

No. 8312

**POLAND
and
CZECHOSLOVAKIA**

**Convention concerning the settlement of questions relating
to dual nationality. Signed at Warsaw, on 17 May 1965**

Official texts: Polish and Czech.

Registered by Poland on 19 September 1966.

**POLOGNE
et
TCHÉCOSLOVAQUIE**

**Convention pour le règlement des questions de double na-
tionalité. Signée à Varsovie, le 17 mai 1965**

Textes officiels polonais et tchèque.

Enregistrée par la Pologne le 19 septembre 1966.

[TRANSLATION — TRADUCTION]

No. 8312. CONVENTION¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE CZECHOSLOVAK SOCIALIST REPUBLIC CONCERNING THE SETTLEMENT OF QUESTIONS RELATING TO DUAL NATIONALITY. SIGNED AT WARSAW, ON 17 MAY 1965

The Council of State of the Polish People's Republic and the President of the Czechoslovak Socialist Republic,

Considering that there are a number of persons whom both Contracting Parties, in accordance with their legislation, regard as their nationals,

Desiring to eliminate the dual nationality of the said persons on the basis of their free decision and to prevent dual nationality from arising,

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

The Council of State of the Polish People's Republic :

Marian Naszkowski, Under-Secretary of State in the Ministry of Foreign Affairs of the Polish People's Republic;

The President of the Czechoslovak Socialist Republic :

Oskar Jeleň, Ambassador Extraordinary and Plenipotentiary of the Czechoslovak Socialist Republic to the Polish People's Republic,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

Article 1

Persons who, on the date of the entry into force of this Convention, are nationals of both Contracting Parties may opt for whichever nationality they wish to retain.

Article 2

1. Persons falling under the provisions of article 1 who are resident in the territory of one Contracting Party and who opt for the nationality of the other Contracting Party shall file a declaration in writing with the diplomatic mission or competent consular office of the latter Contracting Party.

¹ Came into force on 20 May 1966, the thirtieth day after the exchange of instruments of ratification which took place at Prague on 20 April 1966, in accordance with article 14 (1).

2. Persons falling under the provisions of article 1 who are resident in the territory of a third State shall file a declaration of option in writing with the diplomatic mission or competent consular office of the Contracting Party for whose nationality they opt.

3. Declarations of option must be filed in duplicate within one year after the date of the entry into force of this Convention.

Article 3

1. Declarations of option may be filed only by persons of full age.

2. For the purposes of this Convention, “persons of full age” means persons who have attained the age of eighteen years or persons under that age who are married.

Article 4

1. Children under full age who, on the date of the entry into force of this Convention, are nationals of both Contracting Parties shall have solely the nationality of their parents where the parents have or, in accordance with the provisions of this Convention, are to have the same nationality.

2. Where one parent has or opts for the nationality of one Contracting Party and the other has or opts for the nationality of the other Contracting Party, the nationality of their children under full age who have dual nationality shall be determined by an agreement between the parents. Such agreement shall take the form of a declaration filed in accordance with the provisions of article 2.

3. In the absence of an agreement between the parents, children under full age shall retain solely the nationality of the Contracting Party in whose territory they have their permanent residence on the date of expiry of the time-limit specified in article 2, paragraph 3. If on that date the children have their permanent residence in the territory of a third State, they shall retain solely the nationality of the Contracting Party in whose territory they were born; if they were born in the territory of a third State, they shall retain solely the nationality of the Contracting Party in whose territory the parents had their permanent residence immediately before leaving for the third State; if the parents did not have such a residence, the children shall retain solely their mother's nationality.

4. Where one of the parents is dead or has been deprived of parental authority, children under full age who have dual nationality shall retain the nationality of the other parent.

5. Where the parents of children under full age who have dual nationality are not married or their marriage has been dissolved or annulled or they are married but reside separately and the exercise of parental authority, particularly the education of the children, has been entrusted to one of the parents by a court,

the children shall retain solely the nationality of that parent unless the parents decide otherwise by agreement between them. The agreement between the parents shall take the form of a declaration filed in accordance with the provisions of article 2.

6. Children under full age who have dual nationality and whose parents are dead or the whereabouts of whose parents is unknown, and children who have been placed under guardianship by reason of the forfeiture or suspension of parental authority, shall, in accordance with the provisions of paragraph 3, have solely the nationality of one Contracting Party.

Article 5

Where the Contracting Party with which a declaration of option has been filed determines that, under its laws, the person filing the declaration or the child under full age to whom the declaration relates does not possess its nationality, the declaration shall be regarded as not having been filed.

Article 6

Persons who fail to file a declaration of option within one year after the date of the entry into force of this Convention shall retain solely the nationality of the Contracting Party in whose territory they have their permanent residence on the date of expiry of the above-mentioned time-limit. If on that date the persons in question have their permanent residence in the territory of a third State, they shall retain solely the nationality of the Contracting Party in whose territory they had their permanent residence immediately before going abroad; if they did not have such a residence, they shall retain solely the nationality of the Contracting Party of which they subsequently became nationals.

Article 7

Persons resident in the territory of one Contracting Party who opt for the nationality of the other Contracting Party may continue to reside at their former place of residence.

Article 8

The Contracting Parties shall exchange once each month through the diplomatic channel, for a period of eighteen months from the date of the entry into force of this Convention, lists of the persons who have filed declarations of option within the time-limit specified in article 2. They shall transmit, together with the lists, one copy of each of the declarations filed by the persons appearing on the lists.

Article 9

1. Parents of whom one is a national of one Contracting Party and the other a national of the other Contracting Party may opt for the nationality of one of the Contracting Parties on behalf of a child born after the date of the entry into force of this Convention.

2. Where the parents of a child born in the territory of one Contracting Party opt on behalf of the child for the nationality of the other Contracting Party, they must, within three months after the birth of the child, file an agreed declaration of option in duplicate, such declaration to be filed, in the Polish People's Republic, with the organ for internal affairs of the presidium of the district, urban or borough people's council and, in the Czechoslovak Socialist Republic, with the people's committee in whose civil register the child's birth was registered. The declaration must be certified beforehand by the diplomatic mission or competent consular office of the other Contracting Party.

3. Where the child is born in the territory of a third State, the parents must, within three months after his birth, file an agreed declaration of option in duplicate with the diplomatic mission or competent consular office of the Contracting Party for whose nationality they have opted on behalf of the child.

4. In the absence of an agreed declaration of option by the parents on behalf of the child, the latter shall have solely the nationality of the Contracting Party in whose territory he was born. A child born in the territory of a third State shall have the nationality of the Contracting Party in whose territory his parents had their permanent residence immediately before going abroad; if the parents did not have such a residence, the child shall have his mother's nationality.

5. The Contracting Parties shall notify each other, through the diplomatic channel, of options made on behalf of children in accordance with the provisions of paragraphs 2 and 3. The notification, together with a copy of the declaration by the parents, shall be transmitted within six months after the birth of the child.

Article 10

A person who has opted for the nationality of one of the Contracting Parties under the provisions of this Convention shall have, as from the date on which the declaration was filed, solely the nationality for which he has opted.

Article 11

As from the date of the entry into force of this Convention, the competent authorities of each Contracting Party shall require, as a condition for acquisition

of the nationality of the said Contracting Party by a national of the other Contracting Party, that the person concerned produces a document of the latter Contracting Party certifying that no impediment exists to a change of nationality.

Article 12

Declarations of option and certificates concerning the filing of such declarations shall not be subject to any charges.

Article 13

All disputes arising in connexion with the interpretation and application of this Convention shall be settled through the diplomatic channel.

Article 14

1. This Convention is subject to ratification and shall enter into force on the thirtieth day after the exchange of the instruments of ratification, which shall take place at Prague.

2. This Convention shall remain in force for a term of five years. It shall be extended for additional five-year terms unless it is denounced by one of the Contracting Parties not later than six months before the expiry of the current term.

This Convention has been drawn up at Warsaw on 17 May 1965, in duplicate in the Polish and Czech 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 Council of State
of the Polish People's Republic :

For the President
of the Czechoslovak Socialist Republic :

M. NASZKOWSKI

O. JELEŇ