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REPORT ON CITIZENSHIP LAW: ALBANIA

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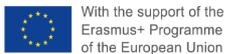
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Report on Citizenship Law

Albania

*Gëzim Krasniqi**

1. Introduction

In Albanian legislation, *shtetas* and *shtetësi* ('citizen' and 'citizenship') are the legal terms used to describe the bond between the *shtet* (state) and an individual. These terms refer only to the legal bond between the state and a person, which establishes mutual rights and obligations, without reference to ethnicity. In the legal terminology in Albania, on the other hand, *kombësia* (nationality or ethnicity) is used to designate the national belonging of a person and refers only to ethno/linguistic affiliations and not to a legal tie. The term *komb* (nation) is used to describe a nation as a whole (in ethnic terms), regardless of the state of residence or citizenship.

The Albanian legislation on citizenship has changed relatively little over time. Since the country's independence in 1912, Albania has experienced three different citizenship eras, each of them corresponding to the different political regime in place. Albania's first citizenship legislation originated from the inter-war period (the 1929 Civil Code of the Kingdom of Albania). After the Second World War and the communist takeover, a new law on Albanian citizenship was enacted in 1946 followed by a decree in 1954. This decree was in force for almost half a century - until 1998 - when the first post-communist law on Albanian citizenship was adopted. Albania's current citizenship law was adopted in 2020. The present citizenship legislation in Albania is of a high standard (in terms of being in compliance with the 1961 Convention on the Reduction of Statelessness and the 1997 European Convention on Nationality) and in general reflects the country's attempts to democratise and achieve high international standards of political and social inclusion, while maintaining links with its ever-growing diaspora. The Albanian citizenship legislation allows dual citizenship and lacks ethno-centric formulations and provisions, a fact that has been widely evaluated and appreciated by international organisations and seen with suspicion and a certain sense of disappointment by Albania's co-ethnics in the successor states of Yugoslavia.

However, even if the legislation is not ethno-centric, the Albanian state has occasionally extended some citizenship rights to its co-ethnics in the post-Yugoslav states. The Albanian Ministry of Education has, for example, introduced a quota system for those Albanians from the neighbouring countries who want to study at public universities in Albania. In a similar vein, the President of Albania (using his constitutional rights) has granted citizenship to a number of academics, artists and sportspeople from the ranks of Albania's co-ethnics in the Balkan region. However, in terms of the practical implementation of the law, there is a need for a more proactive approach on the part of the state. Likewise,

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elimination of the de facto statelessness of the Roma population and improvement of its political participation are issues that need to be dealt with comprehensively.

The introduction of pluralism in Albania in 1991, after almost fifty years of communism and extreme political isolation, and the subsequent massive wave of emigration to Italy and Greece have re-actualised political debates about citizenship in the country. The most prominent and widely discussed issue is related to dual citizenship with Greece, a country that in 2006 made a unilateral move to extend dual citizenship only to a certain category of Albanian citizens, namely the Greek co-ethnics. A number of ethnic Albanians (mostly those of Orthodox faith) have profited from this opportunity. In 2010, Greece liberalised the criteria for naturalisation, especially as regards the second-generation of immigrants (those who were born in Greece), something that certainly benefits the Albanian community in Greece which is more than 500,000 strong. This has led to an increase in the number of people with dual (Albanian and Greek) citizenship, as well as to concerns about the future political implications of this increase.

2. Historical background

2.1 Citizenship within the Ottoman Empire

As of the fifteenth century, Albania was part of the Ottoman Empire. Throughout this period, three different legal norms were put in place to regulate social, political and legal relations within the Empire: the *sharia* law, which was applied to the Muslim population, *laïc* laws, and capitulations (agreements between the Ottoman Empire and other European states) that dealt with the rights and privileges of the foreign diplomats and citizens present in the territory of the Empire.¹ Until the late nineteenth century, the *millet* system determined and regulated the relationship not between individuals but between different communities (primarily defined in terms of religion) and the state in the Ottoman Empire. During the *Tanzimat* (reforms) period (1839-1876), the Ottoman Government, in an attempt 'to supersede the ethnic and religious loyalties of the various minority groups'², took several steps to introduce equal citizenship. The 1839 and 1856 Edicts, then the 1867 Ottoman Law on Nationality³ and 1876 Ottoman Fundamental Law (*Kanun-I Esasi*)⁴ – the first modern constitution of the Empire recognised Ottoman citizenship for all inhabitants, regardless of their ethnicity and religion, thus almost completely abolishing the *millet* system. However,

¹ Gjika, G. (2007), 'Institucionet osmane dhe pashallëqet feudale shqiptare.' In L. Omari & A. Luarasi (eds.), *Historia e shtetit dhe së drejtës në Shqipëri*, 191-228. Tirana: Luarasi University Press, p. 199.

² Karpat, K. (1972), 'The transformation of the Ottoman State, 1789-1908.' *International Journal of Middle East Studies* 3 (3): p. 261.

³ See Flournoy, R. & M. Hudson (eds.) (1929), *A collection of nationality laws of various countries as contained in constitutions, statutes and treaties*. New York: Oxford University Press.

⁴ Art. 8 of this Constitution stipulates that 'All subjects of the empire are called Ottomans, without distinction whatever faith they profess; the status of an Ottoman is acquired and lost according to conditions specified by law'. See The Ottoman Constitution, 23 December 1876. <http://www.worldstatesmen.org/OttomanConstitution1876.htm>.

despite the secularism of the Tanzimat ‘the Ottoman Empire remained at its core an Islamic polity as exemplified by the traditional phrase *din ve devlet*, the unity of religion and state’.⁵

Even so, Albanians belonged to three different faiths, Islam, Catholicism and Orthodox Christianity and not all of the religiously diverse Albanians enjoyed the same rights within the Empire. Muslims, who represented the majority of the population, were part of the mainstream population within the Empire and consequently enjoyed more rights, Orthodox Albanians were considered to be part of the Greek Orthodox *millet*, and Catholic Albanians were not recognised as a separate *millet*, thus being in a very peculiar position. Being in this specific position, and partially due to the mountainous terrain where most of them lived (the northern part of Albania), the Catholic Albanians preserved some autonomy and adopted a system of customary law (known as the *kanun* – code) to regulate their relations and everyday life. This customary law (which took different names in different regions – *Kanuni i Lekë Dukagjinit*, *Kanuni i Skenderbeut*, *Kanuni i Lumes*, *Kanuni i Labërisë*, etc.) comprised a full legal system.⁶ The main customary law among Albanians is known as the *Kanuni i Lekë Dukagjinit* (The Code of Lekë Dukagjini). This was used in the region of northern Albania and present-day Kosovo and was collected and codified at the end of the nineteenth century by an Albanian Catholic priest by the name of Shtjefën Gjeçovi.⁷

2.2 Citizenship in independent Albania

Albania’s independence was declared in the course of the First Balkan War (1912-1913). Albania was the last country in the Balkans to become independent as the proclamation of independence followed the collapse of the Ottoman Army and the occupation of most of the Albanian-inhabited regions by the Balkan armies. On 28 November 1912, a national assembly composed of Muslim and Christian delegates who came from all the Albanian regions in the Ottoman Empire (namely the four *Vilayets*) declared the independence of Albania and formed a provisional government.⁸

This provisional government under the leadership of Ismail Qemali was not recognised internationally and Albania’s future was to be decided by a conference of ambassadors held under the presidency of the British Foreign Secretary, Sir Edward Grey, which opened in London in December 1912. On 29 July 1913, the conference recognised an independent Albanian state, which would be a neutral state under a Great-Powers’ guarantee and continued discussions on the issue of state borders. It was established as a constitutional monarchy (the powers chose Prince Wilhelm von Wied, a German, as the head of the new state) and the conference instituted an International Control Commission composed of the representatives of the Great Powers, together with one Albanian to govern Albania.

⁵ Gawrych, G. (2006), *The Crescent and the Eagle: Ottoman rule, Islam and the Albanians, 1874-1913*. London & New York, I.B. Tauris, p. 18.

⁶ Luarasi, A. (2007), ‘E drejta zakonore shqiptare.’ In L. Omari & A. Luarasi (eds.), *Historia e shtetit dhe së drejtës në Shqipëri*, 229-286. Tirana: Luarasi University Press, pp. 232-238.

⁷ For a detailed analysis of this customary law see Pupovci, S. (1972), ‘*Parathënje*’, in *Kanuni i Lekë Dukagjinit. Permbledhur dhe kodifikuar nga Shtjefën Gjeçovi*. XV-CX. Prishtinë: Enti i Teksteve dhe i Mjeteve Mësimore i Krahinës Autonome Socialiste të Kosovës; and Luarasi (2007: 229-286). For an English version of the Code of Lekë Dukagjini see Gjeçovi, Sh. (1989), *Kanuni i Lekë Dukagjinit [The Code of Lekë Dukagjini]*, tr. with an Introduction by L. Fox. New York: Gjonlekaj Publishing Company.

⁸ Jelavich, B. (1983), *History of the Balkans, 2: Twentieth Century*. Cambridge: Cambridge University Press, p. 100.

However, in the final settlement the state was deprived of areas with large Albanian majorities, most significantly the Kosovo region,⁹ which was occupied and divided by the Kingdom of Serbia and the Kingdom of Montenegro. As a result, roughly half of the Albanian population was left outside of the borders of the new Albanian state.¹⁰ Albanian independence resulted from ‘a confluence of foreign and domestic developments rather than from the design and will of Albanians themselves’.¹¹ Due to the direct control from the six Great Powers of that time, in 1913 Albania gained a special international status, or, in other words, it became an ‘internationalized territory’.¹²

The issue of citizenship remained unresolved for some time in Albania. Even though the provisional government approved the so-called Temporary Code of the Civil Administration in Albania (*Kanuni i përtashëm i administratës civile të Shqipërisë*) in late 1913, this did not contain any attributes of a state constitution and did not touch upon the issue of citizenship.¹³ On 10 April 1914, the International Control Commission adopted a new Organic Statute of Albania,¹⁴ which is the first modern constitution of the Albanian state and the first document to determine Albanian citizenship.¹⁵ Four out of 216 articles of the Statute refer to the issue of citizenship. Art. 22 defined Albanian citizens as all the individuals who were born or settled in Albania before 28 November 1912 and who had Ottoman citizenship. Albania applied the principle of domicile (residence) combined with the previous imperial citizenship, in determining its initial body of citizens. Art. 23 of the statute prohibited dual citizenship only implicitly, for it allowed all those people who qualified for Albanian citizenship, within six months from the promulgation of the Statute, to opt for another citizenship, given that they emigrated. Art. 24, on the other hand, provided for the application of the principle of *ius sanguinis* in the cases concerning individuals of Albanian origin who reside abroad. They would be considered citizens of Albania had they wished to submit a request to the state authorities within a particular (undefined at the time) timeframe. Finally, art. 25 stipulated that all the Albanians from the territories annexed by the Balkan states (Serbia, Montenegro, Greece), who moved to Albania after 28 November 1912 would be considered citizens of Albania, with the exception of those who declared the opposite within six months after the promulgation of the Statute. Although there is no exact data, one can assume that tens of thousands of Albanians that migrated or were deported from the territories that were left outside Albania acquired Albanian citizenship based on this clause.

Faced with the outbreak of the First World War and deprived of foreign support, Prince Wied left the country in September 1914, after only six months on the throne, thus leaving Albania in a condition of political anarchy (Jelavich 1983: 103). Though Albania was a neutral state, in the course of the First World War several foreign armies occupied its territory.

⁹ Jelavich, B. (1983), *History of the Balkans*, p. 101.

¹⁰ Puto, A. (2009), *Shqipëria politike 1912-1939*. Tirana: Toena, p. 81.

¹¹ Gawrych, G. (2006), *The Crescent and the Eagle*, p. 211.

¹² Meir Ydit, quoted in Puto 2009, p. 68.

¹³ Puto (2009), *Shqipëria politike 1912-1939*, p. 40; Omari, L. (2007), ‘Shteti i pavarur shqiptar në vitet 1912-1914.’ In L. Omari & A. Luarasi (eds.), *Historia e shtetit dhe së drejtës në Shqipëri*, Tirana: Luarasi University Press, p. 311.

¹⁴ See *Statuti Organik i Shqipërisë*, reprinted in Puto, A. (1987), *Çështja shqiptare në aktet ndërkombëtare të periudhës së imperializmit*. Vol. II. Tirana.

¹⁵ Strangely enough, art. 4 of the statute stated that all the treaties and agreements, including the regime of capitulations that provided for special rights and privileges for foreigners in the Ottoman Empire, between the Great Powers and the Ottoman Empire would still be valid in the territory of Albania.

2.3 Citizenship in the interwar period, 1920-1939

At the end of the First World War, Albania's fate as a state was determined the 1919 Paris Peace Conference. In 1920, Albania was admitted to the League of Nations in spite of the protests of its neighbours and the 1913 borders were retained with some minor modifications. Although several constitutions were drafted between 1920 and 1928 (*Statuti i Lushnjes 1920*, *Statuti i Zgjeruar i Lushnjes 1922*, *Statuti Themeltar i Republikës Shqiptare 1925*, *Statuti Themeltar i Mbretnisë Shqiptare 1928*), which sanctioned rights and freedoms of citizens,¹⁶ the first proper law on citizenship in Albania was adopted on 1 April 1929. In effect, it was a chapter in the Civil Code of the Albanian Kingdom.¹⁷ The delay in the adoption of the post-war citizenship legislation was related to the issue of borders, which were definitely determined only in July 1926,¹⁸ as well as to internal political turmoil that dominated Albanian politics until the late 1920s.

The 1929 Code, which was based on the French and Italian civil codes, was considered to be a progressive step in the history of Albanian legislation. By abolishing religious courts, it introduced full equality between all the citizens for the first time in Albanian history.¹⁹ Citizenship could be acquired by birth (only for those children whose father was Albanian (art. 4.1), or when their parents were unknown or stateless (art. 4.3)), by naturalisation with a government's decision for (a) foreigners that served Albania for three years, (b) stayed in Albania for five years, (c) stayed in Albania for three years and performed an important service or were married to an Albanian woman, and (d) foreigners who were Albanian by race and language, who resided in Albania for one year and who had no intention of returning to their foreign land), or by royal decree for a man who had made an exceptional service to the Albanian Kingdom (art. 9). Apart from the pre-eminence of the male lineage in acquiring Albanian citizenship, the Civil Code distinguished between Albanian and foreign female citizens. In the case of the former, an Albanian woman who married a foreigner could retain her Albanian citizenship provided that this was sanctioned by the marriage act (art. 15). In the case of the latter, however, a foreign woman married to an Albanian citizen was not allowed to have a different citizenship from her husband's (art. 14). After a divorce, a naturalised woman would keep her Albanian citizenship while she resided in Albania.

Apart from the domestic legislation, Albania also used international agreements to regulate the issue of citizenship. Thus, in 1926 it signed a Convention on Nationality with Greece which provided for the recognition of Greek citizenship for former Ottoman subjects who were born in Albania, but had acquired Greek citizenship prior to the establishment of the Albanian state in 1913 and gave the possibility of opting between Greek and Albanian citizenship to the residents of Western Thrace who had emigrated from Albania.²⁰

¹⁶ Hysi, G & Z. Brozi (2007), 'Rimëkëmbja e shtetit kombëtar shqiptar dhe përpjekjet për demokratizimin e tij në vitet 1920-1924.' In L. Omari & A. Luarasi (eds.), *Historia e shtetit dhe së drejtës në Shqipëri*, 329-358. Tirana: Luarasi University Press; Gjilani, F. (2007), 'Shteti dhe e drejta gjatë regjimit të A. Zogut.' In L. Omari & A. Luarasi (eds.), *Historia e shtetit dhe së drejtës në Shqipëri*, 359-406. Tirana: Luarasi University Press;

Puto, (2009), *Shqipëria politike 1912-1939*, p. 313-322.

¹⁷ *Kodi Civil 1929. Mbretinria Shqiptare, Ministria e Drejtësis* (reprinted in 2010 by Papirus). For an English version of the text see Flournoy & Hudson (1929: 5-8).

¹⁸ Milo, P. (1992), *Shqipëria dhe Jugosllavia 1918-1927*. Tirana: Enciklopedike, p. 374.

¹⁹ Puto (2009), *Shqipëria politike 1912-1939*, p. 470.

²⁰ Christopoulos, D. (2009), EUDO Citizenship Observatory country report on Greece. Florence: Robert Schuman Centre for Advanced Studies in collaboration with Edinburgh University Law School, p. 6-7.

After twenty years of direct, economic and political involvement in Albania, Italy invaded Albania in 1939. On 13 April the Italian Fascist Grand Council approved the union proclaimed by the Albanian constituent assembly a day earlier and a new constitution was adopted thus institutionalising the personal union between Albania and Italy and sealing the fate of Albanian independence.²¹ This was followed by an agreement on 20 April 1939 concerning the rights of the respective citizens, by which Italian citizens in Albania and Albanians in Italy would enjoy all the civil and political rights which they enjoyed in their respective national territories.²² After the fall of both Yugoslavia and Greece in 1941, Albania, under complete Italian domination, was given the control of the Kosovo region and western Macedonia²³ through a special royal decree (no. 264).²⁴ Once the Fascist Italy capitulated in 1943, Albania, including the territories that were attached to it in 1941, regained independence under German control.²⁵ As a result, between 1941 and 1944, Albania's Civil Administration extended its authority in the new territories and Albanians from these regions exercised various citizenship rights of the Albanian state. This situation continued until the end of the Second World War.

2.4 Citizenship under communism, 1945-1991

As soon as the German forces left Albania in autumn 1944, the partisan soldiers of the Albanian National Liberation Movement, soon to be renamed the Democratic Front, were in complete charge of the government. After the elections of 1945, where only official Democratic Front candidates could run for office, a new national constituent assembly met early in 1946, and 'formally abolished the monarchy, proclaimed Albania to be a people's republic within its pre-war frontiers, and approved a new constitution along Stalinist lines, similar to the one in Yugoslavia'.²⁶ However, before the proclamation of the new constitution, the new regime embarked on a brutal campaign of elimination (including physical removal) of those forces considered a danger to the construction of the new Stalinist state, which were initially identified only by the somewhat generic term 'war criminal'.²⁷ As soon as the provisional government was established in Tirana in November 1944, an undetermined number of people were executed and later in December 1944 and January 1945 a number of Special People's Tribunals were established.²⁸

As the historian Barbara Jelavich put it, 'the most doctrinaire and rigid regime was...established in the smallest and poorest of the socialist states'.²⁹ Due to economic hardship and need for foreign assistance, the Albanian regime led by Enver Hoxha switched between various allies, but made very few changes in its Stalinist doctrine. After aligning and then de-aligning his country in turn with Yugoslavia (until late 1940s), the Soviet Union (until early 1960s), and finally China (until late 1970s), Hoxha embarked on a policy of self-

²¹ Fischer, B. J. (1999), *Albania at war, 1939-1945: Central European Studies*. West Lafayette: Purdue University Press, pp. 38-39.

²² Sereni, A. P. (1941), 'Legal Status of Albania.' *The American Political Science Review*, 35 (2): p. 315.

²³ Jelavich (1983), *History of the Balkans*, p. 273.

²⁴ Shatri, M. (1997), *Kosova në Luftën e Dytë Botërore (1941-1945)*. Prishtinë: Instituti i Historisë, p. 19.

²⁵ Fischer (1999), *Albania at war, 1939-1945: Central European Studies*, pp. 169-171.

²⁶ Fischer (1999), *Albania at war, 1939-1945: Central European Studies*, p. 253.

²⁷ Fischer (1999), *Albania at war, 1939-1945: Central European Studies*, p. 252.

²⁸ Fischer (1999), *Albania at war, 1939-1945: Central European Studies*, p. 252.

²⁹ Jelavich (1983), *History of the Balkans*, p. 378.

reliance, almost completely cutting Albania off from the outside world.³⁰ In this way, Albania was to become one of the most isolated countries on earth, with Hoxha's regime gaining the reputation of one of the most brutal regimes in Eastern Europe. In order to eliminate foreign influence in Albania, the government decided to outlaw religion³¹ altogether in 1967 and to close all houses of worship while introducing severe restrictions on Albanians wishing to travel abroad and limiting the number of foreign visitors to Albania.³² As a result, in communist Albania, the right to have a passport became a privilege of the very few.

Albania adopted a new citizenship law in late 1946.³³ It introduced gender equality of spouses (art. 8) and gender equality of parents in cases of the acquisition of citizenship of the child by origin and parents who decide about the naturalisation of the child for the first time in Albania (arts. 1-4). The law also allowed the facilitated naturalisation for people of Albanian ethno-national origin. Moreover, the law provided for five modes of losing citizenship: (a) by absence, (b) by removal, (c) by release, (d) by renunciation, and (e) based on international treaties. Loss of citizenship by absence and removal were both introduced and used as tools against the enemies of the regime. In the first case someone could lose their citizenship if he or she had not performed any duty to the Albanian state in the last fifteen years of residence abroad (art. 13), whereas in the latter case Albanian citizenship could be removed from all those nationals (meaning ethnic belonging) of the states that were in war with Albania and had hostile attitudes toward the Albanian state, naturalised citizens who acted against Albania's national interests and were subject to criminal penalties and Albanian citizens who were abroad and acted against the national interests of Albania, or had acted in such a way during the war (art. 14).

The 1946 law contained general, transitional and final provisions. General provisions (art. 22) provided that persons of Albanian ethnic origin who were born and educated in Albania were considered Albanian citizens by presumption until it was proven that they have another citizenship, had asked for it, or had lost Albanian citizenship by release. However, art. 25 of the transitional and final provisions stipulated that all the cases of people who acquired Albanian citizenship (with the exception of women who acquired citizenship as a result of their marriage to Albanian citizens) between 7 April 1939 and 29 November 1944 would be re-examined by the Ministry of Interior. This is a clear indication that the new regime did not consider all the Albanians from Yugoslavia who could have become Albanian citizens during the Second World War, to be citizens of the socialist Albania *ex officio*. Nonetheless, all the Albanian co-ethnics who were residing in Albania after the war and were registered to vote in the elections of 2 December 1945 were considered to be Albanian citizens (art. 27).

In 1953, through a special decree,³⁴ the Albanian state decided to grant citizenship en masse to a group of tens of thousands of ethnic Albanians, known as Chams (*Çamët* in Albanian). These are Albanian Muslims of north-western Greece who were forced by the Greek National Army to leave Greece and go to Albania during the summer of 1944 and

³⁰ Biberaj, E. (1999), *Albania in transition: the rocky road to democracy*. Boulder & Oxford: Westview Press, p. 5.

³¹ This was sanctioned with the 1976 Constitution of the Socialist People's Republic of Albania, thus making Albania the first atheist country in the world. Art. 76 clearly determines that 'The state recognises no religion whatever and supports atheist propaganda for the purpose of inculcating the scientific materialist world outlook in people'. See *Fletorja Zyrtare: Viti 1976, Nr 5, Faqe 75; Data e botimit: 30-12-1976*.

³² Biberaj, E. (1999), *Albania in transition: the rocky road to democracy*, p. 29.

³³ Ligje 377, 16 December 1946. *Mi shtetësinë shqiptare. Gazeta Zyrtare: Viti 1946, Nr 177, Faqe 1; Data e botimit: 27-12-1946*.

³⁴ Dekret nr. 1654, datë 19.4.1953, *mbi dhënien e shtetësisë çamëve që banojnë në Republikën e Shqipërisë*.

whose Greek citizenship was withdrawn in a legally contestable manner by a simple erasure from the municipality rolls.³⁵ This decision is unprecedented in the history of Albania and was not based on a formal request by the Cham people, who would rather go back to Greece and reclaim their property and Greek citizenship.³⁶

In 1954, a new Decree on Albanian Citizenship³⁷ was approved. This decree, which contained only nine articles, legalised enhanced state control and arbitrariness in managing the citizenship issues. It granted extensive and discretionary power to the Presidency of the People's Assembly of the People's Socialist Republic of Albania in relation to acquisition (art. 3), release (art. 5) and removal (art. 8) of citizenship. The law does not describe conditions or procedures applied when deciding about acquisition, release or removal; a simple decree by the People's Assembly would suffice in this case. Moreover, art. 9 explicitly recognises statelessness; it states that all those people who reside in the territory of Albania and who cannot prove Albanian citizenship based on this decree or another citizenship, are considered stateless. Arts. 2 and 7 of this decree (dealing with citizens residing abroad) were further interpreted in another decree (no. 3231), adopted in 1961.³⁸

2.5 Citizenship after the fall of communism, 1992-1998

After Enver Hoxha's death in 1985 and especially the fall of the Berlin Wall in 1989, Albania's communist regime was confronted with demands for democratic changes. In response to these pressures, Ramiz Alia, Hoxha's successor, introduced some measures, which for the first time permitted a degree of pluralism and a modicum of free enterprise, including the lifting of the ban on religion, and the legalising of political demonstrations and later political parties.³⁹ In June 1990, the government decreed⁴⁰ that all citizens could be issued with passports to travel abroad. Although the new measures guaranteed freedom of movement for the first time in many years, the authorities were slow and highly selective in issuing passports.⁴¹ In the meantime, an exodus of people without parallel in any of the other former communist countries began in Albania in July 1990, when several thousand Albanians took refuge in foreign embassies in Tirana, and later in 1991 when boats almost submerged by dense crowds of Albanians, crossed the Adriatic to Italy and thousands of Albanians crossed into Greece.⁴² According to the data provided by the Albanian Statistics Office,⁴³ as a result of successive migration waves since 1991, the number of Albanian citizens abroad today is 1.64 million, roughly one third of the citizens body. More than half a million went to

³⁵ Christopoulos (2009), EUDO Citizenship Observatory country report on Greece, p. 17.

³⁶ For more on the Cham issue see Vickers (2007) and Nazarko, M. (2007), *Lufta e fundit: Pronat e shqiptarëve ne Greqi*. Tirana: Universiteti European i Tiranës.

³⁷ Dekret Nr 1874, datë 7.6.1954, *Për shtetësinë shqiptare*.

³⁸ Dekret Nr. 3231, datë 20.3.1961, *Për interpretimin e neneve 2 dhe 7 të Dekretit Nr. 1874, date 7.6.1954 Për shtetësinë shqiptare*.

³⁹ De Waal, C. (2005), *Albania today: a portrait of post-communist turbulence*. London & New York: I.B. Tauris in association with the Centre for Albanian Studies, London, pp. 6-7.

⁴⁰ Dekret Nr. 7393, datë 12.6.1990, *Për lëshimin e pasaportave për jashtë shtetit dhe dhënien e vizave. Fletorja Zyrtare: Viti 1990, Nr 4, Faqe 107; Data e botimit: 19-06-1990*.

⁴¹ Biberaj, E. (1999), *Albania in transition: the rocky road to democracy*, p. 49.

⁴² De Waal, C. (2005), *Albania today: a portrait of post-communist turbulence*, p. 6.

⁴³ Tim Judah, 'The Clock Ticks for Albania's 'Demographic Dividend'', *Balkan Insight*, 14 November 2019. <https://balkaninsight.com/2019/11/14/the-clock-ticks-for-albanias-demographic-dividend/>

Greece, 250,000 to Italy and the rest to other EU countries and North America.⁴⁴ This has turned Albania into a major emigrant country.

Albania was the last country in South Eastern Europe to detach itself from communism. It first held multi party elections in 1991 and then in 1992, when the Democratic Party (*Partia Demokratike* – PD) became the first non-communist party to win elections in Albania in almost fifty years. As regards key legal changes, in 1991 Albania adopted a new provisional constitution,⁴⁵ which lacked separate chapters on human rights and the judiciary (added in April 1992 - the Chapter on the Organisation of the Judiciary and the Constitutional Court, and in March 1993 - the Charter on Fundamental Human Rights and Freedoms). The 1991 constitutional provisions referred to citizenship only in the chapter on President's competences, where art. 28, point 13, stipulates that the President of the Republic decides on requests for acquisition and loss of citizenship. In July 1992, dual citizenship was introduced for the first time in Albania through a short presidential decree,⁴⁶ which amended the 1954 decree. However, this decree allows dual citizenship only for 'aliens of Albanian nationality or origin' (art.1, para. 1) who can acquire Albanian citizenship by request without renouncing their previous citizenship. This decree was promulgated (with some modifications) into a law in September 1992,⁴⁷ this time providing for multiple citizenship for the same category of people. At least three categories of people could benefit from this law: Albanians from Yugoslavia who wanted to acquire Albanian citizenship without losing their previous one; Albanians who had lost their Albanian citizenship during communism, or the post-1990 Albanian diaspora.

Another major legal document that dealt with the issue of citizenship was the Charter on Fundamental Human Rights and Freedoms,⁴⁸ adopted in 1993 as an amendment to the 1991 constitutional provisions. Art. 24 of this Charter provides that Albanian citizenship cannot be revoked without the consent of the citizen and that the criteria for acquisition and loss of citizenship will be regulated by law. This Charter also sets out a long list of fundamental rights and freedoms that were banned or were not respected under communism. However, because the constitutional setting in Albania remained incomplete for some seven years after the fall of communism – a fully-fledged constitution⁴⁹ and a new law on citizenship had to wait until 1998 –between 1992 and 1997 Albanian citizenship seems to

⁴⁴ See also Mai, N. (2008), 'Albanian migrations: demographic and other transformations', in J. Batt (ed.), *Is there an Albanian question?*, Chaillot Paper no.107, 61-72. Paris: Institute for Security Studies; Chiodi, L. (ed.) (2005), *The borders of the polity: migration and security across the EU and the Balkans*. Ravenna: Longo Editore.

⁴⁵ Ligj Nr 7491, Datë 29-04-1991, Për dispozitat kryesore kushtetuese. *Fletorja Zyrtare: Viti 1991, Nr 4, Faqe 145; Data e botimit: 17-07-1991.*

⁴⁶ Dekret Nr. 255, datë 17.7.1992 Për disa plotësime në Dekretin nr.1874, datë 7.6.1954, mbi shtetësinë shqiptare. *Fletorja Zyrtare: Viti 1992, Nr 6, Faqe 318; Data e botimit: 02-12-1992.*

⁴⁷ Ligj Nr. 7613, datë 28.9.1992, për miratimin me një ndryshim të dekretit nr.255, datë 17.7.1992 "për disa plotësime në dekretin nr.1874, datë 7.6.1954 'mbi shtetësinë shqiptare'". *Fletorja Zyrtare: Viti 1992, Nr 6, Faqe 319; Data e botimit: 02-12-1992; Fletorja Zyrtare: Viti 1992, Nr 6, Faqe 319; Data e botimit: 02-12-1992.*

⁴⁸ *Fletorja Zyrtare: Viti 1993, Nr 3, Faqe 161; Data e botimit: 15-04-1993.*

⁴⁹ In 1994, the Albanian government prepared a draft-constitution and in a referendum held in the autumn of the same year the population rejected the constitution on the well-founded grounds that it gave the president excessive decision-making powers (von Waal: 9). In addition, the draft contained two articles that were widely interpreted as limitations on democracy and not in conformity with international norms and standards, namely art. 6 (3), which prohibited the creation of political parties based on religion or ethnicity and art. 7 (4), which stipulated that heads of the large religious communities must be Albanian citizens born in Albania and permanently resident there for the past 20 years (in that case, Archbishop Anastasios Yannoulatos, a citizen of Greece who was named the temporary head of the Albanian Orthodox Church in 1992, would have been forced to resign and possibly leave). See Biberaj (1999: 162).

have been easily accessible.⁵⁰ In this period, according to the data provided by the Office of the President of Albania, some 2,530 persons acquired Albanian citizenship, with the majority of them being Albanians from former Yugoslavia, but also Albanians from diaspora.⁵¹ In 1992 alone, 1,107 persons acquired Albanian citizenship. On the other hand, between 1992 and 1997 only 668 people lost Albanian citizenship.⁵²

2.6 Citizenship in Albania since 1998

Albania's long lasting and exhausting path to democracy was further impeded in 1997, when a combination of political and economical crises (following the fall of the 'pyramid system' - a fraudulent investment scheme), caused an armed rebellion against the government that shook the country.⁵³ In the subsequent elections of that year, the Socialist Party (*Partia Socialiste* – PS) won the elections, thus marking the restoration of ex-communists in power. The new government initiated an ambitious plan of reforms that included the need for citizenship legislation as well, which was a response to the fact that until 1998 Albania had known several massive waves of migration within the country and abroad. In the meantime, it faced the issue of Kosovar Albanian refugees who fled to Albania in spring 1998. So, on 5 August 1998, Albania adopted its first post communist law on citizenship⁵⁴ and on 21 October 1998, the Albanian Parliament adopted the state's first post-communist constitution,⁵⁵ which was later approved by a popular referendum a month later. In a way, this completed the legal framework on Albanian citizenship.⁵⁶

The 1998 constitution touches upon the issue of citizenship in three instances. First, according to art. 19, everyone born with at least one parent who is an Albanian citizen acquires Albanian citizenship automatically. The same article stipulates that Albanian citizenship can be lost only with the consent of the person. Second, art. 16.1 states that citizens' fundamental rights and freedoms deriving from the constitution are equally applicable to aliens and stateless people, except in the cases when the constitution attaches specific rights to the Albanian citizenship. Art. 92 (c), stipulates that it is the competence of the President of the Republic, in accordance with the law, to decide on cases of acquisition and loss of citizenship.

⁵⁰ It turned out that a number of individuals from the Middle East and the Gulf Region, who came to Albania as foreign investors and later turned out to be linked to terrorist networks and organisations, including Al-Qaeda, were granted Albanian citizenship. See 'Berisha i dha nënshtetësinë krahut të djathtë të Bin Laden' [The right hand of Bin Laden granted citizenship by Berisha], *Gazeta Shqip*, 12 April 2007. <http://www.gazeta-shqip.com/artikull.php?id=16272>.

⁵¹ Sorraj, J. (2007), *Çështje të shtetësisë: vështrim historik, krahasues dhe perspektiva*. MA Thesis, Universiteti i Tiranës, pp. 36-38.

⁵² Sorraj (2007), p. 41.

⁵³ Under a United Nations (UN) mandate, the European Union (EU) deployed an eight-nation force of 5,000 (known as Operation Alba) in Albania to distribute humanitarian aid and help the Albanian authorities restore order. See Pond. E. (2006), *Endgame in the Balkans: regime change, European style*. Washington D. C.: Brookings Institution Press, p. 199.

⁵⁴ Ligj Nr 8389, Datë, 05-08-1998. *Fletorja Zyrtare: Viti 1998, Nr 21, Faqe 845; Data e botimit: 20-08-1998*.

⁵⁵ Ligj Nr 8417, Datë 21-10-1998. *Fletorja Zyrtare: Viti 1998, Nr 28, Faqe 1073; Data e botimit: 07-12-1998*.

⁵⁶ The 1998 law on citizenship was amended in 1999 in order to be harmonised with the constitution. See Ligj 8442, datë 21.01.1999, Për disa ndryshime në ligjin nr.8389, datë 5.8.1998, 'Për shtetësinë shqiptare.' *Fletorja Zyrtare: Viti 1999, Nr 3, Faqe 19; Data e botimit: 22-02-1999*.

The law on Albanian citizenship was harmonised with the recommendations of the European Convention on Nationality (1997),⁵⁷ whereas its structure and content was based on the French, Italian and Dutch models,⁵⁸ as well as on the 1929 Civil Code.⁵⁹ Art. 1 of the law defines Albanian citizenship as ‘a stable legal relationship, which is expressed on the interrelated rights and duties between the physical person and the Albanian state.’ Art. 3 stipulates that an Albanian citizen can also be a citizen of another country, thus tolerating unconditional dual citizenship for the first time in the history of Albania’s citizenship legislation. Another characteristic of this law is that it contains clauses that aim at eliminating and reducing statelessness. Art. 24 (provisional and final provisions) gives precedence to stateless people and enables them to re-acquire Albanian citizenship immediately. In addition, art. 14 enables all the persons who have renounced Albanian citizenship because they have been promised another citizenship, may re-acquire the Albanian citizenship in case they do not acquire the promised citizenship within a reasonable period of time. It is because of these clauses that the law (while it was still a draft) was praised by the United Nations High Commissioner for Refugees (UNHCR) and considered to be ‘of a high standard and, in principle, achieves this goal of avoidance of statelessness’ (1998). The measure was introduced in order to tackle the problem of Albanian emigrants who left Albania since 1991 and who had renounced their Albanian citizenship and could not acquire another citizenship. Although there is no exact number of people who fall within this category, the urgency with which they were treated and the inclusion of specific clauses in the law dealing with them, is an indication of the acuteness of the problem.

In 2012-13, it looked like Albania was embarking on the path of other Southeast European states that apply the post-territorial principle of ethnic selectivity. Former President Sali Berisha, who returned to power as the head of a new Democratic Party-led Government in 2005, made his plans of granting citizenship to ethnic Albanians worldwide public in late 2012. This was widely seen as a political move by a conservative and populist leader who, faced with growing popular discontent over corruption scandals and economic failures, sought to use the nationalist and patriotic euphoria surrounding the Albanian statehood centenary (on 28 November 2012) for an electoral purpose.

On 3 July 2013, the outgoing government of Sali Berisha who lost the elections a month before, adopted decree no.554 on “Procedures for the Recognition and Acquisition of Albanian Citizenship by Persons of Albanian Origin, Excluding Citizens of the Republic of Kosovo”⁶⁰ on 3. The main categories of persons concerned by the decree are: *a*) persons born of at least one parent of Albanian citizenship or origin who possessed Albanian citizenship at the moment of birth of the claimant, regardless of the place of birth; *b*) persons whose ancestors were in possession of Albanian citizenship and are no longer alive at the time of request, provided that the claimant can prove a direct descent from such an Albanian citizen ancestor; *c*) persons of Albanian origin who are citizens of an EU member state, of the United States of America or other states the citizens of which are not required to hold a visa to travel in the states belonging to the Schengen Area or who are documented residents in one of these states; *d*) persons of Albanian origin who possess another citizenship or are stateless, in cases

⁵⁷ Albanian Government signed the European Convention on Nationality on 28 May 1999 and finally ratified it on 19 September 2002. Sorraj (2009: 268).

⁵⁸ Sorraj, J. (2009), ‘E drejta për shtetësinë si garanci për shtetasit shqiptar.’ In *Konferenca Shkencore Kombëtare. Sfidat e shoqërisë shqiptare në procesin e integritimit evropian*. Tirana: Universiteti i Tiranës, p. 369.

⁵⁹ Interview with one of the drafters of the law and former adviser to the President of Albania, 1998-2002. Tirana, 08.07.2010.

⁶⁰ *Council of Ministers, Republic of Albania, Decree no.554 on “Procedures for the Recognition and Acquisition of Albanian Citizenship by Persons of Albanian Origin, Excluding Citizens of the Republic of Kosovo,”* 3 July 2013. https://mb.gov.al/wp-content/uploads/2018/01/VKM_554.docx

when one of the parents of the claimant is an Albanian citizen; e) persons, whose parents are of Albanian origin and possess another citizenship or are stateless and when the claimant was born in the territory of the republic of Albania.

Whereas provisions related to parentage or previous loss of citizenship target second generation ethnic Albanians who emigrated in the 1990s – potentially amounting to one million eligible persons – the provision referring to specific countries excludes Kosovo citizens of Albanian origin residing in Kosovo, who remain the only ones in the Western Balkans to be excluded from the EU visa-free regime, from acquiring Albanian citizenship. Despite calls by various nationalist organisations to include to grant Kosovo Albanians resident in Kosovo Albanian citizenship and thus enable them to travel visa-free in the Schengen Area, such move was unrealistic in the face of EU threat to reintroduce visas for Albanian citizens had Albania offered citizenship to 1.8 million ethnic Albanians in Kosovo.

In sum, this newly proposed decree added a new mode of acquisition of Albanian citizenship by origin and thus stretched the concept of origin beyond legal origin (being a descendant of an Albanian citizen) to include ethnic origin. As regards the determination of Albanian origin, the decree stated that the applicant's self-declaration as Albanian is a valid proof of his/her Albanian origin. In some ways the decree aimed at expanding the scope of some provisions enshrined in the 1998 citizenship law, but also introducing new provisions that go beyond the law. However, the legality of the decree was contested by the then opposition as well as legal experts. Any changes to citizenship law in Albania require a qualified majority and faced with such an obstacle Berisha's government sought to use the decree as to effectively modify the 1998 law. Albeit this created some legal ambiguity, the procedure and criteria for acquisition of citizenship did not change in practice. The post-2013 Socialist-led Government, which did not show any eagerness to expand citizenship to include co-ethnics in the region, in practice ignored the decree thus retaining the pre-2013 criteria for acquisition and recognition of citizenship.

Instead, in 2020, the Socialist-led Government initiated the adoption of a new law on citizenship that replaces the 1998 law and the 2013 decree. The rationale behind the new law was to facilitate citizenship acquisition for children born abroad to Albanian citizens, refugees and other protected categories, as well as to streamline procedures of acquisition and loss, and registration of citizens born abroad.⁶¹ Initially, the draft law also contained a clause for naturalisation by investment but it was dropped out in the final version. The new law was adopted on 29 July 2020 and it entered into force on 14 October 2020.⁶²

The 2020 Albanian citizenship law introduces a number of important changes. First, it introduces acquisition by origin, which is defined “as a direct family lineage up to three generations with an ancestor of Albanian citizenship (art. 2, para. *dh*). While the law introduces a whole new section (art. 11) that facilitates acquisition of citizenship by refugees and other persons under special protection, it increased the residence condition for ordinary naturalisation (from 5 to 7 years) and added criteria such as the knowledge of Albanian language and history. Another novelty of the law is a new mode of citizenship loss by deprivation (art. 15) for individuals who are part of or support organisations that engage against the constitutional order of Albania and its national security. Albeit no official

⁶¹ Kuvendi i Shqipërisë, Komisioni për Çështjet Ligjore, Administratën Publike dhe të Drejtat e Njeriut, *Raport Për Projektligjin “Për Shtetësinë”*. Tirana, 22 July 2020. <https://www.parlament.al/Files/ProjektLigje/20200727175547Raporti%20priligi%20per%20shtetesine%20-%20ligjet.pdf>

⁶² Kuvendi i Shqipërisë, Ligj Nr. 113/2020 ‘Për Shtetësinë’, 29.7.2020. *Fletorja Zyrtare e Republikës së Shqipërisë 2020/174*, date 29.09.2020, pp. 12303–12309.

justification was provided, this new provision, which affects only naturalised citizens, provides a legal pathway for the government to address potential cases of foreign individuals who had acquired Albanian citizenship by decree and who could have a link with any radical organisations.⁶³

3. The current citizenship regime

3.1 Modes of acquisition of citizenship

According to the law in force, Albanian citizenship is acquired by birth, naturalisation and by adoption. Acquisition by birth is determined in arts. 5 and 7. Based on art. 5, everyone born to at least one parent with Albanian citizenship acquires Albanian citizenship automatically. In this case, both the principles of descent (*ius sanguinis*) and gender equality of parents are applied. The right to be registered as an Albanian citizen is not forfeited even when the child turns 18.⁶⁴ A child born in Albania would acquire citizenship under the *ius soli* principle if the child is born or found within the territory of the Republic of Albania and would otherwise become stateless (art. 7, para. 1). If the child's parents become known before the child reaches the age of fourteen, and he or she holds foreign citizenship, Albanian citizenship can be relinquished at the request of his or her lawful parents, provided that the child does not become stateless (art. 7, para. 2).

Acquisition of citizenship by naturalisation is defined in art. 8 of the Law on Citizenship. Albanian citizenship legislation provides for regular, facilitated and exceptional naturalisation. In cases of regular naturalisation, a foreigner who has submitted an application for acquisition of Albanian citizenship by naturalisation shall acquire Albanian citizenship if he or she fulfils the following requirements: 1) has reached the age of 18; 2) possesses legal capacity to act; 3) has lawfully resided in the territory of the Republic of Albania for not less than seven continuous years) has a dwelling 4) possesses sufficient income and legal financial resources ; 5) has never been sentenced in his/her state or in the Republic of Albania or in any third state for a criminal offence for which the law provides for a prison sentence of

⁶³ In the aftermath of the 9/11 attacks, concerns were raised that foreign suspected terrorists may have used Albania in the 1990s as a springboard for their activities in the West and that some had even managed to acquire Albanian citizenship. More recently, Albanian state institutions have increased their security checks on various foreign and naturalised individuals with potential links to IS affiliates involved in the recruitment of Albanian citizens to fight in the Middle East. See Teodor Misha, "Albania Denies Terrorist Links", *IWPR*, 26 September 2001. <https://iwpr.net/global-voices/albania-denies-terrorist-links>; Counter Extremism Project, *Albania: Extremism & Counter-Extremism*, 2020. <https://www.counterextremism.com/countries/albania>

⁶⁴ Despite the fact that the Albanian law on citizenship prevents statelessness in principle, various NGOs have raised concerns about the registration of newborn children in state registering offices, especially in the case of marginalised communities, such as the Roma. According to the UNDP in Albania, the problem of child registration in the national civil registry in the case of Roma is widespread. When a child is born abroad or outside health institutions, or when the mother declares a false identity, in which cases there is no birth certificate, a court procedure must be followed by entitled persons. Often these procedures are interrupted because entitled persons fail to show up in hearings (for both objective and subjective reasons) and the case is closed, or remains unresolved. Although the judge is, or should be aware that a child remains unregistered and/or without legal custody, no action is taken by the judge or the prosecutor. European Network on Statelessness, *Roma Belong: Statelessness, Discrimination and Marginalisation of Roma in Albania*, February 2018.

http://www.errc.org/uploads/upload_en/file/4993_file3_roma-belong-albania-english-language.pdf

not less than three years (exemption from this rule is made only if it is proved that the sentence was given for political motives); 6) demonstrates knowledge of the Albanian language, in writing and speech, certified by the relevant educational institution, and basic knowledge of Albanian history; and 7) does not pose a threat to public order and national security of the Republic of Albania.

According to art. 8, para. 5, if both parents acquire Albanian citizenship by naturalisation, their children who have not reached the age of 18 and live with their parents become Albanian citizens at the request of the parents and with the consent of the child, if he or she is 14 to 18 years old. If only one of the parents acquires Albanian citizenship, however, his or her children under 18 years of age, who reside in Albania, become Albanian citizens if that is requested by one or both parents (art. 8, para. 6). This excludes cases when the other parent cannot give his or her consent for objective reasons.

Facilitated naturalisation is applied in the case of individuals of Albanian origin, spouses, parents of minors who are Albanian citizens and stateless people. Admission into citizenship by origin is determined in art. 6 and it includes foreign individuals of Albanian origin who can prove descent, up to three generations, from persons of Albanian origin. Origin in this case does not refer to ethnic origin but to citizenship. This is a facilitated form of acquisition of citizenship whereby the applicants need to fulfil only 2 out of 8 criteria for regular naturalisation (specified in art. 8): no criminal conviction in the state of origin Albania for offences carrying a prison sentence of three years or more (unless sentenced for political motives) and no threat to public order and national security of the Republic of Albania.

In the case of naturalisation of spouses (art. 8, para. 3), a foreigner married to an Albanian citizen for not less than three years can acquire Albanian citizenship by naturalisation even if he or she does not fulfil the residence (in this case, one year of legal and continuous residence is enough) and knowledge of language requirements set in art. 8, para. 1. A lower residence criteria (3 years) is also required for foreign individuals whose minor child is an Albanian citizen (art. 8, para. 4). On the other hand, stateless persons need to demonstrate that they have resided in Albania for 7 years, have not been convicted and do not pose a security threat. Finally, art. 16 of the Albanian citizenship law provides for facilitated naturalisation of the persons who have relinquished Albanian citizenship and want to reacquire Albanian citizenship. They should fulfil requirements under points *a*, *b*, *dh*, and *ë*, of art. 8, para. 1.

Exceptional naturalisation is applied in cases when the Republic of Albania has a scientific, economic, cultural or national interest, provided that the foreigner has reached the age of 18 and his or her acceptance as an Albanian citizen does not pose a threat to public order and national security (art. 9, para. 1). Previously, the President of the Republic⁶⁵, would

⁶⁵ The number of exceptional naturalisation cases based on ‘special interest’ has increased exponentially since 2017 when Ilir Meta became President. A recent media investigation in Albania has shown that between 2017 and 2020, Ilir Meta has decreed to grant Albanian citizenship based on ‘special interest’ to 419 individuals. This is a much higher figure than that of his predecessors: Bamir Topi has issued a total of 83 citizenship decrees between 2007-2012; Bujar Nishani has issued 259 naturalisation decrees between 2012-2017. Moreover, it turns out that President Ilir Meta has in numerous cases granted citizenship to aliens without due procedure (proposal from a Ministry or Government Agency, due verification by security institutions etc.) thus violating the 1998 law. The list of beneficiaries of Albanian citizenship by decree includes many political figures and business people from Kosovo, as well as numerous individuals without any notable contributions and people with criminal record. This has raised concerns about potential conflict of interest and corruption. The current Government’s decision to propose a new government agency to manage the process of naturalisation by decree in the 2020 law, thus effectively stripping the President from any decision making powers, has prompted President Meta to veto the new law in August 2020. However, the Albanian Parliament managed to override

grant citizenship to an alien for exceptional merits and contribution to the state of Albania based on a proposal of a ministry or other state organ. The 2020 law foresees the establishment of a special government agency within the Ministry of Internal Affairs for this naturalisation type. Both the agency and rules, criteria and procedures for exceptional naturalisation will be determined by the Albanian Government.

The 2020 law introduced a new provision on naturalisation of refugees and protected persons. According to art. 11 of the law, a refugee or protected person will acquire Albanian citizenship if s/he fulfils all the criteria set in art. 8, para. 1 (regular naturalisation) of the law, with the exception of the permanent residence condition. Refugees and protected persons should reside for 7 uninterrupted years in Albania from the day they acquired refugee status in Albania.

Finally, acquisition of citizenship by adoption is defined in art. 10. Paragraph 1 of this article stipulates that an adopted child acquires Albanian citizenship in cases when the adopter is an Albanian citizen. If two parents who are Albanian citizens adopt a minor of another citizenship or who is stateless, the child acquires Albanian citizenship as well. An adopted minor also acquires Albanian citizenship in cases when only one of the parents is Albanian as well as in any other case when the child may become stateless as a result of the adoption.

All the new decisions on acquisition or loss of citizenship are published on the official web page of the President of the Republic. However, information on refused applications is hard to find. As regards acquisition, in the period between 1991 until 2007, a total of 3,184 foreigners, mostly Albanians from former Yugoslavia, acquired Albanian citizenship.⁶⁶ Since 2007, and especially since 2010, when Albania was granted a visa-free regime with the EU, the number of aliens acquiring Albanian citizenship has increased. Most of citizenship acquisitions in Albania fall in the category of exceptional naturalisation through the ‘special interest’/acquisition by Presidential decree mode. A *Balkan Insight* investigation in 2019 revealed that between 2000 and 2018 a total of 733 aliens, most of them from Kosovo, were granted citizenship by a presidential decree.⁶⁷

3.2 Loss of Albanian Citizenship

Albanian citizenship can be lost by: a) renunciation and b) revocation. Based on art. 13, Albanian citizenship is lost at the request of the person if he or she fulfils the following requirements: 1) has reached the age of 18; 2) does not become stateless as a result of the relinquishment of Albanian citizenship 3) resides in a foreign state; 4) is not subject to criminal proceedings for criminal offences for which the Albanian legislation provided for a prison sentence of not less than five years; 5) does not have any legal obligations toward state authorities, and natural or legal persons; 6) has fulfilled all the financial obligations towards a spouse, child or dependant that has Albanian citizenship. Citizenship of minors may be terminated if one of the parents has lost Albanian citizenship, provided that both

President’s veto in September 2020 and have it published in the Official Gazette. For more on the citizenship scandal see: Adriatic Doci, ‘Skandali me nënshtetësinë’ [Citizenship scandal], *Shqiptarja*, 21 October 2020. <https://shqiptarja.com/lajm/skandali-me-nenshtetesine-nishanitopi-vetem-34-pasaporta-vip-cdo-vit-ilir-meta-mbi-100-ja-shifrat-qe-konfirmojne-pazaret-e-presidentit>

⁶⁶ Sorraj, J. (2007), *Çështje të shtetësisë: vështrim historik, krahasues dhe perspektiva*, pp. 36-38.

⁶⁷ Fatjona Mejda, ‘Honorary Albanians: Jumping the Queue into Europe,’ *Balkan Insight*, 14 May 2019. <https://balkaninsight.com/2019/05/14/honorary-albanians-jumping-the-queue-into-europe/>

parents give their consent (art. 14, para. 1). Article 14, para. 2 determines that a minor loses Albanian citizenship if he or she is adopted by alien parents and acquires, in that case, a new citizenship. In case of divorced parents, application is submitted by the parent who has child's custody (assigned by a court decision) with the consent of the other parent. The latter's consent is not necessary in cases when such parent does not have legal residence in Albania or abroad, cannot be contacted, or when he or she is not responsible for the child anymore (as a result of a court decision) (art 14, para. 3).

Article 15 of the law stipulates that Albanian citizenship can be revoked (without application by the concerned individual) in two cases. First, the decision granting Albanian citizenship may be revoked if it is proved that the naturalised citizen has used falsified documents to acquire citizenship.⁶⁸ This can occur within 10 years since the naturalisation oath and based on verified information by competent authorities. Based on a new provision introduced in 2020 (art. 15, point *b*), Albanian citizenship can also be revoked when a citizen supports, is engaged in activities or is member of organisations the activity of which threatens national security or constitutional order of Albania. This provision can be applied based on verified information from relevant institutions or on a final judicial decision and only for naturalised citizens who won't be at risk of statelessness as a result. Likewise, such decision won't affect the status of children of individuals who have their Albanian citizenship revoked. Citizenship revocation is done by a presidential decree and the individual ceases to be an Albanian citizen upon the receipt of an official communication from the authorities, or, when that is not possible, once the decision is published in the Official Gazette. Persons who lose citizenship through this provision can appeal the decision in court.

Between 1992 and 2007, 4,949 persons lost their Albanian citizenship; in 2002 alone, 1,105 persons lost their Albanian citizenship by release.⁶⁹ Between 2015 and 2019, a total of 2,892 individuals lost their Albanian citizenship by release.⁷⁰ This number is an indicator of continuing emigration and integration of the Albanian diaspora in various host countries in Europe. According to Eurostat, 302,653 individuals of Albanian citizenship became citizens of EU member states (90 per cent of them became citizens of Italy and Greece) between 2015 and 2019. Albanians are the second largest group of naturalised citizens in the EU in this reporting period.

3.3 Transitional and final provisions

The Albanian law on citizenship contains various transitional provisions. The main one deals with the people who have lost their Albanian citizenship before the adoption of the 2020 law and who do not possess or have not acquired a new citizenship. Upon their application, such

⁶⁸ An interesting case is that of Stefan Naumov, the Bulgarian Ambassador to Albania (1992-1996), who was granted Albanian citizenship in 1997 by the office of the president of the time after relinquishing Bulgarian citizenship. This decision was however revoked in 2001 by the office of the President of Albania on the grounds that he had used false documents but the revocation and deportation order were declared null by the court in Albania (Sorraj 2007: 40, n. 62; see the report on Albania in Imeri, S. (ed.) (2006), *Rule of law in the in the countries of the Former SFR Yugoslavia and Albania: between theory and praxis*. Gostivar: Association for Democratic Initiatives, p. 27.

⁶⁹ Sorraj, J. (2007), *Çështje të shtetësisë: vështrim historik, krahasues dhe perspektiva*, pp. 33-34.

⁷⁰ Merxhan Daci, 'Pse gjithnjë e më shumë shqiptarë po lënë shtetësinë,' [Why so many Albanians renounce citizenship], *Faktoje*, 25 February 2020. <https://faktoje.al/pse-gjithnje-e-me-shume-shqiptare-po-lene-shtetesine/>

persons would reacquire Albanian citizenship provided that they do not pose a threat to public order and national security of Albania.

3.4 Procedure and jurisdiction

According to art. 24 of the Law on Albanian Citizenship, the Government of Albania, Ministry of Interior, Ministry of Finance, and the Ministry of Foreign Affairs jointly issue secondary legislation for the implementation of the procedures for the acquisition and loss of citizenship in Albania.

Based on art. 17 of the law on Albanian citizenship, applications and the necessary documents for acquisition, reacquisition or renunciation of Albanian citizenship are to be filed with the Albanian Police in the applicant's place of residence. If the applicant resides abroad, he or she can submit the application at the nearest Albanian Consulate or Embassy. The Ministry of Interior determines whether the applicant poses a threat to security and forwards the application to the relevant department for citizenship within one month (art. 18, para. 1). If the application is submitted abroad at a Consulate or Embassy, the Ministry of Foreign Affairs passes the application and documents to the Ministry of Interior within 15 days from the date of submission.

The Ministry of Interior passes its files on individual applications to the President within six months from the date of application. If the application file is incomplete, the Ministry of Interior has 45 days to contact relevant institutions, which in turn should notify the applicant within 15 days. If the applicant fails to fulfil necessary criteria for acquisition, reacquisition or loss of citizenship, the Ministry of Interior issues an administrative act and notifies the applicant. The applicant(s) can challenge the decision before the administrative court.

Within the President's Office, the Office for Citizenship and Directorate of Legal Coordination examines complete applications and forwards them to the President of the Republic for approval by decree. Incomplete applications are returned to the Ministry of Interior within one month from the date of receipt. The President issues the respective decree within 60 days from the forwarding of the request by the Ministry of Interior (art. 20, para. 1). Once approved, the decree is delivered to the Ministry of Interior, the Civil Registry Directorate, and the Centre for Official Publications (Official Gazette).

Finally, art. 21 of the law on citizenship determines that the person who acquires Albanian citizenship by naturalisation shall make an oath before the mayor of his/her place of residence to be faithful to the Albanian state and to respect the Constitution and the laws of the Republic of Albania. In cases when the person has acquired citizenship through exceptional naturalisation pathway (art. 9), he or she can take the oath at the Consular/Diplomatic service of Albania in his or her place of residence. Albanian citizenship is effectively acquired on the day of the oath. A naturalised person should take the oath within 6 months from the day of receiving the official notification. According to art. 23, para. 2, the deadline to take the oath can be extended to 12 months if the naturalised person is unable to appear before the relevant authority sooner for objective reasons.

4. Current political debates

Due to Albania's unique history of late state consolidation in the 1920s and total isolation under communism, the concept of citizenship and its related questions have rarely been central to the political debate. One issue has dominated political debates in Albania from 1991– state consolidation and transformation. Albania is a poignant example of a country that experienced political fragmentation, institutional weakness, legal confusion and official corruption in the aftermath of the fall of communism.⁷¹ Likewise, despite considerable progress, Albania's integration into the European political structures has been slow; it joined the Organization for Security and Cooperation in Europe (OSCE) in 1991, the Council of Europe in 1995 and signed the Stabilization and Association Agreement with the European Union (EU) in June 2006. In April 2008 Albania became a North Atlantic Treaty Organization (NATO) member and submitted its application for EU membership on 28 April 2009. Albanian citizens were enabled visa-free travel to Europe's Schengen zone as of 15 December 2010. In June 2014, Albania became an EU candidate country and it opened the accession negotiations in March 2020.⁷²

4.1 Albania's Greek minority and Albanian emigrants in Greece

Albania's relations with Greece, which encompass, among others, the status of the Albanian minority and Albanian emigrants in Greece, as well as the status of Greek minority in Albania and its relations to Greece, has been constantly present in the political debates in Albania in the last thirty years. There is a significant Albanian community in Greece, which is composed of three main groups: Arvanites, who moved to Greece during the thirteenth and fourteenth centuries (who have been to a large extent assimilated although in many of their villages they have preserved their language, customs and traditions); Chams, most of whom were deported to Albania after WWII although some still live in north-western Greece; and post-1991 Albanian emigrants who moved to Greece after the fall of communism in Albania.⁷³ The Cham community (which is estimated to be around 200,000) in Albania, despite being granted Albanian citizenship in 1953, still perceive themselves as refugees and campaign for the return of their confiscated properties together with compensation and restoration of their Greek citizenship.⁷⁴ This issue has strained Greek-Albanian relations several times in the aftermath of the fall of communist regime in Albania.

The Cham issue is closely interlinked with that of the Greek minority in Albania and the large Albanian community of emigrants in Greece. Greeks are the largest national minority in Albania.⁷⁵ They are concentrated mainly in southern part of the country, along the

⁷¹ Bugajski, J. (2002), *Political parties of Eastern Europe: a guide to politics in the post-communist era*. London & New York: The Center for Strategic and International Studies, p. xlii.

⁷² EC, *Albania*. https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/albania_en

⁷³ Bogdani, M & J. Loughlin (2007), *Albania and the European Union: the tumultuous journey towards integration and accession*. London: I. B. Tauris, pp. 234-235.

⁷⁴ Vickers, M. (2007), *The Cham issue: where to now?* Swindon: Conflict Studies Research Centre, p. 1.

⁷⁵ Three minorities are officially recognised in Albania as national minorities: Greeks, Macedonians and Montenegrins. Roma and Vlachs/Aromanians are recognised as linguistic (sometimes called cultural) minorities. Both linguistic and national minorities are recognised under the Framework Convention for the Protection of National Minorities (FCNM), which entered in force in Albania in 2000. Egyptians, as they call themselves but are often considered to be part of the Roma people, are not recognised as either a national or a linguistic

border with Greece. At present, Greek Albanians are fully integrated into the political system and social life in Albania. However, over the years, Greek minority leaders in Albania as well as political authorities in Greece have raised their concerns about political, property and religious⁷⁶ rights. A long-standing issue is nationality (ethnic affiliation) and the use of the term in legal and civil registers, as well as over the October 2011 Census. The 2011 Census was the first overall one in post-communist Albania and has caused a lot of controversy. The questionnaire used for the October 2011 Census, for the first time included questions on linguistic and ethnic affiliation of respondents thus enabling everyone to declare (if they wished to do so) their religion and ethnicity. However, the requirement to show proofs of their ethnic origin, raised concerns among minority representatives who argued that it infringes upon their right to freely declare (self-declaration principle) their ethnic and religious affiliation. As a result, the main Greek organisation, OMONIA, and the Greek minority party, PBDNJ, called for Greeks in Albania to boycott the census. The census questionnaire for the forthcoming 2021 census is generating similar debates.

In the Greek legal order, Greeks from Albania (which in Greece are referred to as Greeks from ‘Northern Epirus’) are regarded as *homogeneis*,⁷⁷ meaning individuals of Greek origin and of consciousness.⁷⁸ Since 1991, they would receive a ‘Special Identity Card of Homogeneis’ (*Eidiko Deltio Tautotitas Omogenous*), which also provides for preferential treatment, in comparison to the rest of the Albanians by both the Greek nationals and the authorities; thus, Greeks from Albania managed almost immediately and unconditionally to receive permanent residential status in Greece, including access to work permit and special benefits for social security, health and education.⁷⁹ However, the Greek state did not grant them Greek citizenship because that way they would have lost their Albanian citizenship (until 1998 Albania did not tolerate dual citizenship). Only in 2006 were the *homogeneis* from Albania allowed by the government to acquire Greek citizenship.⁸⁰ However, evidence shows that Greek authorities also provide the *homogeneis* identity card to a large number of Christian Orthodox Albanians as well as Vlachs who have migrated to Greece. Thus, according to information from the Greek Ministry of Public Order, approximately 200,000

minority – although they would like their status to be acknowledged as such. Based on official statistics, Albania is one of the most homogenous countries in the region, but minority groups often question the official state data. For more on Albania’s minorities, see AHRG (2003) and the UNHCR report on Albania, available at: <http://www.unhcr.org/refworld/country,,,COUNTRYPROF,ALB,4562d8b62,4954cdfela,0.html>.

⁷⁶ The current head of the Albanian Orthodox Church, Anastasios Yannulatos, is an ethnic Greek who in 1993 was appointed by the Patriarchate in Istanbul as Albania’s archbishop. Fearing an eventual hellenisation of Albania’s Orthodox Church, the Albanian authorities, citing the Albanian Orthodox Church constitution of 1929, demanded that the head of the Orthodox Church be of Albanian origin or citizenship (Vickers 2010: 4). Though Yannulatos came to Albania on a provisional basis, until a suitable ethnic Albanian replacement could be found, he remains Albania’s archbishop. Although Yannulatos has not officially submitted a naturalisation application, the fact that he hasn’t been granted citizenship even after almost three decades of residence is often cited by Greek politicians as an example of anti-Greek bias in Albania.

⁷⁷ This status was granted to Greeks from Albania based on Law 1975/1991, art. 17, and Common Ministerial Decision 4000/3/10-e/2002, Ministries of Interior, Foreign Affairs, Public Order, Labour and Defence. Tsitselikis (2006: 8).

⁷⁸ Christopoulos, D. (2009), EUDO Citizenship Observatory country report on Greece, p. 15.

⁷⁹ See H. Athanasiades, K. Zafiroopoulos & N. Marantzidis, *The limits of political correctness: dual citizenship, governance and education in Greece*.: http://www.antigone.gr/en/projects/files/project_deliverables/The_Limits_of_Political_Correctness_Dual_Citizenship_Governance_and_Education_in_Greece.doc.

⁸⁰ Tsitselikis, K. (2006), ‘Citizenship in Greece: present challenges for future changes’ [Updated version], D. Kalekin-Fishman & P. Pitkänen (eds.), *Multiple citizenship as a challenge to European nation-states*. Rotterdam: Sense Publishers, pp. 7-12.

individuals (which exceeds by far the number of Greeks in Albania), were granted the status of *homogeneis*.⁸¹

In addition to ethnic Greeks, due of economic pressures, many Vlachs and Albanians, including Muslim Albanians who convert to Orthodoxy, claim to be Greeks to get the status of *homogeneis* and later citizenship.⁸² The case of the *homogeneis* attests to the growing practice of externalisation of passports, citizenship, and identity.⁸³ This practice is commonplace in numerous countries in the region, the most prominent being Bulgaria, Hungary, Croatia and Romania. Likewise, it is a manifestation of a growing instrumental attitude towards citizenship where individuals increasingly view nationality as rank within a global hierarchy rather than as a sanctified symbol of a unique national identity.⁸⁴

The rest of the Albanian emigrants in Greece, which represent more than half of the total number of immigrants in Greece and amount to more than half a million, reside in Greece either as undocumented immigrants, documented *allogeneis* immigrants (who possess a ‘white/green card’) or have been naturalised. For many years, the number of naturalised Albanians in Greece was very low. However, following the 2010 decision by the Greek government to undertake a comprehensive reform of Greek citizenship law⁸⁵ (which includes liberalisation of the criteria for naturalisation of aliens and granting of voting rights for legal residents),⁸⁶ the number of Albanian immigrants that acquired Greek citizenship (thus becoming dual citizens) increased significantly. According to Eurostat, between 2013 and 2018, some 138,374 individuals from Albania acquired Greek citizenship.⁸⁷ Despite notable progress, the slow pace of Greek bureaucracy, and possible resistance to integrating migrants, means many Albanians are made to wait years for the necessary papers to settle.⁸⁸

⁸¹ Christopoulos, D. (2009), EUDO Citizenship Observatory country report on Greece, p. 17.

⁸² Vickers, M. (2010), *The Greek minority in Albania: current tensions*. Shrivenham: Research and Assessment Branch, Defence Academy of the United Kingdom, p. 1.

⁸³ Waterbury, M. A. (2014), “Making Citizens Beyond the Borders: Non-Resident Ethnic Citizenship in Post-Communist Europe.” *Problems of Post-Communism* 61 (4): 36-49.

⁸⁴ Harpaz, Y. (2019), *Citizenship 2.0: Dual Nationality as a Global Asset*. Princeton University Press.

⁸⁵ See D. Christopoulos, *Greece: comprehensive citizenship reform passed in parliament on 11 March*. 13 March 2010. Available at: <http://eudo-citizenship.eu/citizenship-news/260-greek-parliament-passed-comprehensive-citizenship-reform-on-11-march-read-a-summary-by-eudo-citizenship-expert-dimitris-christopoulos>.

⁸⁶ In addition to the comprehensive reform of Greek citizenship, the new Greek law provides (arts. 14-21) for voting rights and the right to be elected for ethnic Greeks and legally residing migrants in municipal elections, starting from the elections in October 2010. Legal residents in Greece (all the categories), can exercise their voting rights and right to be elected provided that they have resided in Greece for five years. These people will be included in special voting registers which will be drafted per municipality or electoral district. Undoubtedly, this affects many Albanian emigrants in Greece, thus putting them close to being on a par with political rights to EU citizens. Although the process of creation of the special voting register of aliens has been initiated, still there are no figures on the number of legal residents who applied to be included. An unofficial English version of the new law is available at: <http://www.athenspc.net/features/greeces-new-law-on-citizenship-and-voting-rights-of-migrants/>.

⁸⁷ Eurostat, *Acquisition of Citizenship in the EU 2018*. <https://ec.europa.eu/eurostat/news/themes-in-the-spotlight/citizenship-2018>

⁸⁸ Madeleine Speed and Arlis Alikaj, ‘Rights Denied: Albanians in Greece Face Long-Term Limbo,’ *Balkan Insight*, 1 July 2020. <https://balkaninsight.com/2020/07/01/rights-denied-albanians-in-greece-face-long-term-limbo/>

4.2 Emigration and registration of children born abroad

Another important issue that continues to dominate political debates in Albania is related to emigration and Albania's links to its large diaspora. In particular, registration of children born abroad remains a serious problem for many migrants. For a long time, children of at least an Albanian citizen who were born abroad and who would automatically acquire Albanian citizenship had to be registered with an Albanian consular or diplomatic service, which in turn would record that and forward it to the Albanian Civil Registry in Albania in accordance with the Law on Civil Status (Law No. 10129/2009).⁸⁹ This procedure created obstacles and prolonged the process of declaration/registration of a child's birth with the Albanian authorities.

However, amending of Law on Civil Status in 2016 and 2018 introduced two important changes that should facilitate acquisition of Albanian citizenship by birth. As a result, registration of a newborn child is not required to be done with the Albanian Embassy but in the civil status office of the foreign country where the child is born (art. 41, para. 3.). The second important change is related to the registration of the newborn child in the National Civil Register office. As of 2016, if the child is born outside the country and has been registered in a civil status office in the foreign country, the parents, if they are Albanian citizens, can register their child directly in their local civil status office in Albania. To facilitate the process, Albanian consulates/embassies abroad issue temporary travel passes for minors born abroad who need to go to Albania.⁹⁰

Regardless of the existing legal provisions that provide for automatic acquisition of citizenship for children born abroad to at least one Albanian parent, in practice, as various human rights organisations have argued⁹¹, stringent requirements to complete the registration process such as possessing a legalised act of registration, can put children at risk of *de facto* statelessness because it can prevent a child born abroad to Albanian parents having their nationality recognised.

Finally, Albania's domestic and foreign policy is also affected by the developments in Kosovo and in other post-Yugoslav states (Serbia, North Macedonia and Montenegro), which have a significant Albanian community within their borders. Since 1991 Albania has granted preferential treatment to its ethnic kin in the region⁹² in forms of the reserved places for students to study in public universities in Albania and other social and cultural benefits, without extending full citizenship rights. In mid 2010, a group of intellectuals from Kosovo and Macedonia signed a petition requesting the President of Albania to grant citizenship to all Albanians from the Balkans.⁹³ Such repeated calls from Kosovo have so far fell on deaf ears in Tirana. The new 2020 law has in fact strengthened the civic character of Albania's

⁸⁹ Law No.10129, dated 11.5.2009 'On Civil Status', as amended in 2012, 2013, 2016 and 2018. Available at: <http://www.parlament.al/Files/ProjektLigje/20180924110006ligji%20per%20gjendjen%20civile.pdf>

⁹⁰ Ministry of Foreign Affairs of Albania, 'Travel Pass for Minors'. Available at https://punetejashme.gov.al/wp-content/uploads/2018/06/0311_leje_kalimi_per_te_mitur.pdf

⁹¹ UNCHR and Tirana Legal Aid Society (2018) *Mapping of the Population at Risk of Statelessness in Albania*. Tirana. Available at: https://www.un.org.al/sites/default/files/Mapping%20of%20the%20population%20at%20risk%20of%20statelessness_%20ENGLISH.PDF

⁹² A case in point is the practice of Albania's border authorities to enable free entrance to Albania for all Albanians from Kosovo and South Serbia with Federal Republic of Yugoslavia (FRY) passports, despite the fact that Albania applied entry visas for citizens of the FRY.

⁹³ See *Kërkesë Topit: Shtetësi për të gjithë shqiptarët* [Request for Topi: citizenship for all Albanians], 31 July 2010. <http://www.gazetastart.com/lajme/Aktualitet/22225/>.

citizenship regime and tightened the criteria and procedure for exceptional naturalisation based on the ‘special interest’, leaving no discretionary power to the President. As local commentators have argued, despite the fact that the issue of citizenship for Albanians in the region becomes part of the daily political debate from time to time, indeed, it is far from being a serious concern for the present Albanian political leadership.⁹⁴

5. Conclusion

Until a few years ago, citizenship was not on the political or even the academic agenda in Albania. The reasons for this rest in the history of the development of the Albanian state and in its geopolitical context. In the first phase of the consolidation of the Albanian state, citizenship and its related issues were totally sidelined by other concerns related to the very existence of the state, its borders and the type of political regime. Hence, no citizenship law was enacted until 1929, some seventeen years after the declaration of independence of Albania. Under communism, citizenship lost most of the meaning usually attached to it due to the ‘bunker’ mentality of the Albanian communist leadership - in the late 1970s Albania withdrew completely from the international system and all organisations of which it was a member, with the exception of the UN – and the unparalleled direct state control of the society, economy and politics in Albania. In this period, citizenship (in practice) did not mean the right of a citizen to have rights; rather, it meant the state’s unlimited and uncontrolled right to limit citizens’ rights, including the rights to travel abroad and even migrate from one part of the country to another.

Only after the fall of communism in 1991 and the subsequent liberalisation and democratisation of the Albanian state did citizenship in its modern and liberal sense slowly start to enter the political agenda in Albania. Albania’s opening to the world and the massive waves of migration to Greece, Italy, and the rest of the Europe introduced citizenship in the political agenda of Albania, thus raising awareness among its people on the rights, duties and legal implications of citizenship. However, Albania’s rocky path to democracy, marked by state weakness and deep political polarisation, which ultimately led to the almost-total state collapse in 1997, prevented the country from reforming and reconstructing its legal constitutional order, including citizenship legislation. Thus, only in 1998 did Albania adopt both its first post-communist law on citizenship and later a constitution.

The present Albanian citizenship legislation, revised in 2020, reflects the country’s attempts to democratise and achieve EU membership. Some of the main principles of the European Convention on Nationality, which it ratified in 2002, including the obligation to reduce and eliminate statelessness, are incorporated into the 1998 and 2020 citizenship law. In addition, for the first time in its history, in 1998 the Albanian citizenship legislation allowed dual citizenship. Certainly, this reflects the new reality created in Albania and the region after the fall of communism and increase of the migration flux. The post-1998 legislation also lacks ethno-centric formulations and provisions and is gender-balanced when it comes to the naturalisation of spouses and children.

The fact that about half of the Albanian population in the Balkans has lived outside the borders of Albania since 1912 represents both a challenge and a national and foreign policy predicament for Albania. Even in the post-communist period, Albania’s affirmative

⁹⁴ Mentor Nazarko, “Edhe një herë për shtetësinë shqiptare”, n/d, available at: <http://www.shqiperia.com/shqip/opinionart/aID/1420/>.

state nationalism, which was used as an instrument of domestic integration, has coexisted and competed with a ‘defensive ethno-nationalism directed outwards with additional irredentist elements’.⁹⁵ However, despite the fact that various governments in Albania have shown tendencies to use the issue of Albanians in the neighbouring states for domestic political gains,⁹⁶ today, Albania’s influence over Kosovo and other Albanian-inhabited regions in Macedonia, Montenegro and Serbia is ‘much more symbolic than real’.⁹⁷ Albania has consistently affirmed its respect for the principle of inviolability of borders in the Balkans and recently has resisted claims from various NGOs and intellectuals from Kosovo and Macedonia to extend full Albanian citizenship rights to all the Albanians in the region. However, following the European Union decision to grant Albanian passport-holders visa-free travel to the Schengen Zone in 2010, the demand for Albanian passports has increased, particularly among Albanians in Kosovo.⁹⁸ Many countries in the region, including Croatia, Bulgaria, Romania and Greece have already extended their citizenship to encompass their ethnic-kin in the neighbouring countries, thus moving towards ‘post-territorial citizenship’.⁹⁹ Other countries have followed the growing (global) trend of introducing citizenship by investment schemes.¹⁰⁰ Despite occasional promises and attempts in the recent years to extend citizenship to ethnic Albanians in the region (especially the ones in Kosovo) and introduce investor citizenship, the new 2020 law has closed the debate for the time being.

⁹⁵ Schmidt-Neke, M (2009), ‘Albania: the unfinished state.’ In E. Jahn (ed.), *Nationalism in late and post-communist Europe, 2: Nationalism in the Nation States*, Munich: Nomos, p. 530.

⁹⁶ Cases in point include the appropriation by Albania’s interwar king Ahmet Zogu of the title ‘King of Albanians’, Enver Hoxha’s political stances on Kosovo, and Albania’s first post-communist president (and present prime-minister) Sali Berisha’s (symbolic) paternalist attitudes toward Albanians outside Albania. For a detailed account of the attitude of the Albanian state toward Albanians in the neighbouring countries and the so-called ‘Great Albania’ issue, see Kola, P. (2003), *The search for Greater Albania*. London: Hurts and Company.

⁹⁷ Vickers, M. (2008), ‘The role of Albania in the Balkan region’, in J. Batt (ed.), *Is there an Albanian question?* Chaillot Paper no. 107. 11-26. Paris: Institute for Security Studies, p. 14.

⁹⁸ Kosovo, with a contested statehood, is the only state in the Balkan’s whose citizens can not travel visa-free to the EU. For more on citizenship in Kosovo see Krasniqi, G. (2010), ‘The challenge of building an independent citizenship regime in a partially recognised state: the case of Kosovo’, CITSEE Working Paper Series, 2010/04; and (2012), ‘Overlapping jurisdictions, disputed territory, unsettled state: the perplexing case of citizenship in Kosovo’, *Citizenship Studies* 16 (3-4), 353-366.

⁹⁹ Ragazzi, F. and K. Balalovska (2011), ‘Diaspora Politics and Post-Territorial Citizenship in Croatia, Serbia and Macedonia’ CITSEE Working Paper Series 2011/18. Edinburgh: Citsee.

¹⁰⁰ Džankić, J. (2019) *The Global Market for Investor Citizenship*. London: Palgrave.

