

Law no. 114 of 30 November 2000

**REPUBLIC OF SAN MARINO**

**CITIZENSHIP LAW**

**We the Captains Regent**

**of the Most Serene Republic of San Marino**

*Hereby promulgate and order the publication of the following Law, approved by the Great and General Council during its sitting of 30 November 2000.*

**Art. 1**

*Citizenship by origin*

San Marino citizens by origin shall be children:

1. born of parents who are both San Marino citizens;
2. born of a San Marino father and a mother who is not a San Marino citizen provided that within 12 months from reaching full age they declare their intention to maintain the citizenship of the father;
3. born of a San Marino mother and a father who is not a San Marino citizen provided that within 12 months from reaching full age they declare their intention to maintain the citizenship of the mother;
4. born of a San Marino parent, the other parent being unknown or stateless;
5. adopted by a San Marino citizen in accordance with adoption rules and what stated above;
6. born on the territory of the Republic, both parents being unknown or stateless.

**Art. 2**

*Citizenship by naturalisation*

San Marino nationality may be acquired by naturalisation by those persons to whom nationality is granted by the Great and General Council, through special laws to be approved by qualified majority of two thirds of its members, according to the following criteria:

1. to be included in the registers of the residing population at the time of the approval of the above-mentioned extraordinary law;
2. to have actually resided for at least thirty continuous years in the territory of the Republic, the term 'residence' being understood to refer exclusively to the periods of registered residence, ordinary or special continuous stay permit. The certificate of residence shall be issued exclusively and peremptorily by the competent public offices; For spouses of San Marino nationals, provided that no marriage separation, nullity, divorce or cessation proceedings are pending or are closed, the period of actual residence shall be reduced by half. A foreigner who has resided in the Republic since birth may apply for naturalisation provided that at least one of his parents or second-degree ascendants has resided in the Republic for at least thirty years. Citizenship acquired by naturalisation shall also be extended to naturalised cohabiting minor children. If San Marino citizenship by naturalisation is acquired by only one of the parents while the other maintains foreign citizenship, it shall be extended to the minor child upon reaching full age.
3. to not have been convicted, in San Marino or abroad, of intentional crimes and been punished with imprisonment or disqualification for a term exceeding one year;
4. to renounce any other nationality held. For minors, such waiver shall be made within twelve months from reaching full age;
5. to take an oath of allegiance to the Republic before the Captains Regent and the Minister of Internal Affairs;

Naturalised citizens who, as children of a San Marino mother, make a specific request within six months from reaching full age, shall acquire citizenship by origin. At least once every ten years, the Great and General Council, shall decide on the granting of citizenship by naturalisation to foreigners residing in the Republic who meet the requirements set out in this article.

### **Art. 3**

#### *Formalities for the act of maintaining and choosing citizenship*

The declaration of intention to maintain San Marino citizenship referred to in point 2 of Article 1 and the declaration of intention to choose the mother's citizenship referred to in point 3, paragraph 1 of Article 1, shall be made in person by the interested party before the Registrar of the Vital Statics Office or, if the person resides abroad, before the San Marino diplomatic or consular authority which will forward it to the Registrar of the Vital Statics Office.

### **Art. 4**

#### *Voluntary renunciation of citizenship by marriage*

Citizens of San Marino who marry foreigners shall maintain their citizenship provided that, following their marriage, they do not acquire the citizenship of the foreign spouses through an express manifestation of intention.

The Registrar of the Vital Statics Office shall cancel from the Registers of San Marino citizens, a citizen who has acquired foreign citizenship in accordance with the preceding paragraph.

Foreign spouses of resident San Marino citizens shall be entered in the Register of the Residing Population upon simple request.

### **Art. 5**

#### *Acquisition or re-acquisition of citizenship*

The children of San Marino citizens who return to the territory shall be entitled to residence and may acquire or reacquire citizenship after having had registered and actual residence in the Republic for at least ten years. This right shall be exercised as provided for in paragraph 4 of Article 8.

If a citizen by origin, who became a foreigner by marriage, regains single status due to widowhood or annulment, dissolution or termination of the civil effects of marriage, shall reacquire his or her nationality through the simple acknowledgement of the Great and General Council of the relevant manifestation of intention by the interested party.

The requests for acquisition or re-acquisition referred to in the preceding paragraphs, accompanied by the usual documents, shall be forwarded to the Great and General Council, which shall examine them at least once every six months.

A condition for the acceptance of requests for acquisition and re-acquisition of San Marino citizenship shall be to not have been convicted, in San Marino or abroad, of intentional crimes and been punished with imprisonment or disqualification for a term exceeding one year.

### **Art. 6**

#### *Renunciation and loss of citizenship*

A woman who has become a San Marino citizen by marriage in accordance with the regulations in force prior to the entry into force of the present Law, as well as a citizen naturalised by marriage after five years from the acquisition of single status through annulment, dissolution or termination of the civil effects of the marriage, shall lose their citizenship if he or she holds the nationality of another State and is no longer residing in San Marino.

In addition to the case provided for in Article 4, San Marino citizenship shall be lost by explicit renunciation when the applicant proves that he or she has acquired the citizenship of another State or expressly declares that renunciation is necessary for the acquisition of another citizenship. The waiver shall be submitted to the Great and General Council, which shall take note of it during its next meeting.

The waiver shall take effect from the date of acknowledgement by the Great and General Council and shall not be extended to the spouse and to children born before the renunciation.

Once the Registrar of the Vital Statistics Office has acquired the relevant documents, he or she shall cancel the interested party from the Registers of San Marino citizens.

A minor who acquires dual nationality as a result of the renunciation to San Marino citizenship of his or her ascendant, shall choose only one nationality within twelve months from reaching full age.

### **Art. 7**

#### *Amendment to Article 6 of Law no. 31 of 31 January 1996*

Article 6 of Law no. 31 of 31 January 1996 "Electoral Law" shall be modified as follows:

1. Citizens who reach full age after the entry into force of this law, who do not have registered and actual residence in the territory of San Marino and who are the children of citizens born and resident abroad, shall be registered in the Voters Lists of the Republic

- upon application.
2. The application referred to in point 1 of this article shall be submitted in person to the Vital Statistics Office after they have reached full age and after a year since they acquired actual registered residence in the territory.
  3. The citizens referred to in point 1 of this Article shall be automatically registered in the Voters Lists if they have had registered and actual residence for at least five years prior to reaching full age.

#### **Art. 8**

##### *Final and transitional provisions*

Laws no. 11 of 25 February 1974, no. 32 of 27 March 1984 and subsequent amendments and no. 144 of 15 December 1997, as well as any other regulation in contrast with this law, shall be repealed.

For marriages between a San Marino citizen and a foreign woman before the entry into force of this law, the provisions of Article 3 of Law no. 32 of 27 March 1984, as amended by Article 1 of Law no. 144 of 15 December 1997, shall apply.

The children of San Marino mothers who, at the time of the entry into force of this Law, have reached full age and have had registered and actual residence in the Republic for at least ten continuous years, may apply for their mother's citizenship by means of a specific declaration to be made to the Registrar of the Vital Statistics Office within twelve months from the date of entry into force of this Law. Citizenship thus acquired shall be by origin and be transmitted to children of full age, provided that they meet the requirement of ten years of actual and registered residence and submit the same declaration as that submitted by their parent within the same peremptory deadline.

The children of San Marino mothers who, at the time of the entry into force of this Law, have reached full age and have had registered and actual residence in the Republic for less than ten years, may apply for their mother's citizenship at the end of the tenth year of residence by means of a specific declaration to be made to the Registrar of the Vital Statistics Office within twelve months from the date of entry into force of this Law. Citizenship thus acquired shall be by origin and be transmitted to children of full age, provided that they meet the requirement of ten years of actual and registered residence and submit the same declaration as that submitted by their parent within the same peremptory deadline.

For the minor children of San Marino mothers referred to in the preceding paragraphs, the provisions of point 3 of Article 1 of this Law and of Article 3 shall apply.

#### **Art. 9**

##### *Criminal law provisions*

Anyone who, for the purpose of acquiring, maintaining or re-acquiring citizenship, makes false statements or submits untrue documents shall be punished in accordance with the provisions of the Criminal Code in force and shall be deleted from the Registers of Citizens by order of the Criminal Judge.

The order issued by the Criminal Judge shall be notified to the Great and General Council. A public official who issues false certificates or declarations for the purposes referred to in this Law shall be punished in accordance with the Criminal Code.

#### **Art. 10**

##### *Entry into Force*

This Law shall enter into force on the fifth day following that of its legal publication. Up to and including the day of entry into force of this Law, the children of a San Marino father and a non-San Marino mother, as referred to in point 2 of Article 1, who reach full age, shall not be subject to the obligation to make a declaration of intention to maintain the father's citizenship.

Done at Our Residence, on 1 December 2000/1700 since the Foundation of the Republic.

THE CAPTAINS REGENT  
(Gian Franco Terenzi - Enzo Colombini)

THE MINISTER OF  
INTERNAL AFFAIRS  
(Francesca Michelotti)