



RESPONSES TO INFORMATION REQUESTS (RIRs)

28 February 2013

ZZZ104317.E

Bosnia and Croatia: Requirements and procedures to acquire citizenship of Bosnia and Herzegovina for an individual who was born in Bosnia in 1978, but has resided in Croatia since 1992; whether children of this individual are entitled to Bosnian citizenship (2012-February 2013)

Research Directorate, Immigration and Refugee Board du 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, Art. 4). A PhD candidate at the Central European University in Budapest, who specializes in issues of citizenship in Southeastern Europe, in correspondence with the Research Directorate, indicated that Bosnia and Herzegovina allows dual citizenship with Croatia (22 Feb. 2013).

2. Citizenship of Bosnia and Herzegovina

The PhD candidate stated that it is possible for a person who was born in Bosnia in 1978 but lived in Croatia since 1992, to acquire citizenship of Bosnia and Herzegovina "provided the conditions stipulated by the Law are fulfilled" (22 Feb. 2013). In 26 February 2013 correspondence with the Research Directorate, the PhD candidate noted that, according to Article 6 of the citizenship law, if an individual's "parents (or at least one) were citizens of ([the] Socialist Republic of) Bosnia and Herzegovina at the time of his [or her] birth, he [or she] can acquire the citizenship without any further requirements."

According to Article 6 of the citizenship law,

[c]itizenship of BiH by descent is acquired by a child born after the entry into force of the Constitution:

1. both of whose parents were citizens of BiH at the time of the child's birth, regardless of the place of his or her birth;
2. one of whose parents was a citizen of BiH at the time of the child's birth, and the child was born on the BiH territory,
3. one of whose parents was a citizen of BiH at the time of the child's birth, and the child was born abroad if the child would otherwise be stateless;
4. who was born abroad and one of whose parents was a BiH citizen at the time of the child's birth, provided that by the time he or she attains the age of 23;

- he or she has been registered for the purpose of being entered in BiH citizens register with the competent BiH authority at home or abroad, or

- he or she has taken up permanent residence in the territory of BiH.
(Bosnia and Herzegovina 1999, Art. 6)

The Constitution of Bosnia and Herzegovina was approved by the Constituent Assembly in March 1994 (ibid. 1994). Bosnia and Herzegovina was part of Yugoslavia until 1992 (US 20 Feb. 2013).

The PhD candidate further noted that Article 37 of the citizenship law would apply if an individual "can prove the citizenship of the former Socialist Republic of Bosnia and Herzegovina" by providing his or her original birth certificate (26 Feb. 2013). Article 37 of the law states that

[a]ll persons who were citizens of the Republic of Bosnia and Herzegovina, immediately prior to the entry into force of the Constitution, including all persons who were citizens of R BiH until April 6 1992, are citizens of Bosnia and Herzegovina. ... (Bosnia and Herzegovina 1999, Art. 37)

According to the PhD candidate, Article 12 of the law would apply if an individual were to return to Bosnia and Herzegovina (26 Feb. 2013). Article 12 of the law says that

[t]he following persons are entitled to acquire BiH citizenship...:

1. emigrants who have returned to Bosnia and Herzegovina,
2. first and second generation descendants of persons referred to in paragraph 1 above, who have returned to Bosnia and Herzegovina. (Bosnia and Herzegovina 1999, Art. 12)

In order to acquire citizenship using provisions of Article 12 of the law, an emigrant who has returned to Bosnia and Herzegovina must fulfil the following conditions:

- he or she has reached 18 years of age; ...
- he or she has knowledge of one of the languages of the BiH constituent peoples;...

- he or she was not the object of the security measure of expulsion of a foreigner from the country or of the protective measure of removing a foreigner from the territory of BiH undertaken by an authority established in accordance with the Constitution, and this measure is still in force;...
- he or she was not sentenced to a term of imprisonment for a premeditated criminal act for longer than three years within 8 years of the submission of a request (ibid., Art. 9)

Further information on the procedures to acquire citizenship and grounds for refusal could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Children

The PhD candidate noted that it is possible for a child of a person who was born in Bosnia in 1978 but lived in Croatia since 1992, to acquire citizenship of Bosnia and Herzegovina (22 Feb. 2013). Similarly, the US Department of State's *Country Reports on Human Rights Practices for 2011* notes that, according to the law, "a child born to one or two parents who are citizens of [Bosnia and Herzegovina] is also a citizen, regardless of the place of birth" (US 24 May 2012, 23). The provisions on acquisition of citizenship by descent are contained in Article 6 of the law on citizenship mentioned above.

Further information on the procedures to acquire citizenship for a child of an individual who was born in Bosnia in 1978 but resided in Croatia since 1992, and grounds for refusal 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. Official Gazette BH No. 13/99, 26 August 1999. <<http://www.legislationline.org/download/action/download/id/942/file/9dedbe28c50cf1065d77fb8842c0.pdf>> [Accessed 21 Feb. 2013]

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

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Additional Sources Consulted

Oral sources: Attempts to contact the following were unsuccessful: embassies of Bosnia and Herzegovina in Ottawa, in Washington, DC, and in Zagreb; Sajic Law Firm.

Internet sites, including: Amnesty International; *Balkan Insight*; Citizenship in Southeast Europe; Council of Europe; eoi.net; Embassy of Bosnia and Herzegovina in Skopje; Embassy of Croatia, Sarajevo; European Union — European Commission; EUR-Lex; Factiva; Government of Canada; HG.org; Human Rights Watch; *Jane's Intelligence Review*; Legifrance; Organization for Security and Co-operation in Europe; Peace and Collaborative Development Network, Columbia University; *Political Handbook of the World*; Sajic Law Firm; University of Edinburgh School of Law, United Kingdom; United Nations — Refworld; United States — Department of State.