



Acquiring Russian citizenship

The current procedure for receiving citizenship of the Russian Federation is regulated by the Constitution of the Russian Federation, Federal Law No. 62-FZ, dated 31 May, 2002, "On Citizenship of the Russian Federation" and a number of other regulatory legal acts.

According to the statistics, the number of people desiring to receive citizenship of the Russian Federation has been steadily increasing since the Federal Law "On Citizenship of the Russian Federation" came into effect in 2002.

The Fundamental Law of the Russian Federation (the Constitution of the Russian Federation) envisages freedom to choose citizenship of the Russian Federation. There are various ways to acquire citizenship, each of which has its own specifics affecting, to one degree or another, the people entitled to take advantage of each given method.

In contrast to the Law regulating the procedure for receiving citizenship, the methods have become fewer and, correspondingly, the requirements made on persons striving to become citizens of the Russian Federation have become stricter. This law recognises the following ways of receiving citizenship:

- By birth;
- As a result of acceptance into citizenship of the Russian Federation;
- As a result of being reinstated to citizenship of the Russian Federation;
- On other grounds.

In considering each method for acquiring citizenship in more detail, attention should be focused on a number of specifics.

Acquisition of citizenship by birth

The legislation focuses particular attention on acquisition of citizenship by birth or so-called "blood right" – if a child's mother and father are citizens of the Russian Federation, it undoubtedly has the right to become a citizen of the Russian Federation. The result is the same if one of the parents is a citizen of the Russian Federation, while the other is either a stateless person or is a missing person.

In addition to blood right, the concept exists of right of place. The legislators envisaged a situation in which one of the parents is a citizen of Russia and the other a foreign citizen or when, if both parents are foreign citizens residing on the territory of the Russian Federation, the child becomes a citizen of the Russian Federation, provided it is born on the territory of the Russian Federation and the parents' or parent's state refuses to grant its citizenship to the child.

Acquisition of citizenship as a result of acceptance into citizenship

The most pressing and disputable problem in the legislation on citizenship consists in the procedure for acquiring Russian citizenship by so-called naturalisation. There are two ways of doing this:

- in the usual manner
- in the simplified manner.



According to the general rules, citizenship of the Russian Federation may be acquired by foreign citizens and stateless persons who have reached the age of 18 years and enjoy full legal capacity. The given general procedure envisages an extended period of legal residence on the territory of the Russian Federation by the foreign citizen, i.e., from the time of receiving a permanent residence permit to submission of the application for citizenship, the person desiring to acquire citizenship of the Russian Federation must be resident in the country continuously for a period of 5 years. In accordance with the legislation, residence is recognised as being continuous provided the individual does not leave the Russian Federation for more than three months in any one year. At the same time, such residence has to be legally justified and be confirmed by the necessary documents. In addition, the general procedure for acquiring citizenship of the Russian Federation envisages a complex procedure for passage and further consideration of applications to be accepted as a citizen of the Russian Federation and documents attached thereto, the list of these being quite extensive. The decision on accepting someone as a citizen of the Russian Federation in the general manner is passed for consideration to the Commission on questions of citizenship under the President of the Russian Federation.

It should be noted that there are a number of conditions that a person desiring to acquire citizenship of the Russian Federation must observe: the obligation to observe the Constitution of the Russian Federation, have a lawful source of means of subsistence, know the Russian language at a level established by the provision on the procedure for consideration of questions of citizenship of the Russian Federation, as well as the mandatory condition of rejecting the existing citizenship, except for cases envisaged by an international treaty or when rejection is not possible.

Cases are envisaged when the term of residence on the territory of the Russian Federation may be shortened: in the event of high achievements in the sphere of science, technology and culture, possession of a specific qualification of interest to the Russian Federation, on the granting of political asylum or refugee status.

Acceptance as a citizen of the Russian Federation according to the simplified procedure is available to foreign citizens and stateless persons who have reached the age of 18 years and are fully legal competent, on submission of an application for citizenship of the Russian Federation in the simplified manner and on the following terms and conditions: the person desiring to acquire citizenship of the Russian Federation,

- has at least one parent who is a citizen of the Russian Federation and resides on the territory of the Russian Federation;
- had citizenship of the USSR, lived or lives in states that were part of the USSR; moreover, if he/she has not received citizenship of these state and consequently remains a stateless person;
- was born on the territory of the RSFSR or had citizenship of the former USSR;
- has been married to a citizen of the Russian Federation for at least 3 years;
- is unable to work and has legally competent children who have reached the age of 18 years and are citizens of the Russian Federation.
- is a veteran of the Second World War, having been a citizen of the former USSR, and lives on the territory of the Russian Federation.

The simple procedure for acquiring citizenship of the Russian Federation differs primarily from the general procedure in the following:



- a shorter requirement on residence by the foreign citizen desiring to acquire citizenship on the territory of the Russian Federation;
- a different set of documents to be attached to the application for citizenship of the Russian Federation.

In order to receive Russian citizenship according to the simplified procedure, apart from the application, it is sufficient to confirm the right to the privilege. For example, foreign citizens married to citizens of the Russian Federation should submit a document to this effect (Marriage Certificate).

At the same time, it should be noted that all questions connected with acquisition of citizenship of the Russian Federation in the simplified manner are considered by the bodies of the Ministry of the Interior.

Acquisition of citizenship as a result of reinstatement in citizenship

The Russian legislation also envisages reinstatement in citizenship of foreign citizens and stateless persons who were previously citizens of the Russian Federation. At the same time, the residence requirement on the territory of the Russian Federation is reduced for such persons to 3 years. In addition to the legislation of the Russian Federation regulating questions of citizenship of the Russian Federation, there exist certain international treaties and agreements also regulating certain issues concerning acquisition of citizenship of the Russian Federation. For example, the Treaty between the Republic of Belarus and the Russian Federation envisages the possibility for a citizen of this state to acquire citizenship of the Russian Federation in the simplified manner within three months, submission of a minimal set of documents being required. There also exist other treaties and agreements regulating questions of dual citizenship.

It should be noted that acceptance into citizenship is a bilateral action, one party being the person applying for Russian citizenship to be granted and the other – the state. For this reason, the legislation envisages the right of the state to refuse to grant its citizenship. For example, if the person applying for citizenship supports violent change to the foundations of the constitutional system in the Russian Federation, has outstanding convictions, has used counterfeit documents or knowingly declared false information.