

No. 8304

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
POLAND**

**Convention for the avoidance of cases of dual nationality.  
Signed at Warsaw, on 31 March 1965**

*Official texts : Russian and Polish.*

*Registered by the Union of Soviet Socialist Republics on 25 August 1966.*

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**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES  
et  
POLOGNE**

**Convention tendant à éviter les cas de double nationalité.  
Signée à Varsovie, le 31 mars 1965**

*Textes officiels russe et polonais.*

*Enregistrée par l'Union des Républiques socialistes soviétiques le 25 août 1966.*

[TRANSLATION — TRADUCTION]

No. 8304. CONVENTION<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC FOR THE AVOIDANCE OF CASES OF DUAL NATIONALITY. SIGNED AT WARSAW, ON 31 MARCH 1965

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The Government of the Union of Soviet Socialist Republics and the Government of the Polish People's Republic,

Considering that the Convention between the Government of the Union of Soviet Socialist Republics and the Government of the Polish People's Republic regulating the citizenship of persons having dual citizenship signed at Warsaw on 21 January 1958<sup>2</sup> did not contain provisions for the avoidance of cases of dual nationality,

Desiring to avoid cases of dual nationality,

Have resolved to conclude this Convention and for this purpose have appointed as their plenipotentiaries :

The Government of the Union of Soviet Socialist Republics :

Grigory Efimovich Vilkov, Deputy Head of the Treaty and Legal Section of the Ministry of Foreign Affairs of the USSR ;

The Government of the Polish People's Republic :

Włodzimierz Zawadzki, Director of the Treaty and Legal Department of the Ministry of Foreign Affairs of the Polish People's Republic ;

who, having exchanged their full powers, found in good and due form, have agreed as follows.

*Article 1*

1. Parents of whom one is a citizen of one Contracting Party and the other a citizen of the other Contracting Party may agree to opt for the citizenship of one of the Contracting Parties on behalf of a child born after the entry into force of this Convention.

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<sup>1</sup> Came into force on 30 January 1966, on the expiry of thirty days after the date of the exchange of the instruments of ratification, which took place in Moscow on 30 December 1965, in accordance with article 11 (<sup>1</sup>).

<sup>2</sup> United Nations, *Treaty Series*, Vol. 319, p. 277.

2. The parents shall file a joint declaration of option with the competent authority of the Contracting Party for whose citizenship they have opted on the child's behalf. The declaration shall be filed in duplicate not later than three months after the birth of the child.

3. The declaration referred to in paragraph 2 shall be filed with the following authorities :

(a) Where the parents have opted on the child's behalf for citizenship of the Contracting Party in whose territory he is resident—the local organ of State administration ;

(b) Where the child is resident in the territory of the other Contracting Party or that of a third State—a diplomatic or consular mission of the Contracting Party for whose citizenship the parents have opted on his behalf.

4. In the absence of a joint declaration of option by the parents, the child shall have the citizenship solely of the Contracting Party in whose territory he was born.

5. If the child was born in the territory of a third State and the parents fail to submit a joint declaration of option, the child shall be regarded as a citizen of the Contracting Party in whose territory the parents maintained a joint residence before their departure to the third State. If the parents did not maintain such a residence, the child shall follow solely the citizenship of his mother.

#### *Article 2*

1. The parents of a child who on the date of the entry into force of this Convention has the citizenship of both Contracting Parties may agree to opt on his behalf for the citizenship of one of the Contracting Parties.

2. The parents shall file a joint declaration of option with the competent authority of the Contracting Party for whose citizenship they have opted on the child's behalf. Such declaration shall be filed in duplicate within one year after the date of entry into force of this Convention with the authorities specified in article 1, paragraph 3.

3. If the parents fail to file a joint declaration of option on the child's behalf, the child shall be regarded as a citizen solely of the Contracting Party in whose territory he is resident on the date of the expiry of the time-limit specified in paragraph 2. If the child is resident in the territory of a third State, his citizenship shall be determined in accordance with article 1, paragraph 4 or 5.

#### *Article 3*

1. A child who on the date of the entry into force of this Convention has the citizenship of both Contracting Parties and is in the care of only

one of the parents shall from the date of the entry into force of this Convention have solely the citizenship of that parent.

2. Where a child is assigned by judicial order to the custody of only one of the parents, the child shall have solely the citizenship of that parent, unless the parents decide otherwise by agreement in accordance with article 2.

3. A child of deceased parents or of parents whose whereabouts are unknown, and a child in the care of a guardian appointed where the parents have forfeited their parental authority, shall be regarded as the citizen solely of the Contracting Party in whose territory he is resident on the date of the expiry of the time-limit specified in article 2, paragraph 2. If the child is resident in the territory of a third State, his citizenship shall be determined in accordance with article 1, paragraph 4 or 5.

#### *Article 4*

Any person of full age resident in the territory of a third State and having the citizenship of both Contracting Parties on the date of the entry into force of this Convention who is not covered by the Convention regulating the citizenship of persons having dual citizenship signed at Warsaw on 21 January 1958 may opt for the citizenship of one of the Contracting Parties. The declaration of option shall be filed in duplicate, within one year after the date of the entry into force of this Convention, with the diplomatic or consular mission of the Contracting Party for whose citizenship he has opted. A person failing to file such declaration within the specified time-limit shall have the citizenship solely of the Contracting Party in whose territory he was a resident before his departure to the third State.

#### *Article 5*

1. From the date of the entry into force of this Convention neither Contracting Party shall accept applications for citizenship from persons having the citizenship of the other Contracting Party without the prior production by the person concerned of a document issued by the competent authority of the Party of which he is a citizen confirming that there is no impediment to the change of citizenship.

2. Citizens of one Contracting Party who before the date of the entry into force of this Convention acquired the citizenship of the other Contracting Party without losing their previous citizenship shall from the date of the entry into force of this Convention have the citizenship solely of the Contracting Party in whose territory they are resident. Where such persons are permanently resident in the territory of a third State, they shall be regarded as

citizens solely of the Contracting Party whose citizenship they acquired at the later date.

#### *Article 6*

1. The Contracting Parties shall communicate to each other through the diplomatic channel information concerning children on whose behalf options for citizenship are exercised under article 1. Such information, together with one copy of the parents' declaration, shall be transmitted not later than six months after the birth of the child.

2. The Contracting Parties shall exchange through the diplomatic channel, not later than six months after the expiry of the time-limit specified in article 2, paragraph 2, lists of children on whose behalf options for citizenship have been exercised under article 2. One copy of each declaration shall be attached to such lists. The Parties shall also exchange, in accordance with the same procedure and within the same time-limit, lists of persons who have opted for citizenship under article 4.

#### *Article 7*

A person opting for the citizenship of one of the Contracting Parties under this Convention shall have solely that citizenship from the date of the receipt of his declaration to that effect.

#### *Article 8*

The exercise of the right of option under this Convention shall be entirely voluntary.

#### *Article 9*

Declarations filed in accordance with this Convention and documents issued in connexion with the same shall not be subject to any taxes.

#### *Article 10*

Any questions which may arise in the interpretation and application of this Convention shall be settled through the diplomatic channel.

#### *Article 11*

1. This Convention shall be ratified and shall enter into force thirty days after the date of the exchange of the instruments of ratification, which shall take place at Moscow as soon as possible.

2. After the exchange of the instruments of ratification, the Contracting Parties shall publish the text of this Convention in the Press for the information of interested persons.

3. This Convention is concluded for an indefinite period and shall remain in force until the expiry of six months after the date of its denunciation by one of the Contracting Parties.

DONE at Warsaw on 31 March 1965 in two copies, each in the Russian and Polish languages, both texts being equally authentic.

IN WITNESS WHEREOF the above-mentioned plenipotentiaries have signed this Convention and have thereto affixed their seals.

For the Government  
of the Union of Soviet  
Socialist Republics :

G. E. VILKOV

For the Government  
of the Polish People's Republic :

W. ZAWADZKI