

CITIZENSHIP OF THE REPUBLIC OF SLOVENIA ACT
official consolidated text (ZDRS-UPB2)

I. GENERAL PROVISIONS

Article 1

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

Article 2

In the territory of the Republic of Slovenia, any citizen of the Republic of Slovenia who also has citizenship of a foreign country shall be considered a citizen of the Republic of Slovenia unless otherwise determined by an international agreement.

II. ACQUISITION OF CITIZENSHIP

Article 3

Citizenship of the Republic of Slovenia shall be acquired:

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

1. Acquisition of Citizenship by Origin

Article 4

A child shall be granted citizenship of the Republic of Slovenia by origin:

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

Article 5

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

Registration under the previous paragraph shall not be necessary if the child would remain stateless.

A child can be registered as a citizen of the Republic of Slovenia by the parent who is a citizen of the Republic of Slovenia. If the child is a ward because he/she does not have parents, or the parental right was taken or the parent is incapacitated, the child's guardian who is a citizen of the Republic of Slovenia can register the child with the consent of the social work centre.

Article 6

Citizenship of the Republic of Slovenia shall be granted to a person born in a foreign country and older than 18 years of age who prior to reaching the age of 36 years declares that he/she is registering as a citizen of the Republic of Slovenia and fulfils the following conditions:

1. that from his/her birth to the declaration one of the parents is a citizen of the Republic of Slovenia or he/she was a citizen of the Republic of Slovenia till his/her death, if he/she died before the declaration;

2. that after reaching the age of 18 years his/her citizenship of the Republic of Slovenia was not lost based on release, renunciation or deprivation.

The declaration referred to in the previous paragraph shall be filed at a diplomatic or consular representation of the Republic of Slovenia abroad, an administrative unit or the ministry responsible for internal affairs. If an authority is not competent for entry into the register of births, deaths and marriages, it must hand over the application to a competent authority within fifteen days and inform the applicant thereof.

Article 7

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

Article 8

Pursuant to Articles 5 and 7 of this Act, for the acquisition of citizenship for a child older than the age of 14 years, his/her consent shall be required.

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

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

Article 9

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

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

3. Acquisition of Citizenship by Naturalisation

Article 10

The competent authority may, within its discretion, grant citizenship of the Republic of Slovenia to a person requesting naturalisation if it is in the national interest. The person must fulfil the following conditions:

1. that the person is of 18 years of age;
2. that the person has a release of current citizenship or proves that he/she will obtain release if he/she acquires citizenship of the Republic of Slovenia;
3. that the person has actually been living in Slovenia for 10 years, of which the 5 years prior to the submission of the application were continuous, and has the legal status of an alien;
4. that the person and persons who he/she has to support have guaranteed funds that

enable material and social security;

5. that the person has a command of the Slovenian language for the purposes of everyday communication, which he/she shall prove with a certificate verifying that he/she successfully passed a basic level exam in Slovenian;

6. . that the person has not been sentenced to an unconditional prison sentence longer than three months, or that the person has not been sentenced to a conditional prison sentence with a trial period longer than one year;

7. that the person's residence permit in the Republic of Slovenia was not annulled;

8. that the person's naturalisation poses no threat to the public order, security or defence of the State;

9. that the person has settled all tax obligations;

10. that the person gives a declaration to respect the free democratic constitutional order, founded in the Constitution of the Republic of Slovenia.

The condition under point 2 of the previous paragraph shall be considered fulfilled if the person is stateless, or if he/she proves that pursuant to the law of his/her country he/she lost citizenship by naturalisation itself, or if he/she submits evidence that his/her country has not decided on the application for release of citizenship within a reasonable period of time. It is considered that the country has not made a decision within a reasonable period of time if the person submitted an application for release of citizenship by the competent authorities within 60 days after the assurance was issued and that he/she did everything necessary within two years from the receipt of the assurance to successfully complete the procedure specified by the competent authorities of the home country. If the person proves that his/her country will not grant a release of citizenship or that the voluntary acquisition of foreign citizenship is considered an act of disloyalty, which pursuant to the country's regulations is sanctioned, the declaration of the applicant that he/she will renounce foreign citizenship if he/she is granted citizenship of the Republic of Slovenia shall suffice. A citizen of a European Union Member State shall not have to submit the proof of fulfilling point 2 of paragraph 1 of this Article if there is reciprocity between the countries.

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

The conditions referred to in point 5 of paragraph 1 of this Article shall be considered fulfilled if:

1. the person finished primary school in the Republic of Slovenia;
2. the person successfully finished a publicly recognised secondary school programme in the Republic of Slovenia;
3. the person obtained a higher education or university degree, i.e. completed higher education or university studies after 25 June 1991;
4. the person is over 60 years of age and has actually been living in Slovenia for 15 years;
5. the person finished primary or secondary school with Slovenian being the teaching language in regions where people belonging to the native Slovenian national community are living in the neighbouring countries.

The condition under point 5 of paragraph 1 of this Article shall further be fulfilled if a person, who is illiterate, can communicate orally in the Slovenian language, which he/she shall prove by a certificate of a successfully passed examination on the oral command of the Slovenian language at a basic level. A person who is not able to pass the examination in the required form due to reasons of health that prevent everyday communication shall not be required to fulfil the condition under point 5 of paragraph 1. The proof of fulfilling this condition by claiming actual inability to take the exam shall be carried out by an expert. The costs incurred due to carrying out the proof shall be borne by the person.

If criminal proceedings have been initiated for a criminal offence under point 6 of paragraph 1 of this Article, the authority competent for deciding on naturalisation shall suspend the

procedure until a legally binding decision has been reached in the criminal proceedings. The condition under point 6 of paragraph 1 of this Article shall be considered fulfilled if the terms for the removal of the conviction from the criminal records are given.

The person shall be considered actually living in the Republic of Slovenia if he/she is physically present in its territory and this is the centre of his/her interests, which is assessed based on his/her occupational, economic, social and other ties that show that there are close and permanent links between the person and the Republic of Slovenia.

The person shall have guaranteed material and social security if he/she has guaranteed assets at least in the amount of the basic minimum income specified by social security regulations. The assets in the amount of the basic minimum income must also be guaranteed for every person that he/she has to support.

The person shall have the legal status of an alien if he/she has a permanent or temporary residence permit of the Republic of Slovenia, a certificate of residence registration for a European Union citizen, or if so stipulated by law.

The oath to respect the free democratic constitutional order, founded in the Constitution of the Republic of Slovenia, shall be worded: I declare loyalty to my new homeland, the Republic of Slovenia, and I swear to respect the free democratic constitutional order of the Republic of Slovenia, the values and principles of freedom and democracy, and that as a citizen of the Republic of Slovenia I will fulfil my duties and obligations. I swear that I will not act and support any actions against the free and democratic constitutional order or existence of the Republic of Slovenia and that I will not unlawfully threaten the bodies of the Republic of Slovenia or representatives thereof. I swear that I will not support any action against the interests of the Republic of Slovenia by using violence or preparatory actions for the use of violence.

The procedure and manner of the solemn action of giving the oath shall be prescribed by the minister responsible for internal affairs within three months from the date of entry into force of this Act.

Article 11

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

A complaint against the guarantee referred to in the previous paragraph is allowed.

The competent authority shall again verify the conditions under points 6 and 8 of paragraph 1 of Article 10 of this Act before reaching a decision on naturalisation of an alien who has submitted evidence of fulfilling the conditions under point 2 of paragraph 1 of Article 10 of this Act.

If the party does not fulfil the conditions referred to in the previous paragraph, his/her application shall be rejected.

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

Article 12

If it is in the national interest, the competent authority may, at its own discretion, naturalise a Slovenian expatriate and his/her descendants to the fourth generation in direct descent if he/she has actually been living in the Republic of Slovenia for at least one year prior to submitting the application, if he/she has the legal status of an alien and if he/she fulfils the conditions under points 1, 4, 5, 6, 7, 8, 9 and 10 of paragraph 1 of Article 10 of this Act.

If it is in the national interest, the competent authority may, at its own discretion, naturalise a person who lost Slovenian citizenship due to release or renunciation of citizenship in accordance with the provisions of this Act or in accordance with the regulations that governed citizenship in the territory of the Republic of Slovenia prior to the adoption of this

Act, if the person has actually been living in Slovenia continuously for six months prior to submitting the application, if he/she has the legal status of an alien and if he/she fulfils the conditions under points 1, 4, 6, 7, 8, 9 and 10 of paragraph 1 of Article 10 of this Act.

If it is in the national interest, the competent authority may, at its own discretion, naturalise a person who has been married to a citizen of the Republic of Slovenia for at least three years if he/she has actually been living in Slovenia continuously for at least one year prior to submitting the application, if he/she has the legal status of an alien and if he/she fulfils the conditions under points 1, 2, 4, 5, 6, 7, 8, 9 and 10 of paragraph 1 of Article 10 of this Act. The condition of continuous residency shall also be fulfilled if the person is not physically present in the territory of the Republic of Slovenia for reasons that on his/her part or the part of his/her spouse are not regarded as termination of residency. The circumstances under which despite the applicant not being granted citizenship of the Republic of Slovenia the condition of continuous residency is fulfilled shall be determined by the Government of the Republic of Slovenia.

Subject to the consent of the Government of the Republic of Slovenia, the person under the previous paragraph may, by a special application, acquire citizenship of the Republic of Slovenia by way of exception even if he/she does not fulfil the condition under point 2 of Article 10 of this Act and the condition of continuous residency referred to in the previous paragraph.

If it is in the national interest, the competent authority may, at its own discretion, naturalise a person of full age born in the territory of the Republic of Slovenia if he/she has actually been living in Slovenia since his/her birth and if he/she fulfils the conditions under points 6, 7, 8, 9 and 10 of paragraph 1 of Article 10 of this Act.

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

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

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

If it is in the national interest, the competent authority may, at its own discretion, naturalise a person who has attended and successfully completed at least a higher education programme in the Republic of Slovenia if he/she has actually been living in Slovenia for at least seven years, continuously for at least one year prior to submitting an application, if he/she has the legal status of an alien and if he/she fulfils the conditions under points 2, 4, 6, 7, 8, 9 and 10 of paragraph 1 of Article 10 of this Act.

Article 13

A person of full age may be granted citizenship of the Republic of Slovenia by naturalisation if this offers scientific, economic, cultural, national or similar benefits to the state, provided that the individual has actually been living in Slovenia continuously for at least one year prior to submitting the application and has the legal status of an alien, and if he/she fulfils the conditions under points 4, 6, 8, 9 and 10 of paragraph 1 of Article 10 of this Act.

Persons under Article 2 of the Relations between the Republic of Slovenia and Slovenians Abroad Act (Official Gazette of the Republic of Slovenia, No 43/06) who are exercising the benefit to the state for national reasons shall not be required to fulfil the condition of

continuous residence in the Republic of Slovenia based on the legal status of an alien, the condition under point 4, if they are not liable to pay taxes in the Republic of Slovenia, and also not the condition under point 9 of paragraph 1 of Article 10 of this Act.

The existence of the reasons referred to in paragraph 1 of this Article shall be preliminarily ascertained by the Government of the Republic of Slovenia based on the opinion of the competent ministerial body.

If a person is exercising the benefit to the state for a reason which does not fall under the competence of any ministerial body, the existence of the reason referred to in paragraph 1 of this Article shall be determined by the Government of the Republic of Slovenia based on the opinion of the ministry responsible for internal affairs.

Article 13.a

(repealed)

Article 14

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

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

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

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

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

If the child is older than the age of 14 years, his/her consent shall be necessary to acquire citizenship pursuant to the previous paragraphs.

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

Article 15

Whoever acquires citizenship of the Republic of Slovenia by naturalisation or pursuant to Article 40 of this Act shall become a citizen of the Republic of Slovenia as of the day the written decision on acquisition of citizenship of the Republic of Slovenia is handed over to him/her.

Article 16

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

have influenced the decision.

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

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

III. LOSS OF CITIZENSHIP

Article 17

Citizenship of the Republic of Slovenia shall be lost:

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

1. Loss of Citizenship by Release

Article 18

A citizen of the Republic of Slovenia shall lose citizenship of the Republic of Slovenia by release (hereinafter: release of citizenship of the Republic of Slovenia) if the citizen so requests and fulfils the following conditions:

1. that the applicant has reached the age of 18 years;
2. that the person actually lives abroad;
3. that there are no military service obligations;
4. that all due debts and other legal obligations have been settled;
5. that all maintenance obligations arising from matrimony and from the parent and child relation have been settled with persons who reside in Slovenia;
6. that there is no criminal prosecution for a criminal offence prosecuted by law currently in progress against such person in Slovenia, and that if the person was sentenced to prison in Slovenia the sentence was served;
7. that the person can prove or has proof that he/she will be granted foreign citizenship.

The military service obligations referred to in point 3 of the previous paragraph shall be regulated in detail by the ministry responsible for defence.

The authority competent for making the decision on release may reject an application for release of citizenship of the Republic of Slovenia, even though the conditions under paragraph 1 of this Article are fulfilled, if such a solution is required for reasons of security or defence of the State, or if required for reasons of reciprocity or for other reasons connected with a relationship with a foreign state.

The authority competent for making decisions on release may reject an application for release of citizenship of the Republic of Slovenia, even though the conditions under paragraph 1 of this Article are fulfilled, if such a solution is required by the economic, social and national interests of the State.

Article 19

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

If a person to whom the guarantee referred to in the previous paragraph was issued does not provide proof within a period of two years after such guarantee was handed over that he/she has actually moved from the Republic of Slovenia and that he/she was guaranteed foreign

citizenship or that he/she has already acquired foreign citizenship, it shall be considered that he/she has withdrawn his/her application.

Article 20

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

Article 21

The authority that decided on the release of citizenship of the Republic of Slovenia may revoke the decision on release if the person so requires and if he/she within one year subsequent to the receipt of the decision did not acquire foreign citizenship. The application for revocation of the decision on the release may be filed within one year after the handing over of the decision.

Article 22

A child who has attained the age of 18 years shall lose citizenship of the Republic of Slovenia at the request of both parents who have lost citizenship by release, or of one of the parents who lost citizenship and the other parent is not a citizen of the Republic of Slovenia. A child whose parents are divorced shall lose citizenship of the Republic of Slovenia by release at the request of the parent with whom the child resides or to whom the child was assigned for care and education, and who himself/herself requested release of citizenship of the Republic of Slovenia, or in the case that the parent with whom the child resides is an alien. In both cases, the consent of the other parent shall be required. If the other parent does not agree with the child's release of citizenship of the Republic of Slovenia, the child shall obtain release if the ministry responsible for family and social affairs gives its consent to the child's release if it will benefit the child. Such consent shall be attached to the application for the child's release of citizenship of the Republic of Slovenia. It shall be unnecessary to obtain the consent under paragraphs 2 and 3 of this Article if the whereabouts of the second parent cannot be determined or if he/she was deprived of his/her functional capacity or parental rights.

Article 23

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

Article 24

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

2. Loss of Citizenship by Renunciation

Article 25

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

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

such declaration of renunciation of citizenship of the Republic of Slovenia.

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

3. Loss of Citizenship by Deprivation

Article 26

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

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

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

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

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

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

IV. COMMON PROVISIONS

Article 27

The ministry responsible for internal affairs shall decide on the acquisition of citizenship of the Republic of Slovenia pursuant to Article 13 of this Act.

An administrative unit shall decide on the acquisition of citizenship of the Republic of Slovenia pursuant to Articles 10, 12 and 14 of this Act and on the issuing of a guarantee pursuant to Article 11 of this Act.

An administrative unit shall decide on the declaration of citizenship pursuant to Articles 5, 6 and 41 of this Act.

An administrative unit shall decide on the loss of citizenship of the Republic of Slovenia pursuant to paragraph 2 of Articles 9, 18, 22, 23, 25 and 26 of this Act and on the issuing of a guarantee pursuant to Article 19 of this Act.

Article 27.a

The application for acquisition or loss of citizenship shall be filed at an administrative unit. An application for the acquisition of citizenship of the Republic of Slovenia pursuant to Article 13 of this Act shall be filed with the ministry responsible for internal affairs or at a diplomatic or consular representation of the Republic of Slovenia abroad; an application for the loss of citizenship can also be filed at a diplomatic or consular representation of the Republic of Slovenia abroad.

Within 15 days from the submission of the application, an official shall gather *ex officio*

information on the facts, of which the official register is kept by a state body itself, and demand information on the facts, of which the official register is kept by another state body or a body of self-governing local community or a holder of public authority. He shall also ex officio demand information on facts which are classified as tax secrecy and show the fulfilment of the condition under point 9 of paragraph 1 of Article 10 of this Act.

The administration unit in the territory of which the person has a registered permanent or temporary residence shall be competent for decision-making in the procedures of acquisition or loss of citizenship. If the person has a registered permanent and temporary residence in the Republic of Slovenia, the competent administration unit shall be the unit in the territory of which the person has a registered permanent residence.

If the person has several registered temporary residences in the Republic of Slovenia, the competent administration unit shall be the unit in the territory of which the person has the last registered temporary residence.

If the person does not have a registered permanent or temporary residence in the Republic of Slovenia, the competent administration unit shall be the unit in the territory of which the person had the last registered permanent or temporary residence. If the person does not have a registered permanent or temporary residence in the Republic of Slovenia, the competent administration unit shall be the unit in the territory of which the person's parents had a registered permanent or temporary residence. If the parents did not have a registered residence in the Republic of Slovenia, the competent administration unit shall be the unit in the territory of which the person's birth is registered.

The administrative unit in Ljubljana shall be competent for decision-making if none of the mentioned circumstances exist or did not exist.

Article 27.b

The decision by the administrative unit in which it was decided that the person would be granted citizenship of the Republic of Slovenia shall be submitted for revision to the ministry responsible for internal affairs, except a decision issued in the procedure that was previously completed by issuing a guarantee pursuant to Article 11 of this Act.

The administrative unit shall submit the matter for revision within eight days from the day that the time limit for the appeal expired. The decision by the administrative unit in which it was decided that the person would be granted citizenship of the Republic of Slovenia shall be final on the day that the ministry responsible for internal affairs gives its consent to the decision.

Notwithstanding the provision of Article 15 of this Act, a person who has been granted citizenship of the Republic of Slovenia in procedures that are under the administrative unit's competence shall become a citizen of the Republic of Slovenia on the day that he/she takes the oath under point 10 of paragraph 1 of Article 10 of this Act.

Under paragraph 4 of Article 12 of this Act, the administrative unit shall submit the administrative matter to the ministry responsible for internal affairs, which then submits the special application of the person to the Government of the Republic of Slovenia for its consent.

Article 27.c

The ministry responsible for internal affairs shall give its consent to the decision by the administrative unit in the revision procedure.

The ministry responsible for internal affairs shall abolish the administrative unit's decision and decide independently on the matter if it determines that the facts in the first degree were determined incompletely or falsely, that essential violations of the procedure rules occurred in the procedure, or that a material regulation was falsely used in the procedure.

The ministry responsible for internal affairs must perform the revision within two months from the day of receipt of the administrative matter.

If the ministry responsible for internal affairs abolishes the administrative unit's decision, the

time limit referred to in the previous paragraph may be extended, but not by longer than two months.

Article 27.d

Paragraphs 1 and 2 of Article 27.b and Article 27.c shall also be used in acquisition procedures of citizenship of the Republic of Slovenia which are completed by issuing a guarantee pursuant to Article 11 of this Act.

Article 28

The criteria which determine the national interest for naturalisation pursuant to Articles 10, 12 and 13 of this Act and for refusal of a release application of citizenship of the Republic of Slovenia pursuant to paragraph 4 of Article 18 of this Act shall be specified by the Government of the Republic of Slovenia. The Government of the Republic of Slovenia shall further specify the criteria of determining the conditions under points 3, 4 and 8 of paragraph 1 of Article 10 of this Act.

Article 29

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

Article 30

Acquisition or loss of citizenship shall be reported to the authority competent for keeping the register of births, deaths and marriages.

V. RECORDS ON CITIZENSHIP

Article 31

Information on citizenship for citizens of the Republic of Slovenia shall be gathered and further processed in the register of births, deaths and marriages with the purpose of gathering and further processing personal information in the register of births, deaths and marriages in accordance with the provisions of the act regulating the register of births, deaths and marriages.

Article 32

The ministry responsible for internal affairs and administrative units shall keep a register of persons who have acquired citizenship of the Republic of Slovenia by naturalisation or based on international agreements and a register of persons who have lost citizenship of the Republic of Slovenia (hereinafter: Citizenship Register). The Citizenship Register shall be kept as a computerised database and maintained by the ministry responsible for internal affairs. The body which decided on the acquisition or loss of citizenship shall enter the information into the register. The Citizenship Register shall be connected by computer to the Aliens Register and the Register of Births, Deaths and Marriages.

Personal information on persons which have been entered into the Citizenship Register shall be gathered and further processed in the Citizenship Register to determine, regulate and implement their rights and obligations, to decide on their rights and obligations, to monitor the situation in the field of citizenship, the needs of state bodies and other users which they need to carry out statutory tasks, or to keep and maintain statutory databases and to perform statistical, historical and other research on legal basis and for other legal purposes.

Article 33

The Citizenship Register shall contain the following information on persons who have acquired citizenship of the Republic of Slovenia by naturalisation or based on international agreements:

1. name and family name
2. date and place of birth
3. unique personal identification number of the citizen
4. gender
5. permanent or temporary residence permit, registration of residence certificate for an EU citizen
6. permanent or temporary residence in the Republic of Slovenia (by naturalisation)
7. occupation and education
8. citizenship prior to naturalisation
9. number and date of the decision and the authority that issued the decision
10. legal basis for the acquisition of citizenship of the Republic of Slovenia
11. date of acquisition of citizenship of the Republic of Slovenia

The Citizenship Register shall maintain the following information on persons who have lost citizenship of the Republic of Slovenia:

1. name and family name
2. date and place of birth
3. unique personal identification number of the citizen
4. gender
5. permanent or temporary residence prior to going abroad
6. residence prior to the loss of citizenship of the Republic of Slovenia
7. occupation and education
8. information on foreign citizenship
9. the reason for the loss of citizenship of the Republic of Slovenia
10. number and date of the decision and the authority that issued the decision
11. legal basis for the loss of citizenship of the Republic of Slovenia
12. date of loss of citizenship of the Republic of Slovenia

Personal information shall be kept in the register for 50 years after the death or loss of citizenship of the person to whom they refer. The information shall be archived after the expiration of this time period has elapsed.

Article 34

Information for the Citizenship Register shall be gathered directly from the persons that the information relates to.

Notwithstanding the previous paragraph, whenever possible the following information shall be gathered:

1. from the Register of Births,
2. from the Citizenship Register,
3. from public documents,
4. from other persons in accordance with the law.

Article 35

Personal information from the Citizenship Register may be used by employees of the police when performing their duties as stipulated by law.

The authorities that maintain the Citizenship Register shall forward information to other users from these records if they are authorised to use this information by law or on the basis of the consent or request of the individual the information relates to.

Users of the information under the previous paragraph must not forward personal information to other users and must only use it for the purpose for which it was provided.

Article 36

The ministry responsible for internal affairs may forward information on an individual included in the Citizenship Register to other states under the condition of reciprocity if the following conditions are fulfilled:

1. if the information is forwarded to the authorities of a foreign country competent for matters of citizenship;
 2. if the recipient of the information undertakes to use the received information only for purposes in connection with establishing citizenship, and in other cases only if urgently needed for the realisation of penal proceedings or if the communication of this information undoubtedly benefits the individual to whom the information refers;
 3. if in the state where the authority to which the information is communicated has its seat the protection of personal information is also guaranteed for foreigners.
- The fact under point 3 of the previous paragraph shall be established by the ministry responsible for foreign affairs.

Article 37

Citizenship of the Republic of Slovenia shall be proved with an identity card, travel document, extract from the Register of Births, Deaths and Marriages, or citizenship certificate.

The form of the citizenship certificate shall be prescribed by the minister responsible for internal affairs.

Article 38

If the procedure for the establishment of citizenship or the granting or loss of citizenship of the Republic of Slovenia was initiated upon the request of the person concerned and it is impossible to terminate the procedure without his/her cooperation, his/her silence shall be considered as a withdrawal of the request if he/she despite an admonition from the competent authority does not carry out any activity within the given term necessary to continue or terminate the procedure, or if it can be concluded from the omission of such deeds that he/she is no longer interested in continuation of the procedure.

The procedure can only be terminated on the basis of the reasons referred to in the previous paragraph after three months have expired from the admonition.

The Citizenship of the Republic of Slovenia Act – ZDRS (Official Gazette of the Republic of Slovenia, No 1/91-I) contains the following transitional provisions as they were amended or repealed:

- Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-A (Official Gazette of the Republic of Slovenia, No 30/91-I) of 14 December 1991)
- Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-B (Official Gazette of the Republic of Slovenia, No 38/92-I) of 1 August 1992)
- Decision of the Constitutional Court of the Republic of Slovenia U-I-69/92-30 on the repeal of Articles 41 and 13.a of the Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia, No 61/92-I) of 24 December 1992)
- Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-C (Official Gazette of the Republic of Slovenia, No 13/94 of 10 March 1994)
- Decision of the Constitutional Court of the Republic of Slovenia U-I-89/99 on the repeal of paragraph 3 of Article 40 of the Citizenship of the Republic of Slovenia Act, as far as referring to reasons of threats to the public order, specified in point 8 of Article 10 of this Act (Official Gazette of the Republic of Slovenia, No 59/99-I) of 23 July 1999)
- Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-Č (Official Gazette of the Republic of Slovenia, No 96/02 of 14 November 2002)
- Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-D (Official Gazette of the Republic of Slovenia, No 127/06 of 7 December 2006)

VI. TRANSITIONAL PROVISIONS

Article 39

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

Article 39.a

Any person who on 23 December 1990 had a registered permanent residence in the Republic of Slovenia or has actually been living in Slovenia continuously since that date shall be considered a citizen of the Republic of Slovenia if he/she would acquire citizenship of the Republic of Slovenia pursuant to Article 37 of the Citizenship of the Federal People's Republic of Yugoslavia Act (Official Gazette of the Democratic Federal Yugoslavia, No 64/45 and Official Gazette of the Federal People's Republic of Yugoslavia, Nos 54/46, 104/47, 88/48 and 105/48), provided that he/she acquired citizenship of any other republic of the former Socialist Federal Republic of Yugoslavia as of 21 December 1950, although he/she did not make a statement according to paragraph 2 of the obligatory explanation of Article 37 of the Citizenship of the Federal People's Republic of Yugoslavia Act of 1 July 1946 (Official Gazette of the Federal People's Republic of Yugoslavia, No 90/46).

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

The statement of the applicant shall be considered as proof by way of exception if the person concerned undisputedly proves that he/she could not obtain the proof referred to in the previous paragraph.

Article 40

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

Regardless of whether the person fulfils the conditions under the previous paragraph, the application for citizenship of the Republic of Slovenia shall be rejected if after 26 June 1991 the person committed a criminal offence under Chapters 15 or 16 of the Penal Code of the Socialist Federal Republic of Yugoslavia (Official Gazette of the Socialist Federal Republic of Yugoslavia, Nos 44/76, 34/84, 74/87, 57/89, 3/90 and 38/90), directed against the Republic of Slovenia or other values that in accordance with the provision of paragraph 1 of Article 4 of the Constitutional Act Implementing the Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia are protected by the criminal laws of the Republic of Slovenia, irrespective of where the offence was committed. If criminal proceedings were instigated for the offence, the procedure for the granting of citizenship shall be pending until the criminal proceedings are finally completed.

Regardless of whether the person fulfils the conditions under paragraph 1 of this Article, the application may be rejected if the reasons under point 8 of Article 10 of this Act apply to the applicant.

(Note: see the Decision of the Constitutional Court of the Republic of Slovenia, operative No U-I-89/99, Official Gazette of the Republic of Slovenia, No 59/99)

A child under the age of 18 years may be granted citizenship of the Republic of Slovenia under the provisions of Article 14 of this Act.

Article 41

Until the age of 36 years, a person who was born in the Republic of Slovenia may declare himself/herself a citizen of the Republic of Slovenia until the age of 18 years if one of his/her parents was a citizen of the Republic of Slovenia at the time the person was born but his/her parents later agreed on citizenship of another republic of the former Socialist Federal Republic of Yugoslavia.

The declaration referred to in the previous paragraph may be filed at a diplomatic or consular representation of the Republic of Slovenia abroad or an administrative unit.

Article 42

The ministry responsible for internal affairs shall decide on the acquisition of citizenship of the Republic of Slovenia pursuant to Article 40 of this Act.

Article 43

The citizenship of persons who according to existing regulations were citizens of the Republic of Slovenia but were not registered in the Citizenship Register of the Republic of Slovenia shall be subsequently entered in the Register of Births, Deaths and Marriages on the basis of a declaratory decision issued ex officio by the competent administrative unit. If the birth was not registered, it shall be necessary to enter the data on citizenship together with registering the birth in compliance with the Register of Deaths, Births and Marriages Act.

Article 44

The competent administrative unit shall issue a certificate of citizenship of the Republic of Slovenia, irrespective of the place of permanent or temporary residence of the person asking for the certificate.

Article 45

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

The records under the previous paragraph shall contain data pursuant to Article 33 of this Act, which shall be gathered and used according to Articles 34, 35 and 36 of this Act.

Article 46

The minister responsible for internal affairs shall issue detailed regulations on keeping the central Citizenship Register.

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

VII. FINAL PROVISIONS

Article 47

On the day of entry into force of this Act, the validity of the Citizenship of the Socialist Republic of Slovenia Act (Official Gazette of the Socialist Republic of Slovenia, No 23/76) shall terminate.

Article 48

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

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

Article 2

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

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

Article 3

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

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

Article 11

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

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

TRANSITIONAL AND FINAL PROVISIONS

Article 19

A person of full age who had a registered permanent residence in the territory of the Republic of Slovenia on 23 December 1990 and who has been living in the Republic of Slovenia continuously from that day may apply for citizenship of the Republic of Slovenia within one year of the entry into force of this Act if he/she fulfils the conditions under points 5, 6, 8 and 10 of paragraph 1 of Article 10 of this Act.

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

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

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

Article 20

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

The Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-D (Official Gazette of the Republic of Slovenia, No 127/06) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 17

Articles 27, 27.a, 27.b, 27.c and 27.d shall begin to be applied within six months after this Act enters into force. Applications submitted prior to the beginning of use of these provisions shall be decided by the ministry responsible for internal affairs in accordance with the provisions of the Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia, No 7/03 – official consolidated text).

Notwithstanding the previous paragraph, the ministry responsible for internal affairs shall use the provision under paragraph 2 of Article 4 of this Act to issue a guarantee under Article 11 of the Act, and the provision under paragraph 2 of Article 6 of this Act to make a decision pursuant to Article 13 of the Act.

The minister responsible for internal affairs shall issue a certificate of citizenship within three months from the date of entry into force of this Act.

Article 18

The conditions for keeping a computerised database under the provision of Article 32 of this Act shall be provided within three months from the date of entry into force of this Act. Until the informatisation of records, the provisions under Articles 32 and 33 of the Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia, No 7/03 – official consolidated text) shall apply.

Article 19

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