

**We the Captains Regent
of the Most Serene Republic of San Marino**

Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;

Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 30 July 2019:

LAW NO. 121 OF 2 AUGUST 2019

**INTEGRATING LAW NO. 114 OF 30 NOVEMBER 2000
(CITIZENSHIP LAW)**

Art. 1

(Amendments to Article 1 of Law no. 114 of 30 November 2000 and subsequent amendments)

1. Article 1 of Law no. 114 of 30 November 2000 and subsequent amendments shall be modified as follows:

“Art. 1
(Citizenship by origin)”

San Marino citizens by origin shall be:

1. children born of parents who are both San Marino citizens;
2. children born of a parent who is a San Marino citizen, provided that within seven years from reaching full age they declare their intention to maintain San Marino citizenship;
3. children adopted by a San Marino citizen in accordance with adoption rules and with the preceding points;
4. children born on the territory of the Republic of San Marino if both parents are unknown or stateless.”.

Art. 2

(Amendments to Article 2 of Law no. 114 of 30 November 2000 and subsequent amendments)

1. Article 2 of Law no. 114 of 30 November 2000 and subsequent amendments shall be modified as follows:

“Art. 2
(Citizenship by naturalisation)”

1. Foreign citizens or stateless persons may become San Marino citizens by naturalisation, following the procedure laid down in Article 2-ter, according to the following criteria:
 - a) being registered in the registers of the residing population at the time of the application and being, on that date, actually resident in the territory of the Republic of San Marino;
 - b) having actually abided for at least twenty continuous years in the territory of the Republic of San Marino, the term “abode” being understood to refer exclusively to the periods of validity of registered residence and ordinary stay permit, as well as the period referred to in Article 2-quater;

the attestation of abode shall be issued exclusively by the competent public offices. The period of actual abode shall be reduced to ten years:

- 1) for children adopted by a San Marino citizen, by virtue of the *adoptio semiplena* institution provided for by *ius commune*;
- 2) for spouses or registered partners of San Marino citizens, except in case of pending proceedings or final judgements for marriage separation, nullity, dissolution or termination of the civil effects of marriage or registered partnership. San Marino citizenship by naturalisation as referred to in the preceding sentence may also be granted to the spouse or registered partner of a deceased San Marino citizen before attaining the number of years of abode required to be able to apply for naturalisation;
- c) not having been convicted, in the Republic of San Marino or abroad, by a criminal judgement having the force of *res judicata* for a crime committed intentionally for which more than one year's imprisonment or disqualification from public offices is envisaged;
- d) not having any criminal pending charges in the Republic of San Marino or abroad for a crime committed intentionally to which the punishment envisaged by law as indicated in letter c) above applies;
- e) not having received the judicial notice, in the Republic of San Marino or abroad, or equivalent notice, for a crime committed intentionally to which the punishment envisaged by law as indicated in letter c) above applies;
- f) renouncing any other citizenship held;
- g) taking an oath of allegiance to the Republic of San Marino before the Captains Regent and the Minister of Internal Affairs.

2. Naturalised San Marino citizens may apply for San Marino citizenship by origin if they are the children of a mother who was a San Marino citizen by origin at birth, irrespective of whether she has benefited from the laws on the restoration and reacquisition of citizenship. For this purpose, the procedure laid down in Article 2-ter, paragraph 15, shall apply.

2 bis. Anyone who, for at least eighteen continuous years, has actually abided in the territory of the Republic of San Marino since birth and without interruption, may apply for San Marino citizenship by naturalisation, in accordance with the procedure laid down in Article 2-ter.”.

Art. 3

(Amendments to Article 2-ter of Law no. 114 of 30 November 2000 and subsequent amendments)

1. Paragraph 11 of Article 2-ter of Law no. 114 of 30 November 2000 and subsequent amendments shall be modified as follows:

“11. The loss of other citizenships shall be definitively formalised within five years from the date of the oath or, in the case of minors referred to in Article 2-bis, from the date they reach full age. This time-limit may be extended by a further twelve months by the Registrar in order to allow those who have already started the procedure to renounce their citizenship by origin with the competent foreign bodies or offices to complete the renouncement procedure.”.

2. Paragraph 14 of Article 2-ter of Law no. 114 of 30 November 2000 and subsequent amendments shall be modified as follows:

“14. The Registrar shall cancel the interested person from the citizenship registers if, within the time-limit referred to in paragraph 11, including in case of extension thereof, the loss of other citizenships held is not definitively formalised, without prejudice to the provisions of paragraph 12. The Registrar shall not cancel the interested person from the citizenship registers if renouncing their citizenship by origin would expose the applicants and their family members to possible situations of danger. In that case, at the expiry of the extension, the interested person shall make a new declaration on oath in the manner provided for in paragraph 12.”.

Art. 4

(Introduction of Article 2-quater to Law no. 114 of 30 November 2000 and subsequent amendments)

1. After Article 2-ter of Law no. 114 of 30 November 2000 and subsequent amendments the following Article shall be introduced:

*“Art. 2-quater
(Abode)*

1. For the purposes of meeting the requirement referred to in Article 2, paragraph 1, letter b), “abode” shall also be understood as the period of validity of the previous continuous special stay permit issued under the relevant legislation in force at that time.”.

Art. 5

(Amendments to Article 5 of Law no. 114 of 30 November 2000 and subsequent amendments)

1. Article 5 of Law no. 114 of 30 November 2000 and subsequent amendments shall be modified as follows:

*“Art. 5
(Acquisition or re-acquisition of citizenship)*

1. Children of full age born of only one parent with San Marino citizenship may acquire San Marino citizenship, provided that, at the time of the application, they have had registered and actual residence in the Republic:

a) for at least one year, if they have abided for at least five continuous years in the territory of the Republic;

b) for at least six years, if they have not previously abided in the territory of the Republic.

In the cases referred to in a) and b) above, San Marino citizenship shall also be transmitted to minor children, provided they are resident.

2. In the cases referred to in paragraph 1, the application to acquire San Marino citizenship shall be submitted to the Registrar or to San Marino diplomatic or consular Authority, who shall forward it to the Registrar.

3. A citizen by origin who became a foreigner by marriage shall reacquire San Marino citizenship by submitting an application to the Registrar or to San Marino diplomatic or consular Authority, who shall forward it to the Registrar.

4. A condition for the admission of applications to acquire or re-acquire San Marino citizenship shall be not to have been convicted, in the Republic or abroad, for a crime committed intentionally for which more than one year’s imprisonment or disqualification from public offices is envisaged.”.

Art. 6

(Amnesty provision)

1. The Registrar, at the request of the interested persons, shall be authorised to re-register in the Citizenship Register of the Republic of San Marino those who have been cancelled due to their failure to make, within the time-limit established by law, the declaration to maintain the citizenship provided for in Article 1, point 3 of Law no. 114/2000 and subsequent amendments.

2. Similarly, those who have not applied, within the time-limit established, for the verification of their descendants, or whose application has not been accepted due to the expiry of the time-limit for making the declaration referred to in paragraph 1, may be entered in the same Register at the request of the interested persons.

3. Children born of a San Marino mother and of a non-San Marino father who had already reached full age more than twelve months before the entry into force of Law no. 114 of 30 November 2000, and were therefore unable to benefit from the possibility of choosing their mother's citizenship, may submit an application for registration in the Citizenship Registers to the Registrar or to San Marino diplomatic or consular Authority, who shall forward it to the Registrar.

4. The declaration of intention to obtain San Marino citizenship referred to in paragraphs 1, 2 and 3 shall be made within two years of the entry into force of this Law personally by the interested person before the Registrar or before San Marino diplomatic or consular Authority, who shall forward it to the Registrar. San Marino citizenship so acquired shall be transmitted to children, including those of full age, provided they submit, within the same time-limit, the same declaration submitted by their parent.

Art. 7
(Repeal)

1. The following shall be repealed:
- a) Law no. 115 of 30 November 2000;
 - b) Law no. 35 of 30 March 2012;
 - c) Decree-Law no. 113 of 3 August 2012.

Art. 8
(Entry into force)

1. This Law shall enter into force on the fifteenth day following that of its legal publication.

Done at Our Residence, on 2 August 2019/1718 since the Foundation of the Republic

THE CAPTAINS REGENT
Nicola Selva – Michele Muratori

THE MINISTER OF INTERNAL
AFFAIRS
Guerrino Zanotti