

ALBANIA

EDITORS' NOTE. The former Turkish law of nationality was in force in Albania until 1929. See the Ottoman Law of Nationality of 1869, post, page 568. The new law of nationality came into force on April 1, 1929.

CIVIL CODE, EFFECTIVE APRIL 1, 1929¹

[TRANSLATION]

TITLE I

Article 4. An Albanian national by birth is:

- (1) The child whose father is a national (*shtetas*) of Albania;
- (2) The child whose mother is such a national when paternity is not known, or when the father does not have Albanian nationality (*shtetësi*), nor that of any other state, or when the child does not take the foreign nationality of the father in accordance with the law of the state to which the father owes allegiance;
- (3) Whoever is born in Albania when both parents are not known or do not have Albanian nationality or that of any other state, or when the child does not receive the nationality of the parents in accordance with the law of the state to which the parents owe allegiance.

A child found in Albania whose parents are not known is presumed to have been born within the kingdom until the contrary is proved.

Article 5. Recognition according to law or a judicial declaration of affiliation, made while the children are minors and unemancipated, determines nationality in accordance with the disposition of this title.

In cases of this nature the nationality of the father takes precedence even though paternity is legally declared or recognized after the legal recognition by the mother.

In the event that the children legally recognized by acknowledgment or court decree are of age or emancipated, they preserve their own nationality but within a year from the date of the legal recognition by acknowledgment or court decree they may declare that they elect the nationality of the parents who have legally recognized them.

The provision of this paragraph is also applicable to those children whose parentage results from one or the other methods set forth under Article 256.

Article 6. An alien who was born in Albania or whose parents at the time of his birth have resided in Albania for at least ten years, takes Albanian nationality:

- (1) In the event that he serves in the Albanian army, or accepts an official position in the administration of the state;

¹ Text from *Kodi Civil*, 1928.

- (2) In the event that when he has reached the age of twenty he resides in the kingdom and on reaching twenty-one he declares that he elects Albanian nationality;
- (3) If he resides in Albania at least ten years and does not declare as set forth under 2 that he is desirous of keeping his foreign nationality.

The provisions of this law apply also to an alien whose father, or mother, or grandfather on the father's side, was an Albanian national by birth.

Article 7. Albanian nationality may be given by decision of the Ministerial Council:

- (1) To an alien who has served the Albanian State for three years even though in a foreign land;
- (2) To an alien who has resided in Albania for at least five years;
- (3) To an alien who has resided in Albania for at least three years and who has performed important services for Albania or who has married an Albanian woman;
- (4) To a person, after a year's residence, who would have become an Albanian subject as set forth by law if he had not neglected to become such by making the proper declaration for this purpose;
- (5) After residence of one year in Albania, to aliens who are Albanians by race and language and who have the intention of not returning to their foreign land.

Article 8. Decisions of the Ministerial Council which grant nationality have no effect in case the person to whom granted refuses to take before the prefect of the place of his residence or before such authorities as are named in the decision the oath that he will be loyal to the King and will respect the constitution and other laws of the state.

Article 9. Nationality can be granted by royal decree to any person that has performed important services for the state.

Article 10. An Albanian national who is born and resides in a foreign state which considers him as its national by birth, preserves Albanian nationality, but when he becomes of legal age or is emancipated he may renounce Albanian nationality.

This law is not applicable when contrary provisions are made in international treaties with other nations.

Article 11. A foreign nationality which is taken by an Albanian without the assent of the government or which is forced upon him by a foreign government without his consent, has no effect.

In no event will permission be given for a change of nationality unless it is proved that the applicant intends to reside the rest of his life outside of Albania.

Article 12. A person loses his Albanian nationality and has no right without permission from the government to enter the jurisdiction of the kingdom, if he has accepted an official position in a foreign state without permission from the Albanian Government, or if he has willingly entered

the military service of a foreign land and does not withdraw from such service although given notice by the Albanian Government that he should do so within a specified time.

Article 13. Upon the basis of a favorable opinion by the Council of State and by a decision of the Cabinet nationality lost under Articles 10 and 12 and also nationality lost with the assent of the government may be restored to the person who lost it; (1) if he serves in the Albanian army or accepts an official position; (2) if he declares that he renounces the foreign nationality or proves that he has resigned the official position or withdrawn from his service in the foreign army, entered into in spite of notification by the Albanian Government, and in both cases has decided to resume permanent residence in Albania within a year; (3) after a residence of two years in Albanian territory in the event that nationality has been lost because he acquired a foreign nationality.

Article 14. A married woman may not acquire a nationality separate from that of her husband even though they are living apart from each other.

An alien woman who marries an Albanian national acquires Albanian nationality and retains this even though a dissolution of the marriage takes place, except when, by continuing or taking up her residence in a foreign land, she resumes her original nationality.

Article 15. An Albanian woman national who marries an alien loses her Albanian nationality if she acquires the nationality of her husband unless she specifically reserves in the marriage contract her Albanian nationality.

In the event of a dissolution of the marriage she regains Albanian nationality provided that she resides in Albania or returns to Albania, and declares in both instances her desire to regain Albanian nationality.

Upon this declaration and after residence in Albania for more than two years subsequent to the dissolution of the marriage she regains Albanian nationality provided there is no issue from the marriage.

Article 16. When an Albanian husband takes a foreign nationality his wife who continues to live with him loses her Albanian nationality if she takes that of her husband, but she can regain Albanian nationality in accordance with the provisions above set forth.

When a foreign husband becomes an Albanian national his wife takes his new nationality if she is living with him. However, in the event that the parties have been separated legally and have no children from the marriage who, in accordance with the following law [Article 17], take the nationality of the father the wife may declare her desire to retain her original nationality.

Article 17. The minor and unemancipated children of a father who acquires or regains Albanian nationality become Albanian subjects unless, if they are residing in a foreign state, they reserve in accordance with the law of that state, their original nationality. However, the children of a foreign-born man who has become an Albanian subject may, within a year after

they become of age or after they become emancipated, declare their election of their original nationality.

The minor and unemancipated children of a person who has lost Albanian nationality become aliens when they live with their parents or guardian who have acquired the nationality of another state. However, the provisions of Articles 6 and 13 apply to them.

The provisions of this article apply even in the event that the mother who succeeds to the paternal authority or legal tutelage has a nationality different from that of the deceased father. But these provisions do not apply when the mother acquires a new nationality by remarriage; in this event the nationality of the children is not changed by the subsequent marriage.

Article 18. The acquisition or recovery of citizenship in all the aforementioned cases takes effect the day following the completion of the conditions and formalities set forth. The petitions and declarations for the acquisition or recovery of citizenship are exempt from the payment of any tax or expense whatsoever.

Article 19. Whoever resides in Albania and has not Albanian citizenship or that of any other state must submit to the laws of Albania in so far as they pertain to his civil rights and obligations and service in the army.

Article 20. The declarations mentioned in these laws may be made before the officer of the civil status of the district wherein the declarant resides or has decided to reside or if outside of the state before any diplomatic or consular agent. The right to receive a declaration may be granted by the government to other officials of the state.

Article 21. The provisions of these laws do not apply when there exist treaties or international conventions which regulate in another way questions pertaining to citizenship.