New Citizenship legislation of the Czech Republic

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New Czech Citizenship legislation will take effect on 1 January 2014. The long title of the new act is “Act No. 186/2013 concerning the nationality of the Czech Republic and amending certain acts”; the short title is “Czech Nationality Act”.

The Czech Nationality Act replaces all previous nationality legislation (Act No. 40/1993 concerning the acquisition and loss of nationality of the Czech Republic as amended, and Act No. 193/1999 concerning the nationality of certain former Czechoslovak nationals as amended).

The following is an overview of the most important changes that will take effect on 1 January 2014:

**Czech nationals will be permitted to have dual and multiple nationality. In line with the trend prevailing in the EU, the Czech Republic will no longer insist on single nationality.**

**Czech nationals will no longer automatically lose their Czech nationality upon obtaining foreign nationality. Starting from 1 January 2014, dual and multiple nationality will be permitted.**

**Czech nationals will be allowed to make a declaration renouncing their Czech nationality. The declaration will have to be approved by the competent Regional Office. There is no other way to take away nationality status from Czech nationals (Section 40).**

**Former nationals eligible to regain Czech nationality through declaration**

Declarations will be accepted from former Czech or Czechoslovak nationals who have lost the nationality before the effective date of the new legislation. **No declarations will be accepted** from those who have lost the nationality by virtue of Constitutional Decree No. 33/1945 concerning the Czechoslovak nationality of persons of belonging to German and Hungarian minorities, the 1946 Treaty between the Czechoslovak Republic and the USSR concerning Transcarpathia, as well as from Czechoslovak nationals who became (or would have become) nationals of the Slovak (Socialist) Republic on or after 1 January 1969 and have retained their Slovak nationality to date (Section 31, paragraph 1).

Declarations will also be accepted from former Czechoslovak nationals who had permanently resided in the Czech (Socialist) Republic until leaving the country, provided that they do not have Slovak nationality on the date of the declaration (Section 31, paragraph 2).

**Note:**

Declarations will be accepted from those who have lost their Czechoslovak nationality before 28 March 1990 (except for the categories of ineligible persons listed in Section 31, paragraph 1). The new legislation repeals the rule according to which declarations were not accepted from those who lost their nationality before 25 February 1948.

It will not be allowed to include children in the declarations of their parents. Parents (or authorized representatives) will have to make a separate declaration on each child’s behalf.

Declarations will be accepted from persons who were nationals of the Czech and Slovak Federal Republic on 31 December 1992 but did not have the nationality of the Czech Republic or of the Slovak Republic. **No declarations will be accepted** from those who have Slovak nationality on the date of the declaration (Section 32, paragraph 1).

Direct-line descendants of the former nationals specified in the preceding paragraph will also be allowed to make
the declaration, provided that they have never had Czech or Slovak nationality (Section 32, paragraph 2).

Declarations will also be accepted from persons born outside the Czechoslovak Republic between 1 October 1949 and 7 May 1969, if at least one of the parents was a Czechoslovak national and became (or would have become) a Czech national on 1 January 1969. These persons must present their declarations before 1 January 2015 (Section 33).

Slovak nationals will no longer be able to acquire Czech nationality through declaration. The new legislation repeals the special rules set out in Section 18a, Section 18b and Section 18c of the previous Nationality Act. However, there will be a transitional period of one year during which Slovak nationals will be allowed to make declarations according to the old legislation. These declarations must be presented before 1 January 2015 (Section 72).

**Children claiming Czech nationality through the father**

The rules are completely changed:

**Father determined by court**: a child born to a foreign mother will automatically get Czech nationality if the father is a Czech national (Section 6).

**Father signs an acknowledgement of paternity** together with the child’s mother: the child will automatically get Czech nationality if the father is a Czech national and the mother is a national of an EU Member State, or a Swiss national, or a national of a State Party to the EEA Agreement (Norway, Iceland, Liechtenstein), or a stateless person, or if she has any other nationality and holds a permit to permanently reside in the Czech Republic (Section 7, paragraph 1).

If the mother does not fall within any of these categories, the child will automatically get Czech nationality if the parents present to the registrar a report on the results of a DNA paternity test from a court-appointed expert (Section 7, paragraph 2).

If the child does not qualify automatically under Section 6 or Section 7, the parents will be able to use the special procedure set out in Section 28.

**Application**

Czech language tests will be stricter, and applicants will be required to prove basic knowledge of the Czech Republic’s constitutional system, state symbols, institutions, history, geography, culture, etc. (Section 14).

On the other hand, applicants will no longer be required to prove that they have lost or renounced their former nationality.

Second-generation immigrants will be able to obtain Czech nationality through declaration.

**Proof of Czech nationality**

Starting from 1 January 2014, the following documents can be presented as proof of Czech nationality:

- national ID card of the Czech Republic
- travel document of the Czech Republic
- certificate of nationality not older than one year
- document not older than one year, proving that Czech nationality has been acquired by or granted to the bearer

Note: a nationality questionnaire is included in a schedule to the new Czech Nationality Act.

**Authorities responsible for nationality matters**

- The Prague, Brno a Pilsen City Halls will no longer the responsible for matters related to nationality.
The responsibility will be transferred to Regional Offices of the Central Bohemia, Moravia-Silesia and Pilsen Regions.

Note: references to “diplomatic missions and consular posts” (“zastupitelské úřady”) in the new legislation do not refer to honorary consulates.

Consular fees

The new legislation changes the consular fee charged for issuing a Czech nationality certificate and for accepting a declaration. The new fee is set out in line item 159 of the Fees Schedule to the Administrative Fees Act.

Detailed information on Czech Citizenship