

LAW¹

No. 8389, dated 05.08.1998

ON ALBANIAN CITIZENSHIP

In accordance with Article 16 of Law no. 7491, dated 29.04.1991, "On the Major Constitutional Provisions", on the proposal of the Council of Ministers, the People's Assembly of the Republic of Albania,

DECIDED:

CHAPTER I GENERAL PROVISIONS

Article 1

Albanian citizenship is a stable legal bond, expressed in the mutual rights and duties of an individual and the Albanian State.

Albanian citizenship is acquired, reacquired, lost or relinquished in accordance with the provisions of this law, which respects the recognized rules and principles of international law in the area of citizenship accepted by the Republic of Albania.

Article 2

An Albanian citizen shall be:

- a. any person holding Albanian citizenship on the effective date of this law;
and
- b. any person who acquires Albanian citizenship in accordance with this law.

Article 3

An Albanian citizen may also be a citizen of another state.

Article 4

No one can be arbitrarily deprived of Albanian citizenship.

Any Albanian citizen has the right to relinquish Albanian citizenship, provided that he holds another citizenship, has acquired another citizenship, or has received guarantees from the competent bodies of a foreign state for the acquisition of another citizenship.

Article 5

Minors acquire and reacquire Albanian citizenship, and relinquish it with the approval of their parents. Any change in the citizenship of minors 14-18 years old shall be made with the child's consent.

¹ Published at *East European Constitutional Review*, a quarterly published by New York University Law School and Central European University. Available at:
<http://www1.law.nyu.edu/eecr/bycountryrefs/albaniaCitizenship.html>

CHAPTER II ACQUISITION OF ALBANIAN CITIZENSHIP

Article 6

Albanian citizenship is acquired by:

- a. birth;
- b. naturalization; and
- c. adoption.

Article 7

Acquisition of citizenship by birth

Everyone born of at least one parent with Albanian citizenship shall acquire Albanian citizenship automatically.

Article 8

A child born or found within the territory of the Republic of Albania acquires Albanian citizenship if he is born from unknown parents and would consequently become stateless.

If the child's parents become known before the child reaches the age of 14, and they hold foreign citizenship, Albanian citizenship can be relinquished at the request of his lawful parents, provided that the child does not become stateless as a consequence of this action.

A child born within the territory of the Republic of Albania from parents holding another citizenship who are lawful residents in the territory of the Republic of Albania can acquire the Albanian citizenship with the consent of both parents.

Article 9

Acquisition of citizenship by naturalization

A foreigner who has submitted an application for acquisition of the Albanian citizenship by naturalization shall acquire it if he fulfils the following requirements:

1. he has reached the age of 18;
2. he has lawfully resided in the territory of the Republic of Albania for not less than five consequent years;
3. he has a dwelling and sufficient income;
4. he has never been sentenced in his state or in the Republic of Albania or in any third state for a criminal offence for which the law provides for a prison sentence of not less than three years.
Exemption from this rule is made only if it is proved that the sentence was given for political motives;
5. he has at least elementary knowledge of the Albanian language; and
6. his acceptance as an Albanian citizen does not affect the security and defense of the Republic of Albania.
7. A foreigner who has reached the age of 18 can acquire Albanian citizenship by naturalization even if he does not fulfill the requirements of

this law, except for those under point 6, if the Republic of Albania has a scientific, economic, cultural or national interest.

If the person is stateless, the requirements under points 1, 3, 4 and 5 of this Article shall not be taken into consideration.

If a foreigner proves that he is of Albanian origin up to the second degree, be it even from one parent, the time of residence in the Republic of Albania contemplated in point 2 of this Article must be at least three years. All other requirements for the acquisition of Albanian citizenship provided for in this Article remain unchanged.

Article 10

A foreigner married to an Albanian citizen for not less than three years can acquire, if he so wishes, Albanian citizenship by naturalization even if he does not fulfill the requirements under points 2 and 5 of Article 9. In such case, the foreigner must have resided, continuously and lawfully, in the territory of the Republic of Albania for at least one year.

Article 11

If both parents acquire Albanian citizenship by naturalization, their children who have not reached the age of 18 and live with their parents become Albanian citizens at the request of the parents and with the consent of the child, if he is 14-18 years old.

If one of the parents acquires Albanian citizenship, his children under 18 years of age become Albanian citizens if that is requested by both parents, or by one of the parents if the other parent is stateless and the child is resident in the Republic of Albania.

Article 12

Acquisition of citizenship by adoption

If two parents who are Albanian citizens adopt a minor of another citizenship or who is stateless, the child acquires Albanian citizenship.

The adopted minor acquires Albanian citizenship if one of the parents is Albanian and both parents, at the time of adoption, reside in the territory of the Republic of Albania, as well as in any other case when the child may become stateless as a result of the adoption.

Article 13

Revocation of decision granting citizenship

The decision granting Albanian citizenship may be revoked if it is proved that the alien or stateless person has intentionally supported his application for acquisition of Albanian citizenship on incorrect data or falsified documents.

The decision granting Albanian citizenship taken under the circumstances of the above paragraph is revoked also for children under 18 years of age who have acquired the

citizenship together with the parents, always taking into account the child's interest, as well as that the child should not remain stateless.

Article 14

The citizenship of a person who has relinquished Albanian citizenship because of a promise to be granted another citizenship is reacquired if he does not acquire the promised citizenship within a reasonable time.

In this case an application must be made, and the necessary documents must be submitted.

Chapter III TERMINATION OF ALBANIAN CITIZENSHIP

Article 15

Albanian citizenship is terminated at the request of the person if he fulfils the following requirements:

1. has reached the age of 18;
2. does not become stateless as a result of the relinquishment of Albanian citizenship because he holds a foreign citizenship, will acquire a foreign citizenship or gives guarantees that he will acquire a foreign citizenship;
3. resides in a foreign state;
4. is not subject to criminal proceedings for criminal offences for which the Albanian legislation provided for a prison sentence of not less than five years;
5. does not have any legal obligations toward state authorities, and natural or legal persons.

The decision for the recognition of the fact of relinquishment of Albanian citizenship can be revoked if it is proved that the former Albanian national has intentionally used incorrect data or falsified documents for the relinquishment of his citizenship.

Article 16

Albanian citizenship of minors may be terminated if one of the parents has relinquished Albanian citizenship. In this case, the consent of both parents is required.

If one of the parents does not consent that the child relinquishes Albanian citizenship, the child can lose the citizenship if it is assessed that it is in the interest of the child and if the child holds or will acquire another citizenship.

A minor loses Albanian citizenship if he is adopted by alien parents and acquires, in that case, a new citizenship.

CHAPTER IV

Procedure to be followed for the relinquishment of Albanian citizenship, as well as for its acquisition and reacquisition by NATURALIZATION

Article 17

Applications for the acquisition, reacquisition or relinquishment of Albanian citizenship, together with documents required by this law, shall be filed with the organs of the Ministry of Public Order of the person's place of residence or, if the person resides abroad, with the diplomatic or consular missions of the Republic of Albania.

Article 18

If the required documents are incomplete, the competent organ shall return them to the applicant for completion within one month.

Article 19

The Ministry of Public Order, within six months from the filing date of the individual's application, and in accordance with the requirements provided for in this law for the acquisition, reacquisition or loss of Albanian citizenship, shall decide whether to forward the application for acquiring, reacquiring or relinquishing the citizenship to the President of the Republic.

The request of the Ministry of Public Order shall be accompanied by the complete individual file of the applicant.

The decision of the Ministry of Public Order to make or not such a request shall be notified to the interested parties, who, in case of disagreement with its content, can file a suit with the Tirana District Court.

Article 20

The President of the Republic, within three months from the forwarding of the request by the Ministry of Public Order, shall issue the respective decree.

If the request is incomplete, the file shall be returned for completion to the Ministry of Public Order within one month from the day it was forwarded.

Under the circumstances of point 7 of Article 9 of this Law, the decree for granting Albanian citizenship is issued without following this procedure.

Article 21

A copy of the decree on the acquisition or loss of Albanian citizenship shall be provided to the Ministry of Public Order and the Ministry of Justice to enable them to take the required actions. The decree shall be published in the Official Journal.

Article 22

The relevant document shall be given to a person who has required the Albanian citizenship, while a temporary identification document shall be given to a person who has lost the Albanian citizenship.

Article 23

The person who acquires Albanian citizenship by naturalization shall make an oath before an official of the citizens' registration office to be faithful to the Albanian State and to respect the Constitution and the laws of the Republic of Albania.

Albanian citizenship is deemed effectively acquired from the day of the oath.

CHAPTER V TRANSITIONAL AND FINAL PROVISIONS

Article 24

A person who has relinquished Albanian citizenship before the effective date of this law and does not hold another citizenship shall immediately reacquire the citizenship, at his request.

Article 25

The Ministry of Public Order, the Ministry of Finance, the Ministry of Justice, and the Ministry of Foreign Affairs are charged to issue jointly secondary legislation for the implementation of the procedures contemplated in this law.

Article 26

Decree no. 1874, dated 7.6.1954, "On Albanian Citizenship," as amended, is revoked.

Article 27

The Albanian State, in accordance with the spirit of international conventions on the avoidance of cases of dual citizenship and statelessness, reserves the right to require that its citizens or applicants for the Albanian citizenship choose only one citizenship.

Article 28

This Law shall become effective 15 days after its publication in the Official Journal.