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

“Official Gazette of Bosnia and Herzegovina”, 87/13

[NOTE: The Law on Citizenship of Bosnia and Herzegovina was Imposed by the High Representative Decision 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 50th session of the House of Representatives, held on 18 July 2013 and, at the 33rd session of the House of Peoples, held on 5 November 2013, adopted

LAW ON 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", No. 4/97; 13/99; 41/02; 6/03; 14/03; 82/05; 43/09 and 76/09) in Article 6, paragraph 1, Item 4 shall be amended to read as follows:

“4. who was born abroad and one of whose parents was a BiH citizen at the time of the child's birth, provided that by the time he or she attains the age of 23 he or she apply for registration of the citizenship of BiH to the competent authority.”

Article 2

In Article 7, paragraph 1, the item 2 shall be deleted.

Article 3

In Article 9, paragraph 1, the item 2 shall be amended to read:

“2. his or her permanent place of residence was registered on the territory of BiH for at least three years before submitting a request;”

In paragraph 1, item 3 shall be amended to read:

“3. he or she has sufficient knowledge of the language and script of one of the BiH constituent peoples;”

In item 6, in the first line, the word “upon” shall be replaced with word “before”.

After the item 6, new items 7, 8, 9, 10, 11 and 12 shall be added to read:

“7. that there are no criminal proceedings pending against him or her, except if the proof of meeting this criterion cannot be reasonably requested;

8. he or she does not represent a threat to the security of BiH;

9. he or she has a source of steady income in the amount that enables his or her existence or that he or she is able to ensure the credible proof on financial sources for his or her livelihood;

10. that he or she has settled all taxation or other financial obligations;

11. that he or she signs the statement claiming that he or she accepts the legal system and constitutional order of BiH; and
12. that he or she has valid guarantee on acquirement of the citizenship of BiH.”

After paragraph 1, new paragraph 2 shall be added to read:

“2. Naturalization shall not be approved even if the applicant meets the general criteria for naturalization, if there are justified reasons for suspicion that by approving of the naturalization to that person, the security of BiH and public peace and order would be jeopardized, or if the naturalization is not in accordance with the interests of BiH for some other reason established on the basis of total assessment of the situation of the applicant.”

Article 4

In Article 10, item 2, in the first line, the word “upon” shall be replaced with word “before”.

In Article 10, item 3 shall be amended to read:

“3. that he or she has the permanent residence in the territory of BiH approved;”

After the item 3, new item 4 shall be added to read:

“4. that he or she does not represent a threat to the security of BiH.”

Article 5

In Article 11, paragraph 1, the words: “is permanently resident on the territory of BiH” shall be replaced with words: “has approved temporary or permanent stay in the territory of BiH”.

Article 6

After the Article 11, new Article 11a shall be added to read:

“Article 11a

1. A stateless person or person with a refugee status may acquire the citizenship of BiH without fulfilling the conditions referred to in Article 9, paragraph1, items 1, 2, 3, 6, 9 and 10 only if such person has uninterrupted stay in the territory of BiH in status of a stateless person or person with a refugee status in duration of five years prior to submitting the request.
2. The underage child of the person who has acquired the citizenship of BiH on grounds of paragraph 1 of this article shall be entitled to acquire the citizenship of BiH without fulfilling the conditions referred to in Article 9, paragraph1, items 1, 2, 3, 6, 9 and 10 if such person has the refugee status or approved temporary stay in the territory of BiH regardless to the duration of the stay.
3. If the child is older than 14 years of age, his or her consent shall be required.”

Article 7

After the Article 12, new Article 12a shall be added to read:

“Article 12a

A person whose citizenship of BiH, for the acquirement or keeping of the citizenship of another state, ceased to exist by renunciation or by release, may submit the request to reacquire the citizenship of BiH if he or she fulfils the conditions referred to in Article 9, except the conditions referred to in paragraph 1, items 1 and 2, only if he or she has approved temporary stay in the territory of BiH for at least one year immediately before the submitting the request or approved permanent stay”.

Article 8

In Article 16, item a) shall be deleted.

Items b), c), d) and e) shall become items a), b), c) and d).

The words after the Article 16 “Loss by operation of Law” shall be deleted.

Article 9

Articles 17 and 18 shall be deleted.

Article 10

In Article 19, paragraph 2, after the words; “upon the request of one parent whose citizenship ceased to exist by renunciation”, the words: “with the consent of another parent who is the citizen of BiH, or at the request of one parent whose citizenship of BiH ceased to exist by renunciation” shall be added.

In Paragraph 3, the words: “delivered appropriate notification” shall be replaced with the following words: “delivered the decision on termination of the citizenship of BiH, or when the competent diplomatic and consular representative office of BiH abroad mailed it”.

Article 11

Article 20 shall be amended to read:

“Article 20

The decision on renunciation may be invalidated at the request of the person who has not acquired the citizenship of the country that issued guarantee to him or her.”

Article 12

Article 24 shall be amended to read:

“Article 24

1. The citizenship of BiH shall cease by release, renunciation or withdrawal on the day of delivery of the decision on termination of citizenship to the person concerned.
2. If the place of residence of such person is not known or cannot be confirmed, the citizenship of BiH shall cease on the day of its publication in the “Official Gazette of BiH”.”

Article 13

In Article 29, the comma punctuation mark after the word “wishes” shall be deleted, and the words: “provided that the change takes place after this Law enters into force” shall be added. *[Translator’s remark: it seems that this has already been amended previously.]*

Article 14

In Article 30, paragraph 1, after the number “11”, the number “11a” shall be added, after the number “12”, the number “12a” shall be added, word “and” before the number “22” shall be replaced with a comma punctuation mark, and after the number “22”, the text “and 38” shall be added.

In paragraph 2, after the number “11”, the number “11a” shall be added, after the number “12”, the number “12a” shall be added, word “and” before the number “22” shall be replaced with a comma punctuation mark, and after the number “22”, the text “and 38” shall be added.

Article 15

In Article 31, paragraph 1, the word “and” before the number “8” shall be replaced with a comma punctuation mark, and after the number “8”, the text “and 38” shall be added, and words: “and Communications” shall be deleted.

In paragraph 2, after the number “11”, the number “11a” shall be added, after the number “12”, the number “12a” shall be added, and words: “and Communications” shall be deleted.

Article 16

In Article 33, paragraph 1, item 1, after the words: “from Article 30”, the words: “paragraphs 1 and 2” shall be added.

Article 17

After the Article 33, new articles 33a, 33b and 33c shall be added to read:

“Article 33a

1. The Ministry of Civil Affairs of BiH shall maintain the following records on citizenship of BiH:
 - a) Record on acquisition of the citizenship of BiH:

1. on the basis of an international agreement;
 2. persons of particular benefit to BiH referred to in Article 13 of this Law;
 3. persons naturalized between 6 April 1992 and 1 January 2006.
- b) Record on termination of the citizenship of BiH:
1. by renunciation; and
 2. by withdrawal.
2. Competent bodies of the entities and of Brcko District of BiH shall maintain the records on naturalization and citizenship that fall within their competences.
 3. Records referred to in this Article and in Article 33b shall include the personal identification number, if it has been assigned.

Article 33b

The Ministry of Civil Affairs of BiH shall maintain the records on case of providing its consent to decisions of the competent entity bodies on naturalization of aliens and on cases of subsequent registrations in the birth registries of persons who has acquired the citizenship of the RBiH pursuant to the Law on Citizenship of the Republic of Bosnia and Herzegovina.

Article 33c

The Minister of Civil Affairs of BiH shall prescribe the contents and method of maintenance of the records referred to in articles 33a and 33b.”

Article 18

In Article 35, paragraph 1, the full stop punctuation mark shall be replaced with a comma, and the words: “i.e. registry of citizens.” shall be added.

In paragraph 3, “and Communications” shall be deleted.

In paragraph 5, “and Communications” shall be deleted.

Article 19

In Article 38, paragraph 2, the words “they were permanent residents” shall be replaced with the words “they had the permanent or temporary residence”, whereas the text after the words “the citizenship of the other Entity.” shall be deleted.

In paragraph 3, the words “who maintain this residence” shall be replaced with the words “who maintain the permanent or temporary residence in that territory”.

In paragraph 4, the words “and 31 December 1998” shall be replaced with the words “and 31 December 2000”, whereas the words “who maintain this residence” shall be replaced with the words “who maintain the permanent or temporary residence in that territory”. The words: “The right of option may be exercised within one year following the expiration of the said three year period” shall be deleted.

After the paragraph 4, new paragraph 5 shall be added to read:

“5. The permanent residence of the children, for the purpose of provisions of article 29 and Article 38, paragraph 1 of the Law, who were underage and had no permanent

residence registered, shall be determined on the basis of the permanent residence of their parents and other evidence.”

Article 20

Article 39 shall be deleted.

Article 21

In Article 41a, paragraphs 2 and 3 shall be deleted.

Article 22

In Article 43, the words: “and Communications” shall be deleted.

Article 23

After the Article 43, new articles 43a and 43b shall be added to read:

“Article 43a

The proceedings commenced before this Law entered into force shall be continued and completed in accordance with the provisions of a law that is more favourable for the party.

Article 43b

The Ministry of Civil Affairs of Bosnia and Herzegovina shall enact the by-law acts set forth by the provisions of articles 33a and 33b and by-law acts that shall in further detail specify the issuing of a guarantee for acquirement of the citizenship of BiH and evidence on fulfilling the conditions for naturalization referred to in articles 9, 10, 11a and 12a of this Law within 60 days after the entry into force of this Law.”

Article 24

The Constitutional-Legal Committee of the House of Representatives and the Constitutional-Legal Committee of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina are hereby authorized to jointly determine the consolidated text of the Law on Citizenship of Bosnia and Herzegovina (Official Gazette of BiH” nos. 4/97, 13/99, 41/02, 6/03, 14/03, 82/05, 43/09 and 76/09).

Article 25

This Law shall enter into force on the eighth day after it is published in the “Official Gazette of BiH”.