

## ON CITIZENSHIP OF KOSOVA

Based on Chapter IV article 65 item 1, and also of the Chapter XIV article 155 of the Constitution of the Republic of Kosova

The Assembly of Republic of Kosova,

Hereby adopts

### THE LAW ON CITIZENSHIP OF KOSOVA

#### CHAPTER I GENERAL PROVISIONS

##### Article 1 Scope of Application

This Law prescribes the rules and procedures for the acquisition and loss of the citizenship of Republic of Kosova and regulates other issues related to the citizenship of Republic of Kosova.

##### Article 2 Definitions

For the purpose of this Law, the following terms shall have the meaning as defined:

- a) **“Citizenship”** shall mean a legal bond between the State of Republic of Kosova and a person which establishes mutual rights and obligations;
- b) **“Competent Body”** shall mean the Ministry of Internal Affairs;
- c) **“Foreign Citizen”** and **“Foreign Person”** shall mean every person who is not a citizen of Republic of Kosova;
- d) **“Person”** shall mean a natural person;
- e) **“Naturalization”** shall mean the acquisition of the citizenship of Republic of Kosova based on the application of a foreign person in accordance with the provisions of point c of this Article.
- f) **“Child”** shall mean a person of minor age, under the age of eighteen.

##### Article 3 Multiple Citizenships

A citizen of Republic of Kosova may be the citizen of one or more other states. The acquisition and holding of another citizenship shall not cause the loss of the citizenship of Kosova.

##### Article 4 Protection of Citizenship

A citizen of Republic of Kosova shall not be deprived of his/her citizenship of Republic of Kosova except in compliance with the rules and procedures set out in this Law.

## **CHAPTER II ACQUISITION OF CITIZENSHIP**

### **Article 5 Modalities of the acquisition of citizenship**

The citizenship of Republic of Kosova shall be acquired:

- a) by birth;
- b) by adoption;
- c) by naturalization;
- d) based on international treaties
- e) based on Articles 28 and 29 of this Law.

#### **1. Acquisition of citizenship by birth**

##### **Article 6 Acquisition of citizenship by birth based on parentage**

6.1 A child shall acquire the citizenship of Republic of Kosova by birth if on the day of his/her birth both of his/her parents are citizens of Republic of Kosova.

6.2 If on the day of the child's birth only one parent is a citizen of Republic of Kosova, the child shall acquire the citizenship of Republic of Kosova under the following conditions:

- a) the child is born in the territory of Republic of Kosova;
- b) the child is born outside the territory of Republic of Kosova and one parent is stateless or has unknown citizenship;
- c) the child is born outside the territory of Republic of Kosova and one parent has another citizenship but both parents agree in writing that the child shall acquire the citizenship of Republic of Kosova. This provision must be exercised prior to the child's fourteenth birthday.

##### **Article 7 Acquisition of citizenship by birth on the territory of Republic of Kosova**

7.1 A child found or born in the territory of Republic of Kosova whose parents are unknown shall acquire the citizenship of Republic of Kosova on the day of his/her birth, respectively on the day he/she is found.

7.2 In the event that at least one parent of the child referred to in paragraph 1 is identified before the child reaches the age of 7 years and the parent is not a citizen of Republic of Kosova, the child shall forfeit the

citizenship of Republic of Kosova if so requested by the parent provided that the child does not become stateless.

7.3 A child born in the territory of Republic of Kosova whose parents have another citizenship but who have valid residence permission in Republic of Kosova may acquire the citizenship of Republic of Kosova with the consent of both parents.

## **2. Acquisition of citizenship by adoption**

### **Article 8**

#### **Acquisition of citizenship by adoption**

Upon adoption by parents who are citizens of Republic of Kosova, that child acquires the rights of a natural child.

## **3. Acquisition of citizenship by naturalization**

### **Article 9**

#### **General provisions on the naturalization of foreign persons**

9.1 A foreign person shall acquire the citizenship of Republic of Kosova by naturalization if he/she fulfills the requirements set out in sections 10, 11, 12, 13 or 14 of this Law.

9.2 Naturalization shall become effective on the day the naturalized person receives the valid decision on the acquisition of the citizenship of Republic of Kosova issued by the competent body.

9.3 Without prejudice to sections 10, 11, 12, 13 or 14 of this Law, no person shall acquire the citizenship of Republic of Kosova if he/she is sentenced for a criminal offence inside or outside the territory of Republic of Kosova or if the acquisition of the citizenship is contrary to the interests of Republic of Kosova, particularly interests related to internal or external security or international relations of Republic of Kosova.

9.4 The sentence for a criminal offence pursuant to paragraph 3 of this Article shall not include:

a) a sentence for a criminal offence punished with a fine or up to 6 months imprisonment, if released on parole by the court;

b) a sentence for a criminal offence of a foreign court if the offence is not considered a criminal offence in Republic of Kosova or if the sentence was issued pursuant to a process which is in violation European criminal law standards, and in particular the European Convention on Human Rights and Fundamental Freedoms, and

c) a sentence for a criminal offence which has been legitimately expunged from criminal records.

9.5 The competent body suspends the naturalization procedure if the person who has applied for naturalization is subject to criminal investigations or criminal court proceedings, or charged with criminal offenses, inside or outside the territory of Republic of Kosova.

9.6 The procedure shall be suspended until such investigations or court proceedings are completed.

### **Article 10**

## **Naturalization of foreign persons**

10.1 A foreign person shall acquire the citizenship of Republic of Kosova upon his/her application if at the time of application it is determined that he/she fulfills the following criteria:

- a) he/she is an adult;
- b) he/she has been regularly residing in Republic of Kosova for the past five (5) years and possesses a valid residence permission;
- c) he/she declares and with his/her conduct proves that he/she accepts the constitutional and legal order of Republic of Kosova and that he/she is integrated into the society of Republic of Kosova through social, cultural, scientific, economic or professional links. The criteria will be established by sub-normative acts, issued by the Ministry of Internal Affairs;
- d) he/she possesses sufficient financial means to finance its living and that of the persons he/she is obligated by law to maintain without resorting to social assistance schemes;
- e) he/she has fulfilled all financial obligations owed to the state; and
- f) he/ she provides evidence of elementary knowledge in one of the official languages of Republic of Kosova.

10.2 Residence in Republic of Kosova shall be considered to be regular for the purposes of paragraph 1 (b) of this Article, even if the person resides outside of Republic of Kosova for periods not longer than three months. For periods longer than three months a permission issued by the competent body shall be required.

10.3 An adult foreign person may acquire the citizenship of Republic of Kosova upon his/ her application even if he/she does not fulfill the requirements set out in paragraph 1, if this is in the special economic, social, sports, cultural, scientific or political interest of Republic of Kosova. The acquisition of the citizenship of Republic of Kosova pursuant to paragraph 1 shall be effected by decree issued by the President of Republic of Kosova.

## **Article 11**

### **Naturalization of spouse**

11.1 A foreign person who is married to a citizen of Republic of Kosova shall acquire the citizenship of Republic of Kosova upon his/her application if at the time of application it is determined that he/she fulfills the following criteria:

- a) he/she has at least three (3) years of legally valid marriage with the citizen of Republic of Kosova, and
- b) he/she has been regularly living in Republic of Kosova for the past one (1) year and possesses valid residence permission.

11.2 The provisions of points a), c), d) and e) of paragraph 1 of Article 10 shall apply mutatis mutandis to the naturalization of the spouse.

## **Article 12**

### **Naturalization of a minor child of the naturalized person**

12.1 A minor child of a person who has applied for naturalization shall acquire the citizenship of Republic of Kosova when his/her parent acquires the citizenship of Republic of Kosova even if the child does not fulfill the requirements set out in paragraph 1 of Article 10 of this Law. The application for the naturalization of the minor child shall be attached to the parent's application for naturalization.

12.2 Paragraph 1 shall also apply to adopted minor children.

### **Article 13**

#### **Naturalization of a member of the Republic of Kosova Diaspora**

13.1 A member of the Republic of Kosova Diaspora shall acquire the citizenship of Republic of Kosova upon his/her application even if he/she does not fulfill the requirements set out in subsections a), b), d), e) and f) of paragraph 1 of Article 10 of this Law.

13.2 A member of the Republic of Kosova Diaspora shall be every person who has regular and lawful residence outside of Republic of Kosova and who can prove that he/she was born in Republic of Kosova and maintains close family and economic links in Republic of Kosova.

13.3 A member of the Republic of Kosova Diaspora shall be also every person who is a descendant within one generation of a person referred to in paragraph 2 of this Article and who can prove that he/she maintains family links in Republic of Kosova.

13.4 The criteria for determining the close family and economic link referred to in paragraphs 2 and 3 of this Article shall be determined by the competent body in sub-legal acts.

### **Article 14**

#### **Naturalization of a person who has lost the citizenship of Republic of Kosova**

A person who has lost the citizenship of Republic of Kosova by release from citizenship may re-acquire the citizenship of Republic of Kosova upon his/her application if he/she fulfills the requirements set out in points c), d) and e) of paragraph 1 of Article 10 of this Law.

### **Article 15**

#### **Revocation of the decision on naturalization**

15.1 The competent body shall revoke the decision on naturalization if it determines that the decision was issued on the basis of false statements or concealed facts.

15.2 In the event of naturalization pursuant to Article 12 of this Law, the revocation of the decision on naturalization of the parent shall cause the revocation of the decision on naturalization of the minor child.

## **CHAPTER III**

### **LOSS OF CITIZENSHIP**

#### **Article 16**

##### **Modalities of loss of citizenship**

The citizenship of Republic of Kosova shall be lost:

- a) by release from citizenship;

- b) by deprivation of citizenship;
- c) based on international treaties.

## **Article 17**

### **Release from citizenship**

17.1 A citizen of Republic of Kosova shall be released from the citizenship of Republic of Kosova upon his/her request if he/she fulfills the following requirements:

- a) he/she holds the citizenship of another state or possesses a guarantee issued by the competent body of another state guaranteeing that he/she will acquire the citizenship of the other state;
- b) he/she has fulfilled all financial obligations to the state and to the persons he/she is obliged by law to maintain;
- c) he/she is not subject to criminal investigations or court proceedings and he/she is not serving a sentence;

17.2 The application for release from citizenship shall be rejected if the applicant is a civil servant, judge, public prosecutor, or a member of the police services or a member of Republic of Kosova Security Force.

17.3 The application may be rejected if the release from citizenship is contrary to the interests of Republic of Kosova, in particular interests related to internal and external security or international relations of Republic of Kosova.

17.4 The release from citizenship shall become effective on the day when the competent body delivers to the applicant the valid decision on the release from citizenship.

## **Article 18**

### **Release from citizenship of minors**

18.1 A minor under the age of 14 shall be released from the citizenship of Republic of Kosova if this is requested by both parents who have been released from the citizenship of Republic of Kosova, or if this is requested by one parent who has been released from the citizenship of Republic of Kosova and the other parent is not a citizen of Republic of Kosova.

18.2 Paragraph 1 of this Article shall also apply to adopted minors.

## **Article 19**

### **Revocation of the decision on release from citizenship**

The competent body shall revoke the decision on release from citizenship if it determines that the decision was issued on the basis of false statements or concealed facts.

## **Article 20**

### **Guarantee**

20.1 Upon the request of the citizen who applies for release from citizenship, the competent body shall issue a guarantee by which it guarantees that the citizen fulfills all requirements for being released from citizenship pursuant to Article 17, paragraph 1 b) and c) and that the applicant will be released from citizenship if he/she submits evidence that he/she has acquired the citizenship of another state or if he/she submits a guarantee issued by the competent body of another state guaranteeing that he/she will acquire the citizenship of the other state if he/she once released from the citizenship of Republic of Kosova.

20.2 The guarantee shall be valid for a period of two (2) years from the day when delivered to the citizen. The provisions on revocation set out in section 19 shall apply mutatis mutandis to the revocation of the guarantee.

## **Article 21**

### **Deprivation of citizenship**

21.1 Notwithstanding the right of persons to citizenship of Republic of Kosova under Chapter V of this law, the competent body may deprive a citizen of Republic of Kosova of his/her citizenship of Republic of Kosova, if the citizen holds another citizenship and if the citizen engages in activities which are a threat to Republic of Kosova's national security.

21.2 Only the following activities shall be considered activities which are a threat to national security of Republic of Kosova:

- a) the citizen is knowingly a member of an organization the purpose of which is to damage or destroy the constitutional order of Republic of Kosova; or
- b) the citizen engages in activities which aim at damaging or destroying the constitutional order of Republic of Kosova; or
- c) the citizen is a member of the intelligence services or police services of another state and has not obtained permission for this from the competent body or is not entitled by international treaty.

21.3 The decision for deprivation of the citizenship of Republic of Kosova may be issued without the participation of the person in question in the procedure.

21.4 The decision on deprivation of citizenship shall become effective on the day when the valid decision is delivered to the person in question. In the event the decision cannot be delivered because the competent body cannot identify where the person in question is located, the decision on deprivation of citizenship shall become effective on the day of its publication in the Official Gazette of Republic of Kosova.

## **CHAPTER IV**

### **ADMINISTRATIVE PROCEDURE**

## **Article 22**

### **General provisions**

The provisions of the Law on Administrative Procedures shall be applied to administrative procedures set out in this law unless otherwise provided in this Law.

### **Article 23**

#### **Submission of applications**

23.1 Applications prescribed by this law shall be submitted to the competent body.

23.2 Applications may also be submitted to the municipal administration in the territory of which the applicant resides. In such event, the municipal administration shall forward the application to the competent body.

23.3 In the event that the applicant resides outside of Republic of Kosova, the application may be submitted to the nearest embassy or consulate of Republic of Kosova in the region. The embassy, respectively the consulate shall forward the application to the competent body.

### **Article 24**

#### **Register of citizens**

24.1 The competent body shall establish and maintain a register of citizens of Republic of Kosova.

24.2 The register of citizens shall record all citizens of Republic of Kosova and the modality of acquisition of citizenship as well as all citizens who have lost the citizenship of Republic of Kosova including the modality of the loss of citizenship.

24.3 Details concerning the maintenance of the register and the recording of other data in the register of citizens shall be set out by the competent body in sub-legal acts.

24.4 Personal data recorded in the register of citizens shall be maintained, used and processed in accordance with the provisions of the law on data protection.

24.5 Inclusion or absence of a name in the register is not evidence of citizenship (see Article 26 below) or of non-citizenship, respectively.

### **Article 25**

#### **International cooperation**

The competent body may communicate to another state the citizenship status of a citizen of Republic of Kosova registered in the register of citizens if the following requirements are fulfilled:

- a) the data are requested by an organ of another state which is competent for citizenship issues and the data will be communicated to this organ only;
- b) the competent body of another state requests the citizenship status of the citizen of Republic of Kosova for purposes related to citizenship issues, for any other purpose which is undoubtedly in favour of the person whose data are being requested , and



c) the state whose organ requests the citizenship status and states where it will be used, guarantees the protection of the citizenship status also for foreign citizens.

## **Article 26**

### **Evidence of citizenship**

A valid birth certificate, a citizenship certificate, an identity or passport of Republic of Kosova shall be evidence of the citizenship of Republic of Kosova.

## **Article 27**

### **Administrative Fees**

27.1 The administrative fee for the acquisition of citizenship by naturalization and for the release from citizenship shall be 150 Euro and for minors 50 Euro.

27.2 The Government of Republic of Kosova may determine in sub-legal acts which categories of persons may be exempt from payment of the administrative fee for social or economic reasons.

## **CHAPTER V**

### **TRANSITIONAL PROVISIONS**

## **Article 28**

### **The Status of habitual residents of Republic of Kosova**

28.1 Every person who is registered as a habitual resident of Republic of Kosova pursuant to UNMIK Regulation No. 2000/13 on the Central Civil Registry shall be considered a citizen of Republic of Kosova and shall be registered as such in the register of citizens.

28.2 The competent body may verify the lawfulness of the registration of a person as habitual resident of Republic of Kosova. In the event that the competent body determines that the person did not fulfill the legal requirements for being registered as a habitual resident of Republic of Kosova, such person shall lose his/her citizenship of Republic of Kosova and shall be deleted from the register of citizens of Republic of Kosova.

28.3 The loss of citizenship pursuant to paragraph 2 of this Article shall be without prejudice to the acquisition of the citizenship of Republic of Kosova by origin, adoption, birth in the territory of Republic of Kosova or naturalization as set out by provisions of this law.

## **Article 29**

### **Citizenship according to the Comprehensive Proposal for the Republic of Kosova Status Settlement**

29.1 All persons who on 1 January 1998 were citizens of the Federal Republic of Yugoslavia and on that day were habitually residing in Republic of Kosova shall be citizens of Republic of Kosova and shall be registered as such in the register of citizens irrespective of their current residence or citizenship.

29.2 Provisions of paragraph 1 of this Article apply also to direct descendants of the persons referred to in paragraph 1.

29.3 The registration of the persons referred to in paragraphs 1 and 2 of this Article in the register of citizens shall take effect upon the application of the person who fulfills the requirements set out in this Article.

29.4 The competent body shall determine in sub-normative acts the criteria which shall constitute evidence of the citizenship of the Federal Republic of Yugoslavia and habitual residence in Republic of Kosova on January 1 1998.

29.5 The competent body shall use the criteria set for the in UNMIK Regulation No. 2000/13 on the Central Civil Registry to determine habitual residence in Republic of Kosova on January 1 1998.

## **CHAPTER VI FINAL PROVISIONS**

### **Article 30 Sub-legal acts**

The Ministry of Internal Affairs shall issue sub-normative acts necessary for the implementation of the present law.

### **Article 31**

As of the entry into force of the present law, all other normative acts regulating citizenship issues with respect to Republic of Kosova shall be repealed.

### **Article 32 Entry into force**

This Law shall enter into force on the day of publication in the Official Gazette of the Republic of Kosova.

**Adopted by the Assembly of the Republic of Kosova**

**Date: 20.02.2008**