

CITIZENSHIP OF THE REPUBLIC OF SLOVENIA ACT

officially revised text (ZDRS-UPB1)¹

I. GENERAL PROVISIONS

Article 1

This Act stipulates the methods and conditions for the acquisition and the loss of citizenship of the Republic of Slovenia.

Article 2

On the territory of the Republic of Slovenia, a citizen of the Republic of Slovenia, who also has the citizenship of a foreign country, shall be considered citizen of the Republic of Slovenia, unless otherwise stipulated by international agreement.

II. ACQUISITION OF CITIZENSHIP

Article 3

Citizenship of the Republic of Slovenia shall be acquired:

1. by origin;
2. by birth on the territory of the Republic of Slovenia;
3. by naturalisation, i.e. admission to citizenship on the basis of an application;
4. in compliance with international agreement.

1. Acquisition of Citizenship by Origin

Article 4

A child shall obtain citizenship of the Republic of Slovenia by origin:

1. if at the time of his/her birth, the father and mother are citizens of the Republic of Slovenia;
2. if at the time of his/her birth, one of the parents is a citizen of the Republic of Slovenia and the child is born in the Republic of Slovenia;
3. if at the time of his/her birth, one of the parents is a citizen of the Republic of Slovenia and the other parent is unknown or of unknown citizenship or stateless and the child is born in a foreign country.

Article 5

¹ Source: <http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/EN/enDUNZ/ZDRS-Eng.doc>

A child born in a foreign country, whose one parent is a citizen of the Republic of Slovenia at the time of the child's birth and the other is a foreign citizen, shall obtain citizenship of the Republic of Slovenia by origin, if the child is registered as a citizen of the Republic of Slovenia before the age of 18 years, or if the child actually permanently settles in the Republic of Slovenia before the age of 18 years with the parent, who is a citizen of the Republic of Slovenia.

The registration under the preceding paragraph shall not be necessary if the child would remain stateless.

The declaration on registration under the first paragraph of this Article shall be submitted to the authority competent for keeping the registers of births, marriages and deaths in which the child's birth shall be registered, or to the competent authority of the Republic of Slovenia abroad authorised for performing consular matters.

The child can be registered as a citizen of the Republic of Slovenia by the parent, who is a citizen of the Republic of Slovenia. If the child is a ward because he/she does not have any parents, or they have been taken the parental right or have been incapacitated, the child's guardian, who is a citizen of the Republic of Slovenia, can register the child with the consent of the Centre for Social Security.

Article 6

Subject to the conditions of Paragraph 1 of the preceding Article, citizenship of the Republic of Slovenia shall also be acquired by a person, who is older than 18 years, if he/she declares for the registration into citizenship of the Republic of Slovenia prior to reaching the age of 36 years.

A declaration under the preceding paragraph shall be filed with the authority competent for keeping the register of births, marriages and deaths in which subsequently the birth shall be entered, or with the competent authority of the Republic of Slovenia abroad authorised for performing consular matters.

Article 7

Subject to the conditions under Articles 4, 5 and 6 hereof, an adoptive child – alien shall acquire citizenship of the Republic of Slovenia by adoption, if at least one of the adoptive parents is a citizen of the Republic of Slovenia and if under the regulations of the country whose citizen the adoptive parent is, by the adoption, the same relationship is established between the adoptive parent and the adoptee as the relationship between parents and children (hereinafter referred to as: full adoption).

Article 8

Pursuant to Articles 5 and 7 hereof, the acquisition of citizenship for a child older than 14 years shall require his/her consent.

A person who acquires citizenship of the Republic of Slovenia in compliance with the provisions 4, 5, 6, 7 or 9 hereof shall be regarded as a citizen of the Republic of Slovenia by birth.

2. Acquisition of Citizenship by Birth in the Territory of the Republic of Slovenia

Article 9

A child born or found in the territory of the Republic of Slovenia shall acquire citizenship of the Republic of Slovenia if his/her father and mother are unknown or of unknown citizenship, or stateless.

Upon request of the parents, citizenship of the Republic of Slovenia of a child who acquired citizenship of the Republic of Slovenia in accordance with the preceding paragraph, shall be lost if prior to the age of 18 years it is discovered that the parents are foreign citizens. Citizenship shall be lost on the day the decision was handed over.

3. Acquisition of Citizenship by Naturalisation

Article 10

The competent authority may, within its discretion, admit a person requesting naturalisation if it is in compliance with the national interest. The person must fulfil the following conditions:

1. be 18 years of age;
2. have release from current citizenship or prove that he/she will obtain release if he/she acquires citizenship of the Republic of Slovenia;
3. that the person has actually been living in Slovenia for 10 years, of which for the past 5 years prior to the submission of the application continuously and has the lawful status of an alien;
4. that the person has a guaranteed permanent source of income at least in the amount that enables material and social security;
5. that the person has a command of the Slovene language for the purposes of everyday communication which he/she shall prove by a certificate verifying that he/she passed a basic level exam in Slovene;
6. that the person has not been sentenced to a prison sentence longer than one year in the country of which he/she is a citizen or in Slovenia for a criminal offence which is prosecuted by law provided that such an offence is punishable pursuant to the regulations of his/her country as well as pursuant to the regulations of the Republic of Slovenia;
7. that the person's residence permit in the Republic of Slovenia has not been annulled;
8. that the person's naturalisation poses no threat to the public order, security or defence of the State;
9. that the person has settled all tax obligations;
10. that the person submits a declaration that by obtaining citizenship of the Republic of Slovenia, he/she agrees with the legal system of the Republic of Slovenia.

The condition under Item 2 of the preceding paragraph shall be considered fulfilled if the person is stateless or if he/she proves that pursuant to the law of his/her country, he/she lost citizenship by the naturalisation itself. In the event the person submits evidence that his/her country does not give release from citizenship or that the voluntary acquisition of foreign citizenship is considered an act of disloyalty which, pursuant to the country's regulations is sanctioned, the declaration of the applicant that he/she will renounce foreign citizenship if he/she will be granted citizenship of the Republic of Slovenia shall suffice.

The obligatory examination of the command of the Slovenian language pursuant to Paragraph 1, Item 5 of this Article shall be taken by the person applying for the acquisition of citizenship before the competent commission, which shall be appointed by the Government of the Republic of Slovenia and which shall specify the criteria for the written and oral examination of the Slovenian language.

The conditions under Paragraph 1, Item 5 hereof shall be considered fulfilled if:

1. the person finished primary school in the Republic of Slovenia;
2. the person finished secondary school in the Republic of Slovenia;
3. the person obtained a higher education or university degree, i.e. completed higher education or university studies after 25.6.1991;
4. the person is over 60 years of age and has actually been living in Slovenia for 15 years.

The condition under Paragraph 1, Item 5 of this Article shall further be fulfilled if a person who is illiterate can communicate orally in the Slovenian language, which he/she shall prove by a certificate on the successfully passed examination on the oral command of the Slovene language at a basic level. A person who is not able to pass the examination in the required form due to reasons of health that prevent everyday communication shall not be required to fulfil the condition under Paragraph 1, Item 5.

If criminal proceedings have been initiated for a criminal offence under Paragraph 1, Item 6 of this Article, the authority competent for deciding on the naturalisation shall suspend the procedure until a legally binding decision has been taken in the criminal proceedings.

The condition under Paragraph 1, Item 6 of this Article shall be considered fulfilled if the terms for the removal of the conviction from the criminal records are given.

Article 11

A guarantee may be issued to a person who has filed an application for citizenship of the Republic of Slovenia by naturalisation that he/she will acquire citizenship if he/she fulfils the conditions under Paragraph 1, Items 1, 3, 4, 5, 6, 7, 8, 9 and 10 of the preceding Article.

If the person referred to in the preceding paragraph does not present the evidence under Paragraph 1, Item 2 of the preceding Article within a period of two years subsequent to the receipt of the guarantee, it shall be considered that the person has withdrawn his/her application.

Article 12

If it is in the national interest, the competent authority may, at its own discretion, naturalise a Slovene expatriate and his/her descendant to the third generation in direct descent, if he/she has actually been living in Slovenia continuously for at least one year prior to submitting the application, if he/she has the lawful status of an alien and if he/she fulfils the conditions under Article 10, Paragraph 1, Items 1, 4, 5, 6, 7, 8, 9 and 10 hereof.

If it is in the national interest, the competent authority may, at its own discretion, naturalize a person who lost Slovenian citizenship due to renouncement of or release from citizenship in accordance with the provisions hereof, or in accordance with the regulations that governed citizenship in the territory of the Republic of Slovenia prior to the adoption of this Act, if the person has actually been living in Slovenia for six successive months prior to filing the application, provided that he/she has the lawful status of an alien and fulfils the conditions under Article 10, Paragraph 1, Items 1, 4, 6, 7, 8, 9 and 10 hereof.

If it is in the national interest, the competent authority may, at its own discretion, naturalise a person, who has been married to a citizen of the Republic of Slovenia for at least two years, if he/she has actually been living in Slovenia continuously for at least one year prior to filing the application, provided that he/she has the lawful status of an alien and fulfils the conditions under Article 10, Paragraph 1, Items 1, 2, 4, 5, 6, 7, 8, 9 and 10 hereof.

Subject to the consent of the Government of the Republic of Slovenia, the person under the preceding paragraph may, according to a special application acquire citizenship of the Republic of Slovenia by way of exception even if he/she does not fulfil the conditions under Article 10, Paragraph 1, Item 2 hereof.

If it is in the national interest, the competent authority may, at its own discretion, naturalise a person who has reached his/her majority, born in the territory of the Republic of Slovenia, if he/she has actually been living in Slovenia since his/her birth and if he/she fulfils the conditions under Article 10, Paragraph 1, Items 6, 7, 8, 9 and 10 hereof.

In making the decisions referred to in the preceding paragraph, the competent authority may take into account personal, family, economic, social and other ties binding the person to the Republic of Slovenia as well as consequences that a refusal of the application for citizenship of the Republic of Slovenia would cause.

If it is in the national interest, the competent authority may, at its own discretion, naturalise a person with refugee status granted pursuant to the Asylum Act, if he/she has actually been living in Slovenia for 5 successive years prior to submitting the application and if he/she fulfils the conditions under Article 10, Paragraph 1, Items 1, 4, 5, 6, 7, 8, 9 and 10 hereof.

If it is in the national interest, the competent authority may, at its own discretion, naturalise a person without citizenship (a stateless person), if he/she has actually been living in Slovenia for 5 successive years prior to submitting the application, if he/she has the lawful status of an alien and if he/she fulfils the conditions under Article 10, Paragraph 1, Items 1, 4, 5, 6, 7, 8, 9 and 10 hereof.

Article 13

A person over 18 years of age may obtain citizenship of the Republic of Slovenia by naturalisation if this offers scientific, economic, cultural, national or similar benefits

to the state, provided that the individual has actually been living in Slovenia uninterruptedly for at least one year prior to submitting the application and has the lawful status of an alien, and if he/she fulfils the conditions referred to in Items 4, 6, 8, 9 and 10 of the first paragraph of Article 10 hereof.

A person referred to in the preceding paragraph exercising the benefit to the state for national interest cause shall not be required to fulfil the condition of actually living in Slovenia.

The existence of reasons under the preceding paragraph of this Article shall be preliminarily ascertained by the Government of the Republic of Slovenia on the basis of the opinion of the competent ministry.

Article 13 a
(repealed)

Article 14

A child under the age of 18 years shall acquire citizenship of the Republic of Slovenia if so requested by his/her father and the mother, who acquired citizenship of the Republic of Slovenia by naturalisation.

If one of the parents has acquired citizenship of the Republic of Slovenia by naturalisation, his/her child under the age of 18 years shall acquire it as well, if said parent so requests and if the child has been living with him/her in Slovenia continuously for at least one year prior to submitting the application and has the lawful status of an alien.

Notwithstanding the provision under the preceding paragraph, citizenship of the Republic of Slovenia shall be granted to a child born in the Republic of Slovenia and not yet having reached one year of age, if so requested by the parent who has obtained citizenship of the Republic of Slovenia by naturalization.

If one of the parents has acquired citizenship of the Republic of Slovenia by naturalisation pursuant to Article 13 hereof for national reasons, his/her child under the age of 18 years shall also obtain citizenship upon request by said parent.

Citizenship of the Republic of Slovenia may be granted to a child having no parents or whose parents have lost their parental rights or their functional capacity, and who has been living in Slovenia since his/her birth, upon the request of his/her guardian who is a citizen of the Republic of Slovenia and with whom the child lives, provided that consent is given by the Ministry competent for family and social affairs due to the acquisition of citizenship representing a benefit to the child.

If the child is over the age of 14 years, his/her consent is necessary to acquire citizenship pursuant to the preceding paragraphs of this Article.

In the case of adoption, where no such relation between the adoptive parent and the adoptee is established as between parents and children, an adoptee, who has not reached the age of 18 years, can acquire citizenship of the Republic of Slovenia upon request of his/her adoptive parents, who are citizens of the Republic of Slovenia, if he/she lives permanently with the adoptive parents in Slovenia.

Article 15

Whoever acquires citizenship of the Republic of Slovenia by naturalisation or in accordance with Article 40 hereof shall become citizen of the Republic of Slovenia as of the day the written decision on acquisition of citizenship of the Republic of Slovenia is handed over to him/her.

Article 16

The authority that issued the decision on acquisition of citizenship by naturalisation may revoke the decision, if it is discovered that the naturalisation was achieved by false declarations or by deliberate concealment of essential facts or circumstances that might have influenced the decision.

The decision shall also be revoked in the case, if the person acquired citizenship of the Republic of Slovenia on the grounds of the foreign state's guarantee that foreign citizenship will be lost, if the person acquires citizenship of the Republic of Slovenia provided that within the period determined in the decision on acquisition of citizenship of the Republic of Slovenia, the person does not submit the evidence on the loss of his/her previous citizenship.

In the case that the decision on naturalisation of the parents is repealed, the decision on naturalisation of their children under the age of 18 years, who obtained citizenship of the Republic of Slovenia by naturalisation at the same time as their parents, may also be repealed.

III. LOSS OF CITIZENSHIP

Article 17

Citizenship of the Republic of Slovenia shall be lost:

1. by release,
2. by renunciation,
3. by deprivation,
4. in compliance with international agreement.

1. Loss of Citizenship by Release

Article 18

A citizen of the Republic of Slovenia shall lose citizenship of the Republic of Slovenia by release (hereinafter referred to as: release from citizenship of the Republic of Slovenia), if a citizen so requests and fulfils the following conditions:

1. that the applicant has reached the age of 18 years;
2. that the person actually lives abroad;
3. that there are no military service obligations;
4. that all due debts and other lawful obligations have been settled;

5. that all maintenance obligations arising from matrimony and from parent and child relation have been settled with persons who reside in Slovenia;

6. that there is no criminal prosecution for criminal offence prosecuted by law currently running against such person in Slovenia, and that if the person was sentenced to prison in Slovenia, the sentence has been handed over;

7. that the person can prove or has proof that he/she will be granted foreign citizenship.

The military service obligations under Item 3 of the preceding paragraph shall be regulated in detail by the Ministry responsible for defence.

The authority competent for making the decision on the release may reject an application for release from citizenship of the Republic of Slovenia even though the conditions under the first paragraph of this Article are fulfilled, if such a solution is required for reasons of safety or defence of the State, or if required for reasons of reciprocity or for other reasons connected with a relationship with a foreign state.

The authority competent for making decisions on the release may reject an application for release from citizenship of the Republic of Slovenia although the conditions under the first paragraph of this Article are fulfilled, if such a solution is required in the economic, social and national interest of the State.

Article 19

A release guarantee may be issued to a person that has applied for release from citizenship of the Republic of Slovenia although he/she does not fulfil the conditions under Items 2 and 7 of the preceding Article.

Should a person to whom a guarantee under the preceding paragraph has been issued not provide proof within a period of two years after such guarantee was handed over that he/she has actually moved from the Republic of Slovenia and that he/she has been guaranteed foreign citizenship or that he/she has already acquired foreign citizenship, it shall be considered that he/she has withdrawn his/her application.

Article 20

A person that is released from citizenship of the Republic of Slovenia shall lose citizenship of the Republic of Slovenia on the day the decision on the release from citizenship of the Republic of Slovenia has been handed over to the person.

Article 21

The authority that decided on the release from citizenship of the Republic of Slovenia may revoke the decision on release, if the person so requires and if he/she within one year subsequent to the receipt of the decision did not acquire foreign citizenship.

The application for the withdrawal of the decision on the release may be filed within one year after the handing over of the decision.

Article 22

A child up to the completed age of 18 years shall lose citizenship of the Republic of Slovenia at the request of both parents who lost citizenship by release, or of one of the parents who lost citizenship and the other parent is not a citizen of the Republic of Slovenia.

A child whose parents are divorced shall lose citizenship of the Republic of Slovenia by release at the request of the parent with whom the child resides or to whom the child was allocated for care and education, and who himself/herself has requested release from citizenship of the Republic of Slovenia, or in the case that the parent, with whom the child resides, is an alien. In both cases, the consent of the other parent shall be required.

If the other parent does not agree with the release of the child from citizenship of the Republic of Slovenia, the child shall obtain release if the ministry responsible for family and social affairs gives its consent to the child's release if it will benefit the child.

Such consent shall be attached to the application for release of a child from citizenship of the Republic of Slovenia.

It shall be unnecessary to obtain the consent under Paragraphs 2 and 3 of this Article if the whereabouts of the second parent cannot be found out or if he/she has been deprived of his/her functional capacity or parental rights.

Article 23

In the case of full adoption, an adoptee under the age of 18 years who has citizenship of the Republic of Slovenia shall lose citizenship of the Republic of Slovenia by release if so required by the adoptive parent who is either an alien or an adopter who has applied for release from citizenship of the Republic of Slovenia, if the conditions under the preceding Article are fulfilled.

Article 24

If a child is over the age of 14 years, the loss of citizenship of the Republic of Slovenia shall be subject to his/her consent.

2. Loss of Citizenship by Renunciation

Article 25

Any adult citizen of the Republic of Slovenia born in a foreign country and residing there and who has foreign citizenship may renounce citizenship of the Republic of Slovenia until the age of 25 years.

If a citizen of the Republic of Slovenia fulfils the requirements under the preceding paragraph, the authority competent for deciding on renunciation shall stipulate by decision that such a person lost citizenship of the Republic of Slovenia as of the day that he/she filed such declaration of renunciation of citizenship of the Republic of Slovenia.

As regards the renunciation of citizenship of minors, the provisions under Articles 22, 23 and 24 hereof shall be applied *mutatis mutandis*.

3. Loss of Citizenship by Deprivation

Article 26

A citizen of the Republic of Slovenia, actually residing in a foreign country and also in possession of foreign citizenship, may be deprived of citizenship of the Republic of Slovenia if his/her activities are harmful to the international or other interests of the Republic of Slovenia.

Activities considered harmful to international and other interests of the Republic of Slovenia include:

1. if the person is a member of an organisation engaged in activities to overthrow the Constitutional order of the Republic of Slovenia;
2. if the person is a member of a foreign intelligence service and as such harms the interests of the Republic of Slovenia or if he/she harms such interests by serving under any government authority or organisation of a foreign state;
3. if the person is a persistent perpetrator of criminal offences prosecuted *ex officio* and of offences against public order;
4. if the person, despite the appeal of the competent authority, refuses to carry out the duty of the citizen of the Republic of Slovenia prescribed by the Constitution and the law.

The person shall be considered to possess foreign citizenship if in possession of a foreign passport or performing military service according to the regulations of the state, or if he/she is employed with the state authorities or in military service of the foreign state.

The decision on deprivation of citizenship of the Republic of Slovenia may exceptionally be issued without the presence of the person concerned in the procedure.

A person deprived of citizenship of the Republic of Slovenia shall lose citizenship of the Republic of Slovenia on the day the decision was handed over to the person; if the decision cannot be handed over, citizenship of the Republic of Slovenia shall be lost on the day the decision is published in the Official Gazette of the Republic of Slovenia.

IV COMMON PROVISIONS

Article 27

The ministry responsible for internal affairs shall decide on the acquisition of citizenship of the Republic of Slovenia by naturalisation, on the loss of citizenship and on the issuing of a guarantee under Articles 11 and 19 hereof.

The application for the acquisition of citizenship by naturalisation shall be filed with the administrative unit of the community where the person has his/her

permanent or temporary residence. An application for release from citizenship and an assertion of the renunciation of citizenship shall be filed with the authority of the Republic of Slovenia in a foreign country competent for consular affairs; if this were impossible for objective reasons, it shall be filed with the ministry responsible for internal affairs.

An application for the acquisition of citizenship of the Republic of Slovenia in accordance with Article 13 hereof shall be filed with the ministry responsible for internal affairs. If the applicant lives in a foreign country, it shall be filed with the authority of the Republic of Slovenia abroad competent for consular affairs.

Article 28

The criteria which ascertain the national interest for naturalisation according to Articles 10, 12 and 13 hereof and for refusal of a release application from citizenship of the Republic of Slovenia in compliance with Article 18, Paragraph 4 hereof shall be specified by the Government of the Republic of Slovenia. The Government of the Republic of Slovenia shall further specify the criteria of ascertaining the conditions under Article 10, Paragraph 1, Items 3, 4 and 8 hereof.

Article 29

The administrative unit of the community in which the applicant has his/her permanent residence shall establish citizenship in the first degree. Upon the request of any individual person about his/her citizenship, the administrative unit shall be obliged to issue a declaratory decision. Further, a declaratory decision shall be issued upon the request of an authority conducting a procedure in connection with the implementation of individual's rights.

Article 30

Acquisition or loss of citizenship shall be reported to the authority competent for keeping the register of births, the register of permanent residents and to other authorities that are obliged to keep data on the citizenship of individuals in accordance with the respective laws.

V. RECORDS ON CITIZENSHIP

Article 31

Since citizenship is a constituent part of the civil status of an individual, citizenship of the Republic of Slovenia shall be recorded in the register of births in compliance with the provisions of the Register of Civil Status Act.

If the citizen of the Republic of Slovenia was not born in Slovenia, his/her citizenship must be entered in the register at the same time as the subsequent registration of the person's birth in compliance with the provisions of the Register of Civil Status Act.

Article 32

The ministry responsible for internal affairs shall keep the central citizenship register in order to enable a complete record of citizenship of the Republic of Slovenia and the monitoring of the status in this area.

Article 33

The central register on citizenship shall contain the following data:

1. name and family name;
2. date and place of birth;
3. unified personal registration number of the citizen;
4. permanent or temporary residence;
5. data on the registration in the births register (if the person is registered in the citizenship register, established under previously valid regulations, the data on the registration shall be entered).

As regards citizens of the Republic of Slovenia who acquired citizenship by decision of the authority competent for deciding on naturalisation or by international agreement, the central register shall further include the following data besides the data under the preceding paragraph:

1. profession and educational qualifications;
2. residence at the time of naturalisation (if that data is identical to the residence under Item 4 of the preceding paragraph, there is no need to fill in this data);
3. citizenship before naturalisation, if unknown, then nationality;
4. number and date of the decision and of the authority that issued the decision on the loss of citizenship;
5. the date of loss of citizenship of the Republic of Slovenia;
6. foreign citizenship;
7. date of emigration;
8. reason for the request for loss of citizenship of the Republic of Slovenia.

Besides the data under Paragraph 1 of this Article, the register for citizens of the Republic of Slovenia who also have foreign citizenship shall include data on the foreign citizenship and the time of its acquisition.

The personal data shall be kept in the central register on citizenship for a period of 50 years after the death or after the loss of citizenship of a person to which these data apply.

Subsequent to the period under the preceding paragraph, the data shall be archived.

Article 34

Data for the register on citizenship shall be gathered directly from the persons the data relate to.

Notwithstanding the preceding paragraph, whenever possible, the following data shall be gathered:

1. from the register of births;
2. from the register on citizenship;
3. from public documents;
4. from other persons in accordance with the law.

Article 35

Personal data from the register on citizenship may be used by the employees of the police when performing their duties stipulated by law.

The authorities keeping the register on citizenship shall forward to other users the data from these records if they are authorised to use such data by law or on the basis of the consent or request of the individual they relate to.

The users of the data under the preceding paragraph must not forward such personal data to any other user and must only use the data for the purpose for which it was provided.

Article 36

The ministry responsible for internal affairs can forward data on an individual, included in the register on citizenship, to other states, under the condition of reciprocity, if the following conditions are fulfilled:

1. if the data is forwarded to authorities of a foreign country competent for matters of citizenship;
2. if the recipient of the data undertakes to only use the received data for purposes in connection with settling citizenship, in other cases, only if urgently needed, for the realisation of penal proceedings or if the communication of such data undoubtedly benefits the individual to whom the data refers;
3. if in the state where the authority to which such data is communicated has its seat, the protection of personal data is also guaranteed for foreigners.

The fact under Item 3 of the preceding paragraph shall be established by the ministry responsible for foreign affairs.

Article 37

Citizenship of the Republic of Slovenia shall be proved with an attestation or other public document of citizenship issued by the authority competent for keeping the official register, in which the citizenship of a person is registered, or the administrative unit of the community where the person permanently resides.

Article 38

If the procedure for the establishment of citizenship or for the acquisition or loss of citizenship of the Republic of Slovenia was introduced upon request of the person concerned and it is impossible to end the procedure without his/her cooperation,

his/her silence shall be considered as the withdrawal of the request, if he/she, despite an admonition from the competent authority, does not carry out any activity within the given term, necessary to continue or end the procedure, or if it can be concluded from the omission of such deeds that he/she is no longer interested in the continuation of the procedure.

The procedure can only be ended on the basis of the reasons under the preceding paragraph after three months have expired from the admonition.

Citizenship of the Republic of Slovenia Act – ZDRS (Official Gazette of the Republic of Slovenia, no. 1/91-I) contains the following transitional provisions as supplemented, amended or repealed by

- the Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-A (Official Gazette of the Republic of Slovenia, no. 30/91-I as of 14.12.1991),

- the Law on Changes and Amendments to the Citizenship of the Republic of Slovenia Act – ZDRS-B (Official Gazette of the Republic of Slovenia, no. 28/92 as of 1.8.1992),

- Decision of the Constitutional Court of the Republic of Slovenia U-I-69/92-30 on the repeal of Articles 41 and 13 a of the Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia, no. 61/92 as of 24.12.1992),

- Law on Changes and Amendments to the Citizenship of the Republic of Slovenia Act – ZDRS-C (Official Gazette of the Republic of Slovenia, no. 13/94 as of 10.3.1994),

- Decision of the Constitutional Court of the Republic of Slovenia U-I-89/99 on the repeal of Article 40, Paragraph 3 of the Citizenship of the Republic of Slovenia Act as far as referring to reasons of dangers of the public order, stipulated by Article 10, Item 8 of that Act (Official Gazette of the Republic of Slovenia, no. 59/99 as of 23.7.1999),

- Law on Changes and Amendments to the Citizenship of the Republic of Slovenia Act – ZDRS-Č (Official Gazette of the Republic of Slovenia, no. 96/02 as of 14.11.2002).

VI. TRANSITIONAL PROVISIONS

Article 39

Any person who held citizenship of the Republic of Slovenia and of the Socialist Federal Republic of Yugoslavia in accordance with the existing regulations shall be considered citizen of the Republic of Slovenia.

Article 39 a

A person who, on 23.12.1990, had a registered permanent residence in the Republic of Slovenia, or has actually been living in Slovenia continuously since that date shall be considered citizen of the Republic of Slovenia if he/she would acquire citizenship of the Republic of Slovenia pursuant to Article 37 of the Citizenship of the

Federal People's Republic of Yugoslavia Act (Official Gazette of the Democratic Federal Yugoslavia, no. 64/45 and Official Gazette of the Federal People's Republic of Yugoslavia, no. 54/46, 104/47, 88/48 and 105/48) provided that he/she acquired citizenship of any other republic of the former Socialist Federal Republic of Yugoslavia until 21.12.1950, although he/she did not make a statement according to Paragraph 2 of the obligatory explanation of Article 37, Paragraph 1 of the Citizenship of the Federal People's Republic of Yugoslavia Act dated 1.7.1946 (Official Gazette of the Federal People's Republic of Yugoslavia, no. 90/46).

A person who applies for the recognition of citizenship of the Republic of Slovenia according to the preceding paragraph must present evidence of the legal basis on which the entry in the register of citizenship was made in any other republic of the former Socialist Federal Republic of Yugoslavia.

The statement of the applicant shall be considered as proof by way of exception if the person concerned undisputedly proves that he/she could not receive proof under the preceding paragraph.

Article 40

A citizen of another republic that had registered permanent residence in the Republic of Slovenia on the day of the Plebiscite of the independence and sovereignty of the Republic of Slovenia on December 23, 1990, and has actually been living here, shall acquire citizenship of the Republic of Slovenia if within six months of the entry into force of this Act, he/she files an application with the administrative authority competent for internal affairs of the community where he/she has his/her permanent residence.

Regardless of whether the person fulfils the conditions under the preceding paragraph, the application for citizenship of the Republic of Slovenia shall be rejected if, since 26.6.1991, the person has committed a criminal offence under Chapter 15 or 16 of the Penal Code of the Socialist Federal Republic of Yugoslavia (Official Gazette of the Socialist Federal Republic of Yugoslavia, no. 44/76, 34/84, 74/87, 57/89, 3/90 and 38/90), directed against the Republic of Slovenia or other values that in accordance with the provision of Article 4, Paragraph 1 of the Constitutional Act Implementing the Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia are protected by the criminal laws of the Republic of Slovenia, irrespective of where the offence was committed. If criminal proceedings were instigated for the offence, the procedure for the acquisition of citizenship shall be pending until the criminal proceedings are finally finished.

Regardless of whether the person fulfils the conditions under Paragraph 1 of this Article, the application may be rejected if the reasons under Article 10, Item 8 hereof apply to the applicant. (Note: see Decision of the Constitutional Court of the Republic of Slovenia operative no. U-I-89/99, Official Gazette of the Republic of Slovenia, no. 59/99).

A child under the age of 18 years may acquire citizenship of the Republic of Slovenia under the provisions of Article 14 hereof.

Article 41

Until the age of 23 years, a person who was born in the Republic of Slovenia may declare himself/herself citizen of the Republic of Slovenia until the age of 18 years if one of his/her parents was a citizen of the Republic of Slovenia at the time the person was born but his/her parents later agreed on citizenship of another republic of the former Socialist Federal Republic of Yugoslavia.

Article 42

The ministry responsible for internal affairs shall decide on the acquisition of citizenship of the Republic of Slovenia in accordance with Article 40 hereof.

Article 43

Citizenship of persons who, according to the existing regulations were citizens of the Republic of Slovenia, however have not been registered in the register of citizens of the Republic of Slovenia, shall be subsequently entered in the register of births on the basis of a declaratory decision issued *ex officio* by the competent administrative unit. If the birth has not been registered, it shall be necessary to enter the data on citizenship together with registering the birth in compliance with the Registers Act.

Article 44

Certificates on citizenship of the Republic of Slovenia, on the basis of the records kept by earlier valid regulations, shall be issued by the authority responsible for internal affairs keeping such records or the administrative unit of the community where the person permanently resides.

Article 45

The ministry responsible for internal affairs shall keep the following separate records until the record under Article 32 hereof is established: on the acquisition of citizenship of the Republic of Slovenia by naturalisation, on the basis of a declaration, by naturalisation of citizens of other republics; on release, renunciation and deprivation of citizenship; on the loss of citizenship of the Republic of Slovenia through absence; a record of persons who opt for Italian citizenship and partial evidence of persons with dual citizenship.

The records under the preceding paragraph shall contain data pursuant to Article 33 hereof which shall be gathered and used in the way determined by Articles 24, 35 and 36 hereof.

Article 46

The minister responsible for internal affairs shall issue detailed regulations on keeping the Central Record on Citizenship.

Citizenship of the Republic of Slovenia Act – ZDRS (Official Gazette of the Republic of Slovenia, no. 1/91-I) contains the following final provisions:

VII. FINAL PROVISIONS

Article 47

The validity of the Citizenship of the Socialist Republic of Slovenia Act (Official Gazette of the Socialist Republic of Slovenia, no. 23/76) shall end on the day of entry into force of the present Act.

Article 48

The present Act shall enter into force on the day of its publication in the Official Gazette of the Republic of Slovenia.

The Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-A (Official Gazette of the Republic of Slovenia, no. 30/91-I) contains the following final provisions:

Article 2

This Act shall enter into force on the day of its publication in the Official Gazette of the Republic of Slovenia.

The Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-B (Official Gazette of the Republic of Slovenia, no. 38/92) contains the following final provisions:

Article 3

This Act shall enter into force on the day of its publication in the Official Gazette of the Republic of Slovenia.

The Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-C (Official Gazette of the Republic of Slovenia, no. 13/94) contains the following final provisions:

Article 11

This Act shall enter into force on the fifteenth day subsequent to its publication in the Official Gazette of the Republic of Slovenia.

The Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-Č (Official Gazette of the Republic of Slovenia, no. 96/02) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 19

A person who has reached his/her majority registered as a permanent resident in the territory of the Republic of Slovenia on 23.12.1990 and who has been living in the Republic of Slovenia continuously from that day may apply for citizenship of the Republic of Slovenia within one year of the entry into force of this Act if he/she fulfils the conditions under Article 10, Paragraph 1, Items 5, 6, 8 and 10 hereof.

In making the decision pursuant to the preceding paragraph as regards the fulfilment of the condition under Article 10, Paragraph 1, Item 6 and the fulfilment of Article 10, Paragraph 1, Item 8, regarding the lengths of the person's residing in the country, the competent authority may take into account his/her personal, family, economic, social and other ties binding the person to the Republic of Slovenia, and consider the consequences that the refusal of the application for citizenship of the Republic of Slovenia would cause for the person.

The applicant shall submit the application to the ministry responsible for internal affairs.

The applicant shall not bear any costs of the procedure under this Article.

Article 20

This Act shall enter into force on the fifteenth day of its publication in the Official Gazette of the Republic of Slovenia.