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COUNTRY REPORT: SLOVAKIA

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Revised and updated January 2013



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European University Institute, Florence
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EUDO Citizenship Observatory

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Slovakia

Dagmar Kusá

1 Introduction

Citizenship is both a status and praxis. As a status, it is defined by a collection of laws and regulations. In Slovakia, these have been shaped by both principles of *ius soli* and *ius sanguinis*, the latter gaining importance especially after the First and the Second World War. The praxis involves the civic and political participation by citizens as well as the policies of governments concerning the implementation of the law in relation to its citizens as well as to non-citizens. The latter depend strongly on the political situation of the times.

The development of Slovak citizenship legislation and practice has been closely intertwined with that of its immediate neighbours – Hungary and the Czech Republic. Both served as a foundation for the Slovak citizenship legislation and these neighbours continue to play a role as entities against which Slovak law now defines itself.

The question of national self-determination throughout the twentieth century has played a special role in shaping the theoretical and legal aspects of citizenship. National sentiments and maturing continue to play significant roles. There has been an upsurge in tensions between Slovakia and Hungary (mostly relating to the ethnic Hungarian minority in Slovakia), part of which involves the introduction of new legislation concerning the state language, which limits the use of minority and other languages for official purposes. This will also potentially touch upon foreign nationals or those who have acquired citizenship only recently.

Slovak legislation concerning immigration, asylum, and granting of citizenship to foreigners appeared rather progressive and forward-looking on paper. However, the actual practice of granting citizenship to the new residents of Slovakia has always been among the most restrictive and conservative in Europe. Since 2007, the conditions for acquisition of citizenship have been made stricter by increasing the required length of stay and through language requirements. In 2010, as a response to the Hungarian dual citizenship law, Slovakia has abolished the possibility of dual citizenship for its citizens who voluntarily acquire a foreign nationality. Aware that that was a rash reaction, yet unable to find consensus, ruling and opposition parties alike are to date still grappling with unsuccessful efforts to amend the citizenship law.

Immigration and the related question of citizenship acquisition have not yet been among the key political debates - however, as in neighbouring countries, there is an increasing trend of immigration from 'new' (to Slovakia) countries and it is likely to become a hot political topic within the next few years. Largely due to pressure from the EU, Slovakia has passed the “Guidelines for the Integration of Aliens in the Slovak Republic” in 2009. These official guidelines remain superficial, and the practice of integration patchy and insufficient.

The ethnic nationalism so prevalent in Central and Eastern Europe is also palpable in the citizenship terminology. As in most Slavic-speaking states, there is a distinction between the civic term ‘citizenship’ (*občianstvo*, which denotes all those who are legally citizens of the Slovak Republic) and the ethnic term ‘nationality’ (*národnosť*, which refers to person’s ethnicity).

2 Historical Background

Czechoslovak citizenship was created with the first Czechoslovak Republic on 28 October 1918. The collective identity to which it referred was cumbersome, to say the least, and was a result of the historical path of Czech and Slovak nation-building processes as well as of the peculiar nature of the new state that had resulted from the dissolution of the Austro-Hungarian Empire and from the peace treaties following the First World War. The Wilsonian principle of self-determination influenced the understanding of the concept of citizenship and contributed to the growing role of ethnicity in its legal definition. Concepts of citizenship and ethnic nationality are often difficult to set apart neatly. They influence each other, and both depend heavily on political interpretations. The Czechoslovak Republic consisted of a multitude of ethnic groups and the leadership struggled to assert the dominant position of the Czech and Slovak nations in their newly established Republic. National minorities, especially the three million Germans and close to a million Hungarians, formed 44 per cent of the total population. The Czechoslovak Government thus enforced an official Czechoslovak nationality¹ (instead of separate Czech and Slovak nationalities).

The sovereign nation needed to be propped up by some ‘objective’ quantifiable measures of dominance. Population censuses helped to provide these measures and also allowed citizens to be distinguished from foreigners.² The power of numbers as represented in the census became apparent to national leaders prior to the foundation of Czechoslovakia. With the growing turbulence over what was then called the ‘nationality question’ within the Habsburg Empire, the census became more and more powerful as an expression of ‘real’ power, as a ticket to future control over territory and as one of the determinants of state formation and boundaries. In 1900, for example, the German newspaper in Bohemia appealed to its readers: ‘Dear fellow citizens! Please pay close attention to column 13 (*Umgangssprache*) in the census form. The future of our nation depends on this minor entry. 1. What is the language used on a daily basis? It is the language most commonly used by an individual. Daily use means the communication in the family, among people that live together, in their employment, with an employer. Wherever this communication happens in the German language, no other language should be entered into column 13. Is the language used on a daily basis identical with the mother tongue? Absolutely not. Czech employees...use in their German employment the German language instead of their mother tongue. German is their language of everyday use.’ (Zeman 1994: 37). In a similar manner Czech, Slovak and Ruthenian leaders appealed to their respective constituencies to enter their mother tongue. Data were collected by census officials, often with the aid of the army and police, and accompanied by threats, blackmail or violence.

The census remained important, especially in border disputes after 1918. The northern part of the Czech Teschen-Silesia region and the southern part of the Slovak borderlands with Hungary were heavily disputed after the war and nationality was used as a tool for demarcation policies. Polish representatives based their arguments on census data from before 1918 which showed a clear majority of ethnic Poles in those territories. As the populations here were ethnically mixed and their mother tongue was often Polish or Hungarian, the question in the 1921 census carried out by the Czechoslovak Government was promptly

¹ Nationality in this context is not a synonym for citizenship, but refers to membership in an ethnic nation. The idea of a Czechoslovak nation did not take root. It was not popular with Czech and Slovak political representatives or with the general population and was eventually abandoned in favour of separate Czech and Slovak nationalities.

² For a detailed history of census taking and practices, see Kertzer & Arel 2002.

changed to ask directly about nationality. A Silesian nationality was created (alongside Polish and Czechoslovak ones). Respondents in this category were then automatically counted among Czechoslovak nationals. This resulted in a complete change of the population proportions. While the percentage of Poles fell to 25 per cent (from 139,000 to 69,000), the percentage of Czechoslovaks grew from 40 per cent to 65 per cent (from 123,000 to 177,000) (Paul 1998: 163).

The fate of Teschen-Silesia was decided at the Paris Peace Conference. Polish representatives succeeded in their demand for a plebiscite. If this had been carried out, Czechoslovakia might have lost some of these economically strong territories. However, the international commission overseeing the plebiscite could not agree on the conditions, the Red Army was already invading Poland, and legal norms in Czechoslovakia were confusing due to the existing state of legal dualism where Czech lands inherited the legal system from Austria, and Slovakia that of Hungary. A plebiscite was to be carried out not only in Silesia, but also in the northern Slovak areas of Spiš and Orava, which would result in implementing two plebiscites regulated by differing sets of laws. The northern boundary was therefore finally decided upon the recommendation of the Allied Powers. Poland was compensated for much of Silesia with 25 settlements in Orava and Spiš (Klimko 1980; Peroutka 1991).

Legal dualism was the result of differing practices in granting citizenship and domicile before 1918 following the Austro-Hungarian Compromise of 1867. While domicile, i.e. a legal title of residence in a municipality (*Heimatrecht*), was closely regulated and registered in Austria, this was not the case in the Hungarian part of the empire that included Slovakia.³ Even though domicile was granted to all those born and residing in a municipality, the gentry had a right to deny some people domicile even if they were born or had resided in the locality for a long time. Jurová (2002) maintains this was the fate of many Roma who moved from village to village. This was due to arts. 8-15 of the municipal law (XXVII/ 1886) that tied the acquiring of domicile of those who move and/or marry to fulfilling certain duties towards the municipality, thus giving the authorities opportunities for opportunistic interpretations. Furthermore, Act No. 222/1896 amended some provisions of the 1863 municipal law that specified conditions under which a Roma could be granted domicile.

The Roma and the Hungarians were groups that succeeding Czechoslovak governments sought to minimise statistically after 1918. The census of 1921 shows a remarkable number of ‘foreigners’ without Czechoslovak citizenship who still had domicile on Slovak territory. The extent to which these groups were affected by citizenship policies has unfortunately not been extensively researched and quantitative data in this area are missing (Jurová 2002).

Czechoslovakia’s citizenship regulations were further disturbed by the events of the Second World War. Slovakia experienced its first (debatably) independent statehood as a Nazi puppet state, while the Czech lands were occupied under the Third Reich’s Protectorate. The end of the Second World War and the restoration of Czechoslovakia led to the adoption of *ad hoc* laws that introduced the criterion of ethnicity into citizenship legislation. The new legislation was linked to a massive post-war emigration and population exchange. Under the President’s Constitutional Decree No. 33/1945 Coll. (Collection), Czechoslovak citizens of German and Hungarian ethnic origins were deprived of Czechoslovak citizenship.⁴ This also

³ For a more detailed description of the development in the Czech part of Czechoslovakia see the report on Czech Republic on this website.

⁴ The Presidential Decree exempted from loss of citizenship those citizens of German and Hungarian ethnicity who had joined in the fight for liberation or were victims of Nazi persecution. The legislation also established a

meant their exclusion from official institutions (Order 99/1945 of the Slovak National Council), as well as from reimbursement for war damages, and implied other practical consequences.⁵ Further decrees also disbanded German and Hungarian associations and organisations.

The transfers of ethnic Germans were agreed to by the Allied Powers at the Potsdam Conference in 1945. They did not, however, approve of applying the same policy based on a principle of collective guilt to Hungarians. The alternative solution found by the Beneš Government was a 'voluntary exchange of populations' between Czechoslovakia and Hungary. This plan resulted in the removal of 89,660 ethnic Hungarians, who were moved into Hungary, in return for receiving 73,273 ethnic Slovaks (Vadkerty 2002: 32). Oral history projects document that the nature of the exchange was in many cases coercive. Another wave of transfers, labelled by the Czech historian Karel Kaplan as an 'internal colonisation' (Kaplan, 1993: 9), was based on the Presidential Decree No. 88/1945 on universal labour service. Ethnic Hungarians were recruited for 'voluntary agricultural work'⁶ into the then vacant Sudetenland. Age limits imposed by the Decree were also frequently ignored and property left behind was confiscated (in direct violation of the Decree) (Kusá 2005). These policies were accompanied by a programme of re-Slovakisation, passed by the Slovak National Council in June 1946. This policy gave ethnic Hungarians an opportunity to 'reclaim' Slovak citizenship (based on the premise of previous coercive Magyarisation of Slovaks) within the time span of one year. Some 320,000 Hungarians were granted Slovak citizenship on this basis. However, as the census of 1960 shows, many returned to claiming Hungarian ethnicity in the census as soon as the political situation allowed for it.⁷

This era has been dubbed the 'homeless years' by Hungarian authors. Citizenship was eventually restored to the Germans and Hungarians remaining in Czechoslovakia in 1948 by the newly established communist government; most Hungarians who had been transferred to Sudetenland have returned. Many, however, never recovered lost properties. The Beneš Decrees and their legal and practical consequences remain a painful open wound in Czech and Slovak political memory to this day and have been repeatedly debated, especially in connection with possible compensation for those affected and their descendants. Representatives of German and Hungarian communities sometimes called for an annulment of the Beneš Decrees, but, because of the complexity of the political situation of the interwar and post-Second World War years and a lack of political will in the Czech and Slovak Republics, it is unlikely that this measure will be adopted. Some conciliatory steps, however, have been taken by the Czech and Slovak governments in the past decade on the level of bilateral declarations (the Czech-German Declaration of 1997) or public speeches (e.g. Hrušovský 2003).

possibility to apply for a regranting of Czechoslovak citizenship (a policy called 'Re-Slovakisation in Slovakia') within six months after the Decree entered into force.

⁵ For decades, the topic of the transfers of ethnic Hungarians was taboo in Slovak literature. The few texts that were written were from the pen of Hungarian authors in Slovakia – Zoltán Fábry's *The Accused Speaks Out* (written in 1946) was published in the 1960s, and in 1982 Kálmán Janics's *Czechoslovak Policy and the Hungarian Minority, 1945-1948* was published in the US in a small edition of a few hundred copies. After 1989, the topic was begrudgingly picked up. The most comprehensive analysis and documentation were published by Vadkerty (2002).

⁶ The voluntary part was secured by leaflets promising the return of Czechoslovak citizenship in return for being recruited as agricultural labourers. Leaflets also reiterated that this was the very last chance for Hungarians to reacquire Czechoslovak citizenship.

⁷ The Czechoslovak census of 1947 records 390,000 Hungarians in Slovakia, the 1961 census records 518,782 (data from Kocsis & Kocsis-Hodosi 1998).

Regulation of Czechoslovak citizenship in 1949-1968 and the 'Slovak Question'

The rise of communist monopoly rule meant, ironically enough, the end of 'homelessness' for Hungarians and Germans in Czechoslovakia. Citizenship laws were, however, misused for other political purposes, as one of the tools to keep a lid on the population as a sort of preventive blackmail of those who might think of publicly voicing their disapproval of the communist regime.

The legal process of acquisition and loss of Czechoslovak citizenship in the period following the February putsch of 1948 was governed by the Act on the Acquisition and Loss of Czechoslovak Citizenship No. 194/1949, as amended by the Act No. 72/1958 Modifying the Regulations on the Acquisition and Loss of Czechoslovak Citizenship.⁸ Czechoslovak citizenship could be acquired in four ways: 1) by birth: Czechoslovak citizenship was transferred to the child by his or her parent citizens regardless of whether the child was born in the territory of the Czechoslovak Republic or abroad. If the child was born in the territory of the Czechoslovak Republic, it was sufficient if one of the parents was a Czechoslovak citizen;⁹ 2) by marriage: A foreigner could acquire Czechoslovak citizenship on demand upon marrying a Czechoslovak citizen. This acquisition needed to be investigated and approved by a district National Committee within six months; 3) by grant: A foreigner could be granted Czechoslovak citizenship upon request after meeting two principal conditions: residing in the Czechoslovak territory for five consecutive years and abandoning his or her previous citizenship. There was no legal entitlement to be granted citizenship; 4) by reacquisition: This applied to the acquisition of citizenship by the 'homeless' persons of German and Hungarian nationality *ex lege* after taking a citizenship oath without the need to apply or to fulfil other conditions.¹⁰

The loss of Czechoslovak citizenship was possible by 1) renunciation upon request,¹¹ 2) revocation by the state due to hostile acts against the Republic, illegal emigration, or not returning to the homeland for the period of five years or upon request of the Ministry of the Interior, 3) marrying and acquiring citizenship in another country (with a possibility to request retention of Czechoslovak citizenship), 4) a court decision as a penalty for 'high treason, espionage, desertion of the Republic, military subversive activities, war treason, assassination of a state official',¹² 5) naturalisation in the United States of America, and 6) as a consequence of agreements on dual citizenship.¹³

During this time, and especially during the *détente* period of the 1960s, when literature and arts were flourishing after the denunciation of the Stalinist doctrine, Slovak leaders and intellectuals voiced their desire for the self-determination of the Slovak nation within a federative arrangement. They did not wish to be Czechoslovak citizens, but Slovak citizens of

⁸ See also the report on the Czech Republic on this website for the Czech perspective.

⁹ Children born of mixed marriages, when one parent was a Czechoslovak citizen and the other was the citizen of the Soviet Union, Poland or Hungary, represented an exception. In those cases, citizenship was determined by an agreement of the parents at the time of inscription in the book of births. In cases where an agreement was not reached, the child acquired the citizenship of the parent in the state of birth. If the child was born in the territory of a third state, he or she acquired citizenship of the state on whose territory the child's parents had resided before they went abroad.

¹⁰ Act No. 34/1953 Coll. Concerning the Acquisition of Czechoslovak Citizenship by Particular Persons and Act No. 245/1948 on the Nationality of Hungarian Nationals.

¹¹ Stipulated by art. 6 of the Act on Czechoslovak Citizenship.

¹² This provision was defined by Act No. 86/1950 of the Penal Code. The penalty included the loss of citizenship rights, expulsion from the army, and forfeiture of property. Act No. 63/1965 abrogated this penalty and the next codification of the Czechoslovak Penal Law did not include this kind of penalty.

¹³ Most socialist states had concluded bilateral agreements that excluded dual citizenship among them.

Czechoslovakia. While the Czech elite focused on market liberalisation and democratisation of the regime, Slovaks called for ‘first federalisation, then democratisation’ – a slogan that reappeared repeatedly in public squares after 1989 in a much more malevolent form. This issue divided Czech and Slovak intellectuals during the entire duration of the communist regime, as the Czech cultural leaders failed to see the urgency of this issue for the Slovaks. The Soviet leadership, however, duly noted Slovak aspirations for federation. Thus when the tanks rolled into Prague and Bratislava on the 21 August 1968 they brought with them different realities for the two nations. While the oppression following the Warsaw Pact invasion was equally suffocating in both parts of the country, it also brought about the desired federation for the Slovaks. Dissent in Slovakia was therefore more muted than in the Czech region. The Soviets poured investment into Slovak industry during the post-1968 era thereby further contributing to different perceptions of the ‘normalisation’ period in the two nations. What was an era of darkness for most Czechs was seen by many Slovaks as a repressed society, but, at least on paper, with real industrialisation and federation. While it itself may not have had an immediate impact on citizenship laws and practice, this reality certainly reverberated on the political scene after 1989, when the cultural divide between Czechs and Slovaks escalated into the ‘Velvet Divorce’.

Regulation of Czechoslovak citizenship in 1969-1992: The Czechoslovak Socialist Federative Republic and the dissolution of the federation

Until 1968, when the Czechoslovak Federation was established, Czechoslovakia was a unitary state with a single Czechoslovak citizenship. The establishment of a federation also resulted in the creation of Czech and Slovak citizenships. Constitutional Law No. 143/1968 Coll. on the Czechoslovak Federation, which came into force on 1 January 1969, is based on the principle of individual preference when determining the citizenship of the two constituent republics.¹⁴

The original text contains a provision according to which every citizen of one of the republics is also a citizen of Czechoslovakia (art. 5). Citizenship was regulated by the Constitutional Act of the National Council of the Czechoslovak Socialist Republic No. 165/1968 Coll. on the Principles of Acquisition and Loss of Czech and Slovak Citizenship, followed by the Act No. 206/1968 Coll. of the Slovak National Council on Acquisition and Loss of Citizenship of the Slovak Socialist Republic.

Normally citizenship at the level of the two republics was determined by the place of birth or by the citizenship of the parents, if that could be identified. Czech or Slovak citizens could, however, choose a different citizenship until 31 December 1969. The Act precluded dual citizenship; one had to choose one or the other. The Slovak National Council passed Act No. 206/1968 Coll. to apply these rules in domestic legislation.

Between 1969 and 1992 it was possible to acquire Slovak and Czech citizenship by birth,¹⁵ by choice (within one year after the establishment of the federation), by marriage, or by grant (after five consecutive years of residence for foreigners and two years for Czech citizens with permanent residence in Slovakia).

¹⁴ See also the report on the Czech Republic on this website.

¹⁵ A child whose parents were Slovak citizens acquired Slovak citizenship. If one of them was Slovak and the other Czech, and the child was born in the Slovak territory, then the child acquired Slovak citizenship. If he or she was born abroad, the child acquired the mother's citizenship. Parents could also agree on the child's citizenship via a statement until six months after birth.

Loss of citizenship in the ‘Normalisation’ era was similar to previous regulations. It could be renounced, lost due to acquiring Czech citizenship, or one could still be deprived of it on the basis of art. 7 of Act No. 194/1949 Coll., naturalisation in the US, or according to agreements on dual citizenship.

After the fall of communism, both Czech and Slovak national elites struggled to assert the position of their nations within Europe. National identity had to be reconstructed and to a large extent even re-invented. Both elites turned to their pasts to seek linkages and justification for steps towards self-determination. Czechs and Slovaks, however, sought friendship with very different animals from their pasts. Czechs built on Masaryk’s democratic ideals from the first interwar republic, while Slovaks viewed this era suspiciously with a memory of Czech ‘Pragocentrism’¹⁶ and of the refusal of the Czechoslovak Government to grant Slovakia the right to self-determination or autonomy in a federation. Instead, Slovaks referred to the legacy of the Slovak puppet state created by the Nazis.¹⁷ The discrepancy in perceptions of the post-1968 era increased the rift between the two nations. This ‘failure to find a decent past’ together, as Igor Lukes put it in 1995, contributed to the choice of separate paths for the future by the political elites, whose sentiments were not, however, reciprocated by the majorities of the populations on either side of the new border.

In the confused atmosphere of rampant nationalism which had anti-Czech, anti-Hungarian, anti-Semitic, and even anti-Western traits in the years prior to the Velvet Divorce, Slovak representatives raised many issues that seemed to be frivolously escalating the conflict into what became popularly known as the ‘hyphen war’, i.e. the war about the spelling of ‘Czechoslovakia’. Slovak delegates claimed that the term Czechoslovakia was discriminatory to the Slovaks, who are commonly mistaken for Czechs abroad. Claims were backed by invoking the myths of one thousand years of suffering by the Slovaks under the Hungarian yoke, only to be replaced by the Czech yoke in 1918. The Federative Assembly finally settled on ‘Czech and Slovak Federative Republic’ as the name for the post-communist state.

The Slovak Prime Minister Vladimír Mečiar conducted a policy of blackmail by threatening the Czech leadership with the possibility of secession over each major political issue. The Czech Prime Minister Klaus eventually called his bluff and startled Mečiar by accepting the proposal for separation. The divorce was decided at the top political level without being ratified by popular participation but also without strong protests by the Czech and Slovak publics. Over half of the respondents in public opinion surveys voiced their desire to remain in the common state and/or to have an opportunity to decide its fate in a referendum (Nemcová 1992). The divorce was instead decided by political elites. On 1 January 1993, the two nations started a new period in their history and had to determine their identities and related policies. Even before the dissolution, the citizenship laws had been growing in significance, and many Czechs and Slovaks were using their right to choose their republic-level citizenship.

In Slovakia, the nationalist craze played out directly in many legal provisions that concerned anybody ‘other’ than ethnic Slovaks.¹⁸ Such was the case with the ‘Sign Law’ (a law regulating public inscriptions such as topographical names of towns, villages, streets and

¹⁶ ‘Pragocentrism’ was a term used by the Slovak leaders to denote the tendency of the Czech representation to rule the country from a strong unitary centre, Prague. Slovak elites have had qualms with Pragocentrism ever since the creation of the first republic in 1918.

¹⁷ This claimed heritage is a controversial and complex one. Perhaps only the Slovak National Party would fully claim the legacy of the Slovak Republic of the war period. Together with its president, Jozef Tiso, it was responsible for sweeping anti-Semitic measures. All of the parties and most of the leaders recognise at least its partial validity as the first form of official Slovak statehood.

¹⁸ See the report on the Czech Republic on this website for the developments there.

store signs), the Act on the Official State Language, which was passed without any provisions for the use of languages of the national minorities (which were adopted only in 1997), the ‘Territorial Arrangement’ that redrew district boundaries to lessen the percentage of ethnic Hungarians in areas where they were concentrated, and other legislation. This policy has also affected the practice of allowing access to those seeking asylum, with possible hopes for eventually acquiring citizenship in the Slovak Republic. While the legislation regulating the asylum procedures was not markedly different from other countries, the political environment was palpably hostile. During the war in Bosnia and Herzegovina, Slovakia, as with many other countries, received an influx of refugees. The Migration Office of the Ministry of the Interior was at that time particularly reluctant to grant anyone the status of a refugee. Many, if not most, displaced persons had to contend with a protective status established by the United Nations High Commissioner for Refugees office in Slovakia, and most were returned after a few months, not always into safe conditions.

After the accession of the Slovak Republic to the European Union in 2004 and its becoming a part of the Schengen territory in 2007, a number of EU regulations were transposed into Slovak Law. With the amendment of the Asylum Law in 2007 the Slovak Republic implemented the EU provision on minimal standards for the granting and loss of the refugee status. It also implemented the Dublin Regulation which sets the criteria for determining which EU Member State is responsible for processing a particular asylum application. The Slovak Republic, unlike its neighbours, still lacks a coherent immigration and integration strategy, although a plan for establishing Immigration and Naturalisation Services Department is underway.

In 2007, as it geared up for the Schengen Treaty, the Slovak Government amended the Act on Citizenship. According to the Minister of Interior, Robert Kaliňák, the new act is a response to ‘the growing danger of organised crime and international terrorism’.¹⁹ The new version of the citizenship act significantly tightens the requirements for naturalisation. According to this law, a foreigner may acquire Slovak citizenship after eight years of permanent residence in the Slovak Republic (as opposed to the previous five).

The law also stipulates that foreigners applying for Slovak citizenship must pass a test where they must demonstrate a thorough knowledge of the Slovak language, the basic historical and geographical facts regarding the Slovak Republic and Slovak culture. Applicants are interviewed about their person and family, and must further demonstrate ‘basic general knowledge’, and pass a written test where they are asked to summarise a random newspaper article. These new requirements, which demand that applicants ‘prove cultural acclimatisation,’ are perhaps more a reflection of the nature of the government that came to power in 2006 (a coalition consisting of the populist SMER, or the People’s Party – Movement for Democratic Slovakia, led by the notorious former prime minister Vladimír Mečiar, and the nationalist Slovak National Party) than of any purported requirements relating to accession to the Schengen Treaty. The naturalisation test is not regulated by any guidelines, there is no study material available to prepare for it, and the commissions set up at the District Authority for this purpose exercise significant discretion in the administration of the test and its evaluation.

In the first years of the Slovak Republic, Slovak citizenship was either determined by law or could be individually chosen. Those who were citizens of the Slovak Republic before 31 December 1992 automatically became citizens of independent Slovakia, as stipulated in Act No. 40/ 1993 Coll. on Citizenship of the Slovak Republic. Czech citizens could apply for

¹⁹ ‘Conditions for Gaining Slovak Citizenship will Tighten’, *The Slovak Information Press Agency*, 26 June 2007.

Slovak citizenship until 31 December 1993 by way of a written request to the District Office in the territory of the Slovak Republic or to the Diplomatic Mission or Consular Office of the Slovak Republic abroad. This option was open to all citizens of the former Czech and Slovak Federative Republic. Those applying for Slovak citizenship had to provide proof that they were Czechoslovak citizens as of 31 December 1992 and state their place of birth and permanent residence (art. 7).

3 The current citizenship regime

The current legal citizenship norms are a fluent continuation of the norms from the Czechoslovak legal norms. Most provisions governing the acquisition and loss of citizenship have not changed dramatically either with the fall of the communist regime or with the dissolution of Czechoslovakia, save for the special provisions dealing with the citizenship of the Czechs and the Slovaks in the newly created republics and those who have lost citizenship. The Slovak citizenship legislation has been tweaked and updated since, notably by introducing significant amendments to the Act on Citizenship in 2007 and 2010, an Act on the Slovaks Living Abroad in 2005, and amendments to the Law on Asylum in 2008 that bring it closer to the EU standards.

Slovak law has been moving towards defining stricter conditions for the acquisition of citizenship by foreign nationals, increasing the required length of permanent residence or stay and language requirements (which include a requirement of having basic knowledge of Slovak culture and society). At the same time, conditions for acquisition are being made simpler for former nationals who lost their citizenship due to naturalisation in another country or those of Slovak descent wishing to acquire Slovak citizenship. Because it evolved from the same source, the citizenship law closely resembles that of the Czech Republic. The Slovak law however used to allow for dual citizenship. Presently, the amendment in 2010 put a stop to dual citizenship, while in the Czech Republic plans for broad toleration of dual citizenship have reached parliament in October 2012.

Like its neighbours, the Slovak Republic established an Office for the Slovaks Living Abroad on the basis of the Act on the Slovaks Living Abroad, which is not dissimilar to the Hungarian Status Law.

The Slovak political elite has been increasingly inward-looking and protective of the Slovak majority for the past few years. Increased tensions between Slovakia and Hungary over some of the introduced laws as well as over issues related to the Hungarian minority in Slovakia and other outstanding issues that relate to the history of both countries also contribute to the spiral of decreased tolerance of ethnic diversity in recent legislation. While most relevant to the national minorities, it will also be felt by those who aspire for Slovak citizenship or by new citizens of Slovakia in their contact with state offices, use of their language, and, of course, in the general atmosphere that is prevalent in public debates these days.

Statistical trends (acquisition of Slovak citizenship since 1993)

After the fall of communism, Slovakia experienced tumultuous shifts in population, largely in connection with the dissolution of the Czech and Slovak Federative Republic, but undoubtedly also as a result of its strategic position as a bridge between Western and Eastern Europe. There have been shifting migration trends, too. In the early 1990s, the Slovak Republic lost its citizens to the Czech Republic. This trend ceased after 1994 when Slovakia started gaining population from abroad and in particular from the East. Most migration is temporary and circular with migrants returning after short stays in Slovakia. The number of those who actually ask for Slovak citizenship changes with domestic and international events, circumstances and legislation. The following tables and graphs show the numbers of successful applicants who acquired Slovak citizenship.

Table 1: Number of persons who acquired citizenship of the Slovak Republic (1993 –2010)

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|----------------|--------|--------|-------|-------|-------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|------|------|------|
| Czech citizens | 64,834 | 20,612 | 1,379 | 575 | 416 | 399 | 849 | 3,903 | 175 | 805 | 942 | 2,262 | 2,439 | 120 | 155 | 91 | 48 | 45 |
| Other citizens | 1,550 | 1,393 | 910 | 768 | 1,519 | 535 | 417 | 623 | 1,362 | 3,539 | 3,100 | 1,508 | 539 | 930 | 1235 | 555 | 214 | 194 |
| Total | 66,384 | 22,005 | 2,289 | 1,343 | 1,935 | 934 | 1266 | 4,526 | 1,537 | 4,344 | 4,042 | 3,770 | 2,978 | 1,050 | 1,390 | 646 | 262 | 239 |

Source: Ministry of Interior, Slovak Republic

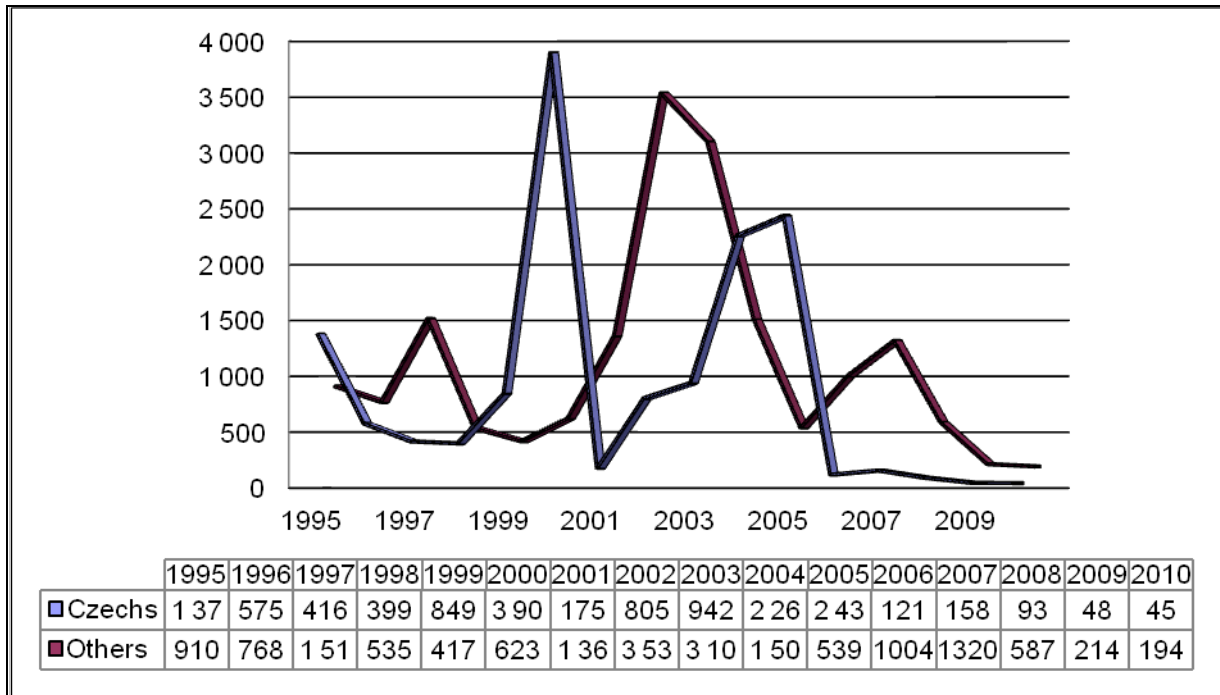
As can be seen from Table 1, in 1993 and 1994, the vast majority of those who initially acquired Slovak nationality were Czech nationals. Because of the possibility of choosing citizenship in 1993, the proportion of Czech nationals among the successful applicants for citizenship was overwhelming. This proportion gradually declined thereafter and was at its lowest from 1996 to 1998, which is probably due to the political situation in Slovakia. The numbers of Czech applicants rose again, especially after the amendments to the citizenship law in 1999, and also grew in the years prior to 2005. Since 2005, when both the Czech Republic and Slovakia joined the European Union, the number of Czech applicants for Slovak citizenship dropped rapidly. Amendment to the citizenship law in 2007, which introduced longer waiting periods and stricter conditions for obtaining citizenship, contributed to this declining trend.

The trends in the acquisition of citizenship are quite different for persons other than Czech nationals. Notable again is the decline in numbers in the years 1995 and 1996, followed by an increase due to an influx of refugees fleeing from the countries of the former Yugoslavia. There is a marked increase in the naturalisation of foreigners from outside the former Czechoslovakia especially since the year 2000, when more applicants from Asia and the Near East sought to settle in the Slovak Republic. The more detailed procedure of application for citizenship specified in the Act on Citizenship No. 265/2005 Coll. and stricter conditions for naturalisation that were introduced in the Act No. 344/2007 perhaps contributed to the drops in the granted citizenship applications in 2005 and 2008, although these drops were not more dramatic than in some of the previous years.

Figure 1 illustrates the diverse trends in the two populations that acquired Slovak citizenship over the past fifteen years. (The years 1993 and 1994 have been excluded here due

to the high number of Czech applications for citizenship resulting from the dissolution of Czechoslovakia.) We can clearly see the impact of the Czech amendments to the citizenship law in 1999 in the resulting increase of Czech nationals applying for and receiving Slovak citizenship. The rapid increase in citizenship granted to other foreign nationals cannot be readily explained on the basis of legislative changes, but rather on the basis of new migration patterns.

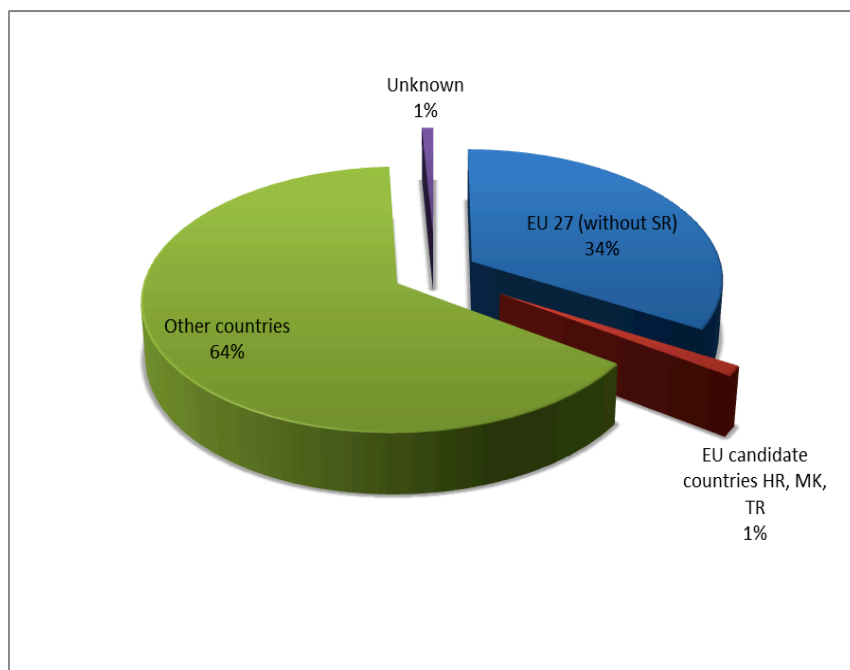
FIGURE 1: Czechs and other foreign nationals who acquired citizenship of the Slovak Republic in 1995-2010



Source: Ministry of the Interior, Slovak Republic

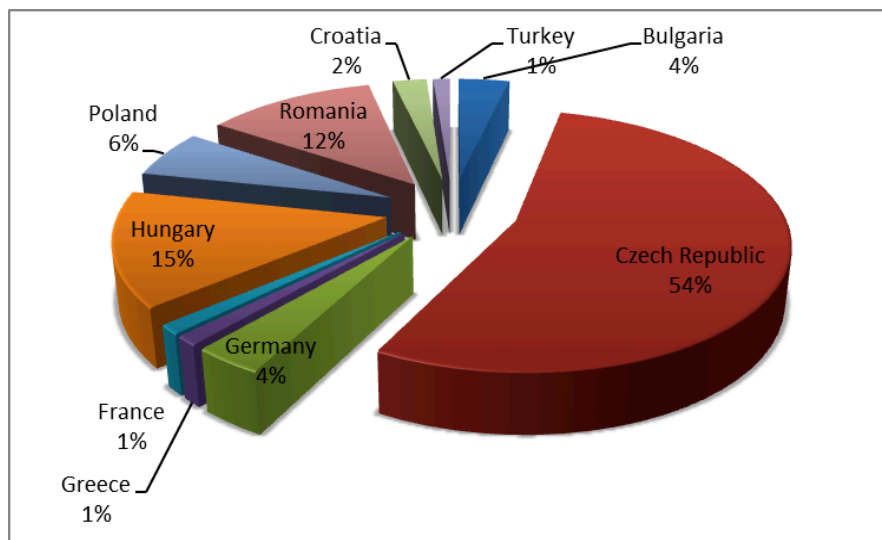
Compared to previous times, many more foreigners looking both for asylum and for citizenship settled in Slovakia. Among those who sought Slovak citizenship were people fleeing from persecution, violence, civil war, or other conditions threatening their lives and security in their home countries. Nearly 46,000 foreigners have applied for asylum in Slovakia since 1992. However, asylum status was granted only to slightly over 600 of them by the end of 2007 (Portal of the Statistical Office of the Slovak Republic). This tendency makes Slovakia a country with one of the lowest rates of refugee recognition in Europe. The highest number of applicants was recorded in 2004. Increasingly, they come from countries such as India, Russia (especially Chechnya), Pakistan or China.

FIGURE 2: Acquisition of Slovak citizenship in 2010 by country of origin



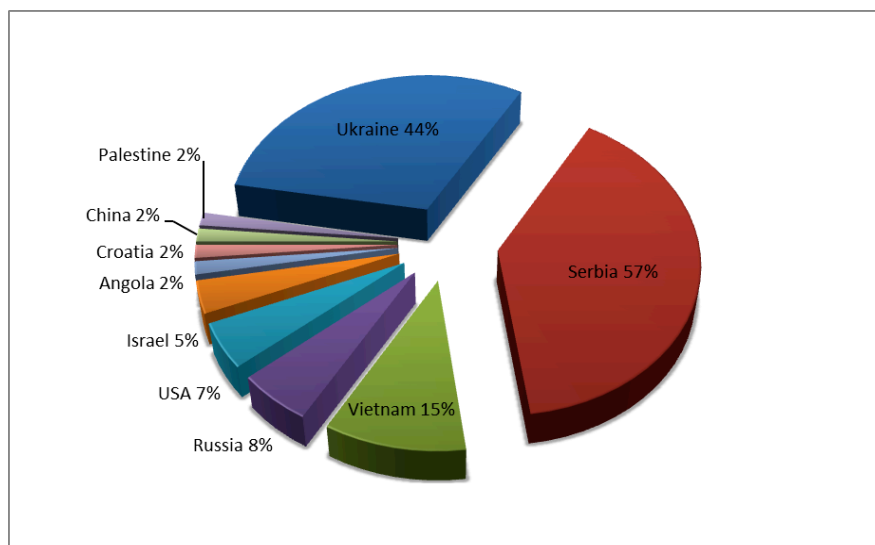
Source: Statistical Office of SR

FIGURE 3: Acquisition of Slovak citizenship in 2010 by nationals of EU countries and EU candidate countries.



Source: Statistical Office of SR

FIGURE 4: Acquisition of Slovak citizenship by citizens of third countries with stay permit on the territory of SR by the date 31.12.2009 and 31.12.2010



Source: Statistical Office of SR

Figures 2, 3, and 4 take a look at the proportional representation of countries of origin among the new citizens of Slovakia. Figure 2 shows that most of the people who have acquired citizenship in 2010 came from outside the boundaries of the European Union (64% or 154 persons). Another large group of new citizens originates from within one of the EU countries (34% or 80 persons). Three people come from one of the EU candidate countries (2 from Croatia and 1 from Turkey) and former citizenship was unknown in two cases.

Figure 3 provides a closer look at the countries of origin of new Slovak citizens from within the European Union countries. The largest proportion of new citizens come from neighbouring countries: the Czech Republic (54% or 45 persons) and Hungary (15% or 12 persons).

Figure 4 illustrates the composition of third country nationals who have acquired Slovak citizenship in the year 2010. Most of the migrants that acquire citizenship arrive in Slovakia for labour. The countries of origin are most frequently the neighbouring Ukraine, Serbia and Russia, and Vietnam, which has links to labour migration from the times of the communist regime, represents the country of origin of an established minority community in Slovakia.

3.1 The main modes of acquisition and loss of nationality

Acquisition of citizenship

Slovak citizenship can currently be acquired by birth, by adoption, or by grant. The laws regulating citizenship are comparatively generous towards individuals with Czech or Slovak roots, extending considerable citizenship rights to the Slovak expatriates living abroad.

Acquisition of citizenship by birth is firmly based on *ius sanguinis* except in those cases where a child would otherwise become stateless. In current legislation a child acquires Slovak citizenship only if at least one of the parents is a citizen of the Slovak Republic or if the child was born in the territory of the Slovak Republic to parents who are stateless or whose citizenship is not transmitted to the child *iure sanguinis*.²⁰ If citizenship cannot be established, a child is considered to be a citizen of the Slovak Republic if he or she was born or was found in the territory of the Slovak Republic and his or her parents are not known. If one of a child's parents is a citizen of another country and the other is a citizen of the Slovak Republic, then the child is a citizen of the Slovak Republic even if it is later established that the child's parent who is a citizen of the Slovak Republic is not the child's natural parent. A child can also acquire citizenship when he or she is adopted by a Slovak citizen. In the case of a disagreement between the parents, Slovak citizenship can be determined by a court judgment on the basis of one parent's or a legal guardian's request.

Citizenship in the Slovak Republic can also be granted upon request to a foreigner. This requires consecutive permanent residence and physical stay in the Slovak territory for at least eight years²¹ immediately prior to submitting an application for citizenship. Slovak law also re-quires sufficient basic proficiency in the Slovak language, tested during the application process by a district authority commission. Applicants must also have a clean criminal record, which means that they must not have been prosecuted for an intentional crime during a period of fifteen years before the application, must not be under an administrative expulsion order from the country of residence or subject to extradition proceedings.²²

Facilitating factors in the application procedure occur if an applicant is stateless or voluntarily renounces his or her previous citizenship. Furthermore, citizenship can be granted upon request to those who have entered into marriage with a Slovak citizen (after living in the Slovak Republic for a period of five consecutive years), or those who have made special contributions to the Slovak Republic through their achievements in the field of economy, science, culture or technology.

There are also special provisions for the restoration of citizenship to those who lost it according to previous legislation. A person whose former Czechoslovak citizenship has expired or who has lost their Czechoslovak citizenship due to a long absence or on the basis of citizenship law during the communist regime, may be granted citizenship of the Slovak Republic even if the above mentioned condition of five years consecutive permanent residence has not been met. Former Slovak citizens returning to live in Slovakia have to have

²⁰ Art. 5 of Act No. 40/1993 Coll. on Citizenship of the Slovak Republic.

²¹ This waiting period has been introduced in 2007, when conditions for acquisition of Slovak citizenship tightened and prolonged the waiting period from five to eight years and introduced language and culture tests for the applicants.

²² Art. 7 of Act No. 40/1993 Coll. on Citizenship of the Slovak Republic as amended by Act No. 344/2007 Coll.

permanent residence in the Slovak Republic for three years prior to filing an application for citizenship.²³

Loss of citizenship

Slovak citizenship can be lost only upon the holder's own request by releasing the person from the state bond or by voluntarily acquiring citizenship of another state. Only those who already possess another citizenship can be released, or those who will acquire another citizenship as soon as they are released from Slovak citizenship.

A Slovak citizen cannot be released if he or she is being prosecuted, is currently serving a sentence or is due to serve a sentence or has outstanding taxes or other debts to pay to the state. The District Office, Diplomatic Mission or a Consular Office of the Slovak Republic makes the final decision on the loss of citizenship. Citizenship is lost on the day of receipt of the document stating his or her release from the state bond of the Slovak Republic. However, the law does not provide details about the process, i.e. it does not specify whether the District Office has to justify its decision or can dismiss an application without an explanation. If a citizen voluntarily acquires citizenship of another state, he or she is obliged to report to the District Office or face a fine of up to 3,319 EUR.²⁴ Slovak citizenship is considered to be lost on the day of voluntary acquisition of a new foreign citizenship (this does not apply to those who acquire foreign citizenship by marriage or by birth). There is, however, no mechanism to track such new acquisition and the process rests upon the obligation of individuals to report. Within two years from the enactment of this amendment, nearly 300 people lost Slovak citizenship, most of these were the "new Czechs". Only 25 people lost their Slovak citizenship upon acquisition of the Hungarian citizenship.²⁵

Procedure

Slovak citizenship acquired by naturalisation is awarded by the Ministry of the Interior of the Slovak Republic based on a written application. This application has to be filed in person at a District Office, Diplomatic Mission or Consular Office of the Slovak Republic. It must include personal data about the applicant and must be accompanied by a dossier of documents including a brief curriculum vitae, an identification card, a birth certificate, a personal status certificate, and a certificate of residence in the Slovak Republic. Former Czechoslovak citizens who qualify for restoration of citizenship have to provide a document stating the release from the state bond of the Czechoslovak Republic, the Czechoslovak Socialist Republic or the Slovak Socialist Republic (whichever applies). Former Slovak citizens applying for citizenship after two years of residence in Slovakia can submit a Slovak Status ID as a form of identification. The Ministry of the Interior can ask for other documents if required to render a decision.

The application is accompanied by a questionnaire on the basis of which the authorities evaluate the applicant's Slovak language skills. Verification has to be done in a way that takes the applicant's circumstances into account. The District Office has the right to request a statement from the police and will then forward the complete application with all

²³ Art. 7 of Act No. 40/1993 Coll. on Citizenship of the Slovak Republic as amended by Act No. 344/2007 Coll.

²⁴ Art. 9b (2) of Act No. 40/1993 on Citizenship as amended by Act No. 250/2010 Coll.

²⁵ O slovenské občianstvo prišlo kvôli Ficovmu zákonu zatiaľ 296 ľudí, najmä Česi [296, mainly Czechs, have lost their citizenship due to Fico's law], TASR, 16 July 2012.

documents and statements to the Ministry of the Interior for a final decision. When making its decision, the Ministry of the Interior has to take into account the public interest as well as statements of state institutions and of the police. It has nine months from receipt of an application to issue a decision. If statements of state institutions and of the police are required, the processing period is prolonged to one year.

Slovak citizenship is acquired by obtaining a Certificate of Acquisition of Slovak Citizenship at the District Office, Diplomatic Mission or Consular Office of the Slovak Republic and after taking the obligatory oath. The citizenship oath reads: ‘I promise on my honour and conscience that I will be loyal to the Slovak Republic, I will respect the Slovak Constitution, laws and other legal rules and will duly fulfil all duties of a Slovak citizen.’²⁶

If the applicant does not collect the Certificate of Acquisition within six months of receiving a written notification the Ministry will stop the procedure. If the Ministry rejects the application, the applicant can apply again after a minimum waiting period of one year.

International treaties

Slovakia is party to many international multilateral and bilateral treaties which impact on its domestic citizenship regulations. International treaties take precedence over domestic law. If they differ from the provisions in the Act No. 40/1993 Coll. on Citizenship of the Slovak Republic, the legal regulations of international law outweigh domestic law (art. 17).

As in the case of the Czech Republic, the treaty with the United States that precluded naturalised American citizens of Czech and Slovak origin from holding dual citizenship (the 1928 Naturalisation Treaty) expired in 1997. This allowed many former citizens and their descendants to restore their Slovak citizenship and to file claims for restitution of property with the Slovak state.

Among the other important bilateral treaties was the Agreement on Slovak-Hungarian Neighbourly Relations from 1995, which had implications for the practical implementation of certain cultural and educational rights of ethnic Hungarians in Slovakia. Many international provisions – including this one – were passed only because of extensive pressure from European institutions that dangled the carrot of EU accession in front of the Slovak leadership. The Slovak-Hungarian Treaty was passed at the peak of the Mečiar Government era, to the bewilderment of his followers and perhaps of himself, after Slovakia had received demarches from the OSCE High Commissioner on National Minorities and other international institutions regarding its practices concerning national minorities and foreigners. The international community thus played a key role in shaping domestic policies in this transition period keeping the ugly dragon of nationalism and xenophobia on a somewhat shorter leash.

Dual and multiple citizenship

Slovak legislation has tolerated dual citizenship until 2010. Regulations governing dual and multiple citizenship on a European level are, however, developing slowly and with obstacles. The regime changes and successive creation of new states after 1989 created a need to come up with common regulations regarding citizenship policies that resulted in the European Convention on Nationality (ETS No. 166), which entered into force on 1 March 2000. It was the first international document to establish core principles and rules applying to all aspects of citizenship to which the domestic law of the parties to the treaty should conform. The

²⁶ Art. 8a, sect. 9 of Act No. 40/1993.

Convention was opened for signature to Member States of the Council of Europe as well as non-members on 6 November 1997. Slovakia signed and ratified the Convention, as did the Czech Republic.

Among other issues the Convention covers questions of multiple citizenship. Art. 14 directly stipulates the right to dual citizenship in the case of acquiring citizenship of another country by marriage. The force of the Convention is, however, softened by arts. 15 and 16, which give the parties the right to determine whether their nationals who acquire or possess the nationality of another state retain or lose their citizenship; and the right of state parties to make the acquisition or retention of their citizenship conditional upon renunciation or loss of another citizenship (unless it is not possible or cannot reasonably be required). These articles are often used in practice to preclude multiple citizenships.

After Hungary passed the law on dual citizenship in May 2010, allowing ethnic Hungarians from neighbouring countries—including Slovakia—to apply for Hungarian citizenship if they can claim Hungarian ancestry and speak the Hungarian language, Slovakia amended its citizenship law, taking away the possibility of dual citizenship for those who voluntarily acquire foreign citizenship. Thus, there has been a trend of tightening and limiting access to citizenship over the last five years. The law is not enacted retroactively and therefore only prevents those who apply for foreign citizenship now from having dual citizenship. Persons who had dual citizenship before the amendment became valid, retain their citizenships.

As was mentioned above, Czech and Slovak nationals could choose their citizenship for a period of one year after the dissolution of the Czechoslovak Federative Republic. This situation was not without complications. It rendered tens of thousands of Roma living in the Czech Republic stateless due to improper documentation, permanent residence in Slovakia (many migrated from Slovakia to Czech lands before 1989), lack of information about the procedure (and the need to apply), a criminal record or other reasons.²⁷ Furthermore, from 1994 it became harder for Czech or Slovak citizens to live and work in the other part of the former common republic. In 1999, after years of continuous pressure from European institutions and non-governmental organisations, and following a Czech Supreme Court decision of 1997, which ruled that the Czech citizens who chose Slovak citizenship in 1993 did not lose their Czech citizenship, the Czech citizenship laws were amended to allow for reacquisition of the Czech citizenship for certain groups of people within a stipulated period. Further revisions of the Czech law were passed in September 2005 to allow for dual citizenship for Czechs living in Slovakia, who had lost their Czech citizenship by acquiring the Slovak nationality between 1 January 1994 and September 1999. Applications for dual citizenship can be submitted to the Consular Office of the Czech Embassy in Bratislava. The application process takes up to two months. Approximately five thousand people requested dual citizenship in 2005.²⁸

²⁷ See European Roma Rights Centre report 'Personal Documents and the Threat to the Exercise of Fundamental Rights Among Roma in Former Yugoslavia', www.errc.org, retrieved in May 2006.

²⁸ Embassy of the Czech Republic in Slovakia, www.mzv.cz.

4 Current political debates and reform plans

The Hungarian Status Law and referendum on dual citizenship

Slovak-Hungarian relations have been an inflammatory issue on the Slovak political scene since the fall of communism. Much nationalist rage was directed against the former dominant nation, the Hungarian part of the dual monarchy. Policies of forceful Magyarisation in the late nineteenth and early twentieth century and the turbulent dissolution of the empire which left one third of the ethnic Hungarians outside the borders of the Hungarian state provided historical memories that shaped mutual relations in a controversial fashion. The myth of a thousand years of suffering under the Hungarian yoke has long been nurtured by Slovak nationalists and after 1989 it often served as a useful rallying point.

The question of Hungary's relationship with ethnic Hungarians living abroad, especially in the areas immediately bordering on Hungarian state territory, was therefore watched closely and suspiciously. The issue exploded in the Slovak media in 2001 when Hungary passed the Status Law (the law on Hungarians living abroad) and again in 2004 when a referendum was held on allowing ethnic Hungarians to acquire dual citizenship, and finally in May 2010, when Hungary passed the change to its citizenship law, allowing for dual citizenship for ethnic Hungarians from neighbouring countries. The content and impact of these Hungarian initiatives are described in detail in the report on Hungarian citizenship,²⁹ so I will focus here only on the repercussions in Slovakia.

The Hungarian Status Law

The question of ethnic Hungarians living abroad was not used for a nationalist agenda in Slovakia alone. It also polarised the political scene in Hungary and deepened the left-right divide. Viktor Orbán's FIDESZ played on national sentiments of Hungarians about co-ethnic minorities in neighbouring countries and produced a bill on benefits for ethnic Hungarians living abroad which was passed by the Hungarian Parliament in 2001.

The first version of the law, which entered into force on 1 January 2002, provided for financial stipends for students of Hungarian ethnic origin abroad. Members of Hungarian minorities could also apply for Hungarian identity cards (Status ID), with which they can access further benefits such as discounts in Hungary for public transportation and entrance fees for museums and cultural and educational events. The Status ID was handed out on the basis of a recommendation from local cultural organisations representing Hungarian minorities abroad by the newly established Office for Hungarians living abroad with its seat in Budapest. After the refusal of the Slovak and Romanian Governments to allow implementation of the Status Law in their states' territories and after criticism by the Venice Commission that was asked by the Council of Europe to examine the matter,²⁷ the law was amended in summer 2003. Since then the education stipend is no longer addressed to

²⁹ <http://eudo-citizenship.eu/>.

²⁷ Among the main objections was the charge of ethnic discrimination concerning access to the benefits of the law. The Status Law is also territorially limited in implementation to certain neighbouring countries where the Hungarian minority is numerous and where the standard of living is not higher than within Hungary itself. Austria was therefore not included among the countries where the Status Law was to be implemented.

²⁸ I. Stupňan, 'Schválili dohodu s Maďarskom' [Agreement with Hungary Approved], *SME*, 12 December 2003.

²⁹ The interview with František Mikloško was conducted by the author in Bratislava on 13 June 2003.

³⁰ The interview with László Nagy was conducted by the author in Bratislava on 18 June 2003.

individuals, but to institutions that offer education in the Hungarian language or on Hungarian culture. The financial aid is thus accessible not only to ethnic Hungarians but to anybody who wishes to study Hungarian culture and history.

The amended version was approved by a majority of the Hungarian Parliament, with the exception of the FIDESZ party, the originator of the law, and the FKGP, the Smallholders' Party, which had lost seats due to a large corruption scandal involving its president. It was also accepted by the Venice Commission and Romanian Government. Slovak representatives, however, remained opposed to it, and the political parties of the ruling coalition (apart from the Party of Hungarian Coalition SMK) contemplated passing an 'anti-law', which would prevent the implementation of the Status Law in the territory of the Slovak Republic. The lengthy, emotionally charged squabble between Slovak and Hungarian leaders was finally resolved in December 2003 by the Slovak-Hungarian Agreement on Support for the National Minorities in the Areas of Culture and Education. An article on the Slovak-Hungarian Agreement in the daily paper SME summarises its key points.²⁸ The treaty identifies two specific cultural foundations that are permitted to distribute financial aid to cultural and educational institutions only (some university students qualify as an exception). It establishes a principle of reciprocity, and the distribution of funds will be subject to annual control by a Slovak-Hungarian commission of experts.

The crux of the tensions, however, was apparently not in the law itself. Old historical grievances were voiced in the circles of the law's critics, accusing the political representation of Hungary of 'soft irredentism', i.e. attempts to recreate the Hungary of the times of the Hungarian kingdom on a psychological level, and of lurking historic revisionism among the Hungarian minorities themselves.

František Mikloško, one of the most prominent Christian Democrats and the former Speaker of the National Council of the Slovak Republic, expressed views that can be attributed to Slovak representatives in general: 'I voiced my opinion even on TV, and my Hungarian colleagues hold it against me. I would say that the Status Law psychologically creates the concept of a Great Hungary. The Slovak side made mistakes too, when the Law was debated we were sleeping and suddenly we were confronted with a done deed. There is one serious problem however: Hungary is passing a law that is implemented in the territory of the Slovak Republic. We don't mind if Hungarians have some advantages, but it seemed to be a precedent that would not be good, and the Venice Commission has also denounced it.'²⁹

The representatives of the Party of the Hungarian Coalition in Slovakia, which had seats in the Slovak coalition government, found themselves between the grindstones as it were of the two national leaderships. Both sides looked to them for resolution and they drew fire from Slovak nationalists for being 'irredentist Hungarians', as well as from Hungarian leaders in Hungary for being too passive. László Nagy, member of the SMK Presidium and chair of the Committee for Human Rights, Nationalities, and Status of Women of the NCSR, laments: 'One problem of the Law is that it became a part of the internal political game. We are not affected by it, but Dzurinda and others assume that the voter expects rejection of the Status Law by the Slovak political leaders, which may be an erroneous assumption. It has played a negative role in Slovak-Hungarian relations that got decidedly chilly in 2002.'³⁰

The subject of the Hungarian Status Law was also divisive among the Slovak-Hungarian population of the Slovak south. Although tensions between Slovaks and Hungarians in this ethnically mixed region are usually less than in the rest of the country, they have been palpable concerning topics related to the quasi-citizenship of the Status Law and the question of dual citizenship, which emerged shortly afterwards.

The question of dual citizenship for ethnic Hungarians

The question of dual citizenship for ethnic Hungarians living abroad emerged as a hot political issue in 2003. The first requests to the Hungarian leadership came from the Hungarian minority in Vojvodina, later accompanied by similar demands from Hungarians in Romania. The World Federation of Hungarians prepared a petition for a referendum about dual citizenship. Its goal was to achieve Hungarian citizenship for all applicants who were already holders of a Status ID under the Hungarian Status Law.

This initiative was supported by the opposition political parties in Hungary – the Young Democrats (FIDESZ) and the Hungarian Democratic Forum (MDF), which managed to rally enough support to get the required number of signatures on the petition for a referendum that would decide whether to grant Hungarian citizenship to ethnic Hungarians from abroad. The referendum took place on 5 December 2004, but, since over 60 per cent of eligible voters decided to stay at home, the referendum results (in favour of dual citizenship by a small margin) were declared invalid.³¹

Dual citizenship for ethnic Hungarians was justified mainly on the basis of empathy with ethnic kin. The press again debated attempts to repair the ‘Trianon Injustice’ that truncated the Hungarian nation after the First World War. On the other hand, the initiative was also designed to give practical advantages resulting from Hungarian nationality. This would be relevant especially for Hungarians living outside of the EU borders. The ruling parties MSZP and SZDSZ stood firmly against the referendum, appealing mostly against the costly consequences that implementation of the law would have. The situation was further complicated by the fact that the Romanian and Ukrainian laws preclude dual citizenship, thus ethnic Hungarians acquiring Hungarian citizenship would have to renounce their original citizenship, which could lead to an untenable situation for the Hungarian Government.

The Slovak leadership watched the development leading to the referendum with a heightened sense of insecurity and antagonism. According to diplomatic sources (a report of the Ministry of Foreign Affairs), Slovakia was prepared to protest in the EU if the referendum was successful, based on its inconsistency with the Agreement on Slovak-Hungarian Neighbourly Relations from 1995, as well as with the principles of the EU of non-discrimination and democratic governance.

The SMK was once again caught in the middle. While the executive vice-president of the SMK, Miklós Duray, supported the idea of the referendum, the official SMK position, as represented by its chairman Béla Bugár, was to support policies that will help ethnic Hungarians to stay in the country where they were born. He warned that the initiative might antagonise Hungarians living in Hungary and members of Hungarian minorities. ‘We find ourselves unwillingly amidst the Hungarian internal political struggle and are receiving one slap after another. We have not received such slaps even in our native country. We want to remain in our native country, pay taxes there, etc.’³²

The heated debate ended up in a Slovakian Court. The Slovak National Party (SNS) prosecuted the Vice-Chairman of the SMK, Miklós Duray (one of the more radical leaders of

³¹ Only 37.5 per cent of registered voters participated in the referendum. 51.5 per cent of the voters were in favour of dual citizenship, 48.5 per cent against. 50 per cent of eligible voters have to participate for a referendum to be valid in Hungary (or an equivalent of over 25 per cent of all eligible voters must select the same answer on the referendum). Source: ‘Neplatné maďarské referendum o dvojitém občianstve’ [Invalid Hungarian Referendum on Double Citizenship], BBC Slovak.com, 6 December 2004. www.bbc.co.uk.

³² Peter Stahl, ‘Maďari hlasujú o dvojitém občianstve’ [Hungarians Vote on Double Citizenship], *Hospodárske noviny* [daily newspaper], 3 December 2004. <http://hnonline.sk>.

the Hungarian minority in Slovakia), for treason because of his speech in favour of the dual citizenship initiative in the Hungarian Parliament.³³ The ethnically charged debates about the Status Law and the referendum on dual citizenship have probably also contributed to support for Slovak nationalist and populist platforms, which has grown over the past several years.

Comparison of the Slovak Act on Expatriate Slovaks with the Hungarian Status Law

The Hungarian Status Law was not a unique unparalleled invention (as it sometimes appeared to be from the indignant reactions in the Slovak press). In 1997, the Slovak Republic passed Act No. 70/1997 on Expatriate Slovaks. Prior protection of Slovak nationals living abroad was guaranteed by a declaration of support in the Slovak Republic's Constitution. The House of Expatriate Slovaks, founded by the Ministry of Culture of the Slovak Republic, has also been in existence since 1995, focusing on cultural cooperation and support of expatriate Slovak institutions. According to the Act No. 70/1997, it is sufficient to apply for the status of an expatriate Slovak or to be a direct descendant of a Slovak national. If the applicant cannot provide any documentation certifying his or her ethnic origin, a letter from an institution representing Slovaks abroad or two witnesses who have the status of expatriate Slovaks will do. The application is submitted to the Ministry of Foreign Affairs (MFA) of the Slovak Republic and the application process takes two months. If it is successful the MFA issues an Expatriate Slovak Certificate. Among the benefits that this status brings is the permission to reside 'for a long time' in the territory of the Slovak Republic and the opportunity of applying for permanent residence in Slovakia. It is likewise possible to apply for studies at any Slovak university or to apply for a job without having permanent residence in Slovakia or the employment authorisation required by other foreign nationals.³⁴

The Hungarian Status Law has inspired changes in the Slovak Status Law. In 2005 the National Council of the Slovak Republic passed an Amendment to the Act on Expatriate Slovaks³⁵ (now properly labelled 'Slovaks living abroad') that established the Office for Slovaks Living Abroad, which is funded from the state budget and is responsible for carrying out the official state policy towards Slovakia's external citizens. The Office also issues Certificates of Ethnic Slovaks Living Abroad (Slovak Status IDs) that make the process of claiming benefits related to the status easier. Financial support is tied to the areas of culture, education and research, information, and media. Individuals and institutions can apply for funding in 'activities that further the development of Slovak identity, culture, language, or cultural heritage in these countries.'³⁶

Hopefully, the amended law will help to provide assistance to Slovaks living abroad at their place of residence. Some representatives of the Slovak institutions abroad complained

³³ The SNS sued Miklós Duray many more times afterwards for treason, libel, damaging the name of the Republic, and more. Each charge was dismissed by the courts. SNS leader Jan Slota called the representatives of the Hungarian minority 'radioactive extremists' (Slota: 'Politici z SMK sú rádioaktívni extrémisti' [Politicians from the Party of Hungarian Coalition are Radioactive Extremists], 6 June 2005, www.sns.sk). Shortly before the parliamentary elections of June 2006 SNS popularity climbed to almost 10 per cent in public opinion polls. In the June 2006 elections, the populist left-leaning party SMER-SD came out on top with 29 per cent of the votes. SNS came in third with almost 12 per cent of the votes. The former leader of the government coalition SDKU received 18 per cent of the votes (Source: SITA [Slovak Press Agency], 18 June 2006).

³⁴ Arts. 5 and 6 of Act No. 70/1997 Coll. on Expatriate Slovaks and Changing and Complementing Some Laws.

³⁵ Act No. 474/2005 Coll. on Slovaks Living Abroad and on Amendments and Additions to Certain Laws.

³⁶ Art. 5 of the Act No. 474/2005 Coll. on Slovaks Living Abroad and on Amendments and Additions to Certain Laws. 38 Ondrej Štefanko, 'Slovenská republika a zahraniční (dolnozemskej) Slováci' [Slovak Republic and Foreign (Hungarian) Slovaks], *Český a slovenský svet* [Czech and Slovak World], www.svet.czsk.net, accessed in May 2006.

that the direct result of the Slovak Status Law is a brain drain of young people who leave to study and work in Slovakia rather than financial support for Slovak publications and cultural events in the areas where Slovaks living abroad are concentrated.³⁷ The most remarkable difference between the Slovak and Hungarian Status Law in their current forms is the territorial limitation of the latter, which restricts the implementation of the law to neighbouring countries with a large proportion of Hungarian minorities. The Slovak counterpart has no such stipulation. This is easily explained by the fact that most of the Slovaks living abroad reside in the United States (over 1,200,000 Slovaks).

The Language Act

The Slovak Parliament passed an amendment to the Law on the State Language which has stirred a lot of controversy. The recent language law is not up to par with European standards and leads to discrimination of language minorities. Vice Chairman of the Foreign Affairs committee of the European Parliament Michael Gahler said that this law de facto criminalises the use of minority languages in certain areas (*Európa: jazykový zákon diskriminuje*, 2009). This Act imposed fines for the incorrect use of Slovak language by institutions, which are to be monitored by the Ministry of Culture and requires that geographical signs, plaques and memorials are inscribed first in the Slovak language and only then in a minority language. It introduces a requirement of issuing documentation in minority schools in both languages (it was possible to use minority language only until now) and in health care in the state language. It tightens other requirements, for example the Post Office, Army, transportation, police forces and fire department are required to use the state language in all official use, more films for children will be dubbed into the Slovak language even if they are reasonably understandable (in the Czech language). The law entered into force on 1 September 2009 and the fines have been implemented from 1 January 2010.³⁸ The impact might be felt not only by minorities, but perhaps by permanent residents and new citizens as well in their contact with state offices and in employment or search for employment. However, it remains to be seen how strictly the law will be implemented in practice.

Implementation of the fines in practice has been anticipated with some nervousness. The Hungarian government has established a fund that aims to reimburse any fines incurred by the ethnic Hungarians in Slovakia in the future, a step that caused another ripple in the Slovak-Hungarian relations. The government of Iveta Radičová who replaced Robert Fico as Prime Minister in 2010 has, however, lowered the fines (and gave discretion rather than an obligation to the Ministry of Culture to issue them) and has softened a number of other provisions.

The OSCE High Commissioner for Minorities Knut Vollebaek assisted in the amelioration of the situation by reviewing the standards set for implementation of the law into practice and with a plan to offer recommendations for amending the Law on the languages of the national minorities so that it balances the Law on the State language and is in accordance with it at the same time (*Jazykový zákon, etc*, 2010, para.5). His recent visit to Slovakia in October 2012 has found the situation of implementation largely unchanged – the coordination

³⁷ Ondrej Štefanko, 'Slovenská republika a zahraniční (dolnozemskí) Slováci' [Slovak Republic and Foreign (Hungarian) Slovaks], *Český a slovenský svet* [Czech and Slovak World], www.svet.czsk.net, accessed in May 2006.

³⁸ The amendments are spelled out in Act No. 318/2009 Coll. The full version of the Law on the State Language of the Slovak Republic reflecting the amendments is Act No. 357/2009.

of implementation of the acts on state language and on languages of national minorities is confusing, cooperation between the ministries in charge lacking, and the implementation still leaves lots of room for discretion.

Current pending bills

Most of the laws pertaining to citizenship, asylum, immigration, have been amended in the last few years. Since the latest upsurge in tensions between Slovakia and Hungary, the focus of new legislation has been on drafting reactive or protective measures for the Slovak majority which lessen the status and diminish the rights of ethnic minorities who are Slovak citizens. The language law, while passed through the Parliament, remains among the most debated measures, especially for the members of national minorities. The Slovak National Party is calling for a stricter law on the state language that would require only Slovak language use in official use and it is likely that other pieces of legislation will be motivated by ethnicity. No amendments or new bills directly related to citizenship, immigration or asylum are currently being debated, although a number of proposals have been submitted in the last two years (see below).

Citizenship on the political scene

The parliamentary election is the most likely forum that could place the topic of citizenship and immigration on the national public discussion table. Elections at the local and European levels attract unprecedented low turnouts. They generate little discussion that holds public interest in a significant way. Parliamentary election took place in 2010 and another early election in 2012. Citizenship and immigration were not perceived as hot topics in 2010 and have not been put on the political agendas of the parties as focal points during the electoral campaigns, but debates about Slovak-Hungarian relations, state and minority languages, and the issue of the ethnic Hungarian minority in Slovakia continued to be among the centre pieces of the public debates in the election. While Róbert Fico's outgoing cabinet changed the citizenship law in May 2012 in a quick reaction to the Hungarian law on dual citizenship just weeks before exiting from office, the opposition parties and, since June 2012, the coalition government under the leadership of Iveta Radičová, have been grappling with finding an agreement on amendments that would either restore the Act on citizenship to its wording before the May 2012 amendments, or introduce such changes that would be agreeable to most and would prevent deprivation of hundreds of Slovak citizens of citizenship upon acquisition of another citizenship. This cabinet was unable to find such consensus in its short term in office, and the debates continue under the cabinet of Róbert Fico again (re-elected in early election of 2012). The ruling party SMER is recognizing the need to amend the law 'somehow', but has also been unable to propose acceptable changes, thus the status quo remains – representing a regress in Slovak policymaking away from EU standards and proclaimed goals towards more restrictive and exclusionary policies of citizenship acquisition and loss.

External groups of expatriates follow and comment on the developments related to citizenship issues, mostly related to the rights of expatriates at home and abroad or the related administrative procedures. They also focus on the situations of Slovak communities abroad, identifying their needs and highlighting their achievements. The World Association of the Slovaks Abroad and the World Congress of the Slovaks are among the most notable of these

groups. The first took part in the process of drafting the law on the Slovaks Living Abroad; the latter was vocal about the issue of dual citizenship. These are marginal voices, however, and they do not penetrate into the mainstream of public attention.

Integration of foreigners is among the most deficient areas of implementation of existing laws and strategies. Although Slovakia has passed the Conception of the Integration of the Aliens in the Slovak Republic in 2009 and has given the responsibility of implementation of the Conception to the Ministry of Labour, Social Affairs, and Family, not much has changed in a day-to-day life of immigrants and new citizens. Implementation of this strategy remains mostly at a declaratory level, most of the tangible results in terms of services or even evaluation of the status quo having been outsourced to non-profit organisations. The MIPEX study places Slovakia on the third before last place in the ranking on integration policies and practice in Europe, scoring lower than Romania, Bulgaria, or Lithuania (Migration Policy Group, 2012). Despite the fact that especially labour migration into Slovakia is increasing and demographic trends show steady decrease in birth of children, the mainstream rhetoric is stuck in depicting Slovakia as only a transitory country which it is to remain also in the future. Reality is already catching Slovakia unprepared and the necessary changes are being realised too slowly. This may mean that the quality of life for migrants and new citizens of Slovakia will remain marginal for years to come. Thus, when discussing the topic of migrants and new citizens on the political scene, the most striking feature is their flagrant absence, marginalisation, or the disinformation of the public officials.

5 Conclusion

The evolution of policies relating to the definition, granting and withdrawal of citizenship in Central Europe was closely tied to turbulent events on the international and regional political scene. To a greater extent than in the West, the ideals and practices of citizenship were marked by struggles for national self-determination, as well as power struggles between the small neighbouring states squeezed in between the warring superpowers during the Cold War period.

Slovak national development had not run its course in the period before 1948. The Slovaks had not achieved a truly independent statehood and were not content to be submerged in a centralised Czechoslovak state after the Second World War. The Slovak Question emerged as a dominant issue at several turning points in history. It impacted on citizenship policies within the common state of Czechs and Slovaks in 1968, when the Slovaks received the gift of federation from the invading Soviet troops, and then again after 1989, when it led to the Velvet Divorce between the two nations.

Citizenship practices as well as the understanding of what citizenship entails and should entail were murky because of frequent changes in policies prior to 1989 and their ad hoc nature and inconsistencies in the first years of the post-communist regime, as well as because of the tumultuous political scene in Slovakia and new challenges resulting from Slovak independence in 1993.

Slovak citizenship policies were strongly shaped by international influences, especially by pressures from the European Union and binding treaties with the Council of Europe. On the other hand, they also reacted to the heated, historically and emotionally charged political debates on the status of Hungarians living abroad and the possibility of their acquiring dual citizenship in Hungary. Central European reality shows us how closely citizenship and identity are intertwined and how easily they are misused for political machinations that further the egoistic agendas of parties and leaders.

Citizenship policies are being gradually simplified and fitted to the new migratory trends that result from membership in the EU. Central European neighbours have not yet abandoned nationalist appeals and contentious policies that seek easy enemies to rally supporters. At the same time, they have to quickly figure out how to absorb inflows from parts of the world very different from theirs. All these developments occur in the context of an enlarging European Union with the common citizenship of the Union linking the nationality policies of its Member States to each other.

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