



RESPONSES TO INFORMATION REQUESTS (RIRs)

8 July 2013

ZZZ104440.E

Croatia and Bosnia: Whether an ethnic Croat born in Bosnia and Herzegovina has a right to Croatian citizenship; requirements and procedures (2012-June 2013) 2013 8 July

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Dual Citizenship

In a 15 February 2013 telephone interview with the Research Directorate, an official of the Consulate General of Croatia in Mississauga, Ontario, stated that Croatia allows dual citizenship, including dual citizenship with Bosnia and Herzegovina (Croatia 15 Feb. 2013).

According to Article 4 of the Law on Citizenship of Bosnia and Herzegovina, "[c]itizens of BiH [Bosnia and Herzegovina] may hold the citizenship of another State, provided that there is a bilateral agreement between BiH and that State" (Bosnia and Herzegovina 1999). A PhD candidate at the Central European University in Budapest, who specializes in issues of citizenship in Southeastern Europe, indicated in correspondence with the Research Directorate that Bosnia and Herzegovina allows dual citizenship with Croatia (22 Feb. 2013).

2. Citizenship of Croatia

According to Article 3 of the Law on Croatian Citizenship, the citizenship of the Republic of Croatia is acquired on the following grounds:

1. by origin;
2. by birth within the area of the Republic of Croatia;
3. by naturalization;
4. pursuant to international treaties. (Croatia 1991)

A report of the European Union Democracy Observatory (EUDO), published by the European University Institute, indicates that Article 16 of the Croatia citizenship law "facilitate[s] the naturalisation of ethnic Croats living in the 'near abroad' (former Yugoslav republics), especially for those in Bosnia-Herzegovina" (Ragazzi et al. Feb. 2013, 7). According to the report, Croats represent about 16 percent of the total population of Bosnia and Herzegovina (ibid.). The report further states that Article 16 of the law "pave[s] the way for ethnic Croats without previous or current residence in Croatia to obtain Croatian citizenship by declaration" (ibid.). The European Commission against Racism and Intolerance (ECRI) report on Croatia also indicates that "[e]thnic Croats benefit from simplified procedures to obtain citizenship [and] they may also retain any other nationality" (ECRI 25 Sept. 2012, para. 11). The ECRI report notes that in order to obtain Croatian citizenship, ethnic Croats must meet only one requirement, "namely attachment to the legal system and customs of Croatia" (ibid.).

According to Article 16 of the Law on Croatian Citizenship,

[a] person who belongs to the Croatian people with no domicile in the Republic of Croatia can acquire Croatian citizenship if he fulfils the requirements of Article 8, Paragraph 1, Point 5 of this Act.

The belonging to the Croatian people is determined by previous declarations and belonging to legal transactions, by statements and affiliation in certain public documents, through the protection of rights and promoting the interests of the Croatian people and active participation in the Croatian culture, scientific and sports associations abroad. (Croatia 1991)

Article 8, Paragraph 1, Point 5 states the following requirement: "it can be concluded from [individual's] behaviour that he respects the legal order and customs of the Republic of Croatia" (ibid.). In correspondence with the Research Directorate, an official of the Embassy of the Republic of Croatia in Ottawa indicated that "[i]n addition to the general requirements prescribed by the Law on the Croatian citizenship that every applicant has to satisfy, they would also need to demonstrate that at least one of their parents was of the Croatian ethnicity" (ibid. 8 July 2013)

According to the website of the Croatian Ministry of Foreign and European Affairs and the Law on Croatian Citizenship, the procedure related to the acquisition of Croatian citizenship on the grounds of origin and birth in the Republic of Croatia are handled by the "competent" state administration offices (ibid. n.d.; ibid. 1991, Art. 24). According to the law, the municipal authority of the city of Zagreb also handles affairs related to the acquisition of citizenship by origin or by birth (ibid.). The website of the Ministry of Foreign and European Affairs lists the following requirements for acquiring Croatian citizenship:

The curriculum vitae submitted along with the application should contain:

personal data

education

employment

residence or address abroad

marital status

information about children

information about parents

information about next of kin who have acquired Croatian citizenship

The applicant should state the reasons for applying for citizenship, their relation towards the legal order, customs and acceptance of Croatian culture, depending on the legal basis for submitting the application, where his ancestors were domiciled before leaving, when and why they left the Republic of Croatia, when and with what documents they settled abroad, ways in which they showed they belong to the Croatian people, participation in sports, cultural and other societies promoting Croatia's interests abroad

When submitting the request a statement shall be taken on the legal basis for applying for citizenship as well as all the circumstances relevant for issuing a decision on granting the citizenship not stated in the curriculum vitae. (ibid. n.d.)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Children

Article 4 of the Law on Croatian Citizenship indicates that a child acquires Croatian citizenship by origin:

1. if both of his parents are Croatian citizens at the time of the child's birth;
2. if one of his parents is a Croatian citizen at the time of the child's birth and the child is born in the Republic of Croatia;
3. if one of the parents is a Croatian citizen at the time of the child's birth, the other parent without citizenship or of unknown citizenship, and the child is born abroad.

A child of foreign citizenship or without citizenship acquires Croatian citizenship by origin if he has been adopted by Croatian parents, pursuant to provisions of a special law. Such a child is considered to be a Croatian citizen from the moment of his birth. (Croatia 1991)

Article 5 of the law adds that

[a] child born abroad, one of whose parents is a Croatian citizen at the moment of the child's birth, acquires Croatian citizenship by origin if the child is registered for Croatian citizenship by 18 years of age at a competent authority of the Republic of Croatia abroad or in the Republic of Croatia, or if he settles in the Republic of Croatia.

A child born abroad, one of whose parents is a Croatian citizen at the moment of the child's birth, and who does not fulfil any of the requirements from Paragraph 1 of this Article, acquires Croatian citizenship if he would otherwise remain without citizenship.

A child who acquires Croatian citizenship pursuant to Paragraph 1 or 2 of this Article is considered to be a Croatian citizen from the moment of his birth. (ibid.)

Further information on the requirements and procedures to acquire citizenship of Croatia for an ethnic Croat who was born in Bosnia and Herzegovina could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Bosnia and Herzegovina. 1999 (amended 2003). Law on Citizenship of Bosnia and Herzegovina.

<<http://www.legislationline.org/download/action/download/id/942/file/9dedbe28c50cf1065d77fb8842c0.pdf>> [Accessed 21 Feb. 2013]

Croatia. 8 July 2013. Embassy of the Republic of Croatia, Ottawa. Correspondence from an official to the Research Directorate.

Croatia. 15 February 2013. Consulate General of the Republic of Croatia, Mississauga, Ontario. Telephone interview with an official.

_____. 1991 (amended 2011). Law on Croatian Citizenship. <http://eudo-citizenship.eu/admin/?p=file&appl=currentCitizenshipLaws&f=CRO%20Law%20on%20Croatian%20Citizenship_consolidated%2028_10_2011_ENGLISH.pdf> [Accessed 20 June 2013]

_____. N.d. Ministry of Foreign and European Affairs. "Acquiring Croatian Citizenship." <<http://www.mvep.hr/print.aspx?id=3562&itemId=0&lang=2>> [Accessed 21 June 2013]

European Commission Against Racism and Intolerance (ECRI). 25 September 2012. ECRI Report on Croatia.

<<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Croatia/HRV-CbC-IV-2012-045-ENG.pdf>> [Accessed 19 June 2013]

PhD Candidate, Central European University, Budapest. 22 February 2013. Correspondence with the Research Directorate.

Ragazzi, Francesco, Igor Stiks and Viktor Koska. February 2013. Country Report: Croatia. Robert Schuman Centre for Advanced Studies, European University Institute. (RSCAS/EUDO-CIT-CR 2013/12) <<http://eudo-citizenship.eu/country-profiles/?country=Croatia>> [Accessed 19 June 2013]

Additional Sources Consulted

Oral sources: Attempts to contact the following were unsuccessful: academics at University of Edinburgh, UK and University of Zagreb, Croatia; representatives of city office of the City of Zagreb, Embassy of the Republic of Croatia in Ottawa, Ministry of Interior; Robert Schuman Centre for Advanced Studies, European University Institute.

Internet sites, including: L'aménagement linguistique dans le monde; Amnesty International; Balkans.com; *Balkan Insight*; Bosnia and Herzegovina — Embassy of Bosnia and Herzegovina in Ottawa; British Broadcasting Corporation; Citizenship in Southeast Europe; Croatia — Embassy of the Republic of Croatia in Ottawa, Consulate General of the Republic of Croatia in Mississauga, Ministry of Interior, Office of Human Rights, Zagreb.hr; ecoi.net; EUR-Lex; European Union — Council of Europe, EURAXESS Croatia; Factiva; Fena.ba; Freedom House; HG.org; Hrvatski Pravni Centar; Human Rights Watch; *Jane's Intelligence Review*; Organization for Security and Co-operation in Europe; Peace and Collaborative Development Network, Columbia University; Travel.gc.ca; United Nations — Committee on the Elimination of Racial Discrimination, Refworld; United States — Department of State.