

Respons

Bosnia-Hercegovina: Løsning fra bosnisk statsborgerskap

Problemstilling/spørsmål:

- Hva er prosedyrene for løsning fra bosnisk statsborgerskap? Innebærer løsning fra statsborgerskap tap av rett til å eie eiendom?

Loven om statsborgerskap

Bosnias Law on Citizenship of Bosnia and Herzegovina fra 1999 regulerer spørsmålene knyttet til løsning og tap av statsborgerskap i kapittel 3, §§15-24:

Chapter III Loss of citizenship of BiH

Article 15.

Citizenship may not be lost if the person concerned would thereby become stateless, save in the case specified in Article 23, paragraph 1.

Article 16.

Citizenship of BiH is lost:

- by operation of law*
- by renunciation*
- by release*
- by withdrawal*
- by international agreement*

Loss by operation of Law

Article 17.

Citizenship of BiH is lost by the voluntary acquisition of another citizenship, unless a bilateral agreement between BiH and that State, approved by the Parliamentary Assembly in accordance with Article IV (4)(d) of the Constitution provides otherwise.

Article 18.

Citizenship of BiH is lost by a child if, following a full adoption, he or she acquires the citizenship of another state.

Renunciation

Article 19.

1. *A citizen who has reached the age of 18, who habitually resides abroad and has acquired or has been guaranteed the citizenship of another state, has the right to renounce his or her citizenship of BiH.*
2. *A child who lives abroad and has or has been guaranteed the citizenship of another State ceases to have the citizenship of BiH by renunciation upon the request of both parents whose citizenship of BiH ceased to exist by renunciation, or upon the request of one parent whose citizenship ceased to exist by renunciation, if the other parent is dead or he or she was deprived of his or her parental responsibilities, or he or she is a foreigner or stateless or upon the request of an adopting parent if his or her citizenship of BiH was lost by renunciation and the relationship between the adopting parent and the adopted child is one of full adoption. If the child is over 14 years of age, his or her consent is required.*
3. *The person in paragraphs 1 and 2 of this Article ceases to have the citizenship of BiH once an authorized body has verified the existence of the required conditions under paragraphs 1 and 2 of this Article and delivered appropriate notification to that person.*

Article 20

The decision on renunciation may be invalidated upon the request of the person concerned who has emigrated from BiH, if such a person has not acquired a foreign citizenship within a period of one year of the date of his or her loss of the citizenship of BiH by renunciation.

Release

Article 21.

Release of the citizenship of BiH may be granted upon request to a person living in the territory of BiH, who meets the following conditions:

1. *he or she is 18 years of age;*
2. *criminal proceedings have not been instituted against him or her for criminal acts prosecuted ex officio, or, if he or she has been sentenced to imprisonment in BiH, the sentence has been served,*
3. *he or she has settled all required contributions, tax or other legal obligations for payment stipulated by a legal decision of the authorized bodies;*
4. *he or she has acquired or has been guaranteed the citizenship of another state;*
5. *he or she has fulfilled his or her military obligations.*

Article 22.

A child under 18 years of age who has acquired or has been guaranteed the acquisition of the citizenship of another State and who still lives on the territory of BiH ceases to have the citizenship of BiH by release upon the request:

- 1. of both parents whose citizenship of BiH was lost by release;*
- 2. of one parent whose citizenship of BiH was lost by release, if the other parent is deceased or if he or she was deprived of his or her parental responsibilities or is a foreigner or stateless;*
- 3. of one parent, who exercises parental responsibilities and whose citizenship of BiH was lost by release and the other parent, who is a citizen of BiH, agrees;*
- 4. of an adopting parent if his or her citizenship of BiH was lost by release and the relationship between the adopting parent and the adopted child is one of full adoption.*

If the child is over 14 years of age, his or her consent is required under paragraphs 1, 2 and 3.

Withdrawal

Article 23.

Citizenship of BiH may be withdrawn in the following cases:

- 1. when the citizenship of Bosnia and Herzegovina was acquired by means of fraudulent conduct, false information or concealment of any relevant fact attributable to the applicant,*
- 2. when a citizen of BiH performs voluntary service in a foreign military force in spite of an injunction to the contrary.*
- 3. when the citizenship of BiH was acquired after the entry into force of this Law, without the fulfillment of the conditions in Articles 9 and 10.*

Date of loss

Article 24.

- 1. The citizenship of BiH is lost by release, renunciation or withdrawal on the day of notification to the person concerned of the legal decision.*
- 2. If the place of residence of such person is not known or cannot be confirmed, the citizenship of BiH is lost on the day of its publication in the Official Gazette of BiH.*
- 3. The notification shall be published in the official gazettes of the Entities.*
- 4. The citizenship of BiH is lost under Articles 17 and 18 of this Law on the day the person concerned acquires the citizenship of another State.*

Prosedyre

Bosnia-Hercegovinas ambassade i Norge opplyser at når en borger av landet skal søke om løsning fra hjemlandets statsborgerskap, må han/hun henvende seg enten til ambassaden eller

til en relevant myndighet i Bosnia-Hercegovina for å fremme søknad om løsning, samt fremlegge gyldig pass og betale gebyr. Gebyret er todelt.

Gebyret for innlevering av søknaden om løsning er på kr. 2100 pr. person. Gebyret for løsning fra bosnisk statsborgerskap utgjør kr. 3450, og omfatter alle familiemedlemmer som søker samtidig.

Forventet behandlingstid for søknad om løsning ligger på 5 måneder.

Løsning fra statsborgerskap i Bosnia-Hercegovina innebærer ikke tap av rett til å eie eiendom.

En respons er et svar på konkrete spørsmål og problemstillinger som saksbehandlere i utlendingsforvaltningen har stilt Landinfo. Responser er ikke ment å være utfyllende redegjørelser for et tema eller et spørsmål, men skal gi svar på de konkrete spørsmålene som er stilt, og ellers inneholde det som til enhver tid trengs av bakgrunnsinformasjon.

Referanser

Skriftlig kilde

- [Law on Citizenship] (1999, 26. august). *Law on Citizenship of Bosnia and Herzegovina*. Sarajevo: Bosnia og Hercegovinas parlament. Tilgjengelig fra <http://www.legislationline.org/download/action/download/id/942/file/9dedbe28c50cf1065d77fb8842c0.pdf> [lastet ned 9. februar 2010]

Muntlig kilde

Bosnias ambassade i Oslo. E-post 12. november 2009.

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