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REACT

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Constitutional principles and legal aspects of citizenship in ALBANIA

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Constitutional principles and legal aspects of citizenship in Albania

Albanian Constitution of 1998

Article 10: 1. Everyone born of at least one parent with Albanian citizenship gains Albanian citizenship automatically. Albanian citizenship is gained also for other reasons provided by law.

2. An Albanian citizen cannot lose his citizenship, except when he relinquishes it.

Legal aspects of citizenship in Albania

Law Nr. 8389, date 5.8.1998 “For the Albanian Citizenship”

Albanian citizenship is acquired by:

- a. **birth;**
- b. **naturalization;**
- c. **adoption.**

Everyone born of at least one parent Albanian shall acquire the Albanian citizenship automatically.

A child born within the territory of Albania from parents holding another citizenship who are lawful residents in the territory of Albania, can acquire the Albanian citizenship with the consent of both parents.

Legal aspects of citizenship in Albania

Acquisition of citizenship by natyralization:

Requirements:

1. 18 years old;
2. Lawfully resident in the Republic of Albania for not less than 5 consequent years;
3. Sufficient incomes;
4. Has never been sentenced in his state or in the Republic of Albania or any third state for a criminal offence for which the law provides for a prison sentnece of not less than three years. Exemption of this rule is made only if it is proved that the sentence was given for poltical reasons;
5. Has at least elementary knowledge of Albanian Language;
6. His acceptance as an Albanian citizen does not affect the security and defense of the Republic of Albania;

Legal aspects of citizenship in Albania

- **Acquisition of citizenship by adoption:**
- If two parents who are Albanian citizens adopt a minor of another citizenship or who is stateless, the child acquires Albanian citizenship. The adopted minor acquires it if one of the parents is Albanian and both parents at the time of adoption are resident in the territory of the Republic of Albania.

European citizenship

- Any person who holds the nationality of an EU country is automatically also an EU citizen. EU citizenship is additional to and **does not replace national citizenship**. It is for each EU country to lay down the conditions for the acquisition and loss of nationality of that country.
- Citizenship of the Union is conferred directly on every EU citizen by the Treaty on the Functioning of the EU.

The rights of EU citizens

- To non-discrimination on the basis of nationality when the Treaty applies
- To move and reside freely within the EU
- To vote for and stand as a candidate in European Parliament and municipal elections
- To be protected by the diplomatic and consular authorities of any other EU country
- To petition the European Parliament and complain to the European Ombudsman
- To contact and receive a response from any EU institution in one of the EU's official languages
- To access European Parliament, European Commission and Council documents under certain conditions
- EU citizens also have the right to equal access to the EU Civil Service.
- The Lisbon Treaty introduced a new form of public participation for European citizens, the Citizens' Initiative

2007 Treaty of Lisbon
(introduced new concepts)

- European initiative;
- **Charter of Fundamental Rights of the European Union:**
- **6 Major rights:** dignity, freedom, equality, solidarity, citizens' right and justice
- Exp: the right to life, freedom of expression and information, protection of personal data, the right of education, consumer protection, cultural, religious and linguistic diversity, rights of elderly, integration of persons with disabilities.

EU Charter of Fundamental Rights

- The purpose of the charter was to protect the fundamental rights of people of Europe, which could be impacted by the decision of EU institutions or by the decisions of the member states implementing the EU law.
- The civil, political, economic and social rights are applicable to all people that lives in Europe regardless the citizenship, or the place of resident.
- Indeed in 2012 EU won the Nobel Peace Prize for contributing over six decades to the advancement of peace and reconciliation, democracy and human rights in Europe.

European citizenship
vs
national citizenship

The European citizenship is taken automatically along with the national citizenship in all the state members.

Therefore Albanian people will have the European citizenship as soon as Albania will become a state member of EU.

Access to rights and
welfare, public
competitions are not
connected with the
citizenship
