



COI QUERY

Country of Origin	TURKMENISTAN
Main subject	Legislation regarding citizenship in Turkmenistan
Question(s)	1. <u>What is the official procedure for acquiring, renouncing and restoring the Turkmen citizenship, including for persons whose parents have renounced their Turkmen citizenship?</u>
Date of completion	27 May 2021
Query Code	Q8-2021
Contributing EU+ COI units (if applicable)	N/A

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COI QUERY RESPONSE - TURKMENISTAN

Legislation regarding citizenship in Turkmenistan

Background

From 1925 to 1991 Turkmenistan was the Turkmen Soviet Socialist Republic, a constituent republic of the Soviet Union, while the country declared independence on 27 October 1991.¹ After the fall of Soviet Union in December 1991, Turkmenistan adopted a 'zero option' citizenship law, which led to the automatic acquisition of Turkmen citizenship by those 'who were permanent residents of Turkmenistan at the time of the law's adoption, in September 1992'.² However, even after the adoption of this policy, thousands of people were left stateless, as former citizens of the USSR.³ UNHCR's last calculation in 2015 estimated that there were 7 125 stateless persons or persons of undetermined nationality in Turkmenistan.⁴ In July 2020, a new law on civil status registers came into force, which helped to ensure the birth registration of all children born in the country.⁵ According to the UN High Commissioner for Refugees, this new legislation represents 'a series of significant advances made by Turkmenistan to prevent and reduce statelessness in the country'.⁶ According to the same source, over the last 15 years, Turkmenistan has granted citizenship to 26 000 refugees and stateless people, including '13 000 stateless people who have been naturalized since the country acceded to the 1954 Convention relating to the Status of Stateless Persons in 2011'.⁷

1. What is the official procedure for acquiring, renouncing and restoring the Turkmen citizenship, including for persons whose parents have renounced their Turkmen citizenship?

Acquiring Turkmen citizenship

Article 11 of the Law on Republic Citizenship, signed by the President of Turkmenistan on 30 September 1992 and published in the *Turkmenkaya Iskra* dated 11 October 1992, prescribes the following:

'Turkmenistan citizenship is acquired:

- 1) by birth;
- 2) as a result of acceptance for Turkmen citizenship and
- 3) on other grounds specified by the present law'.⁸

On 22 June 2013, a new law on citizenship came into force in Turkmenistan.⁹ Article 10 of the new law provides that:

'Turkmenistan citizenship shall be acquired on the following grounds:

- 1) by birth;

¹ Britannica, Turkmenistan, last updated 10 March 2021, [url](#)

² Commission on Security and Cooperation in Europe, "Turkmenistan," Implementation of the Helsinki Accords: Human Rights and Democratization in the Newly Independent States of the Former Soviet Union (Washington, D.C.: U.S. Government Printing Office, January 1993), p. 183, cited in United States Bureau of Citizenship and Immigration Services, Turkmenistan. Political Conditions in the Post-Soviet Era, 1 December 1993, [url](#)

³ Farquharson M., Statelessness in Central Asia, UNHCR, May 2011, [url](#), p. 3, 4, 5

⁴ UNHCR, Global Trends 2015, [url](#), p. 27

⁵ USDOS, 2020 Country Report on Human Rights Practices: Turkmenistan, 30 March 2021, [url](#)

⁶ UNHCR, UNHCR welcomes Turkmenistan's decision to grant citizenship to 2,580 stateless people, 22 December 2020, [url](#)

⁷ UNHCR, UNHCR welcomes Turkmenistan's decision to grant citizenship to 2,580 stateless people, 22 December 2020, [url](#)

⁸ Turkmenistan, Law on Republic Citizenship, 21 October 1992, [url](#), art. 11

⁹ Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#)

- 2) granting of citizenship;
- 3) restoration of citizenship'¹⁰

Para. 2 of the same article prescribes that: 'to determine whether a person possesses Turkmen citizenship the regulatory acts of Turkmenistan that were in force when the related circumstances took place shall be applied'.¹¹

According to Article 12 para. 1 of the Law on Citizenship of 2013:

'Turkmen citizenship may be granted to a capable person, who has attained the age of 18 years upon his or her written application if he or she:

- 1) assumes the responsibility to abide by and respect of the Constitution and laws of Turkmenistan;
- 2) knows the official language of Turkmenistan within the scope necessary for communication;
- 3) has been habitually resident in the territory of Turkmenistan for five years;
- 4) has the legal sources of subsistence. The period of habitual residence in the territory of Turkmenistan shall not be interrupted if a person has left the territory of Turkmenistan for the period not exceeding three months during one year, with the exception of the cases mentioned in Article 34 of this Law'.¹²

Paragraph 2 of the same article provides that:

'The period of habitual residence mentioned in Paragraph 3, Chapter 1 of this Article may be shortened or not followed for the following persons:

- 1) the Turkmen people and their descendants (children, grandchildren, great grandchildren and others);
- 2) citizens of the former USSR, who have a close relative in Turkmenistan or have arrived for the purpose of habitual residence;
- 3) the persons who have outstanding services to Turkmenistan, high achievements in science, technology, culture and sport, or have a profession or qualification of state interest to Turkmenistan;
- 4) the persons who have had the right to Turkmen citizenship before;
- 5) the persons who are given asylum;
- 6) the persons who are recognized as refugees in accordance with the law or international treaty of Turkmenistan;
- 7) the persons who were habitually resident in the territory of Turkmenistan but forcedly resettled from its territory or fled it for political or religious reasons and their descendants'.¹³

Renouncing and restoring Turkmen citizenship

According to Article 22 para. 1 of the Law on Republic Citizenship 1992: 'Renunciation of Turkmenistan citizenship is accomplished by a petition from the individual according to the procedure established by the present law'.¹⁴

Article 31 para.1 of the Law on Republic Citizenship 1992, provides that:

'The president of Turkmenistan makes the following decisions regarding questions of citizenship:

¹⁰ Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#), art. 10 para. 1

¹¹ Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#), art. 10 para. 2

¹² Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#), art. 12 para. 1

¹³ Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#), art. 12 para. 2

¹⁴ Turkmenistan, Law on Republic Citizenship, 21 October 1992, [url](#), art. 22



1. acceptance for Turkmen citizenship of citizens of other countries and individuals without citizenship residing on the territory of Turkmenistan and outside it;
2. restoration of Turkmenistan citizenship;
3. renunciation to Turkmenistan citizenship;
4. rejection of a petition for acceptance for and restoration of citizenship;
5. loss of Turkmen citizenship on the basis of points 2 and 3 of Article 22 of the present law'.¹⁵

As far as the procedure of renunciation of Turkmen citizenship is concerned, Articles 35 to 41 of the Law on Republic Citizenship 1992, provide analytical information on the relevant procedures. More specifically, Article 35 para. 1 of the Law on Republic Citizenship 1992 provides that: 'Questions of acceptance, renunciation, or restoration to Turkmen citizenship are considered with a written application from the individual involved'. Para. 3 provides that:

'In the cases specified in Chapter IV of the present law and also with respect to individuals declared incapable according to the procedure established by law, applications regarding questions of Turkmen citizenship are submitted by parents or other legal representatives. Signatures on these documents are notarized'.¹⁶

According to Article 38 of the Law on Republic Citizenship 1992, 'The president of Turkmenistan issues edicts regarding acceptance, restoration, and renunciation of citizenship, and if a petition is rejected or citizenship is lost on the basis of points 2 and 3 of Article 22 of the present law-decrees'¹⁷, while Article 41 provides that:

'Turkmenistan citizenship is acquired on the day of:

- 1) the publication of the president's edict on acceptance for citizenship;
- 2) the birth or adoption of minors;
- 3) the publication of the president's edict on acceptance of parents of minors for Turkmen citizenship. Loss of Turkmen citizenship on the basis of points 2 and 3 of Article 22 of the present law occurs on the day of the adoption of the president's decree regarding this issue. Citizenship is considered to be restored on the day of publication of the president's edict regarding this issue'.¹⁸

Regarding the restoration of the Turkmen citizenship, Article 13 of the Law on Citizenship of 2013 provides that:

'Turkmen citizenship of a person who ceased to be a citizen of Turkmenistan on the grounds stipulated in this Law may be restored upon his or her written application in case he or she are habitually resident in the territory of Turkmenistan or has an intention to settle in Turkmenistan and under the conditions provided for in Paragraphs 1 and 2, Article 12 of this Law'.¹⁹

According to Article 14 of the Law on Citizenship of 2013:

'An application from a person who applied for the granting or restoration of Turkmen citizenship shall not be processed if she or he:

- 1) has committed a crime against peace and security of mankind, war crimes as provided for under international law, is engaged in terrorist activity;
- 2) advocates forced change of the foundations of the constitutional order of Turkmenistan or 6 by other actions jeopardises security of the state and health of the people;
- 3) arouses interstate, national and religious animosity;

¹⁵ Turkmenistan, Law on Republic Citizenship, 21 October 1992, [url](#), art. 31 para. 2c

¹⁶ Turkmenistan, Law on Republic Citizenship, 21 October 1992, [url](#), art. 35 paras. 1 and 3

¹⁷ Turkmenistan, Law on Republic Citizenship, 21 October 1992, [url](#), art. 38

¹⁸ Turkmenistan, Law on Republic Citizenship, 21 October 1992, [url](#), art. 41

¹⁹ Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#), art. 13

- 4) has provided forged documents or intentionally false information;
- 5) is convicted of serious and very serious crimes and has an uncancelled or unredeemed sentence for the crime committed;
- 6) is serving a prison sentence; 7) possesses the citizenship of other state.’²⁰

Article 24 para. 2 of the Law on Citizenship of 2013 provides that:

‘The President of Turkmenistan shall adopt either of the following decisions on the issues relating to Turkmen citizenship:

- 1) on the granting of Turkmen citizenship, restoration of Turkmen citizenship and cessation of Turkmen citizenship;
- 2) on the refusal to process the applications for the acquisition of Turkmen citizenship and restoration of it; 3) on the loss of Turkmen citizenship as provided for in Article 17 of this Law’.²¹

Article 28 para. 1 provides that:

‘1. The applications for Turkmen citizenship shall be submitted in accordance with the procedure established by law by:

- 1) the persons who are resident in Turkmenistan - to the State Migration Service of Turkmenistan and its local branches;
- 2) the persons who are resident beyond Turkmenistan - to the Ministry of Foreign Affairs of Turkmenistan, diplomatic representations and consular offices of Turkmenistan in foreign states’²², while para. 2 of the same article provides that: ‘The applications for the granting of Turkmen citizenship, restoration of it and renunciation of Turkmen citizenship shall be submitted to the President of Turkmenistan through the authorised government agencies mentioned in Part 1 of this Article.’²³

According to Article 30 of the Law on Citizenship of 2013:

‘The President of Turkmenistan shall issue the decrees in case of the granting of Turkmen citizenship, restoration of it and renunciation of it and the Resolutions - in case of the refusal to satisfy an application for the granting of the citizenship or restoration of it and in case of the loss of Turkmen citizenship on the grounds provided for in Article 17 of this Law’.²⁴

Enforcement of the legislation of citizenship in Turkmenistan

In a 2008 telephone interview with the Immigration and Refugee Board of Canada (IRB), an official at the Embassy of Turkmenistan in Washington stated that ‘an individual born in a former Soviet Republic who grew up in Turkmenistan, and who was issued a Soviet passport as a citizen of Turkmenistan SSR, would not necessarily be entitled to Turkmen citizenship. The same source provided that the old red Soviet passports were replaced by green Turkmen passports between 1997 and 1998, and that the citizenship of those who hold old Soviet passport is decided on a case by case basis. The source added that ‘a Soviet passport holder would have to apply directly to the Turkmen embassy for a Certificate of Repatriation, a process which takes two to three months, in order to reacquire Turkmen citizenship’.²⁵ No further information could be found on the practical

²⁰ Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#), art. 14

²¹ Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#), art. 24 para. 2

²² Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#), art. 24 para. 1

²³ Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#), art. 24 para. 2

²⁴ Turkmenistan, Law of 2013 on Citizenship [Turkmenistan], 22 June 2013, [url](#), art. 30

²⁵ IRB, Russian Federation/Turkmenistan/Uzbekistan: Whether an individual born in Uzbekistan to ethnic Russian parents, who grew up in Turkmenistan and was issued a USSR passport while resident in Soviet Turkmenistan, is entitled to Turkmen, Russian, or Uzbek citizenship, 11 March 2008, [url](#)

enforcement of the legislation of citizenship in Turkmenistan.

Citizenship status of persons whose parents have renounced their Turkmen citizenship

According to Article 12 of the 1992 Law on Republic Citizenship, 'A child, both of whose parents have Turkmen citizenship at the time of its birth, is a citizen of Turkmenistan, regardless of whether it was born on the territory of Turkmenistan or outside it'.²⁶

Article 24 provides that:

'When there is a change in the citizenship of the parents, as a result of which both parents becomes citizens of Turkmenistan or both renounce Turkmen citizenship, the citizenship of their children under 14 years of age changes correspondingly [...] At the request of the parents, or of one of them, if the other is unknown, if they change their Turkmenistan citizenship, a child up to 16 years of age may retain his Turkmen citizenship'.²⁷

In addition, Article 30 prescribes that: ' a change in the citizenship of children from 14 to 18 years of age in the event of a change in the citizenship of their parents, and also in the event that they are adopted, may follow only with the written consent of the children'.²⁸

²⁶ Turkmenistan, Law on Republic Citizenship, 21 October 1992, [url](#), art. 12

²⁷ Turkmenistan, Law on Republic Citizenship, 21 October 1992, [url](#), art. 24

²⁸ Turkmenistan, Law on Republic Citizenship, 21 October 1992, [url](#), art. 30

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