



## FUNDAMENTALS AND PROCEDURE FOR ACQUIRING CITIZENSHIP IN UZBEKISTAN, LEGAL REGULATION, AND PRACTICE

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### ABSTRACT

*This article analyzes the concept of citizenship, the grounds and procedure for acquiring citizenship of the Republic of Uzbekistan, the legal regulation of citizenship, and the practice associated with this institution. The relevance of this article lies in the possibility of improving the foundations of citizenship acquisition. In covering this topic, a comparative legal analysis of certain aspects of acquiring citizenship in the Republic of Uzbekistan was conducted based on the legislation of the CIS and Baltic countries. Important aspects of acquiring citizenship based on the civil legislation of France and Korea were also analyzed, and existing best practices were studied. Within the framework of this topic, scholars' opinions, academic works, research findings, foreign legislation, and targeted references were systematically utilized.*

## ОСНОВЫ И ПОРЯДОК ПРИОБРЕТЕНИЯ ГРАЖДАНСТВА В УЗБЕКИСТАНЕ, ПРАВОВОЕ РЕГУЛИРОВАНИЕ И ПРАКТИКА

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### ABSTRACT

*в данной статье анализируются понятие гражданства, основания и порядок приобретения гражданства Республики Узбекистан, правовое регулирование гражданства, а также практика, связанная с этим институтом. Актуальность данной статьи заключается в возможности совершенствования основ приобретения гражданства. При освещении данной темы был проведен сравнительно-правовой анализ отдельных аспектов приобретения гражданства в Республике Узбекистан на основе законодательства стран СНГ и*



## KEYWORDS

Гражданство, происхождение, натурализация, земельные права, право крови, приобретение гражданства, признание гражданства, иностранный гражданин, лицо без гражданства, законный источник существования.

*Балтии. Также были проанализированы важные аспекты приобретения гражданства на основе гражданского законодательства Франции и Кореи, изучены существующие лучшие практики. В рамках данной темы систематически использовались мнения ученых, научные труды, результаты исследований, зарубежное законодательство, целевые ссылки.*

## INTRODUCTION

Citizenship is a constitutional institution. Its foundations are enshrined in the Constitution. Chapter VI of the Constitution is titled "Citizenship." A single citizenship is established throughout the territory of the Republic of Uzbekistan. The citizenship of the Republic of Uzbekistan is equal for all, regardless of the grounds for its acquisition. A citizen of the Republic of Karakalpakstan is simultaneously a citizen of the Republic of Uzbekistan.

O.T. Khusanov defines citizenship as follows: citizenship is the legal affiliation of a person to a state, resulting in specific relationships, mutual rights, and obligations between the citizen and the state. In Uzbekistan, single citizenship is established, and single citizenship has great political significance. Citizenship creates political relations between an individual and the state. As a result of citizenship, a person not only has certain rights and freedoms but also bears specific obligations. This increases an individual's responsibility to the state [1].

Citizenship is an independent interdisciplinary legal institution, the foundation of which consists of norms of constitutional (state) law. The first component of a person's legal status is their belonging to the citizenship of a particular state. This is because citizenship forms the basis of relations between an individual and the state.

In this sense, it can be said that defining the legal status of any person is one of the important tasks of the state in which they reside. According to I.G. Shouro, a person can not only live in a state but also be a part of it [2].

In general legal theory, "citizenship" is considered as a legal institution, a part of subjective rights, legal relations, and legal status. Among legal scholars, there is no unified opinion regarding the definition of the content of the concept of citizenship; however, significant differences exist in its composition and its impact on the legal status of an individual when revealing its legal nature.

As noted in sources, the content of the civil institution in the 20th century, until the mid-1970s, constitutional law was not regarded as a natural (subjective) right of an individual. The first legal scholar to recognize this institution as a subjective right of an individual was I.E. Farber, who believed that citizens possess the following legal aspects:

- A person acquires this right under the influence of international legal norms;
- Citizenship allows an individual to reside within the territory of a state;
- Individuals with this status have the right to equality before the law [3].



Regarding the grounds for acquiring citizenship of the Republic of Uzbekistan, it arises by birth, through the adoption of a child, by naturalization in the Republic of Uzbekistan, and by reinstatement of citizenship.

In Uzbekistan, citizenship is often determined based on the citizenship of a child's parents. However, acquiring citizenship through naturalization in the Republic of Uzbekistan is also widespread. From 1991 to 2007, a total of 482 stateless persons were granted citizenship of the Republic of Uzbekistan, whereas from 2007 to December 2016, no citizenship was granted.

From December 2016 to the end of March 2023, in accordance with more than one hundred decrees signed by President Shavkat Mirziyoyev, more than 23,000 people acquired the citizenship of the Republic of Uzbekistan.

As a result of the adoption of the newly revised Law of the Republic of Uzbekistan "On Citizenship of the Republic of Uzbekistan," to date, more than 52,000 people have been recognized as citizens of the Republic of Uzbekistan [4].

Citizenship is one of the most fundamental constitutional rights and a crucial indicator of state sovereignty. Citizenship in the Republic of Uzbekistan defines a permanent political and legal connection between an individual and the state, expressed through a set of mutual rights, obligations, and responsibilities, based on the recognition and respect for human dignity, fundamental rights, and freedoms. Naturally, the Constitution establishes only the fundamental principles of the institution of citizenship.

## LITERATURE REVIEW AND METHODS

This study employs various methods, including logical analysis, comparative legal research, a thorough examination of scientific sources, and interpretation of legislative acts. Positive experiences and legislation from the United States, CIS and Baltic countries, France, and Korea regarding the fundamentals of acquiring citizenship were examined.

## DISCUSSION AND RESULTS

Citizenship is considered a constitutional and legal institution. The Constitution defines the foundations of citizenship and establishes that its acquisition and loss are regulated by law.

According to Article 5 of the Law of the Republic of Uzbekistan No. ZRU-610 "On Citizenship of the Republic of Uzbekistan," adopted on March 13, 2020, the following persons are considered citizens of the Republic of Uzbekistan:

- A person who permanently resided in the Republic of Uzbekistan as of July 28, 1992, was not a citizen of a foreign state, and expressed a desire to become a citizen of the Republic of Uzbekistan;
- A person who resided in Uzbekistan and left the country for educational purposes before July 28, 1992, continuously studied or served in the military, returned to Uzbekistan within a year after completing their studies or military service, and was permanently registered in the Republic of Uzbekistan, provided that they did not hold the citizenship of a foreign state;
- A person who held citizenship of the Republic of Uzbekistan on the day this Law came into force;
- A person who has acquired citizenship of the Republic of Uzbekistan in accordance with this Law.



Therefore, for an individual to be considered a citizen of Uzbekistan upon the enactment of the law, the following conditions must be met:

- They must have been permanently residing in Uzbekistan;
- They must not hold the citizenship of another state;
- They must express their desire to become a citizen of Uzbekistan;
- Even if they reside in another country for certain reasons, they must have been born or permanently resided in Uzbekistan;
- They must declare their intent to become a citizen of Uzbekistan within one year of the law's enactment.

Article 13 of the aforementioned law establishes the grounds for acquiring citizenship of the Republic of Uzbekistan, which can occur in the following cases:

- By birth;
- Through the adoption of a child;
- Through naturalization and reinstatement of citizenship in the Republic of Uzbekistan.

Citizenship of the Republic of Uzbekistan may also be acquired on other grounds provided for by international treaties of the Republic of Uzbekistan and this Law.

The forms of acquiring citizenship, "filiation" and "naturalization," mean that a person can acquire citizenship either primarily (by birth) or secondarily (after birth). In particular, "filiation" (from the Latin *filialis*, from the English *filiation*) refers to the granting of citizenship as a result of a person's birth. Filiation is based on two principles: the "right of soil" (*jus soli*) and the "right of blood" (*jus sanguinis*). Some countries also establish a "mixed system."

An analysis of legal literature highlights the following distinguishing features of filiation:

- It is the primary and fundamental way of acquiring civil rights;
- In most countries worldwide, citizenship is acquired based on birth;
- Citizenship arises naturally, physiologically, and independently of an individual's will;
- It does not require the initiative or consent of the individual, as it arises automatically based on legislation.

It is evident that this method of acquiring citizenship differs from "naturalization" in that legal relationships arise automatically (without the need for a state's decision). This is a crucial aspect of this institution.

Forms of Acquiring Citizenship	Forms of Acquiring Citizenship	Forms of Acquiring Citizenship
<b>Right of Soil</b>	The principle of "soil right" (also known as <i>jus soli</i> , personal right) is a special form of filiation, where a child born on the territory of a certain state is considered a citizen of that country, and their legal status does not depend on the citizenship of their parents.	This is a characteristic feature of the Anglo-American legal system, and most countries of Latin America, Argentina, Mexico, Cuba, and Brazil are based on this principle.



<b>Right of Blood</b>	According to the principle of "right of blood" ( <i>jus sanguinis</i> ), the citizenship of a child born to a citizen of any state is determined by the citizenship of their parents and does not depend on the place of birth.	France, Germany, Italy, and in most cases Uzbekistan follow this principle.
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In many foreign countries, a "mixed principle" of citizenship is also applied, in which the principles of "right of soil" and "right of blood" are used jointly. In particular, according to U.S. law, a citizen of the state is recognized as both a child born on the territory of the country and a child born in foreign countries to U.S. citizens [5].

A key indicator widely used to assess the impact of a state's national policy on citizenship is the state (degree) of the naturalization process (admission to citizenship). In this regard, issues related to determining and applying the grounds and conditions for acquiring citizenship become particularly significant [6].

"Naturalization" (from the Latin "naturalis," Russian scholars also compare this with the terms "natural, innate," meaning "natural"), from English (naturalization - historically, the acquisition of natural rights by citizens), is another important way of acquiring citizenship. It is a process of voluntarily acquiring citizenship by foreign citizens and stateless persons. In this case, the candidate must meet a number of requirements.

According to Professor M.Kh. Rustambaev, the acquisition of citizenship through naturalization occurs in the following cases: A) Based on an application from a stateless person or someone wishing to change their citizenship; B) Marriage between a citizen of one state and a citizen of another state; C) As a result of the adoption of a child who is stateless or a citizen of another state [7].

Article 13 of the Law of the Republic of Uzbekistan "On Citizenship of the Republic of Uzbekistan" states that acquiring citizenship through adoption is one of the ways of acquiring citizenship and differs from naturalization. This is because the conditions for admission to citizenship established by law do not apply to an adopted child. From this perspective, this legal norm can be supported. Furthermore, different countries' legislation interprets the issue of acquiring citizenship differently.

For example, according to the legislation of Moldova, naturalization means granting citizenship based on an application from a person who lawfully and permanently resides in the country. U.S. law, on the other hand, defines this concept as the acquisition of citizenship by any means after birth. Therefore, in theory, the term can be understood in both a narrow and a broad sense. In a narrow sense, it refers to the acquisition of citizenship through an individual's application while meeting specific conditions and requirements. In a broad sense, it includes all methods of obtaining citizenship after birth. From this perspective, naturalization can be considered an element of acquiring citizenship.

The second basis for acquiring the citizenship of the Republic of Uzbekistan is obtaining it as a result of adopting a child. Article 16 of the Citizenship Law stipulates that a child acquires the citizenship of the Republic of Uzbekistan upon adoption. According to this norm:

- A child adopted by citizens of the Republic of Uzbekistan, who is a citizen of a foreign state or a stateless person, acquires the citizenship of the Republic of Uzbekistan.



- A child who is a citizen of a foreign state or a stateless person, adopted by spouses, one of whom is a citizen of the Republic of Uzbekistan and the other is stateless, acquires the citizenship of the Republic of Uzbekistan.
- A child who is a citizen of a foreign state or a stateless person, adopted by spouses, one of whom is a citizen of the Republic of Uzbekistan and the other is a foreign citizen, acquires the citizenship of the Republic of Uzbekistan with the mutual consent of the adoptive parents.

Overall, the recognition of citizenship and the acceptance of citizenship are ways of acquiring citizenship. As a legal fact, citizenship can only be changed, meaning a person can either acquire it or change it (obtain another citizenship). Maintaining citizenship is also a continuing legal relationship of previously existing citizenship. Given the above, citizenship relationships can be classified as follows:

1. Having citizenship;
2. The termination (change) of citizenship.

According to E.V. Mikhailova, one of the conceptual directions in the development of the institution of citizenship is the recognition of an individual's belonging to a particular state as one of the grounds for obtaining citizenship [8]. Similarly, V.N. Kalinin and A.A. Kalgina, in their research, highlight: A) Mass and collective naturalization (sometimes transfer); B) Choice of citizenship (option); C) Restoration of citizenship (reintegration, repatriation) as grounds for acquiring citizenship. In their opinion, the possibility of acquiring citizenship is realized through two main ways:

1. General procedure;
2. Exceptional (special) procedure.

While obtaining citizenship through the general procedure implies fulfilling general requirements applicable to everyone, acquiring citizenship through an exceptional procedure allows for admission to citizenship by fulfilling only some of the general requirements established by law and international treaties [9].

According to the Citizenship Law of the Republic of Uzbekistan, there are general, simplified, and special procedures for acquiring citizenship.

### **General Procedure for Acquiring Citizenship of the Republic of Uzbekistan**

The general procedure for acquiring citizenship of the Republic of Uzbekistan applies to a foreign citizen or stateless person if they: A) Have formally renounced the citizenship of a foreign state; B) Have continuously resided in the territory of the Republic of Uzbekistan for five years from the date of obtaining a residence permit to the date of applying for citizenship; C) Have a legal source of livelihood; D) Commit to complying with the Constitution of the Republic of Uzbekistan; E) Possess proficiency in the state language at a level necessary for communication. The procedure for determining language proficiency is established by the Cabinet of Ministers of the Republic of Uzbekistan.

The condition outlined in point "B" does not apply to a stateless person born and residing in Uzbekistan or to someone married to a citizen of Uzbekistan and residing with their spouse in Uzbekistan continuously for three years after marriage. A person's period of residence in Uzbekistan is considered continuous if they leave the country for no more than 183 days in a year.



## **Simplified Procedure for Acquiring Citizenship of the Republic of Uzbekistan**

This is a special type of citizenship acquisition that applies based on specific conditions and procedures. It was reintroduced into legislation by the Law "On Citizenship of the Republic of Uzbekistan" on March 13, 2020. The simplified procedure applies to compatriots who are foreign citizens or stateless persons if they: A) Reside in Uzbekistan and have at least one direct ancestor who was a citizen of Uzbekistan; B) Have a legal source of livelihood; C) Commit to complying with the Constitution of the Republic of Uzbekistan; D) Possess proficiency in the state language as required by law.

Several post-Soviet countries also allow certain categories of people to acquire citizenship through simplified procedures. For example:

- Armenia grants citizenship to ethnic Armenians without additional conditions.
- Georgia provides similar benefits to persons with "repatriate" status (forced migrants).
- Kyrgyzstan allows persons with at least one parent who was a citizen to obtain citizenship more easily.
- Lithuania grants citizenship in a simplified manner to persons of Lithuanian ethnic origin.

Analyzing these legal frameworks, Uzbekistan should consider expanding its category of eligible applicants to include former Soviet citizens, legally incapacitated persons under guardianship, and children fully supported by the state.

## **Acquisition of Citizenship of the Republic of Uzbekistan in a Special Manner**

The President of the Republic of Uzbekistan, based on national interests, grants permission to foreign citizens and stateless persons to acquire the citizenship of the Republic of Uzbekistan without applying the requirements of Articles 19 and 20.

The article concerning the acquisition of Uzbek citizenship in a special manner contains a controversial point that demonstrates legal collegiality. In particular, one of the conditions for obtaining Uzbek citizenship is the non-fulfillment of the requirement of paragraph "a" of part 1 of Article 19, which mandates "renunciation of foreign citizenship." This contradicts Article 12 of the law, which states that "a person who is a citizen of the Republic of Uzbekistan does not recognize belonging to the citizenship of a foreign state."

According to this provision, an Uzbek citizen cannot simultaneously be a citizen of a foreign state. Additionally, the law does not recognize the foreign citizenship of a person who has not officially withdrawn from Uzbek citizenship. Therefore, it is necessary to amend Article 12 by including a provision stating that "a citizen of the Republic of Uzbekistan cannot simultaneously be a citizen of a foreign state, except in cases provided for in Article 21 of this law."

Furthermore, Article 21 should specify the exceptions that may be considered when granting citizenship in a special manner within the President's authority, as well as the list of circumstances that qualify as special service to the state.

The experience of Russia is highly relevant in this regard. According to Article 23, part 1, of Federal Law No. 5 "On Foreign Intelligence" of the Russian Federation, dated January 10, 1996, individuals who are not Russian citizens but have provided confidential assistance to Russia's foreign intelligence agencies may be granted citizenship following legal procedures upon the agency's recommendation.



Based on this analysis, it is necessary to incorporate Russia's positive practice into our national legislation, establish a clear list of exceptional cases for granting citizenship in a special manner, and define the services that qualify as special service to the state.

A review of legal literature highlights a broad range of issues related to acquiring citizenship. According to V.F. Miranov and A.V. Miranov [12], acquisition of citizenship results from decisions and actions by government bodies and officials in accordance with the law. In this process, individuals must fulfill certain legal conditions.

Additionally, a survey conducted among experts showed that 62.3% of respondents supported this proposal, confirming our perspective.

### **International Experience**

Analyzing the experience of foreign countries, it is evident that citizenship relations have developed uniquely within French law.

From 1803 to 1927, these issues were regulated under the country's Civil Code. The lack of a unified approach to whether citizenship law falls under private or public law led to the adoption of the 1927 Civil Code, which addressed these matters. A major issue was determining whether disputes related to citizenship cases should be resolved by general or administrative courts. In 1993, the provisions of this document were reintroduced into the Civil Code, recognizing citizenship as an element of an individual's legal status.

As a result of amendments made in 1993, a child aged 16 to 21, whose parents are foreign citizens but was born in France, could acquire French citizenship if they voluntarily expressed a desire for it and could prove continuous residence in the country for five years. At the same time, offenses committed between the ages of 18 and 21 could prevent an individual from retaining citizenship. These offenses include crimes carrying a prison sentence of more than six years, particularly those related to state security and terrorism.

Marriage is also a pathway to French citizenship. Previously, under the Convention on the Nationality of Married Women, adopted by the UN General Assembly on January 29, 1957, only women married to French citizens could acquire citizenship. However, according to Law No. 73-42, passed on January 9, 1973, both men and women gained the right to acquire French citizenship through marriage.

The law of July 10, 1973, introduced changes requiring documents proving the spouses' cohabitation (Article 13-1). Because acquiring French citizenship under the old system was too easy, spouses were required to live together for at least six months before applying for citizenship. If, before the application, circumstances of non-cohabitation or separation were established, the citizenship process could be suspended upon request from the prosecutor or any interested party.

### **South Korean Citizenship Regulations**

The Republic of Korea also has a unique approach to regulating citizenship relations.

The Ministry of Justice oversees general citizenship matters, while the Immigration Service handles organization and coordination. These relations are governed by South Korea's "Nationality Act," adopted on December 13, 1997.

Immigrants seeking South Korean citizenship must first obtain permanent resident status (visa F-5) and maintain it for five years. There are 20 pathways to permanent residence, the main ones being:



1. Four years of continuous employment in the same workplace (changing visa H-2 to F-5);
2. Earning an annual income of at least 37.4 million won (as of September 30, 2021, approximately \$31,245);
3. Marriage to a South Korean citizen.

South Korean law grants special privileges to two categories of Korean citizens. According to the "Act on Immigration and Legal Status of Overseas Koreans," adopted on December 30, 2000 [6], Koreans abroad are classified into two groups:

1. Overseas Korean nationals who have obtained or reside abroad with permanent resident status;
2. Foreign nationality Koreans—Koreans who were previously South Korean citizens but later changed their nationality (including their children and grandchildren).

Notably, the term "foreigner" does not apply to the second category under South Korean law, and they are subject to a simplified citizenship process. They receive a special F-4 visa, allowing them to obtain citizenship after two years of permanent residence. Additionally, they do not require a work permit (as F-4 visa holders have unrestricted economic rights).

Under the law adopted on May 4, 2010, dual citizenship has been permitted in South Korea since January 1, 2011, under specific conditions. According to the revised law, a foreigner who is also a South Korean citizen may retain their citizenship if they pledge not to exercise foreign citizenship rights while in Korea. This provision aims to prevent individuals with dual citizenship from exploiting foreign nationality benefits or evading legal responsibility.

Another noteworthy aspect of South Korean law is Article 4.1, which guarantees a child's citizenship if their Korean father dies before their birth, regardless of the mother's nationality. This provision is absent from Uzbekistan's Citizenship Law of March 13, 2020 (Article 14). In Uzbekistan, based on the principle of "right of soil," citizenship is granted only in two cases: to children whose parents are unknown or stateless at the time of birth.

## CONCLUSION

In conclusion, the fundamentals and procedures for acquiring citizenship in Uzbekistan reflect a comprehensive legal framework that aims to balance national interests with the rights of individuals seeking to become citizens. The regulations outlined in the Law on Citizenship, alongside various administrative practices, establish clear pathways for naturalization, restoration, and retention of citizenship. The legal landscape demonstrates a commitment to inclusivity while ensuring adherence to national security and cultural integrity. However, challenges remain in the implementation of these laws, particularly regarding bureaucratic processes and accessibility for applicants. It is essential for the Uzbek government to continuously refine and adapt its citizenship policies to meet the evolving needs of society, enhance transparency, and improve the efficiency of procedures. By doing so, Uzbekistan can foster a more welcoming environment for foreign nationals, strengthen its demographic and cultural diversity, and ultimately contribute to the nation's development and cohesion.

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