

170. Pursuant to Article 75 paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia, issue the:

PROMULGATION

DECLARING THE LAW FOR CHANGING AND AMENDING THE LAW ON CITIZENSHIP
OF THE REPUBLIC OF MACEDONIA

The Law for Changing and Amending the Law on Citizenship of the Republic of Macedonia, which

was adopted by the Assembly of the Republic of Macedonia at its session held on 22 January 2004, is hereby declared.

No. 07-297/1
22 January 2004
Skopje

President of the
Republic of Macedonia
Boris Trajkovski
(given under his hand)

President of the
Assembly of the Republic of
Macedonia
Ljupco Jordanovski
(given under his hand)

LAW¹

**for Changing and Amending the Law on Citizenship of the Republic of
Macedonia**

Article 1

In the Law on Citizenship of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" no. 67/92), in Article 1, following paragraph 1, a new paragraph 2 is added which reads:

"Citizenship is a legal link between the persons and the state and does not indicate the ethnic origin of the persons".

¹ This is an unofficial translation of the promulgation declaring the law and of the law itself as published in the Official Gazette No.8, dated 23 February 2004, Monday.

Article 2

In Article 6, paragraph 1 after the word "found" the words "or born" are added, while the full-stop after the word "unknown" is replaced with a comma and the words "or have an unknown citizenship or are stateless" are added.

In paragraph 2, the full stop at the end of the sentence is deleted and the following words are added: "and provided the child will not be rendered stateless".

Article 3

Article 7 is amended and reads:

"An alien who has personally submitted an application for admission into citizenship of the Republic of Macedonia may acquire citizenship of the Republic of Macedonia by naturalization, if he fulfils the following requirements:

1. To have reached 18 years of age;
2. Until the submission of the application, to have been legally and permanently living in the territory of the Republic of Macedonia for at least eight years;
3. To have provided an abode and a permanent source of means of subsistence in the amount that affords material and social security, under conditions determined by law;
4. Not to have been punished in the Republic of Macedonia and in the state of his nationality by a sentence of imprisonment with a duration of a minimum of one year, for acts which are prosecuted ex officio and which are punishable according to the regulations of the Republic of Macedonia;
5. There should be no criminal proceedings instigated against him in the Republic of Macedonia and in the state of his nationality;
6. To be proficient in the Macedonian language to the extent that he can easily communicate in the environment;
7. A measure of prohibition of residence in the Republic of Macedonia has not been declared;
8. His admission into citizenship of the Republic of Macedonia should not threaten the security and defence of the Republic of Macedonia;
9. To sign an oath that he will be a loyal citizen of the Republic of Macedonia and
10. To have a release from his former citizenship or to prove that he will obtain it if he is admitted into citizenship of the Republic of Macedonia.

The fulfillment of the requirement of paragraph 1, item 6 of this Article shall be determined by a special commission established by the Government of the Republic of Macedonia.

The requirement of paragraph 1, item 10 of this Article shall be considered fulfilled if the alien proves that he is stateless or if he proves that he will lose his citizenship according to the law of his state with the very naturalisation into citizenship of the Republic of Macedonia.

Upon exception of paragraph 3 of this Article, if the foreign state does not give release or places such conditions for release from citizenship which are impossible for the alien to fulfil and at the same time, in order not to create existential or security problems to him and his family, he shall be admitted into citizenship of the Republic of Macedonia if he makes a declaration that he renounces his foreign citizenship.

In the decision rejecting the application for acquisition of citizenship of the Republic of Macedonia by naturalisation pursuant to paragraph 1, item 8 of this Article, the body shall explain the reasons owing to which it has reached the decision, and shall thereby take into consideration the protection of the public interest".

Article 4

Following Article 7, three new Articles 7-a, 7-b and 7-c are added which read:

"Article 7-a

A stateless person or a person with recognised refugee status may acquire citizenship of the Republic of Macedonia by naturalisation, if from the determination of statelessness, or respectively from the recognition of refugee status until the submission of the application for admission into citizenship she/he has been legally and permanently living in the territory of the Republic of Macedonia for at least six years and if she/he fulfils the requirements of Article 7, paragraph 1, item 1 items 3 to 10 of this law.

Article 7-b

The contents of the oath of Article 7 paragraph 1 item 9 of this Law read:

"I do solemnly swear that I shall be loyal to the state of the Republic of Macedonia and I shall respect the Constitution and the laws and that I shall fulfil my duties as a national of the Republic of Macedonia".

Article 7-c

An alien who has submitted an application for admission into citizenship of the Republic of Macedonia shall be issued a guarantee that he will be admitted into citizenship of the Republic of Macedonia, provided that he fulfils the requirements of Article 7 paragraph 1 items 1 to 9 of this Law.

If the alien of paragraph 1 of this Article, does not submit a proof in the sense of Article 7, paragraph 1, item 10 of this Law, within a time-limit of two years from the day of delivery of the guarantee, it shall be considered that he has renounced his application."

Article 5

In Article 8 the number "8" is replaced by the number "10" and following paragraph 1 a new paragraph 2 is added which reads:

"An emigrant, in the sense of this law, shall be considered a citizen of the Republic of Macedonia who has emigrated from the Republic of Macedonia to another state, exclusive of his mother country, regardless of the sex, race, colour of skin, national and social origin, political and religious belief, property and social status."

Article 6

In Article 9 the number "8" is replaced by the number "10" and following paragraph 1 a new paragraph 2 is added which reads:

"An alien who has been married to a citizen of the Republic of Macedonia for at least eight years, and has been legally and permanently living abroad and who has a strong and effective link with the Republic of Macedonia, may acquire citizenship of the Republic of Macedonia by naturalisation, although he does not fulfil the requirements of Article 7, paragraph 1, items 2, 6 and 10 of this law".

Article 7

In Article 10 the words "by renunciation" are replaced by the words "according to an international agreement".

Article 8

In Article 11 paragraph 1 is amended and reads:

" An alien who fulfils the requirements of Article 7, paragraph 1, items 1 and 8 of this Law, may acquire citizenship of the Republic of Macedonia by naturalisation, if that is of a distinctive scientific, economic, cultural, sports or other national interest".

Following paragraph 1, a new paragraph 2 is added which reads:

"The Government of the Republic of Macedonia shall determine the criteria of the distinctive scientific, economic, cultural, sports or other national interest for acquisition of citizenship in the sense of paragraph 1 of this article by a decree".

In paragraph 2 which becomes paragraph 3, the word "prior" is deleted, whereas the word "special" is replaced by the word "distinctive".

Paragraph 3 becomes paragraph 4.

Article 9

In Article 17, paragraph 1 after the word "has submitted" the word "personally" is added.

Following item 4, a new item 5 is added which reads:

"5. To submit proof by the competent authority that a bankruptcy procedure, or respectively a procedure for liquidation of the trading company of which she/he is the founder or co-owner, or for the sole trader proprietor respectively, has not been initiated".

Items 5 and 6 become items 6 and 7.

Paragraph 4 is amended and reads:

"In the decision rejecting the application for release from citizenship of the Republic of Macedonia in the sense of paragraph 3 of this Article, the body shall explain the reasons owing to which it has reached the decision, and shall thereby take into consideration the protection of the public interest."

Article 10

In article 19 paragraph 1 the words " who does not hold citizenship of the Republic of Macedonia " are deleted.

Article 11

In Article 21 following paragraph 3, two new paragraphs 4 and 5 are added which read:

"Against the decision of paragraph 2 of this Article the applicant may lodge an appeal with the competent Commission of the Government of the Republic of Macedonia.

Against the decision of the competent Commission of the Government of the Republic of Macedonia he may initiate an administrative dispute."

Article 12

In article 27, in the sixth line after the word "Macedonia" a comma is placed and the words: " on the form of the guarantee for admission into citizenship of the Republic of Macedonia and on the form of the oath" are added.

Article 13

In Article 27, two new Articles 27-a and 27-b are added which read:

"Article 27-a

"The legislative sub-regulations foreseen with this law shall be enacted within six months from the day of entry into force of the Law.

Article 27-b

With the day of the beginning of the application of this law, the procedures for acquisition or cessation of citizenship of the Republic of Macedonia initiated pursuant to the Law on Citizenship of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" No.67/92), will continue according to the provisions of this law."

Article 14

The nationals of the other republics of the former SFRY and the nationals of the former SFRY who on 8 September 1991 had a registered domicile, until the submission of the application have been permanently living in the territory of the Republic of Macedonia and have a genuine and effective link with the Republic of Macedonia may acquire citizenship of the Republic of Macedonia if within two years after the entry into force of this law they have submitted an application, provided that no criminal proceedings are being carried out against them in the Republic of Macedonia, for criminal acts which threaten the security and defence of the Republic of Macedonia and that they meet the requirements of Article 7 paragraph 1 items 1 and 6 of this law.

Article 15

The Legislative - legal Committee of the Assembly of the Republic of Macedonia is hereby authorised to establish the refined text of the Law on Citizenship of the Republic of Macedonia.

Article 16

This law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of Macedonia".