

# **Rejection of an application for citizenship of the Czech Republic due to a security threat**

## **Abstract**

This diploma thesis focuses on the analysis of a minority opinion, based on the thesis that a restriction of procedural rights of applicants for citizenship whose application was rejected due to a security threat is not fully in line with the principle of proportionality and the fair trial right. The assessment of whether the principle of proportionality has been maintained is based on comparison of the value of state security and the potential interference with the (fundamental) rights and freedoms of the applicants. Furthermore, the thesis deals with the procedure of the Ministry of the Interior in assessing the positions of the intelligence services of the Czech Republic and the Police of the Czech Republic and the role of the Constitutional Court and the Ombudsman in the process of reviewing potential interference with (fundamental) rights and freedoms of citizenship applicants. For the purpose of the analysis of the statements outlined above is used: case law of the Constitutional Court of the Czech Republic on the provisions of Article 22 Paragraph 3 and Article 26 of Act No. 186/2013 Coll., On Citizenship of the Czech Republic, and the Explanatory Memorandum to this Act. The studies of academics had been used in this diploma too – for example ones from JUDr. Miluse Kindlova M.Jur., PhD.

The conclusion of the diploma thesis is that the restriction of procedural rights of applicants represents, among other things, the absence of access to the justification of their rejected application and the existing court exclusion. The thesis reveals that the joint action of individual restrictions leads to the above-mentioned interference with the right to a fair trial. Infringements of the right to a fair trial are not only seen in the mere accumulation of restrictions on the procedural rights, but above all in the fact that such restrictions on the procedural rights infringe (fundamental) rights and freedoms of applicants whose application has been wrongfully rejected. For example, the right to respect for human dignity, personal honour and the protection of the name; and the right to protection against interference with private and personal life.

**Key words: citizenship, state security, fair trial.**