

DETAILED QUESTIONS ON MODE OF LOSS NATIONALITY

L

Version: 2005-01-25

INTRODUCTION

- **One Word-file per mode:** Please answer the questions on the following pages for each of the modes of loss of nationality selected (see file “To be described in detail - countries.xls”) separately, i.e. please use a separate Word-file for each mode (here: only L0x) or – if applicable – sub-mode of loss (L0xa, L0xb, etc.). When referring to certain modes of acquisition or loss, please use the ID for this mode according to the latest version of the classification of modes!
- **No empty answer fields:** If a certain question is irrelevant or a condition addressed does not apply for the respective mode, please do not leave the room provided empty, but write “Not applicable” or “Condition irrelevant”.
- **Explicit conditions and their interpretation:** Please also try to provide information on conditions for the loss of nationality that are not explicitly prescribed by law, but which are introduced in administrative guidelines, decrees, ordinances, or the like, and/or which are generally known to be applied regularly in practice on the basis of some more general condition.
In general, please try to provide information on the interpretation of requirements which are defined in very general or vague terms.
- **Reference date:** Please describe the regulations concerning the respective mode of loss in force at the end of December 2004 or – in case of a mode of loss not in force anymore – as of the latest point in time it was in force.
If a condition for loss or some other regulation to be described was different sometime between 1985 and 2004, or if it will change in 2005, then provide additional information on this past/future regulation – including the date when the old regulation went out of force and a new one came/will come into force – after the initial description.
- **Abbreviations:** TP = target person, RP = reference person (parent, grandparent, spouse, or other), L01, L02, L05, L06, L07, L08, L11, L12 = IDs of modes of loss of nationality to be described according to the latest version of the matrix (see “Loss - Overview revised.xls”).

| | |
|---|--|
| 1) ID OF MODE OF LOSS OF NATIONALITY | |
| ID: Please enter the ID of the mode of loss described (e.g. "L0b").. | |

| | |
|--|--|
| 2) RELEVANT LEGAL AND ADMINISTRATIVE TEXTS | |
| a) Please list the relevant legal and administrative texts (laws, decree, ordinances, court decisions, administrative guidelines, etc.) regulating this mode of loss of nationality, including abbreviations for further reference. | |
| b) Please list the most important articles (sections, paragraphs, points, etc.) in these texts regulating this particular mode of loss of nationality. | |
| If certain articles are relevant, which do not concern the main conditions for the loss of nationality (e.g. procedural questions), please refer to them in the relevant context below. | |

| | |
|--|--|
| 3) PERIOD OF EFFECTIVENESS OF REGULATIONS FOR THIS MODE OF LOSS | |
| a) Since when are (were) the regulations for this mode of loss in force? | |
| b) When were the regulations for this mode of loss amended ? | |
| c) In case of a mode which is not in force anymore: When did the regulations for this mode of loss come out of force ? | |

| | |
|--|--|
| 4) IF NOT RENUNCIATION: SPECIFICATION OF REASON, MECHANISM AND RELEVANCE OF THIS MODE OF LOSS | |
| a) Reason for loss: Please specify the exact reason and circumstances for the loss of nationality according to national law (A02: permanent residence abroad; A05: acquisition of another nationality, A06: choice by dual national for other nationality; A07: false information in procedure to acquire nationality of C1; A08: non-compliance with conditions for acquisition of nationality; A11: loss by parents; A12: loss by spouse) | |

| | |
|---|--|
| <p>b) Mechanism of loss: Do TPs lose nationality via this mode automatically if they meet the conditions (ex lege lapse) or is it lost non-automatically by way of withdrawal by the authorities?</p> <p>If lapse: please answer the questions in section 6!</p> <p>If withdrawal: please answer the questions in section 7!</p> | |
| <p>c) Relevance of mode of loss in practice: What is the relevance of this mode of loss in practice? Do authorities actually check regularly whether nationality should be withdrawn? Or do they have access to the required information whether nationality has been lost automatically?</p> | |

| 5) CONDITIONS FOR LOSS | |
|---|--|
| <p>a) Does this mode of loss only apply to TPs who have acquired nationality of C1 via a specific mode (list ID of mode of acquisition!)? If yes, is the loss limited to a certain period of time after the acquisition of nationality of C1?</p> | |
| <p>b) Can the loss via this mode become effective only if the TP does not become stateless, i.e. TP is a dual national or acquires nationality of another country?</p> | |
| <p>c) Is a residence abroad by the TP a condition for the loss via this mode? Does the residence have to be outside of C1 already for some time?</p> | |
| <p>d) Can the loss via this mode only become effective if the TP has already done his/her military (alternative) service?</p> | |
| <p>e) Can the loss via this mode only become effective if there are no police and/or judicial investigations under way against the TP?</p> | |
| <p>f) Does this mode of loss only apply to TPs of a certain sex?</p> | |
| <p>g) Are there age limits (minimum and/or maximum age) for the loss of nationality via this mode? In case renunciation: Are there age limits (minimum and/or maximum age) for the application for release from nationality or the making of a declaration of renunciation?</p> | |

| | |
|---|--|
| h) Are there any other conditions for the loss of nationality via this mode? | |
|---|--|

6) PROCEDURAL QUESTIONS FOR RENUNCIATION OF NATIONALITY

| | |
|--|--|
| a) Effectiveness of renunciation: Can authorities refuse to grant release from nationality of C1, or do they have to grant renunciation if the conditions are met, or does the loss become effective automatically if the conditions are met? | |
| b) Which authority (authorities) is responsible for checking whether the TP meets the conditions for the loss of nationality? | |
| c) Which authority (authorities) is responsible for making the final decision? | |
| d) If renunciation does not become effective automatically: Is there a maximum duration of procedure after all documents have been submitted? | |
| e) Are there any fees for the application and/or for the renunciation itself? | |
| f) Information by authorities: Do authorities have to inform the TP that the renunciation of nationality has become effective? | |
| g) If authorities can refuse to release TP from nationality: Do authorities have to justify negative decisions ? | |
| h) Is an appeal against a decision to refuse the release from nationality possible? If yes, what are the instance(s) of appeal? | |

7) PROCEDURAL QUESTIONS FOR AUTOMATIC (EX LEGE) LAPSE OF NATIONALITY

| | |
|--|--|
| a) Information by authorities: Do authorities have to inform the TP that nationality will be lost if no action of some kind is taken and/or that nationality has already been lost? | |
| b) Actions to prevent loss: Can certain actions be taken to prevent the lapse of nationality (e.g. registration with authorities, making a declaration)? | |
| c) Is an appeal against a lapse of nationality possible? If yes, what are the instance(s) of appeal? | |

| 8) PROCEDURAL QUESTIONS FOR WITHDRAWAL OF NATIONALITY | |
|--|--|
| a) Information by authorities: Do authorities have to inform the TP that * a procedure to withdraw nationality has been started, or * that nationality will be withdrawn if no action of some kind is taken, and/or * that nationality has already been withdrawn? | |
| b) Discretionary decision or not: Do the authorities have to withdraw nationality if the conditions defined by law are met or does the withdrawal lie within the authorities' discretion? | |
| c) Actions to prevent loss: Can certain actions be taken to prevent the withdrawal of nationality? | |
| d) Which authority (authorities) is responsible for checking whether the TP meets the conditions for the withdrawal of nationality? | |
| e) Which authority (authorities) is responsible for making the final decision? | |
| f) Is an appeal against a withdrawal of nationality possible? If yes, what is (are) the instance(s) of appeal? | |