

CONVENTION BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC TO REGULATE THE NATIONALITY OF PERSONS HAVING DUAL NATIONALITY. SIGNED AT BUDAPEST, ON 5 JULY 1961

The Council of State of the Polish People's Republic and the Presidential Council of the Hungarian People's Republic,

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

Desiring to eliminate the dual nationality of the said persons on the basis of their free decision,

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

The Council of State of the Polish People's Republic:
Zygfryd Sznek, Under-Secretary of State in the Ministry of the Interior;

The Presidential Council of the Hungarian People's Republic:
Dr. Vilmos Garamvölgyi, Deputy Minister for the Interior,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

Persons whom both Contracting Parties, in accordance with their legislation, regard as their nationals may decide, pursuant to the provisions of this Convention, which of their two nationalities they wish to retain exclusively.

Article 2

1. Persons mentioned in article 1 who are resident in the territory of one Contracting Party and who opt for the nationality of the other Contracting Party shall file a declaration in writing with the Embassy or competent consular office of the latter Contracting Party.
2. Persons mentioned in article 1 who are resident in the territory of a third State shall file a declaration in writing with the diplomatic mission or consular office of the Contracting Party for whose nationality they opt.
3. The declarations referred to in paragraphs 1 and 2 must be filed in duplicate within one year after the date of entry into force of this Convention.

Article 3

1. The declarations referred to in article 2 may be filed only by persons of full age.
2. For the purposes of this Convention, "persons of full age" means persons who have attained the age of eighteen years or persons under the age of eighteen years who are married.

Article 4

1. Children under full age shall possess solely the nationality of their parents where, in accordance with the provisions of this Convention, both parents have the same nationality.
2. Where one parent is a national of one Contracting Party and the other parent is a national of the other Contracting Party, or where, pursuant to this Convention, one parent opts for the nationality of one Contracting Party and the other parent for the nationality of the other Contracting Party, the nationality of a child under full age who possesses dual nationality shall be determined by agreement between the parents. If the parents do not choose the nationality of the Contracting State in whose territory the child is resident, the agreement between the parents must be recorded in a declaration filed in accordance with the provisions of article 2.
3. In the absence of agreement between the parents, children under full age shall retain solely the nationality of the Contracting Party in whose territory they are resident.
4. Children under full age one of whose parents is dead or has been deprived of parental authority shall retain solely the nationality of the parent in whom parental authority is vested.
5. Children under full age whose parents are dead or the whereabouts of whose parents are unknown shall retain solely the nationality of the Contracting Party in whose territory they are resident on the first anniversary of the entry into force of this Convention.
6. Children under full age mentioned in paragraph 2 who are resident in the territory of a third State shall retain, in the absence of agreement between their parents, solely the nationality of the Contracting Party in whose territory they were resident immediately before going abroad; if they were resident in the territory of neither Contracting Party, they shall retain solely their mother's nationality.
7. The provisions of paragraph 5 shall also apply to children under full age who have been placed under guardianship by reason of the forfeiture or suspension (interruption) of parental authority, unless both parents have chosen for themselves the nationality of the Contracting Party in whose territory they are not resident.
8. Children under full age who have been placed under guardianship for the reasons stated in paragraph 7 and who are resident in the territory of a third State shall retain solely the nationality of the Contracting Party in whose territory they were resident immediately before going abroad; if they were resident in the territory of neither Contracting Party, they shall retain solely their mother's nationality.
9. The agreement between the parents which is referred to in paragraph 6 must be recorded in a declaration filed in accordance with the provisions of article 2.

Article 5

1. Persons who have filed, in the manner specified in article 2, a declaration of retention of the nationality of one Contracting Party shall be regarded as nationals solely of that Contracting Party.

2. Where one Contracting Party determines that a declaration of retention of its nationality has been filed by a person who does not possess that nationality, such person shall be regarded as having filed no declaration.

Article 6

1. Persons who fail to file a declaration of retention of nationality in the manner and within the time-limit specified in article 2 shall be regarded as nationals solely of the Contracting Party in whose territory they are resident.

2. Persons resident in the territory of a third State who fail to file a declaration of retention of nationality in the manner and within the time-limit specified in article 2 shall be regarded as nationals solely of the Contracting Party in whose territory they were resident immediately before going abroad.

Article 7

Persons who, in accordance with the provisions of this Convention, retain solely the nationality of the other Contracting Party may continue to reside at their former place of residence.

Article 8

The Contracting Parties shall exchange, within eighteen months from the date of entry into force of this Convention, lists of the persons who have filed declarations of retention of nationality in the manner specified in article 2.

Article 9

1. The parents of a child born after the expiry of one year from the date of entry into force of this Convention, one parent being a national of one Contracting Party and the other a national of the other Contracting Party, may come to an agreement regarding the nationality of the child. If the parents do not choose the nationality of the Contracting Party in whose territory the child is resident, they must file with the competent State administrative authority at the place of residence of the child, within six months after the child's birth, a declaration of choice of nationality for the child; the said declaration must be certified beforehand by the consular office of the other Contracting Party.

2. In the absence of a declaration by the parents, the child shall remain a national solely of the Contracting Party in whose territory he is resident.

3. The provisions of article 4, paragraphs 4 to 9, shall also apply, as appropriate, to the determination of the nationality of children born after the expiry of one year from the date of entry into force of this Convention; a declaration of choice of nationality for a child must be filed within six months from the date of his birth. However, if the parents are resident in the territory of a third State, the declaration of choice of nationality must be filed with the diplomatic mission or consular office of the Contracting Party whose nationality is chosen.

Article 10

The Contracting Parties shall exchange each January, for the calendar year just ended, lists of the children for whom a nationality has been chosen in the manner specified in article 9.

Article 11

Declarations filed pursuant to this Convention and documents issued in connexion with them shall not be subject to any taxes.

Article 12

Questions relating to the interpretation and application of this Convention shall be settled through the diplomatic channel.

Article 13

1. This Convention shall be ratified. The exchange of the instruments of ratification shall take place at Warsaw as soon as possible.
2. This Convention shall enter into force on the thirtieth day from the date of the exchange of the instruments of ratification and shall remain in force for a term of five years from the date of its entry into force.
3. This Convention shall be extended automatically for successive terms of five years unless it is denounced by either Contracting Party not later than six months before the expiry of the current term.
4. After the exchange of the instruments of ratification, the Contracting Parties shall publish the text of this Convention in the daily Press for the information of the persons concerned.

This Convention is done at Budapest on 5 July 1961 in two original copies, each in the Polish and Hungarian languages, both texts being equally authentic.

IN WITNESS WHEREOF the above-named plenipotentiaries have signed this Convention and have thereto affixed their seals.

For the Council of State
of the Polish People's Republic:
Z. SZNEK

For the Presidential Council
of the Hungarian People's Republic:
GARAMVÖLGYI Vilmos

[Quelle: United Nations, Treaty Series, vol. 437, 1962, p. 14-22.]