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Citizenship and Prevention of Statelessness
Linked to the Disintegration of the Socialist
Federal Republic of Yugoslavia



UNHCR

REGIONAL BUREAU FOR EUROPE

The disintegration of the former Socialist Federal Republic of Yugoslavia (SFRY) has challenged emerging States and the international community on a level unparalleled by other events in Europe in recent years. The formation of the five successor States and the promulgation and adoption of internal legislation has taken place at a different rate for each of the States concerned, a sense of completion presenting itself only upon the signing and implementation of the Dayton Peace Agreements. With peace in Bosnia and Herzegovina, and the Dayton Peace Agreement as a foundation, full consideration could finally be given to issues such as that presented in this study, the attribution of citizenship for all persons who had held the citizenship of the former SFRY.

Statelessness, although not a new phenomenon, has taken on new dimensions because of such recent developments as the dissolution of States. Its potential as a source of regional tension and of involuntary displacement has come to be more widely recognized. The General Assembly of the United Nations and the Executive Committee of the High Commissioner's Programme have respectively adopted resolutions and conclusions stressing the importance of the right to a nationality, and of the need for States to adopt measures to avoid statelessness. The ability to exercise an effective nationality and the prevention and reduction of statelessness are a contribution to the promotion of human rights and fundamental freedoms, to the security of peoples, and to stability in international relations. The Office of the High Commissioner for Refugees is pleased to have undertaken this study and its publication in furtherance of these goals.

UNHCR has specific responsibilities in respect of statelessness and the realization of an effective nationality. The Office has been requested to promote accessions to the 1954 Convention relating to the Status of Stateless Persons to which all five successor States are parties, and to the 1961 Convention on the Reduction of Statelessness to which Bosnia and Herzegovina is a party. UNHCR has, moreover, been requested to take active steps to ensure statelessness is avoided, in particular through the provision of technical and advisory services pertaining to the preparation and implementation of nationality legislation to concerned States. This study is a result of the Office's role under the 1961 Convention on the Reduction of Statelessness, the Dayton Peace Agreement, the initiatives on statelessness of UNHCR's Executive Committee and the General Assembly and, significantly, the requests of both individuals and States impacted by the dissolution of the former Yugoslavia.

Since 1991, the Office of the High Commissioner for Refugees has been directly involved in addressing the dramatic humanitarian consequences of the violent disintegration of the former Yugoslavia. In addressing the needs of protection and the assistance of refugees and displaced persons originating from the former Yugoslavia,

UNHCR has been confronted with nationality issues linked to the disintegration of the Socialist Federal Republic of Yugoslavia faced by former Yugoslav citizens. With a view to the strengthening of efforts to reduce statelessness and to address the inability of many in establishing an effective nationality in the five successor States, UNHCR undertook, with the cooperation of these States, the analysis of citizenship laws and the accompanying administrative practice. The analysis contained herein is derived largely from national reports commissioned by UNHCR and written by independent national experts, and has been elaborated upon by work undertaken by UNHCR staff in each of the field offices and through various missions from UNHCR headquarters.

UNHCR has appreciated the extensive cooperation of all competent authorities of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Slovenia, and the Federal Republic of Yugoslavia. The Office would also like to thank the Council of Europe, in particular the Directorate of Legal Affairs, for having organized, in cooperation with UNHCR, a series of regional expert meetings in 1996. Each of the successor States participated, as did the OSCE and the Office of the High Representative. In culmination of the discussions and proposals held throughout this process, a document entitled “Principles on Citizenship Legislation concerning the Parties to the Peace Agreements on Bosnia and Herzegovina” was adopted. This set of principles, attached to the study in Annex, constitutes an important framework for the drafting of bilateral or multilateral agreements on citizenship, as well as a useful basis for the implementation and improvement of national laws.

Despite the absence of a succession Treaty regulating issues of citizenship following the disintegration of the former Yugoslavia, *de jure* statelessness has generally been avoided through the adoption of the principle of the continuity of internal (republican) citizenship by all of the successor States in their respective citizenship laws. Nevertheless, situations of *de jure* statelessness have appeared where proof of the former internal (republican) nationality cannot be made by the individual due, primarily, to the destruction or disappearance of registers in territories affected by the war (notably in Bosnia and Herzegovina and Croatia).

Although *de jure* statelessness has generally been avoided through the application of the continuation of republican citizenship, the exclusive application of this rule by some successor States did not provide a reasonable solution for numerous former SFRY citizens who were living in other internal Republics than that in which they had been registered to hold republican citizenship. UNHCR believes that in the context of State succession, it would be reasonable to give the right of option to gain the citizenship of the successor State with which the individual has genuine and effective links, in particular the link of habitual residence.

UNHCR commends, therefore, all successor States for their positive dialogue with the Office on a bilateral basis, as well as through the Council of Europe process, and looks forward to new positive developments on the basis of the principles adopted by the Working Group during the sessions in Strasbourg. The Office takes this opportunity, moreover, to further encourage each of the successor States to ratify the 1961 Convention on the Reduction of Statelessness, as well as the European Convention on Nationality when opened for signature in November 1997. The dialogue, reflected in this study, represents the positive culmination of a mutually cooperative effort, for which the Office of the High Commissioner for Refugees expresses the highest appreciation to all concerned.

This publication is presented jointly by the Europe Bureau, the Division of International Protection and the Office of the Special Envoy in Sarajevo.

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NATIONALITY AND STATE SUCCESSION

INTRODUCTION

In the context of state succession, the possession of an effective citizenship is one of the fundamental elements to take into consideration to enable refugees, displaced persons and, more generally, all citizens of the former federal state to fully (re)integrate and participate in the civil society of the newly emerged states. While recognizing that the attribution of nationality belongs to the sovereign competence of States, particular obligations exist in international law with regard to successor states vis-à-vis persons who have residence on the territory at the time of succession, and who have a genuine and effective link to the emergent state. Such persons should, in UNHCR's view, have the option of obtaining the citizenship of the country concerned, enabling them to benefit from all rights attached to the possession of nationality.

The aim of this study is to provide an overview of the citizenship laws adopted by the five countries which succeeded the former Yugoslavia, as well as of their implementation by national competent authorities. Moreover, the paper intends to identify whether these new nationality laws create situations in which people living in the former Yugoslavia, or people originating from the former Yugoslavia and living abroad, have become stateless or have not been able to obtain an effective citizenship. On the basis of an analysis of the situation in each of the five countries and taking into account the regional dimension of the succession of the SFRY, the paper also suggests ways of improving the situation in each of the five countries and promotes the need for increased international cooperation and dialogue between the five successor states in matters relating to citizenship, in particular, on the basis of a Set of Principles elaborated within the Council of Europe with the participation of UNHCR.

The study is based on national reports by independent experts, commissioned by UNHCR in 1995, in Croatia, FYROM, FRY and Slovenia¹. The situation of Bosnia and Herzegovina will be dealt with in a different way as no similar national study

¹ The national reports have been written by the following authors:

Croatia: Ass. Pr. Jasna Omejec, L.L.D, Ass. Pr. Hrvoje Sikiric, L.L.D. Mr. Neven Boric, L.L.

FRY: Pr. Konstantin Obradovic, Pr. Gazo Knezevic, Ass. Pr. Jasminka Hasanbegovic, Ass. Pr. Goran Svilanovic.

Slovenia: Ms. Petra Senkovic, Ms. Maja Katarina Tratar.

FYROM: Ass. Pr. Tanja Petrusavska.

could be envisaged when the study began because of the on-going war. Further, the Bosnian citizenship legislation is now linked to the implementation of the Dayton Peace Agreement. Parallel to the drafting of these reports, UNHCR has been engaging in a bilateral dialogue with national authorities in charge of citizenship issues in each of the five States, as well as in regional expert meetings on citizenship legislation held in Strasbourg in March, June, and October of 1996 following a joint initiative by the Council of Europe and UNHCR. Experts on citizenship representing each of the Governments on the territory of the former Yugoslavia participated (Slovene experts only participated in the last 1996 October session). The result of the three sessions was the adoption by all present of the “Principles on Citizenship Legislation concerning the Parties to the Peace Agreements on Bosnia and Herzegovina”. These principles, reflective of both the 1961 Convention on the Reduction of Statelessness and the draft European Convention on Nationality, address not only citizenship issues in general following the disintegration of the former SFRY, but also look at specific issues in the context of the Dayton Peace Agreement. The set of principles are provided in the annex. They constitute an important framework for the drafting of bilateral or multilateral agreements on citizenship as well as being an important basis for the implementation of national laws.

UNHCR has a particular mandate to prevent and reduce statelessness derived from the provisions of the 1961 Convention on the Reduction of Statelessness and has been called by States on numerous occasions to act in this matter. In 1995, the Executive Committee of UNHCR adopted a Conclusion, endorsed by the General Assembly of the United Nations, on the Prevention and the Reduction of Statelessness and the Protection of Stateless Persons². By reducing the risk of statelessness, UNHCR also wishes to assist in the prevention of further displacement of population inside or outside of the region.

With the disintegration of the SFRY and in the absence of a Succession Treaty, all States stemming from the SFRY have enacted citizenship laws to determine their initial body of citizens as well as to establish conditions to acquire and lose citizenship. Apart from Bosnia and Herzegovina, none of the other states are signatory to the 1961 Convention on the Reduction of Statelessness. All have confirmed being bound through succession to the 1954 Convention relating to the States of Stateless Persons which was ratified by the SFRY on 9 April 1959. The Socialist Federal Republic of Yugoslavia was characterized by a double level of citizenship, all former SFRY citizens were citizens of the Federal Republic and were also registered with a republican citizenship of one of the six SFRY Republics (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia).

² EXCOM Conclusion, No. 78 (XLVI) – 1995, Office of the United Nations High Commissioner for Refugees, and UNGA Resolution 50/152 (paragraphs 14 to 16) of 9 February 1996.

The question of nationality in the States emerging from the former SFRY should not be analysed in a general sense. Nationality principles are different in the context of State succession than they are under normal circumstances and procedures for acquisition or naturalisation. While it is not the purpose of the present study to present an in-depth analysis of the various legal positions on the grant of nationality following the dissolution of a State, certain issues might be borne in mind when reviewing the citizenship legislation and practice which emerged in each of the successor States following the dissolution of the former SFRY.

As has been mentioned, there were internal “republics” in the former SFRY. Each of these republics had its own record of nationality and everyone who was a national of the Socialist Federal Republic of Yugoslavia was also to be registered in the nationality books of *one* of the republics. This registration had no legal impact for the persons concerned in the sense that it did not necessarily reflect the republic in which one lived, voted, worked, went to school nor, in fact, where one was born. It was of so little significance to people that they moved freely back and forth between republics and rarely made an effort to change their republican nationality, although this could be easily done. Many did not even know in which register they were recorded.

Thus, when the successor States chose to grant nationality based upon the list of names in the previous republican nationality register, the result had both positive and negative elements. The positive element to this approach is that in principle, no cases of *de jure* statelessness could occur as all persons were presumed to be registered in one of the republican nationality registers. The negative element to this approach, with serious repercussions for thousands of people, was that those who were not registered in the successor State in which they *lived* were made foreigners in *that* State overnight. This was true in cases of persons who were born on the territory of that State and had lived there all their lives. While in some cases procedures were introduced to mitigate these severe effects, for example through a right of option or through acceptance into citizenship for certain ethnic groups, these procedures were either limited in time or of assistance to particular ethnic groups only.

While UNHCR certainly lauds the avoidance of *de jure* statelessness, the effects of *de facto* statelessness may lead to equally disastrous results. The 1961 Convention on the Reduction of Statelessness stipulates in Article 10:

- “1) *Every treaty between Contracting States providing for the transfer of territory shall include provisions designed to secure that no person shall become stateless as a result of the transfer. A Contracting State shall use its best endeavours to secure that any such treaty made by it with a State which is not a party to this Convention includes such provisions.*
- 2) *In the absence of such provisions a Contracting State to which territory is transferred or which otherwise acquires territory shall confer its nationality*

*on such persons as would otherwise become stateless as a result of the transfer or acquisition”.*³

This provision indicates, as do many treaties concluded between States faced with questions of nationality following a transfer of territory, that there is an underlying presumption in favour of the territorial application of nationality. Accompanying this would be the presumption that a State may extend its nationality to those permanently resident on its territory at the point of succession or transfer. This begs the question of whether the State has an *obligation* to grant nationality to permanent residents on its territory following a dissolution. According to commentary on the subject, the population may be said to have a link with the territory. Nationality legislation and practice itself reflects this link, as residence is one of the primary components of a genuine and effective link between an individual and a State supporting the grant of nationality.

In review of State practice, treaties, and general principles of law, Ian Brownlie states:

*“Sovereignty denotes responsibility, and a change of sovereignty does not give the new sovereign the right to dispose of the population concerned at the discretion of the government. The population goes with the territory: ... it would be illegal for the successor to take any steps which involved attempts to avoid responsibility for conditions on the territory, for example by treating the population as de facto stateless or by failing to maintain order in the area. The position is that the population has a “territorial” or local status, and this is unaffected whether there is a universal or partial successor and whether there is a cession, i.e. a “transfer” of sovereignty, or a relinquishment by one state followed by a disposition by international authority”.*⁴

This theme is taken up by the Special Rapporteur for the International Law Commission. In his preliminary report, Mr. Mikulka interweaves the principles enunciated in the *Nottebohm* case in reference to factors relevant in establishing the genuine and effective link. The Special Rapporteur in particular notes the following statement of the Court:

“International arbitrators have decided in the same way numerous cases of dual nationality, where the question arose with regard to the exercise of protection. They have given their preference to the real and effective nationality, that which accorded with the facts, that based on stronger factual ties between the person concerned and one of the States whose nationality is involved. ...

³ 989 UNTS 175; text in UNHCR, “Collection of International Instruments Concerning Refugee” (Geneva: UNHCR, 1988), p. 82.

⁴ Brownlie, I., “Principles of Public International Law”, (4th ed., 1990), pp. 664-5.

[T]he habitual residence of the individual concerned is an important factor, but there are other factors such as the centre of his interests, his family ties, his participation in public life, attachment shown by him for a given country and inculcated in his children, etc.”⁵

The procedure used in determining the more “effective nationality” in cases of dual nationality can usefully be extrapolated for determination of the genuine and effective link in granting nationality following State dissolution. There are connecting factors which may indicate an individual has a closer connection to one particular State than to any other State. Inability to acquire nationality in *that* State will constitute significant hardship for that individual and for his or her family. Further, basing the grant of nationality upon the registration system of a dissolved State, which was of no consequence even within that State, does not seem sufficient ground for choosing the nationality register over the genuine and real ties an individual has established. Human rights principles may also be contravened if the *de facto* statelessness thereby created, is created in relation to minorities only on the State’s territory. Thus, while avoidance of *de jure* statelessness may comply with international legal principles in the narrow sense of the law, the creation of *de facto* statelessness does not address the underlying intent or purpose of the law that all persons should have an effective nationality, one which carries with it the usual attributes of nationality and is reflective of real, genuine, and effective links in daily life.

In UNHCR’s view, therefore, permanent residents on a successor States territory at the point of the dissolution of the former SFRY might more understandably have been included in the initial body of citizens of that successor State. If, however, the successor States were unable to agree on this approach and were concerned that the use of different approaches might result in *de jure* statelessness, a right of option might have been employed to extend to those who had been granted nationality in a State in which they did not live the right to choose, rather, to have nationality in the State in which they did live. In this way, both *de jure* and *de facto* statelessness would have been avoided.

Such is the balanced approach to nationality in the context of State succession proposed in the Council of Europe’s draft European Convention on Nationality. Chapter VI of the draft requires States to weigh in the balance several factors, including the genuine and effective link, habitual residence, the will of the person concerned, and the territorial origin of the person concerned. In so doing, each State is to respect the principles of the rule of law, the rules concerning human rights, the right to a nationality, and the avoidance of statelessness. Within such a framework, the determination of nationality is more likely to accord with the ties already established, leading to greater stability for both the individual and the State.

⁵ ICJ “Reports”, 1995, p. 22 as quoted in Mikulka, V., Special Rapporteur, “First Report on State Succession and its Impact on the Nationality of Natural and Legal Persons”, International Law Commission 47th session: UN doc. A/CN.4/467, 17 April 1995, p. 31.

The negotiation of a general Succession Treaty remains inconclusive as a result of the continuing dispute among the five States on the nature, whether partial or universal, of the succession to the former SFRY. The Federal Republic of Yugoslavia claims it is the sole successor of the international legal personality of the SFRY and that the other States have illegally seceded from the SFRY through unconstitutional and violent acts. This position has not only been disputed by the four other former Republics but also by other States through the United Nations Security Council⁶ and the Arbitration Commission (Badinter Commission) of the International Conference on Former Yugoslavia.⁷ Both have declared the five successor States to be equal.

Efforts to reach an agreement on a succession treaty have been made within the International Conference on Former Yugoslavia and are now pursued in the Peace Implementation Council framework. A first draft text was submitted in 1994 in the ICFY context to the five States, containing particular provisions on citizenship referring to the principle of the legal continuity of the Republican citizenship. Statelessness was forbidden and dual citizenship promoted. These provisions were, however abandoned, the latest version of the text referring only to citizenship in general while recalling the principle of legal continuity of republican citizenship and the necessity to avoid statelessness. In view of the slow process of the negotiation of a succession treaty and its probable inadequacy to solve citizenship difficulties faced by former SFRY citizens due to the disintegration of the SFRY, other channels such as the Council of Europe/UNHCR informal process should be reinforced to assist the five successor states in finding positive solutions so that all former SFRY citizens might obtain an effective citizenship.

⁶ UN Security Council Resolution 777, S/RES/777(1992), 19 September 1992.

⁷ Arbitration Commission Opinion No. 10, 4 July 1992, 31 I.L.M. 1525 (1992).

SURVEY OF NATIONALITY LAWS AND PRACTICE

INTRODUCTION

Prior to analysing the citizenship laws of the newly emerged States, it is essential to describe the former citizenship regime in the Socialist Federal Republic of Yugoslavia which had direct consequences on the transitional provisions of all citizenship legislation adopted by the five successor States. During the last century, several territories of the former Yugoslavia were affected by the disintegration of States. These are:

- 1) disintegration of the Austro-Hungarian Empire in 1918;
- 2) the creation of the State of Slovenes, Croats and Serbs (1918) followed by the creation, the same year, of the Monarchy of Serbs, Croats and Slovenes (named Monarchy of Yugoslavia from 1929 to 1941); and, finally, the creation of the Federal People's Republic of Yugoslavia (later becoming the Socialist Federal Republic Yugoslavia) in 1945.

Since 1945, three laws on citizenship regulated the country until the disintegration of the SFRY. All of them provided for double citizenship, both federal and republican.⁸ The 1974 SFRY Constitution provided that every SFRY citizen possess simultaneously a republican and a federal citizenship.

Article 249 reads as follows:

“Yugoslav citizens shall have a single citizenship of the Socialist Federal Republic of Yugoslavia. Every citizen of a republic shall simultaneously be a citizen of the Socialist Federal Republic of Yugoslavia. Citizens of a republic shall on the territory of another republic have the same rights and duties as the citizens of that republic”.

⁸ Law on Citizenship of the Democratic Federal Yugoslavia, 23 August 1945.
Law on Yugoslav Citizenship, 23 September 1964 (enter in force 1 January 1965).
Law on Citizenship of SFRY, 31 December 1976 (enter in force on 8 January 1977).

Republican nationality was of no significance at the international level. Whatever the internal designation was, all citizens of the SFRY were, in respect of international law, in relations between States, and by the individuals themselves, considered to have a common nationality, that of the Socialist Federal Republic of Yugoslavia. Indeed the republican nationality was not explicitly recorded in the passport of the SFRY citizen and the Republican authorities were not competent to issue republican passports. The 1976 Citizenship Act regulated the conditions for acquisition and termination of Yugoslav citizenship but left the competence to republican organs to implement the legislation (registration, acceptance, naturalization, and release from Yugoslav citizenship). All six Republics (including Montenegro) had enacted citizenship laws which were similar to the general provisions of the Federal citizenship law but varied slightly from each other, some being more detailed than others.⁹

The above would tend to prove that after the 1971 constitutional amendments, the republican citizenship was strengthened in comparison to the federal citizenship. This is confirmed by the introductory message of the FRY Law on Citizenship which states: “The requirements for acquisition and termination of federal citizenship had been regulated up to now by the Citizenship Act of the SFRY. According to this Act, the Federation regulated **only** the issues related to acquisition and termination of citizenship, whereas the republican ministries i.e. former republican departments of internal affairs decided on it.” In the new 1996 FRY Law, on the other hand, the State has decided to give less autonomy to the republican authority. Therefore, the federal authority (FRY), and not the republican authority (Serbia and Montenegro), in charge of internal affairs will **decide** on the acquisition and termination of Yugoslav citizenship keeping respective records.

Even though it is important to note that the decision-making was done in the previous system through the republican organs, one should emphasize that all SFRY citizens irrespective of their republican nationality had the same rights on the whole territory of the former Yugoslavia. The legal effects of the republican citizenship were insignificant throughout the 45 year-long existence because republican citizenship was neither a legal prerequisite for acquisition and use of any rights, nor a prerequisite for execution of any obligations, either within SFRY or in relations with other States.¹⁰

⁹ Citizenship Act of the Socialist republic of Montenegro, adopted on 27 May 1975.

Citizenship Act of the Socialist republic of Serbia adopted on 15 October 1979, significantly amended on 31 March 1983.

Citizenship Act of the Socialist republic of Croatia, adopted in 1977.

Citizenship Act of the Socialist republic of Macedonia, adopted in 1977.

Citizenship Act of the Socialist Republic of Slovenia, adopted on 29 September 1976.

Citizenship Act of the Socialist Republic of Bosnia and Herzegovina, adopted on 7 April 1977.

¹⁰ See for example National report on Croatia, p. 84.

According to the citizenship laws of the former socialist republics of Yugoslavia, SFRY citizens could freely choose the citizenship of any republic with which they had a link (residency, employment, origin), irrespectively of the republican citizenship they acquired at birth. The same usually applied for nationality at birth (even though Citizenship Acts here vary from one republic to another), as the child would automatically be given the republican nationality of the place of birth if both parents were of the same nationality, and would also be given the nationality of the place of birth if parents of different republican nationalities did not agree on republican citizenship.

Due to the practical non-relevance of the republican citizenship, citizens often did not change their republican citizenship despite residing for years in a different republic. They often did not even register their change of residence. This situation is the main source of concern in evaluating the risk of *de facto* statelessness today. The study will analyze in detail the consequences of the strict and in some cases the quasi-exclusive application of the criteria of legal continuity of the republican citizenship in automatic acquisition of the citizenship of the country in which persons resided for years and, in some cases, since birth, continues to be the ordinary and demanding procedure of naturalization.

Common trends can be observed in the way Successor States regulated citizenship after the disintegration of the SFRY. The **principle of the legal continuity of the citizenship of the former Republic** is used by all five successor States: i.e. all former citizens of the SFRY possessing the citizenship of the former Republic are automatically considered to be nationals of the newly independent State (*ex lege*).

Apart from the above-mentioned principle, all the newly enacted citizenship laws kept the following legal principles which had been part of the SFRY citizenship legislation:

- the principle of the exclusiveness of citizenship;
- the principle of *ius sanguinis* as the primary and original way of acquiring citizenship;
- the principle of the equality of men and women, i.e., independent citizenship of married women;
- the principle of the equality of legitimate and illegitimate children;
- the principle that foundlings acquire the citizenship of the State in which they are found.

The situation in each of the five successor States will now be studied below, with emphasis on the consequences of the disintegration of the SFRY for the nationality of former SFRY citizens living either in the territory of former Yugoslavia, or living outside of the territory but originating from former Yugoslavia. The analysis will therefore concentrate on the transitional and specific measures adopted by the individual States to deal with former inhabitants of their territory. The ordinary

conditions of acquisition (birth, naturalization, marriage, restoration) and loss of citizenship will also be described. A table is annexed to enable a quick overview of the main provisions of each law in the five countries. The countries are listed in the order of the enactment of citizenship laws following the progressive emergence of the new states.

1. REPUBLIC OF SLOVENIA

The Republic of Slovenia declared its independence on 25 June 1991. The Slovene Citizenship Act (Official gazette of the RS, Nos 1/91, 30/91-I, 38/92, 13/94 and 47/94), came into force the same day, and has been amended four times. The Slovene Constitution was adopted on 23 December 1991. Unlike other former republics of SFRY, the population of Slovenia is rather homogeneous consisting of around 2,000,000 inhabitants as of 1995. According to the 1991 census, among the 1,965,986 residents, 238,968 or 12.2% were of non-Slovene origin (not including seasonal workers, refugees and clandestine). The breakdown was 2.8% Croats; 2.4% Serbs; 3.2% other southern Slavs (Slavic Muslims, Macedonians, Montenegrins); 3.8% other ethnic groups (Albanians, Roma, Hungarians, Italians...).¹¹

1.1 The definition of the initial body of citizens

The Slovene Citizenship Act is based on the principle of the legal continuity of the republican citizenship: all persons who held republican citizenship of the former Yugoslav Republic of Slovenia were deemed to be citizens of the newly established Republic of Slovenia (Article 39 of the Slovene citizenship Act).¹²

Pursuant to Article 40 of the Slovene Citizenship Act, all citizens of other SFRY Republics who had permanent residence in Slovenia on the day of the plebiscite commencing the independence of Slovenia, and who actually lived in the Republic of Slovenia, obtained citizenship if they applied for it within six months from the day the Citizenship Act came into force. The option was not conditioned upon the renunciation

¹¹ Ethnic Minorities in Slovenia, Institute for Ethnic Studies (Government of Slovenia) October 1994. See also Geographical Dimensions of Slovene Emigration around the World, *Geo Journal* 30.3 225-229, July 1993 Kluwer Academic Pub.

¹² "The amendment of the law widens the circle of these persons to persons, who had on the day of the plebiscite their registered permanent residence in Slovenia or have since then lived here in uninterrupted period, if they were themselves or through their parents residing in one of the former Slovene municipalities, but have until 20 December 1950 acquired nationality of some other republic of FPRY (Federal People Republic of Yugoslavia) against their will. This applies mostly to elderly persons, who moved out of Slovenia before or during world War II, and were after establishment of registers of nationals entered against their will in registers of nationals of other Yugoslav republics." Report on Slovene citizenship, p. 44.

of the former republican nationality and did not require a permanent long stay in the republic of Slovenia. 170,937 persons benefited from this provision out of a total number of 174,101 applications (1 August 1995). They were previous citizens of Bosnia and Herzegovina (48 %), Croatia (32.1 %), and Serbia (13.4 %), including the province of Kosovo.

One exception was later added through interpretation of the law. The Supreme Court stated in 1992: “An active military person who left Slovenia with its unit for the territory of Bosnia and Herzegovina, although he returned to Slovenia after a certain period, is not deemed to have stayed permanently in Slovenia. The plaintiff as an active member of the Yugoslav Army was employed in an organization of a foreign army in a foreign country. It was on command of that army to decide where the plaintiff would live, and that was not in Slovenia. A stay in such circumstances cannot be deemed as a stay in Slovenia”.¹³

The Slovene Citizenship Act was amended on 14 December 1991 by adding two paragraphs intending to restrict the application of Article 40. The general provision of Article 40 could not apply if a person after 26 June 1991 committed a criminal act against the Republic of Slovenia (Article 40 paragraph 2) or an act against law and order, security, or defense of the State. Nevertheless paragraph 2 of the amendment could not be enforced at the time, the element of the criminal act missing as no new criminal code had yet been enacted.

Procedure

The Ministry of the Interior is the administrative authority competent in matters relating to acquisition and cessation of citizenship. The local administrative authorities receive applications, provide clarifications on evidence required, check information provided. The Constitutional Court cancelled an initial provision of the Citizenship Act mentioning that the administrative organ did not need to motivate its citizenship rejections. The provision which was cancelled had been contradictory to Article 25 of the Slovene Constitution, which provides for the right to a legal remedy.

A review of the administrative case law shows that numerous decisions of the Ministry of the interior have been reversed by the Supreme Court for gross violation of procedure or insufficient establishment of the facts.¹⁴

¹³ Decision of the Supreme Court No. U 256/92-5.

¹⁴ For more details see report on Slovene citizenship, pp. 48-52.

1.2 Ordinary and extraordinary naturalization

Ordinary naturalization

The conditions for naturalization are set forth in Articles 10, 12 and 13 of the Law. Applicants for ordinary naturalization must fulfill the following conditions:

- be 18 years of age;
- in possession of a certificate in evidence of the withdrawal of his/her present nationality or of proof he/she will be released upon acquisition of Slovene citizenship;
- lived effectively in Slovenia for a total of 10 years, and for 5 continuous years before filing the request;
- pass an examination in the Slovene language;
- not convicted to a sentence exceeding one year imprisonment in the State of origin, or in the Republic of Slovenia;
- not under order of a prohibition of stay in Slovenia;
- grant of nationality would not present a threat for public order, national security, or national defense;
- has paid tax obligations.

Marriage

A simplified naturalization procedure has been established for a person married to a Slovene citizen provided the marriage has lasted for at least two years and the couple have lived continuously for one year in Slovenia. Contrary to the facilitated acquisition of Slovene citizenship by Slovene descendants, the married person has to renounce to his/her previous citizenship or ask exceptionally to be authorized to keep it. The decision is made by the Government.

Extraordinary naturalization

Naturalization under more favourable conditions is possible for Slovene emigrants and first-generation descendants if he/she lives one year without interruption in Slovenia. Furthermore, there is a possibility for extraordinary naturalization for certain individuals having particular merits and to whom the Government would like to grant citizenship. These provisions have been used to grant citizenship to former SFRY citizens married to Slovene citizens living abroad.

1.3 Conclusions and recommendations

The Republic of Slovenia is to be commended for having offered, through the transitional provisions of its citizenship law, a clear and simple option for those SFRY citizens residing on its territory to gain Slovene citizenship provided the latter applied

for it in 1991. The influence of the Constitutional Court and the Supreme Court in the field of citizenship should be highlighted as both Courts took decisions which influenced positively the implementation of the Slovene Citizenship Law.

Even though Slovenia offered this option, several thousands of former SFRY citizens who had residence in Slovenia at the time of independence have not been able to obtain Slovene citizenship. Some of them are encountering serious difficulties settling in Slovenia as foreigners. A significant number who were eligible did not apply within the six months time period for applications after June 1991. Many of these former SFRY citizens suddenly found themselves as “foreigners sur place” uncovered by the Law on Foreigners. This category of the population often did not meet the prerequisites to be given the status of foreigner with permanent residence in Slovenia because they did not, for example, possess a valid travel document issued by their State. This is particularly the case for former SFRY citizens who had Serbian or Montenegrin republican citizenship who, due to the non-recognition of both States and in the absence of a FRY embassy in Ljubljana, could not obtain valid foreign documents. They could not, therefore, be admitted as foreigners with permanent residence in Slovenia.

UNHCR would welcome, *inter alia*, as proposed by the Slovene Ombudsman, that the specific situation of former SFRY citizens who were residents in Slovenia on the day of independence be dealt with specifically through detailed provisions of the Law on Foreigners to enable this group of persons to enjoy all the rights linked to the status of legal residency. Further, flexibility should be shown in the application of the criteria to obtain such residence permits, taking into account the specific and historical links between this population and the Republic of Slovenia.

As pointed out by a referendum initiative asking for the withdrawal of Slovene citizenship from those who obtained it through Article 40 and who are dual nationals, judged unconstitutional by the Slovene Constitutional Court on 20 November 1995,¹⁵ the situation of dual citizens continues to raise a debate in Slovenia. In order to secure the situation of dual citizens in Slovenia, UNHCR welcomes and supports the negotiation of bilateral agreements with all Successor States. Such bilateral agreements should take into account the administration of dual citizenship, requesting individuals eventually to opt for one citizenship, while offering them the right to remain and to receive appropriate treatment as long-term habitual residents.

¹⁵ U-I-266/95-8, 20 November 1995.

2. REPUBLIC OF CROATIA

Following the 19 May 1991 referendum in which Croatian citizens opted for “the Republic of Croatia as a sovereign and independent state that guarantees the Serbs and members of other nationalities in Croatia cultural autonomy and all rights of a citizen...”, the Croatian Parliament enacted on 25 June 1991 two basic constitutional acts on the Sovereignty and Independence of the Republic of Croatia and on the Establishment of the Sovereign and Independent Republic of Croatia. The same day the Croatian Parliament enacted the Charter of the Rights of Serbs and Other Nationalities in the Republic of Croatia.¹⁶ The Constitutional Decision and the 19 May Declaration did not enter into force immediately. The Republic of Croatia postponed the implementation of these laws for three months, so as to follow the Brijuni Declaration of 7 July 1991. The Constitutional Decision entered into force on 8 October 1991, the same day the Parliament of the Republic of Croatia enacted the Law on Citizenship.

According to the 1991 census, Croatia had 4, 784, 265 inhabitants; out of that total number, there were 77.9% Croates, 12.2% Serbs and 2.2% who considered themselves Yugoslavs. All other nationalities did not exceed 1% respectively, i.e. Slovenes, Hungarians, Italians, etc.

2.1 Initial body of citizens

In the Preamble of the Croatian Constitution the Republic of Croatia is defined as the national state of the Croatian nation and a state of members of other nations and minorities who are citizens: Serbs, Muslims, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews and others.

The Law on Croatian Citizenship (No. 53. 8 October 1991, the law on amendments was published under No. 28, 18 May, 1992 and became effective on 26 May 1992) determines two basic rules to define the initial body of citizens of the Republic of Croatia. The first rule is the application of the principle of legal continuity of the republican citizenship: all former SFRY citizens who had the republican citizenship of the Socialist Republic of Croatia on the day of October 8, 1991, regardless of where these persons actually had domicile, automatically became citizens of the Republic of Croatia (Article 30.1).¹⁷

¹⁶ Among other provisions, the Charter points out the following: “1. A just solution of issues concerning Serbs and other nationalities in the Republic of Croatia is one of the essential factors of democracy, stability, peace and economic prosperity, and of cooperation with other democratic countries.(...)”

¹⁷ A Croatian citizen is deemed to be a person who has acquired this status according to the Laws valid until the taking effect of this Law. Article 30 paragraph 1.

The second basic rule of the Croatian Citizenship Act provides that any member of the Croatian People (ethnic Croats) will be considered to be a Croatian citizen. This applies to those who, on the day of October 8, 1991 did not have the republican citizenship of the Socialist Republic of Croatia but had a registered domicile in the Republic of Croatia, and who had submitted a written statement to the municipal police station of residence (or HQ police) that he or she considered himself or herself a Croatian citizen (Article 30.2).¹⁸ No automatic or facilitated grant of Croatian citizenship is provided for other ex-SFRY citizens who were permanent residents in Croatia. This preferential community treatment (member of the Croatian people over other SFRY citizens having residence in Croatia and another republican nationality) provoked political debate and a proposal for amendments of Article 30 of the Law on Citizenship.¹⁹ A constitutional court case on the constitutionality of Article 30-2 of the Law on Citizenship and of the Law itself was also raised, both to no avail.

Consequently the only way for these individuals to acquire Croatian citizenship is through ordinary, or facilitated, naturalization (Articles 8, 9, 10, 11, 12).

As the principle of the legal continuity of Croatian republican nationality is the exclusive criteria for automatically obtaining the new Croatian citizenship, outside of “membership” in the Croatian peoples having residence in Croatia, it is necessary to analyze how Croatian republican citizenship was acquired prior to 1991, in particular since 1945 with regard to the People’s Socialist Republic of Croatia.²⁰ It is also important to point out the way in which people were registered as citizens of Croatia.²¹ Three Citizenship Laws have been enacted during this period, in 1950, 1965, and 1977 respectively.

The first Law on Citizenship of the People’s Republic of Croatia of 1950 recognized the principle of *ius sanguinis* as the basic principle to acquire Croatian republican nationality. If the parents had a different republican nationality, he/she would acquire Croatian republican citizenship if both parents agreed to this. If no agreement was reached, the child would automatically acquire Croatian citizenship if both parents had their mutual residence in Croatia. If the parents did not have mutual residence in Croatia, the child would acquire Croatian citizenship if the child’s father had Croatian citizenship.

¹⁸ A member of the Croatian people who, by the date on which this Law takes effect, is not a Croatian citizen, and on the said date has registered place of residence in the Republic of Croatia, shall be deemed to be a Croatian citizen if he or she issues a written statement that he or she considers himself or herself a Croatian citizen. Article 30 paragraph 2 as amended by the Law on Amendments to the Law on Croatian Citizenship, May 8, 1992.

¹⁹ Legislative proposal for Amendments to Article 30 of the Croatian Citizenship Law. See Croatian National report pp. 94-95 for the justifications of the rejection given by the Government of the Republic of Croatia.

²⁰ For an in-depth analysis, see Croatian national report pp. 69-83.

²¹ The issue of citizenship registration will be analyzed in a specific chapter dealing with the practice of all Republics in paragraph 6.

The 1965 Law on citizenship of the Socialist Republic of Croatia provided that a child automatically acquired Croatian citizenship only if both parents had Croatian citizenship and that he/she was born in Croatia. In all other cases the parents had to agree on the citizenship of the child. Apart from this automatic attribution, the law provided for the principle of the self determination of republican citizenship: any SFRY citizen could opt for the Croatian citizenship even though he did not have residence in Croatia, was not born in Croatia, was not Croatian by origin.

The 1977 Law on Citizenship of the Socialist Republic of Croatia retains again the criteria of *ius sanguinis* as the automatic criteria to obtain Croatian citizenship. A child would automatically become a Croatian citizen if both parents were Croatian citizens. If only one parent was a Croatian citizen, the child acquired Croatian citizenship only if the parents agreed. If the parents did not agree or did not issue a statement on the matter in the two months following the child's birth, the child automatically acquired Croatian citizenship if the parents had residence in the Socialist Republic of Croatia at the time of birth. If the parents had no mutual residence in Croatia at the time of the child's birth, he/she would become a Croatian citizen only if registered in the register of births in the Socialist Republic of Croatia.

This brief overview of the mechanisms of acquisition of Croatian republican citizenship from 1945 to 1991 shows that for persons born during the period 1965-1977, automatic acquisition of the Croatian republican citizenship was not the rule when one of the parents had Croatian citizenship, even if the child was born in Croatia. The above means of acquiring republican nationality must, however, be read in conjunction with the fact that the republican nationality did not have any relevance in enjoying particular rights or performing specific obligations. The only adaptation of this rule in the new State, has been that of allowing SFRY citizens belonging to the Croatian people who were permanent residents in Croatia on 8 October 1991 but did not possess Croatian republican citizenship, to acquire the Croatian citizenship by declaration, stating they are Croatian (Article 30.2 of the 1991 Citizenship Law). If the Law had not provided this possibility, numerous SFRY citizens of Croatian origin having permanent residence in Croatia would not have obtained the Croatian citizenship and would have had to apply through the naturalization procedure. Indeed, between 8 October, 1991 and 30 June, 1995, the Ministry of Internal Affairs solved positively 394,910 requests under Article 30 paragraph 2. A total of 412,137 requests were submitted to the Ministry of Internal Affairs between 8 October 1991 and 31 December 1995 under Article 30 paragraph 2. These figures should be compared with the total of 557,379 requests submitted pursuant to Article 30(1) between 8 October 1991 and 31 December 1995 (no official data has been given by the Croatian authorities on the number of refused petitions on the total number 557,379 requests apart from the fact that 42 more requests are pending). According to figures given by the Ministry of Internal Affairs, a total of 969,553 requests have been processed through Article 30, paragraphs 1 and 2.

Indeed, the Constitutional Court determined in its decision of 24 May, 1993 that the provision under Article 30 paragraph 2 was in accordance with the Constitution of the Republic of Croatia and that “It cannot be derived from the constitutional provisions reading that the Republic of Croatia is a democratic State, that national equality is one of the highest values of the constitutional system of the Republic of Croatia, that all persons are equal before the law, and that members of all nations and minorities are equal in Croatia, that aliens who are members of the Croatian nation and aliens who are members of different nations and minorities are to be treated in the same way regarding acquisition of Croatian citizenship”.²²

Following a petition from the Social Democratic Union and other proposers arguing that the entire Article 30 was unconstitutional as non-Croatian inhabitants were brought into a discriminatory position, the Constitutional Court rejected the evaluation of the constitutionality of the Law on Citizenship for the following reason: “According to the standpoint of international law, the determining factor, to point out once again, is that no one is to remain without citizenship. None of the proposers claims that any of the provisions of the Croatian Law on Citizenship, or some other Croatian regulation, leaves a person without citizenship”. The Constitutional Court argues that “each citizen of the former SFRY has/had to have a republican citizenship of one of the former republics that composed the former SFRY. None of the provisions of the Law of the Republic of Croatia revokes (nor is it possible) the second (republican) citizenship. “No further legal contest of Article 30 of the Law on citizenship will be possible as the Constitutional Court of the Republic of Croatia is the final judicial authority”.²³

Procedure

All persons living in Croatia in 1991 have to have requested certificates of Croatian citizenship as it was a prerequisite to all rights a Croatian citizen could enjoy after October 8, 1991. The Registrars Office is the competent body to issue a certificate of Croatian citizenship as well as to keep the records on entries, changes, removals from the registers of citizenship, depending on the place of residence of a person. The Registrars Offices are bodies of the civil administration under the competence of the Ministry of Administration of the Republic of Croatia.

²² Narodne novine, No. 49, May 26, 1993 (under item 4), for longer extract see Croatian national report p. 96.

²³ Narodne novine, No. 49, May 26, 1993 (under items I and II/1), see Croatian National report pp. 97-98. It is also interesting to read another part of the Constitutional court decision which refers to the war situation inside of the territory of the republic of Croatia: “...it would be desirable if the SFRY state successors (also) regulated their relations in regard to (facilitated) prerequisites for acquisition of citizenship of those former citizens of former SFRY who happened to find themselves in another republic at the time of disintegration, and not in one whose (republican) citizenship they have, and who are dissatisfied with their citizenship status. However, it is not realistic to expect that the right of option will be introduced for acquisition of citizenship of citizens of other republics of former SFRY in the midst of the aggression and war that Serbia and Montenegro keep on waging against the Republic of Croatia, encouraging, at the same time, the rebellion and ethnic cleansing that the insurgent Serbs are carrying out in certain parts of Croatia...”.

The Registrars Office can issue a certificate of citizenship on the basis of the Register of Citizenship until the date of February 29, 1978 as decided by the Ministry of Internal Affairs in a decree regulating the procedure on the manner and way of keeping the register of Croatian citizenship.²⁴ The 29 February 1978 was chosen because it corresponds to a change of the rules for entry into the citizenship records of the Socialist Republic of Croatia. After this date persons were “registered in the citizenship records according to their place of domicile on the territory of the Socialist Republic of Croatia, although they are considered citizens of other socialist republics according to the provisions of the Law on Citizenship of the Socialist Republic of Croatia” (Article 24, paragraph 3 of the Citizenship Law of the Socialist Republic of Croatia).

The Registrars Office of the new State of Croatia had to deal with three different scenarios:

- 1) The Registrars Office issued certificates of Croatian citizenship, without conducting any inquiry, to those persons who were registered in the Croatian Citizenship registers prior to 29 February 1978. For those registered after that date and where the Croatian republican citizenship was indicated, the Registrar’s Office would issue certificates of Croatian citizenship.
- 2) The Registrars Office refused to issue certificates of citizenship to SFRY citizens who were registered in the Croatian citizenship registers when another republican citizenship was indicated in the section on republican citizenship. As they were considered aliens by the 1991 Citizenship Law, they were advised to submit a petition for acquisition of Croatian citizenship by naturalization.
- 3) The Registrars Office refused to issue certificates of citizenship to SFRY citizens registered on the citizenship registers who had no republican citizenship indicated in the section republican citizenship. These persons were directed to the police administration or to the police station of their place of residence to determine their Croatian citizenship through Article 30.2 of the Croatian Citizenship Law i.e. if they belonged to the “Croatian People”.

As no provision deals specifically with Article 30.1 the provision under 30.4 has been applied. It reads: “The police administration or police station shall carry out the process of determining the prerequisites under paragraph 2 of this Article. If they determine that all the prerequisites are met, they shall order an entry in the Register of Citizenship without issuing a written ruling. If they determine that all the prerequisites are not met, they shall deny the request by a ruling”.

²⁴ The Rules of Procedure on the Manner and Way of Keeping the Registers of Croatian Citizenship, Narodne novine, No. 54/91, 3/92.

UNHCR understands that the denial of the request did not contain all parts of the decision that General Administrative Law stipulates. Namely, it did not contain the so-called instruction on the legal remedy, pursuant to which a dissatisfied party has the right to appeal, or, in the absence of an appeal, to submit a complaint directly to the Administrative Court of the Republic of Croatia.

2.2 Ordinary and extraordinary naturalization

Ordinary naturalization

The conditions for naturalization are set forth in Articles of the Law. Applicants for ordinary naturalization must fulfill following conditions:

- be 18 years of age;
- withdrawal of former citizenship or proof that he/she will obtain it upon acquisition of Croatian citizenship;
- 5 years continuous residence;
- command of the Croatian language and Latin script;
- loyalty to the legal system, customs, and *acceptance* of the Croatian culture.

A person born in Croatia can apply for citizenship without satisfying the conditions mentioned above in points 1-2 and 4.

Marriage

A simplified naturalization procedure has been established for persons married to Croat citizens who are permanent residents of Croatia. They can apply for naturalization without fulfilling 1-2-3 and 4 a/m conditions.

More favourable provisions are applied to the wives of Croat emigrants who were granted Croatian citizenship, as they are not required to have permanent residence in Croatia.

Extraordinary naturalization

Croatian emigrants and their descendants can also obtain Croatian citizenship under more favourable conditions as they do not need to fulfill a/m 1-2-3 and 4. If there is a particular interest for Croatia, the Ministry of the Interior may grant Croatian citizenship upon application to a person who does not fulfill all prerequisites.

As mentioned above, SFRY citizens who were permanent residents in Croatia but did not possess the Croatian republican nationality, had no other choice than to apply for the acquisition of Croatian citizenship if they did not belong to the Croatian

people. When analyzing the statistics of the 710,226 received and solved requests for acquisition of Croatian citizenship according to national affiliation (October 8, 1991-October 1, 1995), one can see that SFRY citizens who did not have Croatian republican citizenship amount to around 180,000 persons representing approximately 25% of the total number of persons who submitted requests for naturalization. Most of these persons were citizens of the SFRY of non-Croatian nationality and had domicile on the territory of the former Socialist Republic of Croatia.²⁵

One other evolution of the procedure for acquisition of Croatian citizenship has to be mentioned here as it concerns essentially former SFRY citizens having residence in the Socialist Republic of Croatia. Apart from general prerequisites indicated in the Law such as legal age, capacity, revocation of foreign citizenship, stay on the territory over an uninterrupted 5-year period and a proficiency in the Croatian language and Latin script, the Ministry for Internal Affairs may refuse the alien's request if it deems that there are reasons in the interest of the Republic of Croatia to refuse. Another prerequisite to be met is the alien's civil loyalty to the Republic of Croatia which is to be evaluated by police administration of the alien's place of residence.

Article 26 of the Law enabled the Ministry of Internal Affairs to decide on the following matters on the basis of the administrative procedure for evaluating the alien's petition for Croatian citizenship:

- 1) to refuse a party's petition if not all prerequisites were met;
- 2) to refuse a party's petition even if all prerequisites were met, if he deemed that there were reasons of interest of the Republic of Croatia, for which the petition for acquisition of citizenship should be refused (paragraph 2);
- 3) the Minister was not under an obligation to state the reasons for refusing the petition (paragraph 3).

Following negative decisions issued by the Minister of Internal Affairs the constitutionality of Article 26 paragraph 2 and paragraph 3 were submitted to the Constitutional Court. The Court decided, regarding paragraph 2, that it was not unconstitutional with a ruling of the Constitutional Court of 23 May 1993.²⁶

On the other hand the Constitutional Court decided in December 1993 that the non motivation of the refusal of a petition for acquisition of citizenship by the Ministry for Internal Affairs as stated in Article 26 paragraph 3 of the Law on

²⁵ For more details, see Croatian national report, pp. 109-115. Note particularly the different rates between facilitated naturalization of Croat, naturalization of Serbs, naturalization of Albanians, naturalization of "Yugoslavs".

²⁶ Narodne novine, No. 49 of May, 26, 1993. See also Croatian national report, p. 62.

Citizenship was unconstitutional. Prior to this ruling the Ministry of the Interior refused approximately 25 000 petitions for admission to Croatian citizenship on a total of 468 205 solved requests. In all these cases, the Ministry of the Interior did not, in the rulings, state the reasons for which he refused the parties petitions. However only 1 000 out of the 25 000 rejected persons used the opportunity given by the Constitutional Court decision to renew their petition for Croatian citizenship, with many of those not having applied probably having left the country.

2.3 Conclusions and recommendations

The quasi-exclusive application of the criteria of continuity of republican citizenship as transitory provision to gain Croatian citizenship for former SFRY citizens living in Croatia has led most of the former SFRY citizens who did not possess former republican citizenship to become foreigners overnight. If not able to convince the police authorities that they belong to the Croatian People, they have to apply for Croatian citizenship through the ordinary naturalization procedure.

UNHCR regrets that in the context of state succession the effective link established by numerous former SFRY citizens living in the Croatian territory at the time of independence, notably through residency, was not taken into account in the transitory provisions of the Croatian Citizenship Act.

As the only way to obtain Croatian citizenship for those former SFRY citizens who did not gain it but who were residing there at the time of independence is to apply through ordinary naturalization, UNHCR would recommend to take into account their specific situation by softening or cancelling part of the requirements, particularly the conditions regarding adequate resources and the command of Croatian language and Latin script. The adequate resources requirement is particularly difficult to meet for persons who have often lost their employment because they are now foreigners. This particularly applies to posts in the administration. The command of Croatian language and Latin script should also be applied with understanding, particularly for elderly people belonging to national minorities.

If no general regularization of the citizenship of these persons is envisaged, UNHCR would recommend the Croatian authorities, on the basis of the Set of Principles elaborated by the Council of Europe and UNHCR, enable those former SFRY citizens to remain in the State as foreigners and enjoy, as far as possible, similar social and economic conditions as enjoyed by Croatian citizens. This recommendation could be implemented through a revision of the Law on Regulation of foreigners in Croatia.

The difficulties linked to proof of Croatian citizenship by former SFRY citizens originating from regions where registers would have been destroyed or have disappeared raises a serious concern when those persons are not in possession of

official papers proving their republican citizenship. In view of the unrest and devastation created by the war in these regions, UNHCR recommends that all those claiming to have had Croatian republican nationality originating from these regions should be given the possibility to prove their republican citizenship through extraordinary means, including the use of testimonies.

3. FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM)

The Former Yugoslav Republic of Macedonia came into existence following a referendum on independence in which 95 % of FYROM inhabitants voted in favour of independence. On 17 September 1991, the Parliament of the FYROM proclaimed its sovereignty. Two months later, on 17 November 1991, the Constitution, as well as the Constitutional Law on Implementation of the Constitution of the Republic of Macedonia were adopted. The Citizenship Act was adopted approximately one year later on 27 October 1992.

On 21 June 1994, a census was organized under the aegis of the Council of Europe and the European Union with the following results: 60.5 % Macedonians; 22.9 % Albanians; 4 % Turks; 2.3 % Rom; 2 % Serbs; and 0.4 % Valachs.²⁷ Inter-ethnic or inter-community concerns, mainly Macedonian/Albanian, constituted the main reason for conducting the census. Both communities, and the international community, proceeded to assess the demographic and community composition of the newly established State and the strength of the respective communities in light of the demands for autonomy and self-determination put forward by different ethnic Albanian parties. These parties were based primarily on the claim that ethnic Albanians accounted, at the time, for more than 40 % of the total population.

3.1 The definition of the initial body of citizens

Article 4 of the Constitution provides that “The citizens of the Republic of Macedonia have citizenship of the Republic of Macedonia.” Apart from this tautological Article, the Law on Citizenship of the FYROM, which entered into force on 12 November 1992, is based on the principle of the legal continuity of the republican citizenship of the Socialist Republic of Macedonia. Article 26 paragraph 1 of the Law provides that “a person who in accordance with the present regulations has held citizenship of the Republic of Macedonia shall be considered a citizen of the Republic of Macedonia...” upon verification of Macedonian citizenship.

²⁷ Report on the organization and first results of the 1994 Census in “The Former Yugoslav Republic of Macedonia”, Council of Europe – European Union, Strasbourg, 7 December 1994 (pop/mac/94/finrep).

Apart from this standard rule for the automatic acquisition of FYROM citizenship, and contrary to the citizenship legislation of the other successor states with the exception of Croatia, the FYROM Law on Citizenship is particularly strict in the possibility for permanent residents of other former SFRY republics to receive citizenship. Article 26 paragraph 3 provides that “the nationals of the other republics and the nationals of former SFRY with registered residence in territory of the Republic of Macedonia may acquire citizenship of the Republic of Macedonia by lodging a request within one year from the date this Act takes effect (*i.e. until 12 November 1993*), in case they have permanent source of funds, they are adults and before the filing of the request legally resided on the territory of the Republic of Macedonia at least 15 years”. (Italics added).

The 15 years requirement corresponds also to the 1977 change in the way nationals were registered in the Citizenship registers in some republics, the criteria of domicile being the most important element of consideration. One could point out here that practically all ethnic Macedonians residing in Macedonia possessed republican citizenship as well as most ethnic Albanians who were living in Macedonia for at least two generations. However, a great number of ethnic Albanians and Muslims from Sandzak who emigrated to Macedonia from 1955 to the late 1980s did not hold Macedonian republican citizenship. Most of them, despite having lived a considerable number of years in Macedonia, will not, therefore, be granted FYROM citizenship automatically and will have to apply for it either through the transitional provisions of the Citizenship Law or through the procedure of ordinary naturalization. As previously described, republican citizenship of the republic of residence was not necessary for enjoyment of all rights in all parts of Yugoslavia. One should add in the case of Macedonia, that ethnic Albanians and Muslims from Sandzak for cultural reasons, and as a result of the usually low social and educational profile of these internal “migrants”, rarely changed their republican citizenship or even registered their residence with the police authorities. Doing so would have meant formalized contractual obligations regarding rental of accommodation, purchase of real estate, or employment. Rather, they participated in a parallel underground informal economy which is still very much alive in the country. This also increases the difficulty in proving that the applicant has the necessary permanent source of funds.

More important, at this stage, is to review the conditions, defined by Article 26 paragraph 3 of the law, for former SFRY citizens who possessed another republican nationality and were permanently residing in Macedonia when it gained independence. One should note that the conditions for acquiring FYROM citizenship under the transitional provisions are quasi-identical to the provisions for acquiring citizenship through the ordinary naturalization procedure (Article 7). They are even less facilitated than the special conditions for acquisition of Macedonian citizenship for Macedonian immigrants and first-generation (Article 8), as well as for the special grant of Macedonian origin (Article 11). One adaptation of the three conditions enumerated by Article 26 which is more favourable is that, contrary to Article 7, Article 26 does not require a continuous 15-year residence in Macedonia but rather a

cumulative 15-year residence. Another difference to be mentioned is that the administrative fees to file a petition for acquisition of FYROM citizenship cost the equivalent of 50 US Dollars to be compared with the 500 US Dollars administrative fees (equivalent of average two month salary in FYROM) to file a petition for acquisition of FYROM citizenship through the naturalization procedure. In 1996, the naturalization fees were decreased to 250 US Dollars.

The three conditions set forth by Article 26.3 of the Law upon application filed within one year of the Law's entry into force were:

- 1) permanent source of funds;
- 2) of legal age (18 years old);
- 3) legally resided in Macedonia for at least fifteen years prior to the application.

- 1) The first condition is particularly severe in the context of state succession and should be read in the context of an economic crisis which has as consequence the closure of many industrial plants, as well as the implementation of a structural adjustment programme which provoked an unemployment rate of 50 % of the labour force.

It is also questionable to demand of former SFRY citizens, who enjoyed public employment in the Socialist Republic of Macedonia and were not holding Macedonian Republican citizenship, evidence of permanent sources of income when they have lost their position because FYROM citizenship became a prerequisite to hold public employment.

According to the Instruction on the way to carry out the procedure regulating the citizenship issue in the Republic of Macedonia (26 July 1995), a list of relevant evidence has to be considered by the competent Ministry of Internal Affairs bodies.²⁸ The type of documentary evidence requested not only penalizes jobless persons, but also persons who are engaged in professional activities in the informal sector. This applies mainly to ethnic Albanians and Roma.

²⁸ Working certificate (socially owned or State firms), a tax receipt (when employed in a private firm, or farming, handicraft and transport activities), a pension cheque (including foreign pensions), a copy of decision for unemployment due to a bankruptcy (usually persons who lost their employment receive a financial compensation for a period of two years; even though the source of income is temporary it has been accepted by competent authorities), a hard currency bank account, a working certificate issued by a foreign employer, a permanent working visa stamped in the passport, a written statement made by an adult that he/she takes care of (limited) other adults, verified by a court, a permanent social assistance certificate. As pointed out by the FYROM national report it is quite strange to use permanent social assistance certificates as a basis to acquire Macedonian citizenship as permanent social assistance should only be provided to FYROM citizens. See FYROM National report pp. 76-77.

- 2) The last requirement, to have “before filing the request legally resided on the territory of the Republic of Macedonia at least 15 years” is also a very rigorous requirement in the context of state succession. It should be compared with the maximum time limit of 10 years adopted for naturalization in the draft European Convention on Nationality and Military Obligations in the context of Multiple Nationality. Obviously the maximum time-limit should definitely be shorter than the delay for the naturalization procedure in view of the genuine link established through residence prior to succession.²⁹

According to the Directives on carrying out the procedure for regulation of citizenship of the Republic of Macedonia the legitimate sojourn in the Republic of Macedonia can be determined by checking the existing registers of identity cards as well as on the basis of other documents, namely bank accounts, working certificates, passports... copies of identity cards issued in Kosovo and Serbia as well as in other Republics were not considered by the authorities.³⁰ Most of the rejected law suits concern persons who had left the Republic of Macedonia and had lived for a while in another Yugoslav Republic and after some time had come back to Macedonia but had not informed the competent authorities. As stated above, this requirement affects particularly Albanian immigrants who often did not register their residence officially upon arrival in the Republic of Macedonia. Furthermore, it entirely excludes all Kosovo Albanians having fled Kosovo in the beginning of the eighties following the 1981 Kosovo unrest.

Despite the fact that in numerous occasions the competent FYROM authorities or the Supreme Court (by accepting new elements)³¹ have taken into account the specific situation of particular individuals,³² this attitude cannot compensate for the extremely demanding conditions provided by Article 26 paragraph 3 of the FYROM Citizenship Law and the degree of discretionary power left to the Ministry of Internal Affairs.

²⁹ It should nevertheless be mentioned that the initial draft submitted by the FYROM Government in April 1992 provided a 5-year residence requirement for acquisition of FYROM citizenship by naturalization and a 15-year residence requirement for transitional acquisition for SFRY citizens. The following extract of the interpretation of the proposed Act on Citizenship of the Republic of Macedonia clearly illustrates the debate that took place at the time and the reluctance to grant in a facilitated way the FYROM citizenship to SFRY citizens of other republics: “The possibility of changing the term from 15 to 30 years, mentioned in several discussions and proposals during the Parliamentary debate, would be a negation and re-examination of the current keeping of evidence about the citizens of the republic of Macedonia which has been kept in accordance with the law. On the other hand, the possible acceptance of the amendments (conditions) proposed by the deputy Todor Petrov in this part would be difficult to carry out and may cause many people who are living in the Republic not to be able to prove their citizenship, simply because there is no evidence for citizenship before April 6, 1941”.

³⁰ According to the Macedonian national report, it may be argued that the greatest deal of law suits lodged before the Supreme Court and complaints before the Government Appeals Commission were rejected as unfounded.

³¹ See page 119 of the FYROM national report.

³² The competent authorities claim to have considered welfare assistance as a permanent source of income as well as certified guarantee letters issued by adult persons about their ability to support their elderly parents, financial compensation given to workers who were dismissed, savings and evidence of agricultural production.

Two other particular points have to be mentioned regarding the possibility for permanent residents to acquire FYROM citizenship through Article 26. The first point concerns the retroactive character of Article 26 paragraph 2 which reads: “The procedures for acquisition or termination of citizenship of the Republic of Macedonia, that started before the enforcement of this act, shall be completed in accordance with the provisions of this Act” which should be read in parallel with Article 30 of the same law which reads: “The Act on citizenship of the Socialist Republic of Macedonia, and the Act on Citizenship of the SFRY shall cease to be valid on the territory of the Republic of Macedonia on the effective date of this Act”. As the FYROM Citizenship Act only entered into force on 11 November 1992, all applications for change of republican citizenship made until this date should have been admissible.³³

The second point of concern regards the one-year time limit to apply through Article 26, which does not seem to be sufficient in the context of the disintegration of SFRY particularly for former SFRY permanent residents living abroad, as no public campaign was organized abroad and the number of FYROM diplomatic missions is extremely scarce (and when existing did not always provide consistent and accurate information regarding the procedure to acquire FYROM citizenship). Nevertheless, after 12 November 1993, SFRY citizens resident in the FYROM had no other possibility than to apply for citizenship through the ordinary naturalization procedure either because they had not applied in time (one year period) or because they had not been found eligible through the transitional provisions of the Law (Article 26). Therefore the analysis of the naturalization procedure should not only be seen in the normal context of naturalization, but also as a way of solving (inadequately) the consequences of state succession.

3.2 Ordinary and extraordinary naturalization

Before analyzing the provisions of the law it is worth mentioning that the initial proposal submitted by the FYROM Government in April 1992 contained a 5-year residence condition which was subsequently changed to a 15-year requirement. A number of persons (2,515 adults) had applied for naturalization under Article 7 from the adoption of the Law until December 1995. In 1994 and 1995, 1,918 cases applied, which are mostly considered to be former SFRY citizens, even though exact figures have not been communicated by the FYROM authorities.

³³ The number of applications has not been communicated by the FYROM authorities.

Ordinary naturalization

The conditions for naturalization are set forth in the Law. Applications for ordinary naturalization must fulfill the following conditions:

- 18 years of age;
- legal and continuous residence for at least 15 years;
- psychologically and physically healthy;
- source of income and housing;
- no criminal proceeding in the State of origin or in Macedonia;
- pass exam in the Macedonian language;
- not a threat to the security or the defense of Macedonia;
- withdrawal of previous citizenship or proof that it will be withdrawn if he/she obtains Macedonian citizenship.

Marriage

A simplified naturalization procedure has been established for a person married to a Macedonian citizen, provided the marriage has lasted for at least three years and the person has lived continuously for one year in Macedonia. The spouse does not need to pass the Macedonian language test and can keep his/her former citizenship.

Extraordinary naturalization

Macedonian emigrants and their descendants can benefit from more favourable conditions to obtain citizenship as they are not asked to have had residence in Macedonia and can keep their former citizenship.

Favourable conditions are foreseen for persons who would present a scientific/scholar, economic, cultural, or national interest for the State especially if the person is of **Macedonian origin** and living abroad. Government opinion is necessary for this procedure.

3.3 Conclusions and recommendations

Even though the Former Yugoslav Republic of Macedonia has formally introduced in its Citizenship Act transitory provisions supposed to facilitate the acquisition of FYROM citizenship as earlier described, UNHCR regrets that the requirements are so strict in the context of state succession. In particular, the 15-year residence and the permanent source of income constitute a burden. UNHCR welcomes the statements made by the FYROM authorities regarding the important decrease in the number of persons who have not “regulated” their citizenship, the number of these persons decreasing from 400,000 in November 1995 to approximately 100,000 in October 1996.

Nevertheless, UNHCR would recommend on the basis of the Set of Principles of Council of Europe and UNHCR, that those persons who have not acquired FYROM citizenship would still have the possibility of having their case reviewed under specific regulations, particularly if they were rejected on the basis of lacking a permanent source of income or, if being abroad, they have not been informed adequately of the provisions of the transitory provisions of the Citizenship Law.

UNHCR understands that a possible revision of the Citizenship Act could be discussed in Parliament in 1997 and that a reduction of the residence requirement from 15 years to 10 years could be envisaged. UNHCR would welcome this evolution in line with the Council of Europe draft European Convention on Nationality and would recommend that former SFRY citizens having residence at the time of independence would not have to meet all requirements of the ordinary naturalization procedure, especially those relating to the permanent source of income. Meanwhile, UNHCR recommends that the latter group be entitled to remain in the country and enjoy, as far as possible, equivalent social and economic rights to those of FYROM citizens.

4. BOSNIA AND HERZEGOVINA

The situation of Bosnia and Herzegovina (BH) cannot be directly analogized to that of the other former SFRY Republics due to the prolonged war. The Republic of Bosnia and Herzegovina became an independent and internationally recognized State on 22 May 1992, the date of the admission to the United Nations. Bosnia and Herzegovina declared its independence on 3 March 1992 following the referendum on independence. The Presidency of Bosnia and Herzegovina enacted a Citizenship Act on 6 October 1992, later amended on 23 April 1993 and on 16 December 1993.

The Constitutional provisions of Bosnia and Herzegovina, as outlined in the Dayton Peace Agreement, provide for a citizenship of Bosnia and Herzegovina, regulated by BH, and for a citizenship of the two Entities, regulated by each Entity, the Federation Entity and the Republika Srpska Entity. The principle of the legal continuity of citizenship of the Socialist Republic of Bosnia and Herzegovina is affirmed in the Constitution. A reservation is introduced concerning those naturalized after 6 April 1992. The citizenship of this group is to be regulated by the Parliamentary Assembly, as elected under Annex 3 of the Dayton Peace Agreement.³⁴ The Constitution does not allow dual citizenship except where there is an international

³⁴ For an analysis of the citizenship provisions contained in the Dayton Agreement, see Batchelor, C.B., "Citizenship and Voting issues in Bosnia-Herzegovina following the Dayton Peace Agreement", Report for the International Foundation for Election Systems working in conjunction with the OSCE/ODIHR, February 1996.

agreement, interpreted by some to refer only to a voluntarily acquired citizenship. The Dayton Constitution states that citizens of BH overseas shall enjoy the diplomatic protection of BH. Finally, while Entities may issue passports, there shall be a central register.

4.1 Definition of the initial body of citizens

The Citizenship Act of 6 October 1992 was based on the principle of the legal continuity of the citizenship of the Socialist Republic of Bosnia and Herzegovina. Article 27 states: “A person that had citizenship of the Republic of Bosnia and Herzegovina in accordance with the previous regulations shall be considered citizen in the sense of this law”.

Article 29 of the Citizenship Act, as amended in April 1993, provided that all citizens of the former SFRY resident on the territory of the Republic as of 6 April 1992, were automatically citizens of Bosnia and Herzegovina. The original version of Article 29 had entitled citizens of the former SFRY holding another republican citizenship to acquire the citizenship of Bosnia and Herzegovina only if born in Bosnia and Herzegovina and permanently resident for five years or, if not born in Bosnia and Herzegovina, permanently resident for at least ten years prior to the dissolution of the SFRY. The original Article 29 further stipulated that these persons should, within six months following the cessation of war, pronounce their acceptance of citizenship in Bosnia and Herzegovina while providing documentation of the termination of any previously held citizenship.

There may be several reasons for the introduction of the April 1993 amendment widening the scope of the automatic acquisition of citizenship and eliminating the provisions on birth and/or length of residency. The first version of Article 29 was problematic in, for example, the need to declare acceptance of citizenship and renunciation of any other nationality within six months of the end of hostilities. In a postwar situation, such requirements may often be impossible to meet. A more driving motivation for the change was, however, a wish to ensure that all former SFRY nationals living in Bosnia and Herzegovina participated as citizens in fulfillment of military obligations during the war.

While the concept of granting citizenship to all former SFRY citizens resident on the territory of Bosnia and Herzegovina was positive in reflecting established links many persons had with this Republic, the *application* of Article 29 as amended had negative results for persons who had no substantial tie to Bosnia and Herzegovina and who had citizenship and all ties in another Republic. These persons were “obliged” to become citizens, and in some cases to meet military obligations, of Bosnia and Herzegovina despite ties and citizenship elsewhere. Such an application of the amended Article 29 could come into conflict with general principles concerning the grant of nationality in the context of state succession.

An additional problem to be resolved is the naturalization of persons following 6 April 1992. The problem for drafters of the current citizenship law of BH has been that of ascertaining which naturalizations following this date were based on a genuine and effective link with BH, and should therefore be upheld, and which were not, and might then be withdrawn. In any case, no citizenship granted following 6 April 1992 should be withdrawn if statelessness will result. Dayton provides for review of these naturalizations by the Parliamentary Assembly. There may, moreover, be a need for the establishment of a Commission composed of both State and Entity representatives to address, on a case-by-case basis, the question of whether the persons naturalized during this time and until the entry into force of the Dayton Peace Agreement met the conditions for naturalization in force when they were naturalized. The question of review by a Commission should be resolved within the context of the expert Working Group currently drafting the BH Law on Citizenship.

In December of 1992, the Republika Srpska adopted a Law on Citizenship. The Republika Srpska had not been recognized as a State and its recognition as an Entity under Dayton presupposed that all its laws be made subject to their consistency with Dayton. Thus, the 1992 Law on Citizenship of the Republika Srpska may be on precarious legal ground, particularly insofar as it conflicts with the Dayton Peace Agreement. The law is problematic in that both its language and its application have ethnic overtones which appear to contradict both the provisions and the principles of the Dayton Agreement. Also of concern will be the status of the Krajina refugees, who may have received citizenship by extraordinary decree in the Republika Srpska. Will such a grant of citizenship be recognized at the State level? The Law on Citizenship of Republika Srpska will be superseded by the Law on the Citizenship of BH and of the Entities when it comes into force. It would, therefore, be appropriate for the drafters of the future Law on Citizenship to consider the status of those categories of persons who will be affected, directly or by implication, by the provisions of the future law.

Finally, the question of the application of the law at the State and/or Entity level must be resolved in the future law. The Dayton Peace Agreement provides for a division of responsibility in this regard, but there appears to be discord on the interpretation of this point of Dayton. One possible means of resolving disagreements on future naturalizations and decisions on citizenship, would be to refer such disputes to a Constitutional Court for a final decision. Such a structure, ensuring procedural guarantees, would be in full compliance with the Dayton Agreement.

4.2 Ordinary and extraordinary naturalization in the 1992 BH Citizenship Law (to be modified by the new Law on Citizenship)

Ordinary naturalization

The conditions for naturalization are set forth in Articles 8 to 11 of the Law. Applicants for ordinary naturalization must fulfill the following conditions:

-
- 18 years of age;
 - released from foreign citizenship or submit proof that he/she will be released upon the acquisition of BH citizenship;
 - registered residence for at least ten years;
 - source of income enabling material and social security;
 - no sanction under a security measure by BH;
 - no sentence for criminal actions against society, humanity, international law, or against armed forces.

Even if the aforementioned conditions are fulfilled, the competent body will reject the application if there are reasons of security and defense which require it. No written opinion is required in this case.

Marriage

A simplified naturalization procedure has been established for persons married to BH citizens. They must renounce their foreign citizenship, but registered residence in BH is not required.

Extraordinary naturalization

Emigrants and their direct descendants can obtain BH citizenship under more favorable conditions (can remain dual national and no residence required).

Following the amendments of 1993, a member of the armed forces of BH who is not a citizen of the Republic obtains citizenship by naturalization, even if he does meet the requirements mentioned in Article 8 of the Law.

4.3 Conclusions and recommendations

Who will be included in the initial body of citizens and what the criteria for naturalization will be in the new Law on Citizenship now being drafted by an Expert Group appointed by the Council of Ministers of Bosnia and Herzegovina remains to be seen.³⁵ Article I(7) of the Constitution under Annex 4 of Dayton provides for citizenship of Bosnia and Herzegovina as a State, and for citizenship of each of the Entities of the State. Despite perpetuation of the concept of an internal nationality designation within the State, the Dayton Peace Agreement clearly stipulates that all citizens of either Entity are citizens of Bosnia and Herzegovina. Citizenship of the Entities is, therefore, derivative of State citizenship of Bosnia and Herzegovina, the common factor.

³⁵ This expert group meets regularly with the representatives of the Office of the High Representative in Sarajevo for exchange of views in drafting of the Law. The Council of Europe and UNHCR are included in this process and meetings have taken place for open exchange of views in the drafting of the new Law on Citizenship of BH and of the Entities.

Major areas in need of resolution in order for a final draft to be agreed upon include:

- the relationship between the Entities and the State concerning administrative functions pertaining to citizenship;
- the procedural guarantees to be incorporated into review of future naturalizations which, theoretically, could be referred to a Constitutional Court in cases of disagreement between the Entities and the State;
- the review of naturalizations following 6 April 1992 until the entry into force of the Constitution;
- the Entity citizenship of refugees and IDPs who are not now in the Entity in which they resided in 1992 prior to the outbreak of hostilities.

Solutions have been proposed for each of these areas and it is hoped that continued dialogue will lead to the speedy conclusion of an effective Law on Citizenship in Bosnia and Herzegovina.

5. THE FEDERAL REPUBLIC OF YUGOSLAVIA

The Constitution of the FRY was adopted by the Assembly of the SFRY on 27 April 1992. A Citizenship Act was recently adopted on 1 August 1996 by the FRY Assembly. The Citizenship Act entered into force on 1 January 1997 and implementation decrees are currently under preparation.

The Federal Republic of Yugoslavia claims to be the sole successor to the SFRY but has now established normalized agreements with all the newly independent States. One of the main consequences of this position as regards the new citizenship law is Article 48 paragraph 2 providing that citizens of the former SFRY residing abroad and having no other citizenship may be accepted as FRY citizens. This may be interpreted as evidence of a responsibility felt towards ex-SFRY citizens who would otherwise have become stateless because of the disintegration of the country.

5.1 The definition of the initial body of citizens

The Yugoslav Citizenship Law is based on the standard principle of the legal continuity of the Socialist Republics which composed the Federal Republic of Yugoslavia: Serbia and Montenegro. All citizens who had the nationality of the Socialist Republic of Serbia or of the Socialist Republic of Montenegro on 27 April 1992 are deemed to be citizens of the FRY regardless of their place of residence.

Upon submission of a request to the Federal Ministry of Internal Affairs for entry into the Registry of Yugoslav citizens, to be done within one year of the date of entry

into force of the Citizenship Act (31 December 1997), the following categories of former SFRY citizens may obtain the FRY citizenship:

- 1) citizens of other Republics of the former SFRY who had permanent residence in Serbia or Montenegro on 27 April 1992 and do not have a foreign citizenship;
- 2) citizens of the former SFRY who were citizens of a republic other than those of Serbia or Montenegro, who became military officers or non-commissioned officers, or civilian persons in the service of the Yugoslav Federal Army, as well as their spouse and children, if they do not have a foreign citizenship; (These individuals must also provide a statement that they do not have another citizenship or that he/she has renounced foreign citizenship);
- 3) applicants to whom, under Article 48 paragraph 1 of the Law, the Federal Ministry of the Interior has the discretionary right to grant citizenship. These applicants include persons who took refuge in FRY because of their religious affiliation, their ethnic origin, or their support for human rights and who do not avail themselves of another citizenship. Whether the conditions for naturalization referred to above are met is decided upon by the Federal and Republican Ministries of Internal Affairs, which also evaluates the justification of the reasons stated in the light of the interests of security, defense, and the international position of Yugoslavia. UNHCR understands that no time limit will be applied to this category of applicants.

The situation in the FRY is specific because of the late enactment of a new citizenship law. This has created an uncertain legal situation due to a possible conflict of internal laws regarding citizenship claims submitted between 27 April 1992, the date of the FRY Constitution, and 1 January 1997, the date of entry in force of the new FRY citizenship law. Indeed, the FRY Citizenship Act states that it enters into force on 1 January 1997 and replaces the 1976 SFRY Citizenship Act which was, at least theoretically, in force until 31 December 1996. As described above, the 1976 Citizenship Act determined the general conditions for the acquisition and loss of the Federal citizenship and referred to the internal republican citizenship laws regarding the acquisition of republican citizenship. In the case of the FRY, this would mean that all citizenship claims submitted by former SFRY citizens during the above-mentioned period, either to the Serbian or to the Montenegrin competent Republican authorities on the basis of the respective republican citizenship laws of Serbia and of Montenegro, should be dealt with under the 1976 SFRY citizenship law regime. The insecure situation regarding the citizenship applications submitted from 27 April 1992 to 31 December 1996 is created by the fact that the new citizenship law considers only in Article 47 the automatic acquisition of FRY citizenship for those SFRY citizens who had the internal republican citizenship of Serbia or Montenegro on 27 April 1992, providing in Article 52 that all citizenship claims submitted to the republican authorities will be transferred to the federal authorities and be assessed on

the basis of the FRY Citizenship Act. The retroactive character of the law has to be examined with regard to two situations: first, the situation of those applicants who received a positive reply and republican documents from the competent authorities of the Republics of Serbia and Montenegro; second, the situation of those persons who did not receive a reply to their citizenship applications from the Republican authorities. Although not in possession of detailed data from the Republican Ministries of Interior of Serbia and Montenegro, numerous decisions on citizenship applications would have been made by the republican authorities in 1992 and in early 1993. It is the view of UNHCR that those former SFRY citizens who have obtained Serbian or Montenegrin republican citizenship should be considered FRY citizens as they have been granted republican citizenship under the regime set up by the 1976 SFRY Citizenship Act, in force until 31 December 1996. These acquired rights should not be reexamined in the light of the criteria established by the new FRY citizenship legislation. The second situation does not concern persons who have acquired rights but raises the question of the criteria to be examined by the competent authority, either the criteria established by the combination of the republican citizenship laws of Serbia or Montenegro and of the 1976 SFRY Citizenship Act, or the criteria established by the transitional provisions of the 1996 FRY Citizenship Act. The question concerns only the criteria to be applied and not the competent authority, as the FRY Citizenship Act clearly designates the competent authority to decide on citizenship applications, including those pending, as the Federal Ministry of the Interior. The constitutionality of the retroactive character of the application of the criteria to obtain FRY citizenship to evaluate citizenship claims submitted after 27 April 1992 should be examined by the competent FRY constitutional authorities. UNHCR would recommend that all those who have applied for the republican citizenship of Serbia or Montenegro be individually informed through a reply addressed to them, either by the Republic authorities or by the Federal authority now in charge of citizenship claims. In lieu of this, a wide and repeated public information campaign should quickly be set up to inform the applicants adequately on the steps they have to undertake to complete their procedure.

Another point linked to the specific situation of the FRY has to be mentioned. FRY Embassies have been issuing SFRY passports with Serbian and Montenegrin serial numbers in some asylum countries hosting persons originating from the former Yugoslavia. According to the FRY authorities, these passports have been issued on a humanitarian basis to Serb or Montenegrin nationals³⁶ originating essentially from Bosnia and Herzegovina and from Croatia, initially to react to the “pressure” put on these individuals by some asylum countries to get passports from the Embassies of Croatia and Bosnia and Herzegovina, and later to provide SFRY passports to those Serbs or Montenegrins or exceptionally to other nationals³⁷ (i.e. Fikret Abdic

³⁶ The term nationality is exceptionally used here to describe the belonging to an ethnic or cultural community and not used as a synonym of citizenship as it has been used in the whole study unless otherwise specified.

³⁷ *Ibid.*

followers) who were denied the issuance of passports by Croatian or Bosnian Embassies. The FRY authorities have repeatedly stated that the above-mentioned passports do not constitute a grant of FRY citizenship and therefore should not be considered as a proof of FRY citizenship. The recently enacted Law on Travel Documents of Yugoslav citizens (19 July 1996) does not resolve the issue as it recalls the principle stated in the law on citizenship (Article 6) that, when abroad, Yugoslav citizenship shall be proved by a birth certificate, or a certificate from the Registry of Yugoslav citizens, or by a Yugoslav valid travel document. If, indeed, a valid Yugoslav travel document is proof of identity and of Yugoslav citizenship when abroad, assessment of citizenship can be established in the Federal Republic of Yugoslavia only through review of the Registry of Yugoslav citizens. The question remains whether the SFRY passports issued by FRY embassies after the 29 April 1992 to former SFRY citizens not holding Serbian or Montenegrin republican citizenship, are considered as valid documents by the FRY authorities. (It should be noted that new FRY booklets have not yet been issued by the FRY authorities who continue to use SFRY booklets). The practice of the FRY authorities proves the contrary as holders of these passports have sometimes been denied entry into the FRY. Nevertheless, UNHCR understands that those holding these passports and present in the FRY can apply as refugees for citizenship through Article 48-1 of the FRY Citizenship Act.

5.2 Ordinary and extraordinary naturalization

Ordinary naturalization

The Law has introduced substantial changes with regards to naturalization. Namely, the conditions for naturalization are stricter in the 1996 Citizenship Law than they were in the SFRY Citizenship Act. The conditions for naturalization are set forth in Articles 11 to 13 of the Law. Applicants for ordinary naturalization must fulfill the following conditions:

- be 18 years of age;
- in possession of the withdrawal of his present nationality or proof he will be released upon acquisition of FRY citizenship;
- employed in the place of residence or to have an equivalent source of income for himself and each of his family members;
- not convicted to imprisonment for a criminal act;
- loyal to FRY;
- has permanent residence in the FRY: permanent residence is regulated by the Movement and Residence Aliens Act which entitles the following persons to obtain permanent residence:
 - a foreigner of Yugoslav origin;
 - a foreigner whose spouse, one of the parents, or one of the children is a Yugoslav citizen or a person with permanent residence;
 - a foreigner who made an investment on the territory of Yugoslavia.

Marriage

There is no simplified procedure for spouses to obtain FRY citizenship apart from spouses of citizens who obtained citizenship through more favourable conditions (emigrants).

Extraordinary naturalization

Naturalization can also be granted under more favourable conditions to Yugoslav emigrants (which will most likely be interpreted as “emigrants of Serbian and Montenegrin origin”) and their family members. They have only to fulfill two requirements: behaviour indicating that they will be loyal citizens; no conviction or sentence to prison for a crime in Yugoslavia.

As provided by all other citizenship laws, the FRY competent authorities have the option to grant FRY citizenship, irrespective of the general conditions for citizenship, to persons whose particular merits justify the grant of FRY citizenship.

5.3 Conclusions and recommendations

The FRY Citizenship Act, despite its late enactment, provides commendable transitory provisions enabling former SFRY citizens to be granted FRY citizenship based on effective links with FRY. UNHCR is satisfied with the fact that all former SFRY residents in Serbia and Montenegro at the time of adoption of the FRY Constitution have the option of acquiring FRY citizenship, eventually without renouncing their former nationality if a bilateral agreement is signed between the concerned States. UNHCR understands that the requirement for renunciation of one’s former citizenship will be fulfilled if the applicant provides an official statement of renunciation. The late enactment of the Citizenship law has not enabled numerous residents of the former SFRY, who were residents in FRY, to regularize their situation until now. This has led to loss of employment, particularly as regards public administration jobs.

Furthermore the FRY Citizenship Act provides a generous provision enabling refugees in FRY, as well as former SFRY citizens who would have become stateless abroad, to be granted FRY citizenship by the Federal Ministry of the Interior. Nevertheless, implementation of these provisions is left to the discretionary application of the Federal Ministry of the Interior. UNHCR would recommend that the Federal authorities provide a general list of criteria to be taken into consideration by the authorities so that applicants might challenge the motivation in cases of denial.

As previously described, the period between 27 April 1992 and 31 December 1996 leads to legal uncertainty regarding citizenship because of the possible conflicting effect of the 1976 SFRY Citizenship Act and the entry into force of the

FRY Citizenship Act containing retroactive provisions (Article 52). UNHCR recommends that all former SFRY citizens who obtained Serbian or Montenegrin Republican citizenship during this period should automatically be granted FRY citizenship. In addition, UNHCR recommends that a wide information campaign be made by the FRY authorities regarding all former SFRY citizens, including refugees, who applied for Serbian or Montenegrin Republican citizenship during this period, informing them that they should re-apply for citizenship under the new regulations of the FRY Citizenship Act.

SOME GENERAL CONCLUSIONS

The analysis of the overall citizenship situation following the disintegration of the Socialist Federal Republic of Yugoslavia and its transformation into five Successor States which have all enacted citizenship laws, shows that in general *de jure* statelessness has not occurred because all States used the principle of the continuity of the former republican citizenship.

This general assessment also emerged in the three informal expert meetings on citizenship legislation organized by the Council of Europe with the participation of experts designated by the Governments of the five Successor States (The Slovene expert participated only in the last session). The Council of Europe process, with the participation of UNHCR, produced a document entitled Principles on Citizenship Legislation Concerning the Parties to the Peace Agreements on Bosnia and Herzegovina. These principles constitute a useful framework for improvement of the situation of former SFRY citizens in the context of state succession and addresses numerous difficulties pointed out in the present study.

***De jure* statelessness**

As all former SFRY citizens had a republican citizenship, *de jure* statelessness is restricted to situations where individuals are not able to provide proof of their former republican citizenship through an extract of the Registry of Births or of the Registry of Citizenship (when existing).

Two main situations have been seen in practice:

- 1) In countries which have been affected by the war (Croatia and Bosnia and Herzegovina), registers might have been destroyed or have disappeared in particular towns.
- 2) Due to the variation and change in the registration of nationality in the six former republics of the former SFRY since 1945, it is not always possible to obtain a confirmation of one's republican nationality at the place of birth as the republican nationality is not always mentioned. It is often necessary, for example, to consult the registers of the place of birth of the father when the internal republican nationality has not been registered at the place of birth.

This situation has provoked practical difficulties, as described for example in the present study for those SFRY citizens who were born in Croatia from 1965 to 1977, possibly leading to statelessness in exceptional cases. Reports of the withdrawal by republican authorities of the names in nationality registers have been mentioned.

In the first situation the Council of Europe/UNHCR Set of Principles recommends, *inter alia*, that States enable applicants to prove their former republican citizenship “by other means including statements made by or for such persons” (II-6-1).

It is also essential, for the quick establishment and confirmation of republican citizenship, that administrative assistance be developed between the five States in the field of citizenship, enabling the settlement of major administrative difficulties for individual cases.

It should also be mentioned that in a clear situation of statelessness concerning a former SFRY citizen, the FRY Citizenship Law provides that the FRY authorities will grant him/her FRY citizenship (Article 48-2).

Nevertheless, in the view of UNHCR, the effective link to FRY would still have to exist. The situation of former officers of the Yugoslav National Army who had republican nationality other than that of Serbia or Montenegro, and who might have been excluded from the automatic application of the principle of continuity of republican citizenship in their republic of origin, have also obtained a facilitated acquisition of the FRY citizenship.

The right to an effective nationality

If statelessness has generally been avoided through the continuation of republican citizenship, the exclusive application of this rule did not provide a reasonable solution for hundreds of thousands of former SFRY citizens who were living in other internal Republics than those they were registered in. Three States, Slovenia, Bosnia and Herzegovina, and the Federal Republic of Yugoslavia, have provided clear and open transitory provisions facilitating the acquisition of their citizenship for former SFRY citizens who were formally resident on their territory who did not have the republican citizenship. These States have thus acted in accordance with current doctrine in international law.³⁸

³⁸ For more details on the issue, see latest reports of the United Nations International Law Commission Special Rapporteur on State Succession and Nationality, Vaclav Mikulka.

One should, however, mention that Bosnia and Herzegovina implemented this rule without leaving the option for the individuals concerned not to opt for Bosnia and Herzegovina citizenship during the state of war, and that FRY has waited for more than four years after the adoption of its constitution to formally give the option to those former SFRY citizens residing in Serbia and Montenegro to apply for FRY citizenship.

The Former Yugoslav Republics of Macedonia and Croatia did not facilitate the acquisition of their citizenship to former SFRY citizens residing on their territories. The FYROM transitional provisions do refer to a so-called one year facilitated acquisition of FYROM citizenship for SFRY residents but the conditions are so severe that they could not be fulfilled by a big proportion, although not measurable, of the former SFRY citizens residing in the FYROM who did not possess its republican nationality. Croatia, despite political and legal debate, chose not to grant Croatian citizenship to former SFRY citizens residing on its territory apart from ethnic Croats not possessing Croatian citizenship.

These options have led to a situation where at least tens of thousands of individuals have become foreigners in a territory in which they have lived, in some cases, for their whole lives. They must either stay in, or return to their country of residence as foreigners, or move to a country where they often have no link at all. This situation does not only concern Croatia and the FYROM, but also Slovenia where more than 20,000 former SFRY citizens have not settled their citizenship or foreigner status.

UNHCR believes that in the context of state succession, it would have been reasonable and in accordance with international law to have given at least the right of option between the citizenship of the State of which one was registered in possession of republican citizenship, and the citizenship of the State where one resided on a permanent basis. If this option is not given to former SFRY citizens living in the State, they should at least be authorized to remain in the territory and be registered as foreigners who have, as far as possible and as has been recommended by Council of Europe and UNHCR Set of Principles based on the draft Convention on Nationality, equality of treatment with citizens of that State in relation to economic and social rights (II-11-3). The naturalization procedure should, as far as possible, take into account the specific situation convention and principles of those who were SFRY citizens and resident at the time of independence.

The issue of dual or multiple citizenship

The combination of the unanimous automatic continuation of republican citizenship and of the possibility, in some States, of obtaining the citizenship of the country in which one resided at the time of independence has led to situations of dual, and sometimes multiple, citizenship. This is particularly true in Slovenia where the

option given to SFRY residents to obtain Slovene citizenship without renunciation of previous citizenship, created around 170,000 dual citizens. Dual citizenship in this context would enable the former SFRY citizens concerned to obtain the nationality of the country of residence, without losing rights attached to citizenship of the country of the former republican nationality, enabling one to exercise political and social rights. As not only rights are concerned, but also obligations such as military service, bilateral cooperation is essential in order to ascertain the possibility of exercising effective rights as well as to avoid performing obligations twice. Such bilateral agreements are under preparation between particular States of the former Yugoslavia. Dual citizenship could possibly be a solution for the Serbian refugees originating from Krajina in Croatia as it would allow both repatriation to Croatia and full integration in the FRY to be envisaged. A proposed solution would be that FRY grant its citizenship to all Serbian refugees originating from Croatia and living on its territory and that dual citizenship be authorized in this situation, or that as a temporary solution dual citizenship would be transitory for a period of perhaps five years, and that at the end of the five years citizens would be asked to choose between FRY or Croatian citizenship. This solution would have the advantage of not losing the hope of returning to Croatia while enabling refugees to live a normal life in the FRY and fully integrate into civil society.

**Summary table
of main relevant citizenship laws' provisions
relating to former SFRY citizens in:**

- **Slovenia**

- **Croatia**

- **the Federal Republic of Yugoslavia**

- **the Former Yugoslav Republic of Macedonia**

- **Bosnia & Herzegovina**

	SLOVENIA	CROATIA	FRY	FYROM	BOSNIA & HERZEGOVINA
1. Citizenship laws	Citizenship Act: 25 June 1991 Entry into force: 25 June 1991	The Law on Croatian citizenship: 8 October 1991 Entry into force: 8 October 1991	Citizenship Act of Yugoslavia: (August 1996) Entry into force: 1 January 1997	Act on Citizenship: 27 October 1992 Entry into force: 12 November 1992	Citizenship Act of the Republic of Bosnia & Herzegovina: 6 October 1992 & relevant provisions of Annex 3 of the Dayton Peace Agreement
2. Legal continuity of republican citizenship	Yes, article 40	Yes, article 30-1	Yes, article 46	Yes, article 26-1	Yes, article 27-1
3. Provisions in favour of SFRY permanent residents at the time of the independence	<ul style="list-style-type: none"> - If had residence in RS on the day of plebscite on independence (23.12.90) are entitled to Slovenian citizenship if apply prior to 23.12.91 - Exclusion clauses: (amendment:10.12.1991) - All active members of the Y.N.A. who after retreat of Y.N.A. left Slovenia - If a person after 26.06.1991 committed a criminal act against Slovenia 	No general provision entitles former SFRY citizens to facilitated naturalization apart from ethnic Croats if residing in Croatia on 8.10.1991 applying for Croatian citizenship and submitting a declaration to the police specifying their belonging to the Croatian people (Article 30-2)	If had residence in Serbia or Montenegro on 27.4.92, are entitled to FRY citizenship if they apply within one year from the entry into force of the Citizenship Act (limit: 31.12.97) and do not have foreign citizenship	If had residence in FYROM on 17.11.1991 are entitled to FYROM citizenship if apply in one year time and fulfill the following conditions: (1) permanent sources of income (2) are 18 years old (3) have been resident for 15 years in FYROM (cumulative)	If had residence in Bosnia & Herzegovina on 6 April 1992 are automatically considered BIH citizens (Amendment of April 1993)

	SLOVENIA	CROATIA	FRY	FYROM	BOSNIA & HERZEGOVINA
4. Other transitional provisions in favour of SFRY former citizens	None	None	<ul style="list-style-type: none"> - Citizens of the former SFRY serving in the Yugoslav National Army and their family members if they apply within one year from the entry into force of the Citizenship Act - FRY Federal authorities have the discretionary right to grant citizenship to those SFRY citizens who have found refuge in FRY because of their religious affiliation or ethnic origin, or support for Human Rights and who do not have a foreign citizenship (no time limit) - Those former SFRY citizens who reside abroad and are stateless persons (no time limit) 	None	None

	SLOVENIA	CROATIA	FRY	FYROM	BOSNIA & HERZEGOVINA
5. Ordinary naturalization	<ul style="list-style-type: none"> - 18 years old - release of foreign citizenship (or proof will be released) - 10 years residence - place to live & income - active command of Slovenian language - no criminal record (1 year) - not a threat for public order, national defence or national security - has paid tax obligations 	<ul style="list-style-type: none"> - 18 years old - release of former citizenship (or proof he will obtain it) - 5 years continuous residency adequate resources - command of Croatian language and Latin script - conduct showing attachment to legal system and customs, and acceptance of Croatian culture 	<ul style="list-style-type: none"> - 18 years old - release from previous citizenship (or evidence that release will be obtained) - permanent resident of FRY - adequate resources - not convicted of crime - loyal behaviour 	<ul style="list-style-type: none"> - 18 years old - release from previous citizenship (or evidence that release will be obtained) - 15 years continuous residency - source of income + housing - psychologically and physically healthy - clean criminal record - speaks Macedonian - no danger to security and defence 	<ul style="list-style-type: none"> - 18 years old - release of foreign citizenship (or submits proof withdrawal will be granted) - 10 years residency - adequate sources of income - not been sanctioned with a security measure in Bosnia & Herzegovina - not been sentenced for criminal actions against the society, humanity and international law, and against armed forces - naturalisation not against reasons of security and defense of Bosnia & Herzegovina
5.1 Spouses	<ul style="list-style-type: none"> Spouses married minimum 2 years to Slovenian citizen and 1 year continuously resident exempt from loss of citizenship and 10 years residence and if in the interest of the State 	<ul style="list-style-type: none"> Spouses of Croatian citizens with permanent residence 	<ul style="list-style-type: none"> Spouses married to Macedonians citizens for 3 years and one year continuous residency exempt of requirement of 15 years residence, language and loss of citizenship 	<ul style="list-style-type: none"> Spouses married to Macedonians citizens for 3 years and one year continuous residency exempt of requirement of 15 years residence, language and loss of citizenship 	
5.2 Exceptional naturalization	<ul style="list-style-type: none"> - Emigrants and third generation descendants with one year residence - Special merits 	<ul style="list-style-type: none"> - Emigrants and descendants - Special merits 	<ul style="list-style-type: none"> - Emigrants and descendants - Special merits 	<ul style="list-style-type: none"> Persons who present a scientific, economic, cultural or national interest for the state especially if the person is of Macedonian origin and living abroad 	<ul style="list-style-type: none"> - Emigrants and direct descendants - Member of the armed forces of Bosnia & Herzegovina

**PRINCIPLES ON CITIZENSHIP LEGISLATION
CONCERNING
THE PARTIES TO THE PEACE AGREEMENTS
ON BOSNIA AND HERZEGOVINA¹**

**THE COUNCIL OF EUROPE IN CO-OPERATION WITH THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES (UNHCR)**

Desiring to promote the principles of democracy, the rule of law and the enjoyment by all persons of human rights and fundamental freedoms.

Bearing in mind the various international instruments relating to citizenship and statelessness.

Conscious of the need to avoid cases of statelessness.

Bearing in mind the importance of facilitating the establishment of citizenship.

Aware of the need to ensure that citizenship legislation and practice do not impede the return of refugees and displaced persons.

Recognising that, in matters concerning citizenship, account should be taken both of the legitimate interests of States and those of individuals.

Recalling the principle of non-discrimination as contained in Article 14 of the European Convention on Human Rights.

Aware of the right to respect for family life as contained in Article 8 of the European Convention on Human Rights.

Considering the need to promote co-operation between States and between competent authorities, in particular in order to solve citizenship matters.

¹ These Principles have been adopted by the Expert meeting on citizenship legislation, convened on the basis of the decision of the Ministers' Deputies of the Council of Europe at their 573rd meeting.

The following principles and rules have been adopted.

I. FUNDAMENTAL PRINCIPLES

1. With regard to citizens and citizenship the following fundamental principles shall apply:

- a. everyone has the right to a citizenship;
- b. statelessness shall be avoided;
- c. no one shall be arbitrarily deprived of his or her citizenship or of the right to change it;
- d. neither marriage nor the dissolution of a marriage between a citizen of one state and an alien, nor the change of citizenship by one of the spouses during marriage, shall automatically affect the citizenship of the other spouse;
- e. no distinctions which amount to discrimination on the grounds of sex, religion, race, colour, national or ethnic origin, shall be permitted;
- f. States shall allow their citizens to enter, remain in, leave and return to their territory.

II. SPECIFIC PRINCIPLES AND RULES

2. Continuity of citizenship

When determining the initial body of citizens, each State shall apply the principle of continuity of citizenship for persons having had its republican citizenship under the citizenship law of the former Socialist Federal Republic of Yugoslavia (hereinafter referred to as “the former SFRY”), in particular to avoid statelessness.

3. Genuine and effective link

Each State shall allow, in accordance with the fundamental principles mentioned above and the modalities established by its internal law, its citizenship to be acquired by citizens of the former SFRY who have a genuine and effective link with that State.

4. *Procedures for establishing citizenship*

Procedures for establishing citizenship for the citizens of the former SFRY shall conform with the following criteria:

- a. administrative procedures and practices shall not create obstacles to the right of a person to have his or her citizenship established and shall not prevent a person from being recognised as a citizen;
- b. the relevant principles, international instruments and standards shall be applied;
- c. simple, rapid and inexpensive procedures shall be available to applicants.

5. *Facilitating the acquisition of citizenship*

Each State shall facilitate the acquisition of its citizenship for persons who were citizens of the former SFRY and who had their permanent residence at the time of state succession in its territory.

6. *Documentary and other information for matters relating to citizenship*

1. Where documentary information relating to citizenship is not accessible or cannot be obtained within a reasonable time by citizens of the former SFRY, each State shall allow such persons to provide this information by other means including statements made by or for such persons.
2. Where the information given by the persons concerned shows that they are citizens of the State or qualified to obtain its citizenship, the State shall grant or confirm its citizenship in respect of such persons without delay.
3. Where the citizenship status of refugees and displaced persons remains unresolved, additional measures shall be taken to facilitate the establishment of their citizenship.

7. *Administrative assistance*

1. States shall exchange information with each other in matters concerning the establishment of citizenship of persons concerned and related issues.
2. Each State may at any time declare that it shall inform any other State, having made the same declaration, of the voluntary acquisition of its

citizenship by citizens of the other State, subject to the applicable laws concerning protection of personal data. Such a declaration may indicate the conditions under which the State will give such information. The declaration may be withdrawn at any time.

8. *Multiple citizenship*

1. States may, in their internal legislation and in bilateral or multilateral treaties, either allow the retention of their citizenship or provide for the loss of their citizenship in the case of a voluntary acquisition of the citizenship of another State by the persons concerned.
2. States shall not make the acquisition of their citizenship subject to the renunciation of the citizenship of another State when such renunciation is not possible or cannot be reasonably required.

9. *Loss of citizenship at the initiative of the individual*

1. Each State shall permit the renunciation of its citizenship provided the persons concerned do not thereby become stateless.
2. However, a State may provide in its internal law that renunciation may be effected only by citizens who are habitually resident abroad and may also provide other conditions in so far as they do not impede the exercise of this right of renunciation.

10. *Military obligations*

1. Persons possessing the citizenship of two or more States of the former SFRY shall be required to fulfil their military obligations or alternative service in relation to one of those States only.
2. Except where a special agreement which has been or may be concluded provides otherwise, any such persons shall be subject to military obligations or alternative service in relation to the State in whose territory they are habitually resident.

11. *Habitual or former habitual residents*

1. Citizens of a predecessor State habitually resident in the territory over which sovereignty is transferred to a successor State and who have not acquired its citizenship shall have the right to remain in that State.

2. Citizens of the former SFRY, including refugees and displaced persons, who were habitually resident in the territory over which sovereignty has been transferred to a successor State, who have not acquired its citizenship or whose citizenship status remains unresolved, shall have the right to return and remain in the State where they habitually resided.
3. Persons referred to in paragraphs 1 and 2 above and their dependants shall enjoy equality of treatment with its citizens in relation to social and economic rights.
4. Each State may exclude such persons and their dependants from employment in the public service involving the exercise of sovereign powers.

CITIZENSHIP OF REPUBLIC OF SLOVENIA ACT

Country: Slovenia

Date of entry into force: 25 June 1991

[**Note:** This is an unofficial translation.

The original Act was published in the Official Gazette of the Republic of Slovenia (Uradni List RS), Vol. I – No. 1-8/91, 25 June 1991.]

I. GENERAL STIPULATIONS

Article 1

This Act determines manners and conditions for obtaining and cease of citizenship of the Republic of Slovenia.

Article 2

The citizen of the Republic of Slovenia, being as well the citizen of a foreign country, is treated as a citizen of the Republic of Slovenia, while being on the territory of the Republic of Slovenia, unless otherwise stated by an international agreement.

II. OBTAINING OF CITIZENSHIP

Article 3

The citizenship of the Republic of Slovenia is obtained:

- (1) by origin;
- (2) by birth on the territory of the Republic of Slovenia;
- (3) by naturalization, that is: by admission to citizenship, on the basis of request;
- (4) according to international agreements.

1. OBTAINING OF CITIZENSHIP BY ORIGIN

Article 4

Citizenship of the Republic of Slovenia can be obtained by origin under the following conditions:

- (1) if, at the moment of a child's birth, the parents are citizens of the Republic of Slovenia;
- (2) if, at the moment of a child's birth, one of the parents is a citizen of the Republic of Slovenia and the child was born in the Republic of Slovenia;
- (3) if, at the moment of a child's birth, one of the parents is a citizen of the Republic of Slovenia, the other being unknown or of unknown citizenship, or without any citizenship, and the child was born abroad.

Article 5

A child born abroad, whose parent is a citizen of the Republic of Slovenia at the moment of the child's birth, another parent being a foreign citizen, obtains citizenship of the Republic of Slovenia by birth if, until the age of 18, an application for his citizenship is submitted, or if he/she comes to live permanently to the Republic of Slovenia with the parent, who is a citizen of the Republic of Slovenia, until the age of 18.

The application for citizenship from the previous paragraph is not necessary in case the child remains without citizenship.

The application for citizenship from the first paragraph of this Article has to be submitted to the competent body for birth registration where the date of the child's birth would be registered subsequently, or to the competent body of the Republic of Slovenia, authorized to deal with consulate affairs abroad.

The application for the child's citizenship can be submitted by the parent who is a citizen of the Republic of Slovenia. In case the child is under guardianship because he/she has no parents, or the parents have been relieved from parentage rights or managing abilities, the tutor has the right to make an application for the child's citizenship in case the tutor is a citizen of the Republic of Slovenia, having the consent of the communal body competent for social care.

Article 6

A person older than 18 can also obtain citizenship of the Republic of Slovenia under conditions stated in the first paragraph of the previous Article, if, up to

the age of 23, he/she decides to choose the citizenship of the Republic of Slovenia by written statement.

The statement from the previous paragraph has to be submitted to the competent body for birth registration where the date of birth would be registered subsequently or to the competent body of the Republic of Slovenia authorized to deal with consulate affairs abroad.

Article 7

Under the conditions stated in Articles 4, 5 and 6 of this Act, a foreign person/adopted child can also obtain citizenship of the Republic of Slovenia if at least one of the foster parents is a citizen of the Republic of Slovenia and if, according to the stipulations of the country of which the adopted child is a national, the adoption means equal relation between the adopted child and foster parents are the same as those existing between real parents and children (in the further text: complete adoption).

Article 8

The person obtaining citizenship of the Republic of Slovenia according to the stipulations of Articles 4, 5, 6, 7 or 9 of this Act is considered as a citizen of the Republic of Slovenia from his birth on.

2. OBTAINING OF CITIZENSHIP BY BIRTH ON THE TERRITORY OF THE REPUBLIC OF SLOVENIA

Article 9

Citizenship of the Republic of Slovenia can be granted to a child, born or found on the territory of the Republic of Slovenia, in case that father and mother are unknown or their citizenship is unknown, or they are without citizenship.

Citizenship of the Republic of Slovenia obtained according to the previous paragraph, ceases upon the demand of the parents, if, up to the child's age of 18, it is stated that the parents are foreign citizens. Such a citizenship ceases with the date of handing of the decree.

3. OBTAINING OF CITIZENSHIP BY NATURALIZATION

Article 10

A person can obtain citizenship of the Republic of Slovenia by naturalization by asking for the citizenship of the Republic of Slovenia when the following conditions are fulfilled:

- (1) when he/she has reached the age of 18;
- (2) when he/she is dismissed from previous citizenship or is certain to obtain such a dismissal when obtaining the citizenship of the Republic of Slovenia;
- (3) when he/she has actually lived in Slovenia for 10 years, 5 years preceding the request for citizenship, continuously;
- (4) when he/she has assured residence and sufficient income that guarantees material and social security;
- (5) if he/she has colloquial knowledge of the Slovene language;
- (6) that he/she has not been sentenced to imprisonment longer than a year in the country whose citizen he/she was previously, for a penal act for which the perpetrator is prosecuted by official duty, if such an act is punishable by regulations of the above-mentioned country, as well as according to the regulations of the Republic of Slovenia;
- (7) that he/she has not been denied residence in the Republic of Slovenia;
- (8) that his/her admission to citizenship of the Republic of Slovenia does not endanger public order, security or defence of the state.

Article 11

The person requesting the obtention of the citizenship of the Republic of Slovenia by naturalization can be given a written assurance for admission to citizenship when all conditions stipulated in items 1, 3, 4, 5, 6, 7 and 8 of the first paragraph of the previous Article are fulfilled.

In case the applicant from the previous paragraph fails to submit all the proofs mentioned in the second item of the first paragraph of the previous Article within two years from receiving the above-mentioned written assurance, it is considered that his/her request has been withdrawn.

Article 12

Slovene emigrants and their descendants up to the third generation in direct relation can obtain citizenship of the Republic of Slovenia by naturalization, if they actually live in Slovenia continuously at least for one year and if they fulfil conditions mentioned in items 1, 4, 5, 6, 7 and 8 of first paragraph of Article 10 of this Act.

A person married to a citizen of the Republic of Slovenia can obtain citizenship of the Republic of Slovenia by naturalization when actually living in Slovenia continuously for one year and fulfilling the conditions mentioned in items 4, 5, 6, 7 and 8 of the first paragraph of Article 10 of this Act.

Article 13

Regardless of the conditions of Article 10 of this Act, the citizenship of the Republic of Slovenia by naturalization can also be obtained by a person of full age (18), if it is of special state interest due to scientific, economical, cultural, national or similar reasons.

An opinion on citizenship of the Republic of Slovenia to be obtained according to the previous paragraph has to be given previously by the Executive Council of the Assembly of the Republic of Slovenia.

Article 14

In case that father and mother obtain citizenship of the Republic of Slovenia by naturalization, their child may obtain it at their own request before the child reaches the age of 18.

In case one of the parents obtains the citizenship of the Republic of Slovenia by naturalization, the child under 18 obtains it as well, if both parents request it, no matter where the child lives at that time.

In case the child is older than 14, his consent is also required to obtain citizenship according to previous paragraphs.

In case of adoption where the relation between foster parents/adopted child is not the same as the relation between real parents and children, then the adopted child may obtain citizenship of the Republic of Slovenia upon foster parents' request in case the adopted child is under 18 and lives permanently in Slovenia with his foster parents.

Article 15

The person who obtains citizenship of the Republic of Slovenia by naturalization, according to Articles 40 to 41 of this Act, becomes a citizen of the Republic of Slovenia on the day he/she is handed the decree of obtention of citizenship of the Republic of Slovenia.

Article 16

The competent body issuing the decree of obtention of citizenship by naturalization may cancel the decree within three years after its handing over,

if it is stated and proved that naturalization was obtained with false statement or by intentional concealing of substantial facts or circumstances that would have affected the decision.

The above-mentioned decree cannot be cancelled if the person obtaining citizenship of the Republic of Slovenia by naturalization remains without citizenship.

In case the decree on naturalization of the parents is cancelled, the decree of naturalization of their children under 18 who obtained the citizenship of the Republic of Slovenia by naturalization simultaneously with their parents, can also be cancelled.

III. CEASE OF CITIZENSHIP

Article 17

Citizenship of the Republic of Slovenia ceases:

- (1) by dismissal;
- (2) by resignation;
- (3) by suppression;
- (4) according to international agreements.

1. THE CEASE OF CITIZENSHIP BY DISMISSAL

Article 18

Citizenship of the Republic of Slovenia ceases for each citizen of the Republic of Slovenia by dismissal (further: dismissal from citizenship of the Republic of Slovenia) if he/she requests it and if the following conditions are fulfilled:

- (1) he/she has reached the age of 18;
- (2) he/she actually lives in a foreign country;
- (3) there are no obstacles concerning military obligations;
- (4) he/she has settled all obligatory taxes and other legal duties;
- (5) he/she has settled all alimony duties from previous marriage and from relations between parents and children towards persons living in Slovenia;

- (6) there are no current penal processes in Slovenia against him/her for a criminal act which is prosecuted according to official obligations. In case of previous imprisonment sentence in Slovenia, he/she should have already served it;
- (7) he/she has already obtained or can prove that he/she will obtain a foreign citizenship.

Facts to be considered as obstacles concerning military obligations in item 3 from previous paragraph are described in detail by the Republic defence administrative body competent in defence.

The competent body for dismissal of decision-making has the right to reject the request for the dismissal from citizenship of the Republic of Slovenia although all conditions from the first paragraph of this Article are fulfilled, if such a decision is necessary because of security or country defence reasons or if it is claimed by reciprocity or other reasons in relation with the foreign country.

The competent body for dismissal of decision-making has the right to refuse the request for the dismissal from citizenship of the Republic of Slovenia although all conditions from the first paragraph of this Article are fulfilled, if such a decision is conditioned by economic, social or national interests of the country.

Article 19

The person who asked for the dismissal of citizenship of the Republic of Slovenia can be given the dismissal assurance although he/she does not fulfil the conditions described in items 2 and 7 of the previous Article.

If the person to whom such assurance was issued does not prove, within two years after assurance was handed, that he/she actually moved from the Republic of Slovenia and that he/she will obtain foreign citizenship or he/she has already obtained it, it is considered that the person in question has withdrawn his/her request.

Article 20

Citizenship of a person dismissed from citizenship of the Republic of Slovenia ceases on the day the decree about dismissal from citizenship of the Republic of Slovenia was handed to him.

Article 21

The competent body that decided about the dismissal from citizenship of the Republic of Slovenia can abolish the dismissal decree in case the person

requests it and if he/she does not obtain foreign citizenship within a period of one year after the decree was handed to him.

The request for dismissal abolishment can be submitted.

Article 22

The citizenship of the Republic of Slovenia of children under 18 ceases at the request of both parents whose citizenship ceased by dismissal, or citizenship of the Republic of Slovenia of one parent ceased in the same manner and the second parent is not a citizen of the Republic of Slovenia.

In case a child's parents are separated, the child's citizenship ceases by dismissal at the request of the parent with whom the child lives, i.e. to whom the child was assigned for care and education and who himself also asks for the dismissal from citizenship of the Republic of Slovenia or in case that the parent with whom the child lives is a foreign citizen. In both cases the agreement of the second parent is needed.

In case the second parent does not agree with the child's dismissal from citizenship of the Republic of Slovenia, the child can be given such a dismissal, if, for his benefit, the competent Republic administrative body for social care issues a consent for child's dismissal.

The above-mentioned consent has to be enclosed to the request for child's dismissal from citizenship of the Republic of Slovenia.

The consent from the second, i.e. the third paragraph of this Article, is not necessary if residence of the second parent cannot be established or in case his managing abilities or parentage rights were suppressed.

Article 23

Citizenship of the Republic of Slovenia of the minor child who is a citizen of the Republic of Slovenia ceases by dismissal in case of complete adoption, if his/her foster parent, who is a foreigner, asks for it or if his/her foster parent himself requests for the dismissal from citizenship of the Republic of Slovenia and all conditions from the previous Article are fulfilled.

Article 24

The child's consent to cease his/her citizenship of the Republic of Slovenia is required in case he/she is older than 14 years.

2. THE CEASE OF CITIZENSHIP BY RESIGNATION

Article 25

The citizen of the Republic of Slovenia of age, born abroad, living there and who has foreign citizenship, has the right to resign from the citizenship of the Republic of Slovenia till he/she is 25 years old.

If the citizen of the Republic of Slovenia fulfills conditions from the previous paragraph the body competent for the resignation decision-making establishes with the decree that his/her citizenship of the Republic of Slovenia ceased with the day he/she handed the statement about resignation from citizenship of the Republic of Slovenia.

In case of the citizenship resignation of juvenile children the stipulations from Articles 22, 23 and 24 of this Act are applied.

3. THE CEASE OF CITIZENSHIP BY SUPPRESSION

Article 26

The citizenship of the Republic of Slovenia can be suppressed to the citizen of the Republic of Slovenia who actually lives abroad and has foreign citizenship and if his/her activities are harmful to international and other interests of the Republic of Slovenia.

Activities harmful to international and other interests of the Republic of Slovenia are the following:

- (1) persons who are members of an organization whose activities aim at destructing the constitutional order of the Republic of Slovenia;
- (2) if a person is working for a foreign intelligence service so as to harm the interests of the Republic of Slovenia or if he harms its interests through his work in a state body or organization of the foreign country.

The decree about the suppression of citizenship of the Republic of Slovenia can be exceptionally issued in absence of the person involved.

The citizenship of the Republic of Slovenia of the person to whom it was suppressed ceases on the day the decree was handed. In case the decree cannot be handed to him, his citizenship of the Republic of Slovenia ceases on the day of publishing in the Official Gazette of the Republic of Slovenia (Uradni List Republike Slovenije).

IV. COMMON STIPULATIONS

Article 27

The Republican administrative body competent for internal affairs makes decisions about obtaining citizenship of the Republic of Slovenia with naturalization, the cessation of citizenship and about the issuing of the assurance from Articles 11 and 19 of this Act.

The request to obtain citizenship with naturalization is submitted to the communal administrative body competent for internal affairs in the area where the person has a permanent or temporary residence. The request for dismissal from citizenship as well as the citizenship resignation statement can be submitted to the Republic of Slovenia body abroad, which is authorized to handle consulate affairs; if this is not possible due to objective circumstances, it can be submitted to the Republican administrative body competent for internal affairs.

Request for the obtention of citizenship of the Republic of Slovenia according to Article 13 of this Act can be submitted to the Republican administrative body competent for internal affairs. If the person lives abroad, he/she can submit his/her request to the Republic of Slovenia abroad which is authorized to handle consulate affairs.

Article 28

When the competent body decides to turn down the request from Articles 10, 11 and 12 or from the third and fourth paragraphs of Article 18 as well as from Article 19 of this Act, it does not have to state the reasons that led to such a decision in the decree.

Article 29

Citizenship at first level is established by the communal administrative body which is competent for internal affairs in the area where the person has a permanent residence. It is also obliged to issue a decree about his citizenship following the person's request. The same decree has to be issued at the request of the body in charge of the process to assert the person's rights.

Article 30

Bodies competent for birth register, permanent register and other bodies that are, according to the law, obliged to include the information about the individual's citizenship into its official record-keeping, have to be informed about the obtention or the loss of citizenship.

V. THE CITIZENSHIP RECORD KEEPING

Article 31

The citizenship being the constituent part of the individual's personal state, the record-keeping about citizenship of the Republic of Slovenia is kept in the birth register, according to birth register stipulations.

In case when a citizen of the Republic of Slovenia was not born in Slovenia, his/her citizenship has to be recorded together with the subsequent record of his/her birth according to the birth register act.

Article 32

For the sake of integrity of the record-keeping about citizenship of the Republic of Slovenia and because of the accurate recording of the state in this field, the Republican administrative body competent for internal affairs is responsible for the central record-keeping about citizenship.

Article 33

The central record-keeping about citizenship contains the following data:

- (1) family name and name;
- (2) date and place of birth;
- (3) personal register number of the citizen (EMSO);
- (4) permanent or temporary residence;
- (5) records about the entry in the birth register (if the person has been registered in the citizenship register, restored according to previous stipulations, the entry in the record-keeping has to be registered).

For the Republic of Slovenia citizens who obtained this citizenship with the decree of the body competent for decision-making about the naturalization or according to international contracts, the record-keeping contains, in addition to all information from the previous paragraph, the following records:

- (1) profession and school education;
- (2) residence at the time of naturalization (if this record is equal to the residence under item 4 of the previous paragraph, this information does not have to be included);

- (3) citizenship before naturalization or, in case it is unknown, his/her nationality;
- (4) number and date of decree and body that issued the decree;
- (5) legal basis, i.e. the manner of obtaining citizenship;
- (6) date of obtention of citizenship of the Republic of Slovenia.

Information about the nationality under item 3 from the previous paragraph is recorded only with the consent of the person involved.

For all persons to whom the citizenship of the Republic of Slovenia has ceased, the record-keeping contains, in addition to the records from the first paragraph of this Article, some additional information:

- (1) profession and school education;
- (2) residence before departure abroad;
- (3) residence at the time of the dismissal from citizenship;
- (4) number and date of decree and body that issued the decree about the dismissal from citizenship;
- (5) date when citizenship of the Republic of Slovenia has ceased;
- (6) foreign citizenship;
- (7) date of emigration;
- (8) reason why he/she asked for the dismissal from citizenship of the Republic of Slovenia.

Regarding Republic of Slovenia citizens who have another foreign citizenship, the record-keeping contains, in addition to the records from the first paragraph of this Article, the information about his/her foreign citizenship and the date of its obtention as well.

Personal records are stored in the central record-keeping of citizenship 50 years after the death of the person or after his/her citizenship has ceased.

After the time specified in the previous paragraph, records are stored in the archives.

Article 34

Records for citizenship record-keeping are gathered directly from individuals to whom they refer.

Regardless of the previous paragraph, records are collected, when possible:

- (1) from birth register;
- (2) from citizenship register;
- (3) from official documents;
- (4) from other persons, according to the law.

Article 35

Personal records from citizenship record-keeping can be used only by employees of the administrative body for internal affairs who perform tasks defined by law.

Bodies that are competent for citizenship record-keeping can transmit the records from record-keeping to other users legally authorized to have access to this information or on the basis of the agreement or request made by the person to whom the records refer.

Information users from the previous paragraph are not allowed to give personal records to others users and can use such information only for the purpose for which they were given.

Article 36

The Republican administrative body competent for internal affairs has the right, under the condition of reciprocity, to give the individual's records from citizenship record-keeping to other countries, if the following conditions are fulfilled:

- (1) if the bodies that are to receive the records are competent for citizenship affairs;
- (2) if the receiver of the records engages himself that he would use the given information only for the purposes related to citizenship, in opposite case, only if it is necessary for the execution of a penal process or if it undoubtedly benefits the person to whom the records refer;

- (3) if the state in which the receiver of the records has his seat, guarantees the protection of personal records for foreigners as well.

The facts from the third items of the previous paragraph are established by the Republican administrative body competent for international co-operation.

Article 37

Citizenship of the Republic of Slovenia is proved by the confirmation or other public documents about citizenship issued by the body competent for official record-keeping containing the person's citizenship or by the communal administrative body competent for internal affairs in the area where the person has a permanent residence.

Article 38

If the proceeding for establishment of the citizenship or for obtaining or cease of citizenship of the Republic of Slovenia was started at the client's request and it is not possible to close the proceeding without his/her collaboration, his/her silence is understood as withdrawal and if he/she, in spite of competent body's notice, does not perform anything needed to continue or finish the proceeding, i.e. it is possible to assume from the omission of such acts, that he/she is no longer interested in continuing the proceeding.

The proceeding cannot be stopped due to reasons from the previous paragraph before a period of three months has elapsed after the notice was issued.

VI. TRANSITIONAL STIPULATIONS

Article 39

According to this Act, the citizen of the Republic of Slovenia is assumed to be everyone who, according to previous stipulations, had the citizenship of the Republic of Slovenia and of SFRJ.

Article 40

The citizen of any other republic who had permanent residence in the Republic of Slovenia on the day of plebiscite about the autonomy and independence of the Republic of Slovenia and actually lives in Slovenia, obtains citizenship of the Republic of Slovenia if he/she submits the request to the communal body competent for internal affairs where he/she permanently resides, within six months from the day this act is put into force.

Children obtain citizenship of the Republic of Slovenia under the conditions stipulated in Article 14 of this Act.

Article 41

Persons to whom citizenship of the People's Republic of Slovenia and citizenship of FLRJ was suppressed, i.e. non-commissioner officers and officers of late Yugoslavia army who do not want to come back to their homeland, participants of military formations who collaborated with the occupant and who later escaped abroad, as well as persons who emigrated abroad after the liberation (Official Gazette "Uradni list FLRJ st. 84/46"), and their children can obtain citizenship of the Republic of Slovenia if they submit the request to the Republican administrative body competent for internal affairs, within one year from the day this act is put into force.

Under the conditions of the previous paragraph, Slovene emigrants who lost the citizenship of the People's Republic of Slovenia and of FLRJ on the basis of their absence, can also obtain citizenship of the Republic of Slovenia.

Article 42

The Republican administrative body competent for internal affairs decides about obtaining citizenship of the Republic of Slovenia according to Articles 40 and 41 of this Act.

Article 43

The citizenship of persons who, according to previous stipulations, had been citizens of the Republic of Slovenia but have not been registered in the record-keeping of the Republic of Slovenia citizens until now, is subsequently inscribed into the birth register. This is done on the basis of a decree issued after official duty by the competent communal body. If his/her birth is also not registered, records about citizenship have to be inscribed together with the inscription of the birth according to the Birth Registers Act.

Article 44

The confirmation about citizenship of the Republic of Slovenia on the basis of record-keeping, regulated by previously valid stipulations, is issued by the body competent for internal affairs which runs this record-keeping or the communal administrative body for internal affairs in the area where the person has a permanent residence.

Article 45

Until the record-keeping mentioned in Article 32 of this Act is restored, the Republican administrative body competent for internal affairs runs separate record-keeping: about obtaining citizenship of the Republic of Slovenia with naturalization, with the admission, about the acceptance of citizens from other republics into citizenship of the Republic of Slovenia, about the dismissal, resignation, citizenship suppression, about the loss of citizenship of the Republic of Slovenia due to absence, the record-keeping of optants for Italian citizenship and partial record-keeping of persons with inter-citizenship.

The record-keeping mentioned in the previous paragraph contains records of Article 33 of this Act and are collected and utilized in the manner defined in Articles 34, 35 and 36 of this Act.

Article 46

The principal of the Republican administrative body competent for internal affairs issues detailed stipulations about the way how to run the central citizenship record-keeping.

VII. FINAL STIPULATIONS

Article 47

On the day this Act is put into force, the Citizenship of the Socialist Republic of Slovenia (Official Gazette "Uradni list 23/76") is no longer valid.

Article 48

This Act is put into force on the day it is published in the Official Gazette of the Republic of Slovenia (Uradni List Republike Slovenije).

ACT ON CROATIAN CITIZENSHIP

Country: Croatia

Date of entry into force: 06 October 1991

This legislation includes amendments up to and including:
26 August 1992

[**Note:** This is an unofficial translation. The Act on Croatian Citizenship was signed on July 26, 1991. This Act was amended and supplemented by the Act of May 8, 1992: Articles 5, 9, 12, 16, 23, 25, 28, 29, 30 and 31 were amended; Article 6 was deleted and Articles 8a and 24a were added. The Act on Croatian Citizenship was published in "The Official Gazette" of October 6, 1991. The Act on Amendments and Supplements was published in "The Official Gazette" of May 18, 1992. Article 15 of this amending Act stipulates that the Act comes into force 8 days after its publication.]

I. GENERAL PROVISIONS

Article 1

Croatian citizenship, conditions for its acquirement, and its termination are stipulated by this Act.

Article 2

A citizen of the Republic of Croatia who also has a foreign citizenship is considered exclusively as a Croatian citizen at the Governmental bodies of the Republic of Croatia.

II. ACQUISITION OF CITIZENSHIP

Article 3

Croatian citizenship is acquired by:

- (1) origin;
- (2) birth on the territory of the Republic of Croatia;
- (3) naturalization;
- (4) international treaties.

Article 4

A child acquires Croatian citizenship by origin:

- (1) if both his parents are Croatian citizens at the time of the child's birth;
- (2) if one of his parents is a Croatian citizen at the time of the child's birth, and if the child is born in the Republic of Croatia;
- (3) if one of the parents is a Croatian citizen at the time of the child's birth, the other parent without citizenship or of unknown citizenship, and the child is born abroad.

A child of foreign citizenship or without citizenship acquires Croatian citizenship by origin, if he has been adopted with the congenial effect, pursuant to provisions of a special law, by Croatian citizens. Such a child is considered to be a Croatian citizen from the moment of his birth.

Article 5

A child, born abroad, acquires Croatian citizenship by origin, if one of his parents is a Croatian citizen at the moment at the child's birth, if the child by his 18 years of age will be registered for the Croatian citizenship at the competent authority of the Republic of Croatia abroad, or in the Republic of Croatia, or if he settles in the Republic of Croatia.

A child, born abroad, whose one parent is a Croatian citizen at the moment of the child's birth, and does not fulfill any of the requirements of paragraph 1 of this Article, acquires Croatian citizenship if he remains without citizenship.

A child, who acquires Croatian citizenship pursuant to paragraph 1 or 2 of this Article, is considered to be Croatian citizen from the moment of his birth.

Article 6

(This Article was deleted by the Act of May 8, 1992).

Article 7

A child, born or found on the territory of the Republic of Croatia, whose both parents are unknown, or of unknown citizenship acquires Croatian citizenship. The child's Croatian citizenship will cease by the fourteenth birthday of the child, if it is confirmed that both of his parents are foreign citizens.

Article 8

A foreigner can acquire Croatian citizenship by naturalization, if he has submitted a request for Croatian citizenship, and if he fulfills the following requirements:

- (1) that he is 18 years old, and that he is not deprived of working capacity;
- (2) that he is dismissed from his foreign citizenship, or that he submits a proof that he will acquire a dismissal, if being granted Croatian citizenship;
- (3) that he has had a registered residence on the territory of the Republic of Croatia until the submission of the request for at least 5 years in continuation;
- (4) that he is familiar with the Croatian language and Latin alphabet;
- (5) that it can be concluded from his behavior that he respects legal order and customs of the Republic of Croatia, and that he accepts Croatian culture.

It will be considered that the requirements of Point 2 of paragraph 1 of this Article are fulfilled, if the request has been submitted by a person without citizenship, or by a person who will lose his citizenship simply by naturalization pursuant to laws of the country of his citizenship.

If a foreign country does not permit dismissal from its citizenship, or it places conditions for dismissal which cannot be fulfilled, a statement of an applicant, who has submitted a request, will be sufficient to renounce his foreign citizenship under the condition of acquisition of Croatian citizenship.

Article 8a

A foreigner who has submitted a request for Croatian citizenship, and who does not have a dismissal from foreign citizenship at the moment of the submission of the request, or does not have a proof that he would gain the dismissal in case of acquiring Croatian citizenship, may be issued a guarantee of the acceptance to Croatian citizenship if he fulfills the rest of the requirements referred to in Article 8, paragraph 1 of this Act.

The guarantee shall be issued for the term of two years.

Article 9

A person born on the territory of the Republic of Croatia can acquire Croatian citizenship, even if he does not fulfill the requirements of Article 8, paragraph 1, Points 1, 2, and 4 of this Act.

Article 10

A foreign citizen married to a Croatian citizen, and the one who has been granted permanent settlement on the territory of the Republic of Croatia, can acquire Croatian citizenship by naturalization, even if he does not fulfill the requirements of Article 8, paragraph 1, Points 1-4 of this Act.

Article 11

An emigrant as well as his descendants can acquire Croatian citizenship by naturalization, although they do not fulfill the requirements of Article 8, paragraph 1, Points 1-4 of this Act.

A foreigner married to an emigrant who has acquired Croatian citizenship pursuant to the provisions of paragraph 1 of this Article, can himself acquire Croatian citizenship, even if he does not fulfill the requirements of Article 8, paragraph 1, Points 1-4 of this Act.

In the spirit of paragraph 1 of this Article, an emigrant is a person who has emigrated from Croatia intending to settle abroad permanently.

Article 12

A foreigner whose acceptance to Croatian citizenship would be of interest for the Republic of Croatia can obtain Croatian citizenship by naturalization, even if he does not fulfill the requirements of Article 8, paragraph 1. Points 1-4 of this Act.

Even a spouse of the person referred to in paragraph 1 of this Article can acquire Croatian citizenship, even if he does not fulfill the requirements of Article 8, paragraph 1, Points 1-4 of this Act.

A competent Ministry gives opinion whether an interest for the acceptance of the foreigner referred in the paragraph 1 of this Article to Croatian citizenship exists.

Article 13

A minor acquires Croatian citizenship by naturalization:

- (1) if both of his parents acquire Croatian citizenship by naturalization;
- (2) if only one of his parents acquires Croatian citizenship by naturalization, and the child lives in Croatia;
- (3) if only one of his parents acquires Croatian citizenship by naturalization, while the other one does not have citizenship, or is of unknown citizenship, and the child lives abroad.

In the spirit of the provision of paragraph 1 of this Article, even the minor referred to in Article 9 of this Act acquires Croatian citizenship by naturalization.

Article 14

A minor of a foreign citizen or of a person with no citizenship, adopted with parental effect by a Croatian citizen, acquires Croatian citizenship at a request of his adopter, even if he does not fulfill the requirements of Article 8, paragraph 1, Points 1-4 of this Act.

Article 15

A Croatian citizen who has requested and received a dismissal from Croatian citizenship in order to acquire some foreign citizenship, what was imposed to him as the requirement for his exercising of some profession or activity by the foreign state wherein he has a domicile, may again acquire Croatian citizenship, even if he does not fulfill the requirements of Article 8, paragraph 1, Points 1-4 of this Act.

Article 16

A person who belongs to the Croatian nation with no domicile in the Republic of Croatia can acquire Croatian citizenship, if he fulfills the requirements of Article 8, paragraph 1, Point 5 of this Act, and if he gives a written statement that he considers himself a Croatian citizen.

The statement of paragraph 1 of this Article shall be submitted to a competent body, or to a diplomatic or consular mission of the Republic of Croatia abroad.

III. TERMINATION OF CITIZENSHIP

Article 17

Croatian citizenship will cease:

- (1) by dismissal;
- (2) by renouncement;
- (3) pursuant to international treaties.

Article 18

A dismissal from Croatian citizenship can be given to a person who has submitted a request for the dismissal, and who fulfills the following requirements:

- (1) that he is 18 years old;
- (2) that there are no obstacles concerning a military conscription;
- (3) that he has paid taxes due, fees, and other public charges, and obligations with an executive title that exist towards legal entities and physical persons in the Republic of Croatia;
- (4) that he has legally regulated financial obligations towards his spouse, parents and children who are the Croatian citizens, and towards persons who remain to live in the Republic of Croatia.

The dismissal from Croatian citizenship cannot be obtained by a person who is, at the time when the dismissal is requested, *ex officio* charged and prosecuted for a criminal offense, or punished by imprisonment in the Republic of Croatia, as long as he does not serve that sentence in full.

Article 19

Decision on dismissal from Croatian citizenship will be repudiated by a special decision, on a request of a person who has acquired the dismissal, if he does not acquire a foreign citizenship within a year from the day of the publication of the decision on dismissal in the Official Gazette, and if he remains to live in the Republic of Croatia.

Decision on dismissal will be repudiated by a special decision on a request of the person who has obtained the dismissal, and has emigrated from the

Republic of Croatia, if he has not acquired a foreign citizenship within 3 years from the day of emigration, and who has notified hereof a diplomatic or consular mission of the Republic of Croatia abroad or directly competent body for issuing decisions on dismissal within a period of the additional three years.

Article 20

Croatian citizenship of a child up to 18 years old will cease by dismissal:

- (1) on request of his both parents whose Croatian citizenship has ceased by dismissal; or
- (2) if Croatian citizenship has ceased by dismissal to one of his parents, and the other parent is a foreign citizen.

A child up to 18 years old, adopted by foreign citizens with congenial effect, will be dismissed from Croatian citizenship on the adopters request.

Article 21

A Croatian citizen of age with a domicile abroad, and of foreign citizenship, may renounce his Croatian citizenship.

Article 22

Croatian citizenship of a child up to 18 years old will cease by renouncement:

- (1) on request of his parents whose Croatian citizenship has ceased by renouncement; or
- (2) if Croatian citizenship has ceased to one of his parents by renouncement, and the other parent is a foreign citizen.

The Croatian citizenship of a child up to 18 years old will cease by renouncement, if he has been adopted by foreign citizens with congenial effect, on request of the adopters.

Article 23

A person whose Croatian citizenship ceased pursuant to Article 20 or 22 of this Act when he was a minor, acquires Croatian citizenship again, if he resides on the territory of the Republic of Croatia for at least a year in continuation, and if he gives a written statement that he considers himself a Croatian citizen.

IV. PROCEDURAL PROVISIONS

Article 24

A request for the acquirement or termination of Croatian citizenship is to be submitted to the police authority, i.e. to a police station.

The request for the acquirement or termination of Croatian citizenship may be submitted through a diplomatic or consular mission of the Republic of Croatia abroad.

On behalf of a minor, his parent will submit a request for the acquirement of the citizenship, and will also give a written statement that the child considers himself a Croatian citizen.

For the acquirement or termination of the citizenship, a consent of a child over 14 years old is required.

Article 24a

Croatian citizenship is acquired by naturalization on the day of notice of the decision on the acceptance to Croatian citizenship.

Croatian citizenship is acquired, if granted on the basis of the given statement, on the day of the submission of the statement.

Croatian citizenship will cease by dismissal on the day of notice of the decision on the dismissal from Croatian citizenship.

Croatian citizenship will cease by renouncement on the day of the submission of the statement on the renouncement of Croatian citizenship.

Article 25

The Ministry of Internal Affairs deals with citizenship affairs and issues decisions on the acquirement or termination of the citizenship.

Effective decisions on acquirement and termination of the citizenship shall be published, each and every by name, in the Official Gazette.

Article 26

The Ministry of Internal Affairs shall reject a request for the acquirement or termination of the citizenship, if the requirements are not fulfilled, unless stipulated otherwise by this Act.

The Ministry of Internal Affairs can reject a request for the acquirement or termination of the citizenship even if the requirements are fulfilled if, according to its judgment, the request for the acquirement or termination of the citizenship is to be rejected, due to the existence of the reasons of interest for the Republic of Croatia.

The decision rejecting the request for the acquirement or termination of the citizenship need not be reasoned.

Article 27

The record is kept on Croatian citizenship.

The record on the citizenship is kept at a municipal registry, and the record on Croatian citizens with domiciles abroad is kept by the competent diplomatic or consular mission of the Republic of Croatia abroad.

Persons born in the Republic of Croatia are registered in the record of the citizenship kept by the municipal registry in the birth place of the person.

Persons born abroad are registered in the record of the citizenship kept by the municipal registry of a domicile of the person who has submitted the request for the acquirement or termination of Croatian citizenship.

Persons who acquire Croatian citizenship pursuant to the provisions of this Act, and with no domicile in the Republic of Croatia, are registered in the central record. The competent authority for general administrative affairs of the City of Zagreb keeps the central record.

Article 28

“Domovnica” (Citizenship Certificate) is an official document serving as the proof of Croatian citizenship, and it is issued by a municipal registry or the competent diplomatic or consular mission of the Republic of Croatia abroad.

Article 29

Croatian citizenship can be proved by a valid identity card, military identification or by passport.

The Croatian citizen, who does not have any of the documents of paragraph 1 of this Article, proves Croatian citizenship with a “Domovnica” issued by a municipal registry on the basis of a record of citizenship.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 30

A person is considered to be a Croatian citizen, if he has acquired this status pursuant to regulations which were effective until this Act has come into force.

A person who belongs to the Croatian nation who, at the time of effectiveness of this Act, does not have Croatian citizenship is considered to be a Croatian citizen if on that day has a registered domicile in the Republic of Croatia, and if he gives a written statement that he considers himself a Croatian citizen.

The written statement referred to in paragraph 2 of this Article is submitted to the police authority i.e. to a police station of the municipality where the person has a domicile.

The police authority i.e. a police station ascertains whether the requirements of paragraph 2 of this Article are fulfilled. If it ascertains that all the requirements are fulfilled, it shall order the registration in a record of citizenship, without issuing a written decision therein. If it ascertains that all the requirements are not fulfilled, it will decline the request by a written decision.

Article 31

Forms for keeping a record of citizenship, the content of “Domovnica”, and the way of keeping record of citizenship are regulated by the Minister of Internal Affairs.

The Minister of Internal Affairs sets prices of “Domovnica” forms paid by the applicant.

Article 32

Impediments for dismissal from the citizenship concerning military conscription (Article 18, paragraph 1, Point 2) are regulated by the Minister of Defense with a preliminary acquired consent by the Minister of Foreign Affairs.

Article 33

Regulations relating to provisions of Articles 31 and 32 of this Act will be enacted within 60 days after this Act comes into force.

Article 34

Data in records of citizenship referred to in Article 4, paragraph 2, and Article 20, paragraph 2 of this Act is an official secret.

Article 35

Proceedings started on the basis of the Act on Citizenship of the Socialist Republic of Croatia (the Official Gazette No. 32/77) will be completed according to the provisions of this Act.

Article 36

The Ministry of Internal Affairs supervises the implementation of this Act and other regulations enacted on the basis of this Act.

Article 37

With this Act coming into force, the Act on Citizenship of the Socialist Republic of Croatia (the Official Gazette No. 32/77) is repudiated.

Until the enactment of the provisions of Article 31 of this Act, the Ordinance on Keeping Record of Citizenship, Record Forms and Certificate of Citizenship Forms (the Official Gazette No. 7/78, 42/81) will be in force.

Article 38

This Act comes into force on the day of its publication in the Official Gazette.

ACT ON CITIZENSHIP OF THE REPUBLIC OF MACEDONIA

Country: Macedonia (Former Yugoslav Republic of)

Date of entry into force: 12 November 1992

[**Note:** This is an unofficial translation. This Act was published in the Official Gazette dated 3 November 1992.]

I. GENERAL PROVISIONS

Article 1

This Act shall govern the manner and conditions for acquisition and termination of citizenship of the Republic of Macedonia, establishment of citizenship, competent public authority for resolving such cases, certification of citizenship and keeping evidence of the nationals of the Republic of Macedonia.

Article 2

A national of the Republic of Macedonia may also be a national of another state.

A national of the Republic of Macedonia who is a national of another state shall be considered in the Republic of Macedonia solely as a national of the Republic of Macedonia, unless otherwise agreed by international treaty.

II. ACQUISITION OF CITIZENSHIP OF THE REPUBLIC OF MACEDONIA

Article 3

Citizenship of the Republic of Macedonia shall be acquired by:

- (1) origin;
- (2) birth within the territory of the Republic of Macedonia;
- (3) naturalization, and
- (4) international treaties.

I. BY ORIGIN

Article 4

A child shall acquire citizenship of the Republic of Macedonia by origin, in cases when:

- (1) both parents, at the time of birth, are nationals of the Republic of Macedonia;
- (2) one of the parents, at the time of birth, is a national of the Republic of Macedonia and the child is born in the Republic of Macedonia, unless the parents mutually agree that the child acquires citizenship of the other parent, and
- (3) one of the parent, at the time of birth, is a citizen of the Republic of Macedonia, while the other parent is unknown, is of unknown nationality, i.e. stateless, and the child is born abroad.

Citizenship of the Republic of Macedonia by origin shall also acquire an adopted child when legally adopted, where both or one of the adoptive parents is a national of the Republic of Macedonia.

Article 5

A child born abroad of whom one of the parents is, at the time of birth, a national of the Republic of Macedonia and the other foreign national, shall acquire citizenship of the Republic of Macedonia by origin if filed to be registered as a citizen of the Republic of Macedonia before reaching the age of 18 or has permanent residence in the Republic of Macedonia together with the parent who is a national of the Republic of Macedonia before reaching the age of 18. In case of legal dispute for awarding a custody of the child, citizenship shall be acquired after adoption of the court decision.

A citizenship of the Republic of Macedonia may be acquired under the conditions set forth in paragraph 1 of this Article by a person not registered by both parents, at the age of 18, if it files an application for registration as national of the Republic of Macedonia before reaching the age of 23.

The application of paragraphs 1 and 2 of this Article shall be filed to the competent authority for keeping of registries in which additional filing of the birth of a child is entered or to the diplomatic and consular missions of the Republic of Macedonia abroad.

A child acquiring citizenship of the Republic of Macedonia as set forth, in Article 4 of this Act and paragraphs 1 and 2 of this Article shall be considered a national of the Republic of Macedonia from the time of birth.

2. BY BIRTH WITHIN THE TERRITORY OF THE REPUBLIC OF MACEDONIA

Article 6

A child found within the territory of the Republic of Macedonia of unknown parents shall be considered as a national of the Republic of Macedonia.

A child as set forth in paragraph 1 of this Article shall cease to be a national of the Republic of Macedonia in cases when it is established, prior to reaching an age of 15, that his parents are foreign nationals.

3. BY NATURALIZATION

Article 7

An alien who lodged a request for citizenship of the Republic of Macedonia may become a national of the Republic of Macedonia by naturalization, in case the following conditions are met:

- (1) to be at the age of 18;
- (2) to have resided on the territory of the Republic of Macedonia legally, continuously at least 15 years, prior to filing the request;
- (3) to be physically and mentally healthy;
- (4) to have living facilities and permanent source of funds;
- (5) not to be charged with criminal charges in his state or in the Republic of Macedonia;
- (6) to speak the Macedonian language;
- (7) his acceptance as a national of the Republic of Macedonia not to endanger the security and defence of the Republic of Macedonia, and
- (8) to be renounced from foreign citizenship, i.e. he shall receive renouncement if accepted as a national of the Republic of Macedonia.

The conditions set forth in paragraph 1 of this Article shall be established by a special commission appointed by the Government of the Republic of Macedonia.

It shall be considered that the condition of paragraph 1 item 8 to this Article is met even when the person filing an application is stateless.

Notwithstanding paragraph 1 item 8 to this Article, a person may acquire citizenship of the Republic of Macedonia if he gives a statement that he shall give up his foreign citizenship.

The decision for refusing the request for acquiring citizenship of the Republic of Macedonia by naturalization in accordance with paragraph 1 item 7 to this Article, may not state the reasons for which the competent public authority, when considering it, adopted the decision.

Article 8

An immigrant from the Republic of Macedonia, as well as his descendant up to first generation may acquire citizenship of the Republic of Macedonia by naturalization although not meeting the conditions set forth in Article 7 paragraph 1 items 2 and 8 to this Act.

Article 9

An alien who has been married to a national of the Republic of Macedonia for at least three years and who legally resided in the Republic of Macedonia for at least one continuous year on the territory of the Republic of Macedonia prior to filing the request, may acquire citizenship of the Republic of Macedonia by naturalization although not meeting the conditions set forth in Article 7 paragraph 1 items 2, 6 and 8 to this Act.

Article 10

The request for acquisition of citizenship of the Republic of Macedonia as set forth in Article 8 to this Act shall be refused unless at least three years have passed from the date of termination of the citizenship of the Republic of Macedonia by renouncement until the request of reacquisition of citizenship of the Republic of Macedonia is filed.

Article 11

Notwithstanding Article 7 of this Act, an alien at the age of 18 may acquire a citizenship of the Republic of Macedonia by naturalization if it is of special scientific, economic, cultural and national interest, and more particularly for all

Macedonians by origin residing outside the borders of the Republic of Macedonia.

The Government of the Republic of Macedonia shall give its special opinion regarding the special interest as set forth in paragraph 1 to this Article.

Besides the alien of paragraph 1 of this Article, his/her spouse may also acquire citizenship of the Republic of Macedonia by naturalization in accordance with the conditions set forth in Article 9 to this Act.

Article 12

In case both parents acquired citizenship of the Republic of Macedonia by naturalization, their child under the age of 18 shall also become a national of the Republic of Macedonia.

In case one of the parents acquired citizenship of the Republic of Macedonia, his/her child under the age of 18 shall become a national of the Republic of Macedonia if so requested by that parent, and the child resides in the Republic of Macedonia, or if so requested by both parents, irrespective of the child's place of residence.

In case at least one of the adoptive parents acquired citizenship by naturalization, the adopted child under the age of 18, when fully adopted, shall acquire citizenship of the Republic of Macedonia by naturalization when residing in the Republic of Macedonia with one adoptive parent.

In case the child is at the age of 15 his/her consent shall be required for acquiring citizenship as set forth in paragraphs 1, 2 and 3 of this Article.

Article 13

A person shall acquire citizenship of the Republic of Macedonia by naturalization on the day the decision for citizenship of the Republic of Macedonia is delivered.

Article 14

The decision for acceptance as national of the Republic of Macedonia may be revoked upon delivery, if found that the alien, when filing the request for acceptance as national by naturalization, gave forged and incorrect data, i.e. used false documents.

The decision of paragraph 1 shall be revoked within the term determined for expiration of criminal persecution for criminal act set forth in paragraph 1 of this Article.

The decision for acceptance as national of the Republic of Macedonia as set forth in paragraph 1 of this Article, shall also be revoked for under-aged children acquiring citizenship together with their parents, in accordance with the provision of this Act.

Article 15

An under-aged person, whose citizenship of the Republic of Macedonia is terminated by renouncement, may re-acquire again if legally residing, by the age of 25, in the Republic of Macedonia at least three successive years and files a request for re-acquisition for citizenship of the Republic of Macedonia.

III. TERMINATION OF CITIZENSHIP

Article 16

Citizenship of the Republic of Macedonia shall terminate:

- (1) by renouncement, and
- (2) in accordance with international, treaties.

Article 17

Citizenship of the Republic of the Republic of Macedonia by renouncement shall terminate, if a person filing a request for renouncement meets the following conditions:

- (1) to be at the age of 18;
- (2) not to have any obstacles, regarding his military condition;
- (3) to have-fulfilled any property-legal and other legitimate obligations against the state authorities organizations enterprises and other legal and physical persons;
- (4) to have regulated any property-legal and other legitimate obligations arising from marriage relationship and from the relationship of the parents and children against persons residing in the Republic of Macedonia;
- (5) not to be subject to a penalty procedure in the Republic of Macedonia for criminal acts, prosecuted by line of duty or sentenced by imprisonment, to have served the sentence, and
- (6) to have foreign citizenship or to have proven that he shall acquire foreign citizenship.

The Ministry of Defence shall issue approval that the conditions set forth in paragraph 1 item 2 of this Article are met.

The competent public authority shall refuse the request for renoucement of citizenship of the Republic of Macedonia, even when the conditions set forth in paragraph 1 of this Article are met, if so required for the protection of security and defence of the Republic of Macedonia or for reciprocity or other reasons arising from the relations with foreign states.

The decision refusing the request for renoucement of citizenship of the Republic of Macedonia in accordance with paragraph 3 of this Article, may not state the reasons by which the competent public authority was governed when passing the decision.

The persons shall cease to be a national of the Republic of Macedonia on the day the decision for renoucement of citizenship of the Republic of Macedonia is delivered.

Article 18

The decision for renoucement of citizenship of the Republic of Macedonia shall be revoked, if the person granted renoucement continues to reside in the Republic of Macedonia, i.e. has moved abroad and has not acquired foreign citizenship within one year from the date the decision for renoucement was delivered.

The person that has been granted a renoucement of citizenship of the Republic of Macedonia shall file the application for cancellation of the decision to the diplomatic and consular missions of the Republic of Macedonia abroad or to the competent public authorities in the Republic of Macedonia.

Article 19

The citizenship of the Republic of Macedonia for a child under the age of 18 shall be terminated upon request of both parents whose citizenship of the Republic of Macedonia is terminated by renoucement or if the citizenship of the Republic of Macedonia of one of the parents is terminated thereto, while the other parent, not having a citizenship of the Republic of Macedonia, agreed thereto.

In case the child's parents live separately, the citizenship of the Republic of Macedonia by renoucement of a child shall terminate upon request of the Parent residing with the child, i.e. to whom the child has been given for education and care, and himself filed a request for renoucement of the citizenship of the Republic of Macedonia or if the parent residing with the child is an alien. In both cases a consent of the other parent is requested.

The provisions set forth in paragraphs 1 and 2 of this Article shall also apply to under-aged adopted child.

In case one of the parents disagrees the child to be renounced from the citizenship of the Republic of Macedonia, the child shall be renounced if the competent authority for guardianship agrees to it for the benefit of the child.

In case the child is at the age of 15, a consent by the child is requested for termination of citizenship set forth in paragraphs 1, 2 and 3 to this Article.

Article 20

In case of full adoption of under-aged adopted national of the Republic of Macedonia, when his/her parents are foreign citizens, the citizenship of the Republic of Macedonia by renouncement shall be terminated upon request of the adoptive parents.

In case the adopted child is at the age of 15, the citizenship, as referred to paragraph 1 to this Article, shall be terminated upon consent by the adopted child.

IV. COMPETENT PUBLIC FOR RESOLVING, KEEPING EVIDENCE AND CERTIFICATION OF CITIZENSHIP OF THE REPUBLIC OF MACEDONIA

Article 21

The request for acquisition, termination or establishment of citizenship of the Republic of Macedonia shall be lodged to the Ministry of Interior depending on the place of residence of the person or, in case the person resides abroad, to the diplomatic and consular missions of the Republic of Macedonia abroad.

The Minister of Interior shall pass a decision for acquisition, termination or establishment of citizenship of the Republic of Macedonia.

The decision of paragraph 1 of this Article shall be filed in accordance with the regulations for compulsory filing in person.

Article 22

The evidence for the nationals of the Republic of Macedonia and for foreign nationals born on the territory of the Republic of Macedonia shall be kept in the Ministry of Interior.

The evidence for acquisition and termination of citizenship of the Republic of Macedonia shall be kept by the Ministry of Interior in accordance with the existing standards and the laws.

Article 23

The citizenship of the Republic of Macedonia shall be proven by a valid identity card or passport.

The citizenship of the Republic of Macedonia shall be proven also by a certificate for citizenship of the Republic of Macedonia issued by the Ministry of Interior on the basis of the evidence set forth in Article 22 paragraph 1 to this Act.

Article 24

In case the person is not registered in the evidence for nationals of the Republic of Macedonia, the Ministry of Interior shall establish the citizenship of the Republic of Macedonia and the data thereto shall additionally register in the evidence for nationals of the Republic of Macedonia. In case the birth of a person is not registered, the data about birth and citizenship shall be entered accordingly in accordance with the provisions of the Act on Registers.

Article 25

The competent public authorities and organizations keeping evidence about the citizenship authorized by law to keep evidence shall be informed about acquisition, respectively termination of the citizenship of the Republic of Macedonia.

V. TRANSITIONAL AND CLOSING PROVISIONS

Article 26

A person who, according to the existing regulations has a citizenship of the Republic of Macedonia, shall be considered as a national of the Republic of Macedonia in accordance with this Act.

The procedures for acquisition or termination of citizenship of the Republic of Macedonia, that started before the enforcement of this Act, shall be completed in accordance with the provisions of this Act.

The nationals of the other republics of former SFRY and the nationals of former SFRY with registered residence on the territory of the Republic of

Macedonia may acquire citizenship of the Republic of Macedonia by lodging a request within one year from the date this Act takes effect, in case they have permanent source of funds, they are adults and before the filing the request legally resided on the territory of the Republic of Macedonia at least 15 years.

Article 27

The Minister of Interior shall pass sub-acts for keeping evidence about the nationals of the Republic of Macedonia, the nationals of the Republic of Macedonia residing abroad, the form of the request for acquiring citizenship of the Republic of Macedonia and the form of the certificate for citizenship of the Republic of Macedonia.

Article 28

The provision of Article 23 paragraph 1 to this Act shall apply after the identity cards and passports issued before this Act becomes effective, have been replaced.

Article 29

The sub-acts set forth in this Act shall be adopted within six months from the date this Act has taken effect.

The existing regulations shall apply until the adoption of the regulations set forth in paragraph 1 of this Article, unless contrary to the provisions of this Act.

Article 30

The Act on Citizenship of the Socialist Republic of Macedonia (“Official Gazette of SRM” No. 19/77), and the Act on Citizenship of SFRY (“Official Gazette of SFRY” No. 59/76) shall cease to be valid on the territory of the Republic of Macedonia on the effective date of this Act.

Article 31

This Act shall come into force on the eighth day upon its publication in the “Official Gazette of the Republic of Macedonia”.

THE LAW ON CITIZENSHIP OF BOSNIA AND HERZEGOVINA

Country: Bosnia and Herzegovina

Law published in the Official Gazette RBH No. 30/96 of 29 September 1996 (a republication of the Law based upon the Citizenship Act of 6 October 1992, as amended 23 April 1993 and 16 December 1993).

[**Note:** This is an unofficial translation. On the basis of Article 22 of the Law on Changes and Amendments of the Law on Citizenship RBH (Official Gazette RBH No. 26/96) and Article 66 section 1, line 4 of the Rules of Procedure of the RBH Assembly – Revised text (Official Gazette RBH No. 30/94), Legislation Commission of the Assembly of RBH determined Revised text of the Law on Citizenship BH, on its session that was held on 11 September 1996.]

I. GENERAL PROVISION

Article 1

This Law determines the conditions for acquisition and termination of the citizenship of Bosnia and Herzegovina (hereinafter BH citizenship).

II. ACQUISITION OF CITIZENSHIP OF BOSNIA AND HERZEGOVINA

Article 2

Citizens of Bosnia and Herzegovina may have citizenship of another country as well, on the condition that bilateral agreement has been signed between Bosnia and Herzegovina and the country of which citizenship has been applied for/acquired.

Article 3

BH citizenship shall be acquired:

(1) by origin;

- (2) by birth on the territory of Bosnia and Herzegovina (hereinafter BH);
- (3) by naturalisation; and
- (4) according to international agreements.

Article 4

A child shall acquire BH citizenship by origin if:

- (1) both of his/her parents were, at the time of his/her birth, BH citizens;
- (2) one of his/her parents was, at the time of his/her birth a BH citizen, and the child was born in BH;
- (3) one of his/her parents was, at the time of his/her birth, a BH citizen, while the other was a stateless person and the child was born abroad;
- (4) one of his/her parents was, at the time of his/her birth, a citizen of BH, while the other was a citizen of the former SFRJ and the child was born abroad.

A child whose parent is a foreign citizen or stateless, shall acquire BH citizenship by origin, if, according to the provisions of the international legislation, he/she was adopted by BH citizens, with full adoption rights.

Article 5

A child born abroad, whose one parent was a citizen of BH at the time of child's birth, shall acquire BH citizenship by origin, if he/she is registered for a purpose of registration as the BH citizen with a competent authority in BH or abroad, before he/she reaches age of 23 years or if he/she stays in BH for longer period of time for the reasons of upbringing an education.

A child born abroad, whose one of the parents was a BH citizen at the time of child's birth, shall acquire BH citizenship, although he/she does not meet the conditions set out in section 1 of this Article, if the child would otherwise be stateless.

Article 6

Persons who acquired BH citizenship according to the provisions of Articles 4 and 5 of this Law shall be considered BH citizens from the moment of their birth.

Article 7

A child born or found on the territory of BH, whose both parents are unknown or of unknown citizenship or stateless, shall acquire BH citizenship.

BH citizenship acquired by a child, as defined in section 1 of this Article, shall terminate if it is determined by his/her 14 years of age, that his/her parents are foreign citizens.

Article 8

A foreign citizen who applies for BH citizenship may acquire BH citizenship by naturalisation if he/she meets the following conditions:

- (1) that he/she has reached the age of 18 and acquired his/her legal capacity;
- (2) that he/she has been released from a foreign citizenship, or that he/she submits an evidence that he/she shall be released from the foreign citizenship if he/she is granted BH citizenship, unless a bilateral agreement determines otherwise;
- (3) that he/she has had a registered residence on the territory of BH for ten years continuously, before his/her applying for BH citizenship;
- (4) that he/she has permanent sources of income providing for material and social safety;
- (5) that he/she does not have a contagious diseases – tuberculosis and AIDS;
- (6) that he/she has not been pronounced a security measure of permanent deportation or a protective measure of temporary deportation of a foreigner from the territory of BH;
- (7) that he/she was not sentenced for crimes against the bases of social system, humanity and international law and armed forces.

The condition set out in section 1, line 2 of this Article shall be considered fulfilled if the applicant is stateless or if the applicant shall lose the existing citizenship by the acquisition of BH citizenship by naturalisation, in accordance with the law of the country whose citizenship the applicant acquired.

If a foreign country does not allow release from citizenship, or sets conditions for release that cannot be fulfilled, the applicant's statement that he/she shall renounce the foreign citizenship under the assumption of acquiring BH citizenship, shall be sufficient.

An authority in charge of making decisions on granting BH citizenship shall deny the application for granting BH citizenship, although the conditions set forth in the section 1 of this Article are met, if the reasons of security and defense of the country so require.

Article 9

An emigrant, as well as his/her descendants shall acquire BH citizenship by naturalisation, although they do not meet the conditions referred to in Article 8, section 1, lines 2 and 3 of this Law.

A foreigner who has been married to a BH citizen for not less than five years, and who has a registered temporary residence on the territory of BH, may acquire BH citizenship by naturalisation, although he/she does not meet the conditions provided by the Article 8, section 1, line 3 of this Law.

A minor who has been adopted by a citizen of BH may acquire BH citizenship by naturalisation, although he/she does not fulfill the conditions set forth in Article 8 section 1, lines 2 and 3 of this Law.

According to section 1 of this Article, an emigrant is a person who moved out from BH with intention to permanently reside abroad.

A member of BH armed forces, who is not a citizen of BH shall acquire BH citizenship by naturalisation, although he does not meet the conditions set out in section 1, lines 1, 3 and 4 of Article 8 of this Law.

Article 10

A foreigner who's granting of BH citizenship would be in the interest of BH, may acquire BH citizenship by naturalisation, although he/she does not meet the criteria set out in Article 8, section 1, lines 1, 3 and 4 of this Law.

A spouse of a foreigner who acquired BH citizenship, in accordance with the section 1 of this Article, may acquire BH citizenship, although he/she does not meet the conditions provided by Article 8, section 1, lines 1, 3 and 4 of this Law.

The decision on granting BH citizenship to a foreigner, based on the provisions of the sections 1 and 2 of this Article, shall be made by the BH Government.

Article 11

A foreigner who has had a registered company in BH for at least two years, and successfully conducts his business on the territory of BH, may acquire BH citizenship by naturalisation, although he/she does not meet the conditions referred to in Article 8, section 1, lines 3 of this Law.

A foreigner said in section 1 of this Article shall be admitted to BH citizenship upon obtaining an affirmative opinion of the Ministry of Foreign Trade and International Communications.

Article 12

A minor shall acquire BH citizenship by naturalisation if:

- (1) both of his parents acquired BH citizenship by naturalisation;
- (2) one of his parents acquired BH citizenship by naturalisation and the child has a permanent residence in BH.

Article 13

A person who acquired BH citizenship by naturalisation shall become BH citizen on the date when decision on granting BH citizenship becomes binding.

Article 14

A decision on granting BH citizenship cannot be annulled, repealed, changed or proclaimed as null and void, if a person who acquired BH citizenship by that decision shall become stateless.

III. TERMINATION OF THE CITIZENSHIP OF BOSNIA AND HERZEGOVINA

Article 15

BH citizenship shall be terminated:

- (1) by release;
- (2) by renunciation;
- (3) by withdrawal;
- (4) by international agreements.

Article 16

BH citizenship may be terminated to a BH citizen by release if he/she submits the application for release and meets the following criteria:

- (1) that he/she has reached 18 years of age;
- (2) that there are no impediments related to the military obligation;
- (3) that he/she has settled all required contributions, taxes and other obligations towards the state and artificial persons in BH that are stipulated by the binding decision of the competent authorities;

- (4) that he/she has settled the property obligations arising from matrimonial and parent-child relationships towards citizens of BH;
- (5) that there are no criminal proceedings initiated against him/her in BH for a criminal offense which is prosecuted *ex officio* or if sentenced to imprisonment in BH and has served the sentence;
- (6) that he/she has acquired foreign citizenship or proved that he/she will be granted a foreign citizenship.

Release from BH citizenship may be approved to a person who has continuously resided abroad for more than 15 years, or ten years if he/she is married to a foreign citizen and meets the conditions set out in section 1, lines 3, 4, 5 and 6 of this Article.

If a competent authority fails to issue a notification on existence of impediments referred to section 1, lines 2, 3, 4 and 5 of this Article, within 30 days after the Ministry of Justice and General Administration of Bosnia and Herzegovina asked for such a notification, it shall be considered that those impediments do not exist.

An authority in charge of making decision on release from BH citizenship, shall deny the request for release from BH citizenship, although the conditions stipulated in section 1 of this Article are fulfilled, for the reasons of security and defense of BH or the reasons of reciprocity or other reasons stemming from the relations with another state require so.

BH citizenship shall be terminated to a person who applied for the release from BH citizenship, on the date when decision on release from BH becomes binding.

Article 17

The decision on release from BH citizenship shall have no more effect, if requested by a person who was approved the release, if he/she does not acquire a foreign citizenship within a year, as of the date on which the decision was delivered to him/her and if he/she continues to live in BH.

The decision on release from BH citizenship shall have no more effect, by issuing a special decision on request of the person who was approved release and emigrated from BH, if he/she did not acquire foreign citizenship within three years from the day he/she left BH, and if he/she notified a competent diplomatic or consular office of BH abroad or the authority in charge of issuance of decisions on release from BH citizenship within the next three years.

Article 18

BH citizenship shall be terminated for a child by the age of 18 upon the application submitted by:

- (1) both parents whose citizenship was terminated by release;
- (2) one parent whose citizenship ceased by release, if the other parent has not acquired BH citizenship;
- (3) one parent who exercises the parental rights effectively, whose citizenship was terminated by release, if a consent of the other parent, who is a citizen of BH, is given;
- (4) an adoptive parent, whose citizenship was terminated by release, if full adoption has been established between the adoptive parent and adopted child.

According to the provisions of section 1 of this Article, BH citizenship shall be terminated on the date when decision becomes binding.

Article 19

A person beyond the age of 18 years, who is a BH citizen and who was born and resides abroad and who also acquired a foreign citizenship, may renounce BH citizenship.

A statement on renouncing BH citizenship, according to section 1 of this Article, shall be submitted to the Ministry of Justice and General Administration of BH.

If the statement on renouncement, given by a person mentioned in section 1 of this Article, is approved by the Ministry of Justice and General Administration of BH, BH citizenship shall be terminated on the date when the decision on termination of BH citizenship becomes binding.

Article 20

BH citizenship acquired by a minor shall terminate if an application for termination of BH citizenship by renunciation is submitted by both parents whose BH citizenship ceased by renunciation, or by one parent who renounced BH citizenship if the other parent does not have BH citizenship.

Article 21

The citizenship of BH shall cease by withdrawal for a citizen of BH, if he/she inflicts injury to the international or other interests of BH.

The following activities are considered detrimental to the interests of BH in accordance to section 1 of this Article:

- (1) engagement in the organisation which activities are aimed against the constitutional system of BH;
- (2) engagement in a foreign intelligence service, which activities are detrimental to the interests of BH, or if he/she damages BH interests by his/her work in foreign state bodies or organizations;
- (3) engagement in an organisation, the aims of which are contrary to the general principles of the United Nations Charter and the Universal Declaration of Human Rights.

The decision on withdrawal may be issued without previously given statement of BH citizen in cases when his/her permanent or temporary residence is unknown.

A BH citizenship of a person whose citizenship has been withdrawn shall terminate on the day when decision on withdrawal of BH citizenship becomes binding. If delivery of a decision on withdrawal is not possible, the citizenship of BH shall be terminated eight days after the date of the publishing of the decision in the RBH Official Gazette.

Article 22

A person whose BH citizenship was terminated according to Articles 18 and 20 of this Law, while he/she was a minor, may re-acquire BH citizenship if he/she has a permanent residence in BH and if he/she submits the application for re-acquisition of BH citizenship before he/she reaches the age of 25.

IV. PROCEDURAL PROVISIONS

Article 23

The applications for acquisition or termination of BH citizenship shall be submitted to the Ministry of Justice and General Administration of BH.

2. The application said in section 1 of this Article may be also submitted via diplomatic or consular BH representative office abroad.

The Ministry of Foreign Affairs of BH is obliged to deliver received applications, from section 1 of this Article, to the Ministry of Justice and General Administration within 15 days upon the submitting of the application.

Parents or adoptive parents shall submit the application from the section 1 of this Article on behalf of a minor, and if a child is older than 14, his/her consent is required for acquisition or termination of BH citizenship.

Article 24

The decision on acquisition or termination of BH, as well as the decision on determination of BH citizenship, shall be made by BH Minister of Justice and General Administration.

BH Ministry of Justice and General Administration is obliged to decide on the request from section 1 of this Article and to deliver the decision to the applicant, within six months upon the receipt of the application, at the latest.

The decision made under the section 1 of this Article is final, and the administrative dispute may be commenced against that decision.

The decision from the section 1 of this Article shall be delivered to the Ministry of Defense and the competent authority in charge to keep the Register of Births.

Article 25

The register shall be kept on BH citizens who were registered into the Register of Births, on the territory of BH or diplomatic or consular BH representative offices abroad.

For the persons who are not registered into the Registers from section 1 of this Article, the register on BH citizens shall be kept in the Citizenship Registers, in a manner determined by the act adopted in accordance with Article 31, section 2 of this Law.

The register on persons who acquired BH citizenship or the persons whose BH citizenship ceased, shall be kept by the BH Ministry of Justice and General Administration.

The register from section 2 of this Article shall be kept by the Registrar's Officer in the municipality where a person who is to be registered has his/her permanent residence.

The fact of BH citizenship may be registered in the Registers of Births without special decision, on the basis of certificate of citizenship, or if the Registrar's Officer or an authorized person employed with the diplomatic or consular BH representative office abroad, determines that the applicant is the citizen of BH under the regulations referred to in Articles 4, 5, 6 and 30 of this Law.

Article 26

The Certificate of BH Citizenship shall be issued by the authority in charge of keeping the Registers of Births and the Registers of BH Citizens.

The Certificate of BH Citizenship, on the basis of the records on BH citizens, kept in accordance with the former regulations, shall be issued by the competent authority in charge of keeping the records.

Article 27

BH citizenship shall be documented proved by the Certificate of Citizenship or by excerpt from the Births Register.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 28

A person who acquired BH citizenship in accordance with the regulations in force until the enforcement of this Law shall be also considered BH citizen.

Article 29

A BH citizen, who is also a foreign citizen shall be considered a solely BH citizen when he/she is at the territory of BH, unless international agreements require otherwise.

Article 30

A person who possessed the former SFRJ citizenship on April 6, 1992 and permanent residence on the territory of BH, shall be considered the BH citizen.

Article 31

The BH Minister of Justice and General Administration shall determine the form and the contents of the form for the registers from Article 25, sections 2 and 3 of this Law, as well as the manner of keeping the register and the form and contents of the Certificate of Citizenship.

BH Minister of Justice and General Administration, with consent of the Minister of Foreign Affairs, shall determine the form of the Certificate of Citizenship of BH, intended for use abroad.

The existence of impediments related to the military service (from Article 16, section 1, line 2) shall be decided by the Minister of Defense.

The regulations provided by the sections 1 and 2 of this Article shall be brought up within 60 days upon the Law on Changes and Amendments to the Law on Citizenship of Bosnia and Herzegovina comes into force (Official Gazette RBH No. 26/96).

Article 32

The procedures started in accordance with the Law on Citizenship of the Republic of Bosnia and Herzegovina (Official Gazette RBH Nos 18/92, 11/93, 27/93, 13/94 and 15/94), which have not been completed by the date of enforcing the Law on Changes and Amendments of the Law on Citizenship of Republic of Bosnia and Herzegovina (Official Gazette RBH No. 26/96) shall be completed in accordance with the regulations provided by this Law.

Article 33

The supervision of the implementation of this Law and the regulations adopted on the basis of this Law, shall be performed by the BH Ministry of Justice and General Administration.

Article 34

The BH Ministry of Justice and General Administration is obliged to institute the Central Register of BH Citizens by 30 June 1997.

Article 35

Fact regarding BH citizenship of a person referred to in Article 25, section 2 of this Law, which cannot be registered in accordance with the place of permanent residence, shall be temporarily registered with the authority in charge of the interior affairs according to the place of temporary residence of the applicant.

Article 36

In cases in which a person, who has entered into a procedure of making certain rights effective or a procedure of fulfilling certain duties, is not able to obtain evidence on BH citizenship, nor that evidence can be obtained *ex officio*, he/she may with two witnesses who possess identification documents, give a statement on citizenship in the police station, in the municipality in which he/she temporary resides.

Article 37

If the police station determines BH citizenship according to Article 36 of this Law, it shall keep special register on such cases.

The register referred to in the section 1 of this Article contains the following: ordinal number, name and surname, name and surname of one of the parents, date, year and place of birth, place of permanent residence, the date of making the statement and personal data (name, surname and ID number) of a witness.

Article 38

The Law on Citizenship of the Socialist Republic of Bosnia and Herzegovina (Official Gazette of SR BH No. 10/77) and the Law on Citizenship of the Socialist Federal Republic of Yugoslavia (Official Gazette of SFRJ No. 58/76) that by its Article 1 Chapter 2 "State Administration and Justice", line 2 "Interiors" underline 2) of the Decree on Taking Over and Application of the Federal Laws Which are Applied in the BH as the Republic Laws (Official Gazette RBH No. 2/92) that was taken over as the Republic Law, shall ceased to be valid on the date on which the Law on Citizenship of the Republic of Bosnia and Herzegovina (Official Gazette RBH No. 18/92) enters in force.

Article 39

The revised text of the Law on Citizenship of Bosnia and Herzegovina includes the following: the Decree on the Citizenship of the Republic of Bosnia and Herzegovina (Official Gazette RBH No. 18/92), the Decree on Changes and Amendments of the Decree on Citizenship of the Republic of Bosnia and Herzegovina (Official Gazette RBH No. 11/93), the Decree on Changes and Amendments of the Decree on the RBH Citizenship (Official Gazette RBH No. 27/93), the Law on Confirmation of Decrees (Official Gazette RBH No. 13/94), the Law on Changes and Amendments of the Law on Citizenship of the Republic of Bosnia and Herzegovina (Official Gazette RBH No. 15/94) and the Law on Changes and Amendments of the Law on Citizenship of the Republic of Bosnia and Herzegovina (Official Gazette RBH No. 26/96), in which the date of entry into force of those decrees and laws is defined.

THE YUGOSLAV CITIZENSHIP LAW 1996

Country: Yugoslavia

Date of entry into force: 01 January 1997

[**Note:** This is an unofficial translation. This Law was published in the Official Gazette dated 19 July 1996.]

DECREE ON PROMULGATION OF THE YUGOSLAV CITIZENSHIP LAW

The Yugoslav Citizenship Law is promulgated, which has been brought by the Federal Parliament on the Session of the Chamber of Citizens held on 16 July 1996 and on the Session of the Chamber of Republics held on 16 July 1996.

Pr. No. 217
16 July 1996
Belgrade

President of the Federal Republic of Yugoslavia
Zoran Lilic (manu propria)

*

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THE YUGOSLAV CITIZENSHIP LAW

I. FUNDAMENTAL PROVISIONS

Article 1

- (1) The Yugoslav citizenship is acquired and terminated under the conditions determined hereunder.

Article 2

The Yugoslav citizenship is acquired:

- (1) by origin;
- (2) by birth on the territory of Yugoslavia;
- (3) by acceptance;
- (4) according to international agreements.

Article 3

The Yugoslav citizenship is terminated:

- (1) by release;
- (2) by renunciation;
- (3) according to international agreements.

Article 4

- (1) A Yugoslav citizen having a citizenship of another country is considered to be a Yugoslav citizen when on the territory of the Federal Republic of Yugoslavia (hereinafter: Yugoslavia).

Article 5

- (1) A Yugoslav citizen has his member-republic-citizenship terminated by termination of Yugoslav citizenship, and a foreigner acquires the nationality of the member republic at the moment of acquiring Yugoslav citizenship.

- (2) Citizen of a member republic is entitled to same rights and duties on the territory of the other member republic as its own citizens.

Article 6

- (1) Yugoslav citizenship is proved by a birth certificate or by a certificate from the registry of the Yugoslav citizens.
- (2) A person born abroad and a person who as a foreigner and in accordance with this law, was accepted into Yugoslav citizenship proves his/her Yugoslav citizenship by a certificate from the registry of Yugoslav citizens.
- (3) The Yugoslav citizenship is proved abroad by a birth certificate or certificate from the registry of Yugoslav citizens or by a valid travel document of a Yugoslav citizen.

II. ACQUISITION OF THE YUGOSLAV CITIZENSHIP

1. ACQUISITION OF CITIZENSHIP BY ORIGIN

Article 7

The Yugoslav citizenship is acquired by origin by:

- (1) a child whose both parents at the moment of its birth are Yugoslav citizens;
- (2) a child born in Yugoslavia whose one of the parents at the moment of child's birth is a Yugoslav citizen;
- (3) a child born abroad whose one of the parents at the moment of child's birth is a Yugoslav citizen, and the other parent is unknown or of unknown nationality or is stateless.

Article 8

- (1) The Yugoslav citizenship is acquired by origin by a child born abroad, whose one of the parents at the moment of child's birth is a Yugoslav citizen, and the other is a foreign citizen, if it is registered until its 18th year as a Yugoslav citizen with the competent diplomatic or consular representation office of Yugoslavia and if it submits a request for registration into the registry of Yugoslav citizens.
- (2) Request for registration of a child into the registry of Yugoslav citizens may be made by a parent who is a Yugoslav citizen. If a child is under

guardianship, the application may be lodged by a guardian. If a child is over the age of 14, its consent is required.

- (3) A child born abroad, whose one parent at the moment of child's birth is a Yugoslav citizen, and which remains without citizenship, acquires a Yugoslav citizenship although not registered as a Yugoslav citizen, i.e. registered in the registry of Yugoslav citizens, pursuant to paragraph 1 of the present Article.

Article 9

- (1) Under the conditions referred under Article 8, paragraph 1 hereabove, the Yugoslav citizenship is acquired by a person over the age of 18 if he/she submits a request for registry in the Registry of Yugoslav citizens before the age of 23.
- (2) The request referred to under paragraph 1 hereabove is submitted to the authority in charge of keeping the Registry of Yugoslav citizens.

Article 10

- (1) Under the terms referred to under Articles 7, 8 and 9 of the present Act, the Yugoslav citizenship is acquired as well by an adoptee – foreigner, in case of full adoption.
- (2) Request for registration of the adoptee – foreigner into the registry of Yugoslav citizens is submitted by the adopter – Yugoslav citizen.
- (3) Request referred to under paragraph 2 hereabove can be submitted by the adoptee older than 18 years up to 23 years.

2. ACQUISITION OF THE CITIZENSHIP BY BIRTH ON THE TERRITORY OF YUGOSLAVIA

Article 11

- (1) A child born or found on the territory of Yugoslavia (orphan) acquires Yugoslav citizenship by birth although both parents might be unknown or of an unknown citizenship or are stateless.
- (2) Yugoslav citizenship of a child referred to under paragraph 1 hereabove can be terminated if until its age of 18 it is determined that both its parents are foreign nationals. The citizenship ceases at the parents' request on the date the decision thereon is issued.

-
- (3) If a child is over 14 years of age, its consent is required for the termination of its Yugoslav citizenship.

3. ACQUIRING CITIZENSHIP BY ACCEPTANCE

Article 12

- (1) A foreigner that has been granted, pursuant to regulations on migration and residence of foreigners, permanent residence on the territory of Yugoslavia, at his/her request may be granted Yugoslav citizenship under the following conditions:
- that he/she is 18 years of age or has entered marriage with a Yugoslav citizen regardless of age;
 - that he/she has a release from foreign citizenship or provides proof that he/she will receive such release if naturalized as Yugoslav citizen;
 - that in the place of permanent residence he/she has a job or some other source of financing for own upkeep and upkeep of the members of his/her family;
 - that he/she has not been convicted to imprisonment for a criminal act making him/her unfit for naturalization as a Yugoslav citizen;
 - that it may be concluded from his behavior that he/she will be a loyal Yugoslav citizen.
- (2) Conditions referred to under item 2 paragraph 1 hereabove are met if the request is made by a person without citizenship or a person that will render proof that he/she will lose citizenship by naturalization as Yugoslav citizen pursuant to the law of the country whose citizenship he/she holds.
- (3) If a foreign country does not allow release term citizenship or places such conditions for release which the foreigner cannot fulfill without vital damage to his existence and the existence of his/her family condition from paragraph 1, line 2 is fulfilled if the applicant gives the statement that he/she renounces the foreign citizenship in case he/she acquires the Yugoslav citizenship.

Article 13

A Yugoslav emigrant and a member of his/her family may be naturalized as Yugoslav citizens if they meet the conditions set forth under Article 12 paragraph 1, items 4 and 5 of the present Act.

Article 14

- (1) Yugoslav citizenship may also be granted to a foreigner who does not have a release from foreign citizenship, regardless of the fact whether he/she has been granted permanent residence in the Yugoslavia and whether he/she has a job or some other source for financing the upkeep, if his/her naturalization as Yugoslav citizen is required by international and other interests of Yugoslavia, if he/she has particular merits for Yugoslavia or it is necessary for scientific, economic, cultural, national and similar reasons.
- (2) The Federal Government decides on the naturalization as Yugoslav citizen referred to under paragraph 1 hereabove on the present Article.

Article 15

- (1) If both parents acquire a Yugoslav citizenship by acceptance, their child that has not reached the age of 18 also acquires the Yugoslav citizenship at their request.
- (2) If one of the parents acquires Yugoslav citizenship by acceptance, upon his request, his/her child that has not reached the age of 18 also acquires the Yugoslav citizenship of living with this parent in Yugoslavia.
- (3) Along with the request mentioned in paragraph 2 of this Article the consent of the other parent should be submitted. The consent is not required if the other parent is stateless.
- (4) If the other parent does not approve the naturalization of the child as Yugoslav citizen the approval is given by the competent guardianship authority.
- (5) If the child is older than 14, his/her consent is required for naturalization as Yugoslav citizen.

Article 16

- (1) In the case of incomplete adoption an adoptee-foreigner who has not reached the age of 18, may acquire Yugoslav citizenship at the request of the adopter who is a Yugoslav citizen if living permanently with the adoption in Yugoslavia.
- (2) If the adoptee is older than 14 his/her consent is required for naturalization as Yugoslav citizen.

Article 17

- (1) The authority that has brought the decision on naturalization as Yugoslav citizen may rescind this decision if it determined that the naturalization as Yugoslav citizen was achieved by false statement or deliberate concealment of vital facts or circumstances that have affected the bringing of the decision.
- (2) If it is the interest of the child, the rescinding of the decision referred to under paragraph 1 hereabove needs not pertain to a child up to the age of 18 that has acquired the Yugoslav citizenship.

4. ACQUIRING CITIZENSHIP ACCORDING TO INTERNATIONAL AGREEMENTS**Article 18**

- (1) Yugoslav citizenship may be acquired on the basis of the confirmed international agreement.
- (2) Dual nationality may be established by international agreement referred to under paragraph 1 hereabove subject to reciprocity.

III. TERMINATION OF YUGOSLAV CITIZENSHIP**1. TERMINATION OF THE CITIZENSHIP BY RELEASE****Article 19**

- (1) Yugoslav citizenship ceases to the Yugoslav citizen by release if he/she submits a request for release and meets the following conditions:
 - that he/she is 18 years of age;
 - that there are no impediments regarding the military service;
 - that he/she has paid the taxes and other legal obligations;
 - that he/she has settled the property obligations from marital relation and relations of parents and children towards persons living in Yugoslavia;
 - that there are no criminal proceedings instituted against him/her in Yugoslavia for a criminal offense which is prosecuted *ex officio*, and, if sentenced to imprisonment in Yugoslavia, that he/she has served that sentence;

- that he/she has a foreign citizenship or proof that he/she will be naturalized as foreign citizen.
- (2) In the procedure of release from Yugoslav citizenship at the request of a military person or civil person employed by the Yugoslav Army, the opinion of the federal authority in charge of defense affairs will be obtained.

Article 20

Release from Yugoslav citizenship will not be approved:

- (1) If this is necessary for reasons of security of defense of the country, for reasons of reciprocity or if the economic and other interest of Yugoslavia so require.
- (2) Persons subject to military conscription, if the federal authority in charge of defense affairs determine that there are impediments for release related to military obligation.

Article 21

- (1) Yugoslav citizen that has submitted the application for release from Yugoslav citizenship may demand under the same request also the release from Yugoslav citizenship for his/her children up to the age of 18. Along with the request for release from the Yugoslav citizenship of a child the consent of the other parent as well as the opinion of the competent guardianship authority are required. If the child is over age of 14, its consent is required as well.
- (2) If the parents are divorced, the request for release from citizenship of a child may be submitted only by the parent that has been given custody of the child on the basis of an effective court decision.
- (3) If the other parent does not agree with the release of the child from the Yugoslav citizenship, or his residence is unknown, or is deprived of civil capacity or paternal rights, the request for release of the child from Yugoslav citizenship will be accepted if, according to the opinion of the competent guardianship authority, this is in the child's interest.

Article 22

- (1) In case of full adoption, the Yugoslav citizenship of the adoptee up to age of 18 is terminated by release if the application for release from the citizenship is lodged by an adopter who is a foreigner or an adopter that

has lodged the application for release from Yugoslav citizenship and if conditions referred to under Article 21 hereabove have been met.

- (2) Yugoslav citizenship would not be terminated to a child by full adoption if it would thereby remain stateless.

Article 23

- (1) If a person that has been granted release from Yugoslav citizenship does not acquire foreign citizenship within one year from the date of delivery of the decision on release, the authority that has brought the decision may annul the same on the written application of that person.

2. TERMINATION OF CITIZENSHIP BY REUNIFICATION

Article 24

- (1) A Yugoslav citizen of legal age born and living abroad, who also has a foreign citizenship, may renounce the Yugoslav citizenship until the age of 23.
- (2) With respect to reunification of citizenship of a child until the age of 18 the provisions of Article 21 hereabove are implemented accordingly.

3. TERMINATION OF CITIZENSHIP ACCORDING TO INTERNATIONAL AGREEMENTS

Article 25

Yugoslav citizenship may cease on the basis of confirmed international agreement.

IV. REACQUISITION OF YUGOSLAV CITIZENSHIP

Article 26

- (1) A person that has been released from Yugoslav citizenship and has acquired foreign citizenship and a person whose Yugoslav citizenship has been terminated, at parents' request, by release or reunification may reacquire the Yugoslav citizenship and if he/she spends a minimum of one year continuously on the territory of Yugoslavia.
- (2) An application for reacquisition of the Yugoslav citizenship will be denied if there are any impediments referred to under Article 12 paragraph 1, items 1, 4 and 5 hereabove.

V. SOLVING THE CONFLICT OF REPUBLIC CITIZENSHIP ACTS

Article 27

- (1) Child acquires the citizenship of the member republic whose citizenship both parents have at the moment of its birth.
- (2) If the child's parent at the moment of his/her birth have a citizenship of different member republics, the child acquires the citizenship of the member republic according to the law of the republic on whose territory he/she was born, if one of the parents has the citizenship of that republic. Parents may determine by agreement that the child will acquire the citizenship of a member republic according to the law of the republic whose citizenship the other parent has.
- (3) A child born abroad, whose parents at the moment of his/her birth have the citizenship of different member republics, acquires the citizenship of member republic of one of the parents according to the law of the republic they choose by mutual agreement.
- (4) If agreement referred to under paragraph 3 above is not reached, the child acquires the citizenship of the member republic according to the law of the republic on whose territory he/she was registered in the registry of births, i.e. according to the law of the republic whose citizenship has the parent who is reporting the child as Yugoslav citizen with the competent Yugoslav diplomatic or consular representative office and demanding the registration of the child in the Registry of Yugoslav citizens.
- (5) If one of the parents is not alive or is deprived of his civil capacity or parental rights or is unknown, the statement on the child's citizenship of the member republic is given by the other parent.
- (6) The provisions referred to under paragraph 1 to 5 hereabove are applicable also in determination of the member republic citizenship with an adoptee – foreigner which has acquired the Yugoslav citizenship by full adoption.

Article 28

- (1) A person that has acquired Yugoslav citizenship by acceptance acquires the citizenship of the member republic on whose territory he/she resides.
- (2) A Yugoslav emigrant acquires the citizenship of the member republic which he/she declares in the request for naturalization as Yugoslav citizen.
- (3) If a parent or spouse of a person referred to under paragraph 1 hereabove is a Yugoslav citizen, this person may acquire the citizenship of the member republic of the spouse or parent.

VI. PROCEDURE FOR ACQUISITION OR TERMINATION OF YUGOSLAV CITIZENSHIP AND DETERMINATION OF YUGOSLAV CITIZENSHIP

Article 29

The federal and republican authority in charge of internal affairs decides on the applications for acquisition of the Yugoslav citizenship by acceptance and on the basis of international agreements, as well as on termination of Yugoslav citizenship, in accordance with, its competence prescribed by the law.

Article 30

- (1) The application for naturalization, application, for release and application for reacquiring Yugoslav citizenship is submitted personally or via proxy on a prescribed form.
- (2) A guardian submits the application for a person deprived of civil capacity.
- (3) Application for naturalization, application for release and statement on renunciation of Yugoslav citizenship is submitted to the Federal authority in charge of internal affairs directly, or through relevant diplomatic or consular department of Yugoslavia. The request for reacquisition of Yugoslav citizenship is submitted to the Federal authority in charge of internal affairs.
- (4) Application for naturalization, application for release and statement on renunciation of Yugoslav citizenship will be conveyed by the competent Yugoslav diplomatic or consular representation office without any delays to the federal authority in charge of internal affairs.

Article 31

- (1) If the procedure for determination, acquisition or termination of Yugoslav citizenship, commenced at the application of a party, cannot be continued or completed without undertaking certain activities on the part of the applicant, it shall be deemed that the request has been withdrawn if in spite of the warnings given by the competent authority the applicant does not perform on time the activity required for the continuation or completion of the procedure, i.e. if due to failure to undertake this activity it may be concluded that the party is not interested any more in the continuation of the procedure.
- (2) The procedure may be suspended for reasons stated under paragraph 1 hereabove upon expiry of three months from the date of warning, i.e. six months if the party resides abroad.

Article 32

- (1) The Yugoslav citizenship is acquired, i.e. is terminated by delivery of decision on naturalization and release from citizenship and in case or termination by renunciation – by lodging a statement on renunciation.
- (2) The federal authority in charge of internal affairs is obliged to refer the irrevocable decision on the acquisition or termination of Yugoslav citizenship to the respective authority in charge of keeping the registries – the authority in charge of keeping registries of population.

Article 33

A child or person referred to Articles 7 to 11 of the present Act is deemed a Yugoslav citizen since birth.

Article 34

Release from Yugoslav citizenship will not be granted, i.e. renunciation of Yugoslav citizenship will not be accepted while there is a state of war, a state of immediate war danger and a state of emergency.

Article 35

- (1) If a person is not entered in the registry of births or a registry of Yugoslav citizens the federal authority in charge of internal affairs will determine the citizenship of that person at his/her application.
- (2) The federal authority in charge of internal affairs makes the decision on establishment of Yugoslav citizenship.
- (3) If the authority referred to under paragraph 1 hereabove establishes a Yugoslav citizenship to a person born in foreign country or who was a foreigner accepted into Yugoslav citizenship will register such person in the registry of Yugoslav citizens.

Article 36

- (1) If the federal authority in charge of internal affairs determines in the procedure that a person has acquired the Yugoslav citizenship contrary to regulations on citizenship which have been effective at the time of acquiring the citizenship, particularly on the basis of false or forged document or statement on the basis of wrong facts or other abuse and irregularity in the procedure carried out, it shall make a decision on rescinding the acquisition of Yugoslav citizenship to that person.

- (2) The federal authority in charge of internal affairs is obliged to deliver the decision on rescinding the acquisition of Yugoslav citizenship to the authority in charge of keeping registries, i.e. in charge of keeping the registries of population.

VII. CITIZENSHIP RECORDS

Article 37

- (1) The Yugoslav citizenship is entered in the Registry of Births.
- (2) For Yugoslav citizens born in the foreign country as well as for persons who as foreigners were accepted into Yugoslav citizenship, the Yugoslav citizenship is entered in the Registry of Yugoslav citizens in a prescribed way.
- (3) The Registry of Yugoslav citizens is kept by the federal authority in charge of internal affairs.
- (4) Entry in the Registry of Yugoslav citizens is made on the basis of request made by the interested person and for persons that have been naturalized as Yugoslav citizens according to the provisions of the present Act – *ex officio*.
- (5) The request for entry in the registry of Yugoslav citizens is lodged with the federal authority in charge of internal affairs directly or via a competent Yugoslav diplomatic or consular representation office.
- (6) The certificate of Yugoslav citizenship is issued by the federal authority in charge of internal affairs on a prescribed form.

Article 38

The following data are recorded in the Registry of Yugoslav citizens:

- (1) ordinal number;
- (2) surname and name;
- (3) father's name;
- (4) name and maiden surname of the mother;
- (5) date, place and country of birth;

- (6) personal registry number;
- (7) occupation and education;
- (8) date of entry;
- (9) basis of entry;
- (10) date of cancellation;
- (11) basis of cancellation;
- (12) notes.

Article 39

Documents pertaining to the entry in the registry of Yugoslav citizens are kept permanently.

Article 40

The certificate of Yugoslav citizen is issued upon application made by the interested person.

Article 41

- (1) The following data are kept in the records on obtaining Yugoslav citizenship (by naturalization, reacquiring and on the basis of international agreements):
 - surname and name;
 - date place and country of birth;
 - personal registry number;
 - occupation and education;
 - place of principal residence, i.e. residence at the time of naturalization as Yugoslav citizen;
 - foreign citizenship until the naturalization as Yugoslav citizen;
 - number and date of decision on acquisition of the Yugoslav citizenship;
 - manner and legal basis for acquisition of the Yugoslav citizenship;

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- date of acquisition of the Yugoslav citizenship;
 - republic citizenship;
 - data on entry in the registry of births.
- (2) The records referred to under paragraph 1 hereabove are kept in a prescribed way.

Article 42

- (1) The following data are kept in the records on termination of Yugoslav citizenship:
- surname and name;
 - date place and country of birth;
 - personal registry number;
 - occupation and education;
 - place of principal residence i.e. the residence at the time of termination of Yugoslav citizenship;
 - foreign citizenship acquired;
 - number and date of decision on termination of Yugoslav citizenship;
 - manner and legal basis for termination of Yugoslav citizenship;
 - date of termination of Yugoslav citizenship;
 - date of emigration;
 - reason for requesting the termination of Yugoslav citizenship;
 - data on entry in the registry of births.
- (2) The records referred to under paragraph 1 hereabove are kept in a prescribed way.

Article 43

- (1) Data on Yugoslav citizenship kept in the records are kept by the authority in charge of the registry 50 years after the death or termination of citizenship of the person to whom the data refer.

- (2) Upon expiry of the term referred to under paragraph 1 hereabove the data are filed.

Article 44

- (1) The authority in charge of keeping records on citizenship may release the data from the records it is keeping solely to state authorities, under the following conditions:
- that the authority demanding the data is authorized by law or other regulations to require and receive such data;
 - the authority demanding these data needs them for performing the tasks placed under its competence;
 - that these data cannot be provided in any other way or their providing would involve disproportionately high costs.
- (2) The users of data referred to under paragraph 1 hereabove may deliver these data to other uses and may use them solely for purposes for which they had received them.

Article 45

- (1) The data from the records on Yugoslav citizenship may be delivered to authorities of foreign countries subject to reciprocity:
- if they are delivered to the authority of a foreign country competent for the citizenship issues;
 - if the receiver of data undertakes to use the received data only in connection with the procedure of regulating citizenship or only if this is necessary for conducting criminal proceedings or if the delivery of these data are undoubtedly of use to the person to which they refer;
 - if on the location of the authority provided with, the data the protection of personal data is secured also for foreigners.

VIII. TRANSITIONAL PROVISIONS

Article 46

As Yugoslav citizen, pursuant to the present Act is considered a citizen of the Socialist Federative Republic of Yugoslavia who on the date of proclamation of the Constitution of the Federal Republic of Yugoslavia on April 27, 1992 had

the citizenship of the Republic of Serbia or the Republic of Montenegro as well as his/her children born after that date.

Article 47

- (1) The Yugoslav citizenship may be acquired by a citizen of the Socialist Federative Republic of Yugoslavia who had the citizenship of another republic of the Socialist Federative Republic of Yugoslavia (hereinafter citizen of another republic of the Socialist Federative Republic of Yugoslavia) who on the date of proclamation of the Constitution of the Federal Republic of Yugoslavia on April 9, 1992, has residence on the territory of Yugoslavia as well as the children of that citizen born after that date as well as a citizen of another republic of the Socialist Federative Republic of Yugoslavia that has accepted to be transformed into a professional commissioned officer and professional noncommissioned officer, i.e. civil person employed by the Yugoslav Army and member of his/her immediate family (spouse and children) – if he/she does not have another citizenship.
- (2) The citizen of another republic of the Socialist Federative Republic of Yugoslavia will lodge an application to the federal authority in charge of internal affairs for entry into the Registry of Yugoslav citizens within a year from the date of effectiveness of the present Act. In justified cases the applications may be made even after the expiry of this term, but not longer than three years from the date of effectiveness of the present Act.
- (3) Application for entry in the registry of Yugoslav citizens, the citizen of another SFRY republic, submits on to the federal authority in charge of internal affairs directly or via competent Yugoslav diplomatic or consular representation office.
- (4) Together with the application for entry in the registry of Yugoslav citizens shall be enclosed the statement made by the applicant that he/she does not have another citizenship or a statement that he/she has renounced another citizenship, which the applicant will sign personally.
- (5) The application for entry in the Registry of Yugoslav citizens for a child of citizen of other SFRY republic which has not reached 18 is submitted by both parents or by both parent. If the child is over 14, its consent is requested for entry in the Registry of Yugoslav citizens.

Article 48

- (1) As Yugoslav citizen may be recognized citizens of the Socialist Federative Republic of Yugoslavia that due to his/her national or religious or political affiliation and endeavors to observe human rights and freedoms takes

refugee on the territories of Yugoslavia and submits an application for citizenship to the federal authority in charge of internal affairs and does not avail of another citizenship.

- (2) As Yugoslav citizen may also be accepted as citizen of the Socialist Federative Republic of Yugoslavia who is residing abroad and has no other citizenship.
- (3) Whether the conditions for naturalization as Yugoslav citizen referred to under paragraphs 1 and 2 hereabove are met is decided by the federal and republican authority in charge of internal affairs in accordance with its competencies prescribed by the law which also evaluates the justification of reasons stated in the submitted application bearing in mind the interests of security defense and international position of Yugoslavia.
- (4) The application for acceptance into Yugoslav citizenship is submitted to the federal authority in charge of internal affairs directly or via a Yugoslav diplomatic or consular representation office. The application for acceptance into Yugoslav citizenship shall be conveyed by the Yugoslav diplomatic or consular representation office to the federal authority in charge of internal affairs without any delay.
- (5) The applicant shall enclose with the application for Yugoslav citizenship a statement that he/she does not have any other citizenship or that he/she has renounced the other citizenship, which statement he/she has to sign personally.
- (6) In the application for acceptance into Yugoslav citizenship are to be stated particularly the circumstances and facts which indicate persecution for reasons stated under paragraph 1 hereabove and place of residence in Yugoslavia.
- (7) The application for acceptance into Yugoslav citizenship of a child that has not reached the age of 18 is submitted by a parent. If the child is above the age of 14, its consent is required for the acquisition of citizenship.
- (8) In the application for Yugoslav citizenship shall be stated the citizenship of the member republic in which the applicant wishes to be naturalized.
- (9) The Yugoslav citizenship is acquired by delivery of the decision on naturalization as Yugoslav citizen.

Article 49

- (1) Should it be determined that the acceptance or release from Yugoslav citizenship entry in the Registry of Yugoslav citizens, i.e. naturalization as Yugoslav citizen was achieved by false statement or deliberate

concealment of vital facts or circumstances, decision of acceptance, or release from Yugoslav citizenship, the entry in the registry, i.e. decision on naturalization as Yugoslav citizen will be annulled.

- (2) If it is in the child's interest, the annulment of the decision of acceptance, i.e. release from Yugoslav citizenship, entry in the Registry of Yugoslav citizens, i.e. annulment of the decision on naturalization as Yugoslav citizen for reasons stated under paragraph 1 hereabove needs not include a child up to the age of 18.
- (3) Decision on acceptance, i.e. release from Yugoslav citizenship and entry in the records of Yugoslav citizenship, i.e. decision on naturalization as Yugoslav citizen cannot be annulled if the person to which the decision relates would remain stateless.

Article 50

- (1) Records are kept on the entry in the Registry of Yugoslav citizens of other republics of the Socialist Federative Republic of Yugoslavia and naturalization as Yugoslav citizen.
- (2) In the records referred to under paragraph 1 hereabove the following data are entered:
 - surname and name;
 - date and place of birth;
 - personal registry number;
 - occupation and education;
 - place of principal residence, namely the residence at the time of acquiring the Yugoslav citizenship;
 - citizenship of the republic which used to be a part of the Socialist Federative Republic of Yugoslavia;
 - number and date of decision on acquisition of the Yugoslav citizenship;
 - basis for acquisition of the Yugoslav citizenship;
 - date of acquisition of the Yugoslav citizenship;
 - data on entry in the registry of births.

- (3) Records referred to under paragraph 1 hereabove are kept in a prescribed way.

Article 51

- (1) The federal authority in charge of internal affairs shall take over from the republic authorities the pending applications for naturalization as Yugoslav citizen and release from Yugoslav citizenship submitted since April 27, 1992 until the effectiveness of the present Act.

Article 52

The procedure for settling the application for acquisition and termination of Yugoslav citizenship commenced prior to the date of effectiveness of the present Act shall be completed according to the present Act.

IX. FINAL PROVISIONS

Article 53

The regulations for enforcement of the present Act shall be brought within 90 days from the date of effectiveness of the present Act.

Article 54

With the date of effectiveness of the present Act ceases to be valid the Citizenship Act of the Socialist Federative Republic of Yugoslavia ("Official Gazette of SFR Yugoslavia", No. 58/76).

Article 55

This Act shall come into force on January 1st, 1997.