

Title	Citizenship Act of the Republic of Slovenia
Publisher	National Legislative Bodies
Country	Slovenia
Publication Date	25 June 1991
Reference	SVN-110
Cite as	<i>Citizenship Act of the Republic of Slovenia</i> [Slovenia]. 25 June 1991, available online in UNHCR Refworld at: http://www.unhcr.org/refworld/docid/3ae6b5271b.html [accessed 12 March 2009]
Comments	This is an unofficial consolidated translation. The original Act was published in the Official Gazette of the Republic of Slovenia (Uradni List RS), vol. I - No. 1-8/91, 25 June 1991. It included amendment made by the Act Supplementing the Citizenship Act of the Republic of Slovenia, No. 213-11/90-2/24 dated 11 December 1991.

Citizenship Act of the Republic of Slovenia

I. GENERAL STIPULATIONS

Article 1

This Act determines manners and conditions for obtaining and cease of citizenship of the Republic of Slovenia.

Article 2

The citizen of the Republic of Slovenia, being as well the citizen of a foreign country, is treated as a citizen of the Republic of Slovenia, while being on the territory of the Republic of Slovenia, unless otherwise stated by an international agreement.

II. OBTAINING OF CITIZENSHIP

Article 3

The citizenship of the Republic of Slovenia is obtained:

- (1) by origin;
- (2) by birth on the territory of the Republic of Slovenia;
- (3) by naturalization, that is: by admission to citizenship, on the basis of request;
- (4) according to international agreements.

1. OBTAINING OF CITIZENSHIP BY ORIGIN

Article 4

Citizenship of the Republic of Slovenia can be obtained by origin under the following

conditions:

- (1) if, at the moment of a child's birth, the parents are citizens of the Republic of Slovenia;
- (2) if, at the moment of a child's birth, one of the parents is a citizen of the Republic of Slovenia and the child was born in the Republic of Slovenia;
- (3) if, at the moment of a child's birth, one of the parents is a citizen of the Republic of Slovenia, the other being unknown or of unknown citizenship, or without any citizenship, and the child was born abroad.

Article 5

A child born abroad, whose parent is a citizen of the Republic of Slovenia at the moment of the child's birth, another parent being a foreign citizen, obtains citizenship of the Republic of Slovenia by birth if, until the age of 18, an application for his citizenship is submitted, or if he/she comes to live permanently to the Republic of Slovenia with the parent, who is a citizen of the Republic of Slovenia, until the age of 18.

The application for citizenship from the previous paragraph is not necessary in case the child remains without citizenship.

The application for citizenship from the first paragraph of this article has to be submitted to the competent body for birth registration where the date of the child's birth would be registered subsequently, or to the competent body of the Republic of Slovenia, authorized to deal with consulate affairs abroad.

The application for the child's citizenship can be submitted by the parent who is a citizen of the Republic of Slovenia. In case the child is under guardianship because he/she has no parents, or the parents have been relieved from parentage rights or managing abilities, the tutor has the right to make an application for the child's citizenship in case the tutor is a citizen of the Republic of Slovenia, having the consent of the communal body competent for social care.

Article 6

A person older than 18 can also obtain citizenship of the Republic of Slovenia under conditions stated in the first paragraph of the previous article, if, up to the age of 23, he/she decides to choose the citizenship of the Republic of Slovenia by written statement.

The statement from the previous paragraph has to be submitted to the competent body for birth registration where the date of birth would be registered subsequently or to the competent body of the Republic of Slovenia authorized to deal with consulate affairs abroad.

Article 7

Under the conditions stated in Articles 4, 5 and 6 of this Act, a foreign person/adopted child can also obtain citizenship of the Republic of Slovenia if at least one of the foster parents is a citizen of the Republic of Slovenia and if, according to the stipulations of the country of which the adopted child is a national, the adoption means equal relation between the adopted child and foster parents are the same as those existing between real parents and children (in the further text: complete adoption).

Article 8

The person obtaining citizenship of the Republic of Slovenia according to the stipulations of Articles 4, 5, 6, 7 or 9 of this Act is considered as a citizen of the Republic of Slovenia from his birth on.

2. OBTAINING OF CITIZENSHIP BY BIRTH ON THE TERRITORY OF THE REPUBLIC OF SLOVENIA

Article 9

Citizenship of the Republic of Slovenia can be granted to a child, born or found on the territory of the Republic of Slovenia, in case that father and mother are unknown or their citizenship is unknown, or they are without citizenship.

Citizenship of the Republic of Slovenia obtained according to the previous paragraph, ceases upon the demand of the parents, if, up to the child's age of 18, it is stated that the parents are foreign citizens. Such a citizenship ceases with the date of handing of the decree.

3. OBTAINING OF CITIZENSHIP BY NATURALIZATION

Article 10

A person can obtain citizenship of the Republic of Slovenia by naturalization by asking for the citizenship of the Republic of Slovenia when the following conditions are fulfilled:

- (1) when he/she has reached the age of 18;
- (2) when he/she is dismissed from previous citizenship or is certain to obtain such a dismissal when obtaining the citizenship of the Republic of Slovenia;
- (3) when he/she has actually lived in Slovenia for 10 years, 5 years preceding the request for citizenship, continuously;
- (4) when he/she has assured residence and sufficient income that guarantees material and social security;
- (5) if he/she has colloquial knowledge of the Slovene language;
- (6) that he/she has not been sentenced to imprisonment longer than a year in the country whose citizen he/she was previously, for a penal act for which the perpetrator is prosecuted by official duty, if such an act is punishable by regulations of the above-mentioned country, as well as according to the regulations of the Republic of Slovenia;
- (7) that he/she has not been denied residence in the Republic of Slovenia;
- (8) that his/her admission to citizenship of the Republic of Slovenia does not endanger public order, security or defence of the state.

Article 11

The person requesting the obtention of the citizenship of the Republic of Slovenia by naturalization can be given a written assurance for admission to citizenship when all conditions stipulated in items 1, 3, 4, 5, 6, 7 and 8 of the first paragraph of the previous article are fulfilled.

In case the applicant from the previous paragraph fails to submit all the proofs mentioned in the second item of the first paragraph of the previous article within two years from receiving the above-mentioned written assurance, it is considered that his/her request has been withdrawn.

Article 12

Slovene emigrants and their descendants up to the third generation in direct relation can obtain citizenship of the Republic of Slovenia by naturalization, if they actually live in Slovenia continuously at least for one year and if they fulfil conditions mentioned in items 1, 4, 5, 6, 7 and 8 of first paragraph of Article 10 of this Act.

A person married to a citizen of the Republic of Slovenia can obtain citizenship of the Republic of Slovenia by naturalization when actually living in Slovenia continuously for one year and fulfilling the conditions mentioned in items 4, 5, 6, 7 and 8 of the first paragraph of Article 10 of this Act.

Article 13

Regardless of the conditions of Article 10 of this Act, the citizenship of the Republic of Slovenia by naturalization can also be obtained by a person of full age (18), if it is of special state interest due to scientific, economical, cultural, national or similar reasons.

An opinion on citizenship of the Republic of Slovenia to be obtained according to the previous paragraph has to be given previously by the Executive Council of the Assembly of the Republic of Slovenia.

Article 14

In case that father and mother obtain citizenship of the Republic of Slovenia by naturalization, their child may obtain it at their own request before the child reaches the age of 18.

In case one of the parents obtains the citizenship of the Republic of Slovenia by naturalization, the child under 18 obtains it as well, if both parents request it, no matter where the child lives at that time.

In case the child is older than 14, his consent is also required to obtain citizenship according to previous paragraphs.

In case of adoption where the relation between foster parents/adopted child is not the same as the relation between real parents and children, then the adopted child may obtain citizenship of the Republic of Slovenia upon foster parents' request in case the adopted child is under 18 and lives permanently in Slovenia with his foster parents.

Article 15

The person who obtains citizenship of the Republic of Slovenia by naturalization, according to Articles 40 to 41 of this Act, becomes a citizen of the Republic of Slovenia on the day he/she is handed the decree of obtention of citizenship of the Republic of Slovenia.

Article 16

The competent body issuing the decree of obtention of citizenship by naturalization may

cancel the decree within three years after its handing over, if it is stated and proved that naturalization was obtained with false statement or by intentional concealing of substantial facts or circumstances that would have affected the decision.

The above-mentioned decree cannot be cancelled if the person obtaining citizenship of the Republic of Slovenia by naturalization remains without citizenship.

In case the decree on naturalization of the parents is cancelled, the decree of naturalization of their children under 18 who obtained the citizenship of the Republic of Slovenia by naturalization simultaneously with their parents, can also be cancelled.

III. CEASE OF CITIZENSHIP

Article 17

Citizenship of the Republic of Slovenia ceases:

- (1)by dismissal;
- (2)by resignation;
- (3)by suppression)
- (4)according to international agreements.

1. THE CEASE OF CITIZENSHIP BY DISMISSAL

Article 18

Citizenship of the Republic of Slovenia ceases for each citizen of the Republic of Slovenia by dismissal (further: dismissal from citizenship of the Republic of Slovenia) if he/she requests it and if the following conditions are fulfilled:

- (1)he/she has reached the age of 18;
- (2)he/she actually lives in a foreign country;
- (3)there are no obstacles concerning military obligations;
- (4)he/she has settled all obligatory taxes and other legal duties;
- (5)he/she has settled all alimony duties from previous marriage and from relations between parents and children towards persons living in Slovenia;
- (6)there are no current penal processes in Slovenia against him/her for a criminal act which is prosecuted according to official obligations. In case of previous imprisonment sentence in Slovenia, he/she should have already served it;
- (7)he/she has already obtained or can prove that he/she will obtain a foreign citizenship.

Facts to be considered as obstacles concerning military obligations in item 3 from previous paragraph are described in detail by the Republic defence administrative body competent in defence.

The competent body for dismissal of decision-making has the right to reject the request for the dismissal from citizenship of the Republic of Slovenia although all conditions from the first paragraph of this article are fulfilled, if such a decision is necessary

because of security or country defence reasons or if it is claimed by reciprocity or other reasons in relation with the foreign country.

The competent body for dismissal of decision-making has the right to refuse the request for the dismissal from citizenship of the Republic of Slovenia although all conditions from the first paragraph of this article are fulfilled, if such a decision is conditioned by economic, social or national interests of the country.

Article 19

The person who asked for the dismissal of citizenship of the Republic of Slovenia can be given the dismissal assurance although he/she does not fulfil the conditions described in items 2 and 7 of the previous article.

If the person to whom such assurance was issued does not prove, within two years after assurance was handed, that he/she actually moved from the Republic of Slovenia and that he/she will obtain foreign citizenship or he/she has already obtained it, it is considered that the person in question has withdrawn his/her request.

Article 20

Citizenship of a person dismissed from citizenship of the Republic of Slovenia ceases on the day the decree about dismissal from citizenship of the Republic of Slovenia was handed to him.

Article 21

The competent body that decided about the dismissal from citizenship of the Republic of Slovenia can abolish the dismissal decree in case the person requests it and if he/she does not obtain foreign citizenship within a period of one year after the decree was handed to him.

The request for dismissal abolishment can be submitted

Article 22

The citizenship of the Republic of Slovenia of children under 18 ceases at the request of both parents whose citizenship ceased by dismissal, or citizenship of the Republic of Slovenia of one parent ceased in the same manner and the second parent is not a citizen of the Republic of Slovenia.

In case a child's parents are separated, the child's citizenship ceases by dismissal at the request of the parent with whom the child lives, i.e. to whom the child was assigned for care and education and who himself also asks for the dismissal from citizenship of the Republic of Slovenia or in case that the parent with whom the child lives is a foreign citizen. In both cases the agreement of the second parent is needed.

In case the second parent does not agree with the child's dismissal from citizenship of the Republic of Slovenia, the child can be given such a dismissal, if, for his benefit, the competent Republic administrative body for social care issues a consent for child's dismissal.

The above-mentioned consent has to be enclosed to the request for child's dismissal from citizenship of the Republic of Slovenia.

The consent from the second, i.e. the third paragraph of this article, is not necessary if

residence of the second parent cannot be established or in case his managing abilities or parentage rights were suppressed.

Article 23

Citizenship of the Republic of Slovenia of the minor child who is a citizen of the Republic of Slovenia ceases by dismissal in case of complete adoption, if his/her foster parent, who is a foreigner, asks for it or if his/her foster parent himself requests for the dismissal from citizenship of the Republic of Slovenia and all conditions from the previous article are fulfilled.

Article 24

The child's consent to cease his/her citizenship of the Republic of Slovenia is required in case he/she is older than 14 years.

2. THE CEASE OF CITIZENSHIP BY RESIGNATION

Article 25

The citizen of the Republic of Slovenia of age, born abroad, living there and who has foreign citizenship, has the right to resign from the citizenship of the Republic of Slovenia till he/she is 25 years old.

If the citizen of the Republic of Slovenia fulfills conditions from the previous paragraph the body competent for the resignation decision-making establishes with the decree that his/her citizenship of the Republic of Slovenia ceased with the day he/she handed the statement about resignation from citizenship of the Republic of Slovenia.

In case of the citizenship resignation of juvenile children the stipulations from articles 22, 23 and 24 of this Act are applies.

3. THE CEASE OF CITIZENSHIP BY SUPPRESSION

Article 26

The citizenship of the Republic of Slovenia can be suppressed to the citizen of the Republic of Slovenia who actually lives abroad and has foreign citizenship and if his/her activities are harmful to international and other interests of the Republic of Slovenia.

Activities harmful to international and other interests of the Republic of Slovenia are the following:

(1) persons who are members of an organization whose activities aim at destructing the constitutional order of the Republic of Slovenia;

(2) if a person is working for a foreign intelligence service so as to harm the interests of the Republic of Slovenia or if he harms its interests through his work in a state body or organization of the foreign country.

The decree about the suppression of citizenship of the Republic of Slovenia can be exceptionally issued in absence of the person involved.

The citizenship of the Republic of Slovenia of the person to whom it was suppressed ceases on the day the decree was handed. In case the decree cannot be handed to him, his citizenship of the Republic of Slovenia ceases on the day of publishing in the Official

Gazette of the Republic of Slovenia (Uradni List Republike Slovenije).

IV. COMMON STIPULATIONS

Article 27

The Republican administrative body competent for internal affairs makes decisions about obtaining citizenship of the Republic of Slovenia with naturalization, the cessation of citizenship and about the issuing of the assurance from articles 11 and 19 of this Act.

The request to obtain citizenship with naturalization is submitted to the communal administrative body competent for internal affairs in the area where the person has a permanent or temporary residence. The request for dismissal from citizenship as well as the citizenship resignation statement can be submitted to the Republic of Slovenia body abroad, which is authorized to handle consulate affairs; if this is not possible due to objective circumstances, it can be submitted to the Republican administrative body competent for internal affairs.

Request for the obtention of citizenship of the Republic of Slovenia according to article 13 of this Act can be submitted to the Republican administrative body competent for internal affairs. If the person lives abroad, he/she can submit his/her request to the Republic of Slovenia abroad which is authorized to handle consulate affairs.

Article 28

When the competent body decides to turn down the request from articles 10, 11 and 12 or from the third and fourth paragraphs of article 18 as well as from article 19 of this Act, it does not have to state the reasons that led to such a decision in the decree.

Article 29

Citizenship at first level is established by the communal administrative body which is competent for internal affairs in the area where the person has a permanent residence. It is also obliged to issue a decree about his citizenship following the person's request. The same decree has to be issued at the request of the body in charge of the process to assert the person's rights.

Article 30

Bodies competent for birth register, permanent register and other bodies that are, according to the law, obliged to include the information about the individual's citizenship into its official record-keeping, have to be informed about the obtention or the loss of citizenship.

V. THE CITIZENSHIP RECORD KEEPING

Article 31

The citizenship being the constituent part of the individual's personal state, the record-keeping about citizenship of the Republic of Slovenia is kept in the birth register, according to birth register stipulations.

In case when a citizen of the Republic of Slovenia was not born in Slovenia, his/her citizenship has to be recorded together with the subsequent record of his/her birth according to the birth register act.

Article 32

For the sake of integrity of the record-keeping about citizenship of the Republic of Slovenia and because of the accurate recording of the state in this field, the Republican administrative body competent for internal affairs is responsible for the central record-keeping about citizenship.

Article 33

The central record-keeping about citizenship contains the following data:

- (1) family name and name;
- (2) date and place of birth;
- (3) personal register number of the citizen (EMSO);
- (4) permanent or temporary residence;
- (5) records about the entry in the birth register (if the person has been registered in the citizenship register, restored according to previous stipulations, the entry in the record-keeping has to be registered).

For the Republic of Slovenia citizens who obtained this citizenship with the decree of the body competent for decision-making about the naturalization or according to international contracts, the record-keeping contains, in addition to all information from the previous paragraph, the following records:

- (1) profession and school education;
- (2) residence at the time of naturalization (if this record is equal to the residence under item 4 of the previous paragraph, this information does not have to be included);
- (3) citizenship before naturalization or, in case it is unknown, his/her nationality;
- (4) number and date of decree and body that issued the decree;
- (5) legal basis, i.e. the manner of obtaining citizenship;
- (6) date of obtention of citizenship of the Republic of Slovenia.

Information about the nationality under item 3 from the previous paragraph is recorded only with the consent of the person involved.

For all persons to whom the citizenship of the Republic of Slovenia has ceased, the record-keeping contains, in addition to the records from the first paragraph of this article, some additional information:

- (1) profession and school education;
- (2) residence before departure abroad;
- (3) residence at the time of the dismissal from citizenship;
- (4) number and date of decree and body that issued the decree about the dismissal from citizenship;

- (5) date when citizenship of the Republic of Slovenia has ceased;
- (6) foreign citizenship;
- (7) date of emigration;
- (8) reason why he/she asked for the dismissal from citizenship of the Republic of Slovenia.

Regarding Republic of Slovenia citizens who have another foreign citizenship, the record-keeping contains, in addition to the records from the first paragraph of this article, the information about his/her foreign citizenship and the date of its obtention as well.

Personal records are stored in the central record-keeping of citizenship 50 years after the death of the person or after his/her citizenship has ceased.

After the time specified in the previous paragraph, records are stored in the archives.

Article 34

Records for citizenship record-keeping are gathered directly from individuals to whom they refer.

Regardless of the previous paragraph, records are collected, when possible:

- (1) from birth register;
- (2) from citizenship register;
- (3) from official documents;
- (4) from other persons, according to the law.

Article 35

Personal records from citizenship record-keeping can be used only by employees of the administrative body for internal affairs who perform tasks defined by law.

Bodies that are competent for citizenship record-keeping can transmit the records from record-keeping to other users legally authorized to have access to this information or on the basis of the agreement or request made by the person to whom the records refer.

Information users from the previous paragraph are not allowed to give personal records to others users and can use such information only for the purpose for which they were given.

Article 36

The Republican administrative body competent for internal affairs has the right, under the condition of reciprocity, to give the individual's records from citizenship record-keeping to other countries, if the following conditions are fulfilled:

- (1) if the bodies that are to receive the records are competent for citizenship affairs;
- (2) if the receiver of the records engages himself that he would use the given

information only for the purposes related to citizenship, in opposite case, only if it is necessary for the execution of a penal process or if it undoubtedly benefits the person to whom the records refer;

(3)if the state in which the receiver of the records has his seat, guarantees the protection of personal records for foreigners as well.

The facts from the third items of the previous paragraph are established by the Republican administrative body competent for international co-operation.

Article 37

Citizenship of the Republic of Slovenia is proved by the confirmation or other public documents about citizenship issued by the body competent for official record-keeping containing the person's citizenship or by the communal administrative body competent for internal affairs in the area where the person has a permanent residence.

Article 38

If the proceeding for establishment of the citizenship or for obtaining or cease of citizenship of the Republic of Slovenia was started at the client's request and it is not possible to close the proceeding without his/her collaboration, his/her silence is understood as withdrawal and if he/she, in spite of competent body's notice, does not perform anything needed to continue or finish the proceeding, i.e. it is possible to assume from the omission of such acts, that he/she is no longer interested in continuing the proceeding.

The proceeding cannot be stopped due to reasons from the previous paragraph before a period of three months has elapsed after the notice was issued.

VI. TRANSITIONAL STIPULATIONS

Article 39

According to this Act, the citizen of the Republic of Slovenia is assumed to be everyone who, according to previous stipulations, had the citizenship of the Republic of Slovenia and of SFRJ.

Article 40

The citizen of any other republic who had permanent residence in the Republic of Slovenia on the day of plebiscite about the autonomy and independence of the Republic of Slovenia and actually lives in Slovenia, obtains citizenship of the Republic of Slovenia if he/she submits the request to the communal body competent for internal affairs where he/she permanently resides, within six months from the day this act is put into force.

Irrespective of the fulfillment of conditions under the previous paragraph, an application for acquiring citizenship of the Republic of Slovenia shall be rejected if after 26.6.91 the person has committed an offense under section fifteen or sixteen of the Penal law of SFRY (OfficialGazette of SFRY, no. 44/76, 34/84, 74/87, 57/89, 3/90 and 38/90), taken up arms against the Republic of Slovenia or other values which in accordance with the provisions of the first paragraph of article 4 of the constitutional law for implementing the basic constitutional act on the sovereignty and independence of the Republic of Slovenia are safeguarded by the penal law of the Republic of Slovenia, irrespective of where this act was performed. If criminal proceedings have been initiated for this offense, the procedure for obtaining citizenship shall be suspended until the criminal

proceedings are completed.

Irrespective of the fulfillment of the provisions of the first paragraph of this article, an application may also be rejected from persons for whom there are additional reasons under point 8 of the first paragraph of article 10 of this law.

Children obtain citizenship of the Republic of Slovenia under the conditions stipulated in Article 14 of this Act.

(amended by Act supplementing the Citizenship Act of the Republic of Slovenia, No. 213-11/90-2/24)

Article 41

Persons to whom citizenship of the People's Republic of Slovenia and citizenship of FLRJ was suppressed, i.e. non-commissioner officers and officers of late Yugoslavia army who do not want to come back to their homeland, participants of military formations who collaborated with the occupant and who later escaped abroad, as well as persons who emigrated abroad after the liberation (Official Gazette "Uradni list FLRJ st. 84/46"), and their children can obtain citizenship of the Republic of Slovenia if they submit the request to the Republican administrative body competent for internal affairs, within one year from the day this act is put into force.

Under the conditions of the previous paragraph, Slovene emigrants who lost the citizenship of the People's Republic of Slovenia and of FLRJ on the basis of their absence, can also obtain citizenship of the Republic of Slovenia.

Article 42

The Republican administrative body competent for internal affairs decides about obtaining citizenship of the Republic of Slovenia according to articles 40 and 41 of this Act.

Article 43

The citizenship of persons who, according to previous stipulations, had been citizens of the Republic of Slovenia but have not been registered in the record-keeping of the Republic of Slovenia citizens until now, is subsequently inscribed into the birth register. This is done on the basis of a decree issued after official duty by the competent communal body. If his/her birth is also not registered, records about citizenship have to be inscribed together with the inscription of the birth according to the Birth Registers Act.

Article 44

The confirmation about citizenship of the Republic of Slovenia on the basis of record-keeping, regulated by previously valid stipulations, is issued by the body competent for internal affairs which runs this record-keeping or the communal administrative body for internal affairs in the area where the person has a permanent residence.

Article 45

Until the record-keeping mentioned in Article 32 of this Act is restored, the Republican administrative body competent for internal affairs runs separate record-keeping: about obtaining citizenship of the Republic of Slovenia with naturalization, with the admission,

about the acceptance of citizens from other republics into citizenship of the Republic of Slovenia, about the dismissal, resignation, citizenship suppression, about the loss of citizenship of the Republic of Slovenia due to absence, the record-keeping of optants for Italian citizenship and partial record-keeping of persons with inter-citizenship.

The record-keeping mentioned in the previous paragraph contains records of Article 33 of this Act and are collected and utilized in the manner defined in articles 34, 35 and 36 of this Act.

Article 46

The principal of the Republican administrative body competent for internal affairs issues detailed stipulations about the way how to run the central citizenship record-keeping.

VII. FINAL STIPULATIONS

Article 47

On the day this Act is put into force, the Citizenship of the Socialist Republic of Slovenia (Official Gazette "Uradni list 23/76") is no longer valid.

Article 48

This Act is put into force on the day it is published in the Official Gazette of the Republic of Slovenia (Uradni List Republike Slovenije).
