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Bosnia and Herzegovina Nationality Law

I.General Provisions

Section 1.

This Act determines the conditions for the acquisition and loss of the citizenship of the Republic of Bosnia and Herzegovina (hereinafter RB-H citizenship).

II.Acquisition of RB-H Citizenship

Section 2.

A citizen of the Republic of Bosnia and Herzegovina may also have a foreign citizenship (dual citizenship).

Section 3.

RB-H citizenship may be acquired:

(1)by origin;

(2)by birth in the territory of the Republic of Bosnia and Herzegovina (hereinafter the Republic);

(3)by naturalisation;

(4)by international treaties.

Section 4.

A child shall acquire RB-H citizenship if:

- (1) its parents are both citizens of the Republic at the time of its birth;
- (2) one of its parent is a citizen of the Republic at the time of birth and the child was born in the territory of the Republic;
- (3) one of its parents is a citizen of the Republic at the moment of birth, the other parent not having citizenship, and the child was born abroad.

A child born of a foreign citizen or of a person without citizenship shall acquire citizenship of the Republic by origin if it has been fully adopted by citizens of the Republic in accordance with the regulations of international law.

Section 5.

A child born abroad, one of whose parents was a citizen of the Republic at the time of its birth, shall acquire RB-H citizenship by origin when such child is registered as a citizen of the Republic by a competent body in the Republic or abroad until the age of twenty-three years or if he has been residing in the Republic for a long period of time for educational purposes.

A child born abroad, one of whose parents was a citizen of the Republic at the time of birth, shall acquire RB-H citizenship even when not fulfilling one of the conditions mentioned in paragraph 1 of this Section, if he would, otherwise, be left without citizenship.

Section 6.

Any person acquiring RB-H citizenship on the grounds of the provisions of the Sections 4 and 5 of this Act shall be deemed to be RB-H citizen from the time of birth.

Section 7.

A child born or found in the territory of the Republic whose both parents are unknown, or with unknown citizenship, or without citizenship shall acquire RB-H citizenship.

Such a child shall lose RB-H citizenship if, before he reaches the age of fourteen years, it is determined that his parents are foreign citizens.

Section 8.

An alien who has submitted an application for RB-H citizenship shall acquire RB-H citizenship provided he fulfils the following conditions:

- (1) to be eighteen years of age,
- (2) to have been deprived of foreign citizenship or submit the proof that he shall lose it if he acquires RB-H citizenship,
- (3) to have been registered as a resident of the Republic for more than 10 years continuously before submitting the application,
- (4) to have a sufficient source of income enabling his material and social security,
- (5) not to have been sentenced to a security measure (deportation out of the country as foreigner) or protection measure (removal from the territory of the Republic).

(6) not to have been sentenced for criminal actions against the basis of the society's establishment, against humanitarian and international law and against armed forces.

The condition mentioned in paragraph 2 of this Section shall be deemed fulfilled if the person submitting the application for RB-H citizenship has no citizenship or would lose it automatically by naturalisation in accordance with the laws of the country he is a citizen of.

If the foreign country does not allow renunciation of citizenship, or if it sets conditions which cannot be fulfilled, then a statement of the applicant about renunciation of his former citizenship under the presumption of acquiring RB-H citizenship shall be sufficient.

The body competent to make decisions regarding the acquisition of RB-H citizenship shall reject the application for acquisition of RB-H citizenship even though the conditions mentioned in paragraph 1 of this Section are fulfilled when reasons of security and defence require it.

Section 8A.

Citizenship of the RB-H shall also be acquired by a person fulfilling the conditions of Section 8 paragraph 1, (5) and (6), provided that the person concerned has neither participated in nor supported the aggression against RB-H, and provided that such person submits, in written form, a statement declaring that he/she feels as a citizen of the Republic of Bosnia and Herzegovina.

A competent body or a diplomatic-consular mission of the RB-H may refuse to issue RB-H citizenship during the war, provided there is a justified suspicion that the applicant participated in or supported the aggression against RB-H.

The responsible body or the diplomatic-consular mission of the RB-H shall make the decision about the request mentioned in paragraph 1 of this Section.

Section 9.

An emigrant from the Republic and his direct descendants may acquire RB-H citizenship by naturalisation even though they do not fulfil the conditions mentioned in Section 8 paragraph 1, (2) and (3) of this Act.

A foreigner married to a citizen of RB-H may acquire RB-H citizenship by naturalisation even though not fulfilling the conditions mentioned in Section 8 paragraph 1, (2) and (3) of this Act.

A minor adopted by a RB-H citizen may acquire RB-H citizenship by naturalisation even though not fulfilling the conditions mentioned in Section 8 paragraph 1, (2) and (3) of this Act.

In the meaning of paragraph 1 of this Section, an emigrant is a person who left the Republic with the wish to live permanently abroad.

Persons who have not been entered into the registers of citizens as stated in paragraph 1 of this Section shall be entered in the registers of citizens of the Republic as provided for by the Act referred to in Section 30. paragraph 2 of this Decree.

Section 10.

A foreigner whose acquisition of RB-H citizenship would be of interest to the Republic may acquire RB-H citizenship by naturalisation even when not fulfilling the conditions mentioned in Section 8, paragraph 1, (1) and (4) of this Act.

Citizenship of the RB-H shall be acquired by the spouse of a person who acquired citizenship of RB-H under paragraph 1 of this Section even if he/she does not fulfil the conditions of Section 8, paragraph 1, (1) to (4) of this law.

Section 11.

RB-H citizenship by naturalisation shall be acquired by a minor:

- (1) whose parents acquired RB-H citizenship by naturalisation;
- (2) whose one parent acquired RB-H citizenship by naturalisation and who has his residence in the Republic.

Section 12.

A person who acquires RB-H citizenship by naturalisation shall become a citizen of the Republic on the day the decision of acquisition of the citizenship comes into effect.

Section 13.

A decision on acquisition of RB-H citizenship shall not be cancelled, abolished, over-ruled, changed or proclaimed void if the person who acquired the citizenship thereof would be left without any citizenship.

III. Loss of RB-H Citizenship

Section 14.

RB-H citizenship shall be lost:

- (1) by withdrawal;
- (2) by renunciation;
- (3) by deprivation;
- (4) by international treaties.

Section 15.

Withdrawal from RB-H citizenship can be granted to any person requesting it and fulfilling the following conditions:

- (1) he/she is 18 years old;
- (2) there are no obstructions concerning military service duty;
- (3) he/she has repaid all taxes and other legal debts toward the State and other objects of law in the Republic;
- (4) he/she has fulfilled all legal obligations concerning property toward the citizens of the Republic, in marital and parental relations;
- (5) there are no official criminal proceedings for criminal actions committed by the person of concern to the Republic, or if he/she has been sentenced to imprisonment, the penalty has been served;

(6)he/she has a foreign citizenship or has proved that he/she would be eligible for foreign citizenship.

The body competent to make a decision regarding withdrawal from RB-H citizenship shall reject the application for withdrawal from RB-H citizenship, even when the conditions mentioned in paragraph 1 of this Section are fulfilled, for reasons of security or defence of the Republic, or reciprocity reasons or other reasons concerning relations with another country.

Citizenship of a person withdrawing from RB-H citizenship shall cease on the day the decision on withdrawal from RB-H citizenship comes into effect.

Section 16.

Decision on withdrawal from RB-H citizenship shall be considered void upon request of the person who was granted such action if that person does not obtain foreign citizenship within one year following the day the decision was received, and if he continues to live in the Republic.

Decision on withdrawal from RB-H citizenship shall be rendered void, by special decision, upon the request of the person who was granted such action, and has emigrated from the Republic, if that person has not obtained foreign citizenship within three years from the day of emigration, and has accordingly informed the diplomatic or consular mission of the Republic abroad, or the body competent to make decisions about withdrawal, within an additional three years period.

Section 17.

Citizenship of a child under the age of eighteen shall be lost upon the request of:

(1)both parents whose RB-H citizenship was lost by withdrawal;

(2)one parent whose RB-H citizenship was lost by withdrawal if the other parent does not have RB-H citizenship;

(3)one parent exercising parental authority and whose RB-H citizenship was lost by withdrawal if the other parent, who is a citizen of RB-H, agrees with such request;

(4)the adopter whose RB-H citizenship was lost by withdrawal if full adoption has been established between the adopter and the adopted.

In accordance with the provisions of paragraph 1 of this Section RB-H citizenship shall cease on the day the decision comes into effect.

If the adopters are a married couple, the agreement of the parent who is a RB-H citizen shall be required for withdrawal of RB-H citizenship as provided for in paragraph 1 of this Section.

Section 18.

A citizen of RB-H, born and living abroad, who attained majority and holds foreign citizenship, may renounce RB-H citizenship.

The declaration of renunciation of RB-H citizenship in the meaning of paragraph 1 of this Section shall be submitted to a diplomatic or consular mission of the Republic abroad or to the Ministry of the Interior.

RB-H citizenship of a person as mentioned in paragraph 1 of this Section, whose application for renunciation of RB-H citizenship is accepted by a competent body, shall be lost on the day the decision of renunciation of citizenship comes into effect.

Section 19.

RB-H citizenship of a minor child shall cease upon the request of both parents whose RB-H citizenship was lost by renunciation, or upon the request of one parent whose RB-H citizenship was lost by renunciation if the other parent does not have RB-H citizenship.

Section 20.

A citizen of RB-H holding another citizenship, may be deprived of his RB-H citizenship if his behaviour damages international and other interests of the Republic.

Behaviours which damage international and other interests of the Republic in the meaning of paragraph 1 of this Section are:

(1) if the person is a member of an organisation whose activities are aimed at the destruction of the constitutional establishment of the Republic;

(2) if the person, as a member of a foreign intelligence service, as part of his work in State bodies or foreign country organisations, damages the interests of the Republic;

(3) if the person mentioned in paragraph 1 of this Section is actively involved in the work of an organisation whose aims are contrary to the general principles of the Charter of the United Nations or of the Universal Declaration on Human Rights.

The decision of deprivation of RB-H citizenship shall be made without the person's comment in cases when the address or residence of such RB-H citizen is unknown.

In case of deprivation of citizenship, the citizenship shall cease on the day the decision comes into effect. When such decision cannot be notified to the person concerned, RB-H citizenship shall be lost on the eighth day from the day of publication of the decision in the Official Bulletin of RB-H.

Section 21.

A person whose RB-H citizenship has been terminated while being a minor, in accordance with the provisions of Sections 17 to 19 of this Act, may re-acquire RB-H citizenship provided he has his residence in the Republic and submits an application for re-acquisition of RB-H citizenship, until the age of twenty-five.

IV. Procedures of Citizenship Decision

Section 22.

An application for acquisition or termination of RB-H citizenship shall be submitted through the Public Security Station in charge, according to the address or residence of the applicant.

The application mentioned in paragraph 1 of this Section may also be submitted through a diplomatic or consular mission of the Republic abroad.

The application mentioned in paragraph 1 of this Section shall be submitted on behalf of a minor by the parents or adopters provided that if the child is over 14 years old, his/her agreement shall be necessary for acquisition or termination of RB-H citizenship.

Section 23.

Decision of acquisition or termination of RB-H citizenship as well as decision of establishment of RB-H citizenship shall be made by the Ministry of the Interior.

The decision mentioned in paragraph 1 of this Section shall be final provided that an administrative process may be started against such decision.

A copy of the decision mentioned in paragraph 1 of this Section shall be sent to the Ministry of Defence and to the body in charge forkeeping the birth registers.

Section 24.

Record of citizens of RB-H shall be kept in Birth Registers for RB-H citizens in the territory of the Republic, or in diplomatic or consular missions of the Republic abroad.

Record of persons not listed in paragraph 1 of this Section shall be kept in the Register of citizens in the manner determined by the Act mentioned in Section 30 of this Law.

Record of persons who acquired RB-H citizenship or persons whose RB-H citizenship was terminated shall be kept by the Ministry of the Interior.

Records mentioned in paragraph 2 of this Section shall be held by the Registrar according to the place of residence of the person concerned.

The proof of RB-H citizenship may be given, without special authorisation, to the Birth Registrar for RB-H, on the basis of the RB-H citizenship certificate or provided the Registrar or the authorised employee in the diplomatic or consular mission of the Republic of Bosnia and Herzegovina determines that the person concerned is a citizen of the Republic on the grounds of the provisions of Sections 4,5,6 and 29 of this law.

Section 25.

RB-H citizenship certificate shall be issued by the body in charge of keeping birth registers and the registers of citizens of the Republic.

RB-H citizenship certificate, based on the record of the citizens of RB-H kept in accordance with former regulations, shall be issued by the body who holds these records.

Section 26.

RB-H citizenship of the citizens of the Republic shall be proved by a valid personal identification card or by a travel document.

A citizen of the Republic who does not have the documents mentioned in paragraph 1 of this Section shall prove RB-H citizenship with RB-H citizenship certificate or with a birth certificate.

V.Final Provisions**Section 27.**

Any person who held B-H citizenship in accordance with former regulations shall be considered a citizen of the Republic in the meaning of this Act.

Section 28.

A citizen of RB-H holding foreign citizenship shall be considered exclusively a citizen of the Republic in the territory of the Republic, unless otherwise regulated by international treaties.

Section 29.

Any person who, on April 6 1992, had citizenship of former SFRY and was residing in the territory of the Republic shall be considered a citizen of the Republic.

Section 30.

The Minister of the Interior shall regulate the form and contents of the record-form mentioned in Section 24, paragraphs 2 and 3 of this Act, method of record keeping, as well as the form and contents of the citizenship certificate.

The Minister of the Interior in agreement with the Minister for Foreign Affairs shall regulate RB-H citizenship certificate to be used abroad.

Objections for withdrawal from RB-H citizenship regarding military service duty (Section 15, paragraph 1, (2)) shall be regulated by the Minister for Defence.

Regulations mentioned in paragraphs 1, 2 and 3 of this Section shall be passed within sixty days following the day this Act comes into effect.

Section 31.

Citizenship procedures started before the day this Act comes into effect, and based on the Citizenship Law of the Socialist Republic of Bosnia and Herzegovina, (Official Bulletin SRB-H number 10/77) shall be concluded in accordance with the regulations of this Act.

Section 32.

Supervision of the implementation of this Act and the regulations passed on the basis of this Act shall be performed by the Ministry of the Interior.

Section 33.

On the day this Act comes into effect, the following regulations shall be repealed: Citizenship Law of the Socialist Republic of Bosnia and Herzegovina (Official Bulletin SRB-H number 10/77) and Citizenship Law of the Socialist Federal Republic of Yugoslavia (official Bulletin SFRY number 58/76), which have been replaced as the law of the Republic by Section 1 heading II "The State Administration and Judicature", Chapter 2 "Internal activities" and sub-Section 2 of the "Lawful Act on Take Over and Application of Federal Regulations Which Are To Be Applied in Bosnia and Herzegovina as the Laws of the Republic" (Official Bulletin of RB-H number 2/92).

Section 34.

Until the regulations mentioned in Section 30 of this Act are passed, the "Book of Regulations about Methods of Record-Keeping About Citizens of Socialist Republic of Bosnia and Herzegovina" and "Citizens of Socialist Federal Republic of Yugoslavia, Form and the Contents of the Form as well as Citizenship Record Keeping" (Official Bulletin of SRB-H No. 1/79 and 14/87) shall give evidence of citizenship.

VI. Application of the Act During State of War or in Case of Imminent War Danger

Section 35.

Lawful Act on RB-H citizenship shall be applied during the State of war or during imminent war danger.

Section 36.

During the state of war or imminent war danger, withdrawal from RB-H citizenship shall not be granted and the application for renunciation of RB-H citizenship shall not be taken into consideration.

Other than the conditions stated in paragraph 1 of this Section, withdrawal from RB-H citizenship may be granted to any person who, beside the conditions of Sections 15 and 17 of this law, fulfils the following requirements:

(1) he/she was abroad on 8 April 1992;

(2) he/she is not a military conscript or he is older than 50 years (for a man) or 45 years (for a woman), if the person resided abroad for more than 15 years, or more than ten years if married to a foreign citizen.

Section 37.

The decision rejecting the application for withdrawal from or acquisition of RB-H citizenship may be appealed to the Government.

No administrative process against the final decision mentioned in paragraph 1 of this Section shall be started.

Section 37A.

The proof of RB-H citizenship, as stated in Section 24 paragraph 2 of this law, for persons who reside in the occupied territories of the Republic, or whose registration is rendered impossible due to the breakdown of communication, shall be temporarily registered in the local police station (public security station) in charge of the place of residence of the person concerned.

Section 38.

When a person, during procedures concerning realisation of certain rights or duties, is unable to acquire proof of RB-H citizenship and such proof can neither be acquired officially, that person may, in the presence of two witnesses, possessing personal identification card, give a statement about his citizenship to the public security station in charge of his place of residence.

Section 39.

Public Security Stations (local police station) keep special records of the cases of RB-H citizenship established in accordance with Section 38 of this Act.

Records mentioned in paragraph 1 of this Section consist of: serial number, first name, name of one parent, family name, date, year and place of birth, address, date when statement was given, and personal data (first name, family name, personal identification card number) of the witnesses.

Section 39A.

The Minister of the Interior, the Minister of Justice and Administration and the Minister of Foreign Affairs shall issue instructions on the implementation of Sections A and 10 of this law.

Section 40.

This Act comes into effect on the day of its publication in the Official Bulletin of RB-H.
