

UNOFFICIAL TTRANSLATION

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the session of the House of Representatives held on _____ 2005 and at the session of the House of Peoples held on _____ 2005,
has adopted the

LAW

ON THE AMENDMENTS TO THE LAW ON CITIZENSHIP OF BOSNIA AND HERZEGOVINA

Article 1

In the Law on Citizenship of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, Nos. 4/97, 13/99, 41/02, 6/03 and 14/03; hereinafter: the Law), in Article 23, items 4, 5 and 6, the words “convicted by a court in Bosnia and Herzegovina with” shall be replaced by the words: “sentenced in or outside the territory of Bosnia and Herzegovina by”.

Article 2

In Article 26 of the Law, at the end of the sentence after the words “in accordance with Articles 30 and 31”, the following words shall be added: “or with the transitional provisions of Chapter VII of this Law”.

Article 3

In Article 30 of the Law, paragraphs 1 and 2, the following text “21, 22, 23 paragraph 1, items 1, 2 and 3” shall be replaced by the text “21 and 22”.

Article 4

In Article 31 of the Law, paragraph 2, the text “21, 22 and 23” shall be replaced by the text “21 and 22”.

Article 5

Article 36a of the Law shall be deleted.

Article 6

In Article 37 of the Law, second sentence, the words “the entry into force of the Constitution” shall be replaced by the text “January 1, 2006”.

Article 7

In Article 40 of the Law, paragraph 1 shall be amended to read:

“1. Notwithstanding Article 30, paragraphs 1 and 2 of this Law, a Commission is established to review the status of persons naturalised after 6 April 1992 and before 1 January 2006.”

Paragraph 2 of Article 40 of the Law shall be amended to read:

“2. The Commission shall consist of nine members: two Bosniaks, two Croats, two Serbs and three persons who are not citizens of Bosnia and Herzegovina or of a neighboring country. The Council of Ministers shall designate the members as follows:

- a) A person employed with the Ministry of Security of BiH as the Chairman of the Commission;
- b) A person employed with the Ministry of Civil Affairs of BiH as the Deputy Chairman of the Commission;
- c) Four persons employed within the institutions of Bosnia and Herzegovina who have the expertise necessary to contribute to the work of the Commission; and
- d) Three international members after consultation with the Council of Europe and other appropriate international organizations.”

Paragraph 4 of Article 40 of the Law shall be amended to read:

“4. The mandate of the Commission shall expire no later than 1 January 2007. However, the Parliamentary Assembly, by a decision adopted in both Chambers, may extend the mandate of the Commission for an additional period not longer than one year.”

Article 8

Article 41, paragraph 1, of the Law shall be amended to read:

“1. The Commission reviews the status of persons who acquired the citizenship through naturalisation and to whom the new personal identification number (JMB) of citizens of BiH was issued in the territory of Bosnia and Herzegovina or to whom personal identification number (JMB) was not issued in the period specified in Article 40, paragraph 1. To this end, it considers the information provided by the persons concerned as well as the information collected ex officio.”

In paragraph 2 of Article 41 of the Law, the words “the competent authorities of BiH and the Entities” shall be replaced by the words “the competent authorities in Bosnia and Herzegovina”.

Paragraph 4 of Article 41 of the Law shall be amended to read:

“4. Unless a person thereby becomes stateless, the Commission may by its decision withdraw his or her citizenship of BiH in the following cases:

- a) If the regulations in force in the territory of Bosnia and Herzegovina at the time of the naturalisation had not been applied; or
- b) If the citizenship of BiH was acquired by means of fraudulent conduct, false information or concealment of any relevant fact attributable to the person concerned; or
- c) In the case of a lack of a genuine link between Bosnia and Herzegovina and a citizen habitually not residing in Bosnia and Herzegovina; or

d) In any of the cases prescribed in Article 23, items 2 and 3 of this Law.”

After paragraph 4 of Article 41 of the Law, new paragraphs 5, 6 and 7 shall be added and shall read:

“5. Unless a person thereby becomes stateless, the Commission may recommend to the Council of Ministers of BiH the withdrawal of his or her citizenship of BiH in any of the cases prescribed in Article 23, items 4, 5 and 6 of this Law.

6. Evidence of a lack of a genuine link referred to in paragraph 4, item c) of this Article may in particular be the absence of registration of permanent residence, including home address, in Bosnia and Herzegovina or the absence of application for the identity card of citizens of BiH in accordance with the applicable regulations on registration, permanent and temporary residence and identity cards of citizens of BiH.

7. The citizenship of BiH shall not be withdrawn in the case referred to in paragraph 4, item a) of this Article, if the person concerned fulfils the conditions for naturalisation or facilitated naturalisation under this Law by the time the decision of the Commission is taken and if it is clear that he or she was not aware that the regulations had not been applied and he or she did not engage in any conduct that would justify the withdrawal of citizenship under this Law and if he or she did not knowingly conceal any relevant fact. A relevant fact is particularly any fact that is contrary to the regulations on the status of persons in Bosnia and Herzegovina.”

Current paragraphs 5 and 6 of Article 41 of the Law, which shall become paragraphs 8 and 9 respectively, shall be amended to read:

“8. The Commission takes its decisions by consensus. In case consensus cannot be reached, the decision is taken by a simple majority vote including a majority vote of international members. The Commission’s decision on withdrawal of citizenship shall be in writing and delivered to the person concerned, who may institute an administrative dispute against the decision.

9. The citizenship of BiH is lost by withdrawal on the day of delivery of the Commission or Council of Minister’s decision to the person concerned. If the address or the place of residence of that person is not known or cannot be confirmed, the citizenship of BiH is lost on the day of publication of notification of the Commission’s or Council of Ministers’ decision in the Official Gazette of Bosnia and Herzegovina. The notification on the decision of the Commission or of the Council of Ministers of BiH shall also be published in the official gazettes of the Entities and the District of Brčko of Bosnia and Herzegovina.”

Article 9

After Article 41 of the Law, the new Article 41a shall be added to read:

“Article 41a

Notwithstanding Articles 23 and 41 of this Law prescribing that the citizenship of BiH may be withdrawn in specified cases, the citizenship of BiH shall be withdrawn for a period ending on January 1, 2007 in cases where it was acquired by means of fraudulent conduct, false information or concealment of any relevant fact attributable to the person concerned.”

Article 10

Within 30 days after the entry into force of this Law, the Council of Ministers of Bosnia and Herzegovina shall designate members of the Commission in accordance with Article 7, paragraph 2 of this Law.

Article 11

This Law shall enter into force on the eighth day after its publication in the Official Gazette of Bosnia and Herzegovina.

Parliamentary Assembly of BiH No.: _____

Sarajevo, 16 November 2005

Chair
of the House of Representatives
of the Parliamentary Assembly
of Bosnia and Herzegovina

Chair
of the House of Peoples
of the Parliamentary Assembly
of Bosnia and Herzegovina