

# **State citizenship and modes of its acquisition in Czech Republic**

## **Abstract**

The topic of this thesis is the issue of the state citizenship and the modes of its acquisition in Czech Republic.

The aim of this thesis is then a detailed analysis of all individual modes of the acquisition of the citizenship of Czech Republic according to the actually valid and effective legal regulation. For such purpose at first it is necessary to deal with the institute of the state citizenship itself, with its definition, respectively with the elements characterizing it, as well as with its historical evolution. It should be emphasized that there is no definition of the state citizenship that would be uniformly accepted. This is the reason why the Czech view on the issue of the state citizenship is often compared with the view of other states in this thesis. Finally there is often referred to the three most important judgments related to the issue of the state citizenship in this thesis, namely to the decision in the case of Nottebohm, Rottmann and Zhu and Chen. These decisions are mentioned not only from the reason of the effort to find the best definition of the state citizenship but also from the reason of the effort to provide with the best possible analysis of individual modes of the acquisition of Czech citizenship.

Mainly from the reason of the completeness of the treatise of the state citizenship the individual rights and the individual duties connected with the state citizenship as well as the issues of the absent citizenship or dual and multiple citizenship are shortly described in this thesis. Finally it is necessary to mention also the citizenship of the European Union.

Czech law actually allows the acquisition of Czech citizenship by totally seventeen modes. All the modes of the acquisition of Czech citizenship are described at first generally, especially with regards to their division according to the basic criteria. Subsequently all seventeen modes of the acquisition of Czech citizenship are analyzed in detail in this thesis. The issue of the acquisition of Czech citizenship by birth, affiliation, adoption, finding in the territory of Czech Republic, declaration, acquisition in the connection with entrusting to a constitutional, foster or other form of substitute care and acquisition on the basis of the provision of Sec. 71 of the Act on Citizenship is described more descriptively with the focus on possible unclear questions and considerations *de lege ferenda*.

Only the issue of the acquisition of Czech citizenship by its granting allows more considerations than just description of this mode of the acquisition of Czech citizenship. Particularly in the connection with the analysis of this mode of acquisition of Czech

citizenship some definitional elements of the state citizenship and findings from selected judgements as well as principles applied in the area of the state citizenship are highlighted. In the connection with the analysis of this mode of the acquisition of Czech citizenship the attention is focused also on the question whether the actual Czech law does contain or does not contain the legal claim to a Czech citizenship in case the fulfilment of the required conditions, particularly regarding to how broad is the discretionary power of the Ministry of the Interior while deciding on the application for Czech citizenship.

**Key words: state citizenship, modes of the acquisition of the citizenship in Czech Republic, naturalisation**