

## Czech Citizenship

Czech citizenship is – as perceived by the law – the highest attainable level of a foreigner’s integration in the Czech society. The following text explains what are the practical benefits of acquiring Czech citizenship by foreigners, in what cases do newly borns obtain Czech citizenship, what can a foreigner do to be granted Czech citizenship, how can one lose Czech citizenship, and many other related issues.

### Practical Benefits of Czech Citizenship

Compared to a permanent residence permit, which guarantees the majority of political rights provided for in the Czech legal framework, Czech citizenship offers the following benefits:

- 1) voting right (both active and passive)
- 2) a Czech citizen may not be adjudged to administrative deportation, nor may be sentenced to deportation
- 3) a Czech citizen may not be refused access to the Czech Republic
- 4) the Czech Republic provides its citizens with diplomatic protection (other EU members states currently provide some assistance, too)

Further practical benefits of citizenship include: freer travel abroad; a foreigner remains subject to the visa regulations of his/her home state, for instance Armenia, Vietnam, Ukraine etc. Once having been granted Czech citizenship, other countries must look at this person as a Czech citizen.

By acquiring a Czech identity card (“občanský průkaz”), the foreigner is no longer required to produce the passport when verifying his/her identity; for many Czechs, passport still remains an uncommon document of identity, and thus may have negative connotations.

### Acquisition of Czech Citizenship and Child Legitimacy

In the Czech Republic, the legitimacy of children to acquire citizenship is governed by the principle of “ius sanguinis” (“the right of blood”); i.e. the child’s citizenship is determined according to the parents’ citizenship.

**If both parents or at least one parent of the child is a Czech citizen**, the child becomes a Czech citizen **upon birth**. This will apply regardless of whether the new-born infant acquires citizenship of another state or states. In such a case, the child will become a citizen of more than one state at the moment of his/her birth.

**If the mother of the child is a foreigner and the father of the child unmarried to the child’s mother is a Czech citizen**, the newly born shall acquire Czech citizenship **by affiliation**. The infant becomes a Czech citizen as of the day the affiliation becomes valid, i.e. either on the day the parents deliver a concerted representation before the Registry Office, or on the day the court decision on affiliation becomes legally effective. (the law does not provide for a clear procedure if the mother – a foreigner – is a spouse of a foreigner who is not, however, the biological father of the infant; i.e. the infant is not born to an unmarried couple, but the fatherhood to the infant’s father – a Czech citizen – is being determined).

**If neither of the child’s parents is a Czech citizen, and if one of the parents permanently resides in the Czech Republic**, and if the infant is born in the Czech Republic, the infant also acquires Czech citizenship upon birth.

**If the parents are unknown** and a minor (a child of no more than fourteen years of age) is found on the territory of the Czech Republic, the minor will become a Czech citizen upon he/she is found, unless the minor is identified to have become another state's citizen upon birth.

**If both parents are foreigners** or if they are unknown, their child may become a Czech citizen if adopted by a Czech citizen. The child will become a Czech citizen once the court decision approving the adoption has become legally effective.

The authority registering the infant's citizenship is the Registry Office competent at the district or municipality of the infant's birth. Registry Offices are deemed to be municipal councils or local authorities, and Prague city district councils.

### **Acquisition of Citizenship by Naturalisation**

The Ministry of the Interior may naturalise a foreigner who is eligible under the law and who meets the following statutory requirements:

**At least five years of permanent residence in the Czech Republic; the foreigner is required to remain in the Czech Republic for the most part of this period.** The Ministry may pardon the applicant for not having had residence in the Czech Republic for the entire five-year period or for not having remained in the Czech Republic for the most part of this period; however, the applicant must, in any case, permanently reside in the Czech Republic on the date of application for a number of reasons

- ◆ to establish some binding of the applicant to the Czech Republic or to the former Czechoslovakia (see Section 11 ( 1) of the Act) or *vice versa*
- ◆ if the applicant is not a citizen of any state or
- ◆ if the applicant is an asylum-seeker in the Czech Republic.

**Proof that the applicant has lost his/her previous citizenship status or that he/she will certainly lose the same on acquiring Czech citizenship.** In most cases, an official document of the applicant's home state must be presented, certifying that the applicant has ceased to be a citizen of this state, or that this state has never registered the applicant as its citizen, or that the legal regulations of this state link the acquisition of a foreign citizenship to the renunciation of the current citizenship (the Ministry may already be aware of that). Of course, persons without a citizenship and asylum-seekers are not required to present this proof.

This requirement may be waived if the applicant has legally resided in the Czech Republic for at least five years (even if his/her permanent residence does not last the whole five years; residence on visa may be included in this period), and if

- ◆ the applicant's home state cannot legally forfeit the applicant's citizenship (i.e. to deprive the applicant of his/her citizenship)
- ◆ if the applicant's home state refuses to issue such a certificate
- ◆ if filing a request for renunciation of citizenship might put the applicant or his/her family in danger

This requirement may be waived if the applicant has legally resided in the Czech Republic for more than twenty years.

**Clean criminal record for the past five years**, i.e. the fact that the applicant has not been convicted of a deliberate crime in the last five years. This requirement may be pardoned.

**Knowledge of the Czech language** (this is proved by an interview at the office where the applicant files his/her application). The Ministry may pardon this requirement for “reasons worth of special consideration”.

Czech citizenship must be requested. **The application is addressed to the Ministry of the Interior**, but it is filed at the competent office (i.e., it is addressed to the Ministry “through” the competent office). Most often, the competent office is the local authority competent at the place of the applicant’s permanent residence; in Prague, it is the relevant city district council. However, each regional government currently sets out the procedure in its own guidelines. Therefore, the applicant should request information at the relevant office.

Each person may file an application on his/her behalf, or

- ◆ a married couple may file a joint application
- ◆ one parent or both parents may include their child younger than fifteen years of age in their application
- ◆ application on behalf of a minor (applying for citizenship separately) must be filed by the minor’s legal guardian (i.e. a parent, adoptive parent or custodian)

The applicant’s application must state that the applicant applies for Czech citizenship, and, if necessary, that he/she requests that one or more of the above-mentioned requirements be pardoned.

**The following must be attached to the application:**

- 1) birth certificate and, if applicable, other documents: certificate of marriage, certificate of divorce and death certificate of deceased husband or wife (“registry documents”)
- 2) certificate issued by the applicant’s home state proving that the applicant has ceased to be a citizen of his/her home state or that he/she will certainly lose the citizenship upon acquiring Czech citizenship (see the second statutory requirement above)
- 3) extract from the Criminal Register not older than six months (issued immediately at 1 Soudní street, Prague 4, near Pražského povstání subway station; the application may be filed at any local authority or at any district prosecutor’s office – this procedure will take two to three weeks. The fee in both cases amounts to CZK 50, and it must be paid by duty stamps. Extracts for minors will be issued free of charge.
- 4) a curriculum vitae (to inform the Ministry of the applicant’s past bonds to the Czech Republic, and to announce his/her intention to live in the Czech Republic in the future; the applicants sometimes attach employer’s references as to the applicant’s character etc.) – does not apply to minors
- 5) consent of the minor’s (a child under 15 years of age) second parent (the one that does not file the application on the minor’s behalf) approving the change of the minor’s citizenship

**The administrative fee** for processing the application amounts to CZK 5 000. If one joint application is filed for more persons (e.g. a married couple and their children), the amount of the fee does not increase. The Ministry may reduce the amount of the fee for lack of funds, if requested by the applicant. Specific groups of applicants are charged CZK 500 only.

Applicants are usually required to present **public documents (e.g. birth certificates) issued by foreign authorities**. To be eligible for filing within official procedures of Czech authorities and to have the nature and the probative force of public documents, the above documents must be duly verified. The situation varies from state to state, depending on

whether the Czech Republic has signed an international treaty on the recognition of documents with the relevant state.

If such a treaty has not been signed, the foreign document, possibly after having been certified by senior authorities of the foreign state, must be presented to the relevant Czech diplomatic mission located in the foreign state or to a Czech diplomatic mission competent in such a foreign state, for verification.

If the Czech Republic and the relevant foreign state have signed a consular treaty, the verification may be performed by consuls (therefore, you do not have to visit the diplomatic mission directly).

If the states have signed a treaty on legal assistance in civic law matters, it will suffice to verify the documents pursuant to the regulations of the relevant foreign state, e.g. by the foreign state's notary public; such a document will enjoy the status and the powers of a Czech public document.

**Note:**

For instance, the Czechoslovak Socialist Republic and the Socialist Republic of Vietnam have signed a Treaty on Legal Assistance in Civic Law Matters, published under no. 98/1984 Coll. Article 13 of the Treaty stipulates that Vietnamese public documents have the nature of public documents in the Czech Republic (and, of course, *vice versa*). The same applies to Ukraine and Armenia, as the Czechoslovak Socialist Republic and the USSR have signed a Treaty on Legal Assistance in Civic Law, Family Law and Criminal Law Matters, published under no. 95/1983 Coll. Nevertheless, the documents must be translated into Czech, see below.

**Foreign official documents issued in a foreign language must be officially translated into Czech** by a certified translator appointed pursuant to the Act on Experts and Interpreters, Act no. 36/1967 Coll. In compliance with the implementing directive to Act no. 37/1967 Coll., the lists of interpreters are maintained by the regional courts. Under Section 17 of this directive, the official translations are priced between CZK 100 and 350 per page.

### **Administrative Proceedings on Applications for Citizenship**

Once the application has been filed, the competent authority having received the application will invite the applicant to come for an interview, which serves to assess the applicant's grasp of the Czech language. The interview is about 30 minutes long, and it will be based on news articles given to the applicant: the applicant's ability to understand the text and to react adequately to additional questions will be assessed. The authority will fill the relevant blank form with the applicant and will instruct the applicant of his/her rights (e.g. the right to request reduction of the administrative fee due to lack of funds), call upon the local authority of the applicant's residence to give its position on the application, and send the application to the Ministry of the Interior within 30 days of its receipt.

Within the decision-making process, the Ministry may invite the applicant to attend another interview.

The applicant has no legal title to acquire Czech citizenship, regardless of whether the applicant meets all the above-mentioned requirements and does not claim any pardons. Nevertheless, the Ministry is required, under its rules of procedure, to duly justify its negative decision.

**If the Ministry grants Czech citizenship to the applicant, it will compile a Certificate of Czech Citizenship** and send the same to the relevant authority. An applicant older than 15

years of age acquires Czech citizenship by taking the citizenship pledge before the secretary of the relevant municipal office with extended powers (in Prague, before the secretary of the relevant city district council). Minors acquire citizenship together with their parents, or upon receiving the Certificate of Czech Citizenship. Persons not required to take the pledge on the basis of a pardon by the Ministry of the Interior will acquire their citizenship on the day the decision to waive the pledge becomes legally effective.

**If the Ministry rejects the application for Czech citizenship, the applicant may file an appeal against this decision with the Ministry of the Interior within fifteen days of having received the decision.** It is recommended that the appeal detail the reasons why the negative decision is being contested and why is it incorrect; however, it is not necessary. (It is convenient to have your appeal compiled by a lawyer.) A decision to approve or reject the appeal is made by the Minister of the Interior, and as of 1<sup>st</sup> January 2004, the State Secretary of the Ministry of the Interior, on the basis of a recommendation made by a specially appointed committee.

**Should the appeal be also rejected, the applicant may file an administrative petition contesting the decision within two months of having received the decision.** The petition must be filed with the Municipal Court in Prague, the administrative fee amounting to CZK 2 000. The petitioner need not be represented by an attorney.

### **Documents Certifying Czech Citizenship**

**Identity card:** (Act no. 328/1999 Coll., on Identity Cards). Identity cards are issued by the municipal authority with extended powers competent at the place of the citizen's residence; in Prague, the City District Councils of Prague 1 through 22 are the competent authorities, and in Brno, Ostrava and Pilsen, the city councils are the authorities authorised to issue identity cards.

The following must be attached to the application requesting the issue of an identity card:

- 1) birth certificate, or
- 2) certificate of personal identity number, if not mentioned in any of the presented documents
- 3) certificate of citizenship
- 4) certificate of marital status, if the citizen is or was married.

**Passport** (Act no. 329/1999 Coll., on Travel Documents) is issued by the same authorities as above; similar documents must be attached to the application.

**Certificate of Citizenship** is issued by the competent authority (regional governments, Prague city district councils, and city councils in Brno, Ostrava and Pilsen) upon the citizen's request

**Confirmation of Citizenship** is issued by the competent authority if the applicant's citizenship is disputable.

The fee for the issue of a certificate or confirmation of citizenship amounts to CZK 100. The relevant authority has 60 days to process the application. The decision may be contested in the form of an appeal filed with the Ministry of the Interior.

### **Forfeiture of Citizenship**

**By the citizen's declaration renouncing Czech citizenship:** the declaration may only be made by a person

- 1) residing abroad
- 2) being a citizen of another state.

The declaration is made before a Czech diplomatic mission located abroad. By making the declaration, a person having acquired two citizenships (e.g. by birth) may renounce the citizenship of one state, for instance to avoid serving military service in one country. Czech citizenship may not be renounced without the person being a citizen of another state.

**By acquiring citizenship of another state at one's own request**, i.e. not in cases the legal rules and regulations of another state grant citizenship automatically to an infant born on its territory or to a woman having got married to a citizen of such a state. In these cases, citizenship is not forfeited.

Every Czech citizen having acquired foreign citizenship at his/her request automatically loses his/her Czech citizenship. However, the authorities of the Czech Republic are often unaware of these things, as the states do not notify each other of their new citizens. Therefore, many people retain their Czech passport, their permanent residence and all the benefits and advantages related to Czech citizenship, although they have lost Czech citizenship from the legal point of view.