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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

REPUBLIC OF ARMENIA

DRAFT LAW ON CITIZENSHIP

**Republic of Armenia
Law on Citizenship
(Proposed Draft)**

Citizenship is a legal link between a person and the government which defines their mutual rights, duties and responsibilities in the whole and guarantees the freedoms and rights to all citizens in their home-country and out of its borders.

The law of the Republic of Armenia on citizenship is based on the Constitution of the Republic of Armenia, as well as the principles and standards of the international law.

**Chapter 1
General Principles**

Article 1. The right to Citizenship in the Republic of Armenia

Everybody has the right to be a citizen of the Republic of Armenia by the procedure defined by law. A citizen of the Republic of Armenia can not be deprived of his/her citizenship.

A citizen of the Republic of Armenia has the right to denounce his/her citizenship by the procedure defined by law.

Article 2. The Legislation on Citizenship of the Republic of Armenia

The legislation on citizenship of the Republic of Armenia is based on the Constitution of the Republic of Armenia, this Law on Citizenship and other legislations of the Republic of Armenia. In case of international agreements, ratified by the Republic of Armenia, contradicting this Law on Citizenship, the provisions of the international agreements will act.

Article 3. The Tasks of the Law on Citizenship of the Republic of Armenia

The law on citizenship of the Republic of Armenia defines the principles and procedures of acquiring, modifying and denouncement of citizenship of the Republic of Armenia.

Article 4. The Citizens of the Republic of Armenia

The persons who acquire the citizenship according to this given law are the citizens of the Republic of Armenia.

The citizens of the Republic of Armenia are equal in terms of this law regardless of the reasons of acquiring the citizenship.

Article 5. The Documents Conforming the Citizenship of the Republic of Armenia

The documents conforming the citizenship of the Republic of Armenia are the following: the passport of the Republic of Armenia, person identification certificate, and before receiving those, birth certificate or other documents containing information on citizenship.

Article 6. The Banning on Handing over the Citizen of the Republic of Armenia to another state

It is forbidden to hand over the citizen of the Republic of Armenia to another state.

Article 7. The Preservation of Citizenship of the Republic of Armenia

Living outside of the Republic of Armenia or the obtaining of a citizenship of another country solely does not cause the loss of citizenship of the Republic of Armenia.

Marriage by a citizen of the Republic of Armenia to the foreign citizen, as well as divorce in such cases solely do not result in change citizenship.

The change of citizenship of one spouse does not result in change of citizenship of the other spouse.

Article 8. The Protection of the Citizens of the Republic of Armenia abroad

Citizens of the Republic of Armenia residing abroad enjoy the protection and patronage of the Republic of Armenia.

The Republic of Armenia, its Diplomatic and Consular Representations, and officials working there shall be responsible for the protection of all rights of citizens of the Republic of Armenia who may reside in other countries and shall foresee all necessary measures ensuring endangered rights based on the laws of given countries as well as international agreements ratified by the Republic of Armenia.

Article 9. Persons Having Double Citizenship, Citizens of Foreign Countries, and Stateless Persons.

Persons having the citizenship of the Republic of Armenia as well as citizenship of one or more countries concurrently are considered persons having double citizenship.

Citizens of other countries who do not have citizenship of the Republic of Armenia are considered citizens of a foreign country.

Citizens of the Republic of Armenia as well as foreign citizens shall obtain citizenship of the Republic of Armenia based on mutual agreements between the Republic of Armenia and other country.

A resident of the Republic of Armenia having not citizenship of the Republic of Armenia and any evidence of citizenship of another country is considered a stateless person.

The Republic of Armenia encourages its residents to obtain citizenship of the Republic of Armenia and does not object their obtaining of other citizenships.

In the Republic of Armenia, the legal status of persons having double nationality, foreign citizens and stateless persons is regulated by the laws of the Republic of Armenia and by international agreements signed by the Republic of Armenia.

Chapter 2 Acquirement of Citizenship of the Republic of Armenia

Article 10. The Principles of Acquirement of Citizenship of the Republic of Armenia

The citizenship of the Republic of Armenia is acquired by:

- a) recognition of citizenship
- b) birth
- c) acquirement of citizenship
- d) restoration of citizenship
- e) collective acquirement measure
- f) principles detailed by international agreements of the Republic of Armenia
- g) other principles defined by this law on citizenship

Article 11. The Recognition of Citizenship of the Republic of Armenia

Persons recognized as citizens of the Republic of Armenia from the moment this law comes into effect are:

- a) citizens of the former USSR who lived in the Republic of Armenia
- b) persons permanently living in the Republic of Armenia who are stateless, and who, during the year after this law comes into effect, applied to get the citizenship of the Republic of Armenia.

Those of Armenian nationality born in the Republic of Armenia and living in the former USSR who do not have the citizenship of other countries and who do not reject the citizenship of the Republic of Armenia during the year after this given law comes into effect, are also considered citizens of the Republic of Armenia. The procedure for legalization of citizenship for these persons is designated by the Government of the Republic of Armenia.

Article 12. The Citizenship of Children Born from citizens of the Republic of Armenia.

Children whose parents were the citizens of the Republic of Armenia at the time of his/her birth are citizens of the Republic of Armenia, regardless of the birth place.

The child one of whose parents at the time of his/her birth is the citizen of the Republic of Armenia, and the other is unknown or is a person without citizenship, acquires the citizenship of the Republic of Armenia.

If at the time of his/her birth one of the parents is the citizen of the Republic of Armenia and the other is a citizen of the foreign country, citizenship of the child is decided according to the written agreement between the parents.

In the case of the lack of a such agreement the child acquires the citizenship of the Republic of Armenia if he/she is born in the Republic of Armenia.

Article 13. Citizenship of the Child Born from Parents without Citizenship

A child born in the Republic of Armenia whose parents are stateless becomes citizen of the Republic of Armenia.

Article 14. The Acceptance into the Citizenship of the Republic of Armenia

Every person who does not have the citizenship of the Republic of Armenia and is eighteen years old, can apply to get the citizenship of the Republic of Armenia, if he (she), by the procedure defined, lived in Armenia during the last four years and he/she is familiar with the Constitution of the Republic of Armenia and speaks Armenian.

A person without citizenship can get the citizenship of the Republic of Armenia regardless of the duration of settlement in Armenia:

1) if he/she is married to the citizen of the Republic of Armenia, or has a child, father or mother who are the citizens of the Republic of Armenia

2) whose parents or one of them formerly had the citizenship of the Republic of Armenia, or was born in the Republic of Armenia, and after the age of eighteen in three years applied to get the citizenship of the Republic of Armenia.

Without taking into account the requirement about the duration of living, the citizenship of the Republic of Armenia can be given by the decision of the President of the Republic of Armenia, but no more than to 100 persons each year.

The application for the citizenship of the Republic of Armenia or for its rehabilitation is to be rejected if the person who applies:

a) performs actions to change by force the constitutional system of the Republic of Armenia,

b) is a member of an organization which activity is forbidden by the law of the Republic of Armenia,

c) sentenced and imprisoned for crime prosecuted by the Criminal Code of the Republic of Armenia.

The persons of the Armenian origins living abroad can acquire the citizenship of the Republic of Armenia without any limitations if they are permanently settled in the Republic of Armenia.

Article 15. The Rehabilitation of the Citizenship of the Republic of Armenia

The citizenship of a person who had lost it and applied to get it back, may be rehabilitated by the President of the Republic of Armenia.

Article 16. The Acquisition of the Citizenship of the Republic of Armenia

The order of collectif acquisition of the citizenship of the Republic of Armenia is defined by the law of the Republic of Armenia "On immigration to the Republic of Armenia".

Chapter 3

Citizenship of the Child in the Case

of Adoption or Change of the Citizenship of his/her parents

Article 17. Citizenship of Children in the Case of Acquisition of the Citizenship of the Republic of Armenia by their Parents

A child under 14 whose parents acquired the citizenship of the Republic of Armenia, acquires the citizenship of the Republic of Armenia.

If one of the parents get the citizenship of the Republic of Armenia and the other is the citizen of a

foreign country, or a stateless person, their child under 14 acquires the citizenship of the Republic of Armenia if there is a mutual agreement of the parents, or, if the child lives in the Republic of Armenia and there is the agreement of parent who is the citizen of the Republic of Armenia.

Article 18. Citizenship of a Child in the Case of the Loss of the Citizenship of the Republic of Armenia by his/her Parents

The child under 14, whose parents lost the citizenship of the Republic of Armenia loses the citizenship of the Republic of Armenia, if he/she gets the citizenship of another country. If the citizenship of the Republic of Armenia is lost by one of the parents and other parent is a citizen of the Republic of Armenia, their child under 14 loses citizenship of the Republic of Armenia by the mutual agreement of the parents; or if the child lives outside of Armenia and there is an agreement of the parent who is a citizen of the Republic of Armenia.

Article 19. Citizenship of a Child in the Case of Adoption

A child adopted by the citizens of the Republic of Armenia becomes a citizen of the Republic of Armenia. If one of the spouses is a stateless person and the another is a citizen of the Republic of Armenia, the child becomes a citizen of the Republic of Armenia if:

- a) there is an agreement of the spouses, who adopted the child
- b) the child lives in the Republic of Armenia and there is an agreement of the foster parent who is the citizen of the Republic of Armenia.
- c) the child is a stateless person, or he/she can become a stateless person.

Article 20. The Preservation of Citizenship of the Republic of Armenia in the Case of Adoption

A child who is a citizen of the Republic of Armenia and who is adopted by citizens of a foreign country, or if one of the spouses is a citizen of the Republic of Armenia and the other is a citizen of a foreign country, keeps the citizenship of the Republic of Armenia.

In this case a child can denounce the citizenship of the Republic of Armenia only by the statement of foster-parents.

A child who is a citizen of the Republic of Armenia and who is adopted by stateless persons, or one of the spouses is a stateless person, and the other is a citizen of the Republic of Armenia, keeps the citizenship of the Republic of Armenia.

Article 21. The Citizenship of a Child of Unknown Parents

A child of unknown parents who is in the Republic of Armenia is a citizen of the Republic of Armenia.

In the case of finding at least one of the parents or a tutor, citizenship of the child can be modified according to the present given law.

Article 22. The Preservation of Citizenship of a Child towards whom is Established a Sponsorship or a Guardianship

A child who is a citizen of the Republic of Armenia, and towards whom is established a guardianship or sponsorship, keeps the citizenship of the Republic of Armenia regardless of the fact that his parents denounced the citizenship of the Republic of Armenia. In this case the child can denounce the citizenship of the Republic of Armenia by the statement of the parents if they are not deprived of their parents' rights.

Article 23. The Necessity of the Agreement of the Children for Changing their Citizenship

The modification of the citizenship of 14-18 years old children if their parents change their citizenship, takes place in accordance with this given law by the agreement of the children.

**Chapter 4
The End of Citizenship
of the Republic of Armenia**

Article 24. The Principles of Interruption of the Citizenship of the Republic of Armenia

Citizenship of the Republic of Armenia is interrupted in the cases mentioned below:

- a) as a result of denouncement of citizenship of the Republic of Armenia
- b) as a result of loss of citizenship of the Republic of Armenia
- c) according to the principles provided by international agreements of the Republic of Armenia
- d) according to the principles provided by this given law

Article 25. Denouncement of the citizenship of the Republic of Armenia

Every citizen of the Republic of Armenia who completed 18 years old, has the right to denounce the citizenship of the Republic of Armenia.

The application regarding denouncement is rejected if a person who applies:

- a) is called to account as an accused
- b) if there is a court sentence or decree about that person
- c) if the denouncement of his/her citizenship contradicts with the interests of the state security of the Republic of Armenia
- d) if the person denouncing the armenian citizenship has not performed his/her duties connected with the essential interests of the state, enterprises, organisations or citizens.

Article 26. The Loss of the Citizenship of the Republic of Armenia

The citizenship of the Republic of Armenia is considered lost:

- a) if a person who get the citizenship of the Republic of Armenia according to the article 15 of this given law, permanently lived abroad and did not registered in the Armenian Consulate for more than seven years without valid excuses,
- b) if the citizenship of the Republic of Armenia has been acquired using false data or false document,
- c) if the person acquired the citizenship of a country which doesn't have an agreement on double nationality with the Republic of Armenia.

**Chapter 5
The Organs dealing with the problems
of citizenship of the Republic of Armenia
and their plenary powers**

**Article 27. The Plenary Powers of the President of the Republic of Armenia
Concerning the Problems of Citizenship**

The President of the Republic of Armenia solves the problems of acceptance of the citizenship of the Republic of Armenia as well as its rehabilitation and its denouncement and establishes the procedure of examination of the citizenship applications.

Armenia, and abroad by Diplomatic or Consular Representations of the Republic of Armenia. The applications on the problems of citizenship are discussed in six months. In the case of rejection of the application one can apply again after a year from the day of rejection by the procedure defined by this given article.

Article 32. The Appeal Against Illegal Actions of Officials Concerning the Problems on Citizenship.

No acceptance of the applications on citizenship, infringement of the period of examination by officials, as well as their other illegal actions can be appealed by the court.

Article 33. The Legalization Procedure of the Documents Confirming the Citizenship of the Republic of Armenia

The form of the documents confirming the citizenship of the Republic of Armenia and the procedure of their announcement to the citizens are defined by the Government of the Republic of Armenia.

**Chapter 7
Concluding Points**

Article 34. The Law Comes into Effect

This given law comes into effect since the time of its publication.

Article 35. The Application of the Legislation on the Citizenship of the Former USSR and ArmSSR in the Republic of Armenia

All those legislation on citizenship of the former USSR and ArmSSR which contradict to this given law are declared not valid from the day of application of this law.

Article 36. Correspondence of the Sublegislative Deeds with this Law and Adoption of the Deeds which Provide the Application of this Given Law

The Government of the Republic of Armenia:

- 1) provides a correspondence of the deeds of the Ministries and Principal Boards of the Republic of Armenia with this law,
- 2) defines in a month the procedure of putting into order the documents confirming the citizenship of the Republic of Armenia,
- 3) defines in two months the legalization of citizenship of the Republic of Armenia by the procedure defined by the second part of the article 11 of this law,
- 4) begins the registration of the citizens of the Republic of Armenia and passing of the correspondent documents not later than in two months after the application of this law,
- 5) adopts other resolutions which provide the application of this law.

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