

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o državljanstvu Republike Slovenije obsega:

- Zakon o državljanstvu Republike Slovenije (Uradni list RS, št. 1/91-I z dne 25. 6. 1991),
- Zakon o dopolnitvi zakona o državljanstvu Republike Slovenije (Uradni list RS, št. 30/91-I z dne 14. 12. 1991),
- Zakon o spremembi in dopolnitvi zakona o državljanstvu Republike Slovenije (Uradni list RS, št. 38/92 z dne 1. 8. 1992),
- Odločbo o razveljavitvi 41. in 13.a člena zakona o državljanstvu Republike Slovenije (Uradni list RS, št. 61/92 z dne 24. 12. 1992),
- Odločba o razveljavitvi 28. člena zakona o državljanstvu Republike Slovenije (Uradni list RS, št. 61/92 z dne 24. 12. 1992),
- Zakon o spremembah in dopolnitvah zakona o državljanstvu Republike Slovenije (Uradni list RS, št. 13/94 z dne 10. 3. 1994),
- Odločbo o razveljavitvi tretjega odstavka 40. člena zakona o državljanstvu Republike Slovenije, kolikor se nanaša na razlog nevarnosti za javni red, določen v 8. točki 10. člena tega zakona (Uradni list RS, št. 59/99 z dne 23. 7. 1999),
- Zakon o spremembah in dopolnitvah zakona o državljanstvu Republike Slovenije – ZDRS-Č (Uradni list RS, št. 96/02 z dne 14. 11. 2002),

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The unofficial consolidated version of the Citizenship of the Republic of Slovenia Act comprises:

- Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 1/91-I of 25 June 1991),
- Act Amending the Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 30/91-I of 14 December 1991),
- Act Amending the Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 38/92 of 1 August 1992),
- Decision abrogating Articles 41 and 13a of the Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 61/92 of 24 December 1992),
- Decision abrogating Article 28 of the Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 61/92 of 24 December 1994),
- Act Amending the Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 13/94 of 10 March 1994),
- Decision abrogating paragraph three of Article 40 of the Citizenship of the Republic of Slovenia Act in so far as it relates to the grounds of a threat to the public order determined in point 8 of Article 10 of this Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 59/99 of 23 July 1999),
- Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-Č (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 96/02 of 14 November 2002),

- Zakon o državljanstvu Republike Slovenije – uradno prečiščeno besedilo – ZDRS-UPB1 (Uradni list RS, št. 7/03 z dne 23. 1. 2003),
- Zakon o spremembah in dopolnitvah Zakona o državljanstvu Republike Slovenije – ZDRS-D (Uradni list RS, št. 127/06 z dne 7. 12. 2006),
- Zakon o državljanstvu Republike Slovenije – uradno prečiščeno besedilo – ZDRS-UPB2 (Uradni list RS, št. 24/07 z dne 20. 3. 2007).

ZAKON O DRŽAVLJANSTVU REPUBLIKE SLOVENIJE (ZDRS)

(neuradno prečiščeno besedilo št. 10)

I. SPLOŠNE DOLOČBE

1. člen

Ta zakon določa načine in pogoje pridobitve ter prenehanja državljanstva Republike Slovenije.

2. člen

Državljan Republike Slovenije, ki ima tudi državljanstvo tuje države, se na območju Republike Slovenije šteje za državljana Republike Slovenije, če mednarodna pogodba ne določa drugače.

II. PRIDOBITEV DRŽAVLJANSTVA

3. člen

Državljanstvo Republike Slovenije se pridobi:

1. po rodu,

- Citizenship of the Republic of Slovenia Act – Official Consolidated Text – ZDRS-UPB1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 7/03 of 23 January 2003),
- Act Amending the Citizenship of the Republic of Slovenia Act – ZDRS-D (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 127/06 of 7 December 2006),
- Citizenship of the Republic of Slovenia Act – Official Consolidated Text – ZDRS-UPB2 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 24/07 of 20 March 2007).

CITIZENSHIP OF THE REPUBLIC OF SLOVENIA ACT (ZDRS)

(Unofficial consolidated version No.10)

I. GENERAL PROVISIONS

Article 1

This Act lays down the methods and conditions for the acquisition and termination 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 treaty.

II. ACQUISITION OF CITIZENSHIP

Article 3

Citizenship of the Republic of Slovenia shall be acquired:

1. by origin,

2. z rojstvom na območju Republike Slovenije,
3. z naturalizacijo, to je s sprejemom v državljanstvo na podlagi prošnje,
4. po mednarodni pogodbi.

1. Pridobitev državljanstva po rodu

4. člen

Po rodu pridobi državljanstvo Republike Slovenije otrok:

1. če sta ob njegovem rojstvu oče in mati državljana Republike Slovenije;
2. če je ob njegovem rojstvu eden od staršev državljan Republike Slovenije, otrok pa je rojen v Republiki Sloveniji;
3. če je ob njegovem rojstvu eden od staršev državljan Republike Slovenije, drugi pa je neznan ali je neznanega državljanstva ali je brez njega, otrok pa je rojen v tujini.

5. člen

V tujini rojeni otrok, katerega eden od staršev je ob njegovem rojstvu državljan Republike Slovenije, drugi pa je tuj državljan, pridobi po rodu državljanstvo Republike Slovenije, če je do dopolnjenega 18. leta starosti priglašen kot državljan Republike Slovenije ali če se do dopolnjenega 18. leta starosti dejansko za stalno naseli v Republiki Sloveniji z roditeljem, ki je državljan Republike Slovenije.

Priglasitev iz prejšnjega odstavka ni potrebna, če bi otrok ostal brez državljanstva.

Otroka lahko priglasi za državljana Republike Slovenije tisti od staršev, ki je državljan Republike Slovenije. Če je otrok pod skrbništvom, ker nima staršev ali jim je odvzeta roditeljska pravica ali poslovna sposobnost, ga lahko priglasi skrbnik, ki je državljan Republike Slovenije, s soglasjem centra za socialno delo.

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 accordance with an international treaty.

1. Acquisition of citizenship by origin

Article 4

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

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

Article 5

A child born in a foreign country to a parent who is a citizen of the Republic of Slovenia at the time of the child's birth and whose other parent is a foreign citizen shall acquire 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 as referred to in the preceding paragraph shall not be necessary if the child would otherwise 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 under guardianship because he/she does not have parents, or the parental right was terminated, or the parents have been deprived of legal capacity, a guardian of the child who is a citizen of the Republic of Slovenia can register the child with the consent of a social work centre.

6. člen

Državljanstvo Republike Slovenije pridobi oseba, rojena v tujini, starejša od 18 let, ki do dopolnjenega 36. leta starosti da izjavo, da se priglašča kot državlján Republike Slovenije in izpolnjuje naslednja pogoja:

1. da je od njenega rojstva do dane izjave eden od staršev državlján Republike Slovenije oziroma da je bil državlján Republike Slovenije do smrti, če je umrl pred dano izjavo,
2. da ji po dopolnjenem 18. letu starosti državljánstvo Republike Slovenije ni prenehalo na podlagi odpusta, odreka ali odvzema.

Izjava o priglasitvi iz prvega odstavka prejšnjega člena in prvega odstavka tega člena se lahko vloži pri diplomatsko-konzularnem predstavništvu Republike Slovenije v tujini, upravni enoti ali ministrstvu, pristojnem za notranje zadeve. Če organ ni pristojen za vpis matičnih dejstev, mora vlogo najpozneje v petih dneh odstopiti pristojnemu organu in o tem obvestiti vložnika vloge.

7. člen

Pod pogoji iz 4., 5. in 6. člena tega zakona pridobi s posvojitvijo državljánstvo Republike Slovenije tudi posvojenec – tujec, če je vsaj eden od posvojiteljev državlján Republike Slovenije in če se po predpisih države, katere državlján je posvojenec, s posvojitvijo vzpostavi med posvojiteljem in posvojencem enako razmerje, kot je razmerje med starši in otroki (v nadaljnjem besedilu: popolna posvojitev).

8. člen

Za pridobitev državljánstva po 5. in 7. členu tega zakona se za otroka, starejšega od 14 let, zahteva tudi njegova privolitiev.

Article 6

Citizenship of the Republic of Slovenia shall be acquired by a person born in a foreign country who is 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. from his/her birth until the declaration, one of his/her parents has been a citizen of the Republic of Slovenia or he/she was a citizen of the Republic of Slovenia until his/her death, if he/she died before the declaration;
2. after reaching the age of 18 years, his/her citizenship of the Republic of Slovenia was not terminated based on release, renunciation or deprivation.

The declaration on registration referred to in paragraph one of the preceding Article and in the preceding paragraph shall be submitted at a diplomatic or consular representation of the Republic of Slovenia abroad, an administrative unit or the ministry responsible for internal affairs. If the authority is not competent to make entries in the Register of births, deaths and marriages, it must transfer the application to a competent authority within five days and inform the applicant thereof.

Article 7

Subject to the conditions referred to in Articles 4, 5 and 6 of this Act, an adopted child who is a foreigner 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 of the adopted child's nationality, by the adoption the same relation as that between parents and children is established between the adoptive parent and the adoptee (hereinafter: full adoption).

Article 8

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

Oseba, ki pridobi državljanstvo Republike Slovenije po določbah 4., 5., 6., 7. ali 9. člena tega zakona, se šteje od rojstva za državljana Republike Slovenije.

2. Pridobitev državljanstva z rojstvom na območju Republike Slovenije

9. člen

Državljanstvo Republike Slovenije pridobi otrok, ki je rojen ali najden na območju Republike Slovenije, če sta oče in mati neznana ali ni znano njuno državljanstvo ali pa sta brez državljanstva.

Otroku, ki je pridobil državljanstvo Republike Slovenije po prejšnjem odstavku, na zahtevo staršev preneha državljanstvo Republike Slovenije, če se do dopolnjenega 18. leta starosti ugotovi, da so starši tuji državljani. Državljanstvo mu preneha z dnem vročitve odločbe.

3. Pridobitev državljanstva z naturalizacijo

10. člen

Pristojni organ lahko osebo, ki prosi za naturalizacijo, po prostem preudarku sprejme v državljanstvo Republike Slovenije, če je to v skladu z nacionalnim interesom. Pri tem mora oseba izpolnjevati naslednje pogoje:

1. da je dopolnila 18 let;
2. da ima odpust iz dosedanjega državljanstva ali da izkaže, da ga bo dobila, če bo sprejeta v državljanstvo Republike Slovenije;
3. da dejansko živi v Sloveniji 10 let, od tega neprekinjeno zadnjih 5 let pred vložitvijo prošnje in ima urejen status tujca;
4. da ima zagotovljena sredstva, ki njej in osebam, ki jih mora preživljati,

Any person who acquires citizenship of the Republic of Slovenia in accordance 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 from his/her 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 acquire citizenship of the Republic of Slovenia if his/her father and mother are unknown, of unknown citizenship, or stateless.

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

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 this is in accordance with the national interest. The person must fulfil the following conditions:

1. the person is 18 years of age;
2. the person has been released from his/her current citizenship or proves that he/she will obtain such release if he/she acquires citizenship of the Republic of Slovenia;
3. 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 he/she has the legal status of a foreigner;
4. he/she has guaranteed funds that ensure his/her material and social

zagotavljajo materialno in socialno varnost;

5. da obvlada slovenski jezik za potrebe vsakdanjega sporazumevanja, kar dokaže s spričevalom o uspešno opravljenem izpitu iz znanja slovenščine na osnovni ravni;
6. da ni bila pravnomočno obsojena na nepogojno zaporno kazen, daljšo od treh mesecev, ali da ji ni bila izrečena pogojna obsodba na zaporno kazen s preizkusno dobo, daljšo od enega leta;
7. da ji ni bila izrečena odpoved prebivanja v Republiki Sloveniji;
8. da njen sprejem v državljanstvo Republike Slovenije ne predstavlja nevarnosti za javni red, varnost ali obrambo države;
9. da ima poravnane davčne obveznosti;
10. da da prisego o spoštovanju svobodnega demokratičnega ustavnega reda, ki je utemeljen v Ustavi Republike Slovenije.

Šteje se, da je pogoj iz 2. točke prejšnjega odstavka izpolnjen, če je oseba brez državljanstva, če dokaže, da ga po zakonu njene države izgubi s samo naturalizacijo ali če dokaže, da tuja država ne odloči o vlogi za prenehanje državljanstva v razumnem roku. Šteje se, da država ne odloči v razumnem roku, če je oseba vlogo za prenehanje državljanstva pri pristojnih organih vložila najpozneje v 60 dneh po izdaji zagotovila, in je v dveh letih od vročitve zagotovila storila vse potrebno za uspešno dokončanje postopka pri pristojnih organih matične države. Če dokaže, da njena država ne daje odpusta ali, da prostovoljno pridobitev tujega državljanstva šteje za nelojalno dejanje, ki je sankcionirano v njenih predpisih, zadošča izjava prosilca, da se odreka tujemu državljanstvu, če bo pridobil državljanstvo Republike Slovenije. Dokaza o izpolnjevanju 2. točke prvega odstavka tega člena ni treba predložiti državljanu države članice Evropske unije, če obstaja med državama vzajemnost.

Obvezni preizkus znanja slovenskega jezika iz 5. točke prvega

security and the material and social security of the persons he/she has to support;

5. the person has a command of the Slovenian language for the purposes of everyday communication, which he/she shall prove by a certificate verifying that he/she has successfully passed a basic level exam in Slovenian;
6. the person has not been sentenced by a final judgement to an unsuspended prison sentence longer than three months, or the person has not been sentenced to a suspended prison sentence with a term of suspension longer than one year;
7. the person's residence permit in the Republic of Slovenia has not been revoked;
8. the person's naturalisation poses no threat to the public order or the security or defence of the State;
9. the person has settled all tax obligations;
10. the person gives an oath to respect the free democratic constitutional order established by the Constitution of the Republic of Slovenia.

The condition referred to in point 2 of the preceding paragraph shall be considered fulfilled if the person is stateless, if he/she proves that pursuant to the law of his/her country he/she has terminated his/her citizenship by naturalisation, or if he/she submits evidence that the foreign country has not decided on his/her application for termination of citizenship within a reasonable period of time. It shall be deemed that the foreign country has not made a decision within a reasonable period of time if the person submitted an application for termination of citizenship with the competent authorities within 60 days at the latest after the guarantee was issued and that he/she did everything necessary within two years from the service of the guarantee 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 from citizenship or that the voluntary acquisition of foreign citizenship is considered an act of disloyalty that pursuant to the country's regulations is punishable, the declaration of the applicant that he/she will renounce his/her foreign citizenship if he/she acquires citizenship of the Republic of Slovenia shall suffice. A citizen of a European Union Member State shall not have to submit proof of fulfilling point 2 of paragraph one of this Article if there is reciprocity between the countries.

The obligatory examination of command of the Slovenian

odstavka tega člena opravi oseba, ki prosi za sprejem v državljanstvo, pred strokovno komisijo, ki jo imenuje Vlada Republike Slovenije in ki določi tudi kriterije za pisni in ustni preizkus znanja slovenskega jezika.

Šteje se, da je pogoj iz 5. točke prvega odstavka tega člena izpolnjen:

1. če je oseba končala osnovno šolo v Republiki Sloveniji;
2. če je oseba uspešno dokončala javnoveljavni program srednješolskega izobraževanja v Republiki Sloveniji;
3. če je oseba v Republiki Sloveniji pridobila izobrazbo na VI. ali VII. stopnji oziroma končala visokošolski ali univerzitetni študij po 25. 6. 1991;
4. če je oseba starejša od 60 let in dejansko živi v Sloveniji 15 let;
5. če je oseba končala osnovno ali srednjo šolo s slovenskim učnim jezikom na območjih, na katerih živijo pripadniki avtohtone slovenske narodne skupnosti v sosednjih državah.

Pogoj iz 5. točke prvega odstavka tega člena izpolnjuje tudi oseba, ki je nepismena, se pa govorno sporazumeva v slovenščini, kar dokaže s potrdilom o uspešno opravljenem izpitu iz govornega sporazumevanja v slovenščini na osnovni ravni. Pogoja iz 5. točke prvega odstavka ni treba izpolnjevati osebi, ki zaradi okvar zdravja, ki onemogočajo vsakdanje sporazumevanje, ni sposobna opraviti izpita v zahtevani obliki. Dokaz o izpolnjevanju tega pogoja, ob zatrjevanem dejanskem stanju nezmožnosti opravljanja izpita, se izvede z izvedencem. Stroški, ki nastanejo zaradi izvedbe tega dokaza, so breme osebe.

Če je uveden kazenski postopek za kaznivo dejanje iz 6. točke prvega odstavka tega člena, organ, pristojen za odločanje o sprejemu v državljanstvo Republike Slovenije, prekine postopek do pravnomočne odločitve v kazenskem postopku.

Šteje se, da je pogoj iz 6. točke prvega odstavka tega člena izpolnjen, če so podani pogoji za izbris obsodbe iz kazenske evidence.

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

The condition referred to in point 5 of paragraph one 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 in the Republic of Slovenia, 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 a region where people belonging to the native Slovenian national community are living in the neighbouring countries.

The condition referred to in point 5 of paragraph one 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 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 a health condition that prevents everyday communication shall not be required to fulfil the condition referred to in point 5 of paragraph one. Proof of fulfilling this condition after claiming actual inability to take the exam shall be verified by an expert. The costs incurred due to verifying the proof thereof shall be borne by the person at issue.

If criminal proceedings have been initiated for a criminal offence referred to in point 6 of paragraph one of this Article, the authority competent to decide on admission to citizenship of Republic of Slovenia shall suspend the procedure until a legally binding decision has been issued in the criminal proceedings.

The condition referred to in point 6 of paragraph one of this Article shall be considered fulfilled if the terms for the expunction of the

Šteje se, da oseba dejansko živi v Republiki Sloveniji, če je fizično prisotna na njenem ozemlju, in je tu središče njenih interesov, kar se presoja na podlagi njenih poklicnih, ekonomskih, socialnih in drugih vezi, ki kažejo na to, da med osebo in Republiko Slovenijo obstajajo tesne in trajne povezave.

Šteje se, da ima oseba zagotovljeno materialno in socialno varnost, če ima zagotovljena sredstva najmanj v višini osnovnega minimalnega dohodka, določenega s predpisi o socialnem varstvu. Sredstva v višini osnovnega minimalnega dohodka mora imeti zagotovljena tudi za vsako osebo, ki jo mora preživljati.

Šteje se, da ima oseba urejen status tujca, če ima v Republiki Sloveniji izdano dovoljenje za stalno ali začasno prebivanje, potrdilo o prijavi prebivanja za državljana Evropske unije ali, če tako določa drug zakon.

Prisega o spoštovanju svobodnega demokratičnega ustavnega reda, ki je utemeljen v Ustavi Republike Slovenije, se glasi: Izrekam zvestobo moji novi domovini Republiki Sloveniji in se s prisego zavezujem, da bom spoštoval svobodni demokratični ustavni red Republike Slovenije, vrednote in načela svobode in demokracije in da bom kot državljan Republike Slovenije izpolnjeval svoje dolžnosti in obveznosti. Prisegam, da ne bom deloval in podpiral delovanja proti svobodnemu in demokratičnemu ustavnemu redu ali obstoju Republike Slovenije in da protipravno ne bom ogrožal organov Republike Slovenije ali predstavnikov teh organov. Prisegam, da ne bom podpiral delovanja zoper interese Republike Slovenije z uporabo nasilja ali pripravljalnih dejanj k uporabi nasilja.

Postopek in način slovesnega dejanja podaje prisega predpiše minister, pristojen za notranje zadeve, v treh mesecih od začetka veljavnosti tega zakona.

11. člen

Osebi, ki vloži prošnjo za pridobitev državljanstva Republike

conviction from the criminal records are given.

The person shall be deemed to be 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 funds at least in the amount of the basic minimum income determined by social security regulations. The funds 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 a foreigner 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 determined by an Act.

The oath to respect the free democratic constitutional order established by 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 the 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 act of giving the oath shall be prescribed by the minister responsible for internal affairs within three months of the date of entry into force of this Act.

Article 11

A person who has filed an application for acquisition of

Slovenije z naturalizacijo, se lahko izda zagotovilo, da bo sprejeta v državljanstvo, če izpolnjuje pogoje iz 1., 3., 4., 5., 6., 7., 8., 9. in 10. točke prvega odstavka prejšnjega člena.

Zoper zagotovilo iz prejšnjega odstavka je dovoljena pritožba.

Pred odločitvijo o naturalizaciji tujca, ki predloži dokaz o izpolnjevanju pogojev iz 2. točke prvega odstavka 10. člena zakona, pristojni organ ponovno preveri pogoje iz 6. in 8. točke prvega odstavka 10. člena zakona.

Če stranka ne izpolnjuje pogojev iz prejšnjega odstavka, se njena vloga zavrne.

Če oseba iz prvega odstavka tega člena v roku dveh let od vročitve zagotovila ne predloži dokazov iz 2. točke prvega odstavka prejšnjega člena se šteje, da je svojo vlogo umaknila.

12. člen

Pristojni organ lahko, če je to v skladu z nacionalnim interesom, po prostem preudarku sprejme v državljanstvo Republike Slovenije slovenskega izseljenca in njegovega potomca do četrtega kolena v ravni črti, če dejansko živi v Republiki Sloveniji vsaj eno leto pred vložitvijo prošnje, če ima urejen status tujca in če izpolnjuje pogoje iz 1., 4., 5., 6., 7., 8., 9. in 10. točke prvega odstavka 10. člena tega zakona.

Pristojni organ lahko, če je to v skladu z nacionalnim interesom, po prostem preudarku sprejme v državljanstvo Republike Slovenije osebo, ki je izgubila državljanstvo Republike Slovenije na podlagi odpusta ali odreka državljanstvu v skladu z določbami tega zakona ali v skladu s predpisi, ki so urejali državljanstvo na območju Republike Slovenije pred sprejemom tega zakona, če oseba dejansko živi v Sloveniji neprekinjeno šest mesecev pred vložitvijo prošnje, če ima urejen status tujca in če

citizenship of the Republic of Slovenia by naturalisation may be issued a guarantee that he/she will acquire citizenship if he/she fulfils the conditions referred to in points 1, 3, 4, 5, 6, 7, 8, 9 and 10 of paragraph one of the preceding Article.

An appeal against the guarantee referred to in the preceding paragraph shall be allowed.

The competent authority shall again verify the conditions referred to in points 6 and 8 of paragraph one of Article 10 of this Act before reaching a decision on the naturalisation of a foreigner who has submitted evidence of fulfilling the conditions referred to in point 2 of paragraph one of Article 10 of this Act.

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

If the person referred to in paragraph one of this Article does not present the evidence referred to in point 2 of paragraph one of the preceding Article within a period of two years after the guarantee was served, it shall be considered that the person has withdrawn his/her application.

Article 12

If such is in accordance with 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 a foreigner and if he/she fulfils the conditions referred to in points 1, 4, 5, 6, 7, 8, 9 and 10 of paragraph one of Article 10 of this Act.

If such is in accordance with the national interest, the competent authority may, at its own discretion, naturalise a person who terminated his/her 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

izpolnjuje pogoje iz 1., 4., 6., 7., 8., 9. in 10. točke prvega odstavka 10. člena tega zakona.

Pristojni organ lahko, če je to v skladu z nacionalnim interesom, po prostem preudarku sprejme v državljanstvo Republike Slovenije osebo, ki je že najmanj tri leti poročena z državljanom Republike Slovenije, če dejansko živi v Sloveniji neprekinjeno vsaj eno leto pred vložitvijo prošnje, če ima urejen status tujca in če izpolnjuje pogoje iz 1., 2., 4., 5., 6., 7., 8., 9. in 10. točke prvega odstavka 10. člena tega zakona. Šteje se, da je pogoj neprekinjenega prebivanja izpolnjen, tudi če oseba fizično ni prisotna na ozemlju Republike Slovenije zaradi razlogov, ki na njeni strani ali na strani zakonca ne štejejo za prekinitev bivanja. Okoliščine zaradi katerih je kljub odsotnosti prosilca za sprejem v državljanstvo Republike Slovenije izpolnjen pogoj neprekinjenega prebivanja, določi Vlada Republike Slovenije.

Oseba iz prejšnjega odstavka lahko na posebno prošnjo izjemoma pridobi državljanstvo Republike Slovenije, čeprav ne izpolnjuje pogoja iz 2. točke 10. člena tega zakona in pogoja neprekinjenega prebivanja iz prejšnjega odstavka, če s tem soglaša Vlada Republike Slovenije.

Pristojni organ lahko, če je to v skladu z nacionalnim interesom, po prostem preudarku sprejme v državljanstvo Republike Slovenije polnoletno osebo, rojeno na območju Republike Slovenije, če dejansko živi v Sloveniji od rojstva dalje in če izpolnjuje pogoje iz 6., 7., 8., 9. in 10. točke prvega odstavka 10. člena tega zakona.

Pri odločanju na podlagi prejšnjega odstavka lahko pristojni organ upošteva osebne, družinske, gospodarske, socialne in druge vezi, ki vežejo osebo na Republiko Slovenijo, ter posledice, ki bi jih povzročila zavrnitev prošnje za sprejem v državljanstvo Republike Slovenije.

Pristojni organ lahko, če je to v skladu z nacionalnim interesom, po prostem preudarku sprejme v državljanstvo Republike Slovenije osebo s statusom begunca, priznanega po zakonu o azilu, če dejansko živi v

submitting the application, if he/she has the legal status of a foreigner and if he/she fulfils the conditions referred to in points 1, 4, 6, 7, 8, 9 and 10 of paragraph one of Article 10 of this Act.

If such is in accordance with 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 a foreigner and if he/she fulfils the conditions referred to in points 1, 2, 4, 5, 6, 7, 8, 9 and 10 of paragraph one 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 the termination of residency. The circumstances under which the condition of continuous residency is fulfilled despite the applicant's absence shall be determined by the Government of the Republic of Slovenia.

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

If such is in accordance with 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 referred to in points 6, 7, 8, 9 and 10 of paragraph one of Article 10 of this Act.

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

If such is in accordance with 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

Sloveniji neprekinjeno 5 let pred vložitvijo prošnje in če izpolnjuje pogoje iz 1., 4., 5., 6., 7., 8., 9. in 10. točke prvega odstavka 10. člena tega zakona.

Pristojni organ lahko, če je to v skladu z nacionalnim interesom, po prostem preudarku sprejme v državljanstvo Republike Slovenije osebo brez državljanstva (apatrida), če dejansko živi v Sloveniji neprekinjeno 5 let pred vložitvijo prošnje, če ima urejen status tujca in če izpolnjuje pogoje iz 1., 4., 5., 6., 7., 8., 9. in 10. točke prvega odstavka 10. člena tega zakona.

Pristojni organ lahko, če je to v skladu z nacionalnim interesom, po prostem preudarku sprejme v državljanstvo Republike Slovenije osebo, ki je v Republiki Sloveniji obiskovala in uspešno zaključila najmanj visokošolski program, če dejansko živi v Republiki Sloveniji najmanj sedem let, od tega neprekinjeno vsaj eno leto pred vložitvijo prošnje, če ima urejen status tujca ter izpolnjuje pogoje iz 2., 4., 6., 7., 8., 9. in 10. točke prvega odstavka 10. člena tega zakona.

13. člen

Z naturalizacijo lahko pridobi državljanstvo Republike Slovenije polnoletna oseba, če to koristi državi zaradi znanstvenih, gospodarskih, kulturnih, nacionalnih ali podobnih razlogov, pod pogojem, da dejansko živi v Sloveniji neprekinjeno vsaj eno leto pred vložitvijo prošnje in ima urejen status tujca ter izpolnjuje pogoje iz 4., 6., 8., 9. in 10. točke prvega odstavka 10. člena tega zakona.

Osebam iz 2. člena Zakona o odnosih Republike Slovenije s Slovenci zunaj njenih meja (Uradni list RS, št. 43/06), ki uveljavljajo korist države iz nacionalnih razlogov, ni treba izpolnjevati pogoja neprekinjenega prebivanja v Republiki Sloveniji na podlagi urejenega statusa tujca, pogoja 4. točke, če niso zavezanci za plačilo davkov v Republiki Sloveniji, pa tudi ne pogoja iz 9. točke prvega odstavka 10. člena tega zakona.

been living in Slovenia continuously for 5 years prior to submitting the application and if he/she fulfils the conditions referred to in points 1, 4, 5, 6, 7, 8, 9 and 10 of paragraph one of Article 10 of this Act.

If such is in accordance with 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 a foreigner and if he/she fulfils the conditions referred to in points 1, 4, 5, 6, 7, 8, 9 and 10 of paragraph one of Article 10 of this Act.

If such is in accordance with 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 a foreigner and if he/she fulfils the conditions referred to in points 2, 4, 6, 7, 8, 9 and 10 of paragraph one of Article 10 of this Act.

Article 13

A person of full age may acquire citizenship of the Republic of Slovenia by naturalisation if such is to the benefit of the state due to scientific, economic, cultural, national or similar reasons, 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 a foreigner, and if he/she fulfils the conditions referred to in points 4, 6, 8, 9 and 10 of paragraph one of Article 10 of this Act.

Persons referred to in Article 2 of the Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 43/06) who claim to be of benefit to the state for reason of national interest shall not be required to fulfil the condition of continuous residence in the Republic of Slovenia based on the legal status of a foreigner, the condition referred to in point 4, if they are not liable to pay taxes in the Republic of Slovenia, or the condition referred to in point 9 of paragraph one of Article 10 of this Act.

Obstoj razlogov iz prvega odstavka tega člena na podlagi mnenja pristojnega resornega organa predhodno ugotovi Vlada Republike Slovenije.

Če oseba uveljavlja korist države iz razloga, ki ne spada v pristojnost nobenega resornega organa, ugotovi obstoj razloga iz prvega odstavka tega člena Vlada Republike Slovenije na podlagi mnenja ministrstva, pristojnega za notranje zadeve.

13.a člen **(razveljavljen)**

14. člen

Če oče in mati pridobita državljanstvo Republike Slovenije z naturalizacijo, ga na njuno prošnjo pridobi tudi njun otrok, ki še ni star 18 let.

Če eden od staršev pridobi državljanstvo Republike Slovenije z naturalizacijo, ga pridobi tudi njegov otrok, ki še ni star 18 let, če ta roditelj za to zaprosi in če otrok živi z njim v Sloveniji neprekinjeno vsaj eno leto pred vložitvijo prošnje ter ima urejen status tujca.

Ne glede na določbo prejšnjega odstavka pridobi državljanstvo Republike Slovenije otrok, ki je rojen v Republiki Sloveniji in še ni dopolnil leto dni starosti, če za to zaprosi roditelj, ki pridobi državljanstvo Republike Slovenije z naturalizacijo.

Če eden od staršev pridobi državljanstvo Republike Slovenije z naturalizacijo na podlagi 13. člena tega zakona iz nacionalnih razlogov, ga pridobi tudi njegov otrok, ki še ni star 18 let, če ta roditelj za to zaprosi.

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

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

Article 13.a **(Abrogated)**

Article 14

A child under the age of 18 years shall acquire citizenship of the Republic of Slovenia if so requested by his/her father and mother who both have 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 citizenship of the Republic of Slovenia if this 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 a foreigner.

Notwithstanding the provision under the preceding paragraph, a child born in the Republic of Slovenia who has not yet reached one year of age shall acquire citizenship of the Republic of Slovenia if so requested by a parent who has obtained citizenship of the Republic of Slovenia by naturalisation.

If one parent 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 acquire citizenship upon the request of such parent.

Otrok, ki nima staršev, ali čigar staršem je odvzeta roditeljska pravica ali poslovna sposobnost in od rojstva živi v Sloveniji, lahko pridobi državljanstvo Republike Slovenije na prošnjo skrbnika, ki je državljan Republike Slovenije in pri katerem otrok živi, če zaradi koristi otroka k njegovemu sprejemu v državljanstvo da soglasje ministrstvo, pristojno za družino in socialne zadeve.

Če je otrok star več kot 14 let, se zahteva za pridobitev državljanstva po prejšnjih odstavkih tudi njegova privolitev.

V primeru posvojitve, pri kateri med posvojitelji in posvojencem ne nastane enako razmerje kot med starši in otroki, lahko na prošnjo posvojiteljev, državljanov Republike Slovenije, pridobi državljanstvo Republike Slovenije njun posvojenec, ki še ni star 18 let, če s posvojiteljema stalno živi v Sloveniji.

15. člen

Kdor pridobi državljanstvo Republike Slovenije z naturalizacijo ali po 40. členu tega zakona, postane državljan Republike Slovenije z dnem, ko mu je vročena odločba o pridobitvi državljanstva Republike Slovenije.

16. člen

Organ, ki je izdal odločbo o pridobitvi državljanstva z naturalizacijo, lahko razveljavi odločbo, če se ugotovi, da je bila naturalizacija dosežena z lažnimi izjavami ali z namernim prikrivanjem bistvenih dejstev ali okoliščin, ki bi vplivale na odločitev.

Odločba se razveljavi tudi v primeru, če je bila oseba sprejeta v državljanstvo Republike Slovenije na podlagi zagotovila tuje države, da ji bo tuje državljanstvo prenehalo, če bo sprejeta v državljanstvo Republike

Citizenship of the Republic of Slovenia may be granted to a child who does not have any parents or whose parents have lost their parental rights or legal 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 resides, 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 14 years of age, his/her consent shall be necessary to acquire citizenship pursuant to the preceding paragraphs.

In the case of adoption, where the relation between the adoptive parent and the adoptee has not been ascertained to be equivalent to that 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 resides permanently with his/her 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 the acquisition of citizenship of the Republic of Slovenia is served on him/her.

Article 16

The authority that issued the decision on the acquisition of citizenship by naturalisation may annul 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 annulled if the person acquired citizenship of the Republic of Slovenia on the grounds of a foreign state's guarantee that foreign citizenship would be terminated if the person

Slovenije, če v roku, navedenem v odločbi o sprejemu v državljanstvo Republike Slovenije, ne predloži dokaza, da ji je prenehalo prejšnje državljanstvo.

V primeru, da se razveljavi odločba o naturalizaciji staršev, se lahko razveljavi tudi odločba o naturalizaciji za njihove otroke do 18. leta starosti, ki so pridobili državljanstvo Republike Slovenije z naturalizacijo istočasno s starši.

III. PRENEHANJE DRŽAVLJANSTVA

17. člen

Državljanstvo Republike Slovenije preneha:

1. z odpustom,
2. z odrekom,
3. z odvzemom,
4. po mednarodni pogodbi.

1. Prenehanje državljanstva z odpustom

18. člen

Državljanu Republike Slovenije preneha državljanstvo Republike Slovenije z odpustom (v nadaljnjem besedilu: odpust iz državljanstva Republike Slovenije), če za to zaprosi in če izpolnjuje naslednje pogoje:

1. da je dopolnil 18 let;
2. da dejansko živi v tujini;
3. da ni ovir zaradi vojaške dolžnosti;
4. da je poravnal dolžne davke in druge zakonske obveznosti;
5. da ima poravnane preživninske obveznosti iz zakonske zveze in iz razmerja med starši in otroki do oseb, ki živijo v Sloveniji;
6. da zoper njega v Sloveniji ne teče kazenski postopek za kaznivo dejanje, ki se preganja po uradni dolžnosti, če pa je bil v Sloveniji

acquired citizenship of the Republic of Slovenia, provided that within the period determined in the decision on the acquisition of citizenship of the Republic of Slovenia the person does not submit evidence of the termination of his/her previous citizenship.

If a decision on the naturalisation of an individual's parents is annulled, the decision on the naturalisation of their children under the age of 18 years who acquired citizenship of the Republic of Slovenia by naturalisation at the same time as their parents may also be annulled.

III. TERMINATION OF CITIZENSHIP

Article 17

Citizenship of the Republic of Slovenia shall be terminated:

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

1. Termination of Citizenship by Release

Article 18

The citizenship of the Republic of Slovenia of a citizen of the Republic of Slovenia shall be terminated by release (hereinafter: release from citizenship of the Republic of Slovenia) if the citizen so requests and fulfils the following conditions:

1. the person has reached the age of 18 years;
2. the person actually lives abroad;
3. there are no obstacles due to military service obligations;
4. all due tax obligations and other legal obligations have been settled;
5. all maintenance obligations arising from matrimony and from the parent and child relation with persons who reside in Slovenia have been settled;
6. there are no criminal procedure for a criminal offence prosecuted by law pending against such person in Slovenia, and, if the person has

- obsojen na zapor, da je to kazen prestal;
7. da ima ali da dokaže, da bo sprejet v tuje državljanstvo.

Kaj se šteje za ovire zaradi vojaške dolžnosti po 3. točki prejšnjega odstavka, podrobneje predpiše ministrstvo, pristojno za obrambne zadeve.

Organ, pristojen za odločanje o odpustu, lahko zavrne prošnjo za odpust iz državljanstva Republike Slovenije, čeprav so izpolnjeni pogoji iz prvega odstavka tega člena, če tako rešitev zahtevajo razlogi varnosti ali obrambe države oziroma če to terjajo vzajemnost ali drugi razlogi v zvezi z odnosi s tujo državo.

Organ, ki je pristojen za odločanje o odpustu, lahko zavrne prošnjo za odpust iz državljanstva Republike Slovenije, čeprav so izpolnjeni pogoji iz prvega odstavka tega člena, če tako rešitev pogojujejo ekonomski, socialni ali nacionalni interesi države.

19. člen

Osebi, ki je zaprosila za odpust iz državljanstva Republike Slovenije, se lahko izda zagotovilo o odpustu, čeprav ne izpolnjuje pogojev iz 2. in 7. točke prejšnjega člena.

Če oseba, ki ji je bilo izdano zagotovilo iz prejšnjega odstavka, v roku dveh let od vročitve zagotovila ne dokaže, da se je dejansko izselila iz Republike Slovenije in da ji je zagotovljeno tuje državljanstvo oziroma, da ga je že pridobila, se šteje, da je umaknila svojo prošnjo.

20. člen

Osebi, ki je odpuščena iz državljanstva Republike Slovenije, preneha državljanstvo z dnem, ko ji je vročena odločba o odpustu iz

- been sentenced to prison in Slovenia, the sentence has been served;
7. the person has proof or can prove that he/she will be admitted to foreign citizenship.

The obstacles due to military service obligations referred to in point 3 of the preceding paragraph shall be prescribed in detail by the ministry responsible for defence.

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

The authority competent for making decisions on release may reject an application for release from citizenship of the Republic of Slovenia even though the conditions referred to in paragraph one of this Article are fulfilled if such a solution is conditioned 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 from citizenship of the Republic of Slovenia although he/she does not fulfil the conditions referred to in points 2 and 7 of the preceding Article.

If a person to whom the guarantee referred to in the preceding paragraph was issued does not prove within a period of two years after such guarantee was served that he/she has actually moved from the Republic of Slovenia and that he/she has been guaranteed foreign citizenship or that he/she has already acquired foreign citizenship, it shall be considered that he/she has withdrawn his/her application.

Article 20

The citizenship of the Republic of Slovenia of a person who is released from citizenship of the Republic of Slovenia shall terminate on

državljanstva Republike Slovenije.

21. člen

Organ, ki je odločil o odpustu iz državljanstva Republike Slovenije, lahko odpravi odločbo o odpustu, če oseba za to zaprosi in če v enem letu od vročitve odločbe ni pridobila tujega državljanstva.

Prošnja za odpravo odločbe o odpustu se lahko vloži v enem letu od vročitve odločbe.

22. člen

Otroku do dopolnjenega 18. leta starosti preneha državljanstvo Republike Slovenije na prošnjo obeh staršev, ki jima je državljanstvo prenehalo z odpustom, ali je državljanstvo Republike Slovenije prenehalo na ta način enemu od njiju, drugi pa nima državljanstva Republike Slovenije.

Če otrokovi starši živijo ločeno, otroku preneha državljanstvo Republike Slovenije z odpustom na zahtevo tistega roditelja, pri katerem otrok živi oziroma kateremu je dodeljen v varstvo in vzgojo, in tudi sam prosi za odpust iz državljanstva Republike Slovenije, ali v primeru, da je roditelj, pri katerem otrok živi, tujec. V obeh primerih je potrebno soglasje drugega roditelja.

Če drugi roditelj ne soglaša z odpustom otroka iz državljanstva Republike Slovenije, otrok dobi odpust, če zaradi koristi otroka k njegovemu odpustu da soglasje ministrstvo, pristojno za družino in socialne zadeve.

Soglasje je treba priložiti prošnji za odpust otroka iz državljanstva Republike Slovenije.

Soglasje iz drugega oziroma tretjega odstavka tega člena ni potrebno, če prebivališča drugega roditelja ni mogoče ugotoviti ali če mu

the day the decision on the release from citizenship of the Republic of Slovenia is served on the person.

Article 21

The authority that decided on the release from citizenship of the Republic of Slovenia may annul the decision on release if the person so requires and if within one year after the decision was served he/she has not acquired foreign citizenship.

An application for annulment of the decision on the release may be filed within one year after the service of the decision.

Article 22

Until the age of 18 years, a child's citizenship of the Republic of Slovenia shall be terminated at the request of his/her parents if both have terminated their citizenship by release, or at the request of one parent who terminated citizenship by release if the other parent is not a citizen of the Republic of Slovenia.

The citizenship of the Republic of Slovenia of a child whose parents live separately shall be terminated by release at the request of the parent with whom the child resides or to whom the child's custody was granted as regards care and education, and who himself/herself requested release from citizenship of the Republic of Slovenia, or if the parent with whom the child resides is a foreigner. In all such cases, the consent of the other parent shall be required.

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

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

It shall be unnecessary to obtain the consent referred to in paragraphs two and three of this Article if the residence of the second

je odvzeta poslovna sposobnost ali roditeljska pravica.

23. člen

Zaradi popolne posvojitve preneha državljanstvo Republike Slovenije z odpustom posvojencu, mlajšemu od 18 let, ki je državljan Republike Slovenije, če za to zaprosi posvojitelj, ki je tujec ali posvojitelj, ki prosi za odpust iz državljanstva Republike Slovenije, če so izpolnjeni pogoji iz prejšnjega člena.

24. člen

Če je otrok star več kot 14 let, se za prenehanje državljanstva Republike Slovenije zahteva tudi njegova privolitev.

2. Prenehanje državljanstva z odrekom

25. člen

Polnoletni državljan Republike Slovenije, ki je bil rojen v tujini in tam živi, pa ima tudi tuje državljanstvo, se lahko do dopolnjenega 25. leta starosti odreče državljanstvu Republike Slovenije.

Če državljan Republike Slovenije izpolnjuje pogoje iz prejšnjega odstavka, organ pristojen za odločanje o odreku, z odločbo ugotovi, da mu je državljanstvo Republike Slovenije prenehalo z dnem, ko je podal izjavo o odreku državljanstvu Republike Slovenije.

Glede odreka državljanstvu mladoletnih otrok se smiselno uporabljajo določbe 22., 23. in 24. člena tega zakona.

3. Prenehanje državljanstva z odvzemom

parent cannot be determined or if he/she has lost his/her legal capacity or parental right.

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 requested by an adoptive parent who is a foreigner or by an adoptive parent who has applied for release from citizenship of the Republic of Slovenia, provided the conditions referred to in the preceding Article are fulfilled.

Article 24

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

2. Termination 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 referred to in the preceding paragraph, the authority competent for deciding on renunciation shall stipulate by a decision that such a person has terminated his/her citizenship of the Republic of Slovenia as of the day he/she submitted such declaration of renunciation of citizenship of the Republic of Slovenia.

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

3. Termination of Citizenship by Deprivation

26. člen

Državljanu Republike Slovenije, ki dejansko živi v tujini in ima tudi tuje državljanstvo, se lahko odvzame državljanstvo Republike Slovenije, če s svojim delom škoduje mednarodnim ali drugim interesom Republike Slovenije.

Za delo, s katerim se škoduje mednarodnim in drugim interesom Republike Slovenije, se šteje:

1. če oseba pripada organizaciji, katere aktivnost meri na rušenje ustavnega reda Republike Slovenije;
2. če oseba kot pripadnik tuje obveščevalne službe škoduje interesom Republike Slovenije ali če tem interesom škoduje s svojim delom v državnem organu ali organizaciji tuje države;
3. če je oseba pogosti storilec kaznivih dejanj, ki se preganjajo po uradni dolžnosti, in prekrškov zoper javni red;
4. če oseba kljub pozivu pristojnega organa odkloni izpolnitev z ustavo in zakonom predpisane dolžnosti državljana Republike Slovenije.

Šteje se, da ima oseba državljanstvo tuje države, če ima potno listino državljana tuje države ali če izvršuje vojaško dolžnost po predpisih te države ali če je zaposlena v državnem organu ali v oboroženih silah tuje države.

Odločba o odvzemu državljanstva Republike Slovenije se lahko izjemoma izda brez udeležbe stranke v postopku.

Osebi, ki ji je odvzeto državljanstvo Republike Slovenije, to preneha z dnem vročitve odločbe; če odločbe ni mogoče vročiti, ji državljanstvo Republike Slovenije preneha z dnem objave v Uradnem listu Republike Slovenije.

IV. SKUPNE DOLOČBE

Article 26

A citizen of the Republic of Slovenia actually residing in a foreign country who also has 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 intended to overthrow the constitutional order of the Republic of Slovenia;
2. if the person is a member of a foreign intelligence service and as such harms the interests of the Republic of Slovenia or if he/she harms such interests by serving under the governmental 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 appeals of the competent authority, refuses to carry out the duties of a citizen of the Republic of Slovenia prescribed by the Constitution and Acts.

The person shall be considered to have foreign citizenship if he/she is in possession of a foreign passport or performs 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 the 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 is served on the person; if the decision cannot be served, citizenship of the Republic of Slovenia shall be terminated on the day the decision is published in the Official Gazette of the Republic of Slovenia.

IV. COMMON PROVISIONS

27. člen

O pridobitvi državljanstva Republike Slovenije na podlagi 13. člena tega zakona odloča ministrstvo, pristojno za notranje zadeve.

O pridobitvi državljanstva Republike Slovenije na podlagi 10., 12. in 14. člena tega zakona ter o izdaji zagotovila na podlagi 11. člena tega zakona odloča upravna enota.

O priglasitvi državljanstva na podlagi 5., 6. in 41. člena tega zakona odloča upravna enota.

O prenehanju državljanstva Republike Slovenije na podlagi drugega odstavka 9. člena, 18., 22., 23., 25. in 26. člena tega zakona ter o izdaji zagotovila na podlagi 19. člena tega zakona odloča upravna enota.

27.a člen

Prošnja za pridobitev ali prenehanje državljanstva se vloži na upravni enoti. Prošnja za pridobitev državljanstva Republike Slovenije na podlagi 13. člena tega zakona se lahko vloži tudi pri ministrstvu, pristojnem za notranje zadeve, ali diplomatsko-konzularnem predstavništvu Republike Slovenije v tujini, prošnja za prenehanje državljanstva pa se lahko vloži tudi pri diplomatsko-konzularnem predstavništvu Republike Slovenije v tujini.

Uradna oseba najpozneje v 15 delovnih dneh od vložitve vloge po uradni dolžnosti priskrbi podatke o dejstvih, o katerih vodi uradno evidenco državni organ sam, in zahteva podatke o dejstvih, o katerih vodi uradno evidenco kakšen drug državni organ oziroma organ samoupravne lokalne skupnosti ali nosilec javnega pooblastila. Po uradni dolžnosti zahteva tudi podatke o dejstvih, ki se štejejo za davčno tajnost in kažejo na izpolnjevanje pogoja iz 9. točke prvega odstavka 10. člena tega zakona.

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 issuance 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 termination of citizenship of the Republic of Slovenia pursuant to paragraph two of Article 9 and Articles 18, 22, 23, 25 and 26 of this Act and on the issuance of a guarantee pursuant to Article 19 of this Act.

Article 27a

An application for acquisition or termination 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 may be filed also with the ministry responsible for internal affairs or at a diplomatic or consular representation of the Republic of Slovenia abroad; an application for termination of citizenship may also be filed at a diplomatic or consular representation of the Republic of Slovenia abroad.

Within 15 days of the submission of an application, an official shall *ex officio* gather information on the facts, the official record of which shall be kept by the state authority itself, and request information on the facts, the official record of which shall be kept by another state authority or an authority of a self-governing local community or a bearer of public authority. The official shall also *ex officio* request information on facts that are deemed to be a tax secret and demonstrate fulfilment of the condition referred to in point 9 of paragraph one of Article 10 of this Act.

Za odločanje v postopkih pridobitve in prenehanja državljanstva je pristojna upravna enota, na območju katere ima oseba prijavljeno stalno ali začasno prebivališče. Če ima oseba v Republiki Sloveniji prijavljeno stalno in začasno prebivališče, je pristojna upravna enota, na območju katere ima oseba prijavljeno stalno prebivališče.

Če ima oseba v Republiki Sloveniji prijavljenih več začasnih prebivališč, je pristojna upravna enota, na območju katere ima oseba prijavljeno zadnje začasno prebivališče.

Če oseba v Republiki Sloveniji nima prijavljenega niti stalnega niti začasnega prebivališča, je pristojna upravna enota, na območju katere je oseba imela prijavljeno zadnje stalno ali začasno prebivališče. Če oseba v Republiki Sloveniji ni imela prijavljenega stalnega ali začasnega prebivališča, je pristojna upravna enota, na območju katere so imeli starši osebe prijavljeno stalno ali začasno prebivališče. Če starši niso imeli prijavljenega prebivališča v Republiki Sloveniji, je pristojna upravna enota, na območju katere je vpisano rojstvo osebe.

Če nobena navedena okoliščina ne obstaja ali ni obstajala, je za odločanje pristojna Upravna enota Ljubljana.

27.b člen

Odločba upravne enote, s katero je bilo odločeno, da oseba pridobi državljanstvo Republike Slovenije, se predloži v revizijo ministrstvu, pristojnemu za notranje zadeve, razen odločbe, izdane v postopku, ki je bil predhodno zaključen z izdajo zagotovila na podlagi 11. člena tega zakona.

Upravna enota upravno zadevo predloži v revizijo najpozneje v osmih dneh od dneva, ko je potekel rok za pritožbo. Odločba upravne

The administrative unit in the territory of which the person has a registered permanent or temporary residence shall be competent for decision-making in the procedures for the acquisition and termination of citizenship. If the person has a registered permanent and temporary residence in the Republic of Slovenia, the competent administrative unit shall be the unit in the territory of which the person's registered permanent residence is located.

If the person has several registered temporary residences in the Republic of Slovenia, the competent administrative unit shall be the unit in the territory of which the person's most recent registered temporary residence is located.

If the person does not have a registered permanent or temporary residence in the Republic of Slovenia, the competent administrative unit shall be the unit in the territory of which the person's most recent registered permanent or temporary residence is located. If the person has not had a registered permanent or temporary residence in the Republic of Slovenia, the competent administrative 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 administrative unit shall be the unit in the territory of which the person's birth is registered.

If none of the above-mentioned circumstances exist or did not exist, the Ljubljana administrative unit shall be competent for decision-making.

Article 27b

A decisions of an administrative unit by which it was decided that a person has acquired citizenship of the Republic of Slovenia shall be submitted for review to the ministry responsible for internal affairs, except for decisions issued in a procedure that was previously completed by issuing a guarantee pursuant to Article 11 of this Act.

The administrative unit shall submit the administrative matter for review within eight days from the day the time limit for an appeal

enote, s katero je bilo odločeno, da oseba pridobi državljanstvo Republike Slovenije, postane dokončna z dnem, ko je k odločbi dano soglasje ministrstva, pristojnega za notranje zadeve.

Ne glede na določbo 15. člena tega zakona postane oseba, ki pridobi državljanstvo Republike Slovenije v postopkih, ki spadajo v pristojnost upravne enote, državljan Republike Slovenije z dnem, ko poda prisego iz 10. točke prvega odstavka 10. člena tega zakona.

Upravna enota v primeru iz četrtega odstavka 12. člena tega zakona predloži upravno zadevo ministrstvu, pristojnemu za notranje zadeve, ki nato posebno prošnjo osebe predloži v soglasje Vladi Republike Slovenije.

27.c člen

Ministrstvo, pristojno za notranje zadeve, da v postopku revizije soglasje k odločbi upravne enote.

Ministrstvo, pristojno za notranje zadeve, odločbo upravne enote odpravi in samo odloči o stvari, če ugotovi, da so bila na prvi stopnji nepopolno ali napačno ugotovljena dejstva, da je v postopku prišlo do bistvenih kršitev pravil postopka ali da je bil v postopku napačno uporabljen materialni predpis.

Ministrstvo, pristojno za notranje zadeve, mora najpozneje v dveh mesecih od dneva prejema upravne zadeve opraviti revizijo.

Kadar ministrstvo, pristojno za notranje zadeve, odločbo upravne enote odpravi, se rok iz prejšnjega odstavka lahko podaljša, vendar ne za več kot dva meseca.

27.d člen

expired. The decision of the administrative unit by which it was decided that a person acquires citizenship of the Republic of Slovenia shall become final on the day 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 acquired 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 referred to in point 10 of paragraph one of Article 10 of this Act.

In the cases referred to in paragraph four of Article 12 of this Act, the administrative unit shall submit the administrative matter to the ministry responsible for internal affairs, which shall then submit the special application of the person to the Government of the Republic of Slovenia for its consent thereto.

Article 27c

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

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

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

If the ministry responsible for internal affairs annuls the administrative unit's decision, the time limit referred to in the preceding paragraph may be extended, but not by longer than two months.

Article 27d

Prvi in drugi odstavek 27.b člena in 27.c člen se uporabljajo tudi v postopkih pridobitve državljanstva Republike Slovenije, ki se končajo z izdajo zagotovila na podlagi 11. člena tega zakona.

28. člen

Merila za ugotavljanje nacionalnega interesa pri sprejemu v državljanstvo Republike Slovenije po 10., 12. in 13. členu tega zakona ter za zavrnitev vloge za odpust iz državljanstva Republike Slovenije po četrtem odstavku 18. člena tega zakona določa Vlada Republike Slovenije. Vlada Republike Slovenije določa tudi merila za ugotavljanje pogoja iz 3., 4. in 8. točke prvega odstavka 10. člena tega zakona.

29. člen

Državljanstvo na prvi stopnji ugotavlja upravna enota, na območju katere ima oseba stalno prebivališče. Ta je dolžna na zahtevo posameznika o njegovem državljanstvu izdati ugotovitveno odločbo. Ugotovitveno odločbo je dolžan izdati tudi na zahtevo organa, ki vodi postopek v zvezi z uveljavljanjem pravice posameznika.

30. člen

O pridobitvi ali prenehanju državljanstva je treba obvestiti organ, pristojen za vodenje matičnega registra.

V. EVIDENCE O DRŽAVLJANSTVU

31. člen

Paragraphs one and two of Article 27b and Article 27c shall also be applied in procedures for the acquisition of citizenship of the Republic of Slovenia that are completed by the issuance of a guarantee pursuant to Article 11 of this Act.

Article 28

The criteria that determine the national interest for admission to citizenship of the Republic of Slovenia pursuant to Articles 10, 12 and 13 of this Act and for the refusal of an application for release from citizenship of the Republic of Slovenia pursuant to paragraph four of Article 18 of this Act shall be determined by the Government of the Republic of Slovenia. The Government of the Republic of Slovenia shall further determine the criteria for determining the conditions referred to in points 3, 4 and 8 of paragraph one of Article 10 of this Act.

Article 29

The administrative unit responsible for the area in which the applicant has his/her permanent residence shall establish citizenship in the first instance. Upon the request of an individual as to 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 exercise of an individual's rights.

Article 30

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

V. RECORDS ON CITIZENSHIP

Article 31

Podatek o državljanstvu se za državljane Republike Slovenije zbira in nadalje obdeluje v matičnem registru v skladu z namenom zbiranja in nadaljnje obdelave osebnih podatkov v matičnem registru po določbah zakona, ki ureja matični register.

32. člen

Ministrstvo, pristojno za notranje zadeve, in upravne enote vodijo evidenco oseb, ki so pridobile državljanstvo Republike Slovenije z naturalizacijo ali na podlagi mednarodnih pogodb, in evidenco oseb, ki jim je državljanstvo Republike Slovenije prenehalo (v nadaljnjem besedilu: register državljanstev). Register državljanstev se vodi kot informatizirana podatkovna zbirka, ki jo vzdržuje ministrstvo, pristojno za notranje zadeve. Podatke vpiše v register organ, ki je odločil o pridobitvi ali prenehanju državljanstva. Register državljanstev je računalniško povezan z registrom tujcev in matičnim registrom.

V registru državljanstev se osebni podatki o osebah, ki se vpisujejo v register državljanstev, zbirajo in nadalje obdelujejo za ugotavljanje, urejanje in uveljavljanje njihovih pravic in obveznosti, odločanje o njihovih pravicah in obveznostih, spremljanje stanja na področju državljanstev, potrebe državnih organov in drugih uporabnikov, ki jih potrebujejo za opravljanje z zakonom določenih nalog oziroma za vodenje in vzdrževanje z zakonom predpisanih zbirk in izvajanje statističnih, zgodovinskih in drugih raziskovanj, za katere imajo podlago v zakonu, ter za druge zakonite namene.

33. člen

V registru državljanstev se o osebah, ki so pridobile državljanstvo Republike Slovenije z naturalizacijo ali na podlagi mednarodnih pogodb, vodijo ti podatki:

1. osebno ime,
2. datum in kraj rojstva,
3. enotna matična številka občana,

Data on the citizenship of citizens of the Republic of Slovenia shall be collected and further processed in the Register of births, deaths and marriages in accordance with the purpose of collecting and further processing of personal data 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 record of persons who have acquired citizenship of the Republic of Slovenia by naturalisation or based on international treaties and a record of persons whose citizenship of the Republic of Slovenia has terminated (hereinafter: Register of Citizenship). The Register of Citizenship shall be kept as a computerised database and maintained by the ministry responsible for internal affairs. The authority that decided on the acquisition or termination of citizenship shall enter the data into the register. The Register of Citizenship shall be connected by computer to the Foreigners Register and the Register of Births, Deaths and Marriages.

Personal data on persons who have been entered into the Register of Citizenship shall be collected and further processed in the Register of Citizenship 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 authorities and other users that need to carry out statutory tasks, and to keep and maintain statutory databases and perform statistical, historical and other research with a legal basis and for other legal purposes.

Article 33

The Register of Citizenship shall contain the following data on persons who have acquired citizenship of the Republic of Slovenia by naturalisation or on the basis of international treaties:

1. name and family name,
2. date and place of birth,
3. the unique personal identification number of the citizen,

4. spol,
5. dovoljenje za začasno ali stalno prebivanje, potrdilo o prijavi prebivanja za državljana EU,
6. stalno ali začasno prebivališče v Republiki Sloveniji (ob naturalizaciji),
7. poklic in šolska izobrazba,
8. državljanstvo do naturalizacije,
9. številka in datum odločbe ter organ, ki je odločbo izdal,
10. pravna podlaga pridobitve državljanstva Republike Slovenije,
11. datum pridobitve državljanstva Republike Slovenije.

V registru državljanstev se o osebah, ki jim je državljanstvo Republike Slovenije prenehalo, vodijo ti podatki:

1. priimek in ime,
2. datum in kraj rojstva,
3. enotna matična številka občana,
4. spol,
5. stalno ali začasno prebivališče pred odhodom v tujino,
6. prebivališče ob prenehanju državljanstva Republike Slovenije,
7. poklic in šolska izobrazba,
8. podatek o tujem državljanstvu,
9. razlog za prenehanje državljanstva Republike Slovenije,
10. številka in datum odločbe ter organ, ki je odločbo izdal,
11. pravna podlaga prenehanja državljanstva,
12. datum prenehanja državljanstva.

Osebni podatki se hranijo v evidencah še 50 let po smrti ali prenehanju državljanstva osebe, na katero se podatki nanašajo. Po poteku tega roka se podatki arhivirajo.

34. člen

Podatki za evidence o državljanstvu se zbirajo neposredno od posameznikov, na katere se nanašajo.

4. sex,
5. permanent or temporary residence permit, or registration of a residence certificate for an EU citizen,
6. permanent or temporary residence in the Republic of Slovenia (upon 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. the legal basis for the acquisition of citizenship of the Republic of Slovenia,
11. the date of acquisition of citizenship of the Republic of Slovenia.

The Register of Citizenship shall contain the following data on persons whose citizenship of the Republic of Slovenia has terminated:

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

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

Article 34

Data for the Register of Citizenship shall be collected directly from the persons that the information pertains to.

Ne glede na prejšnji odstavek se podatki, kadar je to mogoče, zbirajo:

1. iz rojstne matične knjige,
2. iz državlanske knjige,
3. iz javnih listin,
4. od drugih oseb v skladu z zakonom.

35. člen

Osebnne podatke iz evidenc o državljanstvu lahko uporabljajo delavci policije za izvrševanje z zakonom določenih nalog.

Organi, ki vodijo evidence o državljanstvu, posredujejo drugim uporabnikom podatke iz teh evidenc, če so za njihovo uporabo pooblašteni z zakonom ali na podlagi privolitve ali zahteve posameznika, na katerega se podatki nanašajo.

Uporabniki podatkov iz prejšnjega odstavka ne smejo posredovati osebnih podatkov drugim uporabnikom in jih smejo uporabljati samo za namene, za katere so jih dobili.

36. člen

Ministrstvo, pristojno za notranje zadeve, lahko ob pogoju vzajemnosti posreduje podatke o posamezniku, vsebovane v evidencah o državljanstvu, drugim državam, če so izpolnjeni naslednji pogoji:

1. če gre za posredovanje organom tuje države, ki so pristojni za zadeve državljanstva;
2. če se prejemnik podatkov zaveže, da bo dobljene podatke uporabljal samo za namene v zvezi z urejanjem državljanstva, v nasprotnem primeru pa le, če je to nujno za izvedbo kazenskega postopka ali če posredovanje podatkov nedvomno koristi posamezniku, na katerega se podatki nanašajo;
3. če je v državi, v kateri je sedež organa, ki se mu podatki posredujejo, zagotovljeno varstvo osebnih podatkov tudi za tujce.

Notwithstanding the preceding paragraph, whenever possible data shall be collected:

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

Article 35

Personal data from the Register of Citizenship may be used by employees of the police in the performance of their duties as determined by an Act.

The authorities that keep the Register of Citizenship shall supply data from these records to other users if they are authorised to use this data by an Act or on the basis of the consent or request of the individual the data pertains to.

Users of the data referred to in the preceding paragraph must not supply personal data to other users and may only use such for the purpose for which it was supplied.

Article 36

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

1. the information is supplied to the authorities of a foreign country competent for matters of citizenship;
2. the recipient of the information undertakes to use the supplied data only for purposes in connection with establishing citizenship, or only if urgently needed for the conduct of penal proceedings or if the communication of such data clearly benefits the individual to whom the data refers;
3. in the state in which the authority to which the data are supplied has its seat, the protection of personal data is also guaranteed as regards foreigners.

Dejstvo iz 3. točke prejšnjega odstavka ugotavlja ministrstvo, pristojno za zunanje zadeve.

37. člen

Državljanstvo Republike Slovenije se dokazuje z osebno izkaznico, potno listino, izpiskom iz matičnega registra ali potrdilom o državljanstvu.

Obrazec potrdila o državljanstvu predpiše minister, pristojen za notranje zadeve.

38. člen

Če je bil postopek za ugotovitev državljanstva ali za pridobitev ali prenehanje državljanstva Republike Slovenije uveden na zahtevo stranke in postopka ni mogoče končati brez njenega sodelovanja, se njen molk šteje za umik zahteve, če kljub opozorilu pristojnega organa v danem roku ne opravi nobenega dejanja, potrebnega za nadaljevanje ali dokončanje postopka oziroma če se iz opustitve teh dejanj da sklepati, da ni več zainteresirana za nadaljevanje postopka.

Postopka iz razlogov po prejšnjem odstavku ni mogoče ustaviti, dokler ne potečejo trije meseci od opozorila.

VI. PREHODNE DOLOČBE

39. člen

Za državljana Republike Slovenije velja po tem zakonu, kdor je po dosedanjih predpisih imel državljanstvo Republike Slovenije in Socialistične federativne Republike Jugoslavije.

The fact referred to in point 3 of the preceding paragraph shall be established by the ministry responsible for foreign affairs.

Article 37

Citizenship of the Republic of Slovenia shall be proved with an identity card, travel document, extract from the Register of Births, Deaths and Marriages, or a 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 acquisition or termination of citizenship of the Republic of Slovenia was initiated upon the request of the person concerned and it is impossible to complete the procedure without his/her cooperation, his/her silence shall be deemed to be a withdrawal of the request if despite the warning of the competent authority, he/she does not, within the given term, perform the necessary activities to continue or complete the procedure, or if it can be concluded from the omission of such actions that he/she is no longer interested in continuing the procedure.

The procedure can only be terminated on the basis of the reasons referred to in the preceding paragraph after three months have passed since the warning.

VI. TRANSITIONAL PROVISIONS

Article 39

Any person who had 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.

39.a člen

Za državljana Republike Slovenije velja oseba, ki je imela na dan 23. 12. 1990 prijavljeno stalno prebivališče v Republiki Sloveniji ali od tega dne dalje v Sloveniji neprekinjeno dejansko živi, če bi pridobila državljanstvo Republike Slovenije po 37. členu zakona o državljanstvu FLRJ (Uradni list DFJ, št. 64/45 in Uradni list FLRJ, št. 54/46, 104/47, 88/48 in 105/48), pa je do 21. 12. 1950 pridobila državljanstvo druge republike nekdanje SFRJ, čeprav ni podala izjave po drugem odstavku obvezne razlage prvega odstavka 37. člena zakona o državljanstvu FLRJ z dne 1. 7. 1946 (Uradni list FLRJ, št. 90/46).

Oseba, ki uveljavlja priznanje državljanstva Republike Slovenije po prejšnjem odstavku, mora predložiti dokaze o tem, na kakšni pravni podlagi je bil opravljen vpis v državljansko knjigo v drugi republiki nekdanje SFRJ.

Izjava stranke se upošteva kot dokaz samo izjemoma. če stranka nesporno izkaže, da ni mogla pridobiti dokaza iz prejšnjega odstavka.

40. člen

Državljan druge republike, ki je imel na dan plebiscita o neodvisnosti in samostojnosti Republike Slovenije dne 23. decembra 1990, prijavljeno stalno prebivališče v Republiki Sloveniji in tukaj tudi dejansko živi, pridobi državljanstvo Republike Slovenije, če v šestih mesecih od uveljavitve tega zakona vloži vlogo pri za notranje zadeve pristojnem upravnem organu občine, na območju katere ima stalno prebivališče.

Article 39a

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 have acquired 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 [*Uradni list DFJ*], No. 64/45 and Official Gazette of the Federal People's Republic of Yugoslavia [*Uradni list FLRJ*], Nos 54/46, 104/47, 88/48 and 105/48), provided that he/she acquired citizenship of another republic of the former Socialist Federal Republic of Yugoslavia by 21 December 1950, although he/she did not make a statement in accordance with paragraph two of the obligatory explanation of paragraph one 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 [*Uradni list FLRJ*], No. 90/46).

Any person who claims recognition of citizenship of the Republic of Slovenia according to the preceding paragraph must present evidence of the legal basis on which an entry into the Register of Citizenship was made in some other republic of the former Socialist Federal Republic of Yugoslavia.

The statement of the applicant shall be deemed to be proof by way of exception if the person concerned indisputedly proves that he/she could not obtain the proof referred to in the preceding paragraph.

Article 40

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

Ne glede na izpolnjene pogoje iz prejšnjega odstavka se vloga za pridobitev državljanstva Republike Slovenije zavrne, če je oseba po 26. 6. 1991 storila kaznivo dejanje iz petnajstega ali šestnajstega poglavja kazenskega zakona SFRJ (Uradni list SFRJ, št. 44/76, 34/84, 74/87, 57/89, 3/90 in 38/90), uperjeno zoper Republiko Slovenijo oziroma druge vrednote, ki jih v skladu z določbo prvega odstavka 4. člena ustavnega zakona za izvedbo temeljne ustavne listine o samostojnosti in neodvisnosti Republike Slovenije varuje kazenska zakonodaja Republike Slovenije, ne glede na to, kje je bilo to dejanje storjeno. Če je za to kaznivo dejanje sprožen kazenski postopek, se postopek za pridobitev državljanstva prekine, dokler kazenski postopek ni pravnomočno končan.

Ne glede na izpolnjene pogoje iz prvega odstavka tega člena se vloga lahko zavrne tudi osebi, za katero so podani razlogi iz 8. točke prvega odstavka 10. člena tega zakona. [\(delno razveljavljen\)](#)

Otrok do dopolnjenega 18. leta starosti pridobi državljanstvo Republike Slovenije pod pogoji iz 14. člena tega zakona.

41. člen

Za državljana Republike Slovenije se do dopolnjenega 36. leta lahko z izjavo opredeli tudi v Republiki Sloveniji rojena oseba, starejša od 18 let, če je eden od njenih staršev bil ob njenem rojstvu državljan Republike Slovenije, vendar so se starši kasneje sporazumeli za državljanstvo druge republike nekdanje SFRJ.

Izjava o priglasitvi iz prejšnjega odstavka se lahko vloži pri diplomatsko-konzularnem predstavništvu Republike Slovenije v tujini ali pri upravni enoti.

permanent residence is located.

Regardless of whether the person fulfils the conditions referred to in the preceding paragraph, an application for citizenship of the Republic of Slovenia shall be rejected if after 26 June 1991 the person committed a criminal offence referred to in Chapters 15 or 16 of the Penal Code of the Socialist Federal Republic of Yugoslavia (Official Gazette of the Socialist Federal Republic of Yugoslavia [*Uradni list SFRJ*], Nos 44/76, 34/84, 74/87, 57/89, 3/90 and 38/90) directed against the Republic of Slovenia or against other values that, in accordance with the provision of paragraph one 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 legislation of the Republic of Slovenia, irrespective of where the offence was committed. If criminal proceedings were initiated for the offence, the procedure for the acquisition of citizenship shall be suspended until the criminal proceedings become final.

Regardless of whether the person fulfils the conditions referred to in paragraph one of this Article, an application may be rejected if the reasons referred to in point 8 of paragraph one of Article 10 of this Act apply to the applicant. **(Abrogated in part)**

A child under the age of 18 years may acquire citizenship of the Republic of Slovenia under the conditions referred to in Article 14 of this Act.

Article 41

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

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

42. člen

O pridobitvi državljanstva Republike Slovenije po 40. členu tega zakona odloča ministrstvo, pristojno za notranje zadeve.

43. člen

Državljanstvo oseb, ki so bile po dosedanjih predpisih državljani Republike Slovenije, pa doslej niso bile vpisane v evidenco državljanov Republike Slovenije, se vpiše naknadno v matični register na podlagi ugotovitvene odločbe, ki jo po uradni dolžnosti izda pristojna upravna enota. Če rojstvo ni vpisano, je potrebno podatek o državljanstvu vpisati istočasno z vpisom rojstva v skladu z zakonom, ki ureja vpis v matični register.

44. člen

Potrdila o državljanstvu Republike Slovenije na podlagi evidenc, ki so se vodile po prej veljavnih predpisih, izdaja organ, pristojen za notranje zadeve, ki te evidence vodi, ali upravna enota, na območju katere ima oseba stalno prebivališče.

45. člen

Do vzpostavitve evidence iz 32. člena tega zakona ministrstvo, pristojno za notranje zadeve, vodi ločene evidence: o pridobitvi državljanstva Republike Slovenije z naturalizacijo, z vstopom v državljanstvo, s sprejemom državljanov drugih republik v državljanstvo Republike Slovenije, o odpustu, odreku in odvzemu državljanstva, o izgubi državljanstva Republike Slovenije z odsotnostjo, evidenco optantov za italijansko državljanstvo in delni razvid oseb z dvojnimi državljanstvom.

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 Register of Citizenship 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 accordance with the Register of Deaths, Births and Marriages Act.

Article 44

The certificate of citizenship of the Republic of Slovenia on the basis of records kept in accordance with previously valid legislation shall be issued by an authority responsible for internal affairs that keeps these records or an administrative unit in the territory of which the person's registered permanent residence is located.

Article 45

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

Evidence iz prejšnjega odstavka vsebujejo podatke iz 33. člena tega zakona, ki se zbirajo in uporabljajo na način, določen v 34., 35. in 36. členu tega zakona.

46. člen

Minister, pristojen za notranje zadeve, izda natančnejše predpise o načinu vodenja centralne evidence o državljanstvu.

VII. KONČNI DOLOČBI

47. člen

Z dnem uveljavitve tega zakona preneha veljati zakon o državljanstvu Socialistične Republike Slovenije (Uradni list SRS, št. 23/76).

48. člen

Ta zakon začne veljati z dnem objave v Uradnem listu Republike Slovenije.

The records referred to in the preceding paragraph shall contain data pursuant to Article 33 of this Act, which shall be collected 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 the method of keeping the central Register of Citizenship.

VII. FINAL PROVISIONS

Article 47

On the day this Act enters into force, the Citizenship of the Socialist Republic of Slovenia Act (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 23/76) shall cease to be in force.

Article 48

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