

# **Federal Law concerning Austrian Nationality (1985 Nationality Act)**

*- unofficial consolidated version -*

Issued on 30 July 1985

Federal Law Gazette of the Republic of Austria, FLG No. 311/1985,  
amended by

FLG No. 386/1986

FLG No. 685/1988

FLG No. 521/1993

FLG No. 505/1994

FLG I No. 109/1997

FLG I No. 30/1998

FLG I No. 123/1998

FLG I No. 124/1998

FLG I No. 37/2006

FLG I No. 2/2008

FLG I No. 4/2008

FLG I No. 108/2008

FLG I No. 122/2009

FLG I No. 135/2009

FLG I No. 38/2011

FLG I No. 111/2011

FLG I No. 87/2012

FLG I No. 16/2013

FLG I No. 29/2013

FLG I No. 54/2013

FLG I No. 136/2013

FLG I No. 188/2013

FLG I No. 80/2014

FLG I No. 104/2014

FLG I No. 39/2017

FLG I No. 68/2017

FLG I No. 32/2018

FLG I No. 56/2018

FLG I No. 61/2018

FLG I No. 96/2019

FLG I No. 24/2020

FLG I No. 162/2021

FLG I No. 206/2021

**[NOTE: This is an unofficial translation. Amendments issued in the context of the COVID-19 pandemic which are only applicable for a limited period of months are not included.]**

## **Section I**

## General Provisions

**Article 1.** *[Repealed by FLG No. 386/1986]*

**Article 2.** In this act the following terms shall have the meanings here under:

1. Republic means the Republic of Austria;
2. Nationality means the nationality of the Republic of Austria (Austrian nationality);
3. National means a person holding Austrian nationality regardless of sex;
4. Alien means a person not holding Austrian nationality regardless of sex.

**Article 3.** Except in cases under article 8, a person whose nationality cannot be determined is to be regarded as stateless.

**Article 4.** For the purposes of the scope of this federal law, sex and family status shall have no legal relevance, except as otherwise expressly provided for herein. Aliens who have filed an application for the granting of nationality shall, however, be required in such procedures to explain their family situation, the centre of their vital interests and their personal circumstances.

**Article 5.** (1) If the alien is unable to furnish proof, by reliable documents or other appropriate and equivalent evidence, of a claimed under-age status on which he relies in a procedure pursuant to the present federal law and which, on the basis of the available results of the preliminary investigation, is doubtful, the authority may also give instructions for radiological examinations, in particular X-ray examinations, to be carried out as part of a multifactorial examination technique (subparagraph 25 of article 2, paragraph (1), of the 2005 Asylum Act) for the purpose of age diagnosis. Every examination procedure shall be conducted with the least possible interference. The alien's cooperation in a radiological examination shall not be enforceable by coercive measures. If, following the age diagnosis, justified doubts continue to exist, under-age status shall be presumed in the alien's favour.

(2) If an alien is unable to furnish proof, by reliable documents or other appropriate and equivalent evidence, of a claimed family relationship on which he relies in a procedure pursuant to the present federal law, the authority shall, at his request, make it possible for him to have a DNA analysis undertaken at his own expense. The alien shall be informed of such possibility. The absence of a request for a DNA analysis by the alien shall not be construed as a refusal on his part to cooperate in the clarification of the facts. In the further course of the procedure, only information on the family relationship may be processed; any additional data shall be deleted.

(3) If the alien is unable to furnish proof, by reliable documents or other appropriate and equivalent evidence, of his identity on which he relies in a procedure pursuant to the present federal law, the authority may give instructions for impressions of the papillary ridges on the fingers to be taken. The alien's refusal to cooperate in the impression-taking process shall be taken into consideration by the authority in the evaluation of the evidence.

## Section II Acquisition of nationality

**Article 6.** Nationality shall be acquired by

1. Descent (*legitimation*) (articles 7, 7a and 8);
2. Naturalization (extension of naturalization) (articles 10 to 24);
3. *repealed by FLG I. No 122/2009;*
4. *repealed by FLG I. No 122/2009;*

5. Notification (article 58c and article 59, paragraph (1)).

### **Descent**

**Article 7.** (1) Children shall acquire nationality at the time of their birth if at that time:

1. the mother, as defined in article 143 of the Civil Code, Compendium of Laws and Regulations (JGS) No. 946/1811, is a national;
2. the father, as defined in article 144 (1) 1 of the Civil Code, is a national;
3. the father is a national and he has acknowledged paternity in accordance with article 144 (1) 2 of the Civil Code or
4. the father is a national and his paternity has been judicially declared in accordance with article 144 (1) 3 of the Civil Code.

Acknowledgements of paternity as referred to in subparagraph 3 above or judicial declarations of paternity as referred to in subparagraph 4 above which have been made within eight weeks from the birth of the child shall, for purposes of the scope of application of subparagraphs 3 and 4 above, be effective at the time of the birth of the child.

(2) The death of a parent who meets the requirements set out in subparagraphs 1 to 4 of paragraph (1) above prior to the birth of the child shall not preclude the acquisition of nationality if that parent was a national at the date of his or her death.

(3) Notwithstanding paragraph (1) above, children born abroad shall acquire nationality if:

1. at the time of their birth an Austrian national is the mother or father of the child in accordance with the law of the country of birth and
2. they would otherwise be stateless.

### **Legitimization**

**Article 7a.** (1) An under-age unmarried alien born out of wedlock who has not already acquired nationality pursuant to article 7 shall acquire nationality at the time of his parents' marriage or at the time of the declaration of legitimacy if at that time his father is a national or if, in the event of his earlier death, he was a national at the date of his death.

(2) If the under-age unmarried alien has already reached the age of 14 years, paragraph (1) above shall apply only if:

1. he and his legal representative give their consent to the acquisition of nationality within three years from the time of the marriage or the declaration of legitimacy and
2. he is still unmarried at the time of consent.

Consent shall be given in writing to the registration authority (article 49, paragraph (2)).

(3) Should consent as referred to in paragraph (2) above be refused, substituted consent may be given by the court if for educational, occupational or other cogent reasons the acquisition of nationality is to the benefit of the person under full age. The same shall apply if the person under full age does not have a legal representative or his legal representative cannot be contacted and the appointment of a legal representative meets with insurmountable obstacles; the same shall also apply if the place of residence of the person under full age is unknown or he cannot otherwise be contacted. Jurisdiction shall rest with the domestic court which would be competent to act in guardianship or custody matters if the person under full age had Austrian nationality. The time-limit for giving consent shall be deemed met if the case was brought before the court prior to expiry of the time-limit and the person under full age is still unmarried when the court's decision reaches the registration authority.

(4) Acquisition of nationality as referred to in paragraph (1) above shall also extend to illegitimate children:

1. of a legitimized woman or
2. of a legitimized man if he meets the requirement set out in subparagraph 3 or 4 of paragraph (1) of article 7.

If such children have already reached the age of 14 years, paragraphs (2) and (3) above shall apply *mutatis mutandis*.

**Article 8.** (1) Until proof to the contrary, a person under the age of six months found on the territory of the Republic is regarded as national by descent.

*((2) repealed by FLG I. No 136/2013)*

(3) Paragraph (1) above also applies to persons found on the territory of the Republic before the 1<sup>st</sup> of September 1993.

**Article 9.** The residence of aliens as persons entitled to privileges and immunities (article 95 of the FPG) shall not be deemed to constitute settlement within the meaning of the present federal law.

### **Grant of nationality**

**Article 10.** (1) Except as otherwise provided for in the present federal law, nationality may be granted to an alien only if:

1. The alien has lawfully resided in the federal territory for an uninterrupted period of at least ten years, including at least five years as a settled resident;
2. The alien has not been sentenced by a final judgement of a domestic or foreign court to a term of imprisonment for the commission of one or more wilful offences, the punishable acts on which the sentence of the foreign court is based are also punishable under domestic law, and the sentence has been pronounced in proceedings conforming to the principles set out in article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), FLG No. 210/1958;
3. The alien has not been sentenced by a final decision of a domestic court to a term of imprisonment for a fiscal offence;
4. No criminal proceedings are pending in a domestic court against the alien on suspicion of the commission of a wilful offence liable to a sentence of imprisonment or a fiscal offence liable to a sentence of imprisonment;
5. The international relations of the Republic of Austria would not be significantly impaired by the granting of nationality;
6. On the basis of his or her conduct hitherto, the alien guarantees that he or she has a positive attitude towards the Republic and neither represents a danger to law and order and public safety nor endangers other public interests as stated in article 8, paragraph 2, of the European Convention on Human Rights;
7. The alien's livelihood is sufficiently ensured or the alien is unable to ensure his livelihood on a long-term basis or to an adequate extent for practical reasons not attributable to him and
8. The alien does not have relations with foreign States of such a nature that the granting of nationality would be detrimental to the interests of the Republic.

(1a) A determining judgement as referred to in subparagraph 2 or 3 of paragraph (1) above shall not be admissible if it may not be included in criminal records information submitted to

the authority. A determining judgement as referred to in subparagraph 2 or 3 of paragraph (1) shall be admissible if it is rendered in respect of a juvenile offence.

(1b) The alien's inability to ensure his livelihood may not be attributed to him in particular if he suffers from a disability or chronic serious illness, which condition has to be substantiated by a medical report.

(2) Nationality must not be granted to an alien if:

1. Certain facts exist set forth in article 53, paragraph (2), subparagraphs 2, 3, 5, 8, 9 and paragraph (3), of the 2005 Aliens Police Act (FPG), FLG I No. 100; article 53, paragraph (5), of the FPG shall apply;
2. The alien has on more than one occasion been convicted by a final judgment of a serious administrative infraction of a particularly unconstitutional nature, in particular under paragraphs (1) to (2) of article 99 of the 1960 Road Traffic Regulations (StVO), FLG No. 159, paragraph (3) or (4) of article 37 of the Driving Licences Act (FSG), FLG I No. 120/1997, paragraph (1), subparagraph 1, in conjunction with paragraph (2) of article 366 of the 1994 Trade and Industry Regulations (GewO), FLG No. 194, or articles 81 to 83 of the Security Policing Act (SPG), FLG No. 566/1991, or of a serious infringement of the 2005 Aliens Police Act, the Settlement and Residence Act (NAG), FLG I No. 100/2005, the Border Control Act (GrekoG), FLG No. 435/1996, or the Aliens Employment Act (AuslBG), FLG No. 218/1975; article 55, paragraph (1), of the Administrative Penalties Act (VStG), FLG No. 52/1991, shall apply;
3. A procedure for termination of residence is pending against the alien;
4. An enforceable return decision pursuant to article 52 of the FPG or a valid residence ban pursuant to article 67 of the FPG is in force against him;
5. A return decision issued by another EEA State or Switzerland is in force against him;
6. An entry ban accompanying a return decision pursuant to article 52 of the FPG continues to be in force against him or an expulsion order under article 66 of the FPG or article 10 of the 2005 Asylum Act (AsylG), FLG I No. 100, has been issued against him in the last 18 months and become final or
7. The alien has close links with an extremist or terrorist group and, having regard to its existing structures or expected developments within its environment, the possibility of extremist or terrorist activities by such group cannot be excluded.

(3) An alien possessing foreign citizenship may not be granted nationality if he or she:

1. Fails to take the necessary steps to relinquish his or her previous nationality even though such steps are possible and reasonable for the alien, or
2. On the basis of his or her application or otherwise deliberately retains his or her previous citizenship.

(4) The requirement laid down in subparagraph 1 of paragraph (1) above and also the grounds for disallowing the granting of nationality stipulated in subparagraph 2 of paragraph (2) above and in the cases referred to in subparagraph 2 and in paragraph (3) above shall be waived

1. In the case of an alien resident in the federal territory who possessed nationality for an uninterrupted period of at least ten years and has lost that nationality otherwise than through deprivation (articles 32 to 34);
2. In the case of an alien who, prior to 9 May 1945, possessed the nationality of one of the successor States of the former Austro-Hungarian monarchy or was stateless, had his or her principal residence in the federal territory and at that time went abroad because he or she had reason to fear or had suffered persecution by agents of the National Socialist German Workers' Party (NSDAP) or of the authorities of the German Reich, or because, on account of his or her active support for the Democratic Republic of Austria, was exposed to or had reason to fear persecution.

(5) Livelihood (subparagraph 7 of paragraph (1) above) shall be sufficiently ensured if, at the time of the ruling, proof is furnished by the alien of his fixed and regular income from employment, revenue, statutory maintenance entitlements or insurance benefits over an average of 36 months from the last six years prior to the time of the application, of which the last six months adduced have to immediately precede the time of the application. In the period adduced the alien's income must provide him with a standard of living, without recourse to social welfare allowances from local authorities, whose amount corresponds to the average of the reference rates set out in article 293 of the General Social Insurance Act (ASVG), FLG No. 189/1955, for the last three years. The alien's fixed and regular income shall be reduced by regular expenditure, in particular by rental disbursements, credit disbursements, seizures and by maintenance payments to third persons not living under the same roof. A sum up to the amount stipulated in article 292, paragraph (3), of the ASVG shall be disregarded once only in such computation and not give rise to an increase in the income required in accordance with the first sentence of the present paragraph. With regard to proof of means of support from maintenance entitlements, account shall be taken solely of the portion of revenue which exceeds the seizure-exempt subsistence level, as specified in article 291a of the Enforcement and Distrain Statute (EO), Reich Law Gazette (RLG) No. 79/1896, for the purpose of assessing the debtor's ability to pay. If, during the adduced last six months immediately preceding the time of the application, childcare allowance is received in accordance with the provisions of the Childcare Allowance Act (KBGG), FLG I No. 103/2001, livelihood shall be deemed to be sufficiently ensured in the period during which childcare allowance is received.

(6) **(Constitutional provision)** The requirements set out in subparagraphs 1 and 7 of paragraph (1) and in paragraph (3) above shall not apply if the Federal Government confirms that the granting of nationality is in the particular interests of the Republic by reason of the alien's actual or expected outstanding achievements.

(7) The Federal Government may, at the proposal of the Federal Minister of the Interior, issue an order laying down more specific stipulations with regard to the process for obtaining confirmation from the Federal Government in procedures in accordance with paragraph (6) above.

**Article 10a.** (1) A further requirement for the granting of nationality shall in all cases be proof of:

1. Sufficient knowledge of the German language pursuant to article 6, paragraph (2), subparagraph 2, of the Integration Act (IntG), FLG I No. 68/2017, and
2. Basic knowledge of the democratic system and the fundamental principles which can be derived therefrom as well as the history of Austria and of the federal province concerned.

(2) The following shall be exempt from the proofs specified in paragraph (1) above:

1. The cases referred to in paragraphs (4) and (6) of article 10, paragraph (2) of article 11a, article 13, article 57, article 58c and article 59;
2. Aliens who at the time of filing the application are under-age persons;
3. Aliens in regard to whom it is not possible to furnish the proofs by reason of their chronically poor state of physical or mental health, in particular by reason of a speech or hearing impediment, and such condition is substantiated by an official medical report;
4. Other aliens incompetent to act not solely by reason of their age.

(3) The proofs specified in paragraph (1) above shall be deemed furnished if, at the time of filing the application, the alien is an under-age person and, with regard to the compulsory general education requirement:

1. Attends, or in the preceding semester attended, a primary school (article 3, paragraph (3), of the Education Organization Act, FLG No. 242/1962) or
2. Attends a secondary school (article 3, paragraph (4), of the Education Organization Act) and:
  - (a) The course subject 'German' was favourably assessed in the academic year preceding the filing of the application or the school report at the end of the first semester of the current academic year shows favourable performance in the course subject 'German' or
  - (b) Up to the time of the ruling, the applicant provides evidence of a favourable assessment in the course subject 'German' in the last annual school record or last school report issued.

(4) Proof as referred to in subparagraph 1 of paragraph (1) above shall be deemed furnished

if:

1. The German language is the alien's mother tongue or
  2. The alien has completed module 2 of the integration agreement referred to in article 10, paragraph (2), of the IntG, even if he or she is not obliged to do so under the Integration Act, and submits appropriate evidence thereof.
- (4a) Proof as referred to in subparagraph 2 of paragraph (1) above shall be deemed furnished if the alien provides evidence of a school-leaving qualification in the course subject 'history and social studies' of at least the grade-4 secondary school curriculum standard, as specified in appendix I to federal law FLG II No. 134/2000, last amended by federal law FLG II No. 290/2008.

(5) Proof as referred to in subparagraph 2 of paragraph (1) above shall, unless deemed furnished pursuant to paragraph (3) or (4a) above, be furnished by an examination to be held by the provincial government concerned. Specific details concerning the holding of the examination shall be laid down by order of the Federal Minister of the Interior in accordance with the following rules:

1. The examination shall be conducted in writing, the examinee being required to recognize the correct answer or answers from several answers presented;
2. Examination attainment shall be graded 'passed' or 'not passed';
3. It shall be permissible to retake examinations not passed.

(6) Specific details concerning examination content with regard to basic knowledge of the democratic system of the Republic of Austria and the fundamental principles which can be derived therefrom as well as the history of Austria (examination topic level I) shall be laid down by order of the Federal Minister of the Interior in accordance with the following rules:

1. Basic knowledge of the democratic system of the Republic of Austria shall in essence comprise the structure and organization of the Republic of Austria, its major institutions and fundamental and civil rights, including means of legal redress and voting rights, at the grade-4 secondary school curriculum standard for the course subject 'history and social studies', as specified in appendix I to federal law FLG II No. 134/2000, last amended by federal law FLG II No. 290/2008;
2. Basic knowledge of the history of Austria shall conform to the grade-4 secondary school syllabus for the course subject 'history and social studies', as specified in appendix I to federal law FLG II No. 134/2000, last amended by federal law FLG II No. 290/2008.

(7) Specific details concerning examination content with regard to basic knowledge of the history of the federal province concerned (examination topic level II) shall be laid down by order of the provincial government. The provincial government may in issuing such order empower the district administrative authorities to hold examinations on behalf of the provincial government.

**Article 11.** In the rendering of rulings pursuant to the present federal law, due account shall be taken of the general conduct of the alien, having regard to the common good, the public interests and the extent of his or her integration. Such integration shall include in particular the alien's adaptation to social, economic and cultural life in Austria and a commitment to the basic values of a democratic European country and its society.

**Article 11a.** (1) An alien shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 8, paragraph (2) and paragraph (3) of article 10, be granted nationality following an uninterrupted period of lawful residence of at least six years in the federal territory if:

1. The alien's spouse is an Austrian national and has lived under the same roof as the alien in a legally valid marriage of five years' duration;
2. the conjugal partnership of the spouses has not been dissolved and
3. He or she is not an alien by reason of deprivation of nationality pursuant to article 32 or 33.

(2) Paragraph (1) above shall also apply to an alien not resident in the federal territory if:

1. the alien's spouse is an Austrian national who has an employment contract with an Austrian local authority and whose place of employment is located abroad;

2. the alien's spouse is an Austrian national who has an employment contract with an Austrian public corporation and whose place of employment is located abroad, insofar as the corporation's business abroad is in the interests of the Republic, or

3. his or her spouse acquired nationality through naturalization pursuant to paragraph (4), subparagraph 2, of article 10, or by means of a declaration in accordance with article 58c, and the alien had his or her principal domicile in the federal territory prior to 9 May 1945 and at that time went abroad together with his or her future spouse. In such cases, paragraph (3) of article 10 shall not apply (3) An alien must not be granted nationality pursuant to paragraph (1) or (2) above if:

1. The alien married his or her spouse for a second time and

2. That spouse had been granted nationality on the ground of marriage to an Austrian national following dissolution of the first joint marriage.

(4) An alien shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 8, paragraph (2) and paragraph (3) of article 10, be granted nationality following an uninterrupted period of lawful residence of at least six years in the federal territory if:

1. deleted in FLG No. 56/2018

2. The alien possesses the nationality of a State party to the European Economic Area Agreement (EEA Agreement), federal law FLG No. 909/1993;

3. The alien was born in the federal territory or

4. The granting of nationality is in the interests of the Republic by reason of the alien's actual or expected outstanding achievements in the field of science, commerce, the arts or sport.

(5) For purposes of the application of subparagraph 3 of paragraph (4) above, a person born on board a vessel flying the maritime flag of the Republic of Austria or on board an Austrian aircraft shall be deemed to have been born in the federal territory."

(6) An alien shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 8, paragraph (2) and paragraph (3) of article 10, be granted nationality following an uninterrupted period of lawful residence of at least six years in the federal territory if:

1. notwithstanding paragraph (1), subparagraph 1, of article 10, he furnishes proof of knowledge of the German language to level B2 of the Common European Framework of Reference for Languages (CEFR) or



2. he furnishes proof as referred to in paragraph (1), subparagraph 1, of article 10a and can give proof of sustained personal integration, in particular through:

- (a) voluntary involvement for a period of at least three years in an unpaid capacity in a charitable organization which complies with the rules set out in article 35 of the Federal Tax Regulations (BAO), FLG No. 195/1961, or
- (b) the pursuit for a period of least three years of an occupation in the field of education, social welfare or health, provided that the earnings obtained therefrom consistently reached the monthly de minimis threshold specified in article 5 (2) of the ASVG, or
- (c) the holding of a position in a lobby or interest group throughout a period of at least three years.

The alien's activity by which his sustained personal integration is to be proven must be of particular service to the common good and constitute for his integration in Austria an added value of relevance to integration. The foregoing shall be substantiated in detail by the alien and by the institution concerned in a written opinion.

(7) An alien shall be granted nationality after a lawful and uninterrupted stay of at least ten years in the federal territory and subject to the requirements of article 10 (1) subparagraphs 2 to 8, (2) and (3). This shall occur if the alien has the status of person entitled to asylum and on the condition that the Austrian Federal Office for Immigration and Asylum confirms that proceedings have not been initiated in line with article 7 of the 2005 Asylum Act and that the requirements for initiating these proceedings have not been met.

**Article 11b.** (1) A child residing in the federal territory who has not yet reached the age of 14 years and does not possess Austrian nationality shall, subject to the requirements set out in paragraph (1), subparagraphs 5 and 6, of article 10, be granted such nationality, upon application, if he was adopted by a national.

(2) The residence requirement laid down in paragraph (1) above shall be waived if it is provable that the centre of the vital interests of the determining adoptive parent and his or her continuous lawful residence have for at least twelve months been abroad.

(3) Nationality shall be conferred by the authority within six weeks from the filing of the application.

**Article 12.** (1) An alien shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 8, paragraph (2) and paragraph (3) of article 10, be granted nationality if he or she:

1. Is not an alien by reason of deprivation of nationality (articles 32 and 34) or renunciation of nationality (article 37), and either:
  - (a) Has had his or her principal domicile in the federal territory for an uninterrupted period of at least 30 years or
  - (b) Has been lawfully resident in the federal territory for an uninterrupted period of at least 15 years and can give proof of sustained personal and occupational integration;
2. Had lost nationality, at a time when he or she did not enjoy full legal capacity, otherwise than through deprivation pursuant to article 33, has since been an alien, is lawfully resident in the federal territory and applies for naturalization within two years of attaining full legal capacity, or
3. Is unable to acquire nationality pursuant to article 17 through extension of the grant of nationality for the sole reason that the determining parent (adoptive parent) is already an Austrian national. The settlement requirement laid down in paragraph (1),

subparagraph 2(a) of article 16 shall be waived if it is provable that the centre of the vital interests of the determining parent (adoptive parent) and his or her continuous lawful residence have for at least twelve months been abroad.

(2) An under-age alien shall, subject to the requirements set out in paragraph (1), subparagraphs 5 and 6, of article 10, be granted nationality if:

1. at the time of filing the application he was lawfully settled (article 2, paragraph (2), of the NAG);
2. his father was a national at the time of his birth;
3. his father has acknowledged paternity in accordance with article 144 (1) 2 of the Civil Code or his paternity has been declared in accordance with article 144 (1) 3 of the Civil Code and
4. none of the cases referred to in article 7 exists.

The settlement requirement laid down in subparagraph 1 above shall be waived if it is provable that the centre of the vital interests of the father and his continuous lawful residence have for at least twelve months been abroad.

**Article 13.** An alien shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 8, paragraph (2) and paragraph (3) of article 10, be granted nationality if he or she:

1. Had lost nationality because he or she:
  - (a) Married an alien,
  - (b) Acquired the same foreign citizenship simultaneously with his or her spouse, or
  - (c) Acquired the citizenship of an alien during his or her marriage to that person;
2. Has since been an alien;
3. The marriage has been dissolved through the death of the spouse or otherwise, and
4. Applies for naturalization within five years following dissolution of the marriage.

**Article 14.** (1) An alien shall be granted nationality if he

1. Was born on the territory of the Republic and has been stateless since birth;
2. Has had his principal domicile on the territory of the Republic for a period of not less than ten years, of which a continuous period of not less than five years preceding the granting of nationality;
3. Has not been sentenced by a domestic court under one of the following legal provisions:
  - (a) Articles 103, 124, 242, 244, 246, 248, 252 to 254, 256, 257, paragraph (2), 258, 259, 260, 269, 274 to 276, 278a to 278d, 279 to 285 and 320 of the Criminal Code;
  - (b) Articles 277 and 278 of the Criminal Code as far as the act was committed in relationship to an act punishable under Section 103 of the Criminal Code;
  - (c) Article 286 of the Criminal Code, as far as the act was committed in relationship to the criminal acts listed under subparagraph a) above;
  - (d) Articles 3a and 3b as well as 3d to 3g of the "Verbotsgesetz 1947" (i.e. law against Nazism);
4. Has neither been sentenced by a domestic nor by a foreign court to imprisonment of five or more years, the criminal act underlying the sentence of the foreign court being punishable also under the domestic law and the sentence being passed in proceedings in conformity with the principles of article 6 of the European Human Rights Convention and
5. Applies for naturalization after the age of 18 years and not later than two years after having attained majority.

(2) A person born aboard a ship under the marine flag of the Republic or aboard an aircraft of Austrian nationality is considered to be born on the territory of the Republic, when applying paragraph (1), subparagraph a), above.

**Article 15.** (1) The computation of uninterrupted periods of lawful residence under the present federal law and the duration of periods of domicile as referred to in subparagraph 1 (a) of article 12 and in paragraph (1), subparagraph 2, of article 14 shall be interrupted:

1. By an enforceable return decision pursuant to article 52 of the FPG or by a final return decision or residence ban pursuant to article 67 of the FPG;
2. By a stay of more than six months' duration in an institution for the execution of custodial sentences, an institution for mentally disturbed offenders, an institution for offenders requiring detoxification or an institution for dangerous re-offenders within Austria or equivalent institutions abroad following conviction of an offence punishable under Austrian penal law; in such event, a stay in an institution for the execution of custodial sentences and the period of execution of a custodial preventive measure shall be added together;
3. If within the period concerned the alien was resident outside the federal territory in all for more than 20 per cent of the time span, in which case the period shall be re-computed from the alien's last lawful entry, or
4. If, in the case referred to in paragraph (4), subparagraph 1, of article 11a, the alien as an asylum-seeker evaded a procedure as specified in article 24, paragraph (1), of the 2005 Asylum Act and the procedure was discontinued.

(2) An interruption of the period in the case referred to in subparagraph 1 of paragraph (1) above shall be disregarded if the residence ban was lifted because its imposition subsequently proved to be unfounded.

**Article 16.** (1) The granting of nationality to an alien shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 8, paragraph (2) and paragraph (3) of article 10, be extended to his or her spouse living under the same roof as the alien if:

1. The spouse has been lawfully resident in the federal territory for an uninterrupted period of at least six years;
2. At the time of filing the application:
  - (a) The spouse was lawfully settled (article 2, paragraph (2), of the NAG) or
  - (b) At the time of filing the application the spouse had asylum status or
  - (c) The spouse is the holder of a photo identity card for persons entitled to privileges and immunities (article 95 of the FPG);
3. the conjugal partnership of the spouses has not been dissolved; ;
4. He or she is not an alien by reason of deprivation of nationality pursuant to article 32 or 33 and
5. The marriage has been legally valid for at least five years.

(2) The lack of the prerequisites under paragraph (1), subparagraph 1, 2 and 5, above and article 10, paragraph (3), does not preclude the extension if nationality is granted under article 10, paragraph (6).

**Article 17.** (1) The granting of nationality shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 8, paragraph (2) and paragraph (3) of article 10 and in paragraph (1), subparagraph 2, of article 16, be extended to the children of the alien, provided that the children are under age, unmarried and not aliens by reason of deprivation of nationality pursuant to articles 32 and 33, if nationality is granted:

1. to the mother, as defined in article 143 of the Civil Code, or

2. to the father, as defined in article 144 (1) of the Civil Code.

(1a) The granting of nationality shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 8, paragraph (2) and paragraph (3) of article 10 and in paragraph (1), subparagraph 2, of article 16, be extended to adopted children of the alien, provided that the children are under age, unmarried and not aliens by reason of deprivation of nationality pursuant to articles 32 and 33.

(2) The granting of nationality is furthermore to be extended under the conditions of article 10, paragraph (3), to the children born out of wedlock of the descendants listed in paragraph (1) above if the granting of nationality is extended to them.

(3) The condition of being a minor does not apply to a handicapped child, if the handicap is substantial and the child lives in the joint household with the parent relevant for the extension of nationality or if this parent has custody over the child and honours the obligation to cover the child's maintenance. To be considered as substantially handicapped according to this provision are persons whose physical or mental capacities are limited to an extent that they need special care or special means of support and will probably be permanently unable to support themselves. The considerable handicap has to be certified by an Austrian official physician.

(4) The lack of the prerequisites under article 10, paragraph (3) and article 16, paragraph (1), subparagraph 2, does not preclude the extension of nationality, if nationality is granted under article 10, paragraph (6).

**Article 18.** The extension of nationality may only be granted simultaneously and with the same date of effect as the granting of nationality.

**Article 19.** (1) Applications for the granting of nationality or for the extension of the grant of nationality shall be filed personally with the authority. In the event that the applicant is incompetent to act, the application shall be submitted by his or her legal representative.

(2) The alien shall cooperate in the procedure and make available to the authority all necessary documents and evidence and also a photograph. The Federal Minister of the Interior shall be empowered to stipulate, by ministerial order, which documents and evidentiary items are to be presented in each case. Such ministerial order may also indicate the manner in which applications shall be filed, including the sole use of specific application forms.

**Article 20.** (1) The granting of nationality shall provisionally be guaranteed to an alien in cases where within two years he or she gives proof of having relinquished the nationality of his or her previous home country, if:

1. He or she is not stateless;
2. Neither article 10, paragraph (6), nor articles 16, paragraph (2), or 17, paragraph (4), apply, and
3. Such guarantee makes possible or could facilitate his or her relinquishing of the nationality of his or her previous home country.

(2) The guarantee shall be revoked if the alien no longer fulfils any one of the requirements except of article 10, paragraph 1, subparagraph 7, laid down for the granting of nationality.

(3) Nationality whose granting has been guaranteed shall be granted as soon as the alien:

1. Relinquishes the nationality of his previous home country, or
2. Gives proof that he was unable or could not reasonably be expected to take the necessary steps to relinquish the nationality of his or her previous home country.

(4) Nationality whose granting has been guaranteed may be granted as soon as the alien satisfactorily establishes that, in order to relinquish his or her previous nationality, he or she

would have had to make payments which would have proved out of proportion for the alien alone or as regard the amounts required in respect of his or her entire family.

(5) The provisions of paragraphs (1) to (4) above shall also apply to any extension of the grant of nationality.

**Article 21.** (1) The granting of nationality shall take place in a ceremonial setting appropriate to the occasion, which shall be expressed by the joint singing of the national anthem and the visible presence of the flags of the Republic of Austria, the federal province concerned and the European Union.

(2) An alien who has full legal capacity or is over eighteen years old and does not enjoy full legal capacity only due to his age, has to take the following oath before being granted nationality (extension of granting): "I swear that I will be a loyal citizen of the Republic of Austria, that I will always conscientiously abide by the laws and that I will avoid everything that might harm the interests and the reputation of the Republic and I commit myself to the basic values of a democratic European country and its society".

**Article 22.** (1) If the alien has his principal domicile in the territory of the Republic, the oath shall be delivered orally before the competent authority under article 39. That authority may, however, delegate this function to the district administrative authority in whose area of administration the alien has his principal domicile.

(2) If the alien has his principal domicile abroad, the oath shall be delivered orally before the Austrian diplomatic or consular authority requested to receive the oath by the competent authority under article 39. The foregoing shall not apply if owing to the distance of his residence or to other important reasons the alien cannot reasonably be expected to appear before the Austrian diplomatic or consular authority to deliver the oath.

(3) If the alien has no principal domicile at all or if the second sentence of paragraph (2) above is applicable to him, the oath shall be communicated in writing to the competent authority under article 39 if the alien does not appear before that authority in person to deliver the oath orally.

(4) If the oath is delivered orally, a written record thereof shall be made.

**Article 23.** (1) The administrative decision concerning the granting of nationality (extension of the grant of nationality) shall be issued in writing.

(2) Nationality shall be acquired on the date stated in the administrative decision. This date shall be determined taking into consideration the estimated time of handover or delivery of the administrative decision according to the schedule.

(3) If the alien who is to be granted nationality delivers the oath orally, the administrative decision shall be handed to him immediately thereafter. Otherwise the administrative decision shall be delivered by post to the person who filed the application for the granting of nationality.

**Article 24.** The reopening of a procedure of granting nationality may be allowed or decreed for the reasons laid down in article 69, paragraph (1), subparagraphs 2 and 3, of the AVG [*General Administrative Procedures Act*], FLG No. 51/1951, only if the person concerned does not thereby become stateless.

**Article 25.** An alien who is no longer under age shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 6 and 8, paragraph (2) and paragraph (3) of article 10, be granted nationality if he was never a national, was under age at the commencement of his lawful

residence in Austria and has since then been lawfully resident in Austria for an uninterrupted period of at least 15 years and if:

1. article 17, paragraph (1), was applicable and an extension of the grant of nationality was not conferred or
2. article 12, subparagraph 3, was applicable and nationality was not conferred.

### **Section III Loss of nationality**

**Article 26.** The nationality is lost by

1. Acquisition of a foreign nationality (articles 27 to 39);
2. Entry into the military service of a foreign state (article 32);
3. Deprivation (articles 33 to 36);
4. Renunciation (articles 37 and 38).

### **Acquisition of a Foreign Nationality**

**Article 27.** (1) A person who acquires a foreign nationality upon his application, his declaration or his express consent loses the nationality if he was not granted the right to retain the nationality before.

(2) A national not enjoying full legal capacity loses the nationality only, if the declaration of will intended to acquire a foreign nationality (paragraph (1) above) was expressed on his behalf either by his legal representative or, with the legal representatives consent, by himself or a third person. The consent of the legal representative has to be given before the acquisition of a foreign nationality. If neither the parents nor the foster parents are the legal representative the loss of nationality only occurs if the court competent in guardianship or custody matters approves the declaration of will (consent) of the legal representative before the acquisition of the foreign nationality.

(3) Furthermore, a minor national over the age of fourteen shall lose the nationality only under the condition that he has expressly consented to the declaration of will (paragraph (1) above) of his legal representative or a third person (paragraph (2) above) before the acquisition of the foreign nationality.

**Article 28.** (1) An Austrian national shall be permitted to retain his or her nationality in the case of acquisition of foreign citizenship (article 27) if:

1. The retention of nationality is in the interests of the Republic by reason of that Austrian national's actual or expected achievements or on grounds particularly deserving of consideration and, insofar as a reciprocal arrangement exists, the foreign country whose citizenship the Austrian national is applying for consents to the retention of his or her nationality and the requirements set out in paragraph (1), subparagraphs 2 to 6 and 8 of article 10 are satisfied *mutatis mutandis*, or
2. In the case of under-age persons, it is in the child's best interests.

(2) The foregoing shall apply to Austrian nationals above if they have acquired nationality by descent and grounds particularly deserving of consideration for the retention of their nationality are to be found in their private and family life.

(3) The maintenance of the nationality may only be granted upon a written request and under the condition that the foreign nationality is acquired within a period of two years.

(4) The request by a national who enjoys full legal capacity must be signed in person. If the national lacks legal capacity the request has to be signed on his behalf by his legal

representative in person or with that person's consent by himself or a third person. The request by the legal representative or with the legal representative's written consent by a third person needs the written consent of the minor national if he is over fourteen. If the legal representative is another person than a parent or a foster parent the request or the consent of the legal representative needs the authorization of the court competent in guardianship and custody matters.

(5) The decree granting the maintenance of nationality has to be issued in writing.

**Article 29.** (1) The loss of nationality pursuant to article 27 shall extend to the children of the alien provided that they are under age and unmarried and ipso jure assume the alien's foreign citizenship or would do so if they did not already possess such citizenship, if nationality is lost:

1. by the mother, as defined in article 143 of the Civil Code, or

2. by the father, as defined in article 144 (1) of the Civil Code,

unless the other parent remains a national. Article 27, paragraph (3), shall apply *mutatis mutandis*.

(2) The loss of nationality shall extend to adopted children of the alien provided that they are under age and unmarried and ipso jure assume the alien's foreign citizenship or would do so, if nationality is lost by the adoptive parent, unless the other parent or adoptive parent remains a national. Article 27, paragraph (3), shall apply *mutatis mutandis*.

**Article 30.** (1) If a national has applied for a foreign nationality but has not been granted the maintenance of the nationality the authority shall certify upon his request that he loses the Austrian nationality if he acquires a foreign nationality. Upon his request in this certificate as the case may be also the minor children shall be listed to whom the loss of nationality would extend under article 29.

(2) The certificate for a national who lacks full legal capacity under paragraph (1) above may only be issued or his name may only be mentioned therein if the consent of the legal representative and the minor who is over fourteen and, if necessary, the consent of the court (article 27, paragraph (2), and article 29, paragraph (2)) have already been given.

**Article 31.** *[Repealed]*

### **Entry into the Military Service of a Foreign Country**

**Article 32.** A national who voluntarily enters the military service of a foreign country shall be deprived of nationality. Article 27, paragraph (2), shall apply *mutatis mutandis*.

### **Deprivation**

**Article 33.** (1) A national in the services of a foreign country shall be deprived of nationality, unless article 32 already applies, if the national through his behaviour severely damages the interests or the reputation of the Republic.

(2) A national who voluntarily takes an active part in combat operations abroad on behalf of an organized armed group in connection with an armed conflict shall be deprived of nationality if he does not thereby become stateless.

(3) Furthermore, a national can have his nationality stripped if he has been sentenced to a term of imprisonment without parole or with an option for parole due to being convicted of an

offence punishable under law pursuant to articles 278b, 278c, 278d, 278e, 278f, 278g and 282a of the Criminal Code (StGB), unless he would thereby become stateless. A judgement by a domestic court is to be held equivalent to a judgement by a foreign court, if the sentence has been pronounced in proceedings conforming to the principles set out in article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and the offender has been found guilty of an act that is also punishable in line with the elements of a crime stated in the first sentence.

**Article 34.** (1) A national shall be deprived of nationality if

1. He acquired the nationality more than two years ago either through granting or extension of the granting under this federal act;
2. Neither article 10, paragraph (6), nor articles 16, paragraph (2), or 17, paragraph (4), were applied;
3. Despite the acquisition of nationality retained a foreign nationality for reasons under his responsibility.

(2) The respective national shall be instructed on the provision under paragraph (1) above at least six months prior to the intended deprivation of nationality.

(3) Upon expiry of the period under paragraph (1), subparagraph 1, above, deprivation shall be decreed without undue delay. After six years following the granting (extension of granting) deprivation is no longer admissible.

**Article 35.** The deprivation of nationality (articles 32 and 34) or the reopening of proceedings pursuant to article 69, paragraph (1), subparagraph 1, of the AVG shall be decreed *ex officio* or upon request by the Federal Minister for the Interior. The Federal Minister of the Interior is a party to the procedure opened upon his request.

**Article 36.** If the person who is deprived of nationality lives abroad and the service of summons has been tried without success, article 11 of the AVG, FLG No. 51/1951, applies even if his residence is known.

## **Renunciation**

**Article 37.** (1) A national may renounce Austrian nationality if:

1. He possesses a foreign nationality;
2. No criminal procedure or execution of a criminal sentence is pending in Austria for an offence punishable with more than six months of imprisonment;
3. He is not a member of the Armed Forces and, if of male gender
  - (a) Has not yet passed the age of sixteen nor the age of thirty-six;
  - (b) Has completed basic military service or alternative community service;
  - (c) Has been found unfit for military service by the Recruiting Commission or has been declared permanently unfit for any kind of civil service by the competent administrative physician;
  - (d) He has been dispensed from recruitment to the Federal Army for reasons of mental illness or mental disorder; or
  - (e) He has fulfilled the military obligations or in their place service obligations in another state of which he is a national and therefore is dispensed from regular military service or regular civil service on the basis of a bilateral agreement or of an international covenant.



(2) The conditions under paragraph (1), subparagraphs 2 and 3, above do not apply if the person renouncing the nationality has had his principal domicile outside the territory of the Republic for a continuous period of not less than five years.

**Article 38.** (1) The declaration of renunciation shall be given in writing to the according to article 39 competent authority. Article 28, paragraph (4), applies on the understanding that the consent of the legal representative and of the minor who is fourteen years old or the approval by the court can also be given after the declaration of renunciation.

(2) The authority (article 39) has to establish whether the conditions for a renunciation are met. If this is the case, the authority shall declare that the person renouncing nationality has lost the nationality on the day of arrival of the declaration of renunciation.

(3) The administrative decision proclaiming the loss of nationality following a declaration of renunciation shall be given in writing.

### **Authorities and procedures**

**Article 39.** (1) Notwithstanding article 41, the Provincial Government shall have jurisdiction to render administrative decisions in matters of nationality.

(2) The Provincial Government in whose area of administration the person to whom the administrative decision relates has his or her ordinary place of residence or otherwise the Provincial Government in whose area of administration the registration authority (article 49, paragraph (2)) is located shall have territorial jurisdiction. Jurisdiction with regard to the extension of the grant of nationality shall be determined by the jurisdiction to grant nationality.

(3) The decree establishing the loss of nationality upon renunciation shall be issued in writing.

**Article 39a.** (1) The authorities under the present federal law may use and store personal data only insofar as is necessary for the discharge of the duties assigned to them.

(1a) Die Behörden nach diesem Bundesgesetz dürfen darüber hinaus personenbezogene Daten eines Fremden im Schengener Informationssystem ermitteln, soweit sie diese zur Entscheidung über den Erwerb der Staatsbürgerschaft durch Verleihung, durch Erstreckung der Verleihung oder durch Anzeige gemäß den §§ 57, 58c und 59 benötigen.

(2) The competent authorities and diplomatic authorities under the present federal law shall be empowered to arrange for aliens who apply for Austrian nationality to undergo photographing and fingerprinting procedures as referred to in paragraph (3) of article 5.

(3) Paragraphs (1) to (5) of article 64, paragraph (4) and the first sentence of paragraph (5) of article 65 and paragraph (7) of article 73 of the Security Policing Act (SPG), FLG No. 566/1991, shall apply.

(4) An alien whom the authority has to require to undergo photographing and fingerprinting procedures shall be requested without formality by the authority to do so and be informed of the determining reason therefor. If the person concerned fails to comply with the request, he shall again be requested, in writing, to undergo photographing and fingerprinting procedures and be informed of the consequences of any failure to cooperate.

(5) The federal, provincial and municipal government authorities, offices of the labour market service and social insurance institutions which are lawfully in possession of data shall be empowered and, upon enquiry, obliged to transmit such data to the authority responsible for nationality matters insofar as the data are required for procedures relating to the granting or loss of nationality. Any refusal to disclose data shall be inadmissible. The data shall be deleted without delay if no longer required to meet the specific purpose involved.

(6) The authorities under the present federal law shall be obliged to make personal data available to the Federal Minister of the Interior in individual cases, upon a substantiated inquiry, insofar as such data are necessary for the discharge of the duties assigned to him.

(7) Photographic and fingerprint data (paragraph (3) of article 5) shall be deleted ex officio if:

1. the death of the person concerned becomes known or
2. six years have elapsed since the granting of nationality.

(8) Die Behörden des Bundes, der Länder und Gemeinden, die Geschäftsstellen des Arbeitsmarktservice, sowie die Träger der Sozialversicherung, die rechtmäßig über Daten verfügen, sind ermächtigt und auf Anfrage verpflichtet, der Staatsbürgerschaftsbehörde diese Daten zu übermitteln, sofern diese für ein Verfahren zur Erteilung oder dem Verlust der Staatsbürgerschaft benötigt werden. Eine Verweigerung der Auskunft ist nicht zulässig. Die Daten sind unverzüglich zu löschen, wenn sie für die Erfüllung des konkreten Zwecks nicht mehr benötigt werden.

(8a) If a national has been sentenced to a term of imprisonment without parole or with an option for parole due to being convicted of an offence punishable under article 33 paragraph (3), the criminal court is thus obliged to give notification to the nationality authority of the final decision made in proceedings. A notification of this nature may be omitted if it is determined that the person concerned has only Austrian nationality. Subject to the technical resources available, this notification can take place through electronic transfer of this data to the nationality authority (article 15b paragraph (1) of the Penal Code – StVG, FLG No. 144/1969).

#### **Section IV**

#### **Competent authorities and procedure**

**Article 40. (Constitutional provision)** An application pursuant to article 28 may also be submitted to the diplomatic or consular authority which is competent according to article 41, paragraph (2), and which shall be required to forward it to the authority.

**Article 41. (1)** With regard to the issue of certifications in matters of nationality and rulings on applications for the issue thereof, the municipality (association of specific municipalities) which the applicant approaches in Austria shall, except in the cases referred to in paragraph (2) below, have jurisdiction.

(2) **(Constitutional provision)** If the principal residence of that person is not located within the territory of the Republic, the Austrian permanent consulate or, failing which, the Austrian diplomatic mission in whose area of administration the principal residence is located shall have jurisdiction. The diplomatic and consular authorities shall in connection with the foregoing apply the General Administrative Procedures Act (AVG), FLG No. 51/1991; the Provincial Government shall rule on appeals against an administrative decision dismissing an application for the issue of a certification.

(3) If territorial jurisdiction cannot be established by reference to the first sentence of paragraph (2) above, the registration authority (article 49, paragraph (2)) shall have jurisdiction.

(4) If an alien residing in the federal territory acquires nationality otherwise than by descent, the authority (article 39) shall give notification thereof to the Federal Agency for Immigration and Asylum, to the competent provincial police authority under the 2005 FPG and to the competent residence authority under the NAG (article 30 (6) of the BFA Procedures Act, FLG I No. 87/2012, article 105 (4) of the FPG and article 37 (2) of the NAG). In such notification, the authority shall state the name, sex, date and place of birth, address and previous citizenship of the person concerned and shall indicate the date when nationality was acquired.

**Article 42.** (1) Except in the cases specifically governed by article 38 and article 58c, a declaratory ruling shall be rendered by administrative decision in matters of nationality if the applicant has a legal interest in the declaration.

(2) A declaratory ruling shall also be rendered by administrative decision if so requested by the Federal Minister of the Interior. In such eventuality, the Federal Minister of the Interior shall have the status of a party to the procedure.

(3) A declaratory ruling may be rendered by administrative decision *ex officio* if there is a public interest in the declaration.

**Article 43.** (1) In addition to the cases specifically governed by this federal law, a certification shall be issued in matters of nationality if the applicant demonstrates a legal interest in the issue of the certification.

(2) A certification may be issued *ex officio* if there is a public interest therein.

(3) A certification may not be issued if substantiated doubts exist as to whether it is in conformity with the factual and the legal situation.

**Article 44.** (1) Certifications to the effect that a particular person possesses nationality (proofs of nationality) and certifications recording legal aspects relating to nationality shall be extracts from the Central Nationality Register (ZSR) (article 56a).

(2) A proof of nationality shall, upon request, be issued with specific format characteristics, whose appearance shall be laid down by order of the Federal Minister of the Interior.

(3) Subject to the technical resources available, a proof of nationality may also be requested and issued by remote data transfer from the ZSR, as referred to in article 56a, paragraph (1), through the use of the electronic identification (E-ID) function (articles 4 et seq. of the E-Government Act (E-GovG), FLG I No. 10/2004).

(4) Proofs of nationality shall bear the official signature of the operator of the ZSR.

*(Article 45. Repealed by FLG I No. 16/2013)*

**Article 46.** (1) The form of the documents to be drawn up pursuant to paragraph (1) of article 23, paragraph (5) of article 28, paragraph (1) of article 30, paragraph (3) of article 38, article 44 and paragraph (2) of article 58c, shall be determined by order of the Federal Minister of the Interior. In that connection, steps shall be taken to ensure that such documents are of an appropriate size, that their appearance is commensurate with their importance and that their forgery or falsification is as far as possible prevented.

(2) The Federal Minister of the Interior may, with a view to ensuring that the documents referred to in paragraph (1) above have a uniform format and for the purpose of preventing their forgery or falsification, order that only printed forms which have been produced at printing works specified by the Federal Minister of the Interior may be used for drawing up such documents.

**Article 47.** (1) Municipalities that form part of an association of registry authorities (article 5 of the 2013 Civil Status Act – PStG 2013, FLG I No. 16/2013) shall by operation of the law constitute an association of specific municipalities for the discharge of the responsibilities specified in articles 41, 49 to 52 and 53, subparagraph 5.

(2) The seat of the association of specific municipalities shall be the municipality in which the association of registry authorities has its seat.

(3) The association of specific municipalities shall be designated the “association of nationality authorities” (*Staatsbürgerschaftsverband*); it shall incorporate any additional descriptive elements by which the association of registry authorities is designated.

(4) An association of nationality authorities may be operated within the framework of an association of registry and nationality authorities in accordance with article 5, paragraph (5), of the 2013 Civil Status Act.

**Article 48.** (1) The municipalities (association of specific municipalities) shall bear the costs arising for them from the discharge of the responsibilities devolving upon them under this federal law. The Provincial Government shall, however, reimburse to the municipalities (regional authorities) any costs arising for them from keeping the nationality register (article 49).

(2) The reimbursement of costs as provided for in paragraph (1) above shall be effected annually in lump sums. Such sums shall be fixed by order of the Provincial Government for every hundred persons, or part thereof, recorded in the nationality register. For the purpose of calculating the costs to be reimbursed, the number of persons recorded in the nationality register as at the end of each financial year shall be applied.

(3) The municipalities (association of specific municipalities) shall on pain of forfeiture submit the claim for reimbursement of costs to the Provincial Government within three months following the end of the financial year.

(4) Any disputes arising in connection with claims for reimbursement pursuant to paragraph (1) above shall be resolved by the Provincial Government.

## **Section V**

### **Nationality register**

**Article 49.** (1) The municipalities (association of specific municipalities) shall keep a permanent record of nationals (nationality register) in accordance with the provisions of this section.

(2) The registration authority shall be:

- (a) In the case of persons born within the territory of the Republic prior to 1 July 1966: the municipality (association of specific municipalities) of birth;
- (b) In the case of persons born within the territory of the Republic on or after 1 July 1966: the municipality (association of specific municipalities) in which, according to the entry in the register of births, the mother’s place of residence was located at the time of the birth of the person to be recorded, but the municipality (association of specific municipalities) of birth of the person to be recorded if the aforementioned place of residence was located abroad;
- (c) In the case of persons born abroad or persons in respect of whom jurisdiction cannot be established pursuant to (a) or (b) above: the municipality of Vienna.

**Article 50.** The nationality register shall be maintained separately for each municipality within the ZSR (article 56a).

**Article 51.** The registration authority shall record nationals in the nationality register and enter the facts substantiating their acquisition of nationality as soon as it has knowledge, through a notification pursuant to articles 53 to 55 or by any other means, of the manner in which they acquired nationality. The registration authority shall, to the extent possible without undue administrative outlay, take *ex officio* every opportunity to gain such knowledge. Deceased persons not yet recorded in the nationality register shall be included therein only if

the facts substantiating their acquisition of nationality are known and require no further investigation or a declaratory ruling has been rendered pursuant to article 42 or a certification has been issued pursuant to article 43.

**Article 52.** In addition, the registration authority shall, as soon as it has knowledge through a notification pursuant to articles 53 to 55 or by any other means, enter:

- (a) Facts relating to loss of nationality;
- (b) A declaration rendered by administrative decision to the effect that a person has never possessed nationality;
- (c) The annulment of a marriage if the wife or a child of that marriage is thereby no longer regarded as a national;
- (d) A declaration of the legitimacy or illegitimacy of a child if the child is thereby no longer regarded as a national;
- (e) An amendment or rectification of the surname or forename of a national or of a person already recorded; and
- (f) The death of a national or of a person already recorded.

*(2) and (3) repealed by FLG I No. 136/2013.*

**Article 53.** Subject to the technical resources available, the registration authority shall be notified without delay in electronically reprocessable form:

1. By the provincial government office: of every administrative decision rendered by the Provincial Government in matters of nationality;
2. By the court:
  - (a) Of consent given pursuant to articles 27, paragraph (2), and 29, paragraph (2);
  - (b) Of the annulment of a marriage if only one spouse was a national at the date of the marriage or if at the date of the annulment at least one spouse was a national or had hitherto been regarded as such;
  - (c) Of a declaration of the legitimacy or illegitimacy of a child if at the time of its birth at least one parent was a national; and
  - (d) Of a ruling declaring a national to be dead or recognizing the proof of his or her death as established;
3. By the Federal Ministry of Justice:
  - (a) Of the legitimization of an under-age, unmarried alien by resolution of the Federal President; if the legitimized child has any illegitimate children, notification of such children shall, if applicable, also be given; and
  - (b) Of the recognition of a foreign judgement annulling a marriage if the requirements set out in subparagraph 2 (b) above are met;
4. By the Austrian diplomatic or consular authority abroad: of every certification issued by it in matters of nationality;
5. By the municipality (association of specific municipalities):
  - (a) repealed by FLG I No. 16/2013*
  - (b) repealed by FLG I No. 16/2013*
  - (c) Of the legitimization of an under-age, unmarried alien through the recorded marriage of its parents if the child's father is a national; if the legitimized child has any illegitimate children, notification of such children shall, if applicable, also be given;
  - (d) Of the amendment or rectification of the surname or forename of a national recorded within its area of administration unless the amendment or rectification was brought about by a ruling of an Austrian authority; and

- (e) Of the death of a national recorded within its area of administration;
- (f) Of an acknowledgement of paternity arising in accordance with article 147 of the Civil Code.

6. *repealed by FLG I No. 38/2011*

*Article 54. Repealed by FLG I No. 16/2013)*

**Article 55.** If the provincial government office, the district administrative authority, the Austrian diplomatic or consular authority abroad, the municipality or association of specific municipalities (article 47) has knowledge of any facts that are to be entered in the nationality register and notification of such facts does not already have to be given under article 53 or article 54, notification thereof shall be given to the registration authority if it can be assumed that the facts are not yet known to it.

**Article 56.** All individuals, authorities and government offices and hospital managers responsible for financial, administrative and technical matters shall be obliged to supply to the municipalities (association of specific municipalities) fully and truthfully the information requested by them that is required for the nationality register, if necessary by means of official documents.

## **SECTION Va**

### **Central Nationality Register (ZSR)**

**Article 56a.** (1) The registration authorities shall be empowered to process jointly the following particulars of nationals in a joint information system (article 4, subparagraph 13, of the 2000 Data Protection Act (DSG 2000), FLG I No. 165/1999) (Central Nationality Register):

1. name;
2. details of birth;
3. sex;
4. the fact that someone is a national and additional citizenships;
5. date of acquisition of nationality and reason for its acquisition;
6. date of loss of nationality and reason for its loss;
7. details of death;
8. sector-specific personal identifiers (bPK, articles 9 et seq. of the E-Government Act);
9. academic qualifications and professional titles and
10. other facts required in connection with the acquisition, loss or retention of nationality.

(2) For this data application, the Federal Minister of the Interior shall discharge the dual role of operator in accordance with article 50 of the 2000 Data Protection Act and processor as defined in article 4, subparagraph 5, of the 2000 Data Protection Act. In discharging that role he shall take measures to ensure data quality, for example by, in particular, giving indications concerning possible identity of two similar data sets or the spelling of addresses. Nationality authorities shall transfer their nationality data to the Federal Minister of the Interior for the purposes of the ZSR.

**Article 56b.** (1) The registration authorities shall be entitled to use data processed in the ZSR and to furnish information therefrom. For the performance of the duties assigned to them under the present federal law the Austrian permanent consulates and Austrian diplomatic missions shall be entitled to compile data processed in the ZSR and to further process such data for these purposes.

(2) The Federal Minister of the Interior shall further process the nationality data transferred to him and make provision for the selectability of such data from the total quantity of stored information on the basis of the name of the registered person or the name in combination with an additional item of data as referred to in article 56a, paragraph (1).

(3) For purposes of due data management, selectability may also be effected on the basis of other criteria. For purposes of security policing and criminal justice administration or where prescribed by law, selectability from the total quantity of all data processed in the ZSR may also be provided for on the basis of criteria other than those specified in paragraph (2) above (linked inquiry).

(4) Nationality data processed in the ZSR shall be deleted 120 years after the entered date of death of the person concerned. Such data shall thereafter be handed over to the Austrian state archives.

(5) The Federal Minister of the Interior shall be empowered to take steps to enable the authenticity of documents issued from the ZSR to be verified by means of a code.

(6) Data on citizenship and changes of citizenship in the ZSR shall be automatically made available to the Central Civil Status Register (ZPR) and updated.

(7) In place of a notification pursuant to article 53, subparagraph 1, the provincial government office may, upon the acquisition, loss, renunciation, declaration, retention or deprivation of nationality, enter the data referred to in article 56a, paragraph (1), in the ZSR for the competent registration authority.

**Article 56c.** (1) Nationality data as referred to in article 56a, paragraph (1), shall, insofar as is necessary for the performance of a statutorily assigned duty, be available to any authority via remote data transfer if it can determine the person concerned by the name and any other characteristic. The data in the ZSR shall be verified if such action is essential in a procedure for the granting of nationality. The Federal Minister of the Interior shall make data as referred to in article 56a, paragraph (1), available to the Federal Statistical Office of Austria for the compilation of statistics without the name of the person concerned through the use of the encrypted sector-specific personal identifier for official statistics (bPK-AS).

(2) If in a data retrieval operation there are any doubts as to the accuracy of the data processed in the ZSR, any authority entitled to retrieve data, as referred to in paragraph (1) above, shall be obliged to inform the registration authority thereof without delay via the ZSR.

(3) With regard to the retrieval of data from the ZSR, it shall be ensured by the retriever that:

1. persons who may carry out a retrieval operation and the conditions under which it may be carried out are expressly established within its sector;
2. employees entitled to retrieve data are informed of their obligations under data protection regulations;
3. appropriate rules are drawn up concerning entitlement to retrieve data and protection against the inspection and use of nationality data by unauthorized persons;
4. measures are taken against unauthorized retrieval through the implementation of technical or program-controlled precautions;

5. records are kept so that programming steps actually carried out can, with respect to their admissibility, be tracked to the necessary extent;
6. measures are taken to provide protection against unauthorized entry of premises from which retrieval operations can be carried out and
7. documentation is kept on measures adopted in accordance with subparagraphs 1 to 6 above.

## **Section VI**

### **Acquisition of nationality by notification**

**Article 57.** (1) An alien shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 6 and 8, and paragraph (2), subparagraphs 1 and 3 to 7, of article 10, acquire nationality if he, with reference to the present federal law, gives written notification to the authority that he was erroneously treated as a national by an Austrian authority during at least the last 15 years and this was not attributable to him. Treatment as a national shall refer in particular to cases where a proof of nationality, travel document or identity card has been issued. The authority shall communicate to the alien in writing the fact of his erroneous treatment as a national and inform him of the notification time-limit as referred to in paragraph (2) below. An administrative decision shall be rendered by the authority declaring that nationality shall be acquired by notification with retroactive effect from the date when the alien was first erroneously treated as a national by an Austrian authority.

(2) The notification shall be submitted within six months from communication of the erroneous treatment as referred to in paragraph (1) above.

(3) The time-limit as referred to in paragraph (1) above shall be waived if the alien has completed basic military service, training service or alternative community service.

(4) A notification as referred to in paragraph (1) above may also be submitted to the diplomatic or consular authority having territorial jurisdiction abroad (article 41, paragraph (2)). The latter shall forward the notification to the competent authority.

(5) Notifications and administrative decisions pursuant to paragraph (1) above and documents to be produced in the procedure, in particular civil status or other certificates and translations, shall be exempt from fees.

### **Articles 57, 58, 58a and 58b.** *[Repealed]*

**Article 58c.** (1) In accordance with the requirements of Article 10 paragraph 1 (2) to (6) and (8) and paragraph 2 (1) and (3) to (7), an alien can acquire nationality if, with reference to this Federal Act, he demonstrates to the authorities (Article 39) in writing that he, being a citizen or subject of one of the successor states of the former Austro-Hungarian Monarchy, or else a stateless person residing in this federal territory, fled abroad before 15 May 1955 because he had reason to fear or had already suffered persecution by agents of the NSDAP or the authorities of the German Reich or because he was subjected to, or feared, persecution due to his support for the democratic Republic of Austria.

(1a) An alien acquires the nationality under the conditions listed in paragraph (10), subparagraphs 2 to 6 and 8, and paragraph (2), subparagraphs 1 and 3 to 7, of article 10, upon



written notification to the competent authority (article 39) with reference to this federal law and by proving, through credible documents or in or other suitable and equivalent means of certification, that he is a descendant in the directly descending line of a person who has acquired or could have acquired citizenship in accordance with para 1. Paragraphs 2 and 3 apply analogously. “

(1b) Descendants under subsection 1a shall also be deemed to be adoptees who were adopted as minors.

(2) If the requirements set out in paragraph (1) above are met, the authority shall render an administrative decision in writing declaring that the person concerned re-acquired nationality from the date of receipt of the notification by the authority (article 39).

(3) The notification (paragraph (1) above) may also be submitted to the diplomatic or consular authority having jurisdiction in accordance with article 41, paragraph (2), which shall forward it to the authority.

(4) The notification (paragraph (1) above), the administrative decision (paragraph (2) above) and documents to be produced in the procedure, such as, in particular, civil status and other certificates and translations, shall be exempt from fees. Article 19 paragraph 2 shall apply.

(5) In a proceeding pursuant to para 1 or para 1a, the authority may call in the National Fund of the Republic of Austria as an expert, to assess whether the conditions pursuant to para 1 and para 1a are fulfilled. For this purpose, the National Fund is authorised to transmit personal data, including sensitive data, to the applicant and the authority.

**Article 59.** (1) An alien who, with reference to the present federal law, gives written notification to the authority of the mistaken assumption that he or she was an Austrian national by descent, pursuant to article 7 or article 7a, because a determination of paternity in accordance with articles 145 et seq. of the Civil Code has subsequently shown that none of the cases set out in article 7 or article 7a existed, shall acquire nationality with retroactive effect from the date of birth (article 7) or from the date of legitimization (article 7a). The foregoing shall be declared by the authority by administrative decision.

(2) A case as referred to in paragraph (1) above shall not exist if the intention was to obtain nationality fraudulently. A ruling thereon shall be rendered by administrative decision.

(3) The alien’s residence shall be deemed to constitute lawful settlement (article 31, paragraph (1), subparagraph 2, of the FPG) until a decision pursuant to paragraph (1) or (2) above becomes final. If a case as referred to in paragraph (2) above exists, article 41a, paragraph (8), article 45, paragraph (10), and article 48, paragraph (5), of the NAG shall apply.

(4) A notification as referred to in paragraph (1) above may also be submitted to the diplomatic or consular authority having territorial jurisdiction abroad (paragraph (2) of article 41). The latter shall forward the notification to the competent authority.

(5) Notifications pursuant to paragraph (1) above, administrative decisions pursuant to paragraph (2) above and documents to be produced in the procedure, in particular certificates of civil status or other certificates and translations, shall be exempt from fees.

## **Section VII**

### **Final and transitional clauses**

#### **Registered civil partnerships**

**Article 60.** Article 7a, paragraph (2), article 11a, paragraph (1), subparagraphs 1, and 2, and paragraphs (2) and (3), article 13, article 16, article 52, paragraph (1) c, and article 53, subparagraphs 2(b) and 3(b), shall apply mutatis mutandis to registered civil partnerships and to registered civil partners.

**Article 61.** (1) Proofs of nationality issued in accordance with the specimen contained in annex 1 to the Nationality Regulations of 29 October 1945, FLG No. 28/1946, shall be valid as proofs of nationality within the meaning of article 44.

(2) Proofs of nationality and other certifications recording legal aspects relating to nationality which were issued prior to 1 November 2013 shall retain their validity after that time.

**Article 62.** The municipalities shall be obliged to keep domicile records used for the purposes of the 1928 Right of Domicile (*Heimatrecht*) Amendment Act, FLG No. 355, and other documents relating to the right of domicile including, in particular, domicile registers and inventories of certificates of domicile. The Federal Minister of the Interior may lay down by ministerial order that municipalities belonging to an association of specific municipalities (article 47) shall hand over to that association of specific municipalities their documents relating to the right of domicile.

### **Seizure of Personal Documents**

**Article 63.** (1) To prevent the abuse of foreign identity documents, international agreements may provide for the seizure of passports, nationality documents and other personal identification papers which identify a person as a national of another State if this person has lost foreign citizenship by acquiring Austrian nationality.

(2) (**Constitutional provision**) If an agreement as referred to in paragraph (1) above exists, the Provincial Government shall, if necessary, order the seizure of the identity documents falling within the scope of that agreement.

### **Grammatical equivalence**

**Article 63a.** Where references made in the present federal law to natural persons appear only in the masculine form, they shall apply equally to females and to males. In cases where the reference applies to a particular natural person, the specific form of the gender shall be employed.

### **References**

**Article 63b.** References made in the present federal law to provisions of other federal laws shall be understood as applying to their versions as currently amended.

### **Administrative infractions**

**Article 63c.** (1) Any person who, in a procedure relating to the acquisition of nationality or in a procedure relating to the issue of certifications or other documents, knowingly makes false statements before the competent authority for the purpose of fraudulently obtaining nationality or the issue of a certification or other document in matters of nationality shall be guilty of an administrative infraction and be liable to a fine from 1,000 to 5,000 euros or, if the

amount thereof is not recoverable, to imprisonment for up to three weeks. Any person guilty of that offence, although already convicted on one occasion by final judgement of such an offence, shall be liable to a fine from 5,000 to 15,000 euros or to imprisonment for up to six weeks. Attempted offences shall be punishable.

(2) Any person who fails to comply with a request or a decree pursuant to article 63, paragraph (2), or to discharge the obligations devolving upon him under article 56 shall be guilty of an administrative infraction and be liable to a fine from 50 to 250 euros or, if the amount thereof is not recoverable, to imprisonment for up to one week. The foregoing shall not apply to officials of the Austrian local authorities.

### **Unlawful use of social benefits**

**Article 64.** Any person who has made use of social benefits, in particular sickness, accident or old-age pension insurance benefits or welfare benefits, on the grounds of nationality, a certification or other document fraudulently obtained in the manner described in article 63c, paragraph (1), shall be sentenced by the court to imprisonment for up to one year or to a fine of up to 360 times the average daily income. Any person who has made use of social benefits for an amount exceeding 3,000 euros shall be sentenced by the court to imprisonment for up to three years.

### **Entry into force and transitional provisions**

**Article 64a.** (1) Article 37, paragraph (1), subparagraph 3, in the version of the Federal Law FLG I No. 30/1998 shall enter into force as of 1 January 1998.

(2) Articles 4, 5, 10, paragraphs (1) to (5), 10a, 11, 11a, 12, 13, 15, 16, 17, 19, 20, 24, 28, 34, 36, 38, 41, 46 and 66, as amended by Federal Law FLG I No. 124/1998, shall enter into force on 1 January 1999.

(4) Procedures relating to a guarantee ruling pursuant to paragraph (1) of article 20 issued prior to the entry into force of federal law FLG I No. 37/2006 shall be completed in accordance with the provisions of the present federal law in the version prior to amendment by federal law FLG I No. 37/2006.

(5) In the case of applicants for nationality who prior to 1 January 2006 entered into the integration agreement as referred to in article 50a of the 1997 Aliens Act and have complied with that agreement, in accordance with article 50c, paragraph (1), of the 1997 Aliens Act, in the version in force on 31 December 2005, proof as referred to in subparagraph 1 of paragraph (1) of article 10a shall be deemed furnished.

(6) Article 11, paragraph 4, subparagraph 1, article 16, paragraph 1, subparagraph 2 (c), article 16, paragraph 2 and article 41 paragraph 4 as amended by federal law FLG I No. 4/2008 shall enter into force on 1 July 2008.

(7) Article 5, article 6, subparagraph 5, article 9, article 10, paragraph (5), article 10a, paragraphs (2), subparagraph 1, (4a) and (5), article 11, article 11a, paragraphs (1), subparagraph 2, and (2), article 12, subparagraph 3, article 17, paragraph (4), article 19, article 21, article 39a, article 46, paragraph (1), article 59, article 63c and its heading, article 64 and its heading, article 64a, paragraphs (8) and (9), and article 66, subparagraph 1(c), as amended by federal law FLG I No. 122/2009, shall enter into force on 1 January 2010. Article 6, subparagraphs 3 and 4, and article 25 and its heading shall cease to be in force at midnight on 31 December 2009.

(8) Article 64 of the present federal law, as amended by federal law FLG I No. 4/2008, shall continue to apply to punishable acts which were committed prior to 1 January 2010.

(9) Procedures relating to a guarantee ruling pursuant to paragraph (1) of article 20 issued prior to the entry into force of federal law FLG I No. 122/2009 shall be completed in accordance with the provisions of the present federal law in the version in force on 31 December 2009.

(10) Article 16, paragraph (1), subparagraph 3, and article 60 and its heading, as amended by federal law FLG I No. 135/2009, shall enter into force on 1 January 2010.

(11) Procedures which are pending on the date of the entry into force of the federal law FLG I No. 38/2011 shall be completed in accordance with the provisions valid prior to the federal law FLG I No. 38/2011.

(12) Procedures on the basis of an administrative decision guaranteeing granting of nationality pursuant to article 20, paragraph (1), issued prior to the entry into force of the federal law FLG I No. 38/2011 shall be completed in accordance with the version valid on 30 June 2011.

(13) Article 10, paragraph (2), subparagraphs 1, 4 to 6, paragraph (4), subparagraph 1, article 10a, paragraph (1), subparagraph 1, paragraph (2), subparagraph 3 and paragraph (4), subparagraph 2, article 11a, paragraph (1), subparagraph 3, article 12, subparagraphs 1 and 2, article 15, paragraph (1), subparagraph 1, and paragraph (2), article 16, paragraph (1), subparagraph 4, article 17, paragraph (1), article 32, article 35, article 53, subparagraph 5(e), article 59, paragraph (3), and article 64a, paragraphs (11) and (12), as amended by federal law FLG I No. 38/2011, shall enter into force on 1 July 2011. Article 53, subparagraph 6, shall cease to be in force at midnight of 30 June 2011.

(14) Article 10, paragraph (2), subparagraphs 4 and 6, article 11a, paragraph (4), subparagraph 1, article 15, paragraph (1), subparagraph 1, and article 41, paragraph (4), as amended by federal act FLG I No. 87/2012, shall enter into force on 1 January 2014.

(15) As from 1 April 2013, the ZSR shall be operated under a developmental phase. Subject to the technical and organizational resources available, the registration authorities may transfer nationality data to the Federal Minister of the Interior.

(16) Insofar as is necessary for the due transition of the operation of the nationality registers to fully automated processing of nationality data, it may be laid down by order of the Federal Minister of the Interior that the nationality registers shall continue to be maintained for a specific period not exceeding one year, in accordance with the provisions of the 1985 Nationality Act (StbG), FLG No. 311/1985, as amended by federal law FLG I No. 87/2012. Data shall, unless already recorded in the ZSR under the developmental phase, be subsequently recorded in the ZSR on an ad hoc basis if the data are required in a procedure. Irrespective of a specific case, the subsequent recording of data may in addition be carried out if so requested by a national. Where required in particular with a view to the uniform completion of subsequent recordings, details of the process, scope and final or provisional completion of the subsequent recording may be established by order of the Federal Minister of the Interior. The data subsequently recorded in the ZSR shall, following the completion of the subsequent recording, be automatically matched with the data in the Central Register of Residents (ZMR), as referred to in article 16 of the 1991 Domicile Registration Act (MeldeG), FLG No. 9/1992. The information on citizenship shall, if required, be amended.

(17) Article 64a, paragraph (15), as amended by federal law FLG I No. 16/2013, shall enter into force on 1 April 2013; article 20, paragraph (2), shall enter into force on the day following promulgation. Article 41, paragraph (1), article 44, article 47, paragraph (1), article 50, article 52, paragraph (3), article 53, section Va, article 63c, paragraph (2), article 64a, paragraph (16), and article 66, as amended by federal law FLG I No. 16/2013, shall, with the exception of article 47, paragraph (4), enter into force on 1 November 2013; article 45, article 53, subparagraph 5 (a) and (b), and article 54 shall simultaneously cease to be in force.

Article 47, paragraph (4), as amended by federal law FLG I No. 16/2013, shall enter into force on 1 January 2013. As from the day following promulgation of the present federal law, a trial operational phase for the ZSR may be introduced. The data used for that purpose shall be deleted upon commencement of actual operation.

(18) Legitimate and legitimized children born prior to 1 September 1983 shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 8, of article 10, acquire nationality by notification of their wish to become loyal citizens of the Republic if:

1. at 1 September 1983 they were unmarried and had not yet reached the age of 19 years;
2. they had never been nationals or have lost by legitimization the nationality acquired at birth and
3. their mother possessed nationality at the date of birth of the child.

The notification shall be submitted in writing to the authority within nine months from entry into force of the present provision. An administrative decision shall be rendered by the authority declaring that nationality was acquired from the date of receipt of the notification by the authority. Such acquisition of nationality shall be exempt from fees.

(19) Notwithstanding article 57, an alien shall, subject to the requirements set out in paragraph (1), subparagraphs 2 to 6 and 8, and paragraph (2), subparagraphs 1 and 3 to 7, of article 10, acquire nationality if he, with reference to the present federal law, gives written notification to the authority that, prior to entry into force of the present federal law, as amended by federal law FLG I No. 136/2013, he was erroneously treated as a national by an Austrian authority for at least 15 years and this was not attributable to him. Treatment as a national shall refer in particular to cases where a proof of nationality, travel document or identity card has been issued. The alien shall submit his claim of erroneous treatment as a national to the authority. An administrative decision shall be rendered by the authority declaring that nationality shall be acquired by notification with retroactive effect from the date when the alien was first erroneously treated as a national by an Austrian authority. The notification shall be submitted within six months from entry into force of the present federal law, as amended by federal law FLG I No. 136/2013. Article 57, paragraphs (3) to (5), shall apply *mutatis mutandis*.

(20) Article 6, subparagraph 5, article 7 and article 7a and their headings, article 8, paragraph (3), article 10, paragraphs (1), subparagraph 7, (1b), (5) and (7), article 10a, paragraphs (1), subparagraph 2, (2), subparagraphs 1 to 3, (5), subparagraph 1, and (6), article 11a, paragraph (6), article 11b, article 12, article 17, paragraphs (1) to (2), article 21, article 25, article 28, paragraph (2), article 29, article 37, paragraph (1), subparagraph 3, article 52, article 53, subparagraphs 3 (a) and 5 (c), the title of section VI, article 57, article 59, paragraph (1), the title of section VII, article 60, article 64a, paragraphs (18) and (19), and article 66, subparagraph 1 (b), as amended by federal law FLG I No. 136/2013, shall enter into force on 1 August 2013. Article 53, subparagraph 5 (f), article 56a, paragraph (2), and article 61, as amended by federal law FLG I No. 136/2013, shall enter into force on 1 November 2013. Article 8, paragraph (2), article 52, paragraph (2), and article 66, subparagraph 1 (d), prior to amendment by federal law FLG I No. 136/2013, shall cease to be in force at midnight on 31 July 2013. Article 52, paragraph (3), prior to amendment by federal law FLG I No. 136/2013, shall cease to be in force on 1 November 2013.

(21) Orders issued pursuant to federal law FLG I No. 136/2013 shall be understood to refer to that version of the present federal law which would incorporate this law by virtue of federal law FLG I No. 16/2013.

(22) Steht das ZSR in der Zeit bis 1. Juni 2015 aus technischen Gründen bundesweit nicht nur kurzfristig nicht zur Verfügung und können auf Grund der den Behörden zur Verfügung

stehenden Informationen Verfahren nach diesem Bundesgesetz nicht mehr ordnungsgemäß bearbeitet oder Bestätigungen in Angelegenheiten der Staatsbürgerschaft nicht ausgestellt werden, kann der Bundesminister für Inneres durch Verordnung anordnen, dass die Staatsbürgerschaftsevidenzen nach den Bestimmungen des Staatsbürgerschaftsgesetzes, BGBl. Nr. 311/1985, in der Fassung des Bundesgesetzes BGBl. I Nr. 87/2012 zu führen sind. Diese Verordnung ist aufzuheben, sobald die volle Betriebsfähigkeit des ZSR wieder hergestellt ist. Die in der Zeit der Geltung einer solchen Verordnung entstandenen Daten zu Staatsbürgerschaften sind danach dem Betreiber zur weiteren Verarbeitung im ZSR zu überlassen. Soweit Daten vor der Geltung der Verordnung dem Betreiber überlassen wurden und für die Erledigung eines aktuellen Verfahrens benötigt werden, können diese im Anlassfall vom Betreiber angefordert werden.

(23) Abs. 22 tritt am 1. November 2014 in Kraft.

(24) Article 33, as amended by federal law FLG I No. 104/2014, shall enter into force on 1 January 2015.

(25) This law, as amended by federal law FLG I No. 68/2017, shall be applicable to all procedures pending at the time of entry into force of federal law FLG I No. 68/2017.

(26) Article 10a, paragraph (1), subparagraph 1 and paragraph (4), subparagraph 2, as amended by federal law FLG I No. 68/2017, shall enter into force on 1 October 2017.

(30) Article 64a (30) Article 58c paragraph 1a and paragraph 4 in the current version of the Federal Act FLG I No. 96/2019 takes effect on 1 September 2020.

(31) § 22 Abs. 1 in der Fassung des Bundesgesetzes BGBl. I Nr. 24/2020 tritt mit Ablauf des Tages der Kundmachung in Kraft und mit Ablauf des 31. Dezember 2021 außer Kraft. Mit dem Außerkrafttreten des § 22 Abs. 1 in der Fassung des Bundesgesetzes BGBl. I Nr. 24/2020 tritt § 22 Abs. 1 in der Fassung vor dem Bundesgesetz BGBl. I Nr. 24/2020 wieder in Kraft.

(32) Die §§ 9 und 16 Abs. 1 Z 2 lit. c in der Fassung des Bundesgesetzes BGBl. I Nr. 54/2021 treten mit 1. Mai 2021 in Kraft.

(33) The articles 10 subparagraph 2 of paragraph (4); 33 paragraph (3); 39a paragraph (8a) and 58c paragraph (1) in the version of the Federal Law FLG I No. 162/2021 shall enter into force on the day following promulgation. Article 44 paragraph (3) in the version of the Federal Law FLG I No. 162/2021 shall enter into force on the day following promulgation and shall be applicable from the date that the Federal Minister of the Interior announces it in the Federal Law Gazette, pursuant to article 24 paragraph (6) last sentence of the E-Government Act (E-GovG).

(34) § 39a Abs. 1a in der Fassung des Bundesgesetzes BGBl. I Nr. 206/2021 tritt mit dem im Beschluss der Europäischen Kommission gemäß Art. 66 Abs. 2 der Verordnung (EU) 2018/1861 über die Einrichtung, den Betrieb und die Nutzung des Schengener Informationssystems (SIS) im Bereich der Grenzkontrollen, zur Änderung des Übereinkommens zur Durchführung des Übereinkommens von Schengen und zur Änderung und Aufhebung der Verordnung (EG) Nr. 1987/2006, ABI. Nr. L 312 vom 07.12.2018 S. 14, in der Fassung der Verordnung (EU) 2019/817, ABI. Nr. L 135 vom 22.05.2019 S. 27 festgelegten Tag in Kraft.

**Article 65.** *[Repealed]*

## **Implementation**

**Article 66.** The following shall be responsible for the implementation of this federal law:

1. Insofar as implementation concerns the federal administration:
  - (a) The Federal Government with regard to article 10, paragraph (6);
  - (b) The Federal Minister of Justice, in agreement with the Federal Minister of the Interior, with regard to articles 7a, paragraph (3), 19, paragraph (3), 27, paragraph (2) last sentence, 28, paragraph (4) last sentence, 29, paragraph (2) last sentence, and 53, subparagraphs 2 and 3;
  - (c) the Federal Minister for Europe, Integration und Foreign Affairs, in agreement with the Federal Minister of the Interior, with regard to article 39a, paragraph (2), article 41, paragraph (2), article 56b, paragraph 1, sentence 2, article 53, subparagraph 4, and article 58c, paragraph (3)
  - (d) *repealed by FLG I No. 136/2013*
  - (e) The Federal Minister of Finance with regard to article 58c, paragraph (4); and
  - (f) The Federal Minister of the Interior with regard to the other provisions of this federal law;
2. Insofar as implementation concerns the provincial administration: the Provincial Government.

**Section 79**  
**Entry into Force and Transitional Provisions**  
**(Re. articles 16 and 60, FLG No. 311/1985)**

- (1) Section 2 (Amendment of the Civil Code), Section 3 (Amendment of the Marriage Act), Section 4 (Amendment of the Reproductive Medicine Act), Section 6 (Amendment of the Rules for the Administration of Justice), Section 7 (Amendment of the Criminal Code), Section 27 (Amendment of the 1988 Income Tax Act), Section 28 (Amendment of the 1988 Corporation Tax Act), Section 29 (Amendment of the 1994 Turnover Tax Act), Section 30 (Amendment of the 1955 Tax Assessment Act), Section 31 (Amendment of the 1957 Fees and Duties Act), Section 33 (Amendment of the Federal Tax Regulations), Section 34 (Amendment of the Alcohol Excise Act), Section 61 (Amendment of the 1998 Medical Practitioners Act), Section 62 (Amendment of the 2002 Salary Contributions Act), Section 63 (Amendment of the Pharmacists Act), Section 72 (Amendment of the Study Grant Act), Section 76 (Amendment of the Development Aid Workers Act), Section 77 (Amendment of the Federal Law on the Functions and Organization of the External Service – Regulations) and Section 78 (Federal Law on the Granting of Privileges and Immunities to International Organizations) shall enter into force on 1 January 2010.
- (2) Penal provisions amended by the present federal law shall not be applicable in criminal matters where the lower court's judgement has been rendered prior to their entry into force. However, following the annulment of a judgement by reason of a petition for nullity, an appeal, the reopening or resumption of criminal proceedings or the filing of an objection, any action taken shall be in accordance with articles 1 and 61 of the Criminal Code.