control over implementation of decisions on nationality is carried out by the Commission for the Nationality to the President.

### Article 45. Procedure of considering the applications for nationality

The procedure of considering the applications for nationality and the implementation of decisions adopted is determined by the President.

## **Chapter 8. APPEAL AGAINST DECISIONS CONCERNING NATIONALITY**

### Article 46. Appeal against decisions concerning nationality

Decisions concerning nationality might be revised by the President. Claims on decisions concerning nationality are addressed to the President.

### Article 47. Appeal against illegal acts of officials concerning nationality

Groundless refusal to accept the applications for nationality, violation of the application consideration term, as well as other illegal acts of the officials violating the procedure of consideration for nationality and that of implementation of decisions concerning nationality may be appealed against in order establish by the law to the higher official according to subordination, or to the court.

## **Chapter 9. INTERSTATE AND INTERNATIONAL AGREEMENTS**

### Article 48. Application of interstate and international agreements

If the interstate and international agreement of Turkmenistan establishes rules other than those contained in the present Law, there are applied the rules of interstate or international agreement.

## **Chapter 10. TRANSITION CLAUSES**

### Article 49. Recognition of the nationality of Turkmenistan

All nationals of the former USSR living permanently in the territory of Turkmenistan by the time entry of the present Law into force are recognized as the nationals of Turkmenistan if they do not refuse the nationality of Turkmenistan in writing.

The nationals of the former USSR born in the territory of Turkmenistan and left before this Law entry into force for the permanent residence in another states of the former USSR, are recognized as the nationals of Turkmenistan if they confirm their wish to preserve the nationality of Turkmenistan within one year from this Law entry into force. These clauses affect also the descendants of the mentioned persons in direct descending line.

### Article 50. Rights of those left the bounds of Turkmenistan for a time

Persons left the bounds of Turkmenistan for a time in connection with:

1. the call to active military service for a term fixed;
  2. the call of officers from reserve to active military service;
  3. the labor, official relations of studies, treatment, assignment to job abroad (regardless of the registration place);
  4. the provision of education in state children's establishments, the allocation to relatives guardian or trustee, or performing the duties of guardian or trustee;
- are recognized as living permanently in the territory of Turkmenistan and as the nationals of Turkmenistan in accordance with Article 49 of the present Law.

### Article 51. Use of passport of a national of the USSR

For the time the nationals of Turkmenistan receive the passport of a national of Turkmenistan they use the passport of a national of the USSR.

President of Turkmenistan S. Niyazov

Ashgabat

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