

Law of the Republic of Abkhazia
About citizenship of Republic of Abkhazia

Citizenship of the Republic of Abkhazia as a steady political and legal relationship between a person and the state of Republic of Abkhazia is expressed through mutual rights and responsibilities and forms the basis of legal position of a citizen.

Citizenship of the Republic of Abkhazia (RA) is an integral attribute of state sovereignty of RA.

RA respects the right and encourages the returning of Abkhazian (abaza) diaspora, who live outside of RA, to their historical homeland.

Chapter 1. General provisions

Article 1. Subject of regulation of the Law.

This Law contains principles of citizenship of RA and rules, which regulate relations connected with citizenship of RA, the bases, conditions and order of acquisition and termination of citizenship of RA.

Article 2. Legislature about citizenship of RA

1. Questions of the citizenship of RA are regulated by the Constitution of RA, this Law, and also by other legislative acts, adopted in accordance with the Constitution and the Law.

2. If an international agreement of RA establishes other rules, then those, which are provided by this Law, then the rules of the international agreement are used.

Article 3. Basic conceptions

For the purposes of this Law the following basic conceptions are used:

-citizenship of RA is a steady political and legal relationship between a person and RA, which is expressed in the complex of their mutual rights and responsibilities;

-other citizenship is a citizenship (allegiance) of another country;

-double citizenship is when a citizen of RA has a citizenship (allegiance) of a foreign country;

A foreign citizen is a person, who is not the citizen of RA and has a citizenship(allegiance) of a foreign country;

-a person without citizenship is the one, who does not possess the citizenship of RA and does not have evidence of having a citizenship (allegiance) of a foreign country;

-a child is a person who is aged under 18 years;

-residence is residence of a person on legal bases on the territory of RA or beyond its borders;

-territory of RA is the territory of RA within the limits of the boundaries of the state border of RA;

-general provisions of acquisition and termination of citizenship of RA are the provisions of consideration of questions of citizenship and making of decisions on matters of the citizenship of RA by the President of RA concerning those people, to whom the general conditions of this Law apply;

-simplified procedure of acquisition and termination of citizenship of RA is the procedure of acquiring and termination of citizenship of RA are the provisions of consideration of questions of citizenship and making of decisions on matters of the citizenship of RA by the President of RA concerning those people, to whom the favorable terms of this Law apply;

-changing of citizenship is the acquisition and termination of citizenship of RA;

– residence permit is a document, given to a foreign citizen or to a person without citizenship in support of their right for a permanent living in RA and their right for unrestricted entry and exit from RA.A residence permit, given to a person without citizenship is at the same time his/her identification document.

Article 4. Principles of the citizenship of RA and rules, which regulate questions of citizenship of RA.

1. Citizenship of RA is an equal entity regardless of the bases of its acquisition.
2. Living of a citizen of RA outside of RA does not stop his citizenship of RA.
3. Citizen of RA cannot be deprived of his citizenship of RA or the right to change it.
4. Citizen of RA cannot be deported outside of RA or extradited to a foreign country.

Article 5. Citizens of RA

Citizens of RA are:

a) people of Abkhazian (abaza) nationality regardless of place of their residence or whether they have a citizenship of a foreign country, except for those people, who, using unconstitutional methods, support changing of the sovereign status of RA, or support a violent change of constitutional system of RA or, using unconstitutional methods, fought against the existing constitutional system or are connected to terrorist activities.

b) people who had permanently lived on the territory of RA for not less than 5 years by the time of adoption of the Act of state independence of RA on the 12th of October 1999 and if they had not refused the citizenship in written form, except for those people, who, using unconstitutional methods, support changing of the sovereign status of RA, or support a violent change of constitutional system of RA or, using unconstitutional methods, fought against the existing constitutional system or are connected to terrorist activities;

c) people, who have acquired the citizenship of RA in accordance to this Law.

Article 6. Double citizenship.

A citizen of RA, except for paragraph “a” of Article 5 of this Law, without abandoning of the citizenship of RA, has a right to acquire only the citizenship of Russian Federation.

A citizen of RA, who has also a citizenship of a foreign country, is considered by RA only as a citizen of RA.

Article 7.

Статья 7. Providing defense and protection to the citizens of RA, who are outside of RA.

1. Citizens of RA, who are outside of RA, are provided with defense and protection of RA.

2. Public authorities of RA, plenipotentiary representing offices of RA abroad, their officials, must assist the citizens of RA in order for them to have the opportunity to employ their rights, established by the Constitution of RA, Constitutional laws, Laws, generally acknowledged principles and norms of international law, international agreements of RA, Laws and rules of the country of residence or staying of the citizens of RA, as well as the possibility to defend their rights and secured by laws interests.

Article 8. Citizenship of RA and marriage.

1. Marriage or divorce between a citizen of RA and a person, who does not possess the citizenship of RA, does not lead to changing of the citizenship of these people.

2. Changing of the citizenship by one of the spouses does not lead to changing of citizenship of the other spouse.

3.Divorce does not lead to changing of citizenship of children, born or adopted by the spouses in this marriage.

Article 9. Citizenship of children.

1. Citizenship of a child in case of acquiring and termination of citizenship of RA by one of his/her parents or by both parents remains the same or changes in accordance to this Law.

2.For acquiring and termination of citizenship of RA by a child of 14-18 years old, his/her agreement is necessary.

3.Citizenship of RA of a child cannot be terminated if as a result of the termination of the citizenship of RA, the child becomes a person without citizenship.

4. Citizenship of a child does not change if citizenship of his parents, who are deprived of their parental rights, is changed. IN case of changing of citizenship of a child, agreement of his parents, who are deprived of their parental rights, is not necessary.

Article 10. Documents, certifying the citizenship of RA.

1. Passport of a citizen of RA is the document, which certifies the citizenship of RA.
2. In the documents of children who are under 14 years old a note, certifying their citizenship of RA, is made.

CHAPTER 2. ACQUISITION OF CITIZENSHIP

Article 11. Bases for acquisition of citizenship of RA.

citizenship of RA is acquired:

- 1)at birth;
- 2)as a result of acquisition of citizenship of RA;
- 3)as a result of reinstatement of citizenship of RA;
- 4)on other bases, provide by this Law or an international agreement of RA.

Article 12. acquisition of citizenship of RA at birth.

1. A child acquires the citizenship of RA at birth, if by the day of his birth:
 - a)both his parents or his only parent possess the citizenship of RA(regardless of the place of birth of the child);

b) one of his parents is the citizen of RA, and another is either a person without citizenship, or is officially recognized as missing or his whereabouts are unknown (regardless of the place of birth of the child);

c) one of his parents possess the citizenship of RA, and the other is a foreign citizen, provided that the child was born on the territory of RA or if otherwise he will become a person without citizenship;

2. A child who is on the territory of RA and whose parents are unknown, becomes a citizen of RA in case if his parents do not show up in the course of 6 months since the day the child was found.

Article 13.

Статья 13. Acceptation of the citizenship of RA in general order.

1. Foreign citizens and people without citizenship, who are above 18 years old and have a legal capacity, have a right to put in an application for acceptance in the citizenship of RA in general order, provided that these people:

a) know the state language of RA;

b) took the oath of the citizen of RA;

c) know the general provisions of the Constitution of RA;

d) had lived on the territory of RA since the day of receiving a residence permit and till the day of addressing with an application for acquisition of citizenship of RA for 10 years uninterruptedly. Period of residence is considered to be uninterrupted if a person does not leave the territory of RA for a period of more than 3 months per year.

e) have a legal source for living and pay taxes, determined by the legislature of RA;

f) had presented an affirmation about their rejection of their previous citizenship and had received from the country of their previous residence a permission for expatriation, if it is provided by the laws of that country, or a document, certifying the loss of previous citizenship. The affirmation about their rejection of their previous citizenship, permission for expatriation or a document, certifying the loss of previous citizenship is provided after it had officially been announced to the person, that there are no other obstacles for his acquisition of the citizenship of RA;

2. Order of evaluation of the level of knowledge of the state language is determined by the Provision on the order of consideration of questions of citizenship of RA, ratified by the President of RA.

3. **Vow of the citizen of RA: "I (name), born (place, date) becoming a citizen of RA, solemnly swear to be loyal to RA, to adhere and defend the Constitution and**

Laws of RA. I swear to defend whole-heartedly the independence and sovereignty of RA. I commit myself to respect culture and traditions of the people of RA”.

Article 14. Acquisition of the citizenship of RA on favorable conditions.

1. Foreign citizens and persons without citizenship, who live on the territory of RA have the right to apply for acquisition of the citizenship of RA on favorable terms without compliance of the residence terms, provided by paragraph “d” of the first part of the article 13 of this Law, if they have been married to a citizen of RA for not less than 5 years and have lived on the territory of RA for not less than 3 years;

2. Acquisition of the citizenship of RA on favorable conditions, except for the conditions, provided by the first part of the Article 13 of this Law, is provided to:

a) a child, one of whose parents possess the citizenship of RA-at the request of this parent and with the agreement of the other parent for the acquisition of their child of the citizenship of RA. This agreement is not necessary if the child lives on the territory of RA;

b) a child, whose only parent is the citizen of RA-at the request of this parent;

c) a child who is under someone’s guardianship-at the request of this guardian, who is a citizen of RA.

d) people, who have rendered great services to RA, or have the profession or qualification, which is of specific state interest for RA.

Article 15. Reinstatement in the citizenship of RA.

Foreign citizens and people without citizenship, who had previously been citizens of RA, may be reinstated in the citizenship of RA in accordance to part 1 of the article 13 of this Law. In doing so, time of their residence on the territory of RA decreases to 3 years.

Article 16. Bases for rejection of application for acquisition of the citizenship of RA and reinstatement in the citizenship of RA.

Applications for acquisition of the citizenship of RA and reinstatement in the citizenship of RA are declined when they are submitted by people, who:

a) using unconstitutional methods, support changing of the sovereign status of RA, or support a violent change of bases of constitutional system of RA or by other unconstitutional methods create menace to the security of RA, or by anti-constitutional methods fought against the state system or the existing government of RA.

- b) used forged documents and, knowing well, gave false information;
- c) are connected with terrorist activities;
- d) are on military service, or serve in the security bodies or in law machinery of a foreign country, if it is not provided otherwise by an international agreement of RA;
- e) have unrepaid convictions for administration of deliberate crimes on the territory of RA or beyond its borders;
- f) are prosecuted in criminal order by competent authorities of RA or foreign countries
- g) are convicted of offence and do service of sentence for actions, prosecuted according the law(until the termination of the term of punishment).

CHAPTER 3.TERMINATION OF THE CITIZENSHIP OF RA

Article 17. Bases for termination of the citizenship of RA.

Citizenship of RA is terminated:

- a) as a result of withdrawal from the citizenship of RA
- b) as a result of cancellation of decision about acceptance into the citizenship of RA;
- c) on other bases, provided by this Law or an international agreement of RA.

Article 18. Withdrawal from the citizenship of RA

1. Withdrawal from the citizenship of RA of a person, who lives on the territory of RA, is done on volunteer bases of this person in general order, except for the cases, provided by article 19 of this Law.

2 Withdrawal from the citizenship of RA of a person, who lives on the territory of a foreign country is done on volunteer bases of this person in general order, except for the cases, provided by article 19 of this Law.

3. Withdrawal from the citizenship of RA of a child, one of whose parents is the citizen of RA, and the other parent is a citizen of a foreign country, is done on favorable conditions at the request of the parents or the only parent.

Article 19. Reasons for rejection of request about withdrawal from the citizenship of RA.

Withdrawal from the citizenship of RA is not permitted, if the citizen of RA:

- a) has an unfulfilled statutory obligation to RA;
- b) is involved by competitive authorities into a trial as a witness in a criminal case or he is under accusatory conviction of a court of RA;
- c) Does not possess other citizenship or has guarantees for its acquisition

CHAPTER 4. CANCELLATION OF DECISIONS ON THE QUESTIONS OF CITIZENSHIP OF RA.

Article 20. Reasons for cancellation of decisions on the questions of citizenship of RA.

Decision about on the questions of acquisition or termination of the citizenship of RA are subject to cancellation, if it determined that this decision was made on the basis of forged documents or knowingly false information. The fact of use of forged documents or giving of knowingly false information is determined judicially.

Article 21. Order of cancellation of decisions on the questions of citizenship of RA and consequences of the cancellation.

1. cancellation of decisions on the questions of citizenship of RA is made by the President of RA.

2. Decision on the questions of citizenship of RA in case of its cancellation is considered invalid since the day of the adoption of this decision.

CHAPTER 5. CITIZENSHIP OF CHILDREN WHEN CITIZENSHIP OF PARENTS, GUARDIANS IS CHANGED.

Article 22. Changing of the citizenship of a child when citizenship of his parents is acquired or terminated.

1. A child acquires the citizenship of RA, if both of his parents or his only parent acquire the citizenship of RA.

2. Citizenship of RA of a child is terminated at the termination of citizenship of his parents or his only parent, provided that the child will not become a person without citizenship.

Article 23. Citizenship of a child at the acquisition or termination of citizenship of RA by one of his parents.

1. If one of the parents, who has other citizenship, acquires the citizenship of RA, their child, who lives on the territory of RA, can acquire the citizenship of RA at the request of the parent, who acquires the citizenship of RA.

2. If one of the parents, who have other citizenship, acquires the citizenship of RA, their child, who lives outside of RA, can acquire the citizenship of RA at the request of the both parents.

3. If one of the parents, who have other citizenship, acquires the citizenship of RA, and the other parent is a person without citizenship, their child can acquire the citizenship of RA at the request of the parent, who acquires the citizenship of RA.

4. If one of the parents, who acquires the citizenship of RA is a person without citizenship, and the other parent is a person with some other citizenship, their child can acquire the citizenship of RA at the request of both his parents.

5. If citizenship of RA of one of the parents is terminated and the other parent is a person without citizenship, their child remains a RA citizen. Citizenship of RA of a child may be terminated at the same time when citizenship of RA of one of his parent is terminated with a written agreement for that of the second parent, who is the citizen of RA, providing that the child will not become a person without citizenship.

Article 24. Citizenship of children at adoption

1. A child, adopted by a citizen of RA, or by a couple of RA citizens, or by a couple, one of whom is a RA citizen and the other is a person without citizenship, acquires

a citizenship of RA from the day of his adoption, regardless of the place of residence of the child at the request of the adoptive, who is a RA citizen.

2. A child, adopted by a couple, one of whom is a RA citizen and the other is a citizen of some other country, acquires a citizenship of RA from the day of his adoption, regardless of the place of residence of the child.

3. In cases, provided by part 2 of this article, if in the course of 1 year since the day of adoption his parents don't apply for a citizenship of RA for their child, the child acquires RA citizenship since the day of his adoption, providing that he and his adoptives live on the territory of RA.

Article 25. Citizenship of children who are under guardianship.

1 Children who are under guardianship of a RA citizen, acquire RA citizenship in a simplified order at the request of the guardian.

2. A child, who is under guardianship of a foreign citizen who is acquisition a RA citizenship, can acquire the citizenship of RA at the same time at the request of the guardian.

CHAPTER 6. JABA VI. Plenipotentiary AUTHORITIES, WHICH ADMINISTRATE CASES ABOUT RA CITIZENSHIP.

Article 26. Plenipotentiary authorities, which administrate cases about RA citizenship.

Plenipotentiary authorities, which administrate cases about RA citizenship are:

- President of RA;
- Commission on the questions of citizenship at the President of RA;
- Ministry of Internal Affairs;
- Ministry of International Affairs.

Article 27. Powers of RA President

1. President of RA decides questions of:

- a) acceptance into the citizenship of RA;
- b) Reinstatement in the citizenship of RA;
- c) termination of the citizenship of RA;
- d) cancellation of decisions on the questions of citizenship of RA.

2. President of RA approves the Provision about the order of consideration of questions of citizenship of RA.

3. Forms a Commission on the questions of the citizenship at the President of RA.

4. When making a positive decision on the matters of citizenship the President of RA signs a decree, and when making a negative decision- he signs a direction.

Article 28. Powers of the Commission on the questions of the citizenship at the President of RA.

1. Commission on the questions of the citizenship at the President exercises the following powers:

a) receives applications about the citizenship of RA from people who live on the territory of RA;

b) implements preliminary consideration of applications about the citizenship of RA;

c) makes proposals about each application about the citizenship of RA for consideration by the President of RA;

d) monitors the implementation of decisions of the questions of the citizenship of RA.

2. Decisions of the Commission on the questions of the citizenship at the President of RA are made by a simple majority of votes of the total number of members of the Commission and are signed by all the members who take part in the session.

3. Commission on the questions of the citizenship at the President of RA has the right to ask for further information in appropriate authorities of the executive branch, which provide the necessary information in the established by the Commission on the questions of the citizenship at the President of RA time.

Article 29. Powers of the Ministry of Internal Affairs of RA.

Ministry of Internal Affairs of RA exercises the following powers:

a) determines whether a person, who lives on the territory of RA is a RA citizen or not;

b) at the request of the Commission on the questions of the citizenship at the President of RA checks facts and documents, provided for reasoning of the application for the citizenship of RA;

c) fulfills the decisions on matters of RA citizenship, adopted by the President;

d) keeps track of the people, on whose behalf the President of RA made a decision about changing of a status of their citizenship.

Article 30. Powers of the Ministry of International Affairs of RA.

1. MFA of RA exercises the following powers:

a) determines whether a person, who lives outside the territory of RA is a RA citizen or not;

b) receives applications for the citizenship of RA from people who live outside of RA;

c) at the request of the Commission on the questions of the citizenship at the President of RA checks facts and documents, provided for reasoning of the application for the citizenship of RA;

d) sends to the Commission on the questions of the citizenship at the President of RA applications for citizenship of RA, supporting documents and other materials and decisions on these applications, documents and materials;

e) keeps track of the people who live outside of RA, on whose behalf the President of RA made a decision about changing of a status of their citizenship.

2. According to an agreement of RA and a foreign country, powers, mentioned in part one of this article, may be exercised by diplomatic missions and consulate offices of this country.

CHAPTER 7. PROCEDURE OF CASES ON THE CITIZENSHIP OF RA.

Article 31. Procedure. of submission of applications on the questions of RA| citizenship

1. Applications on the questions of RA citizenship are addressed to the President of RA:

a) by a person, who lives on the territory of RA- to the Commission on the questions of the citizenship at the President of RA;

b) by a person, who lives outside of RA and who does not have a permanent residence in RA- to an authorized representative office of RA abroad or is sent directly to the President of RA.

2. The applicant must apply himself.

3. In case if the applicant is not able to apply himself due to exceptional circumstances, supported by documents, his application and the necessary documents may be passed through another person or sent by mail. In this case, the authenticity of the signature of the person who signed the application and the correspondence of the copy to the original document is certified by a notary.

4. Application about changing of the status of citizenship of a child or legally incapable person is made by their parents or other legal representatives.

Article 32. Procedure. of official registration of applications on the questions of RA citizenship.

1. Application on the questions of receiving the RA citizenship has to be written and in accordance with set form. Personal signature of the applicant is certified by the authorized official of the body, which deals with questions of RA citizenship.

2. IN case if the applicant is not able to sign the application due to illiteracy or physical disability, his application at his request is signed by other person, and the authenticity of the signature of the person who signed the application is certified by a notary.

3. Agreement of the people, interested in acquisition or termination of RA citizenship of this person in cases provided by this Law has to be given in written form. The authenticity of the signature of the person who signed the application is certified by a notary. The authenticity of the signature of the person who lives abroad who signed the application is certified by authorized for that authorized representative officials of RA.

4. Application form and list of mentioned in the application information and necessary documents for acquisition or termination of RA citizenship are determined by a Provision on the order of consideration of questions of RA citizenship, signed by the RA President.

5. when applying for acquisition of the citizenship of RA, reinstatement in the citizenship of RA or termination of RA citizenship and also when determining of the citizenship of RA at the request of interested people, a state due is levied.

Article 33. Order and terms of making decision on the questions of RA citizenship.

1. Decisions on the questions of acquisition of the citizenship of RA , reinstatement in the citizenship of RA or termination of RA citizenship in general order are implemented in no longer than 1 year since the day of the application and giving in of all necessary documents, which have gone through all the formal procedures.

3. Decisions on the questions of acquisition or termination of RA citizenship in general order are implemented in no longer than 6 months since the day of the application and giving in of all necessary documents, which have gone through all the formal procedures.

Article 34. Acceptance for consideration of repeated applications on the questions RA citizenship.

1. A person in respect of whom a decisions on the questions of RA citizenship was made, has the right to apply again not earlier than after 1 year since the day when the last decision was made.

2. When there are new circumstances or which were unknown to the applicant, a repeated application can be accepted without compliance of the period, stated in part one of this article.

Article 35. Date of acquisition or termination of RA citizenship

1. Citizenship of RA is acquired:

a)in accordance to article 12 of this Law-from the day of birth of the child;

in accordance to part 1 and 3 of the article 24 of this Law-from the day of adoption of the child;

c)in other cases- from the day of making of the appropriate decision by the President of RA.

2. Citizenship of RA is terminated from the day of making of the appropriate decision by the President of RA.

Article 36. Implementation of decisions on the questions of RA citizenship.

Ministry of Internal Affairs of RA implements the decisions on the questions of RA citizenship and informs about that the President of RA in the time frames, determined by the Provision on the order of making decision on the questions of RA citizenship, adopted by the RA President.

CHAPTER 8. PROTEST AGAINST DECISIONS OF AUTHORIZED BODIES WHICH WORK WITH QUESTIONS OF RA CITIZENSHIP AND ACTIVITIES OF THEIR OFFICIALS. SOLVING OF ARGUMENTS ON QUESTIONS OF RA

Article 37. Protest against decisions on the questions of RA citizenship.

Decision of an authorized body, which works with the questions of RA citizenship, about rejection of the application for citizenship of RA may be protested in the court in the order, provided by the legislature of RA.

Article 38. Protest against activities of officials of authorized bodies, which work with the questions of RA citizenship.

Rejection of consideration of application on the questions of RA citizenship and other activities which breach the order of proceedings on the matters of citizenship of RA and order of implementation of decisions on the matters of citizenship of RA, may be protested to a superior official or in the court.

Article 39. Solving of arguments about the citizenship of a child

Arguments are decided between parents, a parent and a guardian about the citizenship of a child are solved juridically according to the interests of the child.

CHAPTER 9. CLOSING PROVISIONS.

Article 40. Closing provisions.

1. To determine, that period of residence on the territory of RA for people, who had arrived to RA before this Law was adopted and who do not have the residence permit , is counted from the date of their registration.

2.To offer the President of RA and the Cabinet of Ministers of RA to make all of the legislative acts in accordance with this Law.

3.From the day of coming into effect of this Law to consider expired:

a) Law of RA “About the citizenship of RA” of December 10, 1993

b) Decree of the Highest Counsel of RA “About the order of implementation of Law of RA “About the citizenship of RA” of December 10, 1993;

c) Law of RA “About amending the Law of RA “About the citizenship of RA” of November 29, 2002

d) Law of RA “About the order of implementation of the Law of RA “About amending the Law of RA “About the citizenship of RA” of November 29, 2002

e)Law of RA “About prolongation of the term of the order of acquisition by the citizens of RA of the citizenship of Russian Federation without meeting the requirements of subpoint “d” of part 1 of article 23 of the Law of RA “About the citizenship of RA” of March 17, 2004.

Adopted by the People’s Assembly-the Parliament of RA
October 24, 2005

PRESIDENT OF THE REPUBLIC OF ABKHAZIA

Sergei Bagapsh

Sukhum,

November 8, 2005

