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Department for Legal Affairs



LAW ON AMENDMENTS TO THE LAW ON CITIZENSHIP OF BOSNIA AND HERZEGOVINA

“Official Gazette of Bosnia and Herzegovina”, 82/05

[NOTE: The Law on Citizenship of Bosnia and Herzegovina was imposed by the High Representative Decision on 16 December 1997, and published in the “Official Gazette of Bosnia and Herzegovina”, 4/97.](#)

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the 70th session of the House of Representatives held on 8 November 2005 and at the 50th session of the House of Peoples held on 16 November 2005, has adopted the

LAW ON THE AMENDMENTS TO THE LAW ON CITIZENSHIP OF BOSNIA AND HERZEGOVINA

Article 1

In the Law on Citizenship of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, Nos. 4/97, 13/99, 41/02, 6/03 and 14/03), in Article 23, items 4, 5 and 6, the words “convicted by a court in Bosnia and Herzegovina with” shall be replaced by the words: “sentenced in or outside the territory of Bosnia and Herzegovina by final and binding”.

Article 2

In Article 26 of the Law, after the words “in accordance with Articles 30 and 31”, the following words shall be added: “or with the transitional provisions of Chapter VII of this Law”.

Article 3

In Article 30 of the Law, paragraphs 1 and 2, the following text “21, 22, 23 paragraph 1, items 1, 2 and 3” shall be replaced by the text “21 and 22”.

Article 4

In Article 31 of the Law, paragraph 2, the text “21, 22 and 23” shall be replaced by the text “21 and 22”.

Article 5

Article 36a of the Law shall be deleted.

Article 6

In Article 37 of the Law, the words “between April 6, 1992 and the entry into force of the Constitution” shall be replaced by the words “since April 6, 1992 until January 1, 2006”.

Article 7

In Article 40 of the Law, paragraph 1 shall be amended to read:

“1. Notwithstanding Article 30, paragraphs 1 and 2 of this Law, the State Commission for the Review of Decisions on Naturalization of Foreign Citizens) shall be established (hereinafter: the Commission).

The Commission shall be obliged, in accordance with this Law, to review the status of persons naturalised after April 6, 1992 and before January 1, 2006.”

Paragraph 2 of Article 40 of the Law shall be amended to read:

“2. The Commission shall consist of nine members: two Bosniaks, two Croats, two Serbs and three persons who are not citizens of Bosnia and Herzegovina or of a neighboring country.

The members of the Commission shall be appointed by the Council of Ministers in a following way:

- a) From the Ministry of Security of BiH - the Chairman of the Commission;
- b) From the Ministry of Civil Affairs of BiH - the Deputy Chairman of the Commission;
- c) Four persons employed within the institutions of Bosnia and Herzegovina who have the expertise necessary to contribute to the work of the Commission; and
- d) Three international members after consultation with the Council of Europe and other appropriate international organizations.”

Paragraph 4 of Article 40 of the Law shall be amended to read:

“4. The mandate of the Commission shall expire no later than one year after it is established. The Parliamentary Assembly, by a decision adopted by both Chambers, may extend the mandate of the Commission for an additional period.”

Article 8

In Article 41 of the Law, paragraph 1 shall be amended to read:

“1. The Commission shall review the status of persons who acquired the citizenship through naturalization and who previously were not issued the personal identification number (JMB) in the period after April 6, 1992 and before January 1, 2006.

The Commission shall also review the status of persons who acquired the citizenship through naturalization and to whom the new personal identification number (JMB) of citizens of Bosnia and Herzegovina was issued in the territory of Bosnia and Herzegovina in the period after April 6, 1992 and prior to January 1, 2006.

To this end, the Commission shall consider the information provided by the persons concerned as well as the information collected ex officio.”

In paragraph 2 the words “the competent authorities of BiH and the Entities” shall be replaced by the words “the competent authorities in Bosnia and Herzegovina”.

Paragraph 4 of Article 41 of the Law shall be amended to read:

“4. Unless a person thereby becomes stateless, the Commission may by its decision withdraw his or her citizenship of BiH in the following cases:

- a) if the regulations in force in the territory of Bosnia and Herzegovina at the time of the naturalisation had not been applied; or
- b) if the citizenship of BiH was acquired by means of fraudulent conduct, false information or concealment of any relevant fact, if such a behavior is attributable to the person concerned; or
- c) in the case of a lack of a genuine link between Bosnia and Herzegovina and a citizen habitually not residing in Bosnia and Herzegovina; or
- d) in any of the cases prescribed in Article 23, items 2 and 3 of this Law.”

After paragraph 4 of Article 41 of the Law, new paragraphs 5, 6 and 7 shall be added and shall read:

“5. Unless a person thereby becomes stateless, the Commission may recommend to the Council of Ministers of BiH the withdrawal of his or her citizenship of BiH in any of the cases prescribed in Article 23, items 4, 5 and 6 of this Law. The decision of the Council of Ministers is final and no appeal may be filed against it, but an administrative dispute may be initiated before a competent court.

6. Evidence of a lack of a genuine link referred to in paragraph 4, item c) of this Article may in particular be the absence of registration of permanent residence, including home address in Bosnia and Herzegovina or the absence of application for the identity card of citizens of BiH in accordance with the applicable regulations on registration, permanent and temporary residence and identity cards of citizens of BiH.

7. The citizenship of BiH shall not be withdrawn in the case referred to in paragraph 4, item a) of this Article, if the person concerned fulfils the conditions for naturalisation or facilitated naturalisation under this Law by the time the decision of the Commission is taken and if it is clear that he or she was not aware that the regulations had not been applied and he or she did not engage in any conduct that would justify the withdrawal of citizenship under this Law and if he or she did not knowingly conceal any relevant fact. A relevant fact is particularly any fact that is contrary to the regulations on the status of persons in Bosnia and Herzegovina.”

Current paragraphs 5 and 6 of Article 41 of the Law, which shall become paragraphs 8 and 9 respectively, shall be amended to read:

“8. The Commission shall take its decisions by consensus. In case consensus cannot be reached, the decision is taken by a simple majority vote including a majority vote of international members. The Commission’s decision on withdrawal of citizenship shall be in writing and it shall be delivered to the person concerned.

The Decision of the Commission on Withdrawal of Citizenship shall be final and no appeal may be filed against it, but an administrative dispute may be initiated before the competent court of Bosnia and Herzegovina.

9. The citizenship of BiH shall be lost by withdrawal on the day of delivery of the Commission or Council of Minister’s decision to the person concerned. If the address or the place of residence of that person is not known or cannot be confirmed, the citizenship of BiH shall be lost on the day of publication of notification of the Commission’s or Council of Ministers’ decision in the Official Gazette of Bosnia and Herzegovina.”

Article 9

After Article 41 of the Law, the new Article 41a shall be added to read:

“Article 41a

Notwithstanding Articles 23 and 41 of this Law, in cases when the citizenship was granted to a same person several times on different grounds, the Commission shall merge the revision procedure by a conclusion and render a single decision on the status of the naturalised citizen.

The Commission shall be obliged to end the procedure of revision and of determination of the status of naturalised citizens in accordance with this Law not later than January 1, 2007, with the possibility of the extension of the mandate in accordance with Article 40 of the Law.

Subsequent to Commission's mandate termination, the archive and unresolved cases shall be handed over to the competent Ministry.”

Article 10

Within 30 days after the entry into force of this Law, the Council of Ministers of Bosnia and Herzegovina shall designate members of the Commission in accordance with Article 7, paragraph 2 of this Law.

Article 11

This Law shall enter into force on the eighth day after its publication in the Official Gazette of Bosnia and Herzegovina.

Parliamentary Assembly of BiH No. 235/05
16 November 2005
Sarajevo

Chair
of the House of Representatives
of the Parliamentary Assembly
of Bosnia and Herzegovina
PhD Nikola Špirić, *m.p.*

Chair
of the House of Peoples
of the Parliamentary Assembly
of Bosnia and Herzegovina
Mustafa Pamuk, *m.p.*