

Abstract

Thesis title: The institute of the citizenship of the Republic of Austria

Citizenship is often defined as a status of a person, who is recognised under the law as being a legal member of a sovereign state. This status is usually connected with certain rights and privileges, along with corresponding duties, which belong to the citizens only. This master thesis aims to give a **detailed analyse** of the valid legislation of Austrian citizenship and to **evaluate it critically**. The main goal of the thesis is to answer the questions, whether the nowadays valid regulation is still actual and whether it would not be better to regulate certain issues in a **different or more suitable way**.

In the introduction of this thesis the term citizenship and the related key concepts are explained. Mentioned are also the leading principles of the regulation of the Austrian citizenship, structured by their importance according to the Austrian legal literature. Introduced are also the sources of Austrian law - the significant international treaties and the regulation in the European Union and in the Austrian constitution. However, the main emphasis is put on the valid Austrian Citizenship Act, which contains large number of information related to this thesis. Described are also the ways of obtaining and losing the Austrian citizenship.

The central topic of this thesis is however **the naturalization by application** and therefore the regulation of this field is described in detail. Various conditions have to be fulfilled in order to achieve a positive acceptance of the application. It is also important to emphasize, that the Austrian regulation is rather strict in this way and thus it might be quite demanding to meet the requirements. But even in this stringent legislation exist certain ways to obtain the citizenship in a simplified form. Some persons also possess a legal claim to be granted the citizenship. Another chapter is dedicated to the administrative proceedings for obtaining the citizenship, including the regulation of general jurisdiction of the authorities and the ways of leading the procedure, as well as the legal protection of the applicant, the means of evidence of the citizens and administrative delicts in this field. For better understanding of the interpretation of the Austrian Citizenship Act the most important judicial decisions related to the topic are enlightened as well.

The very last part of this thesis deals with the **critical evaluation of the Austrian regulation**, again especially in relation to obtaining the citizenship via application. Several principles, for instance the general rejection of dual citizenship, appear to be outdated and not to meet the requirements of a modern state and the current socio-political environment. Furthermore some of the provisions of the statute, e.g. the demanded long period of stay in Austria or the financial expensiveness of the administrative proceedings, are also subject to criticism.

The thesis comes to the general conclusion that the Austrian regulation overall is rather modern and satisfactory in most aspects. But in order to adapt to the current environment, it would be advisable to reform some provisions and principles.