



REPUBLIKA E SHQIPËRISE
KUVENDI

**REPUBLIC OF ALBANIA
THE PEOPLE'S ASSEMBLY**

LAW

No. 113/2020

ON CITIZENSHIP

Pursuant to articles 81(2)(b), and 83(1) of the Constitution and upon proposal of the Council of Ministers,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

This Law establishes the principles, procedures, and rules for the acquisition, resumption and loss of Albanian citizenship.

Article 2

Definitions

For the purposes of this Law, the following terms shall have the following meanings:

- a) "child" has the same meaning as per definition in the Law on the Rights and Protection of the Child;
- b) "Minister" means the Minister responsible for public order and security;
- c) "Ministry" means the Ministry responsible for public order and security;
- ç) "naturalization" means a mode by which a foreign or stateless person who fulfils the requirements of this Law and who expresses the wish to become an Albanian citizen, may acquire Albanian citizenship;
- d) "descent" means a direct lineal kinship up to the third degree between an applicant and their ancestor holding Albanian citizenship.

dh) “stateless person” shall have the same meaning as per definition in Law No. 9057, dated 24.04.2003, On the Accession of the Republic of Albania to the Convention relating to the Status of Stateless Persons.

e) “refugee and person under complementary protection” shall have the same meaning as per definition in the Law on Asylum in the Republic of Albania.

ë) “Albanian citizenship” shall mean the stable legal bond between a person and the Albanian state, as expressed in the fundamental rights and freedoms, as well as in the mutual obligations, and which shall not indicate the ethnic origin of the person.

Article 3

Principles

The implementation of the provisions of this Law on the acquisition, resumption and loss of Albanian citizenship shall be based on the following principles:

- a) the right of every person to have at least one citizenship;
- b) the avoidance of statelessness;
- c) no one shall be arbitrarily denied or deprived of their Albanian citizenship;
- ç) non-discrimination of Albanian citizens on any of the grounds provided for under the applicable legislation on protection from discrimination, irrespective of whether they are citizens from birth or have acquired Albanian citizenship pursuant to this Law.

CHAPTER II

ACQUISITION, RESUMPTION AND LOSS OF ALBANIAN CITIZENSHIP

Article 4

Modes of acquiring citizenship

Albanian citizenship shall be acquired by:

- a) birth;
- b) descent;
- c) birth in the territory of the Republic of Albania;
- ç) naturalization;
- d) adoption.

Article 5

Acquisition of citizenship by birth

Anyone born to at least one parent who is an Albanian citizen shall automatically acquire Albanian citizenship and shall be registered as an Albanian citizen. The entitlement to register as an Albanian citizen shall not expire after the person has reached 18 (eighteen) years of age.

Article 6

Acquisition of citizenship by descent

1. A foreign citizen whose ancestors are of Albanian descent shall acquire Albanian citizenship, provided that a direct lineal kinship up to the third degree is established between the applicant and their ancestor.

2. In such case, the citizen shall submit an application to acquire Albanian citizenship by descent and shall fulfil the requirements under Article 8(1)(dh) and (ë) of this Law.

3. The documentation required to establish Albanian descent shall be defined in an instruction by the Minister.

Article 7

Acquisition of citizenship by birth in the territory of the Republic of Albania

1. A child born or who is found in the territory of Albania and may remain stateless, shall be granted Albanian citizenship.

2. If a child's parents become legally recognised before the child reaches 14 (fourteen) years of age and the parents are foreign citizens, they may apply for the revocation of the child's Albanian citizenship on condition that he or she shall not remain stateless in consequence thereof.

Article 8

Acquisition of citizenship by naturalization

1. A foreign citizen shall acquire Albanian citizenship by naturalization by submitting an application and upon meeting the following requirements, namely he or she:

a) has reached 18 (eighteen) years of age;

b) has full legal capacity to act;

c) is lawfully resident and has resided in the territory of the Republic of Albania for a continuous period of no less than 7 (seven) years and has been granted a permanent residency permit which is valid at the moment of application, in accordance with the Law on Foreigners;

ç) has a place of abode which complies with the approved residency standards in the Republic of Albania;

d) has a lawful income and sources of funding which are sufficient to sustain himself or herself in the Republic of Albania that meet the minimum standard of living indexed annually against the price index of certain selected goods in accordance with the Social Insurance Institute Regulation;

dh) has not been convicted by final judgment in his or her country, in the Republic of Albania, or any third state, of criminal offences for which the Albanian law imposes sentences of no less than 3 (three) years of imprisonment. An exception to this rule shall be made only in cases where it is established that the conviction was politically motivated;

e) has knowledge of the Albanian language, both spoken and written, as certified by an appropriate educational establishment, as well as basic knowledge of the history of the Republic of Albania, in accordance with rules defined by higher education institutions;

ë) does not pose a threat to the public order and national security of the Republic of Albania.

2. If a person is stateless, he may acquire Albanian citizenship if he fulfils the requirements under paragraph 1(c), (dh) and (ë) of this Article.

3. A foreign national who has been married to an Albanian citizen for a period of no less than 3 (three) years may apply to acquire Albanian citizenship by naturalization even if they fail to fulfil the requirements of paragraph 1(c) and (e) of this Article, provided that they have

resided lawfully and continuously in the territory of the Republic of Albania for a minimum of 1 (one) year.

4. A foreign citizen whose minor child is an Albanian citizen may apply to acquire Albanian citizenship by naturalization even if they fail to fulfil the requirements of paragraph 1(c) of this Article, provided that he or she has resided lawfully and continuously in the territory of the Republic of Albania for a minimum of three years.

5. Where both parents acquire Albanian citizenship by naturalization, their child under 18 (eighteen) years of age and living with the parents shall be granted Albanian citizenship upon an application by the parents and with the consent of the child if he or she is between 14 and 18 (fourteen and eighteen) years of age.

6. Where one of the parents acquires Albanian citizenship by naturalization, his or her child under the age of 18 (eighteen) shall be granted Albanian citizenship if this is requested by both or either of the parents and the child resides in the Republic of Albania, in which case the other parent must provide consent. An exception shall be made only in cases where an objective inability of the other parent to give consent is established.

7. The documentation required to acquire Albanian citizenship by naturalization pursuant to the provisions of this Law shall be defined in an instruction by the Minister.

Article 9

Special cases of acquisition of Albanian citizenship

1. Albanian citizenship may be granted to a foreign citizen over 18 (eighteen) years of age, provided that he or she does not pose a threat to the public order and national security of the Republic of Albania as well as in cases where this is in the national interest, or in the interest of education, science, art, culture, economy, and sport in the Republic of Albania.

2. A dedicated state agency answerable to the Minister shall be established for the purposes of developing special programmes, defining specific rules on special security and good character checks of the highest standards, and monitoring their implementation. The organization and functioning of the agency shall be approved by a decision of the Council of Ministers.

3. The requirements for acquiring citizenship pursuant to the special programmes provided for in paragraph 1 of this Article, the application procedures and rules for conducting the necessary verifications and checks shall be approved by a decision of the Council of Ministers, upon a joint proposal by the Minister and the relevant Ministers according to their respective areas of responsibility.

4. The provisions of Articles 17 and 18 of this Law shall not apply in cases where citizenship is acquired pursuant to this Article.

Article 10

Acquisition of citizenship by adoption

1. An adopted child shall be granted Albanian citizenship if the adoptive parent is an Albanian citizen.

2. Where a child who has another nationality or is stateless is adopted by two spouses of Albanian citizenship, the child shall acquire Albanian citizenship. The adopted child shall acquire Albanian citizenship even if only one of the spouses is an Albanian citizen, as well as in any other case where the child is at risk of remaining stateless as a result of the adoption.

3. The documentation required for the acquisition of Albanian citizenship by adoption

pursuant to the provisions of this Law shall be defined in an instruction by the Minister.

Article 11

Acquisition of citizenship by refugees or persons under complementary protection

1. A refugee or person under complementary protection shall acquire Albanian citizenship by submitting an application and upon meeting the following requirements, namely he or she:

- a) has reached 18 (eighteen) years of age;
- b) has full legal capacity to act;
- c) is lawfully resident and has resided in the territory of the Republic of Albania for a continuous period of no less than 7 (seven) years from the day of the communication of the decision on the granting of status by the authority responsible for asylum and refugees pursuant to the Law on Asylum in the Republic of Albania;
- ç) has a place of abode which complies with the approved residency standards in the Republic of Albania;
- d) has a lawful income and sources of funding which are sufficient to sustain himself or herself in the Republic of Albania;
- dh) has not been convicted by final judgment in his or her country, in the Republic of Albania, or any third state, of criminal offences for which the Albanian law imposes sentences of no less than 3 (three) years of imprisonment. An exception shall be made only in cases where an objective inability of the other parent to give consent is established;
- e) has knowledge of the Albanian language, both spoken and written, as certified by an appropriate public educational establishment, as well as basic knowledge of the history and the Constitution of the Republic of Albania in accordance with the rules defined by higher education institutions in the relevant field;
- ë) does not pose a threat to the public order and national security of the Republic of Albania.

2. The documentation required to acquire the Albanian citizenship for this category shall be defined in an instruction by the Minister.

Article 12

Loss of citizenship

1. Albanian citizenship shall be lost in the following cases:

- a) upon renunciation by request and where the requirements under Article 13(1) of this Law are met;
- b) by deprivation of citizenship without a request thereof in the cases provided for under Article 15 of this Law.

Article 13

Renunciation of citizenship

1. A person may renounce their Albanian citizenship by submitting an application and fulfilling the following requirements:

- a) they have reached 18 (eighteen) years of age;
- b) they will not remain stateless as a result of renouncing their Albanian citizenship;
- c) they are resident in a foreign country;
- ç) no criminal proceedings have been initiated against them for criminal offences which are

punishable by no less than 5 (five) years of imprisonment under the Albanian legislation;

d) they owe no legal obligations towards public institutions, or towards natural and legal persons;

dh) they have discharged all financial obligations they may owe to their spouse, children, or other persons under their guardianship who are Albanian citizens.

2. The documentation required to renounce Albanian citizenship shall be defined in an instruction by the Minister.

Article 14

Renunciation on behalf a child

1. A child shall no longer hold Albanian citizenship if at least one of his or her parents has renounced Albanian citizenship and if the consent of both parents has been provided.

2. The child shall no longer hold Albanian citizenship when he or she is adopted by foreign parents and acquires their citizenship.

3. If the parents are divorced, the application to renounce Albanian citizenship shall be submitted by the parent who was awarded parental custody by a final court decision, with the consent of the other parent. The consent of the other parent shall not be necessary if he or she has no registered abode in the territory of the Republic of Albania or abroad, cannot be contacted because their whereabouts are unknown, or where parental responsibility has been revoked by a final court judgment.

Article 15

Deprivation of citizenship

1. Deprivation of Albanian citizenship without a request thereof shall occur in the following cases:

a) if it is established that the citizen has submitted false documentation to acquire the citizenship;

b) if the citizen supports, acts on the behalf of, or is a member of organizations whose activities aim to undermine the national security and constitutional order of the Republic of Albania

2. In case of deprivation of citizenship pursuant to the provision under paragraph 1(a) of this Article, citizenship shall be removed on the basis of information verified by the relevant law enforcement agencies and within 10 years from taking the oath.

3. In case of deprivation of citizenship pursuant to the provision under paragraph 1(b) of this Article, citizenship shall be removed on the basis of information verified by the relevant law enforcement agencies, or if the citizen has been convicted by a final court judgment, only in the case of citizens who acquired their citizenship by naturalization and provided that the person is not at risk of remaining stateless.

4. Pursuant to this Article, Albanian citizenship shall be removed by decree of the President of the Republic. In such case, the person shall cease to be an Albanian citizen from the moment the decree is communicated and, exceptionally, if the decree cannot be communicated to him or her, upon publication of the decree in the Official Gazette.

5. The citizen shall have the right to appeal the decree depriving them of their citizenship to a competent administrative court in accordance with the deadlines set out in the applicable legislation.

6. Deprivation of citizenship pursuant to this Article shall not affect the children of the

citizen who is deprived of his or her citizenship.

Article 16

Resumption of citizenship

An individual who renounced Albanian citizenship and wishes to resume it shall submit an application for the resumption Albanian citizenship pursuant to the procedure for acquiring Albanian citizenship set out in this Law. In such a case, the person must meet the requirements of Article 8(1)(a), (b) and (ë) of this Law.

CHAPTER III

PROCEDURE FOR THE ACQUISITION, RESUMPTION AND LOSS OF ALBANIAN CITIZENSHIP

Article 17

Submission of application

1. Applications for the acquisition, resumption and renunciation of Albanian citizenship shall be submitted to the local State Police authority where the person has his place of residence.

Detailed rules regarding the required documentation, form, and manner of application pursuant to this Article shall be defined in an instruction by the Ministry.

2. If the person resides outside the territory of the Republic of Albania, applications to renounce or resume Albanian citizenship and the necessary documentation pursuant to this Law may be submitted to the diplomatic mission or consulate of the Republic of Albania accredited to the applicant's country of residence.

Detailed rules regarding the required documentation, form and manner of application pursuant to this Article shall be defined in a joint instruction by the Ministry and the Ministry responsible for foreign affairs.

3. The fee payable for the application for the acquisition, resumption and renunciation of Albanian citizenship pursuant to paragraphs 1 and 2 of this Article shall be set forth in a joint instruction by the Ministry and the Ministry responsible for finances. In any case, the fee may not exceed service costs.

Article 18

Review of the application

1. Upon submission of an application pursuant to Article 17(1) of this Law, the local State Police authority shall undertake all the necessary checks for assessing any risks to public security and, within one month from the submission of the application, shall forward the application and any accompanying documentation to the structure responsible for citizenship matters at the Ministry.

2. Upon submission of an application pursuant to Article 17(2) of this Law, the diplomatic mission or consulate shall forward the application and any accompanying documentation to the Ministry responsible for foreign affairs, which shall forward them within 15 (fifteen) days to the responsible structure at the Ministry for review.

3. Upon submission of an application and accompanying documentation pursuant to

paragraphs 1 and 2 of this Article, the Ministry shall review the submitted documentation within 6 (six) months with a view to ascertaining the fulfilment of requirements set out in this Law, following which it shall submit to the President of the Republic a proposal for the issuance of a decree. The verification procedure applied by the relevant institutions shall be defined in an instruction by the Ministry.

4. If the documentation is incomplete, the Ministry shall, within 45 (forty-five) days, return the application to the structures and institutions referred to in paragraphs 1 and 2 of this Article, which shall in their turn notify the interested parties within 15 days. Once the documentation is complete, the procedure under paragraph 3 of this Article shall apply.

5. If at the conclusion of the verifications a finding is made of non-fulfilment of conditions under this Law, the Ministry shall notify the interested person of the rejection of their application through the structures and institutions referred to in paragraphs 1 and 2 of this Article. Rejection of the application shall be done by administrative decision of the Ministry. The person submitting the application shall be entitled to appeal to the competent administrative court within the deadlines set out in the relevant applicable legislation.

Article 19

Procedure for the deprivation of citizenship

1. Upon becoming aware that an Albanian citizen falls within the ambit of Article 15 of this Law, the Ministry shall cooperate with the responsible law enforcement agencies for the verification of information in accordance with the procedure set out in an instruction by the Ministry.

2. At the conclusion of such verification the Ministry shall submit to the President of the Republic a proposal for a decree on the deprivation of citizenship status, in accordance with the provisions of paragraph 1 of this Article.

Article 20

Decree on the acquisition, resumption and renunciation of citizenship

1. Within 60 (sixty) days from the submission of the proposal by the Ministry, the President of the Republic shall issue the relevant decree and communicate it to the applicant, pursuant to the provisions of the Administrative Procedure Code. If the application and the accompanying documentation are incomplete, they shall be returned to the structure responsible for citizenship matters at the Ministry of Internal Affairs within 30 (thirty) days from the date of their submission.

2. A copy of the decree on the acquisition, resumption, or renunciation of Albanian citizenship shall also be sent to the Ministry of Internal Affairs for the purpose of taking the necessary administrative actions pursuant to the applicable legislation on civil status.

3. The decree shall be published in the Official Gazette.

4. The decree on the acquisition, resumption or renunciation of Albanian citizenship shall be recorded, for statistical purposes, in a special register which is administered in accordance with the provisions of the legislation on personal data protection. The format of the register shall be defined in an instruction by the Minister.

Article 21

The Oath

A person who acquires Albanian citizenship pursuant to this Law shall take an oath of allegiance to the Albanian state and pledge to respect the Constitution and the legislation of the Republic of Albania, before the mayor of the municipality in which he or she is resident, or before an employee duly authorized by the mayor.

In case of acquisition of citizenship pursuant to Article 9 of this Law, the oath may also be taken at the premises of the diplomatic mission or consulate of the Republic of Albania accredited to the country of the person's last place of residence.

Article 22

Deadline for taking the oath

1. The decree granting Albanian citizenship shall not take effect until the person has taken the oath pursuant to Article 21 of this Law within 6 (six) months from receiving notification thereof.

2. The deadline set in paragraph 1 of this Article shall not apply if the person is unable to attend the oath-taking due to objective and justifiable reasons. In such a case, the person shall submit to the Ministry an application seeking an extension of the deadline for taking the oath, together with any accompanying documentation, for as long as the reasons dictating the extension of the deadline apply; in any case, this period shall not exceed 12 (twelve) months from the expiry of the deadline set in paragraph 1 of this Article. The procedure and documentation for extending the deadline for taking the oath shall be set out in an instruction by the Minister.

3. The oath shall be taken in accordance with the procedure provided for under the legislation on the civil registry.

CHAPTER IV

TRANSITORY AND FINAL PROVISIONS

Article 23

Transitory provision

1. Applications for the acquisition, resumption or renunciation of Albanian citizenship which were submitted to the Ministry of Internal Affairs and/or diplomatic missions or consulates prior to the entry into effect of this Law, shall be dealt with pursuant to Law No. 8389, dated 05.08.1998, On Albanian Citizenship, as amended.

2. A person who renounced Albanian citizenship prior to entry into effect of this Law and who does hold or has not acquired another citizenship, shall resume their Albanian citizenship on the basis of submitting an application and accompanying documentation, provided that they do not pose a threat to the public order and national security. In such cases, the application shall be dealt with pursuant to the provisions of this Law.

Article 24

Issuance of secondary legislation

1. The Council of Ministers shall be responsible for issuing secondary legislation pursuant to Article 9(2) and (3) herein within 3 (three) months from the entry into effect of this Law.

2. The Ministry responsible for order and security shall be charged with adopting secondary legislation pursuant to Article 6 (3); Article 8(6); Article 10(3); Article 11 (2); Article 13 (2); Article 17(1); Article 18(3); Article 19(1); Article 20(4) and Article 22(2) herein within 3 (three) months from entry into effect of this Law.

3. The Minister responsible for order and security and the Minister responsible for Europe and foreign affairs shall adopt a joint instruction pursuant to Article 17(2) herein within 3 (three) months from entry into effect of this Law.

4. The Minister responsible for order and security and the Minister responsible for finance and economy shall be responsible for adopting secondary legislation pursuant Article 17(3) herein within 3 (three) months of entry into effect of this Law.

Article 25

Abrogation

Law No. 9048 On Albanian Citizenship, as amended, dated 5 August 1998, and Decision No. 554 of the Council of Ministers “On Defining Procedures for the Recognition or Acquisition of Albanian Citizenship by Persons of Albanian Origin, with the Exception of Citizens of the Republic of Kosovo”, dated 03 July 2013, as well as any other provisions contrary to this Law, shall be hereby repealed.

Article 26

Entry into force

This Law shall enter into force fifteen days from its publication in the Official Gazette.

Gramoz RUÇI

SPEAKER OF THE PEOPLE’S ASSEMBLY

Adopted on 29 July 2020