

OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 33 / 2 SEPTEMBER 2013, PRISTINA

LAW NO. 04/L-215 ON CITIZENSHIP OF KOSOVO

Assembly of Republic of Kosovo,

Based on Articles 65 (1) of the Constitution of the Republic of Kosovo,

Approves

LAW ON CITIZENSHIP OF KOSOVO

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Scope of Application**

This Law determines the manners for the acquisition, loss and reacquisition of citizenship of the Republic of Kosovo and regulates other issues related to the citizenship of the Republic of Kosovo.

**Article 2
Definitions**

1. Terms used in this law shall have the following meaning:

1.1. **Citizenship** - a legal bond between the State of the Republic of Kosovo and a person which establishes mutual rights and obligations;

1.2. **Competent Body** - the Ministry of Internal Affairs;

1.3. **Foreign Citizen and Foreign Person** - every person who is not a citizen of the Republic of Kosovo;

1.4. **Person** - a natural person;

1.5. **Naturalization** - the acquisition of citizenship of the Republic of Kosovo based on the application of a foreign person in accordance with the provisions of subparagraph 1.3 of this Article;

1.6. **Child** - a person of minor age, under the age of eighteen (18).

1.7. **Reacquisition** – a person who has lost the citizenship of the Republic of Kosovo by release and who has met the criteria to reacquire citizenship;

1.8. **Member of Diaspora** – every person with lawful residence outside the Republic of Kosovo who proves that has been born in the Republic of Kosovo, a member of the Diaspora is also considered every person who is a first-generation descendent of a person who was born in the Republic of Kosovo.

1.9. **Stateless person** - a person who is not considered as a national by any State under the operation of its law.

1.10. **A person with the refugee status** - the same as defined in the Law for Asylum;

1.11. **Family Members** - the same as it is defined in the Law for Asylum.

Article 3 Multiple citizenship

1. A citizen of the Republic of Kosovo may also be a citizen of one or more other states.

2. The acquisition and holding of another citizenship shall not result in the loss of the citizenship of the Republic of Kosovo.

Article 4 Protection of Citizenship

A citizen of the Republic of Kosovo shall not be deprived of his/her citizenship of the Republic of Kosovo except in the manner and under the conditions as determined in this law.

CHAPTER II ACQUISITION OF CITIZENSHIP

Article 5 Modalities of the acquisition of citizenship

1. Citizenship of the Republic of Kosovo is acquired:

1.1. by birth;

1.2. by adoption;

1.3. by naturalization;

1.4. based on international treaties;

1.5. based on Articles 31 and 32 of this law.

Article 6 Acquisition of citizenship by birth based on parentage

1. The child is born as a citizen of the Republic of Kosovo if at the time of birth both parents of the child are citizens of the Republic of Kosovo.

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

2.1. the child is born in the territory of the Republic of Kosovo;

2.2. the child is born outside the territory of the Republic of Kosovo and one parent has unknown citizenship or is stateless;

2.3. the child is born outside the territory of the Republic of Kosovo and one parent has another citizenship but both parents agree in writing that the child shall acquire the citizenship of the Republic of Kosovo. The right from this provision must be exercised prior to the child's fourteenth birthday. In the absence of parental consent, child would gain the Republic of Kosovo where they would otherwise be stateless.

Article 7
Acquisition of citizenship by birth in the territory of the Republic of Kosovo

1. A child born or found in the territory of the Republic of Kosovo whose parents are unknown or stateless shall acquire the citizenship of the Republic of Kosovo on the day of his/her birth, respectively on the day he/she is found.
2. In the event that at least one parent of the child referred to in paragraph 1. of this Article is identified before the child reaches the age of seven (7) years and the parent is not a citizen of the Republic of Kosovo, the child shall forfeit the citizenship of the Republic of Kosovo on the request of the parent provided that the child does not become stateless.
3. A child born in the territory of the Republic of Kosovo whose parents have another citizenship but who have a permanent residence permit in the Republic of Kosovo shall acquire the citizenship of the Republic of Kosovo upon the consent of both parents.
4. Notwithstanding paragraph 3. of this Article, a child born in the territory of the Republic of Kosovo shall acquire the citizenship of the Republic of Kosovo where they would otherwise be stateless.

Article 8
Acquisition of citizenship by adoption

Upon adoption of a child by parents who are citizens of the Republic of Kosovo, or one parent is citizen of the Republic of Kosovo, that child shall be entitled to the rights of a natural child.

Article 9
General provisions for the naturalization of foreign persons

1. A foreign person shall acquire the citizenship of the Republic of Kosovo by naturalization if he/she fulfills the requirements set out in Articles 10, 11, 12, 13, 15, 16 and 17 of this Law.
2. Naturalization shall become effective on the day the naturalized person receives the final decision on the acquisition of citizenship of the Republic of Kosovo issued by the competent body.
3. Without prejudice to conditions set out in Articles 10, 11, 12, 13, 15, 16 or 17 of this Law, no person shall acquire the citizenship of the Republic of Kosovo if he/she is sentenced for a criminal offence inside or outside the territory of the Republic of Kosovo or if the acquisition of citizenship is contrary to the interests of the Republic of Kosovo, particularly of interests related to internal or external security or the international relations of the Republic of Kosovo.
4. The sentence for a criminal offence pursuant to paragraph 3. of this Article shall not include:
 - 4.1. a sentence for a criminal offence punished with a fine or up to six (6) months imprisonment, if released on parole by the court;
 - 4.2. a sentence for a criminal offence by a foreign court if the offence is not considered a criminal offence in the Republic of Kosovo or if the sentence was imposed based on a procedure which is in violation of European criminal law standards, and in particular the European Convention on Human Rights and Fundamental Freedoms, and
 - 4.3. a sentence for a criminal offence which has been legitimately expunged from criminal records.

5. The competent body shall suspend the naturalization procedure if the person who has applied for naturalization is subject to criminal investigations or criminal court proceedings, for committing criminal offenses, inside or outside the territory of the Republic of Kosovo.

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

Article 10 **Naturalization of foreign persons**

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

1.1. he/she is an adult;

1.2. he/she has resided for five (5) years without interruption in the Republic of Kosovo after obtaining permanent residence permit;

1.3. he/she declares and that with his/her conduct during their stay in the Republic of Kosovo proves that he/she accepts the constitutional and legal order of the Republic of Kosovo and that he/she is integrated into Kosovar society through social, cultural, scientific, economic or professional links. The criteria shall be determined through sub-legal acts issued by the Ministry of Internal Affairs;

1.4. he/she possesses sufficient financial means to finance its living and that of persons he/she is responsible, without resorting to social assistance schemes;

1.5. he/she has fulfilled all financial obligations towards to the state; and

1.6. he/she provides evidence of elementary knowledge in reading and writing in one of the official languages of the Republic of Kosovo, and of its culture and social order.

2. Uninterrupted residence in the Republic of Kosovo, according to paragraph 1., sub-paragraph 1.2 of this Article, even if the person resides outside of the Republic of Kosovo for periods not longer than ten (10) months. For periods longer than ten (10) months a permission issued by the competent body shall be required.

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

Article 11 **Naturalization of spouse**

1. A foreign person who is married to a citizen of the Republic of Kosovo shall acquire the citizenship of the Republic of Kosovo upon his/her application if at the time of application he/she fulfills the following conditions:

1.1. he/she has at least three (3) years of marriage with the citizen of the Republic of Kosovo,

1.2. he/she has been regularly living in the Republic of Kosovo for the past one (1) year and possesses a temporary residence permit issued by the competent body.

1.3. the provisions from sub-paragraphs 1.1, 1.3, 1.4 and 1.6 of paragraph 1. of Article 10 of this law shall apply mutatis mutandis to the naturalization of the spouse.

1.4. the foreign person who is the spouse of a citizen of the Republic of Kosovo shall not acquire citizenship of the Republic of Kosovo if the marriage has been established against the Law on Family.

Article 12

Naturalization of the spouse of the naturalized person

1. The spouse of a naturalized person shall acquire the citizenship of the Republic of Kosovo if on the day of filling out the application he/she meets the following conditions:

1.1. has at least three (3) years of valid marriage, following the naturalization of the naturalized spouse;

1.2. has been regularly living in the Republic of Kosovo for at least two (2) years and possesses a temporary residence permit issued by the competent body.

1.3. provisions from sub-paragraphs 1.1, 1.3, 1.4 and 1.6 of paragraph 1. of Article 10 of this law shall apply mutatis mutandis for the naturalization of the naturalized spouse.

2. The foreign person who is the spouse of the citizen of the naturalized person shall not acquire the citizenship of the Republic of Kosovo if the marriage has been established against the Law on Family.

Article 13

Naturalization of a minor child of the naturalized person

1. A minor child of a person who has applied for naturalization shall acquire citizenship of the Republic of Kosovo when his/her parent acquires the citizenship of the Republic of Kosovo even if the child does not fulfil 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.

2. For children over fourteen (14) years of age and up to eighteen (18) years of age, their prior consent on acquiring the citizenship of Kosovo is warranted.

3. Paragraph 1. of this Article shall also apply to adopted minor children.

Article 14

Facilitation of the acquisition of the citizenship from refugees and stateless persons

Competent authorities should as far as possible facilitate the naturalization of refugees and of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

Article 15

Naturalization of persons with the refugee status or stateless person

1. A person with the refugee status or stateless person may acquire the citizenship of the Republic of Kosovo by naturalization if he/she resides in the territory Republic of Kosovo for five (5) years from the day of the recognition of refugee or stateless person status.

2. Family members of the person referred to in paragraph 1. of this Article shall also be entitled to acquire citizenship of Kosovo. For children over fourteen (14) years of age and up to eighteen (18) years of age, their prior consent on acquiring citizenship of Kosovo is necessary.

3. The provisions from subparagraphs 1.1, 1.3 and 1.6, paragraph 1., Article 10 of this Law shall apply mutatis mutandis for the acquisition of citizenship by a stateless person or person with the status of a refugee with the exclusion of children from paragraph 2. of this Article.

4. Procedures and criteria for facilitating the acquisition of citizenship of Republic of Kosovo pursuant to this Article shall be determined by a sub-legal act issued by the MIA;

Article 16

Naturalization of a member of the Republic of Kosovo Diaspora

1. A member of the Republic of Kosovo Diaspora shall acquire the citizenship of the Republic of Kosovo upon his/her application even if he/she does not fulfil the requirements set out in subparagraphs of paragraph 1. of Article 10 of this law.

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

3. A member of the Republic of Kosovo Diaspora shall be also every person who is a first-generation descendant of a person referred to in paragraph 2. of this Article and who proves that he/she maintains family links in the Republic of Kosovo.

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 through a sub-legal act.

Article 17

Naturalization of a person who has lost the citizenship of the Republic of Kosovo

1. A person who has lost the citizenship of the Republic of Kosovo by release from citizenship may reacquire the citizenship of the Republic of Kosovo upon his/her application if he/she fulfills the requirements set out in subparagraphs 1.3., 1.4. and 1.5., paragraph 1. of Article 10 of this law.

2. The children of person referred to in paragraph 1. of this Article shall be entitled to reacquire the citizenship of Kosovo. For children over fourteen (14) years of age and up to eighteen (18) years of age, their prior consent on acquiring citizenship of Kosovo is necessary.

Article 18

Revocation of the decision on naturalization

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.

2. In the event of naturalization pursuant to Article 13 of this Law, the revocation of the decision on the naturalization of the parent shall result in the revocation of the decision on naturalization of the minor child, except if as a result the child would remain stateless.

CHAPTER III LOSS OF CITIZENSHIP

Article 19

Modalities of loss of citizenship

1. The citizenship of the Republic of Kosovo shall be lost:

1.1. by release from citizenship;

1.2. by deprivation of citizenship;

1.3. based on international treaties.

Article 20
Release from citizenship

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

1.1. 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;

1.2. he/she has fulfilled all financial obligations to the state and to the persons he/she is obliged by law to care for;

1.3. he/she is not subject to criminal investigations or court proceedings for criminal acts and he/she is not serving a sentence;

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

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

4. Loss of citizenship of the Republic of Kosovo by release shall become effective on the day when the competent body delivers to the applicant the final decision on the release from citizenship.

Article 21
Release from citizenship of minors

1. A minor under the age of fourteen (14) shall lose the citizenship of the Republic of Kosovo by release if this is requested by one of the parents who has lost the citizenship of the Republic of Kosovo with the consent of the other parent, provided that the child holds the citizenship of another country or possesses a guarantee issued by the competent body of the other country guaranteeing the acquisition of the citizenship of that country;

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

Article 22
Revocation of the decision on release from citizenship

1. 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.

2. If the promised acquisition of the citizenship by the other country has not been materialized within one (1) year.

Article 23
The guarantee

1. Upon the request of the citizen who applies for release from citizenship, the competent body shall issue to the citizen a guarantee by which it guarantees that the citizen fulfills all requirements for being released from citizenship pursuant to Article 20, paragraph 1, subparagraph 1.2 and 1.3 and that the request for

release from citizenship will be approved if the citizen in question provides evidence for the acquisition of 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 is released from the citizenship of the Republic of Kosovo.

2. The guarantee shall be valid for a period of two (2) years from the day it was delivered to the citizen. The provisions on revocation laid out in Article 22 of this Law shall apply mutatis mutandis to the revocation of the guarantee.

Article 24 **Loss of citizenship by deprivation**

1. Notwithstanding the right of persons to citizenship of the Republic of Kosovo under Chapter V of this law, the competent body may deprive a citizen of the Republic of Kosovo of his/her citizenship of the Republic of Kosovo, if the citizen holds another citizenship and if the citizen engages in activities which endanger the national security of the Republic of Kosovo.

2. The following activities shall be considered to be a serious threat to the national security of the Republic of Kosovo, and in particular:

2.1. when the citizen has intentionally joined an organization the purpose of which is to damage or destroy the constitutional order of the Republic of Kosovo; or

2.2. the citizen engages in activities which aim at destroying or damaging the constitutional order of the Republic of Kosovo; or

2.3. the citizen is a member of the intelligence services or police services of another state and has not obtained permission from the competent body or is not entitled to it by international treaty.

3. The decision for deprivation of the citizenship of the Republic of Kosovo may also be issued without the person in question attending the procedure.

4. The decision on loss of citizenship by deprivation shall become effective on the day when the decision is delivered to the person in question. In the event the decision cannot be delivered because the competent body cannot identify the location of the person, the decision on the loss of citizenship by deprivation shall become effective on the day of its publication in the Official Gazette of the Republic of Kosovo.

5. Against the decision on deprivation, an administrative dispute may be initiated before the competent court in accordance with Law on Administrative Conflict.

CHAPTER IV **DEADLINES FOR REVIEWING APPLICATIONS AND APPEALS**

Article 25 **Deadlines for reviewing applications and appeals**

1. Deadlines for reviewing applications/appeals from the day of receiving the application are as follows:

1.1. the deadline to review application for loss of citizenship by release is ninety (90) days;

1.2. the deadline to review applications for the acquisition and reacquisition of citizenship is one hundred and eighty (180) days;

1.3. the deadline to review appeals is ninety (90) days.

Article 26
Submission of applications

1. Applications prescribed by this law shall be submitted to the competent body.
2. Applications may also be submitted to the municipal administration in the territory of which the applicant resides. In such an event, the municipal administration shall be obliged to forward the application to the competent body.
3. In the event that the applicant resides outside of the Republic of Kosovo, the application may be submitted to the nearest embassy or consulate of the Republic of Kosovo in the region. The embassy, respectively the consulate, shall forward the application to the competent body.

Article 27
Register of citizens

1. The competent body shall establish and maintain the register of citizens of the Republic of Kosovo.
2. The register of citizens shall record all citizens of the Republic of Kosovo and the modality of acquisition of citizenship as well as all citizens who have lost and reacquired the citizenship of the Republic of Kosovo including the modality and reasons for the loss of citizenship.
3. Details concerning the maintenance of the citizenship register and the inclusion of other data in the register shall be determined by the competent body through a sub-legal act.
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.
5. Inclusion or absence of a name in the register is not a proof of citizenship (see Article 29 of this law) or non-citizenship, respectively.

Article 28
International cooperation

1. The competent body may communicate to another state the citizenship status of a citizen of the Republic of Kosovo registered in the register of citizens provided that the following requirements are fulfilled:
 - 1.1. the data is requested by a body of another state which is competent for citizenship matters and the data will be communicated to this body only;
 - 1.2. the competent body of another state requests the citizenship status of the citizen of the Republic of Kosovo for purposes related to citizenship matters, and for any other purpose which is undoubtedly in favor of the person whose data are being requested; and
 - 1.3. the state whose body requests the citizenship status and states where it will be used, also guarantees the protection of citizenship status for foreign citizens.

Article 29
Proof of citizenship

A valid birth certificate, birth extract, a citizenship certificate, an identity card or passport of the Republic of Kosovo shall serve as proof of citizenship of the Republic of Kosovo.

Article 30
Administrative Fees

1. The administrative fee shall be determined by a decision of the minister.
2. During determination of the administrative fees for the category of persons with refugee status or stateless persons, Article 14 of this Law should be taken into consideration.
3. Through a sub-legal act, the Government of the Republic of Kosovo may determine which categories of persons who, due to social or economic reasons, may be exempted from paying the administrative fee.

CHAPTER V
TRANSITIONAL PROVISIONS

Article 31
The status of habitual residents of the Republic of Kosovo

1. Every person who is registered as a habitual resident of the Republic of Kosovo pursuant to UNMIK Regulation No. 2000/13 on the Central Civil Registry shall be considered a citizen of the Republic of Kosovo and shall be registered as such in the register of citizens.
2. The competent body may verify the lawfulness of the registration of a person as habitual resident of the Republic of Kosovo. 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 the Republic of Kosovo, such a person shall lose his/her citizenship of the Republic of Kosovo and shall be deleted from the register of citizens of the Republic of Kosovo.
3. The loss of citizenship pursuant to paragraph 2. of this Article shall be without prejudice to the acquisition of the citizenship of the Republic of Kosovo by origin, adoption, birth in the territory of the Republic of Kosovo or naturalization as set out by provisions of this law.

Article 32
Registration and determination of citizenship

1. All persons who on 1 January 1998 were citizens of the Federal Republic of Yugoslavia and on that day were habitually residing in the Republic of Kosovo shall be citizens of the Republic of Kosovo and shall be registered as such in the register of citizens irrespective of their current residence or citizenship.
2. Provisions of paragraph 1. of this Article apply also to direct descendants of the persons referred to in paragraph 1.
3. The registration of 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.
4. The competent body shall determine in sub-legal acts the criteria which shall constitute evidence of the citizenship of the Federal Republic of Yugoslavia and habitual residence in the Republic of Kosovo on January 1, 1998.
5. The competent body shall use the criteria set forth in UNMIK Regulation No. 2000/13 on the Central Civil Registry to determine habitual residence in the Republic of Kosovo on January 1 1998.

**CHAPTER VI
FINAL PROVISIONS**

**Article 33
Sub-legal acts**

1. Sub-legal acts that are in force shall be implemented, provided that they are not in contradiction with this Law, until the approval of sub-legal acts regulating the implementation of this Law.
2. The Ministry of Internal Affairs shall issue sub-legal acts necessary for the implementation of this law within six (6) month from the time of entry into force of this law.

**Article 34
Abrogation**

Entry into force of this law shall repeal Law no. 03/L-034 on Kosovo Citizenship, Law no. 04/L-059 on Amending and Supplementing Law no. 03/L-034 on Kosovo Citizenship as well as Article 18 of Law no. 04/L-115 on Amending and Supplementing laws pertaining to the Ending of the International Supervision of the Independence of Kosovo.

**Article 35
Entry into Force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-215
31 July 2013**

**Promulgated by Decree No.DL-041-2013, dated 19.08.2013, President of the Republic of Kosovo
Atifete Jahjaga**