



LAW OF SLOVAK NATIONAL COUNCIL OF 19TH JANUARY 1993 REGARDING CITIZENSHIP OF SLOVAK REPUBLIC

Date of entry into force: 15 February 1993

[NOTE: This is an unofficial translation. The law was published on 15 February 1993 in the Slovak Legal Bulletin - Zbierka zakonov Slovenskej Republiky.]

✕ 1 - The purpose of this law This law establishes the conditions of gain and loss of citizenship.

FIRST PART - THE GAIN OF THE CITIZENSHIP OF THE SLOVAK REPUBLIC

✕ 2 - Determination of citizenship of Slovak Republic A person, who was up to 31st December 1992 a citizen of the Slovak Republic under the law of the Slovak National Council No 206/1968 of the Code regarding the gain and loss of citizenship of the Slovak Socialist Republic according to the law No 88/1990 of the collection of laws, is a citizen of the Slovak Republic under this law.

✕ 3 - Application for citizenship of the Slovak Republic (1) A person who was up to 31st December 1992 a citizen of the Czech and Slovak Federative Republic and is not a citizen of the Slovak Republic according to No.2 can apply for the citizenship of the Slovak Republic. (2) An application for citizenship under section (1) can be lodged until 31st December 1993 by way of written statement to the district office on the territory of the Slovak Republic, abroad to the Diplomatic Mission or to the Consulate of the Slovak Republic, according to the place of the residence. Husband and wife can lodge a common statement. (3) In the statement referred to in paragraph (2) the following must be clearly stated: (a) identity of the person lodging the statement, (b) the fact that the person lodging the statement was up to 31st December 1992 a citizen of the Czech and Slovak Republic, (c) place of birth and the residence as at 31st December 1992.

✕ 4 - Citizenship of minor persons (1) If parents are citizens of the Slovak Republic under ✕ 2 or will become citizens of the Slovak Republic under ✕ 3, their minor children will automatically acquire the citizenship of their parents; if only one of the parents is alive, the child is will acquire the citizenship of that parent. (2) If one of the parents has a citizenship other than the citizenship of the Slovak Republic, parents shall state in their statement regarding the citizenship under ✕ 3 the names of their minor children as well. If both parents are alive they are requested to lodge a consenting statement. (3) In case of a court decision giving the care concerning a minor child only to one of the parents and the parents did not lodge a common statement, the child is following the citizenship of the parent granted the care. (4) The consent under paragraph (2) is not requested if the other of the parent has been deprived of his/her parental rights, or his/her parental rights are limited, or his/her place of residence is unknown.

✕ 5 - Birth (1) The child acquires the citizenship only if (a) at least one of the parents is a citizen of the Slovak Republic, or (b) the child was born on the territory of the Slovak Republic, its parents being without any citizenship, or (c) the child was born on the territory of the Slovak Republic, its parents being citizens of another country, but the child does not by birth gain the citizenship of either of the parents. (2) If the citizenship cannot be proved, such child is considered to be a citizen of the Slovak Republic who (a) was born on the territory of the Slovak Republic, or (b) was found on the territory of the Slovak Republic and whose parents are not known, until it is not proved that the child acquired citizenship of another country by birth. (3) The child, whose one of the parents is a citizen of other country and the other is a citizen of the Slovak Republic, is a citizen of the Slovak Republic even if it is later found out that the child's parent who is the citizen of the Slovak Republic is not the child's natural parent.

✕ 6 - Adoption A child, who is not a citizen of the Slovak Republic and who was adopted by a citizen of the Slovak Republic, can acquire the citizenship of the Slovak Republic.

✕ 7

(1) Citizenship of the Slovak Republic can be granted upon request to such a person who is not a citizen of the Slovak Republic and who - (a) has continuous permanent stay on the territory of Slovak Republic for at least 5 years and speaks the Slovak language, (b) was not persecuted for an intentional crime

(2) The following is in favour of a person requesting the grant of citizenship of the Slovak Republic, (a) if the person is not a citizen of another country, or (b) can prove, that under the law of the state of which this person is a citizen, this person has lawfully renounced his/her citizenship.

(3) Without respect as to whether the conditions mentioned in paragraph (1) were met, the citizenship of the Slovak Republic can be granted to the following persons requesting the same: (a) to a person who has entered into a marriage with a Slovak citizen, or (b) for reasons worth of special attention, if the person has done something of great benefit for the Slovak Republic in the field of economy, science, culture or technology.

(4) Husband and wife can request grant of citizenship of the Slovak Republic in a common application. The application of both of the partners in a marriage is considered separately. Minor children stated in the parent's application will gain citizenship together with their parent. If the applicant in his/her application states minor children for granting a citizenship, a consent of the other parent is requested. otherwise conditions of ✕ 4 section 5 apply.

(5) A person, whose former Czechoslovak citizenship expired or who lost the Czechoslovak citizenship due to long absence according to ✕ 31 and ✕ 32 of the law L/1879 regarding the gain and loss of Austro-Hungarian citizenship, or by way of marriage under 34 of the law L/1879 regarding gain and loss of Austro-Hungarian citizenship, or according to ✕ 2 of law No 102/1947 of the Code regarding the gain and loss of Czechoslovak citizenship by way of marriage, or according to ✕ 5 of law No 194/1949 of the Code regarding gain and loss of Czechoslovak citizenship, this person can be granted the citizenship of the Slovak Republic even though the conditions mentioned in section (1) a) were

not met.

(6) A guardian appointed by a court can apply for citizenship of the Slovak Republic in the name of a person who has been deprived the capability to carry out judicial proceedings by court or whose capability to carry out judicial proceedings is limited.

✕ 8 (1) The citizenship of the Slovak Republic is granted by the Ministry of Interior of the Slovak Republic. The application for grant of Slovak citizenship is lodged at the district office. (2) A citizenship of the Slovak Republic is gained upon a receipt of a document stating the grant of same.

PART TWO - LOSS OF CITIZENSHIP OF THE SLOVAK REPUBLIC

✕ 9 (1) The citizenship of the Slovak Republic can be lost only at own request by release of the person from the state bond. (2) Only such person can be released out of the state bond, which has a citizenship of another country, or has promise of grant of citizenship on the condition of the above mentioned release, or if it can be reasonably assumed that upon a release of such person from the state bond that person will be granted a citizenship of other country. (3) A person cannot be released out of the state bond if (a) this person is being persecuted, or is serving the sentence, or did not serve a sentence laid by the Court of the Slovak Republic, (b) this person has tax and public portion arrears in the Slovak Republic.

(4) When deciding of the release from the state bond of the Slovak Republic the following is in favour of the applicant: (a) if he/she has married a citizen of a foreign country and is or will be living with this citizen of a foreign country, or (b) if the applicant has acquired the citizenship of the Slovak Republic by way of marriage and this marriage has perished, or has been divorced, or (c) if one of the parents of the minor child, who is a citizen of the Slovak Republic, is citizen of a foreign country and the child is, or will be brought up abroad, or (d) if the child is appropriate and the child's appropriator is a citizen of a foreign country and the appropriate will be brought up abroad, or (e) if the child has become mature, was born abroad and never had permanent residence on the territory of the Slovak Republic.

(5) Husband and wife can apply for release from the state bond of the Slovak Republic with a joint application. The application of each of the partners is judged separately. In case of minor children, which the parent has stated in his/her application for the release from the state bond of the Slovak Republic, the citizenship of the children is lost together with the citizenship of the parents. Further the conditions of 4 section (4) apply.

(6) A guardian appointed by a court can apply for the release from the state bond of the Slovak Republic in the name of the person who was by court deprived of capability to carry out judicial proceedings, or if the person has limited capability to carry out judicial proceedings.

(7) The decision of the release from the state bond of the Slovak Republic is made by the district office. The citizenship is lost on the day of the receipt of the document stating the release from the state bond of the Slovak Republic.

PART THREE - COMMON AND FINAL REGULATIONS

✕ 10 The citizenship of the Slovak Republic is equivalent without regard to the legal title of the gain of the same.

✕ 11 A certificate of citizenship of the Slovak Republic is issued by the appropriate district office (16).

✕ 12 (1) Legal effects of the statement under ✕ 3 section (2) will enter into force on the day of lodgement of the statement. (2) The authority which received the statement, will issue a confirmation of receipt showing the date of the receipt.

✕ 13 The statement carried out according to ✕ 3 of this law is free of administrative costs.

✕ 14 The state and district authorities as well as legal and physical persons are obliged to inform the Ministry of Interior of the Slovak Republic upon its request of any facts which are of importance when making a decision according to this law.

✕ 15 If according to this law the application is granted in full extent, the decision of the administrative proceedings is not issued.

✕ 16 The local competence under this law is determined according to the permanent residence of the person, whose citizenship is in consideration. If the person does not have a permanent residence on the territory of the Slovak Republic, the local competence is established according to his/her last permanent residence on the territory of the Slovak Republic; if the person did not have a permanent residence on the territory of the Slovak Republic, the competent office is according to ✕ 3 section (2) the District Office Bratislava I and according to ✕ 9 and 11 the District office Bratislava.

✕ 17 In case that an international agreement, by which the Slovak Republic is bound, modifies some of the issues different to this law in the matter of citizenship, the modification in the international agreement prevails.

✕ 18 Applications for grant of citizenship or for release from the state bond not processed before the entry into force of this law are considered as applications lodged under this law.

✕ 19 The central evidence of grants and losses of the citizenship of the Slovak Republic is conducted by the Ministry of Interior of the Slovak Republic, the district evidence is conducted by a District Office. ✕

20 Cancelled are:

Law No 194/1949 of the Code regarding the gain and loss of the Czechoslovak citizenship as in light of the law No 72/1958 of the Code, law No 165/1968 of the Code, law of the Slovak National Council No 206/1968 of the Code and law No 88/1990 of the Code; Law of the Slovak National Council No 206/1968 of the Code regarding gain and loss of citizenship of the Slovak Socialist Republic in light of article I of law No 88/1990 of the Code; Item 8 of Appendix C and Item 75 of Appendix E of the law of the Slovak National Council No 472/1990 of the Code

regarding the organization of local state administration.

× 21 This law will come into effect the day of publication.