

## **Law on Citizenship of the Kyrgyz Republic**

(as amended by the Law of The Kyrgyz Republic of 25 July 2002 No. 130)

of 18 December 1993 No. 1333-XII, entered into force on 18 February 1994 (date of publication is the date of entry into force)

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The citizenship of the Kyrgyz Republic shall define permanent political and legal interrelations between a physical person and the Kyrgyz Republic that are manifested in their mutual rights and obligations.

Equality of rights of the citizens of the Kyrgyz Republic shall be ensured in all the areas of economic, political social, cultural and spiritual life.

None of the citizens of the Kyrgyz Republic may be deprived of his\hers citizenship or the right to change his\her citizenship.

### **I. GENERAL**

#### **Article 1. Citizenship of the Kyrgyz Republic**

The citizens of the Kyrgyz Republic are:

1. persons who belonged to the citizenship of Kyrgyz Republic as at the date of its adoption of the Declaration of the State Sovereignty of the Kyrgyz Republic (December 15, 1990) and have not yet stated that they belong to citizen of another state;
2. persons who belonged to the citizenship of the Kyrgyz Republic according to the procedures established with the Law upon the adoption of the Declaration of the State Sovereignty of the Kyrgyz Republic and have not lost it at the time when this Law is enforced;
3. persons who obtained the citizenship of the Kyrgyz Republic according to the provision of this Law.

#### **Article 2. Legislation on the Citizenship of the Kyrgyz Republic**

Issues of the Citizenship in the Kyrgyz Republic shall be regulated with the provisions of the Constitution of the Kyrgyz Republic, of this Law and with the legislative acts of the Republic adopted according to this Law.

#### **Article 3. The Document Certifying the Citizenship of the Kyrgyz Republic**

The document that certifies the citizenship of the Kyrgyz Republic is the passport of a citizen of the Kyrgyz Republic, a birth certificate or other documents that certify this citizenship.

#### **Article 4. Equality of the Citizenship**

Citizenship of the Kyrgyz Republic shall be equal for all the citizens of the Kyrgyz Republic irrespective of the way how it has been acquired.

#### **Article 5. Non-Admittance of a Dual Citizenship for Citizens of the Kyrgyz Republic**

It shall not be admitted for persons being citizens of the Kyrgyz Republic to belong to the of citizens of other slates.

#### **Article 6. Maintaining of the Citizenship of the Kyrgyz Republic by its Citizens Living Abroad**

The fact that citizens of the Kyrgyz Republic may live abroad may not by itself lead to termination of his/hers citizenship of the Kyrgyz Republic.

Citizens of the Kyrgyz Republic permanently living or temporary staying abroad shall be registered in the consular department of the diplomatic or a consular mission that represents interests of the Kyrgyz Republic.

#### **Article 7. Maintenance of the Citizenship at Marriages and Divorces**

Marriage of a citizen of the Kyrgyz Republic with a person being a citizen of another state or a stateless person and, besides, divorce procedures shall not change his/hers citizenship.

Change of the citizenship by one of the spouses shall not alter the citizenship of the other.

#### **Article 8. Protection by the State of the Rights and Lawful Interests of the Citizens of the Kyrgyz Republic abroad**

Citizens of the Kyrgyz Republic being abroad shall enjoy protection and patronage of Kyrgyz Republic.

The Kyrgyz Republic, its diplomatic missions and consular offices, and besides, their officials shall provide for the citizens of the Kyrgyz Republic the possibilities to enjoy all the rights provided for them with the legislation of the country where they stay, with interstate treaties where the Kyrgyz Republic and a county of their stay participate, and shall protect their rights and interests safeguarded with the Law of such citizens according the legislative procedures.

In the event when the country of stay of citizens of the Kyrgyz Republic does not have diplomatic missions and consular offices of the Kyrgyz Republic then protection of rights and lawful interests of citizens of the Kyrgyz Republic there may be, according to international treaties of the Kyrgyz Republic, provided for with respective organs of other states.

#### **Article 9. Inadmissibility of Extradition of a Citizen of the Kyrgyz Republic to a Foreign State**

A citizen of the Kyrgyz Republic may not be extradited to a foreign state with the exception of the cases provided for in international agreements.

#### **Article 10. Foreign Citizenship**

As foreign citizens in the Kyrgyz Republic shall be acknowledged those persons who are not citizens of the Kyrgyz Republic and possess evidences that they do belong to the citizenship of a foreign state at the time of their permanent residence or a temporary stay in the territory of the Kyrgyz Republic.

#### **Article 11. Stateless Persons**

Persons who reside in the territory of the Kyrgyz Republic, and are not citizens of the Kyrgyz Republic, and do not possess evidences of the fact that they have citizenship of a foreign state shall be considered as stateless persons.

## **II. ACQUISITION OF THE CITIZENSHIP OF THE KYRGYZ REPUBLIC**

#### **Article 12. Bases to Acquire the Citizenship of the Kyrgyz Republic**

The Citizenship of the Kyrgyz Republic shall be acquired:

1. by birth;
2. as a result when the citizenship is granted;
3. on the bases provided for in interstate treaties of the Kyrgyz Republic;
4. on other bases provided for by this Law.

#### **Article 13. Citizenship of a Child whose Parents are Citizens of the Kyrgyz Republic**

A child whose parents at the time of his\her birth are citizens of the Kyrgyz Republic shall be a citizen of the Kyrgyz Republic irrespective of his\her birthplace.

#### **Article 14. Citizenship of a Child one of the Parents of Whom is a Citizen of the**

## **Kyrgyz Republic and the Other is a Citizen of a Foreign State or a Stateless Person**

A child shall be a citizen of the Kyrgyz Republic:

if with the different citizenships of his\hers parents the father of the child is a citizen of the Kyrgyz Republic at the time when the child is born in the territory of the Kyrgyz Republic and the other spouse is a foreign citizen or a stateless person;

if a child was born outside the borders of the Kyrgyz Republic, but the father of the child being a citizen of the Kyrgyz Republic has permanent resident address in the territory of the Kyrgyz Republic.

Citizenship of a child born outside the borders of the Kyrgyz Republic from parents residing outside the borders of the Kyrgyz Republic and having both different citizenships at the time when the child was born and if one of the parents is a citizen of the Kyrgyz Republic and the other is a citizen of a foreign state shall be determined according to a written agreement of the parents.

A child one of the parents of whom is a citizen of the Kyrgyz Republic and the other one is unknown shall be a citizen of the Kyrgyz Republic irrespective of the place of his\her birth.

In a case when a fatherhood of a child is established, and whose mother is a stateless person, and a citizen of the Kyrgyz Republic is acknowledged to be the father then such a child younger than 14 years of age shall become a citizen of the Kyrgyz Republic irrespective of the place of his\her birth.

### **Article 15. Citizenship of Children Whose Parents are Unknown**

A child living in the territory of the Kyrgyz Republic with both his\her parents being unknown shall be a citizen of the Kyrgyz Republic.

### **Article 16. Acquisition of the Citizenship of the Kyrgyz Republic by a Child in a Case of Adoption**

A child being a citizen of a foreign state or a stateless person who is adopted by a citizen of the Kyrgyz Republic shall become a citizen of the Kyrgyz Republic.

A child being a citizen of a foreign state who is adopted by parents one of whom is a citizen of the Kyrgyz Republic and another is a stateless person, shall become a citizen of the Kyrgyz Republic

A child being a citizen of a foreign state and adopted by parents one of whom is a citizen of the Kyrgyz Republic and the other is a citizen of a foreign state shall become a citizen of the Kyrgyz Republic according to the agreement between his\her adopters.

A child being a stateless person and adopted by parents one of whom is a citizen of the Kyrgyz Republic shall become a citizen of the Kyrgyz Republic.

### **Article 17. Maintenance of the Citizenship of the Kyrgyz Republic of a Child in a Case of his\her Adoption**

A child being a citizen of the Kyrgyz Republic and adopted by those parents who are stateless persons, or by those spouses one of whom is a citizen of the Kyrgyz Republic and the other is a citizen of a foreign state or a stateless person shall retain his\her citizenship of the Kyrgyz Republic.

### **Article 18. Maintenance of the Citizenship of the Kyrgyz Republic by a Child under Guardianship or Trusteeship**

If the parents or one of the parents of a child who lives in the territory of the Kyrgyz Republic cease to be citizens of the Kyrgyz Republic or lose this citizenship and at that they do not take part in the upbringing of the child who got under a guardianship or a trusteeship by citizens of the Kyrgyz Republic then the child shall retain the citizenship of the Kyrgyz Republic upon an application by his\her guard or trustee.

### **Article 19. Acquisition of the Citizenship, of the Kyrgyz Republic by a Child if this**

## **Citizenship is Acquired by One of his/her Parents**

If one of the parents of a child is a citizen of the Kyrgyz Republic and the other parent remains to be a citizen of a foreign state then the child may acquire the citizenship of the Kyrgyz Republic upon the joint application of both his/her parents.

If the father of the child becomes a citizen of the Kyrgyz Republic and the other parent remains to be a stateless person then a child living in the territory of the Kyrgyz Republic shall become a citizen of the Kyrgyz Republic.

If the father of the child becomes a citizen of the Kyrgyz Republic and the other parent remains to be a stateless person then a child living outside the territory of the Kyrgyz Republic may acquire the citizenship of the Kyrgyz Republic upon an application for such by that parent who acquires the citizenship of the Kyrgyz Republic.

## **Article 20. Necessity to Obtain Agreement of Children at Alterations of their Citizenship**

Alteration of the citizenship of children at ages from 14 to 16 years in cases when their parents change their own citizenships and, besides, at adoptions of the children shall be accomplished only with the agreement to that on the side of the children.

## **Article 21. Acquisition of the Citizenship as a Result of Granting of the Citizenship**

Foreign citizens and stateless persons may, upon their respective application, be granted the citizenship of the Kyrgyz Republic under the condition that all the following is observed:

- 1) renunciation of the foreign citizenship;
- 2) continuous residence in the territory of the Kyrgyz Republic during the last 5 years;
- 3) mastering of the state or official language within the scope set up in the legislation in force, the state shall provide for the conditions necessary to learn the state language;
- 4) possession of lawful sources of income for living.

Conditions for granting the citizenship of the Kyrgyz Republic provided for in Items 2, 3 of this Article shall not cover the following persons:

- 1) ethnic Kyrgyz who reside outside the borders of the Kyrgyz Republic;
- 2) deserved prominent services to the Kyrgyz Republic;
- 3) when the citizenship of the Kyrgyz Republic is restored;
- 4) married to a citizen of the Kyrgyz Republic;
- 5) born in the Kyrgyz Republic.

(as amended by the Law of the Kyrgyz Republic of 25<sup>th</sup> July 2002 No. 130)

## **Article 22. Bases for Rejection to Grant the Citizenship of the Kyrgyz Republic**

Citizenship of the Kyrgyz Republic shall be denied to the following persons:

1) sentenced to imprisonment for lengthy terms for gross crimes or being under criminal investigation at the time when their respective application is being considered;

2) inflaming national or racial enmity and conducting war propaganda;

3) involved into activities aimed against the interests of the Kyrgyz Republic - a call to a forcible overthrow or change of the state order of order secured in the Constitution of the Kyrgyz Republic; damage to the state security, social order, health and morality of the population;

4) involved into terrorist activities and on other bases provided for with this Law.

## **III. TERMINATION AND RESTORATION OF THE CITIZENSHIP OF THE KYRGYS REPUBLIC**

### **Article 23. Termination of the Citizenship of the Kyrgyz Republic**

Citizenship of the Kyrgyz Republic shall be terminated:

- 1) because of renunciation of the citizenship of the Kyrgyz Republic;
- 2) because the citizenship of the Kyrgyz Republic has been lost;
- 3) because of other reasons provided for by this Law and by interstate treaties of the Kyrgyz Republic.

#### **Article 24. Renunciation of the Citizenship of the Kyrgyz Republic**

A citizen of the Kyrgyz Republic shall be entitled to the right to renounce his\her being a citizen according to the procedures established with this Law.

Renunciation of the citizenship of the Kyrgyz Republic shall not be permitted if a person applied for renunciation has been held criminally responsible as the defendant or if there do exist a court sentence already in legal force that shall be executed of if a person has some non executed obligations to the state or some proprietary commitments which are related to substantial interests of citizens or state agencies and, besides, of other enterprises, organizations and associations.

Rejection to satisfy an application for renunciation of the citizenship of the Kyrgyz Republic may be appealed in the Supreme Court of the Kyrgyz Republic.

#### **Article 25. Loss of the Citizenship of the Kyrgyz Republic**

Citizenship of the Kyrgyz Republic shall be lost:

- 1) because a person has joined military or intelligence services of a foreign state without a permission of the competent bodies of the Kyrgyz Republic;
- 2) if a person permanently residing abroad has not registered him\herself in the consular office without justifiable reasons during the term of three years.

Loss of the citizenship of the Kyrgyz Republic shall be counted since the moment when such facts occur.

A citizenship of the Kyrgyz Republic acquired in the result of provision of intentionally false data or documents shall be null and void since the moment of its acquisition.

#### **Article 26. Restoration of the Citizenship of the Kyrgyz Republic**

A person that formerly possessed the citizenship of the Kyrgyz Republic may, upon an application, to restore his\her citizenship of the Kyrgyz Republic with the observation of the procedures set up with the Law on granting of the citizenship of the Kyrgyz Republic.

Citizenship of the Kyrgyz Republic shall be restored in each individual case by the President of the Kyrgyz Republic.

#### **Article 27. Authorities of the President of the Kyrgyz Republic**

The President of the Kyrgyz Republic shall adopt decisions on the following issues in respect to the citizenship:

- 1) granting the citizenship of the Kyrgyz Republic to foreign citizens and stateless persons continuously residing in the territory of the Kyrgyz Republic;
- 2) granting the citizenship of the Kyrgyz Republic to foreign citizens and stateless persons residing abroad who has submitted respective application to the effect;
- 3) restoration of the citizenship of the Kyrgyz Republic;
- 4) renunciation of the citizenship of the Kyrgyz Republic.

#### **Article 28. Authority of the Bodies of the Ministry of the Interior**

Bodies of the Ministry of the Interior of the Kyrgyz Republic shall:

- 1) accept applications from persons residing in the territory of the Kyrgyz Republic on the issues of the citizenship of the Kyrgyz Republic and shall submit them together with the necessary documents to the President of the Kyrgyz Republic; determine if persons continuously residing in the territory of the Kyrgyz Republic belong to the number of the citizens of the Kyrgyz

Republic;

- 2) register loss of the citizenship of the Kyrgyz Republic by persons permanently residing in the territory of the Kyrgyz Republic.

#### **Article 29. Authority of the Ministry of Foreign Affairs of the Kyrgyz Republic, of Diplomatic and Consular Missions of the Kyrgyz Republic**

The Ministry of Foreign Affairs of the Kyrgyz Republic, diplomatic and consular missions of the Kyrgyz Republic shall:

- 1) accept applications from persons permanently residing outside the borders of the Republic in respect to the issues of the citizenship of the Kyrgyz Republic, and submit them together with the required documents to the President of the Kyrgyz Republic;
- 2) determine if persons permanently residing abroad belong to the citizens of the Kyrgyz Republic;
- 3) register loss of the citizenship of the Kyrgyz Republic by persons permanently residing abroad;
- 4) shall account and register citizens of the Kyrgyz Republic permanently residing abroad.

#### **IV. PROCEDURES FOR EXAMINATION OF APPLICATIONS AND PRESENTATIONS ON THE CITIZENSHIP OF THE KYRGYZ REPUBLIC**

##### **Article 30. Procedures to Submit Applications on the Issues of the Citizenship of the Kyrgyz Republic**

Applications on the issues of the citizenship of the Kyrgyz Republic shall be addressed to the President of the Kyrgyz Republic and submitted to the bodies of the Ministry of the Interior of the Republic in the territory where an applicant resides, and persons who permanently resides abroad the Republic shall submit their applications to diplomatic or consular missions of the Kyrgyz Republic.

##### **Article 31. The Form for Applications on the Issues of the Citizenship of the Kyrgyz Republic**

Requests on granting the citizenship of the Kyrgyz Republic, restoration or cessation of such a citizenship shall be examined upon a written application of an applicant. Applications by persons under the age of 18 shall be examined at a request of their lawful representatives certified and in the notary office, and in the diplomatic or consular mission, if abroad of the Kyrgyz Republic.

For the applications to grant, restore or cease the citizenship of the Kyrgyz Republic of children at ages of 14 to 16 years it is necessary to submit their written agreement that shall be certified in the notary office, and, if abroad of the Republic then in a diplomatic or consular missions if the Kyrgyz Republic.

In applications to cease the citizenship of the Kyrgyz Republic of a child under the age whose one parent shall remain a citizen of the Kyrgyz Republic, it is necessary to submit a written agreement of the latter on cessation of the citizenship of the Kyrgyz Republic of this child being under the age. Such applications shall be certified in the notary office, and, if abroad the Republic, then in the diplomatic or consular mission of the Kyrgyz Republic.

##### **Article 32. Procedures to Accept and Examine Applications on the Issues of the Citizenship of the Kyrgyz Republic**

Bodies of the Ministry of the Interior of the Kyrgyz Republic, diplomatic and consular missions of the Republic shall accept all applications on the issues of the citizenship of the Kyrgyz Republic submitted, as a rule, by an applicant him/herself or sent through the post or any third party because of a justifiable reason.

The bodies accepting such applications shall make a substantiated conclusion in respect to them. The Ministry of the Interior of the Kyrgyz Republic, the Ministry of Foreign Affairs of the Kyrgyz Republic shall submit to the President of the Kyrgyz Republic their conclusions on the applications or on issues of the citizenship together with other documents requested to resolve such an issue on the citizenship.

### **Article 33. The Commission on the Issues of Citizenship under the President of the Kyrgyz Republic**

The President of the Kyrgyz Republic shall set up the commission on the issues of the citizenship for preliminary examination of the issues of the citizenship referred to in Article 27 of this Law.

The Commission during its examination of applications and presentations on the issues related to the citizenship shall comprehensively analyse the arguments of an applicant, conclusions of the state bodies and other required documentation.

The Commission shall have the right to request, for a case in its examination, data, documents from respective state bodies and public associations, and the latter shall submit the requested information within the time set up by the Commission and including information on possibilities to provide a job, a dwelling or any other social benefits for life of an applicant in the Kyrgyz Republic.

The Commission shall submit to the President of the Kyrgyz Republic suggestions on each of the applications or presentations.

Decisions by the Commission shall be registered in a protocol that shall be signed by all the members of the Commission who participated in its session.

### **Article 34. Procedures to Adopt Decisions of the Issues of the Citizenship by the President of the Kyrgyz Republic**

The President of the Kyrgyz Republic shall issue decrees on the issues of the citizenship, and shall adopt resolutions in cases when applications or presentation on the issues of the citizenship are rejected.

Alteration of a citizenship shall become effective on the day when the decree by the President of the Kyrgyz Republic is issued and if the decree does not state otherwise.

A second application on the issue of the citizenship shall, as a rule, be examined upon expiration of one year after the previous decision on this issue. In the event when some significant circumstances relevant to this case emerge that could not be known to the applicant then such secondary application may be examined before the term.

### **Article 35. Time term for examination of an application on issues of the citizenship**

The time for examination of an application or a presentation on the issues of the citizenship shall not surpass one year.

## **VI. EXECUTION OF DECISIONS ON THE ISSUES OF THE CITIZENSHIP OF THE KYRGYZ REPUBLIC**

### **Article 36. Procedures for Execution of the Decrees by the President of the Kyrgyz Republic on the Issues of the Citizenship of the Kyrgyz Republic**

Execution of the decrees by the President of the Kyrgyz Republic on the issues related to the citizenship of the Kyrgyz Republic shall be entrusted to the Ministry of the Interior of the Kyrgyz Republic and its bodies; and the issues in respect to persons residing abroad the Republic - to the Ministry of Foreign Affairs, diplomatic and consular missions of the Kyrgyz Republic.

### **Article 37. Issuance of Passports and Residence Permits**

Bodies of the Ministry of the Interior of the Kyrgyz Republic or diplomatic or consular missions of the Kyrgyz Republic shall issue passports of a citizen of the Kyrgyz Republic to persons acquired the citizenship of the Kyrgyz Republic according to the procedures established with this Law. An entry of the citizenship of the Kyrgyz Republic shall be made in documents of children under the age of 16.

The bodies of the Ministry of the Interior shall issue residence permits to those

persons who reside in the Kyrgyz Republic and are not citizens of the Kyrgyz Republic.

**Article 38. Control over Execution of Decisions on the Issues of the Citizenship of the Kyrgyz Republic**

Control over execution of decisions on the issues of the citizenship of the Kyrgyz Republic shall be made by the Commission on the Issues of the Citizenship under the President of the Kyrgyz Republic.

**VII. APPEALS ON DECISIONS ON THE ISSUES OF THE CITIZENSHIP OF THE KYRGYZ REPUBLIC**

**Article 39. Appeals on Decisions on the Issues of Citizenship**

Decisions on the issues of the citizenship adopted by the President of the Kyrgyz Republic may be appealed against in the Supreme Court of the Kyrgyz Republic.

An appeal may be accepted within the time of six months upon the date of the respective decisions. A term missed because of justifiable reasons may be restored by the Supreme Court of the Kyrgyz Republic.

**Article 40. Appeals against Acts of Officials on the Issues of the Citizenship**

Rejection to accept applications on the issues of the citizenship and other actions of officials in respect to the procedures to examine cases of the citizenship and execution of decisions on the issues of the citizenship may be appealed against at the court according to the established procedures.

A. Akaev,

President of the Kyrgyz Republic