

Russia - Supreme Court of Komi Republic, judgment №33-2680/2013

The applicant attempted to renounce her Russian nationality without proof of having another nationality or a guarantee of acquiring one. The Court decided that the constitutional right to change one's nationality does not amount to an absolute right to unilaterally renounce a nationality, and that it is not unconstitutional to impose a number of conditions on nationals before allowing renunciation, among which the condition of having secured an alternative nationality. Prohibition of renunciation of nationality with an aim of becoming stateless has been ruled as complying with international standards, in particular with the European Convention on Nationality.

Case status: Decided

Case number: №33-2680/2013

Date of decision: 13/06/2013

State: Russian Federation

Court / UN Treaty Body: Supreme Court of Komi Republic

Language(s) the decision is available in: Russian

Applicant's country of residence: Russian Federation

Legal instruments: 1997 European Convention on Nationality

Key aspects: Voluntary renunciation of nationality

Relevant Legislative Provisions:

Article 20 of the Federal Law "On Citizenship of Russian Federation"

Facts

The applicant attempted to renounce her Russian citizenship but provided no proof of holding another citizenship or of the prospect of acquiring one. The responsible authority denied the request for renunciation on that basis.

Decision & Reasoning

The Court reasoned as follows:

"When rejecting the applicant's demands, the court considers that the Constitution of Russian Federation guarantees its citizens the right to change citizenship, not not the right to unilaterally renounce citizenship. Article 20 of the Federal Law 'On Citizenship of Russian Federation' establishes as one of the conditions for renunciation of Russian citizenship the existence of another citizenship, or a guarantee of acquiring another citizenship (point "B")."

"Renunciation of Russian citizenship is not allowed if the citizen: a) has an unfulfilled obligation towards the Russian Federation, which is derived from a federal law; b) is a suspect if a criminal case, or has been convinced by a court with a pending executable ruling; c) neither holds another citizenship nor a guarantee of acquisition of the latter."

"The prohibition on the renunciation of Russian citizenship with the aim of becoming stateless, which results from the aforementioned legislation, complies with international practice, in particular the European Convention on Nationality of 1997, which contains avoidance of statelessness as one of the principles on which nationality laws of state parties need to be based."

Decision documents

[Komi_13June2013.pdf](#)

Outcome

The Court decided against the applicant, and upheld the decision of the administrative authorities to reject the application for the renunciation of Russian nationality.