

Law No. 8389, 6 September 1998 on Albanian Citizenship

Pursuant to Article 16 of Law No.7491, dated 19.04.1991 “ On Main Constitutional Dispositions”, by proposal of the Council of Ministers, the People. Council of the Republic of Albania,

DECIDED:

CHAPTER I GENERAL PROVISIONS

Article 1

The Albanian citizenship is a stable legal relationship which is expressed on the interrelated rights and duties between the physical person and the Albanian state.

The Albanian citizenship is acquired, reacquired, lost or renounced in accordance with the provisions of this law, which respects the recognised norms and principles of international law in the field of citizenship accepted by the Republic of Albania.

Article 2

Albanian citizen is:

- a) any person who has had the Albanian citizenship until the coming to force of this Law;
- b) any person who is granted the Albanian citizenship based on this Law.

Article 3

The Albanian citizen can also be a citizen of another country.

Article 4

No one can be arbitrary deprived of the Albanian citizenship.

Any Albanian citizen has the right to renounce the Albanian citizenship provided he has another citizenship, has acquired another citizenship or is guaranteed by the relevant bodies of the foreign country the granting of the citizenship.

Article 5

The granting and re-acquisition of the Albanian citizenship, as well as its renouncing by children, should have the consent of the parents. When the child is between 14-18 years of age the approval of the child is also required.

CHAPTER II GRANTING OF THE ALBANIAN CITIZENSHIP

Article 6

The Albanian citizenship is granted:

- A. By birth right
- B. By naturalization
- C. Adoption

Article 7

A. Granting of the Albanian Citizenship by birth right

A child acquires the Albanian citizenship by birth in cases when:

1. both parents, at the moment of birth of child, are Albanian nationals;
2. one of the parents, at the time of birth of child, is Albanian national and the child is born in the territory of the Republic of Albania. Exceptions are made in cases when parents jointly decide that the child acquires the citizenship of the other parent.
3. is born outside the territory of the Republic of Albania and one of the parents is Albanian national, whereas the other has an unknown citizenship or is stateless;
4. is born outside the territory of the Republic of Albania and one of the parents is Albanian national, whereas the other has another citizenship, but both parents agree that the child acquires the Albanian citizenship.

Article 8

1. A child born or found within the territory of the Republic of Albania is granted the Albanian citizenship if he is born by unknown parents and as a consequence the child may become stateless.

If the parents of the child are known before the child has reached the age of 14, and they have a foreign citizenship, the Albanian citizenship may be waived by request of parents legally recognized, provided that the child does not remain stateless as result of such act.

2. A child born within the territory of the Republic of Albania, by parents having another citizenship, who are legally residing in the Republic of Albania, may acquire the Albanian citizenship by consent of both parents.

Article 9

B. By naturalization

A foreigner who has filed an application for acquiring the Albanian citizenship through naturalization, acquires it subject to the following conditions:

1. be at least 18 years old.
2. have lawfully resided in the territory of the Republic of Albania, for at least 5 years.
3. have accommodation and sufficient financial means.
4. not to be penally prosecuted in his own country or in the Republic of Albania for penal crimes charged with more than 3 years of imprisonment. Exceptions to this rule are made only for those cases when it is proved that he/she has been charged for political reasons.
5. To have at least basic knowledge of the Albanian language.
6. His granting of Albanian citizenship does not hinder the security and defense of the Republic of Albania.
7. Foreigners who are 18 years old, may acquire the Albanian citizenship even if they do not comply with the requirements of this Law,(with the exception of alinea 6) if the Republic of Albania has a scientific, economic, cultural or national interest. If the person is stateless, the conditions of alinea 1, 3, 4 and 5 of this Article could be disregarded.

If the foreigner proves that he is of Albanian origin up to the second generation, be it even from one parent, the time of residence in the Republic of Albania, mentioned in

aline 2 of this Article, should be at least 3 years. All other conditions for granting the Albanian citizenship listed in this Article remain unchanged.

Article 10

The foreigner who has married an Albanian citizen since at least 3 years, if he/she wants, could be granted the Albanian citizenship by naturalization even if he does not comply to the conditions as set forth in Article 9, paragraph 2 and 5. The foreigner should have resided legally and uninterruptedly in the territory of the Republic of Albania for at least one year.

Article 11

If both parent are granted the Albanian citizenship by naturalization, the child under 18 years of age, when he lives with the parents, can also become an Albanian citizen by request of both parents and the consent of the child, if he is between 14-18 years of age.

If one of the parents is granted the Albanian citizenship, his/her child under 18 years of age may become Albanian citizen, provided such a thing is required by both parents and also provided the child is residing in the Republic of Albania.

Article 12

C. By adoption

If both parents of Albanian nationality adopt a child having another citizenship or a stateless one, the child is granted the Albanian citizenship.

The adopted child acquires the Albanian citizenship even if one of the parents is of Albanian nationality and at the moment of the adoption they reside in the territory of the Republic of Albania, as well as in any other case when the child risks of remaining stateless, as result of adoption.

Article 13

Wavering of decision to grant the citizenship

The decision to grant the Albanian citizenship may be wavered if it is proved that the foreigner or the stateless person has consciously based his application for granting the Albanian citizenship on false data and counterfeit documents.

The decision to grant the Albanian citizenship under the conditions as provided in the above paragraph, is wavered even for children under 18 years of age, who are granted the citizenship together with their parents taking always into account the interest of the child, as well as the fact that the child should not remain stateless.

Article 14

The person who has renounced the Albanian citizenship because he has been promised another citizenship, may re-acquire the Albanian citizenship if he does not acquire the promised citizenship within a reasonable period of time. Even in such a case an application is filed and the necessary documentation is presented.

III. TERMINATION OF ALBANIAN CITIZENSHIP

Article 15

The Albanian citizenship is terminated by request of the person concerned when he fulfills the following conditions:

1. Is 18 years old
2. Does not remain stateless as result of renouncing the Albanian citizenship, because he has a foreign citizenship, acquires a foreign citizenship or guarantees that will acquire a foreign citizenship.
3. Is residing in a foreign country
4. Has not been charged under the penal code of the Republic of Albania for penal acts which under the Penal Code envisage a penalty of not less than five years in jail.
5. Has no legal obligations vis a vis the state authorities, juridical and physical persons. The decision to recognise the fact of renouncing the Albanian citizenship may be wavered, when it is proved that the former Albanian citizen has consciously used inaccurate data or counterfeit document for renouncing the citizenship.

Article 16

In case of minors, the Albanian citizenship is terminated when both parents, who on their side have renounced the Albanian citizenship, agree that their child renounces the Albanian citizenship as well.

Even if one of the parents does not agree that the child loses the Albanian citizenship, the child can be waived its citizenship, if it is deemed that such a thing is to the benefit of the child and if the child has or will acquire another citizenship.

A minor loses the Albanian citizenship when he/she is adopted by foreign parents and in such a case, acquires a new citizenship.

IV. PROCEDURES FOR RENOUNCING THE ALBANIAN CITIZENSHIP AND FOR THE GRANTING AND RE-ACQUISITION OF IT THROUGH NATURALIZATION

Article 17

The request for granting, renouncing or re-acquiring the Albanian citizenship should be presented to the organs of the Ministry of the Interior where the applicant is residing, or, if the person is living abroad, in the diplomatic or consular representations of the Republic of Albania abroad, followed by the documents as requested in this law.

Article 18

If the necessary documents are not complete, the relevant authorities should return such documents to the applicant within a one month period for their completion.

Article 19

The Ministry of the Public Order within 6 months from the day of the filing of application, based on the conditions as provided for in this law for the granting re-acquiring or losing the Albanian citizenship decides to present or not the request for granting, re-acquiring or losing the Albanian citizenship to the President of the Republic. The request of the Ministry of Public Order is attached to the individual file of the applicant.

The decision to make or not the request by the Ministry of the Public Order is made known to the parties interested, which, if not agreed with its content, could file a case in the Tirana District Court.

Article 20

The President of the Republic, issues the relevant decree within a three months period from the day he receives the proposal forwarded by the Ministry of the Public Order.

If the request is not complete, the documents are returned for completion to the Ministry of the Public Order within one month period from the day of its presentation.

When the conditions of aline 7 of Article 9 of this law are complied with, the decree for granting the Albanian citizenship is issued without following the above mentioned procedure.

Article 21

A copy of the decree granting or renouncing the Albanian citizenship is sent to the Ministry of the Public Order and to the Ministry of Justice to carry the necessary action. The decree is published in the Official Gazette.

Article 22

The person who is granted the Albanian citizenship is provided with the relevant document, whereas the person who has lost the Albanian citizenship is provided with a temporary identification card.

Article 23

The person who has been granted the Albanian citizenship through naturalization, takes oath of loyalty to the Republic of Albania and for the respect to the Constitution and laws of the Republic of Albania in front of the official of the registration of citizens.

The Albanian citizenship is considered effective from the day of taking oath.

CHAPTER V

V. TRANSITION AND FINAL PROVISIONS

Article 24

The person who has renounced the Albanian citizenship before this law comes to force, and does not have another citizenship is re-granted immediately the Albanian citizenship based upon a request presented by him.

Article 25

The Ministry of the Public Order, the Ministry of Finance, the Ministry of Justice and the Ministry of Foreign Affairs are charged to issue, in cooperation the legal acts for the implementation of the procedures as defined in this law.

Article 26

The Decree no. 1874 dated 07.06.1954 “ On Albanian citizenship” as well as latter modifications are invalidated.

Article 27

The Albanian State preserves the right to, in compliance with the spirit of the international covenants for elimination of dual citizenship or statelessness, request from its citizens or the applicant for the Albanian citizenship to choose only one citizenship.

Article 28

This law comes to force 15 days after its publication in the Official Gazette.